

NOTICE OF MEETING
PLANNING COMMISSION

TYPE OF MEETING

REGULAR MEETING	(X)	RESCHEDULED REGULAR MEETING	()
SPECIAL MEETING	()	CONTINUED OR RECONVENED	()
		MEETING	

DATE:	TIME:	PLACE OF MEETING:
<u>5/4/2022</u>	<u>1:30 P.M.</u>	<u>Commission Chambers</u>
		<u>City Hall, 9th & Broadway</u>
		<u>Shawnee, OK 74802-1448</u>

To be completed by person filing notice:

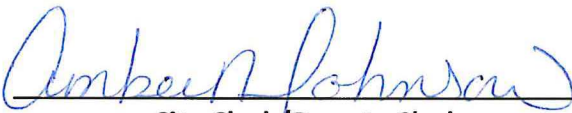
NAME: Rachel Clyne

TITLE: City Planner

ADDRESS: 222 N. Broadway Ave.
Shawnee, OK 74801

PHONE: (405) 878-1672

Filed in the office of the municipal clerk at 10:32 a.m. / p.m. on 4/29/2022

SIGNED: 
City Clerk/Deputy Clerk

=====

FOR CITY CLERK'S OFFICE USE ONLY

DATE NOTICE RELEASED TO NEWS MEDIA: April 29, 2022

PERSON FILING NOTICE: /s/ Rachel Clyne

NOTICE VERIFIED BY: Amber Johnson

AGENDA

PLANNING COMMISSION of SHAWNEE, OK

Regular Meeting
May 4, 2022, at 1:30 P.M.
City Hall, 16 W. 9TH St. Shawnee, OK

1. Roll Call
2. Consideration of approval of the minutes from the regular meeting of the Shawnee Planning Commission on April 6, 2022.
3. Case No. **RZ05-22** – Public hearing and consideration of a request to rezone property located at 33909 Lake Road Street from A-1 (Rural Agricultural District) to RE (Residential Estates District).
Applicants: Gerald and Linda Nowlin
4. Case No. **PUD01-22** – Public hearing and consideration of a request for a Planned Unit Development (PUD) on ±8.79 acres north of West MacArthur Street and east of Acme Road.
Applicant: J. Bentley Investments, LLC represented by Grubbs Consulting, LLC
5. Case No. **CUP03-22** – Public hearing and consideration of a request for a Conditional Use Permit (CUP) for an Accessory Dwelling Unit (ADU) at 1717 Remington Street.
Applicants: Steven and Gloria Barrett
6. Case No. **RZ06-22** – Public hearing and consideration of a request to rezone property located at 1717 East Remington Street from R-1 (Single-Family Residential District) to R-2 (Medium Density Residential District).
Applicants: Steven and Gloria Barrett
7. Community Development Department Updates
8. Commissioners' Comments
9. Adjournment

REGULAR PLANNING COMMISSION MINUTES

DATE: April 6, 2022

DRAFT MINUTES

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in person for a regular meeting on April 6, 2022, at 1:30 p.m., according to notice duly posted as prescribed by law.

Item 1. Roll Call

Vice-Chair Loftis-Walton called the meeting to order at 1:30 p.m. City Planner, Rachel Clyne, called roll and stated a quorum was present.

The following Commissioners were present:

Present: Walker, Johnson, Loftis-Walton, Mew-Palmer Reese, Rowell

Absent: Deem

Item 2. Approval of Minutes – Regular meeting

Consideration of approval of the minutes from the regular meeting of March 2, 2022. Vice-Chair Loftis-Walton asked the Planning Commissioners for questions or corrections to the minutes.

Commissioner Walker made a motion to **Approve** the minutes as presented, which Commissioner Reese seconded.

Motion **passed 6-0-0.**

Aye: Walker, Johnson, Loftis-Walton, Mew-Palmer, Reese, Rowell

Nay: None

Abstain: None

Item 3.

Case No. CUP03-22 -- Public hearing and consideration of a request for a Conditional Use Permit (CUP) for an Accessory Dwelling Unit (ADU) at 1717 Remington Street.

Applicants: Steven and Gloria Barnett

Vice-Chair Loftis-Walton read the agenda item and asked for a staff report. Community Development Director, Rian Harkins, provided background information on the application request. The subject property is located at 1717 E Remington Street and has an existing single-family residence and existing workshop. The Conditional Use Permit (CUP) allows for an Accessory Dwelling Unit (ADU), which would require the remodeling of the existing shop.

The subject property is zoned R-1 (Single-Family Residential District); the City's Zoning Code does not allow Accessory Dwelling Units (ADU) to be located in the R-1 zoning district. However, the Zoning Code does allow ADUs in A-1, R-2, and R-3 zoning districts. In each of those districts, the

ADU is allowed only with a single-family home. To ensure compliance, the property owners are seeking conditional approval on this CUP request to be immediately followed by a request to rezone.

Staff recommended that the Planning Commission recommend to the City Commission **APPROVAL** of **CUP03-22**, which is for a Conditional Use Permit (CUP) at 1717 Remington Street to allow an Accessory Dwelling Unit (ADU), with the following conditions.

1. The property owner must reside in either the principal structure or the ADU.
2. Only one ADU is allowed per lot in conjunction with a single-family house. ADUs are not allowed in conjunction with duplexes, triplexes, or multifamily dwelling units.
3. An instrument shall be recorded with the register's office covenanting that the structure is being established as an accessory dwelling unit and may only be used under the conditions expressed herein.
4. The ADU may only be located in the established rear yard.
5. The living space of the ADU shall not exceed 900 square feet.
6. The footprint of a single-story detached accessory dwelling shall not exceed 50 percent of the first-floor area of the principal structure.
7. The footprint of a two-story detached accessory dwelling shall not exceed 40 percent of the first floor of the principal structure.
8. ADUs with a second-story dwelling unit shall enclose the stairs interior to the structure.
9. The ADU shall be of similar style, design, and material color and used for the principal structure and shall use similar architectural characteristics, including roof form and pitch, to the existing principal structure.
10. A home occupation shall not be based out of the ADU.
11. The ADU must provide, at minimum, one off-street parking space.
12. A separate driveway providing exclusive access to the ADU shall not be allowed.
13. The lot area shall be larger than 10,000 square feet.
14. A building permit shall be issued prior to construction.
15. The ADU shall not serve as a residential use until a Certificate of Occupancy is issued.
16. The subject property must be rezoned to R-2 (Medium Density Residential) within 90 days of City Commission approval of the CUP.

Vice-Chair Loftis-Walton asked if there were questions for staff, and then opened the public hearing. Since the applicant was not in attendance, and no speakers came forward, the public hearing was closed.

Commissioner Walker made a motion to recommend the **DEFERRAL** of Case No. **CUP03-22** to the next regular Planning Commission meeting to the City Commission, which Commissioner Rowell seconded.

Following any discussion, the motion **passed 5-1-0**.

Aye: Walker, Johnson, Loftis-Walton, Mew-Palmer, Rowell

Nay: Reese

Abstain:

It was announced the item would be heard at the April 18, 2022, City Commission meeting at 6 p.m.

Item 4.

Case No. RZ03-22 -- Public hearing and consideration of a request to rezone property located at 1015 N. McKinley Ave from R-1 (Single-Family Residential District) to R-3 (Multifamily Residential District).

Applicant: Theresa Nicoletto

Vice-Chair Loftis-Walton read the agenda item and asked for a staff report. Director Harkins provided background information on the application request. The subject property is located at 1015 N. McKinley Avenue and is vacant. This application requests that the subject property be rezoned from R-1 (Single-Family Residential District) to R-3 (Multifamily Residential District). The applicant's plan is to construct a fourplex residence. The R-3 zoning district requires 10,000 sq. ft. of land plus an additional 2,000 sq. ft. for each dwelling unit greater than three (3). If the rezoning is approved, the largest residential structure that could be built upon the subject property is a four-unit quadruplex.

Staff recommended the Planning Commission recommend to the City Commission **APPROVAL** of **RZ03-22** a request to rezone property located at 1015 N. McKinley Avenue from **R-1** (Single-Family Residential District) to **R-3** (Multifamily Residential District).

Vice-Chair Loftis-Walton asked if there were questions for staff, and then opened the public hearing. The applicant, Theresa Nicoletto, was present and provided information about the project. Her company, JBT, LLC, has already renovated fifty (50) homes in Shawnee. The subject property had contained a dilapidated home and shop, which the company had demolished. Ms. Nicoletto stated she was working with a design professional to determine what size, height, and parking could occur on the site. She explained that it would be a quadruplex with four separate units—two (2) units would be 2 bedrooms and 2 baths. Two (2) units would be 3 bedrooms with 2 baths (or 2.5 baths). With no other speakers, the public hearing was closed.

Commissioner Mew-Palmer made a motion to recommend **APPROVAL** of Case No. **RZ03-22** to the City Commission, which Commissioner Reese seconded.

Following any discussion, the motion **passed 6-0-0**.

Aye: Walker, Johnson, Loftis-Walton, Mew-Palmer, Reese, Rowell

Nay: None

Abstain: None

It was announced the item would be heard at the April 18, 2022, City Commission meeting at 6 p.m.

Item 5. Community Development Department Update

Community Development Director Rian Harkins addressed the Planning Commission and gave an update to the progress of the Unified Development Code. He advised the consultant team had been delayed, but work was ready to begin soon. He assured the Commissioners that there would be several meetings with the public in small groups—town hall style, the Planning Commission and other advisory boards, and with individuals to ensure the public input was included in the creation of the new Unified Development Code.

Director Harkins advised the board members that an RFP for the Twin Lakes Master Plan was open until the end of the month. He stated the budget for the study was not public information; it was not in the scope or provided to consultants. Director Harkins shared that John Hopkins, the funding source for the Love Your Block (LYB) program, had visited Shawnee. The LYB program is designed to eliminate blight through volunteerism. The John Hopkins representatives met with stakeholders from the Dunbar Heights neighborhood and left with a positive impression of the City's LYB activities thus far.

Item 7. Planning Commissioners' Comments

Vice-Chair Loftis-Walton asked for an update on the Kid's Space Park. Harkins advised that bids were awarded at the April 4, 2022, City Commission meeting. He anticipated one year for construction. She reminded attendees that the Legacy Parenting tree-house was at the Shawnee Mall.

Commissioner Johnson asked if the Planning Commissioners could be involved with the Unified Development Code update. Director Harkins advised that yes, small groups of Planning Commission members would meet to avoid Open Meetings Act violations. Johnson also expressed her excitement on the increased activity in the City, was happy to see more staff, and noticed an improvement in the City's social media presence. She thanked staff.

Commissioner Mew-Palmer commented that she was glad to hear about the new things discussed.

Commissioner Reese advised he would not attend the May Planning Commission meeting.

Item 8. Adjournment

The meeting adjourned at 2:11 p.m.

Chair/Vice-Chair

/s/ Rachel Clyne
City Planner



Planning Commission Meeting – 05.4.2022 – City of Shawnee, Oklahoma

Staff Report | RZ05-22 | A-1 to RE | 33909 Lake Road

To: Shawnee Planning Commission

From: Rachel Clyne, City Planner

Date: April 25, 2022

Subject: RZ05-22 – Staff Report - Public hearing and consideration of a request for rezoning from A-1 (Rural Agricultural District) to RE (Residential Estates District) at 33909 Lake Road.

Background

The subject property is located at 33909 Lake Road and is currently undeveloped. The area for consideration is approximately 20.85 acres and is located west of the dollar store on Lake Road. The request is to rezone from A-1 (Rural Agricultural District) to RE (Residential Estates District). The applicants for this request are Gerald and Linda Nowlin.

Discussion

The subject property is zoned A-1 (Rural Agricultural District). To the west and south, the properties are zoned A -1. To the north, across Lake Road, properties are also zoned R-1. The adjacent land to the east is zoned C-3 (Highway Commercial District). The applicant also owns the approximately 9.15-acre strip of land. The dollar store is under different ownership. Further to the east, across SH-102, the land is in unincorporated Pottawatomie County, which does not have zoning districts.

The Comprehensive Plan Future Land Use Map (FLUM) indicates the subject property has the Agricultural/Open land use designation. To the east, all three (3) corners of the intersection (within Shawnee's jurisdiction) of Lake Road and SH-102 have the future land use designation of Lake Oriented Commercial. The 2040 Comprehensive Plan defines Agricultural/Open designation as: "Long term growth areas. This comprehensive plan outlines the land needed to accommodate growth over the next 10 - 20 years." The zoning district RE (Residential Estates) requires that the lots shall not be smaller than one-acre per lot if subdivided. RE is a reasonable zoning district for the subject property given the proximity to the commercial zoning and use, as well as the geographic location of the subject site in relation to the rest of the community. Furthermore, the

proposed zoning district is within the intent of the Comprehensive Plan regarding potential growth in this part of the community.

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

Recommendation

Staff recommends that the Planning Commission recommend to the City Commission **APPROVAL** of **RZ05-22** to rezone the subject property from A-1 (Rural Agricultural District) to RE (Residential Estates District).

This rezoning application will be heard at the City Commission meeting on Monday, May 16, 2022, at 6:00 pm.

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:	<u>RZ05-22</u>
Project Number:	
Date Filed:	<u>3/15/2022</u>
	<u>RC</u> <u>PC - May 4, 22</u> 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 A-1 District to RE District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 33909 Lake Road Shawnee, OK 74801

LEGAL DESCRIPTION: Attached

PROPERTY OWNER (S): Gerald W & Linda L. Nowlin

PROPERTY AGENT (APPLICANT): _____

APPLICANT'S ADDRESS: 28 Janice Ln

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

EMAIL ADDRESS: _____

TELEPHONE NUMBER: (405) 570-3957 **CONTACT NUMBER:** (405) 570-3957 ^{Hm} 405-2751799

DIMENSIONS OF PROPERTY: AREA: 20.85A WIDTH: 689.58' / 688.86'
 LENGTH: 1317.73' / 1318.68' FRONTAGE: 689.58'

CURRENT ZONING: A-1 **CURRENT USE:** UD

PROPOSED ZONING: RE

PROPOSED USE: _____

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.

[Signature]
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.:** _____

02/29/1996 FILE TIME: 11:14

BOOK: 2516 PAGE: 128

POTTAWATOMIE COUNTY, NANCY BRYCE - COUNTY CLERK

REC #: 1996 2912

**

STAMPS \$97.50

TAX ID#

#SH47222

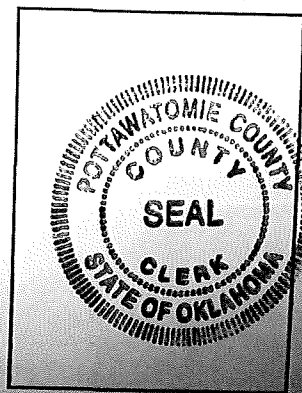
FIRST AMERICAN TITLE & TRUST COMPANY

RETURN TO: GERALD W. NOWLIN

28 Denise Lane, Shawnee, OK 74801

JOINT TENANCY WARRANTY DEED

(Individual Form)



That **HAROLD A. HENFLING** and **THERESA P. HENFLING**, Husband and Wife Parties of the first part, in consideration of the sum of TEN & NO/100----- and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto **GERALD W. NOWLIN** and **LINDA NOWLIN**, Husband and Wife as joint tenants and not as tenants in common, with right of survivorship, the whole estate to vest in the survivor, parties of the second part, the following described real property and premises situate in POTTAWATOMIE County, State of Oklahoma, to-wit:

The East 30 acres of the North Half of the Northeast Quarter (N/2 NE/4) of Section Twenty-three (23), Township Ten (10) North, Range Two (2) East of the Indian Meridian, Pottawatomie County, Oklahoma.

PROPERTY ADDRESS: RT. 6 BOX 228, SHAWNEE, OK 74801

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said parties of the second part, as such joint tenants, and to the heirs and assigns of the survivor, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and incumbrances of whatsoever nature.

EXCEPT covenants, conditions, easements, restrictions and mineral conveyances of record.

Signed and delivered this 28th day of February, 1996.

Harold A. Henfling
HAROLD A. HENFLING

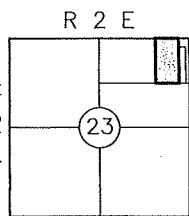
Theresa P. Henfling
THERESA P. HENFLING



INDIVIDUAL ACKNOWLEDGMENT-OKLAHOMA FORM

STATE OF OKLAHOMA, County of POTTAWATOMIE, SS.

BOUNDARY SURVEY



LOCATION MAP
NO SCALE

SCALE
1" = 200'

LEGEND

- EXISTING CORNER
- SET 3/8" REBAR AND CAP #1660
- × SET PK NAIL & WARSHER #1660
- ≈ BROKEN SCALE
- FENCE
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- ROW RIGHT OF WAY
- U/E UTILITY EASEMENT

FOUND
1" ROD 1.4' DEEP
SW/c N/2 NE/4
SEC. 23
T10N-R2E

- ① FENCE CORNER IS 1.7' S. & 14' W. OF CORNER SET
- ② FENCE CORNER IS 0.3' S. & 0.3' W. OF CORNER FOUND
- ③ FENCE CORNER IS 9.6' S. & 0.5' W. OF CORNER FOUND
- ④ FENCE LINE IS 35' N. OF CORNER FOUND
- ⑤ FENCE CORNER IS 38.2' N. & 10' W. OF CORNER FOUND

- ⑥ FENCE LINE IS 29.1' N. OF CORNER SET
- ⑦ FENCE CORNER IS 2.7' S. & 3.5' E. OF CORNER SET @ 33'
- ⑧ FENCE CORNER IS 1.5' S. & 1' E. OF CORNER FOUND @ 33'

- ① FOUND 60d NAIL
- ② FOUND RE-BAR & CAP CORNERSTONE SURVEYING SE/c NE/4 SEC. 23
- ③ FOUND RE-BAR & CAP KLS 2.22' S. & 3.04' W. OF CORNER SET @ 33'
- ④ FOUND RE-BAR & CAP CORNERSTONE SURVEYING 0.67' S. OF CALCULATED POSITION
- ⑤ FOUND LS 1660 RE-BAR & CAP

CERTIFICATE OF SURVEY

DATE OF SURVEY MAY 26, 2021

I, CHARLES REED, LICENSED PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY AS OF THE DATE SET FORTH ABOVE THAT I HAVE MADE A CAREFUL SURVEY OF A TRACT OF LAND DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION OF THE REMAINDER OF THE PARENT TRACT

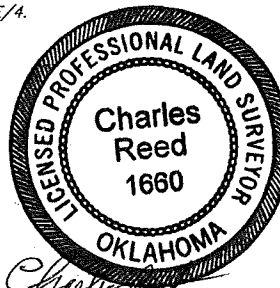
THE REMAINING AREA, OF THE EAST 30.00 ACRES OF THE NORTH HALF OF THE NORTHEAST QUARTER (N/2 NE/4) OF SECTION TWENTY-THREE (23), TOWNSHIP TEN (10) NORTH, RANGE TWO (2) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA AND FURTHER DESCRIBED BY CHARLES REED ON MAY 30, 2021 AS COMMENCING AT THE NORTHEAST CORNER (NE/c) OF THE NORTHEAST QUARTER (NE/4) OF SAID SECTION 23; THENCE S89°35'05"W ALONG THE NORTH LINE OF SAID N/2 NE/4 A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING, THENCE S00°27'56"E A DISTANCE OF 1317.73 FEET TO A POINT ON THE SOUTH LINE OF SAID S/2 NE/4; THENCE S89°30'21"W ALONG SAID SOUTH LINE A DISTANCE OF 688.86 FEET; THENCE N00°29'49"W A DISTANCE OF 1318.68 FEET TO A POINT ON THE NORTH LINE OF SAID N/2 NE/4, THENCE N89°35'05"E ALONG SAID NORTH LINE A DISTANCE OF 689.58 FEET TO THE POINT OF BEGINNING. CONTAINING 20.85 ACRES, MORE OR LESS AND SUBJECT TO ALL RECORDED EASEMENTS AND RIGHTS OF WAY THEREOF. HAVING A BASIS OF BEARING OF S00°27'56"E, BASELINE BEING THE EAST LINE OF SAID N/2 NE/4.

GENERAL NOTES:

- A TITLE COMMITMENT, INDICATING APPLICABLE EASEMENTS, HAS NOT BEEN PROVIDED, THEREFORE ALL EASEMENTS MAY NOT BE SHOWN HEREON.
- THIS SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- THE LAST DAY VISITING SAID SITE 05/30/2021.

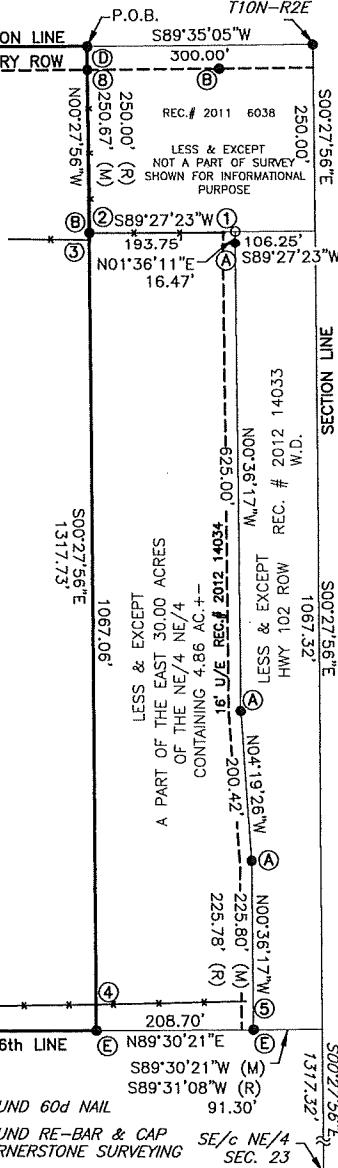
PREPARED BY:
Reed's Surveying PLLC
207 South Broadway
Tucumseh, OK 74873
405-996-8910

Lic. # 1660 EXP. Nov. 30, 2022	10-27
CA # 5262 EXP. June 30, 2021	2021-21
Page 1 of 1 GERALD & LINDA NOWLIN	



Date: 05/30/2021

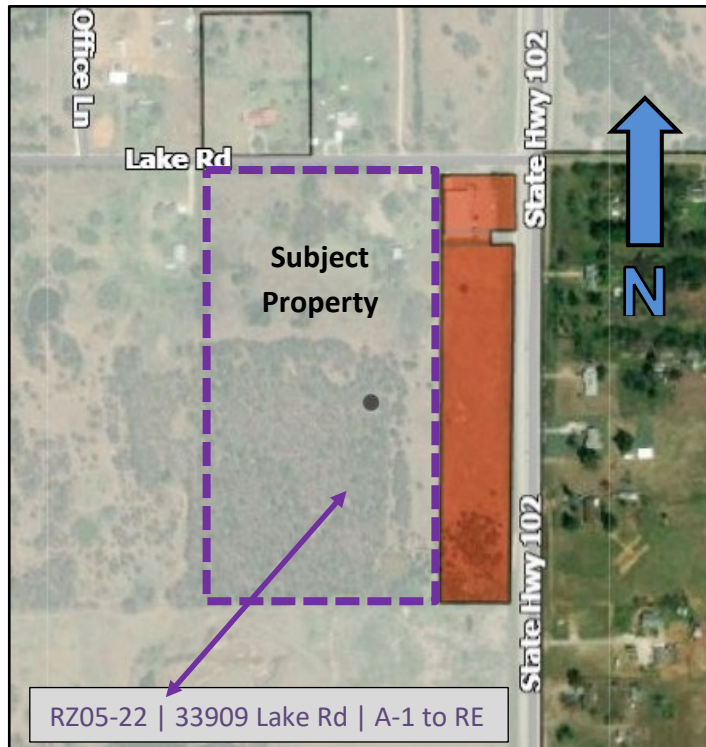
P.O.C.
FOUND
ODOT 1/2" RE-BAR
NE/c N/2 NE/4
SEC. 23
T10N-R2E





For more information

Community Development **405-878-1672**
Annex Building
222 N. Broadway Avenue
Shawnee, OK 74801



PUBLIC HEARING

Planning Commission

Wednesday, May 4 2022

City Hall at 16 W. 9th Street, Commission Chambers
1:30 PM

City Commission

Monday, May 16, 2022

City Hall at 16 W. 9th Street, Commission Chambers
6:00 PM

Project Information

Request: Request to rezone from A-1 (Rural Agricultural District) to RE (Residential Estates District)

Applicant: Gerald & Linda Nowlin

Location: 33909 Lake Road

Case #: RZ05-22



Frequently Asked Questions

What is a Rezoning?

A Rezoning is a request to change the zoning of a property to a different zoning district. The zoning of a property determines many of the allowed uses available for development.

Why did I receive a letter?

You own property within 300 feet of the subject property.

How do I make comment on the request?

Try to attend the public hearing if you are able. Staff will also accept written comments for those who cannot attend.

What if I have questions?

Call the Community Development at 405-878-1672 or contact the City Planner at rachel.clyne@shawneeok.org.

What if I cannot attend the hearing?

Staff will accept written comments. You may also have a neighbor or friend attend the hearing to represent your interests at the meeting.

How will this request affect me?

Every property is different.

Contact the Community Development for more information if you have concerns about any impact on you.

I am not in favor of the request, what do I do?

Attend the meetings or provide written comments if you cannot attend. Property owners within 300 feet of the subject property may also prepare a protest petition. Staff can supply additional information about the protest petition requirements.

Legal Description:

THE EAST 30.00 ACRES OF THE NORTH HALF OF THE NORTHEAST QUARTER (N/2 NE/4) OF SECTION TWENTY-THREE (23), TOWNSHIP TEN (10) NORTH, RANGE TWO (2) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA AND FURTHER DESCRIBED BY CHARLES REED ON MAY 30, 2021 AS COMMENCING AT THE NORTHEAST CORNER (NE/C) OF THE NORTHEAST QUARTER (NE/4) OF SAID SECTION 23; THENCE S89°35'05"W ALONG THE NORTH LINE OF SAID N/2 NE/4 A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING, THENCE S00°27'56"E A DISTANCE OF 1317.73 FEET TO A POINT ON THE SOUTH LINE OF SAID S/2 NE/4; THENCE S89°30'21"W ALONG SAID SOUTH LINE A DISTANCE OF 688.86 FEET; THENCE N00°29'49"W A DISTANCE OF 1318.68 FEET TO A POINT ON THE NORTH LINE OF SAID N/2 NE/4, THENCE N89°35'05"E ALONG SAID NORTH LINE A DISTANCE OF 689.58 FEET TO THE POINT OF BEGINNING.



Planning Commission Meeting – 5.4.2022 – City of Shawnee, Oklahoma

Staff Report – PUD02-22 – Planned Unit Development – NE of W. MacArthur St. & Acme Rd.

To: Shawnee Planning Commission

From: Rachel Clyne, City Planner

Date: April 27, 2022

Subject: PUD01-22 – Request for a Planned Unit Development (PUD) on approximately 8.79 acres of land located North of W. MacArthur St. and east of Acme Road to develop duplex residential and commercial uses.

=====

The applicant has asked to defer this PUD application public hearing to the next regular Planning Commission meeting, which is June 1, 2022.

Recommendation

Staff recommends that the Planning Commission **DEFER** the public hearing for **PUD01-22**, to the next regular Planning Commission meeting on June 1, 2022.

This application will be heard at the regular City Commission meeting on Monday, May 16, 2022 at 6:00 p.m. in the Commission Chambers of City Hall. Staff will recommend a deferral of this item to the City Commission to a date certain that corresponds with the next Planning Commission meeting.



Planning Commission Meeting – 05.4.2022 – City of Shawnee, Oklahoma

Staff Report | CUP03-22 | CUP Application for an ADU | 1717 E. Remington St.

To: Shawnee Planning Commission

From: Rachel Clyne, City Planner

Date: April 28, 2022

Subject: CUP03-22 – Staff Report - Public hearing and consideration of a request for a Conditional Use Permit (CUP) for an Accessory Dwelling Unit (ADU) at 1717 East Remington Street.

Background

The subject property is located at 1717 East Remington Street and has an existing single-family residence. The Conditional Use Permit (CUP) allows for an Accessory Dwelling Unit (ADU), which will require the remodeling of the existing shop. The applicants for this CUP request are Steven & Gloria Barrett.

The subject property is zoned R-1 (Single-Family Residential District); the City's Zoning Code does not allow Accessory Dwelling Units (ADU) to be located in the R-1 zoning district. However, the Zoning Code does allow ADUs in A-1, R-2, and R-3 zoning districts. In each of those districts, the ADU is allowed only with a single-family home. To ensure compliance, the property owners are seeking conditional approval on this Conditional Use Permit request to be followed by an immediate request to rezone. Staff recommended R-2 (Medium Density Residential District), which is discussed in the next segment.

Discussion

The subject property is zoned R-1 (Single-Family Residential District). To the west and south, the properties are zoned R-1. To the north, across East Remington Street, properties are also zoned R-1. The adjacent land to the east is zoned R-3 (Multifamily Residential District) and contains the Cypress Point Apartment complex.

Historically, zoning is used to avoid the adjacent placement of incompatible uses. The stepping down concept is used to separate the most intense zoning district from the next less intense district. Many communities recognize the standard step down of districts as Industrial,

Commercial, Residential, and Agricultural. One example is that Commercial Districts act as a “buffer” for Residential Districts from the more intense uses associated with Industrial Districts.

When dealing with zoning districts within the same overall use, a similar idea is good practice for land use. In Shawnee, there are four (4) residential zoning districts. Differences in residential uses often consider the density (opposed to intensity) of a district when utilizing the step-down concept. For example, the densest Residential district in Shawnee is R-3 (Multifamily), followed by R-2, R-1, and ending at RE (Residential Estate District).

The other option is to rezone the subject property to the same district as its adjacent neighbor to the east. This would create a seamless transition from one residential zoning district (R-3 -- Multifamily Residential District) to another (R-1 -- Single-Family Residential District). This idea is to avoid the perception of “spot zoning”, which is seen as only beneficial to an individual.

The Comprehensive Plan Future Land Use Map (FLUM) indicates the subject property to be in Low Density Residential land use designation. Immediately adjacent to the east, the land is assigned with the High Density Residential land use designation, and to the south, the land is classified with a Medium Density Residential land use designation. Based on the subject property's proximity to all three (3) residential densities on the FLUM, it is reasonable to conclude a more dense zoning designation is within the intent of the Comprehensive Plan.

For the subject property, both options to rezone—R-2 or R-3, can be approved and maintain good practice in land use planning and zoning. Staff's recommendation for rezoning to R-2 is to limit the future uses allowed on the property. While a duplex or triplex is allowed in R-2, multi-family housing is only allowed in R-3.

Referencing the City of Shawnee Zoning Code (Code) DIVISION 14. – Administration. Section 22-605. – Conditional Use Permit. *"The uses designated under the various districts herein as "conditional uses" are so classified because they could more intensely dominate the area in which they are located...."* The conditional uses shall be reviewed and authorized or rejected with or without special conditions placed on the project.

In the Code, Section 22-297. – Other residential standards. (8) *"Accessory dwelling units (ADUs). Accessory dwelling units are designed to allow for a secondary residence..."* The Zoning Code provides thirteen (13) conditions associated with Accessory Dwelling Units. Those conditions, as well as others, are included in staff's recommendation.

This item was deferred from the April 6, 2022 Planning Commission in order to have the companion rezoning request be heard concurrently by the commission. That item is on the agenda for this meeting.

Recommendation

Staff recommends that the Planning Commission recommend to the City Commission **APPROVAL** of **CUP03-22**, which is for a Conditional Use Permit (CUP) at 1717 Remington Street to allow an Accessory Dwelling Unit (ADU), with the following conditions.

1. The property owner must reside in either the principal structure or the ADU.
2. Only one ADU is allowed per lot in conjunction with a single-family house. ADUs are not allowed in conjunction with duplexes, triplexes, or multifamily dwelling units.
3. An instrument shall be recorded with the register's office covenanting that the structure is being established as an accessory dwelling unit and may only be used under the conditions expressed herein.
4. The ADU may only be located in the established rear yard.
5. The living space of the ADU shall not exceed 900 square feet.
6. The footprint of a single-story detached accessory dwelling shall not exceed 50 percent of the first-floor area of the principal structure.
7. The footprint of a two-story detached accessory dwelling shall not exceed 40 percent of the first floor of the principal structure.
8. ADUs with a second-story dwelling unit shall enclose the stairs interior to the structure.
9. The ADU shall be of similar style, design, and material color and used for the principal structure and shall use similar architectural characteristics, including roof form and pitch, to the existing principal structure.
10. A home occupation shall not be based out of the ADU.
11. The ADU must provide, at minimum, one off-street parking space.
12. A separate driveway providing exclusive access to the ADU shall not be allowed.
13. The lot area shall be larger than 10,000 square feet.
14. A building permit shall be issued prior to construction.
15. The ADU shall not serve as a residential use until a Certificate of Occupancy is issued.
16. **The subject property must be rezoned to R-2 (Medium Density Residential) within 90 days of City Commission approval of the CUP.**

This Conditional Use Permit (CUP) application will be heard at the City Commission meeting on Monday, May 16, 2022, at 6:00 pm.

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: _____

Project Number: _____

Date Filed: _____

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 _____ District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 1717 E. Remington St.

LEGAL DESCRIPTION: Remington & Beard Beg at NE/c lot 20th W500 S232 1/2 TO POB 2.67 Acres

PROPERTY OWNER (S): Steven & Gloria Barnett

PROPERTY AGENT (APPLICANT): Steven Barnett

APPLICANT'S ADDRESS: 1717 E. Remington

CITY: Shawnee STATE: Oklahoma ZIP: 74801

EMAIL ADDRESS: Steven.Barnett.Wks@gmail.com

TELEPHONE NUMBER: (405) 788-9020 CONTACT NUMBER: (405) 788-9020

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

CURRENT ZONING: _____ CURRENT USE: _____

PROPOSED ZONING: _____ PROPOSED USE: _____

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.

SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

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

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

RECEIPT NO. _____

NOTIFICATION SIGN \$ 50.00

PLANNING COMMISSION ACTION: _____ DATE: _____

CITY COMMISSION ACTION: _____ DATE: _____

PLACE ON ZONING MAP: _____ ORDINANCE NO.: _____

(1)

Return To:
Steven Thang Barrett and Gloria Barrett
1717 East Remington St.
Shawnee, OK 74801

Instrument PG 1 OF 2
201700013147

**WARRANTY DEED
JOINT TENANCY**
(Trustee Form)

File No.: **2277328-SH01 (vlw)**
Doc Stamps: **\$210.00**

Tax ID#: **2175-00-020-002-0-000-00**

That **Lyle H. Collins**, Trustee of **The Lyle H. Collins Trust** created pursuant to that certain **Trust Agreement dated the 25 day of April, 1994**, party(ies) of the first part, in consideration of the sum of **TEN & NO/100-----Dollars** and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do(es) hereby, grant, bargain, sell and convey unto **Steven Thang Barrett and Gloria Barrett**, as joint tenants and not as tenants in common, with the right of survivorship, the whole estate to vest in the survivor, (the "Grantee"), the following described real property and premises situated in **Pottawatomie County, State of Oklahoma**, to wit:

SURFACE ONLY

A tract of land described as beginning at the Northeast Corner of Lot Twenty (20), REMINGTON-BEARD ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof; thence West 500 feet; thence South 232.50 feet; thence East 500 feet; thence North 232.50 feet to the point of beginning.

LESS AND EXCEPT any and all interest in and to all of the oil, gas, coal and other minerals and all rights pertaining thereto.

Property Address: **1717 East Remington St., Shawnee, OK 74801**

Together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same. **LESS AND EXCEPT any interest in and to oil, gas, coal, metallic ores and other minerals therein and thereunder previously reserved or conveyed of record and all rights, interests and estates of whatsoever nature incident thereto or arising thereunder, and SUBJECT TO easements, rights of way, restrictive covenants of record.**

TO HAVE AND TO HOLD said described premises unto the Grantee, and to the heirs, successors and assigns, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

STATE OF OKLAHOMA
Pottawatomie County

Documentary Stamps: \$210.00

Signed and delivered this **October 31, 2017**.



First American Title

SH2277328/Barrett



For more information

Community Development Department
Annex Building
222 North Broadway Avenue
Shawnee, OK 74801
405-878-1672



PUBLIC HEARING

Planning Commission

Wednesday, April 6, 2022

City Hall at 16 W. 9th Street, Commission Chambers

1:30 PM

City Commission

Monday, April 18, 2022

City Hall at 16 W. 9th Street, Commission Chambers

6:00 PM

Project Information

Request: Request for a Conditional Use Permit (CUP) for an Accessory Dwelling Unit (ADU)

Applicant: Steve & Gloria Barrett

Location: 1717 E. Remington Street

Case #: CUP03-22



Frequently Asked Questions

What is a Conditional Use Permit (CUP)?

A Conditional Use Permit (CUP) is a request for a particular use that has been classified in the Zoning Code as requiring a CUP. These uses require a thorough review because some uses could more intensely affect the area in which it is located.

Why did I receive a letter?

You own property within 300 feet of the subject property.

How do I make comment on the request?

Try to attend the public hearing if you are able. Staff will also accept written comments for those who cannot attend.

What if I have questions?

Call the Community Development at 405-878-1672 or contact the City Planner at rachel.clyne@shawneeok.org.

What if I cannot attend the hearing?

Staff will accept written comments. You may also have a neighbor or friend attend the hearing to represent your interests at the meeting.

How will this request affect me?

Every property is different.

Contact the Community Development for more information if you have concerns about any impact on you.

I am not in favor of the request, what do I do?

Attend the meetings or provide written comments if you cannot attend. Property owners within 300 feet of the subject property may also prepare a protest petition. Staff can supply additional information about the protest petition requirements.

Legal Description:

A tract of land described as beginning at the Northeast Corner of Lot Twenty (20), REMINGTON-BEARD ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof; thence West 500 feet; thence South 232.50 feet; thence East 500 feet; thence North 232.50 feet to the point of beginning.

CUP03-22



Planning Commission Meeting – 05.4.2022 – City of Shawnee, Oklahoma

Staff Report | RZ06-22 | R-1 to R-2 | 1717 E. Remington St.

To: Shawnee Planning Commission

From: Rachel Clyne, City Planner

Date: April 25, 2022

Subject: RZ06-22 – Staff Report - Public hearing and consideration of a request for a rezoning from R-1 (Single-Family Residential District) to R-2 (Medium Density Residential District) at 1717 East Remington Street.

Background

The subject property is located at 1717 East Remington Street and has an existing single-family residence. The request is to rezone from R-1 (Single-Family Residential District) to R-2 (Medium Density Residential District). This application corresponds with CUP03-22; approval of the rezoning meets one condition for approval for an Accessory Dwelling Unit (ADU). The applicants for this request are Steven & Gloria Barrett.

Shawnee's Zoning Code does not allow Accessory Dwelling Units (ADU) to be located in the R-1 zoning district. However, the Zoning Code does allow ADUs in A-1, R-2, and R-3 zoning districts. To ensure compliance, the property owners applied to rezone.

On April 6, 2022, the Planning Commission was presented a Conditional Use Permit (CUP) application for the subject property. That application was deferred to the May 4, 2022, Planning Commission meeting to accompany this rezoning application.

Discussion

The subject property is zoned R-1 (Single-Family Residential District). To the west and south, the properties are zoned R-1. To the north, across East Remington Street, properties are also zoned R-1. The adjacent land to the east is zoned R-3 (Multifamily Residential District) and contains the Cypress Point Apartment complex.

The Comprehensive Plan Future Land Use Map (FLUM) indicates the subject property to be in Low-Density Residential land use designation. Immediately adjacent to the east, the land is assigned with the High-Density Residential land use designation. To the south, the land is classified with a Medium-Density Residential land use designation. All three (3) residential densities surround the subject property on the FLUM; therefore it is reasonable to conclude that a more dense zoning designation is within the intent of the Comprehensive Plan.

Staff's recommendation for rezoning to R-2 (Medium Density Residential District) is to limit the future uses allowed on the property. An ADU can be constructed as supplemental to the primary residence with approval.

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

Recommendation

Staff recommends that the Planning Commission recommend to the City Commission **APPROVAL** of **RZ06-22**, which is to rezone from R-1 (Single-Family Residential District) to R-2 (Medium Density Residential District). This approval of this request will meet one condition associated with CUP03-22.

This rezoning application will be heard at the City Commission meeting on Monday, May 16, 2022, at 6:00 pm.

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:	<u>RZ06-22</u>
Project Number:	
Date Filed:	<u>3-30-2022</u>
	<u>R. Clyne</u> Planning Commission Secretary

REQUEST:

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

related to CUPO3-22

PC - 5/4/22 CC - 5/14/22

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-1 District to R-2 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 1717 E. Remington St. Shawnee, OK

LEGAL DESCRIPTION: NE Corner Lot 20, Remington-Beard Addn (see attached)

PROPERTY OWNER (S): Steven & Gloria Barrett

PROPERTY AGENT (APPLICANT): Steven Barrett

APPLICANT'S ADDRESS: 1717 E. Remington St.

CITY: Shawnee STATE: OK ZIP: 74801

EMAIL ADDRESS: Steven.barrett.wrks@gmail.com

TELEPHONE NUMBER: () CONTACT NUMBER: (405) 788-9020

DIMENSIONS OF PROPERTY: AREA: +/- 2.67 acres WIDTH: +/- 500'
 LENGTH: +/- 230' FRONTAGE: +/- 500'

CURRENT ZONING: R-1 CURRENT USE: SFH

PROPOSED ZONING: R-2 PROPOSED USE: SFH w/ ADU

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.

on behalf of owners
R. CLYNE
 SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

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

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

RECEIPT NO. _____

NOTIFICATION SIGN \$ 50.00

PLANNING COMMISSION ACTION: _____ DATE: _____

CITY COMMISSION ACTION: _____ DATE: _____

PLACE ON ZONING MAP: _____ ORDINANCE NO.: _____

(1)

Return To:
Steven Thang Barrett and Gloria Barrett
1717 East Remington St.
Shawnee, OK 74801

Instrument 201700013147 PG 1 OF 2

**WARRANTY DEED
JOINT TENANCY**
(Trustee Form)

File No.: **2277328-SH01 (vlw)**
Doc Stamps: **\$210.00**

Tax ID#: **2175-00-020-002-0-000-00**

That **Lyle H. Collins, Trustee of The Lyle H. Collins Trust** created pursuant to that certain **Trust Agreement dated the 25 day of April, 1994**, party(ies) of the first part, in consideration of the sum of **TEN & NO/100-----Dollars** and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do(es) hereby, grant, bargain, sell and convey unto **Steven Thang Barrett and Gloria Barrett**, as joint tenants and not as tenants in common, with the right of survivorship, the whole estate to vest in the survivor, (the "Grantee"), the following described real property and premises situated in **Pottawatomie County, State of Oklahoma**, to wit:

SURFACE ONLY

A tract of land described as beginning at the Northeast Corner of Lot Twenty (20), REMINGTON-BEARD ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof; thence West 500 feet; thence South 232.50 feet; thence East 500 feet; thence North 232.50 feet to the point of beginning.

LESS AND EXCEPT any and all interest in and to all of the oil, gas, coal and other minerals and all rights pertaining thereto.

Property Address: **1717 East Remington St., Shawnee, OK 74801**

Together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same. LESS AND EXCEPT any interest in and to oil, gas, coal, metallic ores and other minerals therein and thereunder previously reserved or conveyed of record and all rights, interests and estates of whatsoever nature incident thereto or arising thereunder, and SUBJECT TO easements, rights of way, restrictive covenants of record.

TO HAVE AND TO HOLD said described premises unto the Grantee, and to the heirs, successors and assigns, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

STATE OF OKLAHOMA
Pottawatomie County

Documentary Stamps: \$210.00

Signed and delivered this **October 31, 2017**.



First American Title

SH2277328/Barrett



For more information

Community Development Department
Annex Building
222 North Broadway Avenue
Shawnee, OK 74801
405-878-1672

PUBLIC HEARING

Planning Commission

Wednesday, May 4, 2022

City Hall at 16 W. 9th Street, Commission Chambers
1:30 PM

City Commission

Monday, May 16, 2022

City Hall at 16 W. 9th Street, Commission Chambers
6:00 PM

Project Information

Request: Rezone from R-1 (Single-Family Residential District) to R-2 (Medium Density Residential District)

Applicant: Steven & Gloria Barrett

Location: 1717 E. Remington Street

Case #: RZ06-22





Frequently Asked Questions

What is a Rezoning?

A Rezoning is a request to change the zoning of a property to a different zoning district. The zoning of a property determines many of the allowed uses available for development.

Why did I receive a letter?

You own property within 300 feet of the subject property.

How do I make comment on the request?

Try to attend the public hearing if you are able. Staff will also accept written comments for those who cannot attend.

What if I have questions?

Call the Community Development at 405-878-1672 or contact the City Planner at rachel.clyne@shawneeok.org.

What if I cannot attend the hearing?

Staff will accept written comments. You may also have a neighbor or friend attend the hearing to represent your interests at the meeting.

How will this request affect me?

Every property is different.

Contact the Community Development for more information if you have concerns about any impact on you.

I am not in favor of the request, what do I do?

Attend the meetings or provide written comments if you cannot attend. Property owners within 300 feet of the subject property may also prepare a protest petition. Staff can supply additional information about the protest petition requirements.

Legal Description:

A tract of land described as beginning at the Northeast Corner of Lot Twenty (20), REMINGTON-BEARD ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof; thence West 500 feet; thence South 232.50 feet; thence East 500 feet; thence North 232.50 feet to the point of beginning.

RZ06-22