REGULAR PLANNING COMMISSION MINUTES
DATE: May 4, 2022

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in person for a regular meeting on May 4, 2022, at 1:30 p.m., according to notice duly posted as prescribed by law.

Item 1. Roll Call

Chair Deem 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, Deem, Mew-Palmer, Rowell
Absent: Loftis-Walton, Reese

Item 2. Approval of Minutes – Regular meeting

Consideration of approval of the minutes from the regular meeting of April 6, 2022. Chair Deem asked the Planning Commissioners for questions or corrections to the minutes.

Commissioner Walker made a motion to **Approve** the minutes as presented, which Commissioner Johnson seconded.
Motion **passed 5-0-0**.

Aye: Walker, Johnson, Deem, Mew-Palmer, Rowell
Nay: None
Abstain: None

Item 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

Chair Deem read the agenda item and asked for a staff report. Planner Clyne provided background information on the application request. 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 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.

Staff recommended the Planning Commission recommend to the City Commission **APPROVAL** of **RZ05-22** a request to rezone property located at 33909 Lake Road Street from A-1 (Rural Agricultural District) to RE (Residential Estates District).

Chair Deem asked if there were questions for staff and then opened the public hearing. The applicant, Gerald Nowlin, was present and available for questions. Gary Ticer stated he lived nearby and expressed his concerns about a potential trailer park on the subject property. He also mentioned water (stormwater) from developing the subject property would affect his land; he was opposed to the area being split (subdivided). With no additional speakers, the public hearing was closed.

Commissioner Rowell made a motion to recommend **APPROVAL** of Case No. **RZ05-22** to the City Commission, which Commissioner Reese seconded.
Following any discussion, the motion **passed 5-0-0**.

Aye: Walker, Johnson, Deem, Mew-Palmer, Rowell
Nay: None
Abstain: None

It was announced the item would be heard at the May 16, 2022, City Commission meeting at 6 p.m.

Item 3.
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

Chair Deem read the agenda item and asked for a staff report. Planner Clyne explained the applicant had requested additional time and requested a deferral to the next Planning Commission meeting. Staff recommended the Planning Commission recommend DEFERRAL of **PUD01-22** to the City Commission.

Chair Deem asked if there were questions for staff. With no questions, she asked for a motion.

Commissioner Walker made a motion to recommend **Deferral** of Case No. **PUD01-22** to the City Commission, which Commissioner Johnson seconded.
Following any discussion, the motion **passed 5-0-0**.

Aye: Walker, Johnson, Deem, Mew-Palmer, Rowell
Nay: None
Abstain: None

It was announced the item would be heard at the May 16, 2022, City Commission meeting at 6 p.m.

Item 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

Chair Deem read the agenda item and asked for a staff report. Planner Clyne provided background information on the application request. The subject property is located at 1717 E Remington Street and has an existing single-family residence. The Conditional Use Permit (CUP) allows for an Accessory Dwelling Unit (ADU), which would located in the rear yard of the property.

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.

Chair Deem asked if there were questions for staff and then opened the public hearing. The applicants were present and available for questions. With no other speakers, the public hearing was closed.

Commissioner Rowell made a motion to recommend conditional **APPROVAL** of Case No. **CUP03-22** to the next regular Planning Commission meeting to the City Commission, which Commissioner Walker seconded.
Following any discussion, the motion **passed 5-0-0**.

Aye: Walker, Johnson, Deem, Mew-Palmer, Rowell
Nay:
Abstain:

It was announced the item would be heard at the May 16, 2022, City Commission meeting at 6 p.m.

Item 5.

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. Applicants: Steven and Gloria Barrett

Chair Deem read the agenda item and asked for a staff report, Planner Clyne stated the subject property is located at 1717 East Remington Street, and the request is to rezone from R-1 (Single-Family Residential District) to R-2 (Medium Density Residential District). This application corresponds with previous Case CUP03-22--approval of this rezoning meets one condition for approval for an Accessory Dwelling Unit (ADU).

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.

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 recommended that the Planning Commission recommend to the City Commission **APPROVAL** of **RZ06-22,** rezoning the property located at 1717 East Remington Street from R-1 (Single-Family Residential District) to R-2 (Medium Density Residential District).

Chair Deem asked if there were questions for staff and then opened the public hearing. The applicants were present and available for questions. With no other speakers, the public hearing was closed.

Commissioner Johnson made a motion to recommend the **APPROVAL** of Case No. **RZ06-22** to the City Commission, which Commissioner Mew-Palmer seconded.
Following any discussion, the motion **passed 5-0-0**.

Aye: Walker, Johnson, Deem, Mew-Palmer, Rowell
Nay:
Abstain:

It was announced the item would be heard at the May 16, 2022, City Commission meeting at 6 p.m.

Item 6. Community Development Department Update

Community Development Director Rian Harkins addressed the Planning Commission and gave an update on the progress of the Unified Development Code. He spoke about a recent grant application to the Oklahoma Arts Commission for considering the downtown area as an arts district. Director Harkins advised the board members that the visioning process for the future use of the Santa Fe Depot had started. There was a survey on the City's website and town hall-style meetings had been scheduled. Next, he shared that staff had received proposals for the Twin Lakes Master Plan and additional details would be forthcoming. Harkins reported that the Love Your Block (LYB) program had participated in April's city-wide clean-up in the Dunbar Heights neighborhood, which had been successful throughout the community.

Item 7. Planning Commissioners' Comments

Commissioners Johnson gave her thanks to staff and was excited about the updates on activities. Commissioner Mew-Palmer was also excited by the new activities and thanked the public for participating. Commissioner Rowell commented on the activity in the area of 45th Street and Harrison Avenue. Chair Deem thanked everyone for attending the meeting.

Item 8. Adjournment

The meeting adjourned at 2:05 p.m.

Cody Deem
Chair/Vice-Chair

/s/ Rachel Clyne
City Planner