

**AGENDA
CITY OF SHAWNEE
PLANNING COMMISSION
MAY 3RD, 2017 AT 1:30 P.M.
COMMISSION CHAMBERS
CITY HALL, 16 W 9TH ST**

- 1)** Roll Call
- 2)** Consideration of approval of the minutes from the April 5th, 2017 Planning Commission meeting
- 3)** Citizens' Participation
(A three minute limit per person)
(A twelve minute limit per topic)
- 4)** Case #P05-17 – A public hearing for consideration of approval of a Rezone from A-1; Rural Agricultural District to C-3; Highway Commercial District, located at 4720 North Kickapoo Street, Shawnee, OK
Applicant: Nelmon Brauning
- 5)** Planning Director's Report
- 6)** Commissioners Comments and/or New Business
- 7)** Adjournment

PLANNING COMMISSION MINUTES

DATE: APRIL 5TH, 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 Wednesday, April 5th, 2017 at 1:30 p.m., pursuant to notice duly posted as prescribed by law.

AGENDA ITEM NO.1: **Roll Call**

Upon roll call the following members were present:

Present: Clinard, Bergsten, Cowen, Affentranger

Absent: Kienzle

Meeting was called to Order.

AGENDA ITEM NO. 2: **Consideration of Approval of the minutes from the February 1st, 2017 Planning Commission Meeting**

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

Motion passed:

AYE: Clinard, Bergsten, Cowen, Affentranger

NAY:

ABSTAIN:

AGENDA ITEM NO. 3: **Citizen's Participation**

Chairman Bergsten opened the public portion of the meeting and announced that this is an open time for discussion for those with questions on topics not on the Agenda and asked if anyone would like to come forward. No one came forward and Chairman Bergsten closed the public portion of the meeting.

AGENDA ITEM NO. 4: **Swearing in of Craig Walker to the Planning Commission**

Craig Walker was sworn in.

AGENDA ITEM NO. 5: **Blue Zones Presentation**

John Warder gave a presentation on the Blue Zone project.

AGENDA ITEM NO. 6: **Case #P01-17 – 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 1012, 1016 and 1018 North Kickapoo Street, Shawnee, OK**

Applicant: Nelmon Brauning

Chairman Bergsten asked for the staff report. Justin Debruin presented the staff report. Mr. Debruin stated the purpose of rezone was to construct a storage building and that Staff does not object to the rezone but there is concern regarding the storage aspect along Kickapoo Street. Justin Debruin discussed beautification measures and construction requirements. Chairman Bergsten questioned the parking and landscape requirements and Mr. Debruin responded with mentioning that site will be required to have landscaping, off street parking and sight proof fencing. Commissioner Clinard asked if there were plans to widen Kickapoo in that area and Mr. Debruin agreed. Commissioner Clinard commented on the surrounding residential zoning and storage uses. Vice-Chairman Cowen stated his belief that the storage facility would not have a negative impact on the area. 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. Holly Anthony 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. Vice-Chairman Cowen made a motion to approve, seconded by Commissioner Affentranger.

Motion passed:

AYE: Walker, Bergsten, Cowen, Affentranger

NAY: Clinard

ABSTAIN:

AGENDA ITEM NO. 7:

Case #P02-17 – A public hearing for consideration of approval of a Rezone from R-2; Combined Residential District to I-3; Heavy Industrial District, located at 10 and 20 East Farrall Street and 524 South Bell Street, Shawnee, OK

Applicant: Joe Ford

Chairman Bergsten asked for the staff report. Justin Debruin presented the staff report. Mr. Debruin informed the Commissioners that the properties were combined properly for future expansion at the Shawnee Mill. Staff has no objection to the rezone. 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. Joe Ford 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 Clinard made a motion to approve, seconded by Commissioner Affentranger.

Motion passed:

AYE: Clinard, Walker, Bergsten, Cowen, Affentranger

NAY:

ABSTAIN:

AGENDA ITEM NO. 8:

Case #P03-17 – A public hearing for consideration of approval of a Rezone from R-2; Combined Residential District to C-3; Highway Commercial District, located at 525 South Kickapoo Street, Shawnee, OK

Applicant: Don Waller

Chairman Bergsten asked for the staff report. Justin Debruin presented the staff report. Mr. Debruin stated the request for rezone was to construct an ice/water vending machine that is allowed on C-3 zoned properties. Justin Debruin explained that site will be required to have landscaping, off street parking and sight proof fencing, along with beautification standards. Staff has no objection to the rezone request. Chairman Bergsten asked if applicant was aware of the widening of Kickapoo Street and Mr. Debruin agreed. Commissioner Clinard asked if the ice machines are similar to others in town and Justin Debruin mentioned he had not seen any plans for it. Commissioner Clinard also questioned the beautification/landscaping standards and Mr. Debruin responded with the requirements. 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 Affentranger made a motion to approve, seconded by Vice-Chairman Cowen.

Motion passed:

AYE: Clinard, Walker, Bergsten, Cowen, Affentranger

NAY:

ABSTAIN:

AGENDA ITEM NO. 9:

Planning Director's Report

Justin Debruin discussed the Blue Zones project and went over the board terms expiring June 1st. Chairman Bergsten asked for an update on new commercial construction. Commissioner Clinard questioned the number of entrances/exits for the new Sonic on Harrison Street. Vice-Chairman Cowen asked for an update on the Dagiva Property on Main Street. Mr. Debruin updated Craig Walker on the Downtown Property Maintenance Code. Commissioner Clinard asked for an update on the sidewalks being constructed by the Avedis Foundation. Commissioner Affentranger remarked about the unsightly grass on the curbs between the sidewalks off Bryan Street. Justin Debruin discussed plans for updating the comprehensive plans and subdivision regulations in the future.

AGENDA ITEM NO. 10:

Commissioners Comments and/or New Business

No Comments or New Business.

AGENDA ITEM NO. 11:

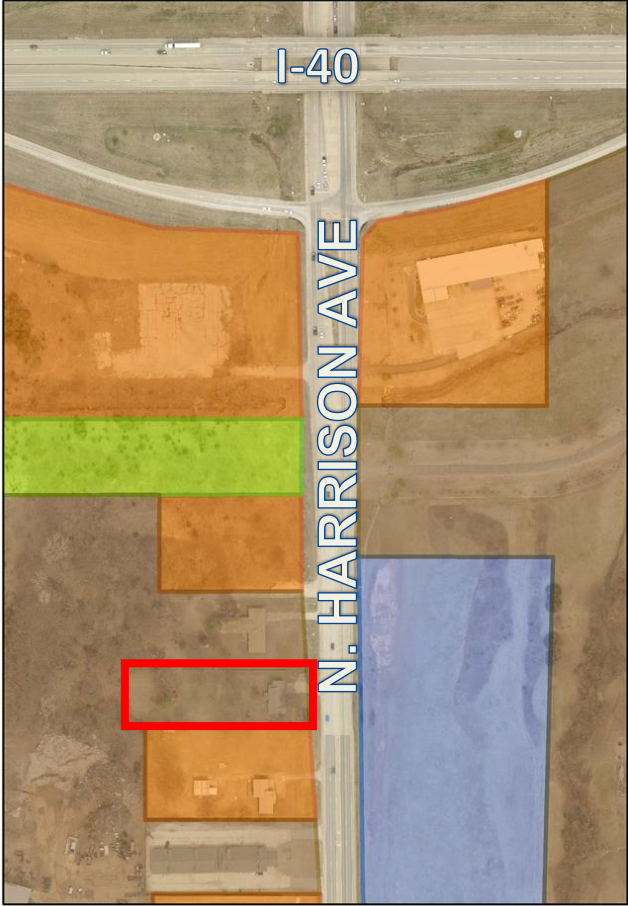
Adjournment

Meeting was adjourned.

Chairman/Vice-Chairman

Cheyenne Pettigrew

Planning Commission Secretary

City of Shawnee Planning Department 222. N. Broadway Shawnee, OK 74801 (405) 878-1616 Fax: (405) 878-1587 www.ShawneeOK.org			CASE # P05-17 PUBLIC HEARING DATE: May 3, 2017 CITY COMMISSION DATE: (IF APPROVED) May 16, 2017	
APPLICANT: Nelmon Brauning	201 W. 9 th St. Shawnee OK, 74804		(405) 370-0934	
PROPERTY ADDRESS/LOCATION: 4720 N. Harrison Ave.				
BRIEF SUMMARY OF REQUEST: The applicant is requesting a rezone from A1: Rural Agricultural District to C3: Highway Commercial on a 1 Acre tract of land located at 4720 N. Harrison St. The site is generally located north of 45th Street, on the west side of Harrison Avenue. The owner has not specified an intended commercial use, but wishes to obtain commercial zoning for future prospects along Harrison Street, a major arterial with commercial allowance per the comp plan.				
EXISTING ZONING: A1	EXISTING LAND USE: Residential	SURROUNDING ZONING & LAND USE: A-1 (Agricultural) C-3 (Highway Commercial) PUD (Planned Unit Development)	School District: Will Rogers	PROPERTY SIZE: 1 Acre
STAFF RECOMMENDATION				
Based on consistency with the Shawnee Comprehensive Plan and the Shawnee Zoning Code, Staff does hereby recommend approval for the proposed rezone from A1 (Rural Agricultural District) to C3 (Highway Commercial).				
APPROVE	APPROVE WITH CONDITIONS		DENY	

If approved for rezone, any construction on site would require:

1. A six (6') foot sidewalk along Harrison Ave.
2. Landscaping to cover 10% of the overall site.
3. Façade treatment to a total of 60% where facing Harrison Ave.
4. Appropriate off-street parking.

Staff has received no letters of protest from surrounding property owners.

ATTACHMENTS: (CIRCLE)	SUBMITTED PLANS	PUBLIC HEARING PETITION/ APPLICATION FORM	LEGAL NOTICE	LEGAL DESCRIPTION
PUBLIC COMMENTS		AGENCY COMMENTS		RESPONSE TO STANDARDS
OTHER DESCRIBE:				

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: P05-17

Project Number: 170301

Date Filed: March 23rd 2017

Cherylne Pettigrew
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 AG District to C-3 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 4720 N. HARRISON ST., SHA

LEGAL DESCRIPTION: Beq. 1378' N SE 1/4 SE N 112' W 389' S 112' E 389' = 1 AC

PROPERTY OWNER (S): THOMAS T. JOHNSON

PROPERTY AGENT (APPLICANT): NELMON BRAUNING

APPLICANT'S ADDRESS: 201 W 9th STREET

CITY: SHAWNEE STATE: OK ZIP: 74804

EMAIL ADDRESS: nbrauning@hotmail.com

TELEPHONE NUMBER: (405) 370-0394 CONTACT NUMBER: (405) 370-0394

DIMENSIONS OF PROPERTY: AREA: 1 AC WIDTH: 112'
LENGTH: 389' FRONTAGE: 112'

CURRENT ZONING: AG 1 CURRENT USE: Res

PROPOSED ZONING: C3 PROPOSED USE: STRIP center along w/ 4706 N. HARRISON ST.

With the filing of this application, I acknowledge that I have been informed of off-street parking, fencing and paving requirements in regard to the zoning I have requested as witnessed by my signature.

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

Nelson Brauning
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

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

RECEIPT NO. 02023588

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

SIGN DEPOSIT \$ 50.00

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

PLANNING COMMISSION ACTION: _____ DATE: _____

CITY COMMISSION ACTION: _____ DATE: _____

PLACE ON ZONING MAP: _____ ORDINANCE NO.: _____

2155205

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P05-17

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

The property requesting rezoning is described as follows:

A tract of land described as beginning at a point 1378 feet North of the Southeast Corner of the Southeast Quarter (SE/4) of Section Thirty-one (31), Township Eleven (11) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; THENCE North 112 feet; THENCE West 389 feet; THENCE South 112 feet; THENCE East 398 feet to the POINT OF BEGINNING.

General Location Known As:	<u>4720 N. Harrison Street, Shawnee, OK</u>
Current Zoning Classification:	<u>A-1; Rural Agricultural District</u>
Requested Zoning Classification:	<u>C-3; Highway Commercial District</u>
Proposed Use of Property:	<u>Retail Center</u>
Applicant:	<u>Nelmon Brauning</u>

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

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

May 3rd, 2017 AT 1:30 P.M.: CITY OF SHAWNEE PLANNING COMMISSION
May 16th, 2017 AT 6:30 P.M.: CITY OF SHAWNEE CITY COMMISSION

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

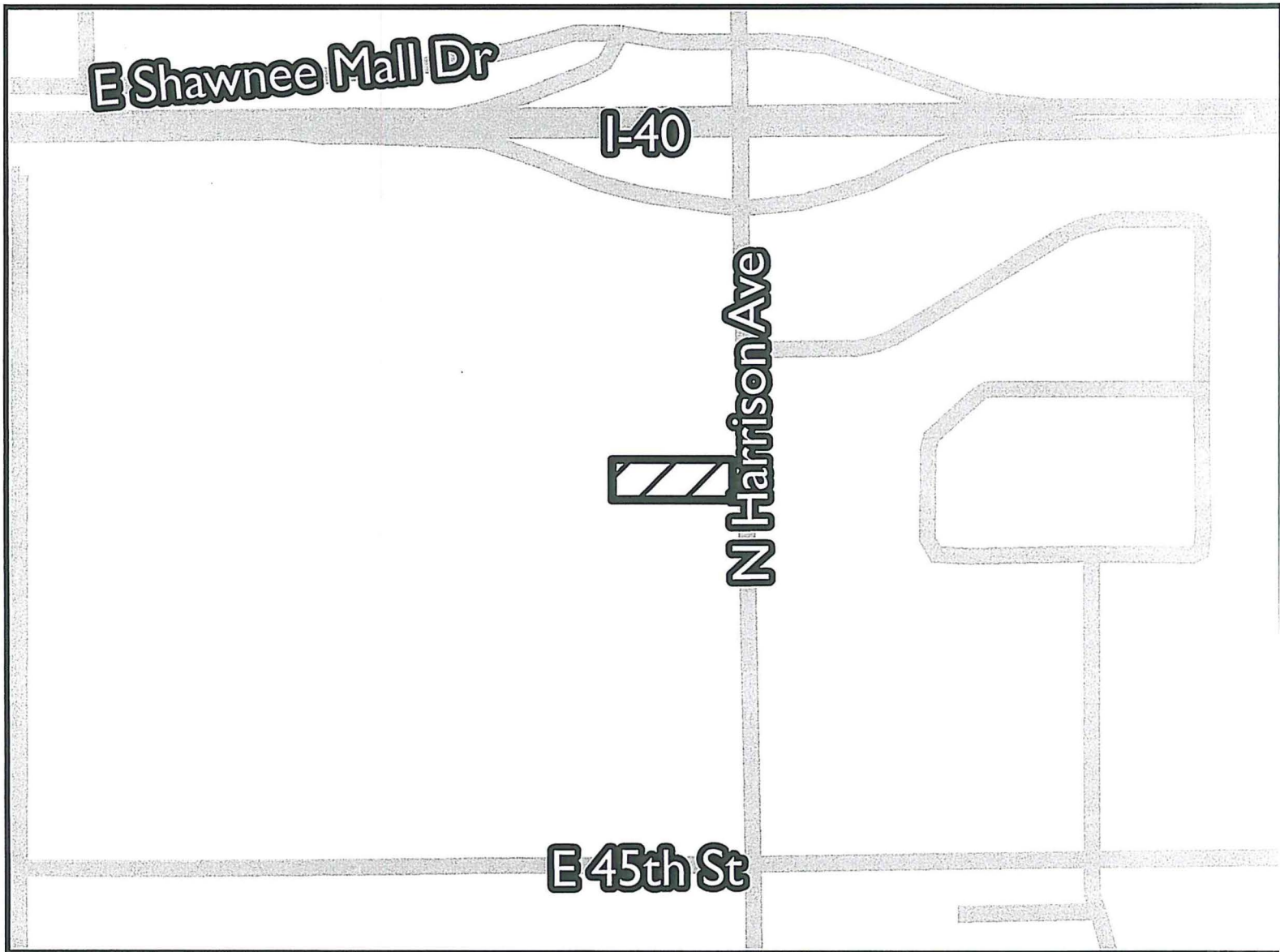
Witness my hand this 13th day of April, 2017.





Phyllis Loftis, City Clerk

CASE# P05-17



(300 FEET RADIUS REPORT)

STATE OF OKLAHOMA)
) §:
COUNTY OF POTTAWATOMIE)

The undersigned bonded abstractor in and for Pottawatomie County, State of Oklahoma, does hereby certify that the following Ownership is true and correct according to the current year's tax rolls in the office of the County Treasurer of Pottawatomie County, Oklahoma, as updated by the records of the County Clerk of Pottawatomie County, Oklahoma; that the owners, as reflected by said records, are based on the last conveyance or final decree of record of certain properties located within 300 feet in all directions of the following described land:

A tract of land described as beginning at a point 1378 feet North of the Southeast Corner of the Southeast Quarter (SE/4) of Section Thirty-one (31), Township Eleven (11) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; THENCE North 112 feet; THENCE West 389 feet; THENCE South 112 feet; THENCE East 398 feet to the POINT OF BEGINNING.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (1), both inclusive.

NOTICE TO CUSTOMERS: This report is released with the understanding that the information is strictly confidential. This report contains information from public land records only and is not to be construed as an abstract of title, opinion of title, title commitment, title insurance policy, or environmental research report. As used herein, the term "public land records" means those land records which under the recording laws of the applicable state, impart constructive notice to the third parties with respect to recorded, unreleased or record instruments memorializing legal interests in real estate. The company suggests that you contact your attorney for matters of a legal nature or legal opinion. We have exercised due care and diligence in preparing this report, however, the Abstractor does not guarantee validity of the title and acceptance of this report by the Company or person(s) for whom this report is made, constitutes agreement and confirmation of the limitation of this report.

Dated: March 24, 2017 at 7:30 AM

First American Title & Trust Company

By: Michelle Cook

Michelle Cook
 Abstractor License No. 3286
 OAB Certificate of Authority # 017
 File No. 2227645-SH99

OWNERSHIP LIST**ORDER NO. 2227645**

DATE PREPARED: March 31, 2017

EFFECTIVE DATE: March 24, 2017 at 7:30 am

OWNER	LOT	BLK	ADDITION
JOHNSON THOMAS T 4720 N HARRISON SHAWNEE OK 74804-0000			93-SU BEG 1378'N SE/C SE N112' W389' S112' E389' POB
EDMONSON RANDY D P O BOX 3003 SHAWNEE OK 74802-0000			BEG 1378'N SE/C SE W348' S200' E348' N200' POB
DHARSHAN INC 4700 N HARRISON SHAWNEE OK 74804-0000			93-SU BEG 1019'N SE/C SE W348' N159' E348' S159' POB. COLONIAL INN
TJT HOLDINGS LC 3701 N HARRISON SHAWNEE OK 74804-0000			BEG SE/C SE TH W389.93'TO POB TH W571.67' TH N02°32'01"W 1379.50' TH E 676' TH S 359' TH E348' TH S520.24' TH S37°52'11"W A DIS 636.01' POB LESS 3.63 ACRES PLATTED INTO SHAWNEE TRANSFER STATION & LESS 1.45 ACRES PLATTED INTO BADARD ADDITION SEC 1
RODGERS KIM 4307 LIBERTY CIRCLE SHAWNEE OK 74804-0000			93-SR BEG NE/C SE S1121' W389' S112' W692' TO E RR R/W N ALG RR R/W TO PT 1204.6'W OF NE/C ETC. LESS .24 AC TO STATE OLD RESTAURANT & HOUSE
SHAWNEE HARRISON LLC P O BOX 1719 CLINTON OK 73601-0000			BEGINNING 150.08'E SW/C W/2 SW/4 N704' W10' N954.52' N10°13'16"E191.27' E278.92' NORTHEASTERLY ALONG SAID SOUTH LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 458.08' A DISTANCE OF 50.57' S1850.12' W331.92' POB