

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:

4/6/2022

1:30 P.M.

Commission Chambers
City Hall, 9th & Broadway
Shawnee, OK 74802-1448

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 4:45 a.m./p.m. on 4/1/2022

SIGNED: Kacie Eck
City Clerk/Deputy Clerk

=====

FOR CITY CLERK'S OFFICE USE ONLY

DATE NOTICE RELEASED TO NEWS MEDIA: 4/1/22

PERSON FILING NOTICE: /s/ Rachel Clyne

NOTICE VERIFIED BY: Kacie Eck

AGENDA
PLANNING COMMISSION of SHAWNEE, OK
Regular Meeting
April 6 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 March 2, 2022
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: Lora Davis and James Hunter
4. *Case No. RZ04-22* -- 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 Nicoletta
5. Community Development Department Updates
6. Commissioners' Comments
7. Adjournment

REGULAR PLANNING COMMISSION MINUTES

DATE: March 2, 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 March 2, 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, Reese, Rowell

Absent: Loftis-Walton, Mew-Palmer

Item 2. Approval of Minutes – Regular meeting

Consideration of approval of the minutes from the regular meeting of February 2, 2022. Chair Deem asked the Planning Commissioners for questions or corrections to the minutes.

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

Motion **passed 5-0-0.**

Aye: Walker, Johnson, Deem, Reese, Rowell

Nay: None

Abstain: None

Chairperson Deem announced she had a conflict of interest with the next agenda item and stepped down from the dais.

Item 3.

Case No. CUP01-22 – Public hearing and consideration of a request for a Conditional Use Permit (CUP) for a guest cottage at 16712 Magnino Road.

Applicants: Lora Davis and James Hunter

Commissioner Walker 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 16712 Magnino Road 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.

Planner Clyne advised the City of Shawnee Zoning Code, Section 22-605. allows for Conditional Use Permits, which shall be reviewed and authorized or rejected with or without special conditions placed on the project. She further explained the conditions for an ADU as listed in the Code, Section 22-120. – Permitted uses.

Staff recommended that the Planning Commission recommend to the City Commission **APPROVAL** of CUP01-22 a request for a Conditional Use Permit (CUP) for an Accessory Dwelling Unit (ADU) for use as a guest cottage at 16712 Magnino Road with the following conditions:

- The guest cottage shall not exceed 600 square feet.
- It shall not be sublet.
- It shall share a common driveway with the principal residence.
- A building permit shall be issued before any guest cottage modifications to the existing structure.
- The guest cottage shall not serve as a residential use until a Certificate of Occupancy is issued.

Commissioner Walker opened the public hearing. The applicant, Jo Davis spoke to the Planning Commissioners and stated that she respected the lake and advised there would be no increase in footprint for this project. She was available for questions. With no other speakers, the public hearing was closed.

Commissioner Reese made a motion to recommend the **APPROVAL** of Case No. **CUP01-22** as presented to the City Commission, which Commissioner Rowell seconded. Following any discussion, the motion **passed 4-0-1**.

Aye: Walker, Johnson, Reese, Rowell

Nay: None

Abstain: Deem

It was announced the item would be heard at the March 21, 2022, City Commission meeting at 6 p.m.

Item 4.

Case No. CUP02-22 -- Public hearing and consideration of a request for a Conditional Use Permit (CUP) for a crematorium at 603 W. Independence Street.

Applicant: Todd Tramel, AE Funeral Services, LLC

Chairperson Deem read the agenda item and asked for a staff report. Planner Clyne provided background information by stating the subject property 603 W. Independence Street and contains a commercial business, AE Funeral Services, LLC. The property is zoned C-3 (Highway Commercial District). A Conditional Use Permit (CUP) allows for the construction of a crematorium in the existing building.

Staff recommended that the Planning Commission recommend to the City Commission **APPROVAL** of **CUP02-22** for a crematorium at 603 W. Independence Street with the following conditions:

- Compliance with the Oklahoma Funeral Licensing Act and all related regulations is required.
- A building permit shall be issued before installing cremation facilities in the existing structure.
- Before functioning as a crematorium, the construction must be inspected and receive final approval from the City's Building Inspectors, including a Certificate of Occupancy.

Chair Deem opened the public hearing. The applicant, Todd Tramel spoke to the Planning Commissioners and stated that there was an increased demand for cremation, and he wanted to provide that service to the people in Shawnee. Mr. Tramel explained that the crematorium would follow all EPA standards, as well as those for the Funeral Board approval. He was available for questions.

Commissioner Walker asked if this (crematorium) would be in addition to the existing funeral home, to which Mr. Tramel stated the crematorium would be a part of the business and advised there was a required separate license. Chair Deem asked the applicant to discuss EP standards.

With no other speakers, the public hearing was closed.

Commissioner Walker made a motion to recommend **APPROVAL** of Case No. **CUP02-22** to the City Commission, which Commissioner Johnson seconded. Following any discussion, the motion **passed 5-0-0**.

Aye: Walker, Johnson, Deem, Reese, Rowell

Nay: None

Abstain: None

It was announced the item would be heard at the March 21, 2022, City Commission meeting at 6 p.m.

Item 5.

Case No. RZ04-22 -- Public hearing and consideration of a request to rezone property located near E. 45th Street and Sydney Drive from R-1 (Single-Family Residential District) to R-3 (Multifamily Residential District).

Applicant: Brenda Wyatt

Chairperson Deem read the agenda item and asked for a staff report. Planner Clyne stated the subject property was located near E. 45th Street and Sydney Drive. The parcel is ±1.8 acres 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). Clyne also provided the zoning districts for the surrounding properties adjacent to the property. She further explained that

rezoning requests for multifamily residential were required to send notice of public hearing to property owners within 1320' of the perimeter of the subject property.

Planner Clyne continued to explain that staff had recommended the R-3 zoning district to allow the applicants as much flexibility as possible because no clear decisions had been made on the actual structure(s) to be built. She referenced a rendering provided by the architect of "Shawnee Lofts" that was an option for the property. Since the parcel is less than two acres, the size of the finished structure was limited to covering a percentage of the actual land. That example demonstrated the maximum number of units, twenty (20), that could fit on the subject property. Planner Clyne emphasized that until Sydney Drive was built to city specifications and accepted by the City Commission, there would be no construction activity on the site.

Staff recommended that the Planning Commission recommend to the City Commission **APPROVAL** of **RZ04-22** for the request to rezone property located near E. 45th Street and Sydney Drive from R-1 (Single-Family Residential District) to R-3 (Multifamily Residential District).

Community Development Director, Rian Harkins, reassured the Planning Commission that during the development process, a building permit application is required. This includes a site plan review that would ensure the necessary screening, parking, and access requirements are correct or addressed. Since this is a speculative rezoning with infrastructure not yet being in place, the site plan would also include a full layout of the design, with the density and height stated along with building locations. If any significant use changes were proposed by the current or future owner, this item would return to the Planning Commission. Otherwise, all reviews will remain at the staff level.

Chair Deem opened the public hearing. Katie Parson of 4504 Churchill voiced her concerns over the project. Damage to her street occurred during construction at the adjacent Wildwood Addition and she fears it could happen again since it's the same property owner. Additionally, Ms. Parson has concerns because there are no specifics to the project and the traffic in the area was already an issue. Lastly, she questioned if low-income housing was a possibility.

Liz Konecki of 46505 Garretts Lake Road stated her mother owns the property adjacent (to the east) to the subject property. Her concerns were about the vagueness of the development. She was okay with townhomes. Her mother opted not to build on the land because of the amount of traffic. Ms. Konecki expressed concern that new owners might do something other than townhomes, which she was okay with, but not more dense development than that.

Rob Morris of 1307 Windsor stated he was basically against the project. He wondered if the applicant list on the agenda was present so people could get answers to their questions. He opined that the application should be deferred since the applicant did not attend the meeting.

Oliva New of 4520 Churchill stated the neighborhood was quiet and both young and older people. She calculated that 20 units would be 40 people, which would be another 40 cars when there is already a traffic problem. Ms. New named specific companies and organizations that contributed

to the traffic congestion. She is not against apartments but does not want an increase in the population of the area.

Michael Mitscher, Mitscher & Associates, is the Architect for the project stated there would be townhomes on the subject property. He advised there would be no Section 8 and no low income—that was not the intent. Mr. Mitscher advised that he was happy to answer any questions. He had some conceptual renderings on his phone. The intent is to build quality housing with a nice aesthetic. The housing development to the north (Wildwood) is different than the project he is representing. He is speaking for Ms. Wyatt, who could not attend, and for Salazar, the developer.

Chair Deem spoke to Mr. Mitscher regarding the concern about future changes because the application was only for zoning not for a development. She opined that some of the nervousness that people were feeling was due to a lack of assurances. Mitscher replied that the only assurance he could give was that he was providing the client with what he was being paid to provide. He continued stating that this was the project he was moving forward with, and it was not just a rezoning but the beginning of a development.

Chair Deem ask the representative about the timeline since Sydney was in a state that would not allow construction to begin. Mr. Mitscher stated that Sydney Drive had curb and gutter. He was not aware of any hold-up. The road was gated but appeared to be finished. Both Mitscher and Deem agreed that traffic was often a concern in every city.

Commissioner Reese asked if there was another opportunity where plans will be approved. Planner Clyne mentioned Director Harkins's earlier comments about site plan review at the staff level. It was associated with but separate from the building permit. With no further comments from the audience, the pubic hearing was closed.

Commissioner Walker made a motion to recommend **APPROVAL** of Case No. **RZ04-22** to the City Commission, which Commissioner Reese seconded. Following any discussion, the motion **passed 5-0-0**.

Aye: Walker, Johnson, Deem, Reese, Rowell

Nay: None

Abstain: None

It was announced the item would be heard at the March 21, 2022, City Commission meeting at 6 p.m.

Item 5. Community Development Department Update

Community Development Director Rian Harkins addressed the Planning Commission and mentioned the addition of the public hearing notice sent to property owners. He pointed out that it was a new format designed to be easier to understand. He asked the Commissioners for

suggestions for changes or additions to staff reports or the notices. Director Harkins responded to questions about the update to the Zoning Code with the Unified Development Code. He replied that there would be several meetings to reach as many people as possible, and it would likely be a two-year process. He also answered queries about the timeframe for CDBG availability and an update on the homeless initiative.

Item 7. Planning Commissioners' Comments

Commissioner Walker asked for an update on the next step for the Lake Advisory Committee. Director Harkins advised staff was working on a draft for an RFP for a Lake Master Plan to be sent to the City Attorney for review.

Chair Deem asked about the timeframe for the Master Lake Plan. Harkins suggested consultant selection would likely occur this summer with community input of the actual plan occurring in the fall.

Item 8. Adjournment

The meeting adjourned at 2:22 p.m.

Chair/Vice-Chair

/s/ Rachel Clyne
City Planner



Planning Commission Meeting – 04.6.2022 – 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: March 24, 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.

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, April 18, 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.: _____



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 – 04.06.2022 – City of Shawnee, Oklahoma

Staff Report – Rezoning Application RZ03-22 – 1015 N. McKinley Ave.

To: Shawnee Planning Commission

From: Rachel Clyne, City Planner

Date: March 23, 2022

Subject: RZ03-22 – Staff Report - Public hearing and consideration of a request to rezone property located at 1015 N. McKinley Avenue from **R-1** (Single-Family Residential District) to **R-3** (Multifamily Residential District).

Background

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 land to the east of the subject property is zoned C-3 (Highway Commercial District). The south, west, and north properties are zoned R-1 (Single-Family Residential District). The exception is across N. McKinley Avenue to the northeast; that property is zoned R-2 (Medium Density Residential District).

The property owner, JBT, LLC has discussed with staff the proposed plan for the development of this lot. JBT's goal is to build a fourplex, which is four (4) units with two (2) different sizes. One unit would be a 2 bed/2bath unit at approximately 965 sq. ft. The other size would be a 3 bed/2 bath unit at approximately 1,365 sq. ft. They have selected Adept Builders, LLC, an Oklahoma City company that is licensed to work in Shawnee to oversee this project.

Discussion

This application request is to rezone from R-1 to R-3 (Multifamily Residential District) with the plan to construct a fourplex residence. This is also known as a “quad” or quadruplex. 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.

One consideration in rezoning requests is the proposed zoning district in relation to the Future Land Use Map (FLUM) of the 2040 Comprehensive Plan. The subject property has the Mixed-Use land use designation. According to the 2040 Comp Plan Mixed Use is described as:

"...areas (that) improve economic performance and opportunities for social interaction, by locating diverse and complementary uses in close proximity. A higher-density mix of housing, major commercial, office, and service uses, and limited low-intensity industrial in suitable locations."

The Mixed Use land use designation runs on the east and west sides of North Harrison Avenue begins north of Main Street and continues to the north until Independence Avenue. The Mixed Use designation begins again on the east side of N. Harrison Avenue from East Federal Street to the north side of East MacArthur Avenue. These locations were selected to implement the uses and forms listed in the comprehensive plan with the following examples:

- A mix of complementary uses, including multi-family residential, large offices, medical buildings, regional commercial, limited industrial, institutional uses such as churches, schools, hospitals, and other regional attractors.
- Higher levels of urban amenities are used to offset the area's intensity level.
- Access to freeways, highways, arterials, and transit, yet still designed around pedestrians.
- A high-connectivity grid pattern provides viable locations for higher intensity land uses and allows multiple access points and routes between uses.

The Mixed Use classification emphasizes design as a way to bridge the gap between uses at the same location. Utilizing a Mixed Use designation is another land use tool for reducing incompatible uses as it allows for a transition from commercial to residential. It is a similar concept to step zoning, which creates buffers between uses. Since the Mixed-Use land use designation is appropriate for select residential and commercial zoning districts, it is compatible with the requested R-3 zoning district.

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. The typical distance for notification of a public hearing is 300' from the perimeter of the subject property. When the rezoning request is for a Multifamily Residential district, notice is extended to 1320' from the property borders. 358 separate property owners were notified of the public hearing to discuss the rezoning request. Approximately twenty (20) notices were returned by the USPS.

Staff fielded less than five (5) phone calls. One resident at 911 N. Tucker is unable to attend the public hearing but asked staff to share her comments. Ms. Jeanete Burrows expressed her concerns about the quality of residents that move into the neighborhood as the existing level of

crime was already too high. With the noted exception, the phone callers requested further information and had no comments, positive or negative.

Additionally, and in accordance with the Zoning Code, 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

Based upon the subject property's proximity to commercial zoning and uses to the east (along N. Harrison Avenue), the compatibility with the 2040 Comprehensive Plan's Future Land Use Map, and extensive notification staff finds the rezoning request acceptable. Given the applicant's intentional planning and preparation for much-needed infill housing, which is limited to a maximum four (4) unit residential structure, staff recommends that 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).

This rezoning application will be heard at the City Commission meeting on Monday, April 18, 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>RZ03-22</u>
Project Number :	_____
Date Filed:	_____
<u>RC</u> 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 R1 District to R3 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 1015 N McKinley Ave, Shawnee, OK 74801

LEGAL DESCRIPTION: LOT:3,4 SUBD: DEXTERS 2ND DEXTER'S 2ND BLK 8 LOTS 3 & 4 LESS 10' X 15' LOT 4

PROPERTY OWNER (S): JBT LLC

PROPERTY AGENT (APPLICANT): Theresa Nicoletto

APPLICANT'S ADDRESS: 1325 N Walker Ave

CITY: Oklahoma City **STATE:** Oklahoma **ZIP:** 73103

EMAIL ADDRESS: hello@jbtpropertiesolutions.com

TELEPHONE NUMBER: (405) 548-5678 **CONTACT NUMBER:** (415) 860-3734

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

CURRENT ZONING: R1 **CURRENT USE:** residential - single family

PROPOSED ZONING: R3 **PROPOSED USE:** residential - duplex

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.

Theresa Nicoletto
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:** _____

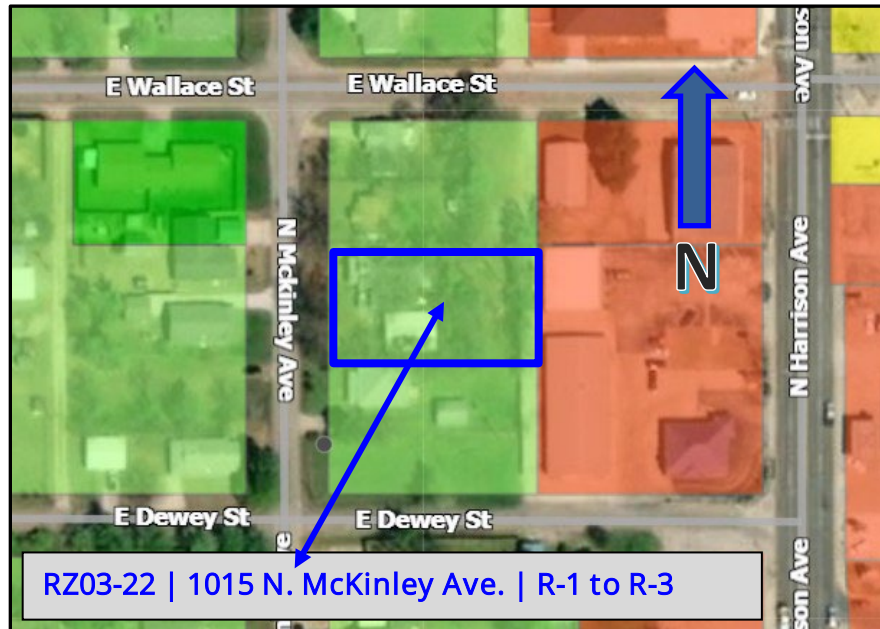
CITY COMMISSION ACTION: _____ **DATE:** _____

PLACE ON ZONING MAP: _____ **ORDINANCE NO.:** _____



For more information

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



RZ03-22 | 1015 N. McKinley Ave. | R-1 to R-3

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 to rezone from R-1 (Single-Family Residential District) to R-3 (Multifamily Residential District)

Applicant: Theresa Nicoletto

Location: 1015 N. McKinley Avenue

Case #: RZ03-22



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 1,320 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 1,320 feet of the subject property may also prepare a protest petition. Staff can supply additional information about the protest petition requirements.

Legal Description:

Lots Three (3) and Four (4), Block Eight (8), DEXTER'S SECOND ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof. LESS AND EXCEPT a tract of land 10 feet by 15 feet situated in the Northeast Corner of said Lot 4, more particularly described as Beginning at the Northeast Corner of said Lot 4; thence West 10 feet; thence South 15 feet; thence East 10 feet; thence North 15 feet to the Point of Beginning.

RZ03-22

20	140	5	16
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1	5	140	30
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5	182.64	16
---	--------	----

E. WALLACE ST.

50

20	140	5	7
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6	5	1023	140	30
---	---	------	-----	----

5	182.45	7
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N. McKinley Ave.
E. Wallace St.

1023

1019

1015

N. McKinley Ave.

unknown

20	140	5	12
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3	1015	140	30
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5	181.32	12
---	--------	----

N. McKINLEY AVE.

ST.

50

20	140	5	7
----	-----	---	---

6	5	140	30
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5	181.13	7
---	--------	---

DEXTER'S
2nd

R703-22

VAR. 8-47 E.

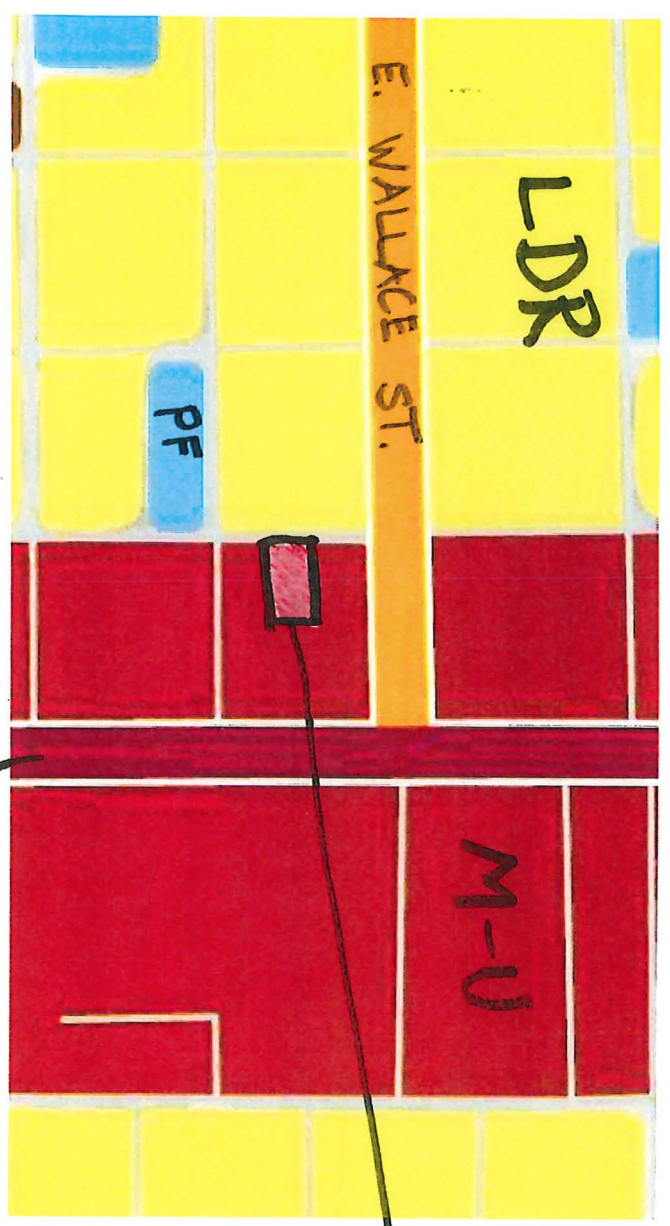
COUNTY

ROAD

182.45

2040 COMPREHENSIVE PLAN

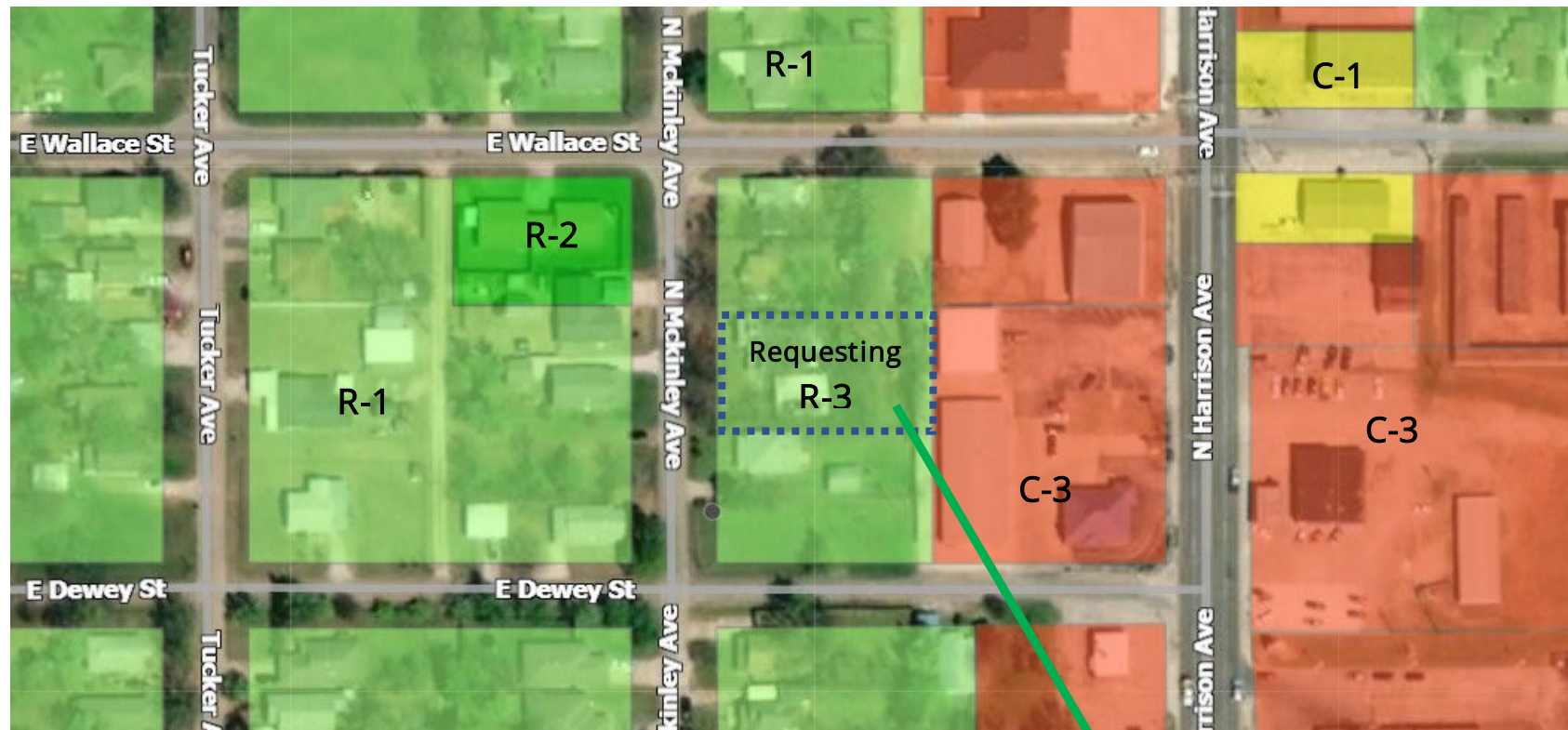
FUTURE LAND USE MAP (FLUM)



LAND USE DESIGNATIONS

-  **LDR** - LOW DENSITY RESIDENTIAL
-  **PF** - PUBLIC FACILITIES / CIVIC
-  **M-U** - MIXED-USE

REZONING DISTRICTS – RZ03-22



- R-1 – Single- Family Residential
- R-2 – Medium Density Residential
- R-3 – Multifamily Residential
- C-1 – Neighborhood Commercial
- C-3 – Highway Commercial

Subject Property
1015 N. McKinley Ave
R-1 to R-3