

## **PLANNING COMMISSION MINUTES**

**DATE: MAY 4<sup>TH</sup>, 2016**

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in the Commission Chambers, at City Hall, 9<sup>th</sup> and Broadway, on Wednesday, May 4<sup>th</sup>, 2016 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:** Morton, Clinard, Kerbs, Bergsten, Cowen, Affentranger

**Absent:** Kienzle

Meeting was called to Order.

### **AGENDA ITEM NO. 2:**

#### **Consideration of Approval of the minutes from the April 6<sup>th</sup>, 2016 Planning Commission Meeting**

Chairman Bergsten asked if the Board had time to review the minutes and if there were any questions or comments. Commissioner Affentranger made a comment to add "City Commissioner" before Lesa Shaw's name in the paragraph on item number six. Commissioner Affentranger then made a motion to approve, seconded by Vice-Chairman Cowen.

Motion passed:

**AYE:** Morton, Clinard, Kerbs, 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:**

#### **Case #P03-16 – A public hearing for consideration of approval of a Planned Unit Development located at 1500 E. Independence St., Shawnee, OK**

**Applicant:     The Landrun Group, LLC**

Chairman Bergsten asked for the staff report. Justin Debruin presented the staff report. Mr. Debruin described the property as being twelve acres in size with a request to add twenty six single family homes and twelve duplexes for a total of fifty dwellings. Justin Debruin discussed negotiations and a better conceptual plan to clear up some language as well as the listed amenities. Mr. Debruin mentioned that some areas in request could be changed at a later time since the applicant is only in the rezone phase. Justin Debruin stated documentation looks appropriate and went over the number of driveways as well as comparing the previously approved plat for Tamarack at the same location. Mr. Debruin stated that staff had no objection and would answer any questions. Commissioner Kerbs asked for clarification on the "possible amenities" listed and if the sidewalk would be required. Justin Debruin informed him the

sidewalk would be required and the only optional amenity would be the walking trail and would not be approved without those amenities. Mr. Debruin stated they could make that a condition if needed. Chairman Bergsten mentioned counting only 23 homes and Justin Debruin stated he included the additional three on the southwest corner. Vice-Chairman Cowen asked if the city engineering department would address the concerns regarding the drainage and flooding and Mr. Debruin agreed. Chairman Bergsten discussed drainage concerns in a protest letter regarding a surrounding homeowner's yard and Justin Debruin stated that would be addressed to follow natural drainage pattern to not disturb the homeowners. Commissioner Affentranger asked if the half street improvement would be completed on the side of development and Mr. Debruin agreed and provided an explanation of construction. Commissioner Affentranger also asked if entrances to units off Elm Street would increase traffic and Mr. Debruin offered that the City may need to look into any additional improvements on Elm Street. Commissioner Kerbs asked about processes of work not being completed if request was approved and what zoning it would revert back to and Mr. Debruin explained details. Commissioner Clinard asked how property association dues would be collected and Justin Debruin informed her that the property owner representative was available to answer her question. Commissioner Clinard also asked why the City would not require a better solution to drainage issues if there was one available and Mr. Debruin discussed reasoning. Commissioner Kerbs asked if builder could start construction and build with minimum standards right after final plat approval and Mr. Debruin confirmed this and went over an explanation of minimum standards. Commissioner Clinard asked about the intent of a PUD and how specifically the innovative design portion relates to it. Justin Debruin spoke about what the City has went by in the past and went over code updates. Chairman Bergsten asked if there were any other questions for staff. There were none and Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition would like to come forward. City Commissioner Lesa Shaw, Christopher Aston, Roger Henson and Charles Junior spoke in opposition. Their discussions included, but were not limited to, the neighborhood not wanting request, safety needs, flooding/drainage concerns, way of life, wildlife, decrease of property values, consistency, Elm Street road conditions and duplex complaints. Chairman Bergsten asked if anyone in favor would like to come forward. Darrin Marical came forward and stated the applicants took into consideration the requests of the surrounding property owners and planning department, stated the need for higher end rental properties in Shawnee, the applicants' ties to Shawnee and asked for approval on the request. Chairman Bergsten asked if anyone else would like to speak in favor. No one came forward and Chairman Bergsten closed the public portion of the meeting and asked if the Commissioners had any additional questions. Commissioner Kerbs asked Christopher Aston if the problem is with the multi-family rentals or would it work if they were sold. Mr. Aston stated it was for the multi-family that they are against. Vice-Chairman Cowen stated the existing water problems are not the developers issues as long as they do not make them worse and the animals were impacted when Emerald Forest was constructed and is not an issue here. Chairman Bergsten also mentioned that the Commissioners do have to consider the citizens, the City and the developer in making their decision but at the same time they have to go by the rules as they are set up and it appears that there was a lot of effort made to address the concerns. Commissioner Affentranger asked if the design for storm water drainage would be addressed at preliminary plat stage if request was approved and Mr. Debruin agreed it would be addressed at both preliminary and final plat stages. Commissioner Affentranger also stated he believed the developer was accurate with the need to have higher end rentals and also understood the concerns of the citizens for flooding and traffic but could be addressed further down the road. Chairman Bergsten asked if there were any other questions or a motion. Vice-Chairman Cowen made a motion to approve subject to staff conditions, seconded by Commissioner Affentranger.

Motion failed:

**AYE:** Bergsten, Cowen, Affentranger

**NAY:** Morton, Clinard, Kerbs

**ABSTAIN:**

**AGENDA ITEM NO. 5:**

**Case #S06-16 –Consideration of approval of a Preliminary Plat for Shawnee Park, located at the southeastern corner of Transportation Drive and North Harrison St., Shawnee, OK**

**Applicant: Kaw Valley Engineering, INC**

Chairman Bergsten asked for the staff report. Justin Debruin presented the staff report. Mr. Debruin informed the Board that the request is for a two lot plat on ten acres with a total of one hundred and eight dwelling units. They are for R-3 zoned multi-family units and were approved for tax credits on lot one. The use on lot two is unknown. Justin Debruin discussed the conditions and stated that staff does recommend approval. Commissioner Kerbs asked if both developments would be income qualified and Mr. Debruin confirmed it would be for lot one. Vice-Chairman described the tax credits. Commissioner Clinard asked if there were individual shelters for complex and Mr. Debruin stated the representative for applicant could answer. Commissioner Kerbs asked if there was no requirement for shelters to be installed and Mr. Debruin agreed. Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition would like to come forward. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. Michael Osbourn came forward and discussed specifications regarding development. Commissioner Kerbs asked the percentage of assisted and Mr. Osbourn explained process for tax credit. Commissioner Kerbs asked if the company typically picks locations around C-3 zoned areas and Mr. Osbourn informed him the location to other services and the current zoning of property was used in finalizing this location. Commissioner Morton asked if they knew the school district associated with area and the Commissioners believed it to be the North Rock Creek district. Commissioner Clinard asked about the storm shelter she previously brought up and Mr. Osbourn mentioned that the shelters would fit all occupants within complex. Commissioner Kerbs asked for a comparable property close to Shawnee that the applicant has done and Mr. Osbourn informed him of different locations statewide. Chairman Bergsten asked if anyone else would like to speak in favor. No one came forward. Chairman Bergsten closed the public portion of the meeting and asked if there were any other questions or comments. Commissioner Kerbs asked about differences between the tax credit at development and Section Eight. Mr. Osbourn explained differences to board. Commissioner Morton asked if persons not working at all could not stay there and Mr. Osbourn stated if they have income they can live there. Commissioner Morton also asked about security on site and Mr. Osbourn said they would have a management and maintenance person there. Commissioner Kerbs asked if phase one was lot one and Mr. Debruin agreed and Commissioner Kerbs also asked if Shawnee had something similar to this development and Justin Debruin mentioned Chapel Ridge as comparable. Chairman Bergsten asked if there were any other questions or a motion. Commissioner Affentranger made a motion to approve with conditions, seconded by Vice-Chairman Cowen.

Motion passed:

**AYE:** Morton, Clinard, Kerbs, Bergsten, Cowen, Affentranger

**NAY:**

**ABSTAIN:**

**AGENDA ITEM NO. 6:**

**Case #S09-16 –Consideration of approval of a Preliminary Plat for Belmont Park Phase II, located at the northeast corner of MacArthur St. and Acme Rd., Shawnee, OK**

**Applicant: Belmont Park, LLC**

Chairman Bergsten asked for the staff report. Brittney Burton presented the staff report. Ms. Burton informed the board that the multi-family zoned property is around eight acres in size and the applicant requests to develop twenty two lots; twenty of those lots to be multi-family and two to be commercial. Brittney Burton

stated a concern from staff is regarding the pipeline easement situated on property and staff will have to receive a letter of allowance before construction can begin. Ms. Burton mentioned that a common area, six foot sidewalk, shared parking and sewer and water lines are associated with the property. Brittney Burton stated staff recommends approval with conditions. Commissioner Morton asked if entrance came off MacArthur Street and Ms. Burton agreed. Commissioner Kerbs asked for current zoning. Brittney Burton stated it was R-3 & C-3 and Commissioner Kerbs also asked if zoning allowed for request. Mr. Debruin informed him it would for duplexes. Commissioner Affentranger asked if development could not be constructed if letter for easement was not obtained and Brittney Burton stated it could be developed away from the easement. Commissioner Kerbs asked if the six foot sidewalk is the largest required and Mr. Debruin agreed. Chairman Bergsten asked if there were any other questions. There were none and Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition would like to come forward. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. Mark Grubbs came forward and spoke in favor. Commissioner Kerbs asked for clarification between a retention and detention pond. Mr. Grubbs explained the differences. Chairman Bergsten asked if anyone else would like to speak in favor. No one came forward. Chairman Bergsten closed the public portion of the meeting and asked if there were any other questions or a motion. Commissioner Kerbs made a motion to approve with conditions, seconded by Commissioner Clinard.

Motion passed:

**AYE:** Morton, Clinard, Kerbs, Bergsten, Cowen, Affentranger

**NAY:**

**ABSTAIN:**

**AGENDA ITEM NO. 7:**

**Case #S11-16 – Consideration of approval of a Final Plat for Rolling Hills Addition, Phase I, located at the northeast corner of Main St. and Bryan Ave., Shawnee, OK**

**Applicant: Absentee Shawnee Housing Authority**

Chairman Bergsten asked for the staff report. Justin Debruin presented the staff report. Mr. Debruin informed the Commissioners that the final plat request for phase one sits on around nine acres with a previously approved community center. Justin Debruin mentioned that the project will have twelve new single family dwellings with a common area and trail. Mr. Debruin stated all designs and plans looked good and staff recommends approval with requirements. Commissioner Kerbs asked if Bryan was a collector street and Justin Debruin explained to him that it was being that far south. Commissioner Kerbs also asked about the four foot sidewalk and Mr. Debruin told him he believed it to be around the same size. Chairman Bergsten asked about the home that already sits on the property and Mr. Debruin stated that it is incorporated and will not be sold separately. Chairman Bergsten asked if there were any other questions. There were none and Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition would like to come forward. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. Sean Mcgraw came forward to speak. Commissioner Morton asked about the existing community center on property and Mr. Debruin explained the approval process for it. Chairman Bergsten asked if anyone else would like to speak in favor. No one came forward. Chairman Bergsten closed the public portion of the meeting and asked if there were any other questions or a motion. Commissioner Clinard made a motion to approve with conditions from staff, seconded by Commissioner Kerbs.

Motion passed:

**AYE:** Morton, Clinard, Kerbs, Bergsten, Cowen

**NAY:**

**ABSTAIN:** Affentranger

**AGENDA ITEM NO. 8:**

**A public hearing for consideration of an ordinance allowing  
Ground Floor Residential uses in the Central Business District  
(C-4)**

**Applicant: City of Shawnee**

Justin Debruin came forward to discuss the ordinance for ground floor residential uses downtown. Commissioner Kerbs asked why fifty percent. Mr. Debruin stated staff and research believe that it is important to not affect the character or quality of the area. Commissioner Kerbs asked how staff would handle corner lots. Justin Debruin mentioned adding "primary" into the terminology to ease that issue. Commissioner Clinard and Commissioner Kerbs discussed corner lots. Commissioner Clinard asked how the litigation standpoint worked and Mr. Debruin gave an explanation. Commissioner Kerbs asked about a discretion for the conditional use permit holding true. Mike with Stuart Clover spoke in regards to discussion. Chairman Bergsten asked if there were any questions or a motion. Commissioner Kerbs made a motion to approve, seconded by Commissioner Clinard.

Motion passed:

**AYE:** Morton, Clinard, Kerbs, Bergsten, Cowen, Affentranger

**NAY:**

**ABSTAIN:**

**AGENDA ITEM NO. 9:**

**Planning Director's Report**

Justin Debruin discussed being advocates for making changes to the code and stated he notated comments and concerns over last several months. Commissioner Clinard asked how long it would take to update code and Mr. Debruin discussed timelines for zoning, comprehensive plan and subdivision regulations. Commissioner Kerbs asked what the Board could do to help facilitate changes and asked about hiring consultants and Mr. Debruin stated costs and amount of work as some considerations. Justin Debruin discussed taking a couple months to give better explanations and also stated he would like to discuss information regarding a HUD conference he went to for the Commissioners.

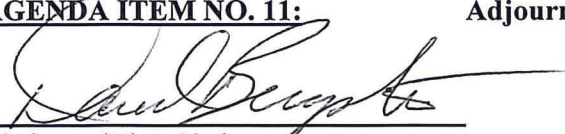
**AGENDA ITEM NO. 10:**

**Commissioners Comments and/or New Business**

Chairman Bergsten asked about announcing minutes correctly earlier in meeting. Commissioner Kerbs discussed looking outside of our realm when working on the subdivision codes. Commissioner Clinard brought up water runoff issues needing to be addressed. Justin Debruin mentioned incorporating a dirt move permit in future. Commissioner Kerbs addressed the zoning board of adjustments. Chairman Bergsten asked about an update on The Garage restaurant and maybe other businesses along Kickapoo street. Justin Debruin stated The Garage is looking to open around beginning of June and Marketplace may be getting a building permit turned in soon for phase one. St. Anthony addition was completed fast and Pizza Hut by Villagio is getting a new plan turned in. Chairman Bergsten spoke about the pond in Wyndemere addition and the issues with flooding and mud runoff.

**AGENDA ITEM NO. 11:**

**Adjournment**

  
Chairman/Vice-Chairman

*Cheyenne Lincoln*  
Planning Commission Secretary