

AGENDA
BOARD OF CITY COMMISSIONERS
March 19, 2012 AT 6:30 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

REV. AMY PERKINS

UNITED PRESBYTERIAN CHURCH

FLAG SALUTE

1. Consider approval of Agenda:
2. Consider approval of Consent Agenda:
 - a. Minutes from the March 5, 2012 meeting.
 - b. Budget Amendment Street Fund 301
Insurance check for totaled police car
 - c. Budget Amendment Streets Fund 302
State Grant Money
 - d. Acknowledge the following minutes and reports:
 - Beautification Committee minutes from February 9, 2012
 - Planning Commission minutes from February 1, 2012
 - Shawnee Urban Renewal Authority minutes from February 7, 2012
 - License Payment report for February 1-29, 2012
 - Project Payment report for February 1-29, 2012
 - e. Lake Site Lease Transfer
 - Lot 11 Belcher Tract, 15609 Nickens Road
From: V. Ziegler and D. Ziegler
To: C. Warmington and C. Warmington
 - f. Approve contract with Price Group Architects, PLLC for engineering of the library reroofing project.
 - g. Approve contract with Excel Auctions, LLC to auction vehicles declared surplus at the March 5, 2011 meeting.

3. Citizens Participation
(A three minute limit per person)
(A twelve minute limit per topic)
4. Mayor's Proclamation
"Arbor Week"
March 25-31, 2012
5. Public hearing and consider an ordinance modifying Section 3-216 of the Shawnee Municipal Code as recommended by the Shawnee Planning Commission.
6. Public hearing and consider an ordinance to rezone property located at 3930 N. Kickapoo Street from R-1; Single Family Residential to C-3; Automotive, Commercial and Recreation. Case #P06-12 Applicant: Seminole Ice House, LLC
7. Public hearing and consider an ordinance to rezone property located at the NE corner of MacArthur and Acme Road from A-1; Agricultural to C-3; Automotive, Commercial and Recreation and R-3; Multi-Family. Case #P07-12 Applicant: E. Allen Cowen, II
8. Public hearing and consider an ordinance to rezone property located at 4650 N. Harrison Street from A-1; Agricultural to C-3; Automotive, Commercial and Recreation. Case #P05-12 Applicant: TJT Holdings, LC
9. Consider approval of preliminary and final plats for Bodard Addition Section I located at the NW Corner of 45th Street and Harrison Street. Case #S05-12 and #S06-12 Applicant: TJT Holdings, LC
10. Consider agreement with the Citizen Potawatomi Nation to provide funding for the southbound lanes of the James W. Allen bridge along Gordon Cooper across the North Canadian River.
11. Acknowledge Sales Tax report received March, 2012.
12. Presentation on Municipal Pool repair costs.
13. New Business
(Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)
14. Administrative Reports
15. Commissioners Comments
16. Consider an Executive Session to discuss status of ULP's (PERB Case Nos. 496 and 499) and Collective Bargaining Agreement with the IUPA, Local No. 3, for FY2011-2012 and FY2012-2013 as authorized by 25 O.S. §307(B)(2).
17. Consider matters discussed in Executive Session regarding status of ULP's (PERB Case Nos. 496 and 499) and Collective Bargaining Agreement with the IUPA, Local No. 3, for FY2011-2012 and FY2012-2013 as authorized by 25 O.S. §307(B)(2).

18. Adjournment

Respectfully submitted

Phyllis Loftis, City Clerk

The City of Shawnee encourages participation from its citizens in public meetings. If participation is not possible due to a disability, notify the City Clerk, in writing, at least forty-eight hours prior to the scheduled meeting and necessary accommodations will be made. (ADA 28 CFR/36)

Regular Board of Commissioners

2. a.

Meeting Date: 03/19/2012

Minutes March 5, 2012

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Minutes from the March 5, 2012 meeting.

Attachments

Comm minutes 3-5-12

BOARD OF CITY COMMISSIONERS PROCEEDINGS
MARCH 5, 2012 AT 6:30 P.M.

The Board of City Commissioners of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in Regular Session in the Commission Chambers at City Hall, 9th and Broadway, Shawnee, Oklahoma, Monday, March 5, 2012 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Mayor Peterson presided and called the meeting to order. Upon roll call, the following members were in attendance.

Linda Peterson

Mayor

Absent

Commissioner Ward 1

Frank Sims

Commissioner Ward 2

James Harrod

Commissioner Ward 3

Billy Collier

Commissioner Ward 4-Vice Mayor

John Winterringer

Commissioner Ward 5

Steve Smith

Commissioner Ward 6

ABSENT: Pam Stephens

INVOCATION

Rev. Ray Belford
First Christian Church

FLAG SALUTE

AGENDA ITEM NO. 1:

Consider approval of Agenda.

A motion was made by Vice Mayor Collier, seconded by Commissioner Sims, to approve the Agenda. Motion carried 6-0.

AYE: Collier, Sims, Harrod, Peterson, Winterringer, Smith

NAY: None

AGENDA ITEM NO. 2:

Consider approval of Consent Agenda:

- a. Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids as set forth in Agenda Item Number 3 of the Shawnee Municipal Authority.
- b. Minutes from the February 21, 2012 regular meeting.
- c. Acknowledge the following minutes:
 - Shawnee Civic and Cultural Development Authority minutes from December 19, 2011, December 29, 2011 and January 19, 2012
 - Airport Advisory Board minutes from November 16, 2011 and January 18, 2012
 - Traffic Commission minutes from January 24, 2012

d. Lake Lease Transfers and Renewals:

Transfers:

- Lot 2 Coffman Tract, 15405 Perry Road
From: J. Vrana and B. Vrana
To: K. Yingling and M. Yingling
- Lot 5 Magnino Tract, 16516 Archery Range Road
From: B. Jennings and R. Jennings
To: B. Jennings and M. Jennings
- Lot 4 Magnino Tract, 16512 Archery Range Road
From: B. Jennings and R. Jennings
To: B. Jennings and M. Jennings

Renewals:

- Lot 7 Mosler Tract, 16308 Archery Range Road
R. Davis
- Lot 2 Roewe Tract, 15513 Perry Road
D. Bradley
- Lot 13 Magnino Tract, 16708 Clearpond Road
S. Parsons

- Lot 18 Belcher Tract, 33400 Post Office Neck
B. Slaughter and P. Slaughter Revocable Trust
 - Lot 1 Hart Tract, 16101 Hart Road
J. Bracklein
- e. Traffic Commission Board Recommendations from February 28, 2012 and Agenda Information
 - f. Acknowledge waiving Sections 8-431 and 8-434 of the Code of the City of Shawnee involving garage sale licenses and fees for the days of April 13-15, 2012 to help citizens prepare for the City's annual Spring clean-up efforts.
 - g. Approve Resolution No. 6421 declaring certain items surplus property and authorizing sale and disposal of said items.
 - h. Staff requests permission to bid on a mobile stage for special events. Funds will come from the Parks Department Capital Outlay Budget.

Commissioner Harrod requested that Consent Agenda Item No. 2h be pulled for separate consideration. A motion was made by Commissioner Sims, seconded by Vice Mayor Collier, to approve the Consent Agenda Items a-g, less item h. Motion carried 6-0.

AYE: Sims, Collier, Winterringer, Smith, Harrod, Peterson

NAY: None

Regarding Consent Agenda Item 2h, Commissioner Harrod made a motion to table this item until the total cost for the municipal pool repair is received. Commissioner Smith seconded the motion for discussion purposes. Director of Operations James Bryce addressed the proposed uses for the mobile stage, including many different events and venues and noted it is large enough for band concerts. He further noted that the stage is a budgeted item in the current budget. Commissioner Harrod stated he is not opposed to the stage, but does not want to spend \$75,000.00 while there are other needs such as the pool repair to be funded.

The Mayor called for a vote on the previous motion to table the request to advertise for bids for a mobile stage. Motion carried 4-2

AYE: Harrod, Smith, Peterson, Winterringer
NAY: Sims, Collier

AGENDA ITEM NO. 3: Citizens Participation
(A three minute limit per person)
(A twelve minute limit per topic)

Mr. Jack Barrett thanked the Commission for their hard work during the recent sales tax and bond issue election. He further challenged those who voted against the proposals to help find solutions to the city's needs. He also spoke in support of City Manager Brian McDougal.

AGENDA ITEM NO. 4: Consideration of an ordinance annexing property located northwest of the intersection of MacArthur Street and Acme Road, just east of Highway 177. Applicant: Kickapoo Tribe of Oklahoma (*Continued from the December 19, 2011 meeting, January 17, 2012, February 6, 2012 and February 21, 2012*)

A motion was made by Commissioner Sims, seconded by Commissioner Smith, to approve the ordinance annexing property located northwest of the intersection of MacArthur Street and Acme Road, just east of Highway 177.

Ordinance No. 2472NS was introduced and the title read aloud.

AN ORDINANCE ANNEXING CERTAIN TERRITORY AND PROPERTY OUTSIDE THE PRESENT CITY LIMITS INTO THE CITY LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, PURSUANT TO TITLE 11 OF THE OKLAHOMA STATUTES; DESCRIBING SAID PROPERTY; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR SEVERABILITY.

Motion carried 6-0.

AYE: Sims, Smith, Harrod, Peterson, Collier, Winterringer
NAY: None

AGENDA ITEM NO. 5:

Consider a resolution authorizing Mayor Linda Peterson to nominate Brian McDougal to fill a vacancy on the Board of Trustees of the Oklahoma Municipal Assurance Group (OMAG).

Resolution No. 6422 was introduced and the title read aloud.

A RESOLUTION AUTHORIZING AND DIRECTING LINDA PETERSON, MAYOR AND AUTHORIZED AGENT OF THE CITY OF SHAWNEE TO NOMINATE BRIAN MCDUGAL TO FILL A VACANCY ON THE BOARD OF TRUSTEES OF THE OKLAHOMA MUNICIPAL ASSURANCE GROUP FOR A THREE-YEAR TERM COMMENCING ON JULY 1, 2012.

A motion was made by Commissioner Winterringer, seconded by Vice Mayor Collier, to approve a Resolution authorizing Mayor Linda Peterson to nominate Brian McDougal to fill a vacancy on the Board of Trustees of the Oklahoma Municipal Assurance Group (OMAG). Motion Carried 6-0.

AYE: Winterringer, Collier, Smith, Sims, Harrod, Peterson

NAY: None

AGENDA ITEM NO. 6:

New Business (Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)

There was no New Business.

AGENDA ITEM NO. 7:

Administrative Reports

Community Development Director Justin Erickson introduced Assistant City Planner Stephanie Clary to the Commission.

AGENDA ITEM NO. 8:

Commissioners Comments

Commissioner Harrod had questions regarding the enforcement of city ordinances to prevent “panhandling” within the city. City Attorney Mary Ann

Karns stated that the police were already taking steps to remove the panhandling individuals from their current locations and the traffic department will post signs prohibiting loitering. She also noted that successful enforcement of this will take constant effort on behalf of the police.

Commissioner Harrod also asked if a date had been scheduled for the dedication of the transfer station. City Manager McDougal was not aware of the date, but would find out and let Commissioners know.

MAYOR PETERSON INVOKED HER POWER AS CHAIR TO RECESS THE CITY COMMISSION MEETING AND OPEN THE SHAWNEE MUNICIPAL AUTHORITY AND THE SHAWNEE AIRPORT AUTHORITY MEETINGS. (6:48 p.m.)

MAYOR PETERSON INVOKED HER POWER AS CHAIR TO RECONVENE THE CITY COMMISSION MEETING. (6:55 p.m.)

AGENDA ITEM NO. 9: Consider an Executive Session to discuss City Manager's evaluation pursuant to 25 O.S. §307(B)(1).

A motion was made by Vice Mayor Collier, seconded by Commissioner Winterringer, to enter into Executive Session to discuss City Manager's evaluation pursuant to 25 O.S. §307(B)(1). Motion carried 6-0.

AYE: Collier, Winterringer, Smith, Sims, Harrod, Peterson
NAY: None

AGENDA ITEM NO. 10: Consider an Executive Session to discuss City Attorney's evaluation pursuant to 25 O.S. §307(B)(1).

A motion was made by Vice Mayor Collier, seconded by Commissioner Smith, to enter into Executive Session to discuss City Attorney's evaluation pursuant to 25 O.S. §307(B)(1). Motion carried 6-0.

AYE: Collier, Smith, Sims, Harrod, Peterson, Winterringer
NAY: None

COMMISSION ENTERS EXECUTIVE SESSION AT 6:56 P.M.

COMMISSION RETURNS FROM EXECUTIVE SESSION WITH SIX COMMISSIONERS PRESENT AT 9:39 P.M.

AGENDA ITEM NO. 11: Consider matters discussed in Executive Session regarding City Manager's evaluation pursuant to 25 O.S. §307(B)(1).

A motion was made by Commissioner Sims, seconded by Vice Mayor Collier, to extend and modify the employment agreement with the City Manager; specifically Section B changing the agreement expiration date from June 30, 2014 to June 30, 2015 and changing Section 2(a) from 90 days to 180 days in both instances mentioned in that subsection. Motion carried 5-1.

AYE: Sims, Collier, Winterringer, Peterson
NAY: Harrod

AGENDA ITEM NO. 12: Consider matters discussed in Executive Session regarding City Attorney's evaluation pursuant to 25 O.S. §307(B)(1).

A motion was made by Commissioner Sims, seconded by Commissioner Smith, to renew the agreement with the City Attorney for the FY 2012-2013 through June 30, 2013. Motion carried 6-0.

AYE: Sims, Smith, Harrod, Peterson, Collier, Winterringer
NAY: None

AGENDA ITEM NO. 13: Adjournment

There being no further business to be considered, a motion was made by Commissioner Sims, seconded by Commissioner Smith, that the meeting be adjourned. Motion carried 6-0. (9:44 p.m.)

AYE: Sims, Smith, Harrod, Peterson, Collier, Winterringer
NAY: None

LINDA PETERSON, MAYOR

ATTEST:

PHYLLIS LOFTIS, CITY CLERK

Regular Board of Commissioners

2. b.

Meeting Date: 03/19/2012

Budget Amendment

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Budget Amendment Street Fund 301
Insurance check for totaled police car

Attachments

Budget Amend Insurance Reimburse

Estimated Revenue, Fund Balance, or Transfers IN

Fund Number	Account Number	Project Code	Line Item	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
301	4825			REFUND AND REIMBURSEMENTS	-	10,588.70	10,588.70
							-
							-
				Total		10,588.70	10,588.70

Appropriations

Fund Number	Account Number	Project Code	Line Item	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
301	5-0620-5450			CAPITAL OUTLAY-EQUIPMENT	78,350.00	10,588.70	88,938.70
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
					78,350.00	10,588.70	88,938.70

Approved by the City Commission this

INSURANCE CHECK FOR TOTALED POLICE CAR

Approved:

Mayor

Attest:

Posted By _____ Date _____ BA# _____ Pkt.# _____

Regular Board of Commissioners

2. c.

Meeting Date: 03/19/2012

Budget Amendment

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Budget Amendment Streets Fund 302

State Grant Money

Attachments

Budget Amend State Grant Money

Estimated Revenue, Fund Balance, or Transfers IN

Fund Number	Account Number	Project Code	Line Item	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
302	4102			State Grant Money	-	164,145.72	164,145.72
							-
							-
							-
				Total		164,145.72	164,145.72

Appropriations

Fund Number	Account Number	Project Code	Line Item	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
302	5-0850-5480	208		CAPITAL OUTLAY-STREETS	1,835,445.00	164,145.72	1,999,590.72
						-	-
						-	-
						-	-
						-	-
						-	-
						-	-
						-	-
						-	-
						-	-
						-	-
						-	-
						-	-
						-	-
						-	-
						-	-
						-	-
						-	-
					1,835,445.00	164,145.72	1,999,590.72

Approved by the City Commission this

amend the budget for ODOT money that we received

Approved:

Mayor

Attest:

Posted By _____ Date _____ BA# _____ Pkt.# _____

Regular Board of Commissioners

2. d.

Meeting Date: 03/19/2012

Minutes and Reports

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge the following minutes and reports:

- Beautification Committee minutes from February 9, 2012
- Planning Commission minutes from February 1, 2012
- Shawnee Urban Renewal Authority minutes from February 7, 2012
- License Payment report for February 1-29, 2012
- Project Payment report for February 1-29, 2012

Attachments

Beautification Comm

Planning Commission

SURA

License Payment Report

Project Payment Report

Mayor
LINDA PETERSON



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Commissioners
PAM STEPHENS
FRANK SIMS
JAMES HARROD
BILLY COLLIER
JOHN WINTERRINGER
STEVE SMITH

Minutes
Shawnee Beautification Committee
February 9, 2012

The Shawnee Beautification Committee met in the EOC Room
The meeting was called to order at 4:05 pm

Roll Call was taken showing the following members present:

Member	Robert Cash, Chairman
Member	Paul Malley, Vice Chairman
Member	Nancy Ford
Absent	Janet Turner
Member	Tom Terry
Member	Linda Malley
City Staff	James Bryce
City Staff	Justin Erickson
City Staff	Whisper Peace

-
- AGENDA NO 2** **Roll Call and Declaration of a Quorum.** Roll was called and a quorum was declared.
- AGENDA NO 3** **Approved Minutes for January 2012.** The minutes for January 2012 were approved with a motion made by Nancy Ford and 2nd by Linda Malley. The motion carried unanimously.
- AGENDA NO 4** **Election of vice Chairman (James Bryce)** Tom Terry nominated Paul Malley for Vice Chairman with a motion. It was 2nd by Nancy Ford and Paul Malley accepted.
- AGENDA NO 5** **Discussion about June 7th Meeting. (James Bryce)** Discussion was made on the June 7th meeting being held on the first Thursday of the month instead of the second Thursday. The group agreed to keep this date as it is instead of changing it.
- AGENDA NO 6** **Old Business.** James Bryce mentioned the Harrison and I-40 Median Project will need to be rebid due to ODOT requirements.

Tom Terry discussed the Main St. parking problems and suggested store owners should encourage their staff to park in the lots on 7th St.

- AGENDA NO 7** **New Business.** Nancy Ford discussed the need for the burnt buildings on Main St. to be cleaned up.
Discussion was made on billboards. The Beautification Committee is unanimously in favor of a complete ban. A Motion was made by Nancy Ford and 2nd by Tom Terry.
Robert Cash discussed the Kickapoo Macarthur decorative Lights and he mentioned they looked nice.
- AGENDA NO 8** **Comments.** Discussion was made on April 21st Trash Off Day and County Wide Meeting for Trash Off on February 23rd.
- AGENDA NO 9** **Adjournment.** The meeting adjourned unanimously at 4:50 pm.

Robert Cash
Chairman, Robert Cash

3-8-12
Date

PLANNING COMMISSION MINUTES

DATE: February 1, 2012

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in Commission Chambers, at City Hall, 9th and Broadway, on Wednesday, February 1, 2012 at 1:30 p.m., pursuant to notice duly posted as prescribed by law. Justin Erickson, Planning Director for the City of Shawnee, presented the staff reports. Staff reports are available upon request.

AGENDA ITEM NO. 1: Roll Call

Upon roll call the following members were present:

Carl Holt, Brad Carter, Kirk Hoster, Shawna Turner, Chris Silvia, Taylor Prince, Ben Salter

A quorum was declared present and the meeting was called to order.

AGENDA ITEM NO. 2: Approval of the minutes from the January 4, 2012 Planning Commission Meeting.

Shawna Turner asked for a motion, Commissioner Holt made a motion seconded by Commissioner Salter to approve the January 4, 2012 minutes.

Motion carried:

AYE: Holt, Salter, Hoster, Turner, Silvia, Prince

NAY: None

ABSTAIN: Carter

AGENDA ITEM NO. 3: Case # P04-12 – Consideration of approval of a Conditional Use Permit to allow for a manufactured home in A-1 zoning for property located at 16209 C Patterson Rd. Applicant: Lance & Destiny Walker

Shawna Turner asked for the staff report. Justin Erickson presented the staff report and recommended approval with 2 conditions.

1. The manufactured home must meet the zoning setback requirements for the A-1 zoning.
2. The manufactured home must be the pictured 1995 structure or a similar manufactured home of better quality as determined by the Zoning Administrator.

Shawna Turner opened the public hearing. No one spoke in favor or against the proposal.

Shawna Turner asked for a motion, Commissioner Carter made a motion, seconded by Commissioner Hoster to approve the Conditional Use Permit with the conditions as outlined by staff.

Motion carried:

AYE: Carter, Hoster, Turner, Silvia, Prince, Salter, Holt

NAY: None

AGENDA ITEM NO. 4: **Case # S02-12 & S03-12- Consideration of approval of the Graystone Addition preliminary & final plats located North of Highland on the east side of Cleveland.**
Applicant: Absentee Shawnee Housing Authority

Shawna Turner asked for the staff report. Justin Erickson presented the staff report and recommended approval of the Graystone Addition, Preliminary and Final Plats, subject to the following conditions:

1. A waiver of 90 feet to allow for a cul-de-sac to be placed 10 feet from the adjoining property line instead of the required 100 feet with the requirement that the applicant place sightproof fencing or landscaping as per the landscaping requirements between the two property lines.
2. Final infrastructure plans shall be submitted by the applicant and approved by the City and the City Engineer prior to construction.
3. Prior to filing the final plat, the applicant shall commence with making the required and proposed public site improvements in accordance with construction plans approved by the City Engineer or otherwise bond the project in accordance with City code.
4. All other applicable City standards apply.

Shawna Turner opened the public hearing and asked if anyone was for the proposal. Kendall Dillon, representative for the Absentee Shawnee Housing Authority, came forward and spoke for the proposal. No one spoke against the proposal.

Shawna Turner asked for a motion, Commissioner Silvia made a motion, seconded by Commissioner Prince to approve the preliminary & final plats for the Graystone Addition with the 4 conditions as outlined by staff.

Motion carried:

AYE: Silvia, Prince, Salter, Holt, Carter, Hoster, Turner

NAY: None

AGENDA ITEM NO. 5:

Case # S04-12 – Consideration of the Austin & Austin preliminary plat located in the 3800 block of N. Harrison on the west side.

Applicant: Landes Engineering, LLC.

Shawna Turner asked for the staff report. Justin Erickson presented the staff report. Staff recommended approval of the Austin and Austin Addition Preliminary Plat subject to the following conditions:

1. The applicant shall build the private street (if approved) to city standards and the street design shall be approved by the City Engineer prior to construction.
2. Final infrastructure plans shall be submitted by the applicant and approved by the City and the City Engineer prior to construction.
3. All other applicable City standards apply.

Shawna Turner opened the public hearing and asked if anyone was for the proposal. Chet Austin, developer, came forward and spoke for the proposal. No one spoke against the proposal.

Shawna Turner asked for a motion, Commissioner Holt made a motion, seconded by Commissioner Salter to approve the preliminary plat for Austin & Austin with the 3 conditions as outlined by staff.

Motion carried:

AYE: Holt, Salter, Carter, Hoster, Turner, Silvia, Prince

NAY: None

AGENDA ITEM NO. 6:

Discussion concerning off premise signs.

Justin Erickson reported this item was deferred back to the Planning Commission from the City Commission for additional discussion and review. This item will be posted for public hearings in March.

AGENDA ITEM NO. 7:

Planning Director's report

Justin Erickson welcomed Stephanie Clary as assistant planner.

AGENDA ITEM NO. 8:

New Business/Commissioner Comments

AGENDA ITEM NO. 9:

Adjournment

Meeting was adjourned.



Chairman/Vice-Chairman

Karen Drain

Karen Drain, Planning Commission Secretary

SHAWNEE URBAN RENEWAL AUTHORITY
MINUTES OF FEBRUARY 7, 2012

The Board of Commissioners of the **Shawnee Urban Renewal Authority** met for a regular meeting Tuesday, February 7, 2012 at 9:00 a.m. in the 4th Floor Conference Room, Masonic Building, 23 E. 9th, Room 440, Shawnee, Oklahoma.

Chairman Stephen Rice called the meeting to order at 8:58 a.m.

AGENDA ITEM NO. 2
ROLL CALL:

Roll call was taken showing the following members present:

	Chairman	Stephen Rice
	Commissioner	Tiffany Barrett
	Commissioner	Patty L. Nida
Absent:	Commissioner	Monte Cockings
Guest:	Ron Henderson	

Also present:
Justin Erickson, Program Director
Mike Wolf, Program Manager, SURA
Elaine Shrum, Administrative Specialist, SURA

A quorum was declared.

AGENDA ITEM NO. 3
APPROVAL OF MINUTES:

A motion to approve the minutes of October 4, 2011 and January 4, 2012 was made by **Commissioner Barrett**, seconded by **Commissioner Nida**. Motion carried with no abstentions.

VOTING YES:	Rice, Barrett and Nida
VOTING NO:	None

**AGENDA ITEM NO. 4
APPROVAL OF CLAIMS:**

A motion to approve claims totaling \$ 79,392.90 was made by ***Commissioner Barrett***, seconded by ***Commissioner Nida***. Motion carried with no abstentions.

VOTING YES: Rice, Barrett and Nida
VOTING NO: None

**AGENDA ITEM NO. 5
SWEARING IN OF NEW BOARD MEMBER:**

Ron Henderson

Mike Wolf, Program Manager swore in Ron Henderson as the newest ***SURA Board Member***.

**AGENDA ITEM NO. 6
REQUEST FOR ASSISTANCE:**

Mike Wolf, Program Manager reported on the following requests:

a) Emergency Assistance: Angela Barnes, 920 N. Market

Ms. Barnes is 45 years old and lives with her 15 year old son. She is income qualified. They have lived in their home 4 years. The structure needs a new roof.

A motion to approve the request for assistance was made by ***Commissioner Henderson***, seconded by ***Commissioner Barrett***. Motion carried with no abstentions.

VOTING YES: Rice, Barrett, Henderson and Nida
VOTING NO: None

b) Emergency Assistance: Carol Dyas, 818 N. Market

Ms. Dyas is 53 years old, single and has lived in her home 2-1/2 years. She is on SSI Disability and is income qualified. The structure has a severe sewer line leak.

A motion to approve the request for assistance was made by ***Commissioner Nida***, seconded by ***Commissioner Henderson***. Motion carried with no abstentions.

VOTING YES: Rice, Barrett, Henderson and Nida
VOTING NO: None

AGENDA ITEM NO. 7
DISCUSS:

a) COCAA Audit:

Mike Wolf, Program Manager reported that the Oklahoma City HUD office requested SURA to audit the Central Oklahoma Community Action Agency's transitional housing program. The audit by SURA resulted in several concerns. COCAA addressed all concerns with changes in policy and personnel. SURA leases three structures to COCAA.

b) Disposition of SURA Owned Properties:

Mike Wolf, Program Manager reported that he has been considering the disposition of SURA properties. Family Promise has shown an interest in the three structures owned by SURA.

AGENDA ITEM NO. 8
UPDATE ON BID OPENING:

a) Demolition: Linda Melin, 320 ½ N. Oklahoma

3 bids were received. Ray's Trucking - \$1,875.00
Robert Winrow - \$2,500.00
M & M Wrecking - \$2,775.00

The bid was awarded to Ray's Trucking and is complete.

b) Emergency/Home Repair: Ollen & Katheren Devereaux, 900 N. Park

3 bids were received. Superior Construction - \$15,463.00
Kingworks - \$17,400.00
LG Construction - \$17,538.00

The bid was awarded to Superior Construction and is under construction now.

c) Demolition: Wayne Jackson, 715 S. Union

3 bids were received. Ray's Trucking - \$1,890.00
Robert Winrow - \$2,000.00
M & M Wrecking - \$2,300.00

The bid was awarded to Ray's Trucking and is complete.

d) Demolition: Cheryl Knox, 409 S. Pennsylvania

3 bids were received. Ray's Trucking - \$1,995.00
Robert Winrow - \$2,500.00
M & M Wrecking - \$5,402.00

The bid was awarded to Ray's Trucking and is complete.

e) Emergency Assistance: Angela Barnes, 920 N. Market

4 bids were received. Statewide Roofing - \$10,500.00
Superior Construction - \$10,302.00
Kingworks - \$12,580.00
LG Construction - \$13,785.00

The bid was awarded to Statewide Roofing because the low bid is from a new contractor that can only have one project at a time. The project is under construction now.

AGENDA ITEM NO. 9
BID OPENINGS:

a) Emergency Assistance: Carol Dyas, 818 N. Market
Cost Estimate: \$ 7,700.00

<u>Contractor</u>	<u>Bid Amount</u>
LG Construction:	\$ 10,485.00

A motion to refer the bid to staff for review and award was made by **Commissioner Barrett**, seconded by **Commissioner Nida**. Motion carried with no abstentions.

VOTING YES: Rice, Barrett, Henderson and Nida
VOTING NO: None

**AGENDA ITEM NO. 9
OLD BUSINESS:**

There was no old business.

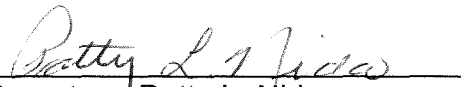
**AGENDA ITEM NO. 10
NEW BUSINESS:**

There was no new business.

**AGENDA ITEM NO. 11
ADJOURNMENT**

There being no further business to come before the Board at this time, a motion to adjourn at 9:28 a.m. was made by **Commissioner Nida**, seconded by **Commissioner Barrett**. Motion carried with no abstentions.

VOTING YES: Rice, Barrett, Henderson and Nida
VOTING NO: None


Secretary, Patty L. Nida


Chairman, Stephen Rice

3/07/2012 9:31 AM
LICENSES: THRU ZZZZZZZZZZ

L I C E N S E P A Y M E N T R E P O R T
SORTED BY: CODE

PAGE:
PAYMENT DATES: 2/01/2012 TO 2/29/2012

** FEE CODE TOTALS **

FEE CODE	DESCRIPTION		FEE	===== PAYMENT DISTRIBUTION =====			TOTAL PAI
				PENALTY	TAX	INTEREST	
ALARM	BURGLAR/FIRE ALARM LICENSE	7	175.00CR				175.00
ALARMRENEW	BURGLAR/FIRE ALARM RENEW	3	45.00CR				45.00
BEERWINER	BEER AND WINE RENEWAL	1	450.00CR				450.00
BOATREG	BOAT REGULAR PERMIT	18	468.00CR				468.00
ELEC1	ELECTRICAL CONTRACTOR INITIAL	3	300.00CR				300.00
ELEC2	ELECTRICAL CONTRACTOR RENEW	7	525.00CR				525.00
EXT	EXTERMINATOR LICENSE FEE	9	225.00CR				225.00
FISHANNUAL	FISHING ANNUAL FEE	19	285.00CR				285.00
LAKE-IN	LAKE LEASE CITY RESIDENT	1	200.00CR				200.00
LAKE-OUT	LAKE LEASE NON RESIDENT	5	2,000.00CR				2,000.00
LAKEINSP	LAKE LEASE INSPECTION	1	75.00CR				75.00
LAKELEASE	LAKE LEASE	4	2,496.00CR				2,496.00
LAKEXFER	LAKE LEASE TRANSFER FEE	1	1,000.00CR				1,000.00
LIQR	RETAIL LIQUOR OCCUPATIONAL TAX	1	600.00CR				600.00
MECH1	MECHANICAL CONTRACTOR INTIAL	4	400.00CR				400.00
MECH2	MECHANICAL CONTRACTOR RENEW	5	375.00CR				375.00
MIXER	MIXED BEVERAGE RENEWAL	1	900.00CR				900.00
PAWN	PAWN BROKERS LICENSE FEE	1	25.00CR				25.00
PLUM1	PLUMBING CONTRACTOR INITIAL	3	300.00CR				300.00
PLUM2	PLUMBING CONTRACTOR RENEW	6	450.00CR				450.00
RESAL	RESIDENTIAL SALE	12	120.00CR				120.00
TOTAL			11,414.00CR				11,414.00

03/07/2012 4:49 PM
STATUS: ALL
SEGMENT CODES: All
FEE CODES: All

P R O J E C T P A Y M E N T R E P O R T

PAGE: 6
PROJECTS: THRU ZZZZZZZZZZ
PAYMENT DATES: 2/01/2012 TO 2/29/2012
SORTED BY: PROJECT

** GENERAL LEDGER DISTRIBUTION **

FUND G/L ACCOUNT	ACCOUNT NAME	AMOUNT
001-2133	UBCC FEE PAYABLE	440.00CR
001-4202	BUILDING PERMITS	9,696.58CR
001-4203	PLUMBING PERMITS	1,930.00CR
001-4204	ELECTRICAL PERMITS	220.00CR
001-4205	ZONING PERMITS & APPLICATIONS	280.00CR
001-4206	HEATING & A/C PERMITS	760.00CR
001-4249	OTHER PERMITS	380.00CR
001-4822	OTHER MISC. REVENUE	55.00CR
101-4249	OTHER PERMITS	175.00CR
501-4510	WATER TAPS	2,550.00CR
799-1023	BANCFIRST GENERAL	16,486.58

03/07/2012 4:49 PM
STATUS: ALL
SEGMENT CODES: All
FEE CODES: All

P R O J E C T P A Y M E N T R E P O R T

PAGE: 4
PROJECTS: THRU ZZZZZZZZZZ
PAYMENT DATES: 2/01/2012 TO 2/29/2012
SORTED BY: PROJECT

** SEGMENT CODE TOTALS **

SEGMENT CODE	DESCRIPTION	TOTAL PAID
B1-NEW	BUILDING CONSTRUCTION NEW	12,098.60CR
B2-ADD	BUILDING CONSTRUCTION ADD	57.00CR
B3-REMODEL	BUILDING CONSTRUCTION REM	1,239.08CR
B4-OTHER	BUILDING CAPORT/SHELTER	308.40CR
E2-ADD	ELECTRICAL ADDITION	24.50CR
E3-REMODEL	ELECTRICAL REMODEL/REPAIR	231.50CR
M3-REMODEL	MECHANICAL REMODEL/REPAIR	823.00CR
P2-ADD	PLUMBING ADDITION	154.50CR
P3-REMODEL	PLUMBING REMODEL	710.50CR
X-BORE/CUT	BORING & PAVING CUT PERMI	150.00CR
X-CURBCUT	CURBCUT/DRIVEWAY/SIDEWALK	25.00CR
X-DEMO	DEMOLITION PERMIT	100.00CR
X-SIGN	SIGN PERMIT	25.00CR
X-SWIMPOOL	SWIMMING POOL PERMIT	34.50CR
Z-OCCUP	OCCUPANCY PERMIT	225.00CR
Z-REZONING	REZONING REQUEST	280.00CR
TOTAL		16,486.58CR

Regular Board of Commissioners

2. e.

Meeting Date: 03/19/2012

Lake Site Lease

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Lake Site Lease Transfer

- Lot 11 Belcher Tract, 15609 Nickens Road

From: V. Ziegler and D. Ziegler

To: C. Warmington and C. Warmington

Attachments

Lake Lease Transfer



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

SHAWNEE TWIN LAKES CABIN SITE LEASES
SUMMARY/INSPECTION REPORT – FOR RENEWALS/TRANSFERS

Date	03/01/12	License No. #021701
Type	☐ Renewal ☒ Transfer (Fee: \$1,000)	
Commission Meeting Date	March 19, 2012	
Property Address	15609 NICKENS RD	
Lake Site Location	LOT 11 BELCHER TRACT	
Lease Dates	03/19/12 – 03/19/42	
Lease Fee (changes annually)	624.00	
Inspection Fee	\$75.00 Applicable: ☒ Yes ☐ No	
Lessee (Transfer To)		
Name(s)	CHAD & COURTNEY WARMINGTON	
Address	SEE FILE	
Phone	SEE FILE	
Current Lessee (Transfer From) (if applicable)		
Name(s)	VERNIE & DIANA ZIEGLER	
Address	SEE FILE	
Phone	SEE FILE	
Inspection Information		
Inspection Required	☒ Yes ☐ No (if no, due:)	
DEQ Report on File	☒ Yes ☐ No	
Type of Septic System	☒ Conventional ☐ Aerobic	
Last Inspected/Pumped	02/29/12	
Misc. Comments		
Total Charges Paid: \$1699.00		

Regular Board of Commissioners

2. f.

Meeting Date: 03/19/2012

Contract Library Roof

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Approve contract with Price Group Architects, PLLC for engineering of the library reroofing project.

Regular Board of Commissioners

2. g.

Meeting Date: 03/19/2012

Contract Auction

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Approve contract with Excel Auctions, LLC to auction vehicles declared surplus at the March 5, 2011 meeting.

Attachments

Auction Memo

Excel Auction Contract

City of Shawnee Memorandum



To: Mayor and City Commissioners
CC: Brian E. McDougal, City Manager
From: James Bryce, Director of Operations
Date: March 13, 2012
Re: Approve contract for auctioneer

Staff requests permission to enter into contract with Excel Auctions, LLC. to auction off surplus vehicles that the City has stored.

The date for the auction will be Saturday March 31st, 2012 at the Exposition Center in Shawnee, Oklahoma. The City's auction items will be sold in conjunction with a regularly scheduled auction that Excel already has going on. The cost to the City is 10% of the total sales of the City items that do not bring over \$1000.00.



Mitchell Armitage

336920 E Hwy 62
McCloud, OK 74851

(405) 641-9438

AGREEMENT

This is an Agreement between Mitchell Armitage, as sole proprietor of Excel Auctions, and the City of Shawnee for the sale of goods. All items provided by the City of Shawnee will be sold “as is” and without reserve prices during the Excel Auction sale at the Shawnee Expo Center on March 31, 2012. Said items will be located at the Shawnee Expo Center .

Excel Auctions agrees to promote the sale of the items owned by the City of Shawnee to the best of their ability through advertising and fliers distributed to the current mailing list of approximately 1600 people and on the company’s website used for that purpose.

In consideration for the services rendered, Excel Auctions shall deduct a Ten Percent (10%) fee from the final sale price of each item selling for \$1,000 or less. This percentage shall constitute the entire fee charged to the City of Shawnee for the services rendered as well as any advertising or operating expenses. There is no fee charged for any items selling for over \$1,000. Additionally, Excel Auctions charges a Ten Percent (10%) Buyer’s Premium—paid by the Buyer—on all items sold.

Dated this _____ day of March, 2012.

Mitchell Armitage

Excel Auctions, LLC

_____, Representative

City of Shawnee

Regular Board of Commissioners

4.

Meeting Date: 03/19/2012

Mayor's Proclamation

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Mayor's Proclamation

"Arbor Week"

March 25-31, 2012

Attachments

Arbor Week

City of Shawnee



Proclamation

"Arbor Week"

Whereas, Arbor Day is celebrated nationally to encourage Americans to maintain and replenish our country's vast forests, orchards, and woodlands; and

Whereas, in March 1982, Oklahoma declared a full "Arbor Week" to better recognize the value of tree planting as well as to avoid the harsh planting conditions of late winter; and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, reduce heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife. Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, beautify our community, and are a source of joy and spiritual renewal; and

Whereas, the City of Shawnee has been named as a 2011 Tree City USA community by the Arbor Day Foundation. This is the tenth year Shawnee has received this national recognition; and

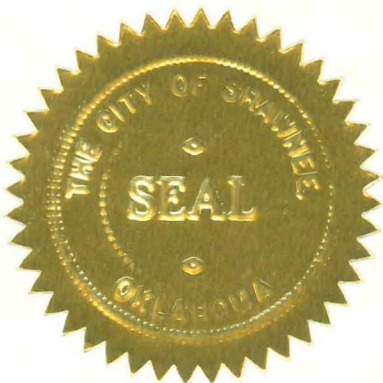
Whereas, trees, wherever they are planted contribute immeasurably to our wonderful city of which we are most proud.

Now, Therefore, I, Linda Peterson, Mayor of the City of Shawnee, Oklahoma, by the authority vested in me, do hereby proclaim the week of March 25 - 31, 2012, as

"Arbor Week"

In the City of Shawnee, Oklahoma
Dated this 19th day of March, 2012

Linda Peterson, Mayor



ATTEST:

Phyllis Loftis
Phyllis Loftis, City Clerk



Regular Board of Commissioners

5.

Meeting Date: 03/19/2012

Ordinance Billboards

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Public hearing and consider an ordinance modifying Section 3-216 of the Shawnee Municipal Code as recommended by the Shawnee Planning Commission.

Attachments

Off Premise Signs

Ordinance non accessory signs

RECOMMENDATION TO:

MAYOR

BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

FOR: Off Premise & Non-Accessory Signs.

PLANNING COMMISSION MEETING DATE:

MARCH 7, 2012

PLANNING COMMISSION RECOMMENDATION:

Repeal Section 3-216 of the Shawnee Municipal Code

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 7

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
HOLT			X			
CARTER			X			
HOSTER			X			
TURNER (CHAIR)			X			
SILVIA (VICE)			X			
PRINCE	X		X			
SALTER		X	X			

RESPECTFULLY SUBMITTED,

Karen Drain

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____

DENIED _____

**CITY OF SHAWNEE
PUBLIC HEARING NOTICE**

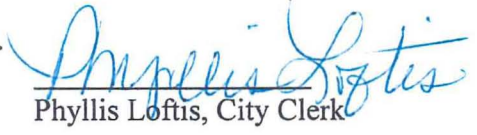
NOTICE IS HEREBY GIVEN that the City of Shawnee of Shawnee, Oklahoma, will conduct Public Hearings to consider the proposed lifting of a billboard moratorium, which was enacted by the City Commission on August 20, 2001. The current moratorium prevents the Planning Department from issuing permits for off-premise/non accessory signs in Shawnee. Draft code language will be discussed and testimony received. Section 3-216 (billboards and similar non-accessory type signs) of the Shawnee Municipal Code may be revised.

The PUBLIC HEARINGS will be held in the City Commission Chambers in City Hall located at 16 W. 9th St. Shawnee, OK as follows:

March 7, 2012 AT 1:30 P.M.:	City of Shawnee Planning Commission
March 19, 2012 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 proposed ordinance changes. The Commission reserves the right to limit discussion and debate on the proposed ordinance during the public hearing, in which event those persons appearing in support or opposition of the proposal will be allotted equal time. If there are any questions about the proposal, or you need additional information prior to the meeting, you may contact the Planning Department at 878-1665. A copy of the proposed code changes will be available for inspection during normal working hours in the Planning Secretary's office at 222 N. Broadway.

Witness my hand this 15th day of February, 2012.


Phyllis Loftis, City Clerk



ORDINANCE NO. _____

AN ORDINANCE RELATING TO NON-ACCESSORY SIGNS AMENDING SECTION 3-216 OF THE SHAWNEE MUNICIPAL CODE, PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

WHEREAS, a moratorium was approved on August 20, 2001 and reaffirmed on October 21, 2002 by the Shawnee City Commission that has prevented the City of Shawnee from issuing permits for non-accessory signs pursuant to Section 3-216; and

WHEREAS, moratoriums should be short in duration and the City of Shawnee must now take action to clarify code provisions relating to non-accessory signs; and

WHEREAS, the Shawnee Planning Commission held a public hearing on January 4, 2012 and March 7, 2012 to accept public testimony and consider standards contained in Section 3-216 and voted favorably to repeal such and permanently prohibit non-accessory signs; and

WHEREAS, the Shawnee City Commission held a public hearing on January 17, 2012 and March 19, 2012 to accept public testimony and consider provisions found in Section 3-216 and it is their desire to effectuate code changes to protect public health, safety and welfare and to limit blight in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SHAWNEE, OKLAHOMA:

SECTION 1: AMENDATORY. Section 3-216(a) through Section 3-216(h) is hereby deleted and shall be replaced by the following:

- (a) *Applicability.* This section shall not be applied to billboards and non-accessory signs when constructed on premises as accessory signs according to this Chapter.
- (b) *Allowed uses.* Non-accessory and off-premise signs, including billboards are prohibited, except for those specifically allowed under Section 3-4 and for signs installed on public property owned by the City or a City Authority.
- (c) *Existing signs.* All existing, legally authorized non-accessory signs, which by reason of subsection (b) become non-conforming, are hereby declared legal nonconforming signs, and are subject to the provisions of Section 3-36.

SECTION 2: SEVERABILITY. The provisions of this ordinance are severable, and if any sentence, provision or other part of this Ordinance shall be held invalid, the decision of the courts so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

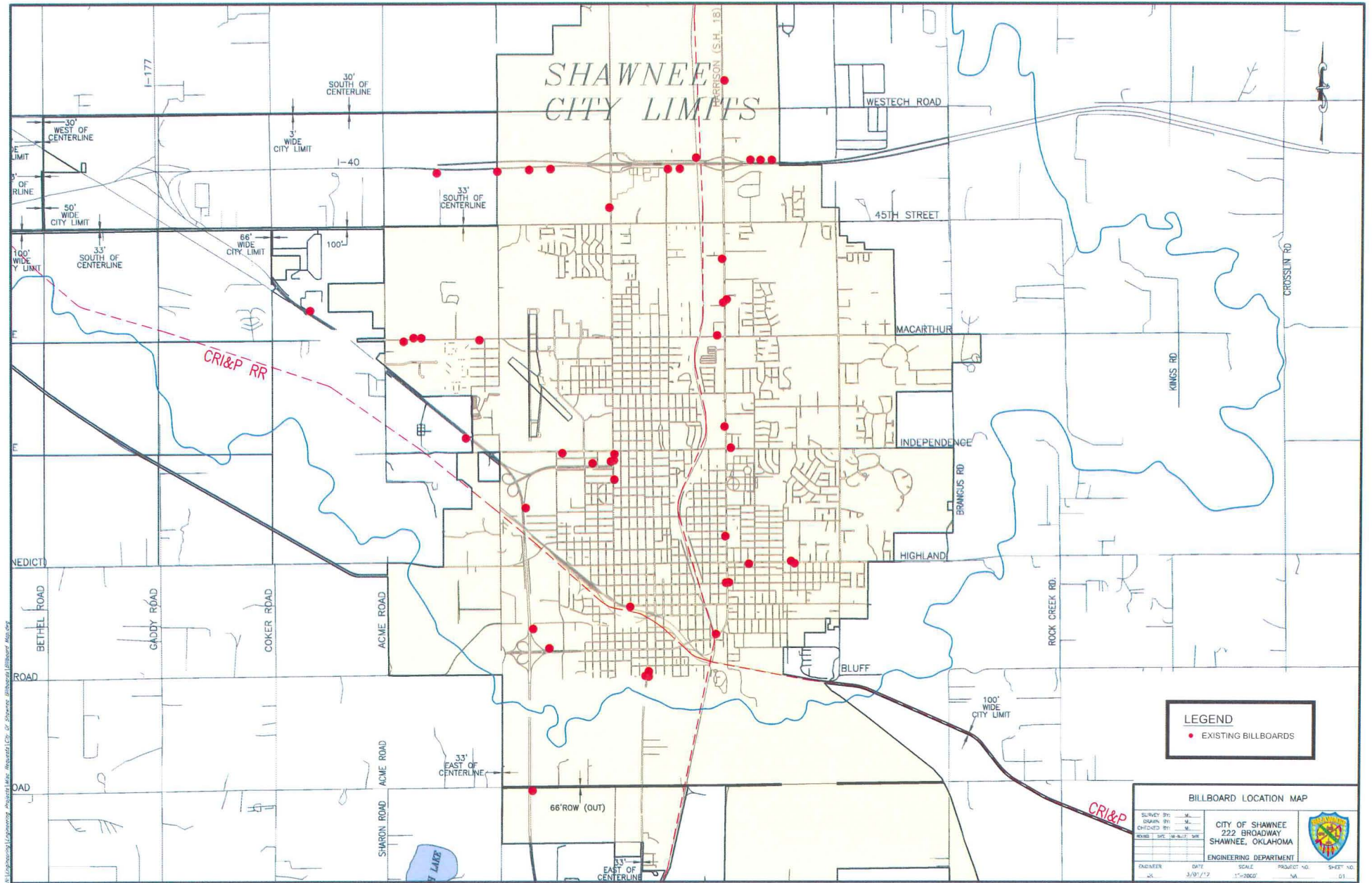
SECTION 3: EMERGENCY. It being necessary for the protection of the public health, safety and welfare, an emergency is hereby declared to exist and this ordinance shall be effective immediately upon its passage and publication.

PASSED AND APPROVED this ____ day of _____, 2012.

LINDA PETERSON, MAYOR

ATTEST:

PHYLLIS LOFTIS, CITY CLERK
(SEAL)





City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

OFF-PREMISE SIGNS
STAFF REPORT AND RECOMMENDATION
March 7 Planning Commission Agenda

SUMMARY

Much discussion of off-premise signs and billboards has occurred over the previous few months. At the Planning Commission's January 4 meeting, a recommendation was forwarded to the City Commission by the Planning Commission recommending repeal of Section 3-216 of the Shawnee Sign Code. This repeal would have permanently banned off-premise signs within city limits. This recommendation was forwarded to the City Commission. At the January 17 City Commission meeting, a motion was passed remanding the issue back to the Planning Commission for the creation of a policy allowing off-premise signs on a restricted basis.

STAFF ANALYSIS

In support of the City Commissions directive, Staff has prepared a restrictive draft code for review (see attachment). Briefly summarized, the proposed draft contains the following restrictive standards:

- a. Limits off-premise signs to C-5, CP, I-1, I-2, and I-3 zoning districts;
- b. Requires annual inspections by City staff;
- c. Establishes setbacks and requires that a sign be no closer than 500 feet from any residentially-zoned property;
- d. Limits the size of allowed signs to 250 square feet; and
- e. Limits illumination and sets times for lighting.

Staff recently went out to visually inspect all known off-premise signs within the City limits and to photograph and GPS the signs (see attached map). In addition, staff was looking to collect basic information such as size, distance from the property line, construction type and physical condition. Overall, forty-five (45) billboards were located and marked, which included two billboards that were not in the City limits but were on the boundary. Those billboards are noted as being outside of the boundaries on the enclosed map. Generally, the billboards were in good condition and only seven were still made of wood construction.

Thirteen were lighted billboards with upward facing lights and of those all but two were located on I-40 and MacArthur.

Additional information will be presented at the March 7, Planning Commission meeting. Staff has also attached the staff report for the January 4 agenda and the draft ordinance of repeal that was prepared for the City Commission.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission defer action to allow for further discussion and deliberation.

Attachments:

- a. Draft Ordinance allowing for off-premise signs
- b. Map of off-premise sign (billboard) locations
- c. Staff Report from January 4, 2012
- d. Draft Ordinance banning off-premise signs

Off-premise Signs – Draft Regulations

A. General.

1. Off Premise signage may only be located in property zoned C-5, CP, I-1, I-2, and I-3.
2. All new off premise signage shall be mono pole construction only.
3. All signs shall be maintained in good and safe condition. The painted portions shall be periodically repainted and kept in good condition.
4. The general area of the sign shall be kept free and clear of sign material, weeds, debris, and trash and other refuse.
5. Permits shall be required for all signs, and material change or alterations to existing signs or structure, except for message change.
6. On or before January 1st of each year, an annual inspection fee shall be paid to the city for each new or existing sign structure located within the city limits. The fee shall be set by the city council and shall not be prorated. Sign structures that are constructed and have passed final inspection within the final sixty (60) days of the calendar year shall not be required to pay the license fee for the upcoming year. Code Enforcement shall be required to inspect all off premise signs to ensure compliance with the sign regulations and to ensure signs do not pose a hazard to the public. If a sign owner does not apply for and receive an inspection as of January 1st of each year, the sign may be removed.
7. Off-premise signs that have been left vacant for a period of one (1) year shall be removed. Vacant signage is noted as:
 - a. Has been unoccupied for a period of one (1) year; or
 - b. Refers to a business, product, service, event or purpose that has been inapplicable for twelve (12) consecutive months or is no longer provided on the premises where the sign is located; or
 - c. Identifies a time, event or purpose that has passed or no longer applies; or
 - d. In the cases of a billboard, is vacant of copy or that advertises an establish that no longer exists
8. If the signage is destroyed more than 50%, and the sign is located in a non-conforming area, then the sign must be removed.

B. Setbacks.

1. Sign placement shall be allowed no closer than seventy-five (75') feet from the property line for property zoned C-5 and CP and no closer than fifty (50') feet from the property line of property zoned I-1, I-2 and I-3, but shall be within six hundred and sixty (660) feet from the edge of the right-of-way of such traffic way.
2. No sign shall be erected closer than one thousand (1,000) feet from another off-premise sign.

3. Signs shall be located a minimum of five hundred (500) feet from any residential zoned (R-1, R-2, R-3) property which shall be measured from the base of the pole to the property line of the residentially zoned property.
4. No sign shall be erected closer than three hundred (300) feet from City Parks.
5. No sign shall be erected closer than three hundred (300) feet from structures or sites listed on the Historic Register.
6. The sign must be located and positioned in such a way that it is primarily visible from the zoning district or corridor that it is permitted for. It must be located as close as practical to the street, road or highway that it is serving. If the sign is visible from two or more districts, it shall be at the discretion of the Community Development Director as to which district shall be primary.
7. Signs located within six hundred and sixty (660') feet of the nearest edge of the right-of-way shall be required to obtain a permit from the Oklahoma Department of Transportation in conformance with Title 69, Article 12 of Oklahoma Statutes.

C. Size Requirements.

1. The square footage of the sign shall not exceed two hundred and fifty (250') square feet which shall include the frame and/or border.
2. Back to back signs are allowed with only one side used to calculate square footage.
3. Stacked or side by side signs are not allowed.
4. The maximum height of the highest point of the structure or display surface of any non-accessory or billboard sign shall be twenty (20) feet, provided that a sign of up to forty (40) feet may be constructed in accordance with Section 3-190(e)(1)(b). Sign height is measured from grade level of the ground surface in which the structure supports are placed.

D. Exterior Lighting.

The lighting of new or relighting of existing billboards and signs shall require a Building Permit, which shall be granted when the City is satisfied that excessive illumination, light pollution, glare and light trespass have been adequately mitigated, and shall be subject to the following requirements:

1. Signs may have direct or indirect illumination.
2. Flashing, intermittent or moving light or lights are prohibited except for time, temperature and date signs.
- a. No sign shall be illuminated so that it interferes with the effectiveness of, or obscures an official traffic sign, device or signal; neither shall it be permitted to have beams or rays directed at any portion of the travelled ways and be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or which otherwise interferes with any driver's operation of a motor vehicle.

- b. Externally illuminated billboards and signs shall have fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, fitted and aimed to shield the source from off-site view and to place the light output onto and not beyond the sign or billboard. Lighting shall be by linear fluorescent. At no point on the face of the sign or billboard and at no time shall the illumination exceed 30-vertical footcandles during hours of darkness.
- c. The light source for internally illuminated signs and billboards shall not exceed 1,000 initial lumens per square foot of sign face.
- d. The illumination of billboards shall be limited to commercial and industrial zoning districts and the illumination of billboards within 400' of a residential use or district shall not be permitted.
- e. Off-premises billboards and signs shall be extinguished automatically by a programmable controller by no later than 11:00 PM each evening until dawn, except that signs for establishments (not companies) that operate or remain open past 11:00 p.m. may remain on no later than ½ hour past the close of the establishment.
- f. Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.
- g. LED billboard and sign lighting shall only be permitted in industrial districts, shall be static and shall not be allowed to operate between 11:00 p.m. and dawn.
- h. The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

STAFF REPORT
NON-ACCESSORY SIGNS AND BILLBOARDS

TO: Shawnee Planning Commission
AGENDA: January 4, 2012
RE: Billboard Moratorium

SUMMARY

The City Commission approved a moratorium on billboards and non-accessory signs on August 20, 2001 and reaffirmed it on October 21, 2002. See Staff Memorandums to the City Commission and Planning Commission on November 7, 2011 and December 7, 2011 for additional background information. Copies of codes from other jurisdictions have been provided for review.

OPTIONS TO CONSIDER

The Planning Commission may forward one of the following recommendations to the City Commission:

1. Recommendation to maintain ban on billboards – effectively eliminate Section 3-216 from the Shawnee Municipal Code. Existing signs may remain and would be governed under the non-conforming standards of the code.
2. Recommendation to eliminate the moratorium with no code revisions – effectively reinstate Section 3-216 and allow applicants to submit applications and City Staff to issue permits.
3. Recommendation to eliminate the moratorium with code revisions – reinstate Section 3-216, but modify standards and specifications.

Whichever, recommendation the Planning Commission selects, Staff will prepare the necessary ordinances and transmit it with the recommendation to the City Commission.

If the Planning Commission elects to go with Option #3 above, it can modify existing standards in any number of ways. Below, are the existing regulations with dimensional requirements highlighted, should the Commission wish to alter.

Sec. 3-216. - Billboards and Similar Nonaccessory Type Signs

(a) *Applicability.* This section shall not be applied to billboards when constructed on premises as accessory signs according to the accessory sign regulations of this chapter. In such cases, locations, size, number and all other relevant development standards for accessory signs shall be applied.

(b) *Permitted uses.* Nonaccessory signs shall be permitted as uses permitted in the C-5, CP, C-3, I-1, I-2, I-3 and A-1 zoning districts.

(c) *Sign size.* The size of the sign shall be as follows:

(1) The display surface area shall not exceed 672 square feet per sign face, except for a 20-percent allowance for extensions and cutouts.

(2) The maximum width of a sign shall be 60 feet.

(d) *Height.* Height of the sign shall be in conformance with the following:

(1) The maximum height of the highest point of the structure shall be 20 feet above the road grade, except in the highway district where the maximum height shall be 40 feet.

(2) The minimum clearance between ground level and the lowest point of display surface, exclusive of supports, shall be not less than six feet.

(e) *Location; setback.* The location and setback shall be as follows:

(1) The location shall comply with all established building lines and required setbacks as outlined in this chapter and all other sections of this Code and city ordinances.

(2) Where there is no building setback line established by ordinance or subdivision plat or PUD, such signs shall be set back from the front lot line not less than 25 feet.

(3) Where a railroad right-of-way crosses a public right-of-way, required setbacks or established building lines on adjacent properties are extended through or across the railroad right-of-way.

(4) No accessory sign shall be constructed, erected or placed in any way on the roof or walls of a building. A sign may be constructed over but not on a roof, provided there is a minimum distance between the roof and the lowest point of the sign surface of ten feet.

(f) *Spacing.* Spacing shall be as follows:

(1) In areas zoned C-5, CP, C-3, I-1, I-2 and I-3, no nonaccessory sign with a display area of 200 square feet or less shall be constructed, erected, placed or replaced closer than 500 feet, unless such sign reaches a maximum height of 20 feet or less, in which case it may be located no

closer than 250 feet to another nonaccessory sign facing in the same direction and on the same side of the street or highway from which the sign is intended to be read.

(2) In areas zoned C-5, CP, C-3, I-1, I-2 and I-3, no nonaccessory sign with a display area of more than 200 square feet shall be constructed, erected, placed or replaced closer than 750 feet to another nonaccessory sign facing in the same direction and on the same side of the street or highway from which the sign is intended to be read.

(g) *Spacing from residentially zoned property.* No nonaccessory sign shall be constructed, erected, placed or replaced closer than 75 feet to the nearest residentially zoned property.

(h) *Lighting.* Nonaccessory signs may be illuminated in compliance with the BOCA Electrical Code and any other applicable ordinances, provided that no flashing or intermittent lighting of such signs shall be permitted.

REVIEW OF OTHER JURISDICTIONS

Staff reviewed neighboring communities to compare their regulations concerning non-accessory signs and billboards. If a moratorium was not in place, Shawnee would fall under the “can be constructed” category. The following table summarizes the results of the investigation:

City	Can be Constructed (permitted widely)	Difficult to Construct (narrowly permitted)	Prohibited
Del City	X		
Edmond			X
Midwest City		X	
Moore		X	
Norman		X	

REVIEW OF COMPREHENSIVE PLAN

The following statements are found in the Shawnee Comprehensive Plan (2005):

Key Transportation Issues
Enhance Roadway Efficiency

“Statements from residents identified signage as an issue that is unclear or not present for destinations throughout the City. “Visual Clutter” and billboard regulations also are concerns as unattractive and numerous signs plague the arterials” (Page 6-2).

Enhance Appearance
Goal #2: Possible Actions

“Alter requirements of the sign ordinance to eliminate development of billboards to the extent possible and reduce the use/development of pole signs through shared signage” (Page 7-7).

Advertising/Commercial Signs

“Commercial signs take many forms. Billboards are often located along major roadways. ... Image can be impacted by the number, size, location, quality, lighting and materials used for signage” (Page 7-17).

Based on the above statements, it is unclear if the Comprehensive Plan is calling for either an outright ban or stronger regulations governing billboards. It is clear that the Plan is calling for visual enhancements to the City, including along major thoroughfares. It is Staff’s opinion that at a minimum, non-accessory signs, if allowed, should be restricted because such an approach is consistent with directives of the Comprehensive Plan.

STAFF RECOMMENDATION

Based on the Shawnee Comprehensive Plan, Staff recommends that the Planning Commission direct Staff to prepare an ordinance to:

1. Repeal Section 3-216; or
2. Reinstate Section 3-216 with changes identified and discussed at the January 4 Meeting. Staff recommended changes include:
 - a. Permitting signs in only the C-3, C-5, CP, I-2 and I-3 zones;
 - b. Reducing the allowed surface area to 400 square feet or less;
 - c. Clarify that flashing, LED, and internally lit signs are not allowed; and
 - d. Other changes identified during the January 4 hearing.

The Planning Commission may elect to continue the matter to the February 1, 2012 meeting if additional time is needed for review, discussion and deliberation.

Enclosures

ORDINANCE NO. _____

AN ORDINANCE RELATING TO NON-
ACCESSORY SIGNS AMENDING SECTION 3-216
OF THE SHAWNEE MUNICIPAL CODE,
PROVIDING FOR SEVERABILITY AND
DECLARING AN EMERGENCY.

WHEREAS, a moratorium was approved on August 20, 2001 and reaffirmed on October 21, 2002 by the Shawnee City Commission that has prevented the City of Shawnee from issuing permits for non-accessory signs pursuant to Section 3-216; and

WHEREAS, moratoriums should be short in duration and the City of Shawnee must now take action to clarify code provisions relating to non-accessory signs; and

WHEREAS, the Shawnee Planning Commission held a public hearing on January 4, 2012 and March 7, 2012 to accept public testimony and consider standards contained in Section 3-216 and voted favorably to repeal such and permanently prohibit non-accessory signs; and

WHEREAS, the Shawnee City Commission held a public hearing on January 17, 2012 and March 19, 2012 to accept public testimony and consider provisions found in Section 3-216 and it is their desire to effectuate code changes to protect public health, safety and welfare and to limit blight in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SHAWNEE, OKLAHOMA:

SECTION 1: AMENDATORY. Section 3-216(a) through Section 3-216(h) is hereby deleted and shall be replaced by the following:

- (a) *Applicability.* This section shall not be applied to billboards and non-accessory signs when constructed on premises as accessory signs according to this Chapter.
- (b) *Allowed uses.* Non-accessory and off-premise signs, including billboards are prohibited, except for those specifically allowed under Section 3-4 and for signs installed on public property owned by the City or a City Authority.
- (c) *Existing signs.* All existing, legally authorized non-accessory signs, which by reason of subsection (b) become non-conforming, are hereby declared legal nonconforming signs, and are subject to the provisions of Section 3-36.

SECTION 2: SEVERABILITY. The provisions of this ordinance are severable, and if any sentence, provision or other part of this Ordinance shall be held invalid, the decision of the courts so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

SECTION 3: EMERGENCY. It being necessary for the protection of the public health, safety and welfare, an emergency is hereby declared to exist and this ordinance shall be effective immediately upon its passage and publication.

PASSED AND APPROVED this ____ day of _____, 2012.

LINDA PETERSON, MAYOR

ATTEST:

PHYLLIS LOFTIS, CITY CLERK
(SEAL)

Regular Board of Commissioners

6.

Meeting Date: 03/19/2012

Rezone 3930 N Kickapoo

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Public hearing and consider an ordinance to rezone property located at 3930 N. Kickapoo Street from R-1; Single Family Residential to C-3; Automotive, Commercial and Recreation.

Case #P06-12 Applicant: Seminole Ice House, LLC

Attachments

P06-12 Rezone

Ordinance P06-12

RECOMMENDATION TO:

MAYOR

BOARD OF CITY COMMISSIONERS

CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE

PLANNING COMMISSION

SUBJECT:

APPLICANT: Seminole Ice House LLC

FOR: Rezone

LOCATION: 3930 N. Kickapoo

PROJECT#: 120074 Case# P06-12

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: R-1; Single Family Residential

REQUESTED CLASSIFICATION: C-3; Automotive, Commercial & Residential

PROPOSED PROPERTY USE: Ice Machine

PLANNING COMMISSION MEETING DATE: March 7, 2012

PLANNING COMMISSION RECOMMENDATION: Defer to April 4, 2012 Planning Commission Meeting

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 7

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
HOLT		X	X			
CARTER			X			
HOSTER			X			
TURNER (CHAIRMAN)			X			
SILVIA (VICE-CHAIRMAN)	X		X			
PRINCE			X			
SALTER			X			

RESPECTFULLY SUBMITTED,

Karen Drain

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

STAFF REPORT
Case #P06-12

TO: Shawnee Planning Commission

AGENDA: March 7, 2012

RE: CASE #P06-12; Consideration of Rezone Request (R-1 to C-3)

PROPOSAL

Rezone the subject site, which is currently zoned R-1 (Residential) to C-3 (Commercial) to facilitate commercial development. The applicant wishes to place an automated ice machine on the property, while reserving additional land for future additional development.

GENERAL INFORMATION

Applicant	Seminole Ice
Owners	Seminole Ice
Site Location/Address	3930 N. Kickapoo
Current Site Zoning	R-1 Residential
Parcel Size	31,500 square feet
Proposed Zoning	C-3
Proposed Use	Commercial
Comprehensive Plan Designation	Commercial- Residential
Existing Land Use	Residential/ Vacant
Surrounding Land Use	<u>North</u> : Residential <u>South</u> : Commercial <u>West</u> : Residential <u>East</u> : Commercial

Surrounding Zoning	<u>North:</u> R1 <u>South:</u> C-1 <u>West:</u> R-1 <u>East:</u> C-3
---------------------------	---

STAFF ANALYSIS AND FINDINGS

The applicant is requesting a zone change from R-1 to C-3 to allow for an ice machine to be placed on the lot where the applicant plans to build an office and/or retail building in the future. The applicant currently has another ice machine in Shawnee located on Independence Street (in front of Shawnee Cleaners) that is considered an accessory structure. The requested C-3 zoning would allow for a mixture of uses that would fit the development plans of the applicant, while still falling under the recommendations of the Comprehensive plan.

The Comprehensive Plan supports the zone change from R-1 to C-3 as the area has been designated Commercial- Residential. The surrounding zoning also supports the proposed zone change as the properties to the North, South and East are commercial properties. While there are residential properties immediately to the west, site design can limit the impact of parking, light and noise on adjacent properties. A solid fence will be required where the property abuts residentially-zone property.

RECOMMENDATION

Based on the analysis and findings above, Staff recommends **approval** of the applicants request to rezone the site to C-3.

ZONING MAP

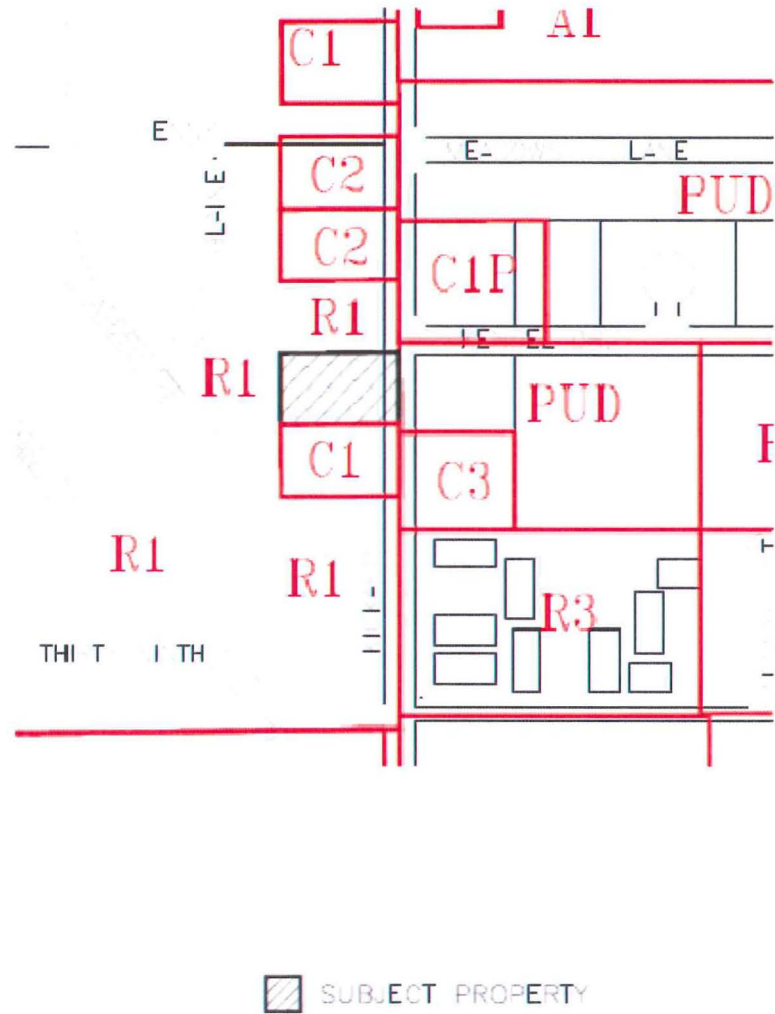


Figure 1: Location and zoning map.



Figure 2: Aerial view of site and surrounding area (site outlined in red).

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P06-12

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:

Lot Five (5), Block One (1), COLLEGE VIEW ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

General Location Known As:	<u>3930 N. Kickapoo</u>
Current Zoning Classification:	<u>R-1; Single Family Residential</u>
Requested Zoning Classification:	<u>C-3; Automotive, Commercial & Recreation</u>
Proposed Use of Property:	<u>Ice Machine</u>
Applicant:	<u>Seminole Ice House, LLC</u>

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

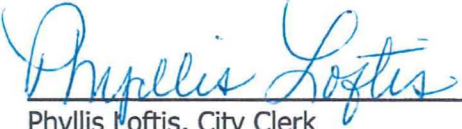
The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

March 07, 2012	AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
March 19, 2012	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 15th day of February, 2012.




Phyllis Loftis, City Clerk

CITY OF SHAWNEE
222 N. BROADWAY
SHAWNEE, OK 74801

PLANNING DEPARTMENT
PHONE: (405) 878-1666
FAX: (405) 878-1587

PLANNING COMMISSION APPLICATION
PROJECT NO. 120074 CASE NO. P06-12

REQUEST:

Rezoning X 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 R-1 District to C-3 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 3930 N Kickapoo

LEGAL DESCRIPTION: Lot (5) in Block (1) College View addition to the City of Shawnee, OK

PROPERTY OWNER (S): Seminole Ice

PROPERTY AGENT (APPLICANT): Seminole Ice

APPLICANT'S ADDRESS: P.O. Box 336 74801

CITY: Shawnee **STATE:** OK **ZIP:** 74802

EMAIL ADDRESS: Self ch @ Oge. Com

TELEPHONE NUMBER: (405) 760-5533 **CONTACT NUMBER:** () same

DIMENSIONS OF PROPERTY: AREA 31,500 sq ft WIDTH 150 ft
LENGTH 210 deep FRONTAGE 150 ft

CURRENT ZONING: R-1 **CURRENT USE:** Vacant

PROPOSED ZONING: C-3 **PROPOSED USE:** Ice Machine

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.

Chad Self (Seminole Ice)
SIGNATURE OF APPLICANT

(FOR STAFF USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this 23 day of, January 20 12

Karen Oran
PLANNING COMMISSION SECRETARY

REZONING &/OR C.U.P FEE \$ 280.00
RECEIPT NO. 1293800

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.:** _____

STATE OF OKLAHOMA)
) SS:
COUNTY OF POTTAWATOMIE)

-: AFFIDAVIT OF BONDED ABTRACTOR :-

The undersigned Bonded Abstractor in and for the aforesaid County and State 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 lands:

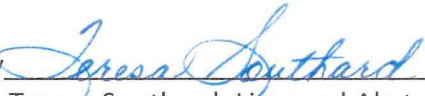
Lot Five (5), Block One (1), COLLEGE VIEW ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from One (1) to Three (3), both inclusive.

The Abstractor makes no representation or warranty, either expressed or implied, regarding the accuracy of the information contained in this report. The Abstractor does not guarantee the validity of the title of such parties nor is this report intended to guarantee title thereof. The liability of the Abstractor shall be based solely on contract and shall be limited to the price paid for the report by the customer. The parties agree that the Abstractor shall not be liable for consequential damages. Acceptance of the instrument constitutes acceptance of this limitation on liability.

EXECUTED at Shawnee, Oklahoma, this 6th day of January, 2012.

FIRST AMERICAN TITLE AND TRUST COMPANY

By 
Teresa Southard, Licensed Abstractor #264

Order No. 1654724-SH99

Ownership List

Order No. 1654724-SH99

Date January 6, 2012

Page No. 1

OWNER

BRIEF LEGAL:

James P. Maxwell and Levoe Maxwell Trust – 3914 N. Kickapoo, Shawnee, OK 74804
Lot 2, Block 1, COLLEGE VIEW ADDITION to Shawnee

Donald E. Stewart and Jorun H. Stewart – Postboks 86, N-2025 Fjerdingsby, Norway
Lot 3, Block 1, COLLEGE VIEW ADDITION to Shawnee

EC Development, LLC – 23 E. 9th St. #229, Shawnee, OK 74801
Lot 4, Block 1, COLLEGE VIEW ADDITION to Shawnee

Helen L. Peters – 37905 Old Highway 270, Shawnee, OK 74804
Lot 5, Block 1, COLLEGE VIEW ADDITION to Shawnee

Claudio Moreno, Jr. & Joe Ann G. Claudio – 510 Telstar Street, Norman, OK 73071-8639
Lot 6, Block 1, COLLEGE VIEW ADDITION to Shawnee

Kalies Enterprises, LLC – 21020 Judy Circle, McCloud, OK 74851
Lots 7 & 8, Block 1, COLLEGE VIEW ADDITION to Shawnee

Kimberly Raye Hartling – 4013 Blaine Road, Shawnee, OK 74804
Lot 2, Block 1, AMENDED PLAT OF COLLEGE VIEW ADDITION to Shawnee

Bill J. Washburn and Reta J. Washburn – 4011 Blaine Road, Shawnee, OK 74804
Lot 3, Block 1, AMENDED PLAT OF COLLEGE VIEW ADDITION to Shawnee

Allen Hubbard – P.O. Box 3855, Shawnee, OK 74802-3855
Lot 4, Block 1, AMENDED PLAT OF COLLEGE VIEW ADDITION to Shawnee

Timothy Jay Michael and Cheryl A. Michael – 4007 Blaine Road, Shawnee, OK 74804
Lot 5, Block 1, AMENDED PLAT OF COLLEGE VIEW ADDITION to Shawnee

Toby O. Thompson – 4005 Blaine Road, Shawnee, OK 74804
Lot 6, Block 1, AMENDED PLAT OF COLLEGE VIEW ADDITION to Shawnee

Michael D. Askins and Karen L. Askins – 4003 Blaine Road, Shawnee, OK 74804
Lot 7, Block 1, AMENDED PLAT OF COLLEGE VIEW ADDITION to Shawnee

Kenneth L. Fleischfresser and Roxane K. Fleischfresser – 3917 N. Aydelotte, Shawnee, OK 74804
Lot 8 & N 35' Lot 9, Block 1, AMENDED PLAT OF COLLEGE VIEW ADDITION to Shawnee

Larry W. Evans and Shelly R. Evans – 3915 N. Aydelotte, Shawnee, OK 74804
S 25' Lot 9 & All Lot 10, Block 1, AMENDED PLAT OF COLLEGE VIEW ADDITION to
Shawnee...LESS S 10'

Millard Thomas, Jr. – 3913 N. Aydelotte, Shawnee, OK 74804
S 10' Lot 10 & All Lot 11 & N 4.76' Lot 12, Block 1, AMENDED PLAT OF COLLEGE VIEW
ADDITION to Shawnee

Harold D. Farris and Judy M. Farris – 3911 N. Aydelotte, Shawnee, OK 74804
S 55' Lot 12 & N 30' Lot 13, Block 1, AMENDED PLAT OF COLLEGE VIEW ADDITION to
Shawnee

Ownership List

Order No. 1654724-SH99

Date January 6, 2012

Page No. 2

OWNER

BRIEF LEGAL:

Reuben Peltier – P.O. Box 3071, Shawnee, OK 74802-3071

S 30' Lot 13 & All Lot 14, Block 1, AMENDED PLAT OF COLLEGE VIEW ADDITION to Shawnee

Elizabeth E. Williams – 3905 N. Aydelotte, Shawnee, OK 74804

Lot 15 & N 10' Lot 16, Block 1, AMENDED PLAT OF COLLEGE VIEW ADDITION to Shawnee

Theresa V. Cutlip – 4003 N. Aydelotte, Shawnee, OK 74804

S 86' Lot 6 & N 30' Lot 7, Block 2, AMENDED PLAT OF COLLEGE VIEW ADDITION to Shawnee

Darrell D. Belyeu and Irene B. Belyeu 2007 Revocable Trust – 4002 Blaine Road, Shawnee, OK 74804

Lot 7, LESS N 30' & Lot 8, LESS N 10', Block 2, AMENDED PLAT OF COLLEGE VIEW ADDITION to Shawnee

Gary Hobbs and Cathy g. Hobbs Revocable Trust – 40 Granada, Shawnee, OK 74804

N 10' Lot 8 & S 55' Lot 9, Block 2, AMENDED PLAT OF COLLEGE VIEW ADDITION to Shawnee

Kurt H. Basler and Sharon K. Basler – 4006 Blaine Road, Shawnee, OK 74804

N 5' Lot 9 & All Lot 10, Block 2, AMENDED PLAT OF COLLEGE VIEW ADDITION to Shawnee

Susie Anne Smith – 4008 Blaine Road, Shawnee, OK 74804

Lot 11, Block 2, AMENDED PLAT OF COLLEGE VIEW ADDITION to Shawnee

Don L. Loula and Gail L. Loula Revocable Trust – 3906 N. Aydelotte, Shawnee, OK 74804

N 55' Lot 20 & S 35' Lot 21, Block 3, AMENDED PLAT OF COLLEGE VIEW ADDITION to Shawnee

Lillie M. Smith – 3908 N. Aydelotte, Shawnee, OK 74804

N 30' Lot 21 & S 60' Lot 22, Block 3, AMENDED PLAT OF COLLEGE VIEW ADDITION to Shawnee

Betty J. Walls – 3910 N. Aydelotte, Shawnee, OK 74804

N 5' Lot 22 & All Lot 23 & S 5' Lot 24, Block 3, AMENDED PLAT OF COLLEGE VIEW ADDITION to Shawnee

Laurel E. Brewer – 3912 N. Aydelotte, Shawnee, OK 74804

N 74.56' Lot 24 & S 30' Lot 25, Block 3, AMENDED PLAT OF COLLEGE VIEW ADDITION to Shawnee

Susan Mae Lipinski – 3914 N. Aydelotte, Shawnee, OK 74804

N 40' Lot 25 & S 50' Lot 26, Block 3, AMENDED PLAT OF COLLEGE VIEW ADDITION to Shawnee

Ownership List

Order No. 1654724-SH99

Date January 6, 2012

Page No. 3

OWNER

BRIEF LEGAL:

Richard G. Canham and Shirley W. Canham Trust – 4002 N. Aydelotte, Shawnee, OK 74804
N 15' Lot 26 & All Lot 27, Block 3, AMENDED PLAT OF COLLEGE VIEW ADDITION to
Shawnee

Alford Gruette and Shawnda Gruett – 101 Meadows Lane, Shawnee, OK 74804
Lot 1, Block 2, AMENDED PLAT OF THE MEADOWS to Shawnee

Derek Dodd – 103 Meadows Lane, Shawnee, OK 74804
Lot 2, Block 2, AMENDED PLAT OF THE MEADOWS to Shawnee

Health Care Reit, Inc. – c/o Alterra Healthcare – 6737 W. Washington St., Suite 2300,
Milwaukee, WI 53214
363.42' X 227.17', Block 5, AMENDED PLAT OF THE MEADOWS to Shawnee...LESS 100' X
227.28'

Bank of New York Mellon Trust – P.O. Box 780, Waterloo, IA 50702
Lot 1, Block 1, NORTHCREEK MANOR ADDITION to Shawnee

Elizabeth K. McCown – 3901 N. Kickapoo #2, Shawnee, OK 74804
Lot 2, Block 1, NORTHCREEK MANOR ADDITION to Shawnee

Thomas R. Quandt and Amy L. Quandt – 3901 N. Kickapoo #3, Shawnee, OK 74804
Lot 3, Block 1, NORTHCREEK MANOR ADDITION to Shawnee

Gary W. Carr – 3901 N. Kickapoo #4, Shawnee, OK 74804
Lot 4, Block 1, NORTHCREEK MANOR ADDITION to Shawnee

Elizabeth J. Campbell – 3901 N. Kickapoo #5, Shawnee, OK 74804
Lot 5, Block 1, NORTHCREEK MANOR ADDITION to Shawnee

Jo Ellen, Inc. – 305 E. Federal, Shawnee, OK 74804-3809
Lot 6, Block 1, NORTHCREEK MANOR ADDITION to Shawnee

G. Randy Cowden and Joye E. Cowden – 1810 Henson Court, Shawnee, OK 74804
Lot 1, Block 1, NORTHCREEK PLAZA to Shawnee & Beg. 375' N SW/C NW/4 Section 6,
Township 10 North, Range 4 East; thence E 50'; thence N 199.49'; thence W 50'; thence S to
beg.

Modern Oil Co., Inc. – P.O. Box 218, Shawnee, OK 74802-0218
Beg. 574.51' N SW/C NW/4 Section 6, Township 10 North, Range 4 East; thence E 180';
thence N 180.49'; thence W 180'; thence S 180.49' to beg.

American Self Storage, LLC – 7100 N. Classen, Suite 400, Oklahoma City, OK 73116
Beg. 375' N & 180.07' E SW/C NW/4 Section 6, Township 10 North, Range 4 East; thence
E 450'; thence N 380.24'; thence W 450'; thence S 380.24' to beg.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, TO-WIT: A TRACT OF LAND DESCRIBED AS LOT FIVE (5), BLOCK ONE (1), COLLEGE VIEW ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, REZONING SAID PROPERTY FROM R-1; SINGLE FAMILY RESIDENTIAL TO C-3; AUTOMOTIVE, COMMERCIAL AND RECREATION AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

WHEREAS, pursuant to notice duly given as required by law, a public hearing was conducted by the Board of Commissioners of the City of Shawnee, Oklahoma on the 19th day of March, 2012, upon an application to rezone certain properties located in the City of Shawnee, Oklahoma; and,

WHEREAS, the Planning Commission of the City of Shawnee has conducted one or more public hearings on said application pursuant to notice as required by law and has submitted its final report and recommendation upon said application to the Board of Commissioners; and

WHEREAS, it appears to be in the best interest of the City of Shawnee and the inhabitants thereof for said property to be rezoned as considered.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

Section 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit: A tract of land described as Lot Five (5), Block One (1), COLLEGE VIEW ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof be and the same is hereby rezoned from R-1; Single Family Residential to C-3; Automotive, Commercial and Recreation and the official zoning map heretofore adopted is hereby amended as to include said property C-3; Automotive, Commercial and Recreation.

PASSED AND APPROVED this 19th day of March, 2012

LINDA PETERSON, MAYOR

(SEAL)

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

7.

Meeting Date: 03/19/2012

Rezone MacArthur and Acme Rd

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Public hearing and consider an ordinance to rezone property located at the NE corner of MacArthur and Acme Road from A-1; Agricultural to C-3; Automotive, Commercial and Recreation and R-3; Multi-Family. Case #P07-12 Applicant: E. Allen Cowen, II

Attachments

Rezone P07-12

Ordinance P07-12

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: E. Allen Cowen II
FOR: Rezone
LOCATION: NE Corner of MacArthur & Acme Rd
PROJECT#: 120089 Case# P07-12

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: A-1; Agricultural
REQUESTED CLASSIFICATION: C-3; Automotive, Commercial & Residential and R-3; Multi-Family
PROPOSED PROPERTY USE: Commercial and Multi-Family

PLANNING COMMISSION MEETING DATE: March 7, 2012

PLANNING COMMISSION RECOMMENDATION: Approval

VOTE OF THE PLANNING COMMISSION: MEMBERS PRESENT: 7

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
HOLT			X			
CARTER	X		X			
HOSTER			X			
TURNER (CHAIRMAN)			X			
SILVIA (VICE-CHAIRMAN)			X			
PRINCE		X	X			
SALTER			X			

RESPECTFULLY SUBMITTED,

Karen Drain

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

STAFF REPORT
Case #P07-12

TO: Shawnee Planning Commission

AGENDA: March 7, 2012

RE: CASE #P07-12; Consideration of Rezone Request (A-1 to C-3 and R-3)

PROPOSAL

Rezone the subject site, which is currently zoned A-1 (Agricultural) to C-3 (Commercial) for Tract 1 and R-3 (Multi-Family) for Tract 2. The applicant wishes to construct multi-family housing (townhome style) on Tract 2 and utilize Tract 1 for future commercial development.

GENERAL INFORMATION

Applicant	E. Allen Cowen, II
Owners	Dora B. Cowen Revocable Trust
Site Location/Address	NE Corner of MacArthur Street and Acme Rd
Current Site Zoning	A-1 (Agricultural)
Parcel Size	Total Parcel- Proposed Tract 1- 2.06 Proposed Tract 2- 11.93
Proposed Zoning	Tract 1: C-3, Tract 2: R-3 Multi-Family
Proposed Use	Tract 1: Commercial Use, Tract 2: Multi-Family
Comprehensive Plan Designation	Rural/Agricultural
Existing Land Use	Agricultural
Surrounding Land Use	<u>North</u> : Residential (apartment complex) <u>South</u> : Commercial and Industrial <u>West</u> : Vacant – Proposed Kickapoo casino site <u>East</u> : Vacant

Surrounding Zoning	<u>North:</u> R-3 <u>South:</u> C-1 and I-2 <u>West:</u> A-1 <u>East:</u> RE
---------------------------	---

STAFF ANALYSIS AND FINDINGS

The subject property is currently zoned A-1: Agricultural and is surrounded by varied zoning on each side. To the north, is an existing apartment complex (Ashford Place) that is zoned R-3 (Figure 1). This property was annexed into the City in 1997 (Ord. 1855NS). The property fronting Acme Road, Highway 177, and MacArthur is the site of a proposed casino and pending annexation to the City. To the east, there are three single-family residential properties on land zoned RE (Rural Estate). Lastly, to the south are commercial and industrial uses, including a gas station and oil/gas storage facility.

According to the Shawnee Comprehensive Plan (Figure 2), the subject property is designated for low-density residential use. Interestingly, the Comprehensive Plan does not recognize the existing high-density land to the north. Given the proposed casino use to the west, the high-density residential use to the north and the commercial and industrial uses to the south, this land designation may not be of best use for the property as does not appear ideally suited for single-family residential development. It is Staff's opinion that because of the adjoining land uses (and potential land uses) the property is no longer suited for the recommended use as noted in the Comprehensive Plan.

The proposed R-3 zoning for Tract 2 is compatible with the zoning to the north and the intended use would essentially be the same, although the proposed density is lower. Due to the proposed commercial zoning within the site (Tract 1), the commercial and industrial zonings to the south, and the proposed casino site, R-3 zoning would allow for denser residential development and thus be a better fit than low-density residential zoning. Figure 3 illustrates the proposed zoning tracts and surrounding land use characteristics. According to the zoning regulations, the R-3 multi-family district is, "intended to provide for multiple family developments which has a concentration of dwelling units served by open spaces including common areas and facilities." The applicant has proposed a townhome type development and the units will be for rent or lease.

The proposed C-3 zoning requested for the southwest corner of the lot on Tract 1 does conform to the surrounding land uses and while not consistent with the Comprehensive Plan, it is a more compatible land use than the proposed low-density designation. It also pairs well with the proposed R-3 development on Lot 2.

Prior to development on the site, an approved preliminary and final plat is required as are engineered construction plans. Screening will be required along the eastern property line, where the land abuts low-density residential parcels.

RECOMMENDATION

Based on the analysis and findings above, Staff recommends **approval** of the applicant's request to rezone Tract 1 (2.06 acres) to C-3 and recommends **approval** of the applicant's request to rezone Tract 2 (11.93 acres) to R-3. Staff recommends that the Planning Commission forward these recommendations to the City Commission.



Figure 1: Zoning map, with site outlined in red

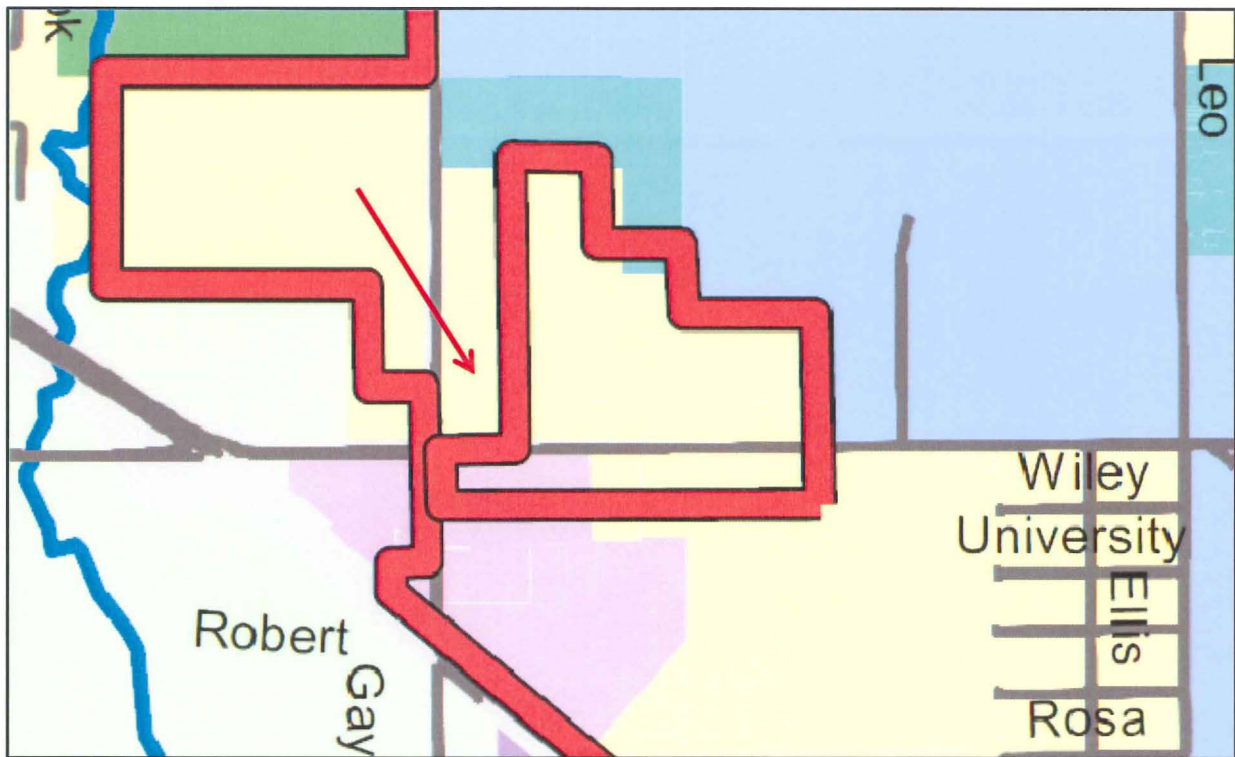


Figure 2: Comprehensive Plan designation of the site (Residential).

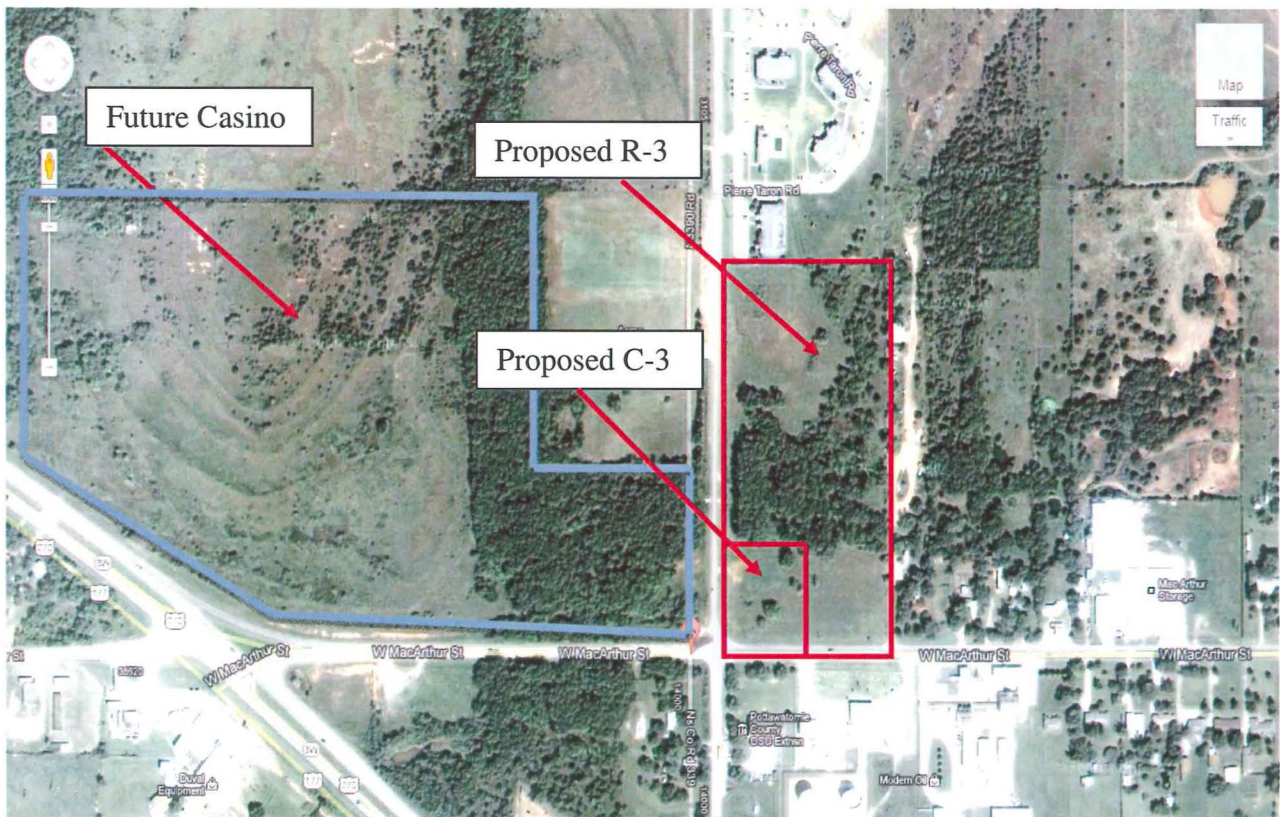
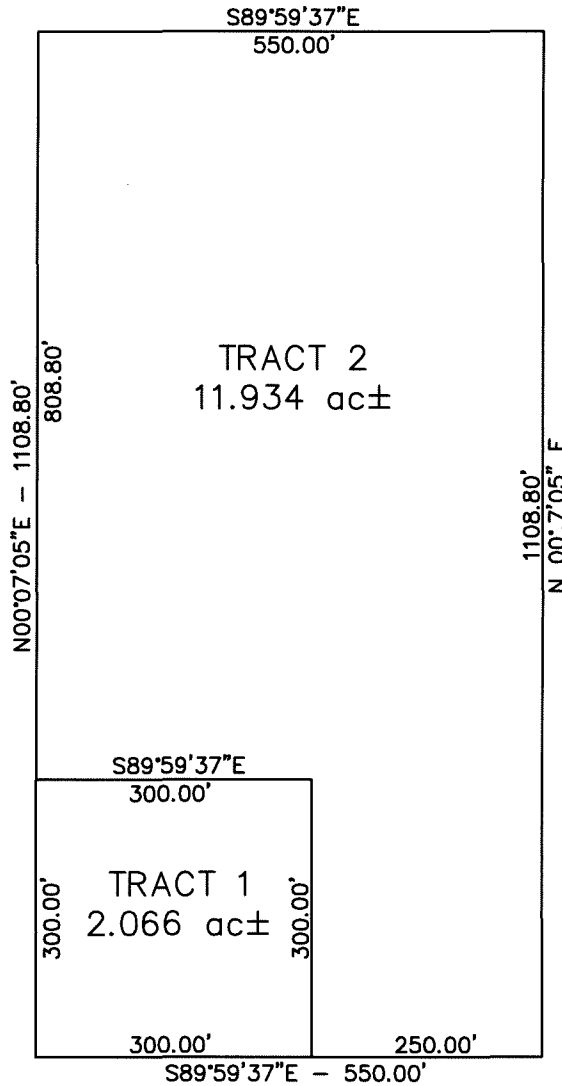


Figure 3: Aerial view of site and surrounding area (site outlined in red).



JTK Engineering Co.

37906 Wolverine Road
Shawnee, OK 74804
(405) 878-0715

**J.C. Hughes
Investments, LLC
Tract Map**

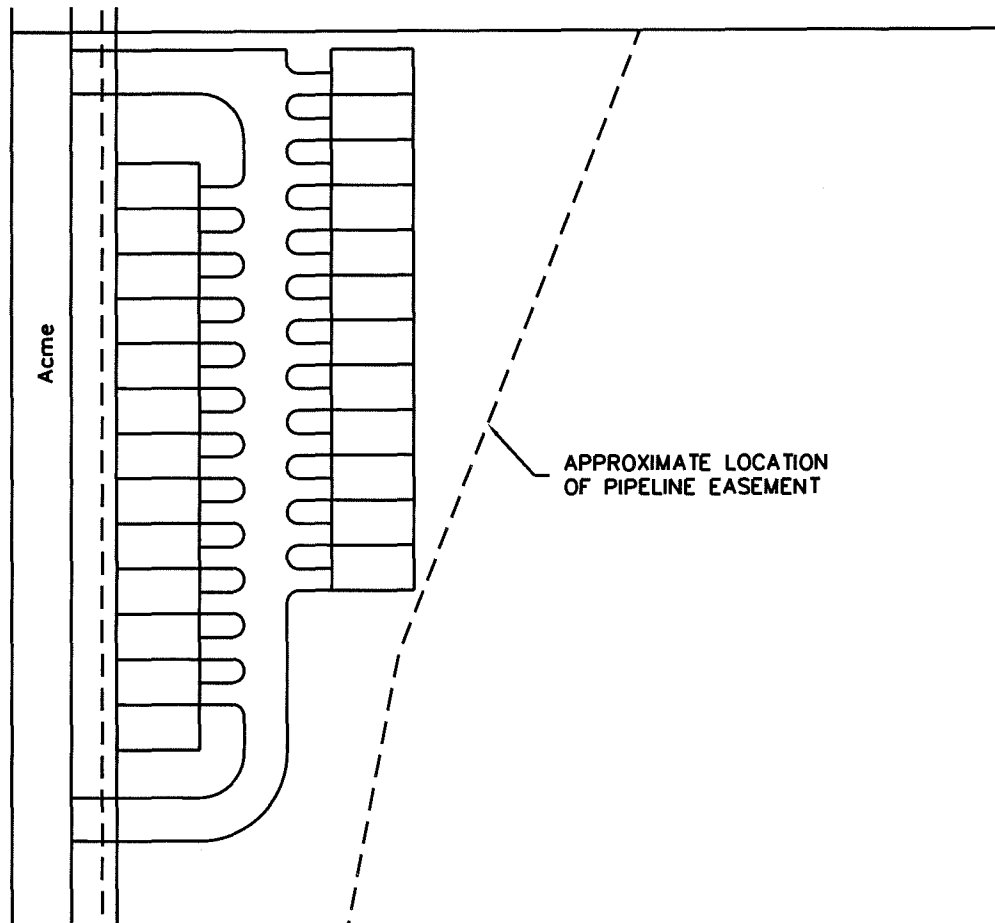
Project #: 11015

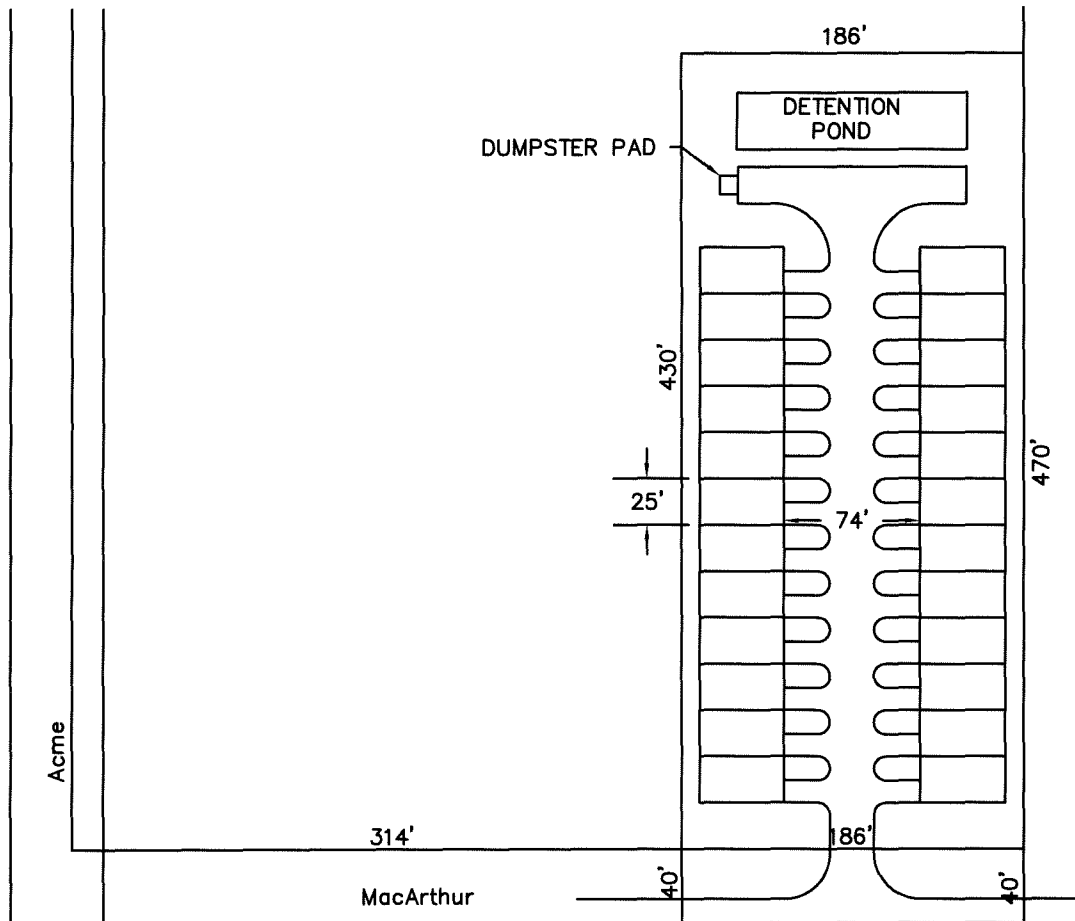
Date: 02/08/12

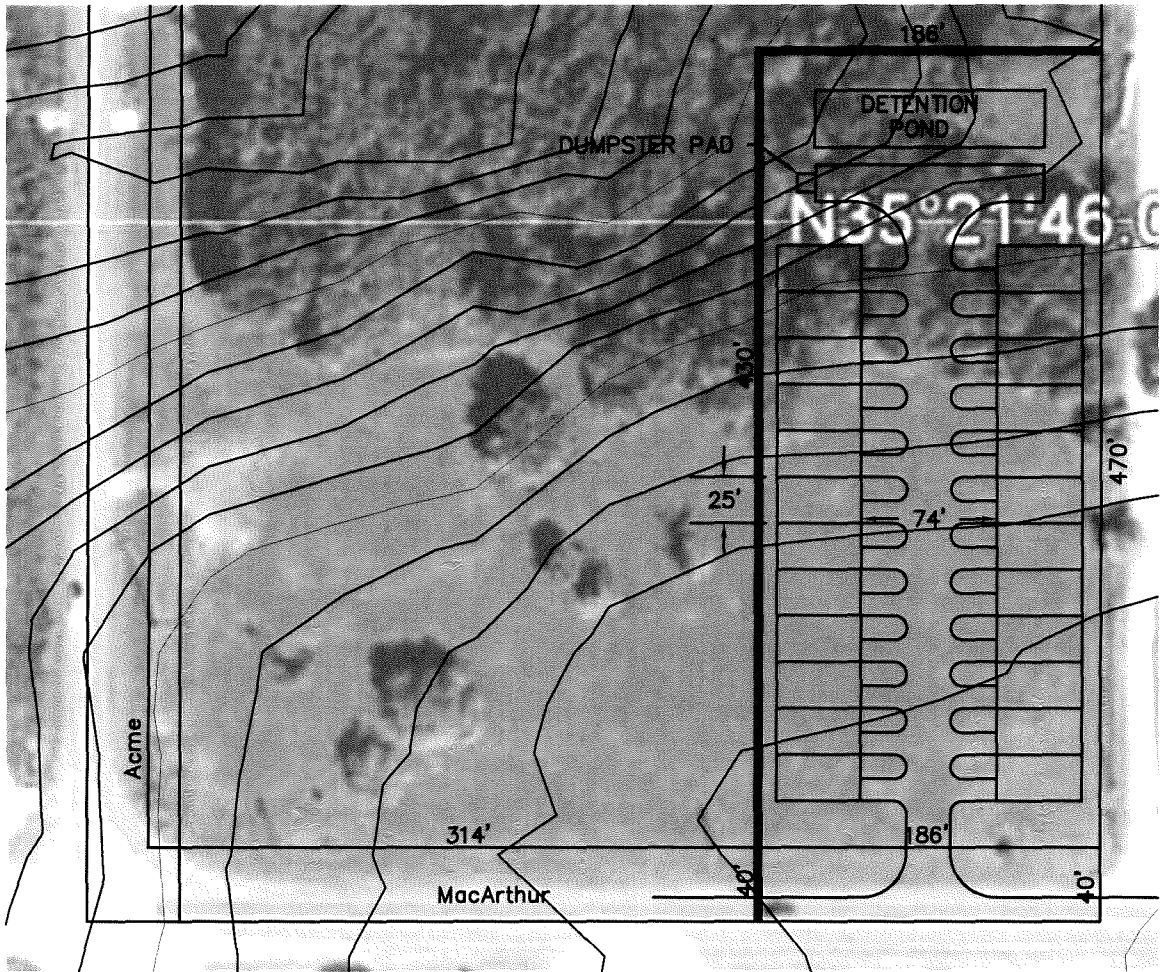
Scale: 1" = 200'

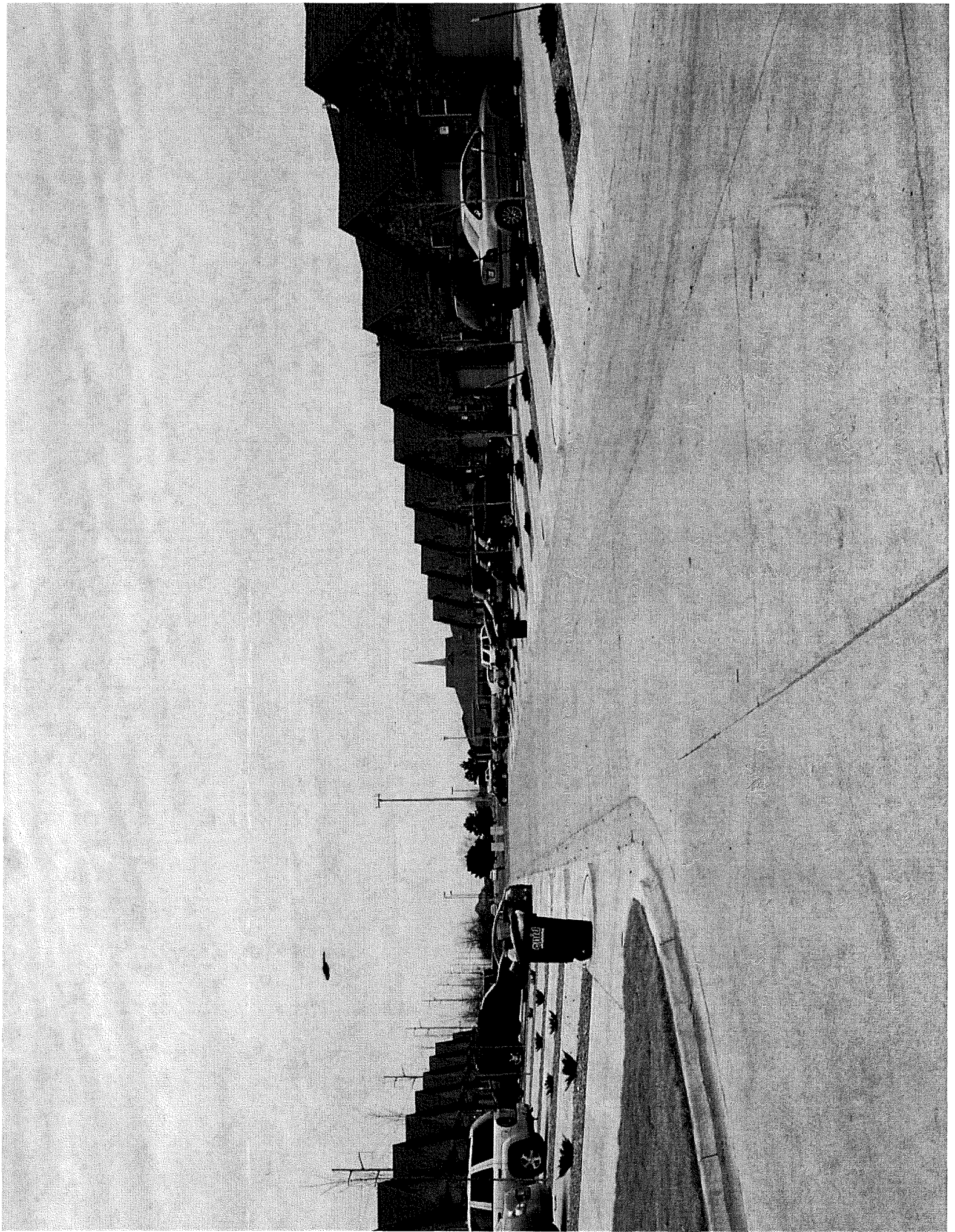
Sketch No.

1











CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P07-12

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:

Tract 1 Legal Description

A part of the Southwest Quarter (SW/4) of Section Two (2), Township Ten (10) North, Range Three (3) East of the Indian Meridian, Pottawatomie County, Oklahoma, more particularly described as follows:
BEGINNING at the Southwest corner of said SW/4; THENCE North 00°07'05" East a distance of 300.00 feet; THENCE South 89°59'37" East a distance of 300.00 feet; THENCE South 00°07'05" West a distance of 300.00 feet; THENCE North 89°59'37" West a distance of 300.00 feet to the POINT OF BEGINNING, containing 2.066 acres more or less.

Tract 2 Legal Description

A part of the Southwest Quarter (SW/4) of Section Two (2), Township Ten (10) North, Range Three (3) East of the Indian Meridian, Pottawatomie County, Oklahoma, more particularly described as follows:
COMMENCING the Southwest corner of said SW/4;
THENCE North 00°07'05" East a distance of 300.00 feet to the POINT OF BEGINNING; THENCE continuing North 00°07'05" East a distance of 808.80 feet;
THENCE South 89°59'37" East a distance of 550.00 feet; THENCE South 00°07'05" West a distance of 1108.80 feet; THENCE North 89°59'37" West a distance of 250.00 feet;
THENCE North 00°07'05" East a distance of 300.00 feet; THENCE North 89°59'37" West a distance of 300.00 feet to the POINT OF BEGINNING, containing 11.934 acres more or less.

General Location Known As:	<u>NE corner of MacArthur & Acme Rd</u>
Current Zoning Classification:	<u>A-1; Agricultural</u>
Requested Zoning Classification:	<u>C-3; Automotive, Commercial & Recreation (Tract 1)</u> <u>R-3; Multi-Family (Tract 2)</u>
Proposed Use of Property:	<u>Commercial & Multi-Family Housing</u>
Applicant:	<u>E. Allen Cowen, II</u>

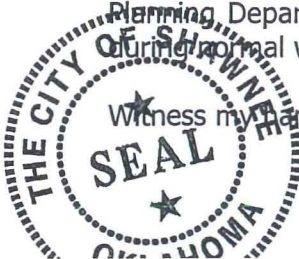
The "Zoning Map of the City of Shawnee, Oklahoma" will be amended accordingly to reflect such change if approved by the City Commission.

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

March 07, 2012	AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
March 19, 2012	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 15th day of February, 2012.




Phyllis Loftis, City Clerk

CITY OF SHAWNEE
222 N. BROADWAY
SHAWNEE, OK 74801

PLANNING DEPARTMENT
PHONE: (405) 878-1666
FAX: (405) 878-1587

PLANNING COMMISSION APPLICATION
PROJECT NO. 120089 CASE NO. P07-12

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

PROPERTY LOCATION (STREET ADDRESS): MacArthur Street & Acme Road
Shawnee, Oklahoma 74804

LEGAL DESCRIPTION: See Exhibit "A" attached hereto

PROPERTY OWNER (S): Dora B. Cowen Revocable Trust, UAD March 6, 1990

PROPERTY AGENT (APPLICANT): E. Allen Cowen, II

APPLICANT'S ADDRESS: 1715 N. Union

CITY: Shawnee **STATE** OK **ZIP** 74804

EMAIL ADDRESS: earnestcowen@msn.com

TELEPHONE NUMBER: (405) 273-3012 **CONTACT NUMBER:** (405) 273-3012
243-7200

DIMENSIONS OF PROPERTY: AREA _____ WIDTH _____
See Exhibit "B" attached hereto LENGTH _____ FRONTAGE _____

CURRENT ZONING: A-1 Commercial **CURRENT USE:** Vacant

PROPOSED ZONING: multi-family R-3 **PROPOSED USE:** multi family

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.

E. Allen Cowen, II
SIGNATURE OF APPLICANT

(FOR STAFF USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this 3rd day of February 2012

Karen Drain
PLANNING COMMISSION SECRETARY

REZONING &/OR C.U.P FEE \$ 280.00
RECEIPT NO. 1295147

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.:** _____

STATE OF OKLAHOMA)
) SS:
COUNTY OF POTTAWATOMIE)

-: AFFIDAVIT OF BONDED ABTRACTOR :-

The undersigned Bonded Abstractor in and for the aforesaid County and State 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 lands:

A tract of land described as beginning at the Southwest Corner of the Southwest Quarter (SW/4) of Section Two (2), Township Ten (10) North, Range Three (3) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence North 1108.8 feet; thence East 550 feet; thence South 1108.8 feet; thence West 550 feet to the point of beginning.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from One (1) to Two (2), both inclusive.

The Abstractor makes no representation or warranty, either expressed or implied regarding the accuracy of the information contained in this report. The Abstractor does not guarantee the validity of the title of such parties nor is this report intended to guarantee title thereof. The liability of the Abstractor shall be based solely on contract and shall be limited to the price paid for the report by the customer. The parties agree that the Abstractor shall not be liable for consequential damages. Acceptance of the instrument constitutes acceptance of this limitation on liability.

EXECUTED at Shawnee, Oklahoma, this 17th day of January, 2012.

FIRST AMERICAN TITLE AND TRUST COMPANY

By 
Teresa Southard, Licensed Abstractor #264

Order No. 1657884-SH99

Ownership List

Order No. 1657884-SH99

Date January 17, 2012

Page No. 1

OWNER

BRIEF LEGAL:

Ashford Place – c/o Greystone Servicing Corp., Inc. – P.O. Box 560807, Dallas, TX 75356-0807

Beg. 1108.8' N SW/C SW/4 Section 2, Township 10 North, Range 3 East; thence N 871.2'; thence E 550'; thence S 871.2'; thence W 550' to beg.

Dora B. Cowen Revocable Trust – Earnest Cowen and Dora Cowen, Trustees – 1715 N. Union, Shawnee, OK 74801

Beg. 150' N SW/C SW/4 Section 2, Township 10 North, Range 3 East; thence N 1830'; thence E 550'; thence S 1980'; thence W 250'; thence N 150'; thence W 300' to beg...LESS N 11 acres & Beg. SW/C Section 2, Township 10 North, Range 3 East; thence N 150'; thence E 300'; thence S 150'; thence W 300' to beg.

Emmitt J. Hale and Susan Elaine Hale – 39106 W. MacArthur, Shawnee, OK 74804

Beg. 1782' W SE/C SW/4 Section 2, Township 10 North, Range 3 East; thence N 1100'; thence E 198'; thence N 880'; thence W 506'; thence S 660'; thence E 154'; thence S 1320'; thence E 154' to beg.

Robert L. Nelson, Roberta Faye Wallis, Bobby Del Nelson, George Bruce Nelson, Sherry Darlene Martin and Nancy Lee Robison – 39104 W. MacArthur, Shawnee, OK 74804

Beg. 2090' W SE/C SW/4 Section 2, Township 10 North, Range 3 East; thence N 1320'; thence E 154'; thence S 1320'; thence W 154' to beg.

Escobedo, LLC – 23 Clark Circle, Shawnee, OK 74804

Beg. 1056' E SW/C SW/4 Section 2, Township 10 North, Range 3 East; thence W 198'; thence N 1100'; thence E 198'; thence S 1100' to beg.

School Land (Acme School)

Beg. NE/C S/2 SE/4 Section 3, Township 10 North, Range 3 East; thence S 790'; thence W 575'; thence N 790'; thence E 575'; to beg.

Richard D. Thompson – P.O. Box 1486, Shawnee, OK 74802-1486

N/2 SE/4 Section 3, Township 10 North, Range 3 East

Allotment

S/2 SE/4 Section 3, Township 10 North, Range 3 East...LESS TRACTS

Board of County Commissioners – 14101 Acme Road, Shawnee, OK 74801

Beg. NW/C NW/4 NW/4 NW/4 Section 11, Township 10 North, Range 3 East; thence E 255.66'; thence S 326.59'; thence W 50'; thence S 44.55'; thence W 205.68'; thence N 373.25' to beg.

Sinclair Transportation Co. – 1821 Logan Ave., Cheyenne, WY 82001

NW/4 NW/4 NW/4 Section 11, Township 10 North, Range 3 East...LESS 3.5 ACS.

Ownership List

Order No. 1657884-SH99

Date January 17, 2012

Page No. 2

OWNER

BRIEF LEGAL:

Modern Oil Co., Inc. – P.O. Box 218, Shawnee, OK 74802-0218

Beg. 465' W NE/C NW/4 NW/4; thence S 660'; thence W 150'; thence N 660'; thence E 150' to beg. & Beg. NW/C NE/4 NW/4 NW/4; thence E 45'; thence S 660'; thence W 45'; thence N 660' to beg. & Beg. 295' W NE/C W/2 NW/4; thence W 170'; thence S 215'; thence E175'; thence N 215' to beg. all in Section 11, Township 10 North, Range 3 East

Corene White – 14004 Acme Road, Shawnee, OK 74804

17.5 acres in the NE/4 NE/4 Section 10, Township 10 North, Range 3 East...LESS 8.8 Acres

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, TO-WIT:

TRACT 1: A PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWO (2), TOWNSHIP TEN (10) NORTH, RANGE THREE (3) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SW/4; THENCE NORTH 00°07'05" EAST A DISTANCE OF 300.00 FEET; THENCE SOUTH 89°59'37" EAST A DISTANCE OF 300.00 FEET; THENCE SOUTH 00°07'05" WEST A DISTANCE OF 300.00 FEET; THENCE NORTH 89°59'37" WEST A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2.066 ACRES MORE OR LESS; REZONING SAID PROPERTY FROM A-1; AGRICULTURAL TO C-3; AUTOMOTIVE, COMMERCIAL AND RECREATION; AND

TRACT 2: A PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWO (2), TOWNSHIP TEN (10) NORTH, RANGE THREE (3) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING THE SOUTHWEST CORNER OF SAID SW/4; THENCE NORTH 00°07'05" EAST A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°07'05" EAST A DISTANCE OF 808.80 FEET; THENCE SOUTH 89°59'37" EAST A DISTANCE OF 550.00 FEET; THENCE SOUTH 00°07'05" WEST A DISTANCE OF 1108.80 FEET; THENCE NORTH 89°59'37" WEST A DISTANCE OF 250.00 FEET; THENCE NORTH 00°07'05" EAST A DISTANCE OF 300.00 FEET; THENCE NORTH 89°59'37" WEST A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING, CONTAINING 11.934 ACRES MORE OR LESS, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF, REZONING SAID PROPERTY FROM A-1; AGRICULTURAL TO R-3; MULTI-FAMILY, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

WHEREAS, pursuant to notice duly given as required by law, a public hearing was conducted by the Board of Commissioners of the City of Shawnee, Oklahoma on the 19th day of March, 2012, upon an application to rezone certain property located in the City of Shawnee, Oklahoma from A-1; Agricultural to C-3; Automotive, Commercial and Recreation, and R-3; Multi-Family.

WHEREAS, the Planning Commission of the City of Shawnee has conducted one or more public hearings on said application pursuant to notice as required by law and has

submitted its final report and recommendation upon said application to the Board of Commissioners; and,

WHEREAS, it appears to be in the best interest of the City of Shawnee and the inhabitants thereof for said property to be rezoned as considered.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

Section 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit: TRACT 1: A part of the Southwest Quarter (SW/4) of Section Two (2), Township Ten (10) North, Range Three (3) East of the Indian Meridian, Pottawatomie County, Oklahoma, more particularly described as follows: BEGINNING at the Southwest corner of said SW/4; THENCE North 00°07'05" East a distance of 300.00 feet; THENCE South 89°59'37" East a distance of 300.00 feet; THENCE South 00°07'05" West a distance of 300.00 feet; THENCE North 89°59'37" West a distance of 300.00 feet to the POINT OF BEGINNING, containing 2.066 acres more or less, rezoning said property from A-1; Agricultural to C-3; Automotive, Commercial and Recreation.

TRACT 2: A part of the Southwest Quarter (SW/4) of Section Two (2), Township Ten (10) North, Range Three (3) East of the Indian Meridian, Pottawatomie County, Oklahoma, more particularly described as follows: COMMENCING the Southwest corner of said SW/4; THENCE North 00°07'05" East a distance of 300.00 feet to the POINT OF BEGINNING; THENCE continuing North 00°07'05" East a distance of 808.80 feet; THENCE South 89°59'37" East a distance of 550.00 feet; THENCE South 00°07'05" West a distance of 1108.80 feet; THENCE North 89°59'37" West a distance of 250.00 feet; THENCE North 00°07'05" East a distance of 300.00 feet; THENCE North 89°59'37" West a distance of 300.00 feet to the POINT OF BEGINNING, containing 11.934 acres more or less, be and the same is hereby rezoned from A-1: Agricultural to R-3; Multi-Family and the official zoning map heretofore adopted is hereby amended so as to include said property as Tract 1, C-3; Automotive, Commercial and Recreation; and Tract 2 R-3; Multi-Family.

PASSED AND APPROVED this 19th day of March, 2012.

LINDA PETERSON, MAYOR

(SEAL)
ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

8.

Meeting Date: 03/19/2012

Rezone 4650 N Harrison

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Public hearing and consider an ordinance to rezone property located at 4650 N. Harrison Street from A-1; Agricultural to C-3; Automotive, Commercial and Recreation.

Case #P05-12 Applicant: TJT Holdings, LC

Attachments

Rezone P05-12

Ordinance P05-12

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: TJT HOLDINGS LC
FOR: Rezone
LOCATION: 4650 N. Harrison
PROJECT#: 120058 Case# P05-12

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: A-1; Agricultural
REQUESTED CLASSIFICATION: C-3; Automotive, Commercial & Residential
PROPOSED PROPERTY USE: Office Building

PLANNING COMMISSION MEETING DATE: March 7, 2012

PLANNING COMMISSION RECOMMENDATION: Approval

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 7

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
HOLT			X			
CARTER			X			
HOSTER	X		X			
TURNER (CHAIRMAN)			X			
SILVIA (VICE-CHAIRMAN)		X	X			
PRINCE			X			
SALTER			X			

RESPECTFULLY SUBMITTED,

Karen Drain

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

STAFF REPORT
Case #P05-12

TO: Shawnee Planning Commission

AGENDA: March 7, 2012

RE: CASE #P05-12; Consideration of Rezone Request (A-1 to C-3)

PROPOSAL

Rezone the subject site, which is currently zoned A-1 (Agricultural) to C-3 (Commercial) for land northwest of the intersection of Harrison and 45th Street. The applicant wishes to build an office building on Lot 1, which will house the offices of Central Disposal. The Central Disposal supply yard and transfer station is located west of the subject property. This application is filed in conjunction with Case #S05-12 and #S06-12 (see separate staff report for platting information).

GENERAL INFORMATION

Applicant	TJT Holdings, L.C.
Owners	TJT Holding, L.C.
Site Location/Address	Northwestern corner of Harrison and 45 th
Current Site Zoning	A-1 (Agricultural)
Parcel Size	Total Parcel- 4.15 acres
Proposed Zoning	C-3
Proposed Use	Commercial- Office Use
Comprehensive Plan Designation	Commercial- Residential
Existing Land Use	Agricultural
Surrounding Land Use	<u>North</u> : Agricultural/vacant <u>South</u> : Commercial and Agricultural

	<u>West:</u> Industrial – Current Site of the Applicant's Transfer Station <u>East:</u> Commercial
Surrounding Zoning	<u>North:</u> A-1 <u>South:</u> C-3 and A-1 <u>West:</u> A-1, I-2 <u>East:</u> CP

STAFF ANALYSIS AND FINDINGS

The applicant is requesting a zone change from A-1 to C-3 to allow for an office building to be placed on the lot where the applicant operates a business from an adjoining lot. The property owner wishes to build an office building on the property so that they may move their current office operations from an off-site location to the proposed site in an effort to consolidate their operation. They currently operate a Transfer Station on property to the west of the proposed zone change site. Figure 1 and 2 illustrate existing and surrounding zoning and site conditions.

The applicant is requesting 4.15 acres be rezoned C-3. Some of the requested zone change area of the site does lie within the FEMA regulated floodplain, but the applicant is aware of this and is working toward a FEMA Floodplain map amendment before development will occur on that area of the property. Lot 1, which is where the proposed office building would be located, is outside of the regulated floodplain.

The requested zoning is appropriate for the use and does conform to the Comprehensive Plan. It can be noted on Figure 3, that the property surrounding the site is marked for Commercial, Residential and Public land uses which the proposed zone change falls under.

Staff also notes that the applicant does not have to make any public improvements to the site since it is already serviced by public sewer and water. Additional requirements may be implemented as part of an approved plat or building permit.

RECOMMENDATION

Based on the analysis and findings above, Staff recommends **approval** of the applicants request to rezone the property to C-3. The requested zone change does fit within the Comprehensive Plan and the proposed use of office space is allowable under the requested zoning district.

ZONING MAP

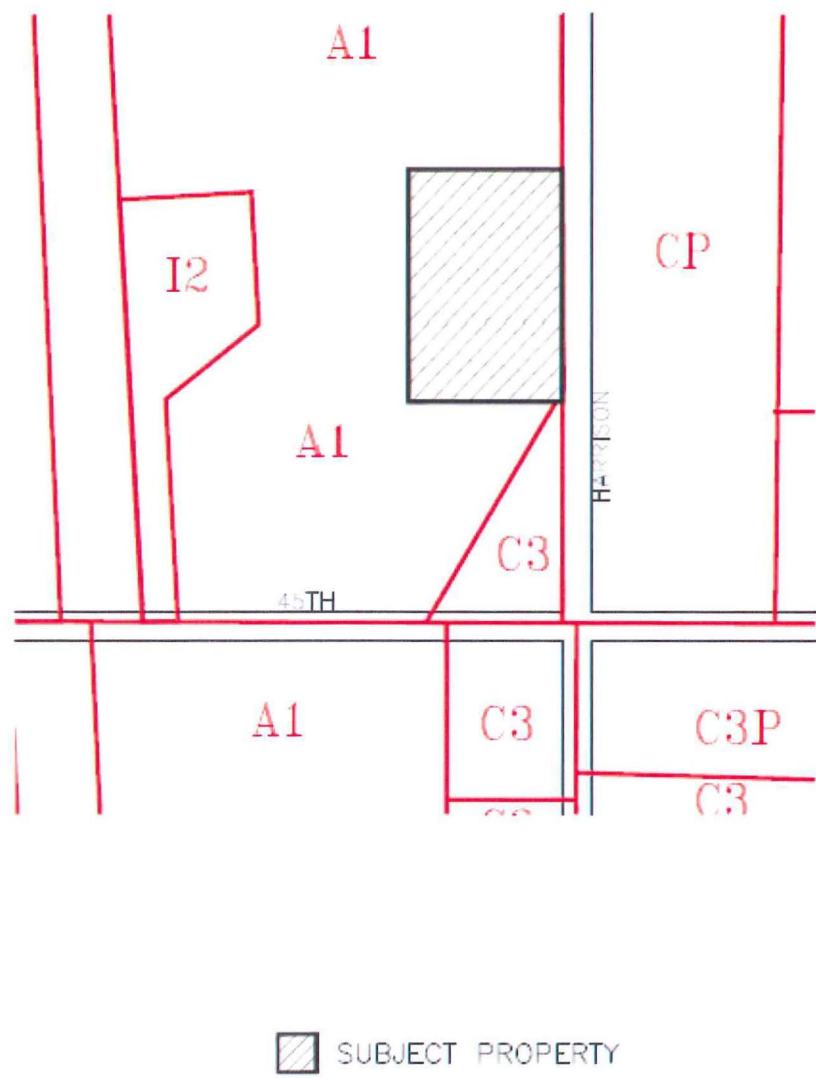


Figure 1: Location and zoning map.



Figure 2: Aerial view of site and surrounding area (site outlined in red).

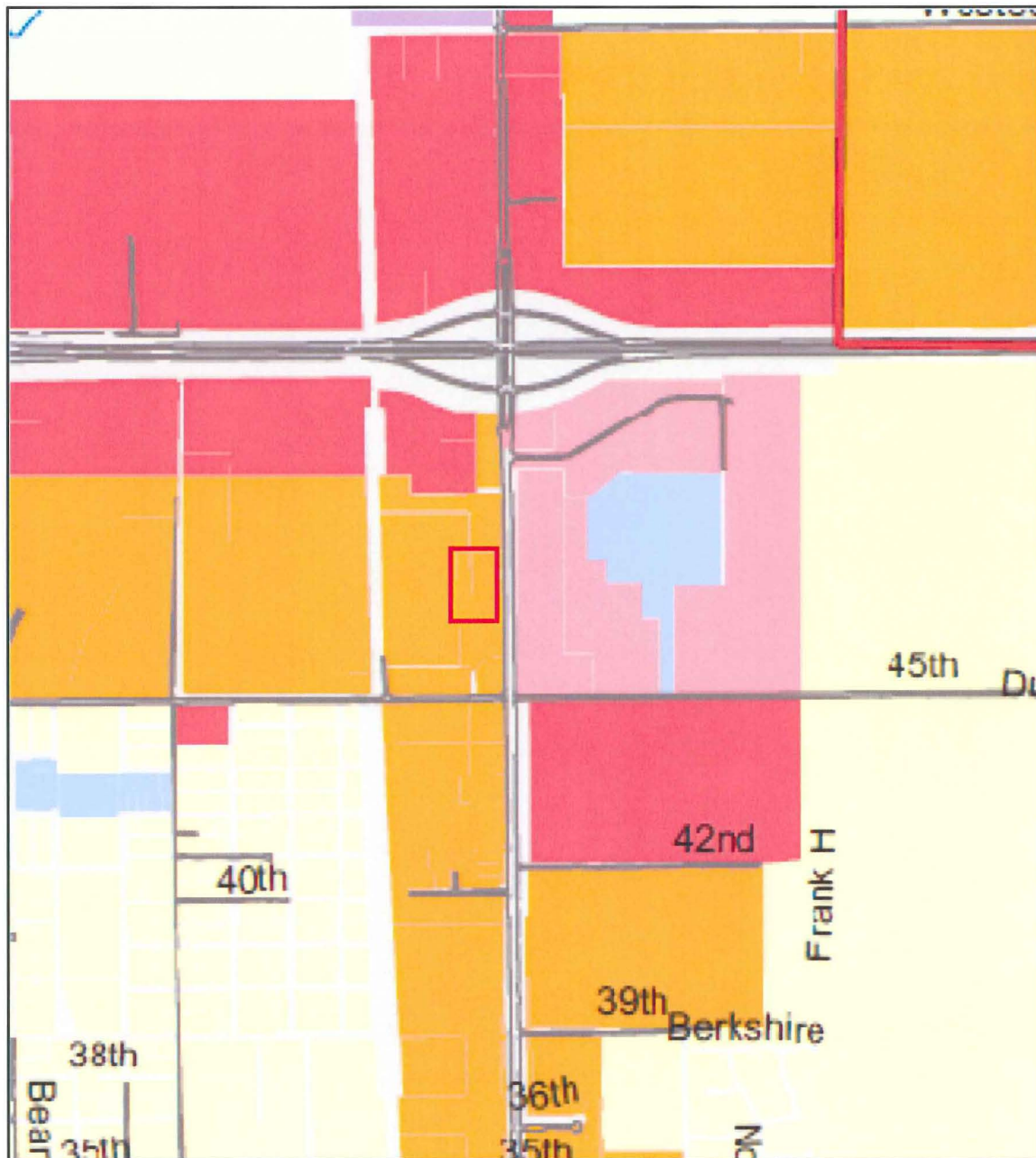


Figure 3: Future Land Use Map – Orange area is Commercial/Residential, Pink area is Public/Commercial and Red is Commercial.

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P05-12

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 commencing at 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 NOoo01'41"E a distance of 498.76 feet to the point of beginning; thence N89°58'19"W a distance of 348.00 feet; thence NOoo01' 41"E a distance of 520.24 feet; thence S89°58'19"E for a distance of 348.00 feet; thence SOoo01'41"W for a distance of 520.24 feet to the point of beginning.

General Location Known As:	<u>4650 N. Harrison</u>
Current Zoning Classification:	<u>A-1; Agricultural</u>
Requested Zoning Classification:	<u>C-3; Automotive, Commercial & Recreation</u>
Proposed Use of Property:	<u>Office Building</u>
Applicant:	<u>TJT HOLDINGS, LLC</u>

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

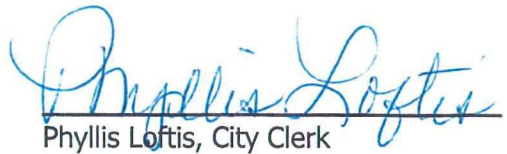
The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

March 07, 2012	AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
March 19, 2012	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 15th day of February, 2012.




Phyllis Loftis, City Clerk

CITY OF SHAWNEE
222 N. BROADWAY
SHAWNEE, OK 74801

PLANNING DEPARTMENT
PHONE: (405) 878-1666
FAX: (405) 878-1587

PLANNING COMMISSION APPLICATION
PROJECT NO. 120058 CASE NO. POS-12

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

PROPERTY LOCATION (STREET ADDRESS): 4650 N. HARRISON AVE

LEGAL DESCRIPTION: SEE ATTACHED

PROPERTY OWNER (S): TJT HOLDINGS, L.C.

PROPERTY AGENT (APPLICANT): TJT HOLDINGS, L.C.

APPLICANT'S ADDRESS: 3701 N. Harrison

CITY: Shawnee **STATE** OK **ZIP** 74804

EMAIL ADDRESS: jmadcock@bodard.com

TELEPHONE NUMBER: (405) 273-7300 **CONTACT NUMBER:** (405) 273-7300

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

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

PROPOSED ZONING: C-3 **PROPOSED USE:** OFFICE BUILDING

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.



SIGNATURE OF APPLICANT

(FOR STAFF USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this 27 day of January 20 12



PLANNING COMMISSION SECRETARY

REZONING &/OR C.U.P FEE \$ 280.00
RECEIPT NO. 1292715

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.:** _____

[illegible]

-: AFFIDAVIT OF BONDED ABSTRACTOR :-

The undersigned Bonded Abstractor in and for the aforesaid County and State, 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 lands:

A tract of land described as commencing at 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 N00°01'41"E a distance of 498.76 feet to the point of beginning; thence N89°58'19"W a distance of 348.00 feet; thence N00°01'41"E a distance of 520.24 feet; thence S89°58'19"E for a distance of 348.00 feet; thence S00°01'41"W for a distance of 520.24 feet to the point of beginning.

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

The Abstractor makes no representation or warranty, either expressed or implied, regarding the accuracy of the information contained in this report. The Abstractor does not guarantee the validity of the title of such parties nor is this report intended to guarantee title thereof. The liability of the Abstractor shall be based solely on contract and shall be limited to the price paid for the report by the customer. The parties agree that the Abstractor shall not be liable for consequential damages. Acceptance of the instrument constitutes acceptance of this limitation on liability.

EXECUTED at Shawnee, Oklahoma, this 17th day of January, 2012.

FIRST AMERICAN TITLE AND TRUST COMPANY

By Teresa Southard
Teresa Southard, Licensed Abstractor #264

Order No. 1658216-SH99

Ownership List

Order No. 1658216-SH99

Date January 17, 2012

Page No. 1

OWNER

BRIEF LEGAL:

Randy D. Edmonson – P.O. Box 3003, Shawnee, OK 74802-3003

Beg. 1378' N SE/C SE/4 Section 31, Township 11 North, Range 4 East; thence W 348'; thence S 200'; thence E 348'; thence N 200' to beg.

Dharshan, Inc. – 4700 N. Harrison, Shawnee, OK 74804

Beg. 1019' N SE/C SE/4 Section 31, Township 11 North, Range 4 East; thence W 348'; thence N 159'; thence E 348'; thence S 159' to beg.

American National Bank – 1183 Joyce Boulevard, Suite 2, Fayetteville, AR 72703

Beg. SE/C SE/4 Section 31, Township 11 North, Range 4 East; thence N 498.76'; thence S37°W 635.90'; thence E 389.93' to beg.

TJT Holdings, LC – 3701 N. Harrison, Shawnee, OK 74804

Beg. SE/C SE/4 Section 31, Township 11 North, Range 4 East; thence W 389.93' to point of beg.; thence W 571.67'; thence N02°32'01"W 1379.50'; thence E 676'; thence S 359'; thence E 348'; thence S 520.24'; thence S37°52'11"W 636.01' to beg.

Juanita Carpenter Irrevocable Trust – c/o Mark Finley – P.O. Box 246, Shawnee, OK 74802-0246

Beg. SW/C SW/4; thence E 150.08'; thence N 704'; thence W 10'; thence N 245.98' to beg; thence E 354.11'; thence N 100'; thence W 355.39'; thence S 100' to beg. & Beg. 120' E SW/C SW/4; thence E 362'; thence N 853.29'; thence W 352.77' to Highway 18 R/W; thence S 853' to beg. all in Section 32, Township 11 North, Range 4 East

Juanita Carpenter – 9820 NE 23rd, Oklahoma City, OK 73141

Beg. 759.85' S & 151' E NW/C SW/4 Section 32, Township 11 North, Range 4 East; thence E 331'; thence S 997.86'; thence W 352.77' Highway #18; thence N 809'; thence N10°19'21"E 191.64' to beg.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, TO-WIT: A TRACT OF LAND DESCRIBED AS COMMENCING AT 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 NOOO01'41"E A DISTANCE OF 498.76 FEET TO THE POINT OF BEGINNING; THENCE N89°58'19"W A DISTANCE OF 348.00 FEET; THENCE NOOO01' 41"E A DISTANCE OF 520.24 FEET; THENCE S89°58'19"E FOR A DISTANCE OF 348.00 FEET; THENCE SOOOOL'41"W FOR A DISTANCE OF 520.24 FEET TO THE POINT OF BEGINNING, ACCORDING TO THE RECORDED PLAT THEREOF, REZONING SAID PROPERTY FROM A-1; AGRICULTURAL TO C-3; AUTOMOTIVE, COMMERCIAL AND RECREATION AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

WHEREAS, pursuant to notice duly given as required by law, a public hearing was conducted by the Board of Commissioners of the City of Shawnee, Oklahoma on the 19th day of March, 2012, upon an application to rezone certain properties located in the City of Shawnee, Oklahoma; and,

WHEREAS, the Planning Commission of the City of Shawnee has conducted one or more public hearings on said application pursuant to notice as required by law and has submitted its final report and recommendation upon said application to the Board of Commissioners; and

WHEREAS, it appears to be in the best interest of the City of Shawnee and the inhabitants thereof for said property to be rezoned as considered.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

Section 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit: A tract of land described as, A tract of land described as commencing at 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 NOoo01'41"E a distance of 498.76 feet to the point of beginning; thence N89°58'19"W a distance of 348.00 feet; thence NOoo01' 41"E a distance of 520.24 feet; thence S89°58'19"E for a distance of 348.00 feet; thence SOooOl'41"W for a distance of 520.24 feet to the point of beginning. according to the recorded plat thereof be and the same is hereby rezoned from A-1; Agricultural to C-3; Automotive, Commercial and Recreation and the official zoning map heretofore adopted is hereby amended as to include said property C-3; Automotive, Commercial and Recreation.

PASSED AND APPROVED this 19th day of March, 2012

LINDA PETERSON, MAYOR

(SEAL)

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

9.

Meeting Date: 03/19/2012

Prelim and Final Plats 45th and Harrison

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider approval of preliminary and final plats for Bodard Addition Section I located at the NW Corner of 45th Street and Harrison Street.

Case #S05-12 and #S06-12 Applicant: TJT Holdings, LC

Attachments

Prelim and Final Plats S05-12 and S06-12

RECOMMENDATION TO:

MAYOR

BOARD OF CITY COMMISSIONERS

CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE

PLANNING COMMISSION

SUBJECT:APPLICANT: TJT HoldingsFOR: Bodard Addition Section 1 Preliminary & Final PlatsLOCATION: NW Corner of 45th & HarrisonPROJECT NUMBER 120068 & 120069CASE NUMBER S05-12 & S06-12PLANNING COMMISSION MEETING DATE: March 7, 2012PLANNING COMMISSION RECOMMENDATION: Approval upon the following conditions:

1. Preliminary Plat approval for Lot 1 and 2 is approved provided the property is rezoned to a commercial zoning designation.
2. Final infrastructure plans shall be submitted by the applicant and approved by the City and the City Engineer prior to construction.
3. Sidewalks are required in accordance with City Standards along the Harrison Street frontage.
4. An engineered site plan and engineered drainage plan is required concurrent with building permit submittal for each lot.
5. Lot 2 may not be final platted until all floodplain requirements have been met to the satisfaction of the City's Floodplain Administrator.
6. All other applicable City standards apply.
7. The following deviations are hereby approved:
 - a. Waiver of requirement that all contiguous land owned by the applicant be included in the preliminary plat; and
 - b. Waiver of utility easement requirement along the side and rear lot lines for Lot 1 and Lot 2.

VOTE OF THE PLANNING COMMISSION:**MEMBERS PRESENT:** 7

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
HOLT		X	X			
CARTER			X			
HOSTER	X		X			
TURNER (CHAIRMAN)			X			
SILVIA (VICE-CHAIRMAN)			X			
PRINCE			X			
SALTER			X			

RESPECTFULLY SUBMITTED,

Karen Drain

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

COMBINED STAFF REPORT
Bodard Addition Section 1
Case #S05-12, #S06-12

TO: Shawnee Planning Commission

AGENDA: March 7, 2012

RE: Bodard Addition Section 1, Preliminary and Final Plat

PROPOSAL

The applicant is requesting Preliminary Plat approval (Case #S05-12) to divide 4.15 acres into two buildable lots. Proposed Lot 1 is 1.30 acres, while Lot 2 is 1.89 acres in size. Concurrently, the applicant is requesting Final Plat approval (Case #S06-12) for Lot 1. An office building is proposed for Lot 1. This application is filed in conjunction with Case #P05-12 (see separate staff report for rezoning information).

GENERAL INFORMATION

Applicant	TJT Holdings, L.C.
Owners	TJT Holdings, L.C.
Site Location/Address	Northwestern corner of Harrison and 45 th
Current Site Zoning	A-1 (Agricultural)
Parcel Size	Total Parcel- 4.15 acres
Proposed Zoning	C-3
Proposed Use	Commercial- Office Use
Comprehensive Plan Designation	Commercial- Residential
Existing Land Use	Agricultural

Surrounding Land Use	<u>North:</u> Agricultural/vacant <u>South:</u> Commercial and Agricultural <u>West:</u> Agricultural/Vacant <u>East:</u> Commercial
Surrounding Zoning	<u>North:</u> A-1 <u>South:</u> C-3 and A-1 <u>West:</u> A-1 , I-2 <u>East:</u> CP



Figure 1: Aerial view of site – approximate total area outlined in red.

STAFF REVIEW AND ANALYSIS

The applicant is requesting approval of a preliminary plat to allow for the division of the tract into two lots, Lot 1 with 1.30 acres and Lot 2 with 1.89 acres. According to the preliminary plat, there is a FEMA mapped floodplain that encroaches on Lot 2 and a separate 0.56 acre flood zone reserve area proposed.

Staff has reviewed the preliminary plat request and finds that the request for preliminary approval meets all of the platting requirements, with minor amendment as noted herein or conditioned. On the face of the preliminary plat, the applicant has requested three

variances. The first variance requests deviation from Section 40.2.1(e) of the Subdivision regulations which states, "A Preliminary Plat shall include all contiguous property owned or under option by the subdivision." Staff has no objection to approval of this variance. The 4.15 acres that are part of the requested preliminary plat is part of a much larger tract of land and since potential land uses are not known and there are no additional development plans, there is no point in requiring a plat for the entire property. Staff recommends approving this deviation since the preliminary plat only covers a small percentage of the total land owned.

The second variance request is to not require additional right-of-way along Harrison Street. Right-of-way along Harrison is adequate and exceeds the right-of-way required by code and the Comprehensive Plan. Therefore, Staff considers this request null, since no additional right-of-way is required.

The third variance requested is to not require utility easements along the perimeter of the subdivision. According to Section 40.2.3(b) "Where alleys are not provided, easements of not less than ten (10) feet shall be provided along each rear lot line resulting in a twenty (20) foot total easement along rear lot lines." Since the lot is served by utilities along the front property line, and there is no access to utilities from the rear, additional easements along the rear or side property lines are not needed. Staff recommends approving this deviation.

The applicant does not have to make any public improvement to the site due to the location and the fact that the site is currently served by sewer and water along both frontages. Staff does note that there may be an issue with the location of the proposed building on the property due to the location of the existing fire hydrant along Harrison. The development regulations state in Section 40.2.9(c) that "All building facades shall be serviced by fire hydrants installed in accordance with standards and specifications of the Code of the City of Shawnee and so located such that the totality of each façade can be serviced by not more than three-hundred (300) feet of fire hose laid down by a fire vehicle." In order to meet these regulations, the applicant may have to install a hydrant to meet the required distance. Although this is not a critical issue directly related to the plats, Staff wishes to make the Commission and applicant aware of the issue so that it can be addressed prior to building permit submittal.

For the Final Plat, the applicant is only requesting approval of Lot 1 and will not be dividing Lot 2 at this time due to the Lot's location within the floodplain and the need for additional engineering and approval. Staff understands that the applicant's engineer will undertake a FEMA Floodplain map amendment before bringing the Final Plat back for approval before the Commission. Staff has reviewed the proposed preliminary and final plats and finds conformance with the City's platting requirements, subject to the recommended conditions below. In support of the requested approval, the applicant has submitted the necessary plat documents and engineering reports.

Staff has reviewed the right of way requirements and determined that both the preliminary and the final plat meet those requirements and no additional right of way is

needed. With respect to utilities, the site is currently served by City water and sewer service. Additional building plan review will be conducted at the time of building permit submittal.

Regarding the technical aspects of the submitted plat, the City Engineer has reviewed the submitted plans and has no objection to preliminary and final plat approval.

STAFF RECOMMENDATION

Staff recommends **approval** of the Bodard Addition, Section 1, Preliminary and Final plats, subject to the following conditions:

1. Preliminary Plat approval for Lot 1 and 2 is approved provided the property is rezoned to a commercial zoning designation.
2. Final infrastructure plans shall be submitted by the applicant and approved by the City and the City Engineer prior to construction.
3. Sidewalks are required in accordance with City Standards along the Harrison Street frontage.
4. An engineered site plan and engineered drainage plan is required concurrent with building permit submittal for each lot.
5. Lot 2 may not be final platted until all floodplain requirements have been met to the satisfaction of the City's Floodplain Administrator.
6. All other applicable City standards apply.
7. The following deviations are hereby approved:
 - a. Waiver of requirement that all contiguous land owned by the applicant be included in the preliminary plat; and
 - b. Waiver of utility easement requirement along the side and rear lot lines for Lot 1 and Lot 2.

Attachments

1. Preliminary Plat
2. Final Plat

TITLE	
PRELIMINARY PLAT	
DATE	
JANUARY-2012	
DRAWN:	DATE
STL	$\angle M = 40^\circ$
PROJECT	
BODARD - 12	
SHEET NO	
1 OF 1	

FINAL PLAT
OF

[illegible]

LAND SURVEYOR'S CLERK ONE

CONFIDENTIAL OF CIVIL CLERK

DECEMBER 20, 1920
CITY OF ST. LOUIS, MISSOURI

STATE OF OKLAHOMA }
COUNTY OF OKLAHOMA }

By _____, Vice-President of First American Title & Insurance Company, as agent of the Corporation.

[illegible][illegible]

A. BRITISH AMERICAN, and County Treasurer will certify the payment to be received at the City of Shrewsbury, California, at a day of 20.

CITY SANDING CONTRACTS, AUGUST 1966
County Treasurer

Committee, do hereby certify that the foregoing Statement Concerning Such Applicant was filed on the day of 20.

Working Director

[illegible]

the Mayor of the City of Snowdon. Dictating the _____ day of _____

5. **Basic terms:** **Antioxidant** of carbon acids and phenols. **Electron** and **proton** are transferred from the substrate to the oxidant. **Free radical** is a molecule with an unpaired electron.

THIS SURVEY MEETS THE REQUIREMENTS OF THE POLICE OF ILLINOIS FOR THE PRACTICE OF LAW BY THE ILLINOIS STATE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS. THIS SURVEY MEETS THE REQUIREMENTS OF THE POLICE OF ILLINOIS FOR THE PRACTICE OF LAW BY THE ILLINOIS STATE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS.

KLS

LandRun Engineering LLC
EAST MAIN STREET, SHARPEL, OK. 74801
405-273-4222 - www.landruneng.com
CALL 815-615-4320-13

Circumstance	Percentage of respondents who believe that the use of force is justified in the circumstance
Self-defense	~85%
Protecting others	~75%
Protecting property	~45%

20068

PRELIMINARY PLAT APPLICATION FOR THE CITY OF SHAWNEE

Please provide a submittal letter, 6-24 X 36 maps, 1-8 1/2 x 14 map, 1 electronic map
(kdrain@shawneeok.org) and filing fees upon submitting this application.

APPLICANT: TJT HOLDINGS, L.C.

APPLICANT ADDRESS: 3701 N. Harrison, Shawnee, OK 74804

APPLICANT PHONE NUMBERS: 405-273-7300

EMAIL ADDRESS: jmadcock@bodard.com

NAME OF PLAT: Bodard Addition Section I

LOCATION: NW/c of 45th & Harrison

NUMBER OF ACRES: 1.3

NUMBER OF LOTS: 1

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS:	COST IS	\$225.00
PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS	NUMBER OF LOTS:	_____
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS	NUMBER OF LOTS:	_____

TOTAL COST _____

FOR LESS THAN 2 ACRE LOTS:	COST IS	\$225.00
PLUS \$2.00 PER LOT UP TO FIFTY (50) LOTS	NUMBER OF LOTS: 1	\$2.00
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS	NUMBER OF LOTS:	_____

TOTAL COST \$227.00

OWNER/DEVELOPER INFORMATION:

NAME: TJT HOLDINGS, L.C.

ADDRESS: 3701 N. Harrison, Shawnee, OK 74804

CONTACT NUMBERS: 405-273-7300

EMAIL ADDRESS: jmadcock@bodard.com

PROJECT ENGINEER INFORMATION:

NAME: LandRun Engineering, Stephen Landes

ADDRESS: PO Box 1584, Shawnee, OK 74802-1584

CONTACT NUMBERS: 405-273-4222

EMAIL ADDRESS: landrungroup@landrungroup.com

pd
1/31/12

120069

FINAL PLAT APPLICATION FOR THE CITY OF SHAWNEE

Please provide a submittal letter, 6-24 X 36 maps, 1-8 1/2 x 14 map, 1 electronic map
(kdrain@shawneeok.org) and filing fees upon submitting this application.

APPLICANT: TJT HOLDINGS, L.C.

APPLICANT ADDRESS: 3701 N. Harrison Shawnee, OK 74804

APPLICANT PHONE NUMBERS: 405-273-7300

EMAIL ADDRESS: jmadcock@bodard.com

NAME OF PLAT: Bodard Addition Section I

LOCATION: NW/c of 45th & Harrison

NUMBER OF ACRES: 1.3

NUMBER OF LOTS: 1

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: COST IS

\$325.00

PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS

NUMBER OF LOTS: _____

PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS

NUMBER OF LOTS: _____

TOTAL COST

FOR LESS THAN 2 ACRE LOTS:

COST IS

\$325.00

PLUS \$2.00 PER LOT UP TO FIFTY (50) LOTS

NUMBER OF LOTS: 1

\$2.00

PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS

NUMBER OF LOTS: _____

TOTAL COST

\$327.00

OWNER/DEVELOPER INFORMATION:

NAME: TJT HOLDINGS, L.C.

ADDRESS: 3701 N. Harrison, Shawnee, OK 74804

CONTACT NUMBERS: 405-273-7300

EMAIL ADDRESS: jmadcock@bodard.com

PROJECT ENGINEER INFORMATION:

NAME: LandRun Engineering, Stephen Landes

ADDRESS: PO Box 1584, Shawnee, OK 74802-1584

CONTACT NUMBERS: 405-273-4222

EMAIL ADDRESS: landrungroup@landrungroup.com

pd
1/31/12

Regular Board of Commissioners

10.

Meeting Date: 03/19/2012

Agreement with CPN Bridge

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider agreement with the Citizen Potawatomi Nation to provide funding for the southbound lanes of the James W. Allen bridge along Gordon Cooper across the North Canadian River.

Attachments

Agreement CPN Bridge

Bridge Information

**CITIZEN POTAWATOMI NATION
AND
CITY OF SHAWNEE
AGREEMENT
FOR
REPAIR OF GORDON COOPER BRIDGE
BRIDGE NUMBER 09831
BIA ROUTE NUMBER 8804**

THIS AGREEMENT, entered into this 20th day of March, 2012, by and between the **Citizen Potawatomi Nation** and the **City of Shawnee, Oklahoma**, hereinafter referred to as the **NATION** and the **CITY**.

WITNESSED: That the **NATION** is authorized to obligate the Indian Reservation Road Funds (**IRR**) for the construction of road and bridge projects for the use of Indian Citizens and others.

WHEREAS, the **NATION** and **CITY** are interested in reconstructing Southbound Gordon Cooper Bridge from the North approach of the North Canadian River Bridge thence South 0.15 miles:

The Citizen Potawatomi Nation proposes to repair (infrastructure and deck repair) of bridge number 09831 as per ODOT Standards. This work is proposed since Southbound Gordon Cooper Bridge is currently in bad condition and in need of repair.

NOW, THEREFORE, it is mutually agreed by the **NATION** and **CITY** that:

1. The **CITY** hereby certifies to the **NATION** that the entire project is to be constructed on public right-of-way.

2. The **CITY** hereby agrees to provide additional right-of-way if needed at their sole expense.
3. The **CITY** agrees to defend the title in and to all such right-of-way at the sole expense of **CITY** and the **CITY** hereby agrees to indemnify and save harmless the **NATION** from any and all claims, demands, suits or causes of action, whether the same be at law or in equity, for damages arising from or in any way connected with the **CITY'S** acquisition or failure to acquire said lands, or in any way arising from or connected with the construction of the project by the **NATION** upon said lands.
4. The **NATION** agrees that the entire project will remain the maintenance responsibility of the **CITY**.
5. The **CITY** will provide funds for the cost of developing approved plans and bid documents.
6. The **NATION** will provide **IRR** Funds in an amount not to exceed \$625,000.00 as funded through the "Economic Stimulus Plan".
7. All payments shall be made by the **NATION** to the lowest responsive and responsible bidder upon receipt of suitable evidence of expenditure made by the low bidder in execution of this Agreement (approval of all invoices by the **CITY** is required). Invoices shall be made out to Citizen Potawatomi Nation to receive payment. The final invoice shall be received on or before COB on August 31, 2012.
8. The **NATION** and the **CITY** will jointly select a third party firm for Quality Control on this project. The **NATION** will provide **IRR** Funds to cover this cost (in excess of the dollars listed in item #6). The **CITY** will be responsible for construction oversight and daily inspection, along with traffic control.
9. The parties agree that the contract entered into between the **NATION** and the successful bidder will contain the standard indemnification language protecting the **CITY** in case of problems developing during the project that lead to delays or injury to persons or property.
10. No changes, revisions, amendments or alterations to this Agreement shall be effective unless reduced to writing and executed by the parties with same formalities as are observed in the execution of this Agreement.
11. This Agreement may be terminated upon thirty (30) days written notice by either the **NATION** or the **CITY** without fault. In the event of such termination, the **CITY** shall be entitled to reasonable compensation based on the value of services rendered (If any) prior to termination.

12. This Agreement incorporates and reduces to writing all prior understanding, promised, agreements, commitments, covenants or conditions, and constitutes the full and complete understanding and contractual relationship of the parties hereto.
13. The failure of either party to require strict compliance with any term of the Agreement shall not be deemed a waiver of that or any other term of this Agreement. Nothing contained in the Agreement shall be construed to waive the sovereign rights of the **NATION**, its officers, employees or agents. This Agreement shall be performed within applicable guidelines, resolutions and ordinances of the **NATION**. State law shall not be applicable nor shall disputes be subject to any authority outside the Nation.
14. The mutual covenants herein contained shall be binding upon the successor or successors of the parties herein.

IN WITNESS WHEREOF, The parties hereto fix their hands and seals the day and year above written.

Sworn and subscribed before me this 20th day of March, 2012.

**City Manager
City of Shawnee, Oklahoma
16 West 9th Street
Shawnee, OK 74801**

**John A. Barrett, Chairman
Citizen Potawatomi Nation
1601 South Gordon Cooper
Shawnee, OK 74801**

Shawnee Bridge 34 Rehabilitation/Repair Field Assessment Report

General Bridge Information

Bridge Location

County: Pottawatomie
City: Shawnee
Facility Carried: Southbound Gordon Cooper Parkway
Crossing Feature: North Canadian River
NBI No.: 09831
Local ID: 34
Bridge Description: 60' (2-60') (92'-9"-114'-92'-9") (2-60') (2-60') (2-60') 60' Cont. I-Beam, 28' Clear Roadway and 2-4' sidewalks



West Profile of Bridge

Shawnee Bridge 34 Rehabilitation/Repair Field Assessment Report

Preliminary Estimate – \$2,156,822

Improvement Types(s) (place x by all applicable types)

Deck Replacement

- X Deck Rehabilitation: **Type C patches at diaphragm saw joints. Patch deck.**

5" Concrete Overlay

Overlay

Description:

Flood Coat

Superstructure Replacement

- X Painting: **Paint Beams, Diaphragms, Bearings, and connections**

- X Joint Repair: **Rehab joint seals, Type C patch at fixed joints.**

- X Beam Repair: **Sand blast and clean beams and diaphragms.**

Bearing Repair

- X Sub-structure Repair: **Patch and Repair Pier Caps and Pier Walls**

Scour Repair

Other Major Action(s)

Description:

Description of Traffic Control

Traffic can be diverted to the Northbound Gordon Cooper Expressway bridge, Portable message board and channelizing devices can be used to divert traffic. Portable concrete Barrier may be used as well to divert the traffic.

Description of Utilities

None

Shawnee Bridge 34 Rehabilitation/Repair

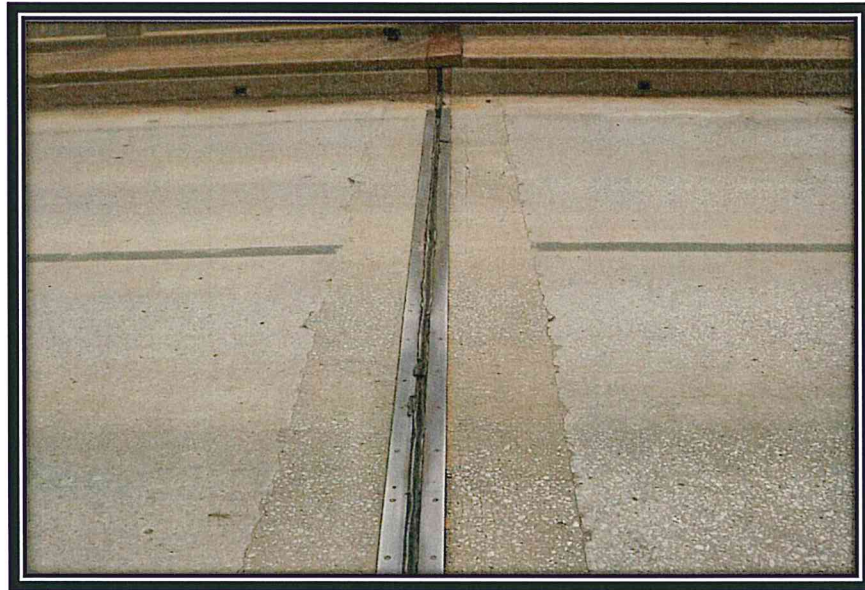
Field Assessment Report

Photo Documentation

Bridge Element: Expansion Joints and Fixed Joints

Existing Condition: Existing Expansion Joints need rehabilitation at the

Proposed Improvements: Removing existing 2 inch concrete overlay, removal of asphalt from joints, type C patch repairs will be made 2 feet on either side of the joints.



Typical Condition at Expansion Joint



Typical Condition at Fixed Joints and Saw Cuts

Shawnee Bridge 34 Rehabilitation/Repair

Field Assessment Report

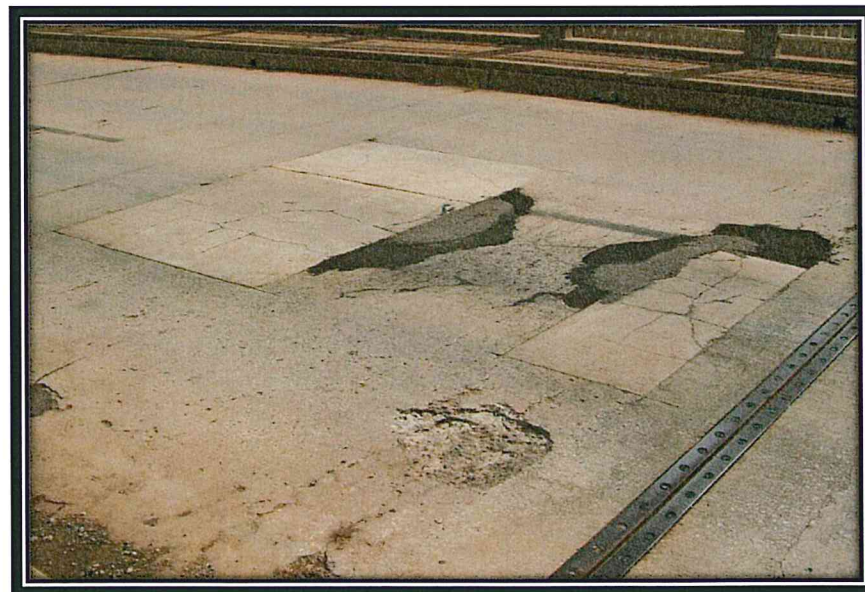
Bridge Element: Deck

Existing Condition: The existing deck has map cracking, potholes, and patchwork in multiple locations. The soffit has spalls and exposed rebar at every fixed joint and diaphragm location, for a minimum of three feet each side of the joint or diaphragm.

Proposed Improvements: Patch and repair the deck with full depth patches at the fixed joints and diaphragms.



Typical Condition of Soffit at Diaphragms and Fixed Joints



Condition of Deck in various locations

Shawnee Bridge 34 Rehabilitation/Repair

Field Assessment Report

Bridge Element: Beams, Diaphragms, Connections

Existing Condition: The beam, diaphragms, and connections all have minor rust throughout, with minor section loss in a few locations. The fascia beams have the greatest amount of rust, but still minor section loss.

Proposed Improvements: Clean all beams, diaphragms, bearings, connections, etc. and paint to protect from corrosion.



Typical Bearing and Connection Condition



Typical Condition of the Diaphragms and Beams

Shawnee Bridge 34 Rehabilitation/Repair

Field Assessment Report

Bridge Element: Pier Caps & Pier Walls

Existing Condition: The pier caps are spalling and rebar is exposed.

Proposed Improvements: Clean the exposed rebar and use pneumatically placed mortar to patch the pier caps.



Typical Condition of Pier Caps



Another Pier Cap showing Typical Conditions

Bridge Rehabilitation/Repair Field Assessment Report

ITEMIZED COST ESTIMATE						
ITEM		DESCRIPTION	UNIT	QTY	UNIT COST	TOTAL COST
504(C)	6250	SEALED EXPANSION JOINT	LF	224	\$ 150	\$ 33,600
512(A)	1323	PAINTING EXISTING STRUCTURE*	LSUM	1	\$ 700,000	\$ 700,000
512(B)	6303	COLLECTION AND HANDLING OF WASTE*	LSUM	1	\$ 235,000	\$ 235,000
513(B)	6019	CLASS B BRIDGE DECK REPAIR	S.Y.	280	\$ 250	\$ 70,000
513(C)	6020	CLASS C BRIDGE DECK REPAIR	S.Y.	988	\$ 500	\$ 494,000
521(A)	6210	PNEUMATICALLY PLACED MORTAR	S.Y.	420	\$ 750	\$ 315,000
641	1399	MOBILIZATION	LSUM	1	\$ 118,450	\$ 118,450
855(A)	8812	TRAFFIC STRIPE (PLASTIC)(4" WIDE)	LF	3,608	\$ 0.50	\$ 1,804
880(J)	8905	CONSTRUCTION TRAFFIC CONTROL	LSUM	1	\$ 20,000	\$ 20,000
CONSTRUCTION TOTAL =						\$ 1,987,854
8.5% CONSTRUCTION ADMINISTRATION =						\$ 168,968
PROJECT TOTAL =						\$ 2,156,822

Class B Bridge Deck Repair

Class B bridge deck repairs consist of the following:

- Removing unsound concrete from below the top mat of reinforcing steel and from above the bottom mat of reinforcing steel by chipping with hand tools.
- Cleaning concrete off the top reinforcing steel mat in the repair area;
- Disposing of removed concrete;
- Replacing the removed concrete with high density concrete, latex modified concrete, VES I concrete, VES III concrete, or RSLMC; and
- Notifying the Engineer before removing concrete below the mid-depth level.
Remove concrete at least 1 in [25 mm] below the top mat of reinforcing steel.

Class C Bridge Deck Repair

Class C bridge deck repairs consist of the following:

- Removing unsound concrete for the full depth of the deck leaving the reinforcing steel intact;
- Extending the removal to the full depth when removal of unsound concrete reaches the bottom mat of reinforcing steel;
- Providing forms in accordance with Section 502, "Forms, Falsework, and temporary Works," to place new concrete in the full-depth opening. For areas of at least 1 yd² [1 m²], support forms from existing superstructure. For smaller areas, use wire tires to suspend the forms from existing reinforcing bars. Remove forms after completion. Show typical forming details in the work plan submitted to the Engineer;
- Cleaning existing concrete from reinforcing steel mats in the repair area;
- Disposing of removed concrete; and
- Replacing the removed of concrete with Class AA concrete or Engineer approved rapid setting concrete.

*Based on a unit price of: Paint - \$9/SY, Waste Removal \$3/SY

Regular Board of Commissioners

11.

Meeting Date: 03/19/2012

Sales Tax Report

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Sales Tax report received March, 2012.

Attachments

Sales Tax Report

City of Shawnee Memorandum

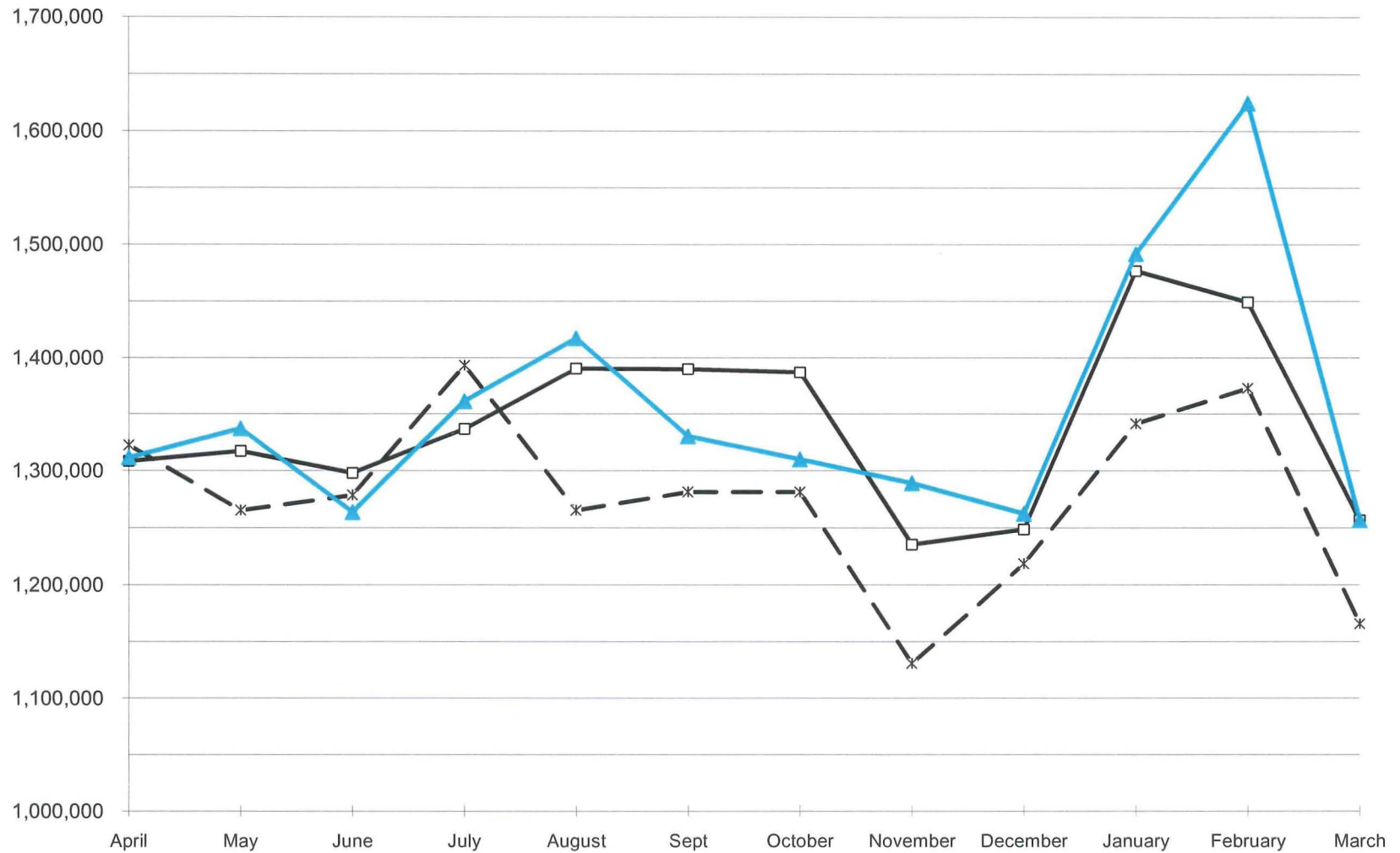
To: Mayor and City Commissioners
CC: Brian McDougal, City Manager
From: Cynthia R Sementelli, Finance Director
Date: March 12, 2012
Re: City Sales Tax Report



March Sales Tax receipts were up \$376 or .003% compared to last year receipts. The March Sales tax amount received plus interest was \$1,256,806 which is approximately down .56% compared to the year to date budget amount. Compared to March 2010 figures we were up by \$90.879 or 7.8%



**CITY OF SHAWNEE
SALES TAX COLLECTIONS
APRIL 2009-MARCH 2012**



- x— April 2009 through March 2010
- April 2010 through March 2011
- ▲— April 2011 through March 2012

	April 2009	April 2010	April 2011	Increase (Decrease)	
	through	through	through	Over Prior Year	
Month	March 2010	March 2011	March 2012	Amount	Percentage
April	1,322,381	1,308,463	1,311,387	2,924	0.22%
May	1,265,208	1,317,167	1,337,029	19,861	1.51%
June	1,278,401	1,298,026	1,263,777	(34,249)	(2.64%)
July	1,393,065	1,336,599	1,361,273	24,675	1.85%
August	1,265,208	1,390,086	1,417,308	27,222	1.96%
Sept	1,281,234	1,389,702	1,330,420	(59,282)	(4.27%)
October	1,281,416	1,386,987	1,309,924	(77,063)	(5.56%)
November	1,130,651	1,235,390	1,289,143	53,754	4.35%
December	1,218,404	1,248,649	1,262,401	13,752	1.10%
January	1,341,370	1,476,824	1,491,647	14,824	1.00%
February	1,372,608	1,448,966	1,624,568	175,602	12.12%
March	1,165,927	1,256,430	1,256,806	376	0.03%
Total	15,315,873	16,093,287	16,255,683	162,397	1.01%

Period	Prior Year Actual	Current Year Actual	Increase (Decrease) Over Prior Year	
Fiscal Year to Date	12,169,630	12,343,491	\$173,861	1.43%

Fiscal Year to Date Budget based on last year actual plus 2%

Period	Current Year Budget	Current Year Actual	Budget Variance Favorable (Unfavorable)	
Fiscal Year to Date	12,413,023	12,343,491	(\$69,532)	(0.56%)

Regular Board of Commissioners

12.

Meeting Date: 03/19/2012

Pool Repair

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Presentation on Municipal Pool repair costs.

Regular Board of Commissioners

16.

Meeting Date: 03/19/2012

Executive Session IUPA

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider an Executive Session to discuss status of ULP's (PERB Case Nos. 496 and 499) and Collective Bargaining Agreement with the IUPA, Local No. 3, for FY2011-2012 and FY2012-2013 as authorized by 25 O.S. §307(B)(2).

Regular Board of Commissioners

17.

Meeting Date: 03/19/2012

Consider matters discussed in Executive Session

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider matters discussed in Executive Session regarding status of ULP's (PERB Case Nos. 496 and 499) and Collective Bargaining Agreement with the IUPA, Local No. 3, for FY2011-2012 and FY2012-2013 as authorized by 25 O.S. §307(B)(2).
