PLANNING COMMISSION MINUTES
DATE: MARCH 7TH, 2018

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in the Commission Chambers, at City Hall, 9th and Broadway, on Wednesday, March 7th, 2018 at 1:30 p.m., pursuant to notice duly posted as prescribed by law.

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

Upon roll call the following members were present:

Present: Deem, Matthews, Walker, Bergsten, Cowen, Kienzle, Rowell
Absent:

Meeting was called to Order.

AGENDA ITEM NO.2: **Consideration of approval of the minutes from the January 3rd, 2018 Planning Commission Meeting**

Chairman Bergsten asked if there were any questions, comments or if anyone would like to entertain a motion. Commissioner Kienzle made a motion to approve, seconded by Commissioner Matthews.

Motion passed:
AYE: Deem, Matthews, Walker, Bergsten, Cowen, Kienzle, Rowell
NAY:
ABSTAIN:

AGENDA ITEM NO.3: **Citizens' Participation**

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

AGENDA ITEM NO.4: **Case #P01-18 - A public hearing for consideration of approval for the 19th Hole Planned Unit Development located at Country Club Heights Addition, Section 1, Shawnee, OK (Deferred from January 3rd, 2018 Planning Commission)**

Applicant: The Landrun Group, LLC

Chairman Bergsten asked for the staff report. Justin Debruin presented staff report. Mr. Debruin informed board the case was deferred from the January 3rd, 2018 Planning Commission meeting and an updated staff report was included in exhibit seven. Justin Debruin gave summary of location and highlights of project. Mr. Debruin described the major points that were brought up at previous meeting for hopes of resolution; first being time for the applicant to meet with the residents who protested development. Justin Debruin explained one point of contact appeared to happen by letter to be given to county club heights residents. Second point was to give applicant time to resolve city concerns as listed in January staff report and Mr. Debruin addressed that none of those changes were brought to staff within the sixty days. The last point that was brought up to staff was the request to explore the area of the country club and discussed the summary listed in updated staff report. Justin

Debruin informed the board of staff's findings; most of the area around request is zoned for residential use by the comprehensive plan, surrounding property uses and conformance along Highland Street for mixed uses. Justin Debruin stated that on the planning side, the request is feasible but discussed the existing covenants that affect this location and although the City does not enforce covenants, staff cannot recommend approval and all review should cease until covenants are resolved. Mr. Debruin asked if there were any questions. Vice-Chairman Cowen stated he was pro-development and hated seeing a property sit there and would like to see a solution to where applicant could move forward with their investment. Justin Debruin expressed how he believed subject property would be developed in future. Commissioner Kienzle asked for explanation of the "review shall cease" language used in staff report. Mr. Debruin stated it was looking for a resolution between the covenants and the PUD. Chairman Bergsten asked if the applicant were to reapply after six months, would they be charged the normal fees associated with the applications. Justin Debruin agreed. Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. Jeff Diamond came forward and informed the board that multiple surrounding lot owners held a meeting and agreed they were not in favor of request. Mr. Diamond explained there was a brief discussion with Stephen Landes and stated that the original sixteen lot owners were the developers of the subdivision whom purchased nearly sixty acres that were carved into sixteen lots intended for single family homes per lot while rest of land were given to country club. Mr. Diamond stated they were against idea and asked Commission not to approve. David Bock came forward to speak stating he is also a property owner at country club heights and read over the existing covenants and explained that the intention of surrounding property is to keep the same big homes, on big lots. Mr. Bock read the purpose section of the City of Shawnee zoning code and asked if request was harmonious with existing subdivision. Mr. Bock respectfully asked that it be denied. Chairman Bergsten asked if anyone in favor would like to come forward. Stephen Landes came forward to speak in favor as applicant and discussed how project is located off the frontage and also addressed the concern with covenants. Mr. Landes believed once the property was platted that it would be outside of the covenants and also mentioned offering modernizing/amending covenants to negotiate. Stephen Landes explained the reasoning for the density of the houses. Chairman Bergsten informed Mr. Landes time was up. Stephen Landes asked for deferral. Chairman Bergsten closed the public portion of the meeting and asked if there were any questions, comments or a motion. Vice-Chairman Cowen asked Mr. Clover if applicant's request could legally go forward with covenants in place and Mr. Clover explained how it could not. Chairman Bergsten asked residents if board was to defer, would they be willing to have discussion with Mr. Landes and they stated it would be a waste of time. Commissioner Deem made a motion to deny, seconded by Vice-Chairman Cowen.

Motion denied:
AYE: Deem, Matthews, Walker, Bergsten, Cowen, Kienzle, Rowell
NAY:
ABSTAIN:

<u>AGENDA ITEM NO.5:</u> **Case #P03-18 – A public hearing in consideration of approval for a Conditional Use Permit located at 7109 N. Kickapoo Avenue, Shawnee, OK (Deferred from January 3rd, 2018 Planning Commission)**

Applicant: Nelmon Brauning

Chairman Bergsten asked for the staff report. Justin Debruin presented staff report and mentioned the case was deferred from the January 3rd, 2018 Planning Commission meeing. Mr. Debruin gave summary of location and request and informed the board that the applicants submitted a letter of overview for events. Justin Debruin explained reviewing other cities regulations for such events and listed ten conditions along with the revocability clause. Commissioner Deem asked if a requirement for security is provided in documentation and who is responsible for maintaining the peace. Mr. Debruin stated there is not but explained that the review by staff for each event will cover if it is necessary. Commissioner Walker asked if the ten acres listed in letter for use were included in conditions if approved. Justin Debruin stated that staff did not include it but can contain it

to a reasonable space. Commissioner Walker asked what the term "event" meant. Mr. Debruin mentioned staff could add specifications if needed but the conditions listed were an attempt to handle these questions. Commissioner Kienzle asked if a form would be in place and Justin Debruin agreed. Vice-Chairman Cowen mentioned the applicant only requesting weekends for events. Commissioner Walker asked for verification that a year from now the applicant would come back for City Commission approval for a permanent Conditional Use Permit. Mr. Debruin agreed and mentioned they could also request another yearly approval that would start on the day the City Commission approved request. Commissioner Matthews asked about the licensure required. Justin Debruin explained they are required to be licensed by the city. Commissioner Matthews asked for process regarding permit being revoked. Mr. Debruin informed him that it meant not allowing events at that time and staff has ability to enforce. Commissioner Walker asked if the revocation would be through staff's department and Justin Debruin agreed. Commissioner Kienzle asked if permit was approved for a year, would the events be limited to weekends from 9-5. Mr. Debruin described how he felt item eight would cover it. Vice-Chairman Cowen stated he would like to see it contained to the ten acre area and asked Mr. Clover if neighbors were harmed by events what the process would be. Mr. Clover explained if events are handled the way they are listed there should be no issues but if no remedy, there would be injunction. Chairman Bergsten asked if they would need to amend condition eight during motion. Justin Debruin asked if there was a particular reason to add this and Commissioner Kienzle stated that is their understanding with what the applicant requested and would not want to make a decision going off weekends only and then it happens every day of week. Commissioner Matthews asked what is defined as weekend and discussed holidays and if they would account for the weekend terminology. Mr. Debruin expressed this could be added to state at the discretion of the director. Justin Debruin detailed the changes to put in place; events shall be limited to the weekend defined as Saturday through Sunday with additional days allowed at discretion by Community Development Director and asked if those were appropriate. Mr. Clover agreed. Chairman Bergsten asked if there were any other questions. Vice-Chairman Cowen stated the hours for set up needed to be accounted for. Commissioner Kienzle explained how she didn't see that being included in the operation hours. Mr. Debruin stated anything happening after hours would be accounted for through noise ordinances and etc. Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. Nelmon Brauning came forward to speak in favor and explained their plan for events but mentioned her concern for a sign to advertise. Chairman Bergsten closed the public portion of the meeting and asked if there were any questions, comments or a motion. Commissioner Kienzle thanked staff for the work put into this.
Commissioner Walker made a motion to approve with amended conditions, seconded by Commissioner Matthews.

Motion:
AYE: Deem, Matthews, Walker, Bergsten, Cowen, Kienzle, Rowell
NAY:
ABSTAIN:

AGENDA ITEM NO.6: **Case #P04-18 – A public hearing in consideration of approval for a Rezone from R-1; Single Family Residential District to R-2; Combined Residential District, located at 2204 N. Leo Avenue, Shawnee, OK**

Applicant: Marical Brothers Real Estate, LLC

Chairman Bergsten asked for staff report. Brittney Burton presented staff report and stated location is currently vacant and located two blocks south of Golden Acres off MacArthur Street at 2204 N. Leo

Avenue. Ms. Burton explained the property directly south was rezoned to R-2 by current applicants. Staff finds no issues with request and recommends approval. Chairman Bergsten asked if there were any questions. There were none and Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward. Chairman Bergsten closed the public portion of the meeting and asked if there were any questions, comments or a motion. Commissioner Kienzle made a motion to approve, seconded by Commissioner Deem.

Motion:
AYE: Deem, Matthews, Walker, Bergsten, Cowen, Kienzle, Rowell
NAY:
ABSTAIN:

AGENDA ITEM NO.7: **Case #P05-18 – A public hearing in consideration of approval for the Shawnee Retail Center Planned Unit Development located at the 4900 N. Harrison Avenue, Shawnee, OK**

Applicant: TLP Associates, INC

Chairman Bergsten asked for the staff report. Justin Debruin presented staff report and specified location is where the Quality Inn is located and a portion of structure has been demolished. Mr. Debruin explained the request is to sub divide it to offer space for retail, with two or three separate structures. Staff requests to defer project to April as there are no completed documents submitted. Chairman Bergsten asked if there were any questions. There were none and Chairman Bergsten opened the public portion of the meeting and asked if any anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward. Chairman Bergsten closed the public portion of the meeting and asked if there were any questions, comments or a motion. Commissioner Kienzle made a motion to defer to April, seconded by Commissioner Rowell.

Motion:
AYE: Deem, Matthews, Walker, Bergsten, Cowen, Kienzle, Rowell
NAY:
ABSTAIN:

AGENDA ITEM NO.8: **Case #S03-18 – Consideration of approval of a Preliminary Plat for Shawnee Retail Center located at 4900 N. Harrison Avenue, Shawnee, OK**

Applicant: TLP Associates, INC

Chairman Bergsten asked for the staff report. Justin Debruin informed the board that staff report was combined with previous case and request deferral. Chairman Bergsten asked if there were any questions. There were none and Chairman Bergsten opened the public portion of the meeting and asked if any anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward. Chairman Bergsten closed the public portion of the meeting and asked if there were any questions, comments or a motion. Commissioner Kienzle made a motion to defer to April, seconded by Commissioner Rowell.

Motion:
AYE: Deem, Matthews, Walker, Bergsten, Cowen, Kienzle, Rowell
NAY:
ABSTAIN:

<u>AGENDA ITEM NO.9:</u> **Case #P06-18 – A public hearing in consideration of approval for a Rezone from A-1; Rural Agricultural District to R-3; Multi-Family Residential District, located at 3900 N. Union Avenue, Shawnee, OK**

Applicant: Nelmon Brauning

Chairman Bergsten asked for staff report. Brittney Burton presented staff report and informed the board the property is off Union Avenue, south of the middle school. The applicant is requesting to construct a retirement community for ages 55 and over, one story with four to six units per building. The request today is to rezone it from A-1 to R-3 and property is currently vacant. Ms. Burton stated sewer would have to be extended but applicant is prepared to do what is necessary. Brittney Burton explained exhibit two showed an additional location that was previously built for comparison. Ms. Burton explained the multi-family development standards would be followed. Staff recommends approval. Chairman Bergsten asked if plat would come before board if approved and Brittney Burton agreed. Chairman Bergsten asked if there were any questions. There were none and Chairman Bergsten opened the public portion of the meeting and asked if any anyone in opposition to the case would like to come forward to speak. B.J. and Cindy Guinn came forward to speak and stated they were not necessarily for or against but had some questions. Cindy Guinn asked if there would be a barrier dividing the properties. Brittney Burton and Justin Debruin explained six foot fence is required. B.J. Guinn asked about road coming in off Bell Street and how would it go into retirement community. Mr. Debruin stated road doesn't exist. B.J. Guinn also discussed how if it was rezoned but applicant decided not to build this, that is something that they aren't in favor of. Cindy Guinn asked if each proposal would come before board for approval or would it just go through. Justin Debruin stated it would be rezoned. Chairman Bergsten stated a plat would come forward then. Cindy Guinn mentioned concern with how far facilities would be from their property. Mr. Debruin informed them that would come at a later date. Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward. Chairman Bergsten closed the public portion of the meeting and asked if there were any questions, comments or a motion. Commissioner Kienzle commented on request being a great use. Commissioner Kienzle made a motion to approve, seconded by Commissioner Deem.

Motion:
AYE: Deem, Matthews, Walker, Bergsten, Cowen, Kienzle, Rowell
NAY:
ABSTAIN:

<u>AGENDA ITEM NO.10:</u> **Case #P07-18 – A public hearing in consideration of approval for a Rezone from CP; Planned Shopping Center District to C-3; Highway Commercial District, located at 2327 N. Harrison Avenue, Shawnee, OK**

Applicant: Amerco Real Estate Company

Chairman Bergsten asked for staff report. Justin Debruin presented staff report and informed board that request is located at the old Kmart building off Harrison Avenue and structure is around 84,000 square feet.

Mr. Debruin explained that research has shown Uhaul to repurpose larger sites that tend to be abandoned and have limited markets on reuse. Justin Debruin explained proposal to board and mentioned the requested zoning is similar to the current CP on site with similar densities as well. Mr. Debruin stated the traffic volumes would be reduced or stay same. Justin Debruin informed board that request is compatible with surrounding uses on site and staff recommends approval. Commissioner Kienzle asked where rental cars and trailer storage would be. Mr. Debruin stated he wasn't sure. Commissioner Kienzle asked if this was something that would come back to them to find out and Justin Debruin explained it would not but mentioned the exhibits show related images and content. Commissioner Kienzle stated the hours of operation appear to be limited. Mr. Debruin agreed and discussed protest letters from neighboring home owners. Commissioner Kienzle and Vice-Chairman Cowen mentioned Dunlop Street. Commissioner Deem described her concern with the aesthetics of building and asked if they could ask for landscaping standards. Justin Debruin went over the landscaping and façade requirements. Commissioner Deem asked theoretically if applicant could load the entire parking lot with trucks and Mr. Debruin agreed. Commissioner Kienzle asked if they could approve a rezone conditionally with landscaping standards. Justin Debruin stated he was unsure. Mr. Clover stated he believed they could only approve or disapprove. Chairman Bergsten opened the public portion of the meeting and asked if any anyone in opposition to the case would like to come forward to speak. Andrea Brown came forward to state she is a surrounding property owner and was happy to hear some of the information discussed. Mrs. Brown mentioned she doesn't believe it would look nice in middle of town and thought they weren't allowed in town anymore. Mrs. Brown explained retail stores may be a better fit with self-storage being out of balance and explained concerns with rodents and uncleanliness. Pam Cook came forward stating she is currently a manager of a self-storage center and how it would hurt the current smaller businesses. Mrs. Cook believes it is more than what Shawnee needs. Chairman Bergsten asked if anyone would like to come forward to speak in favor. Scott Brackett came forward with Uhaul to describe what they offer and stated he would answer any questions. Commissioner Kienzle asked if propane and trailers were kept outside. Mr. Brackett agreed and explained a limited number of trucks and trailers would be kept in front and informed board of overloading procedure. Commissioner Kienzle asked if tree sustainability projects would be used at this site and Mr. Brackett agreed and described how they want the building to fit into the community. Commissioner Kienzle asked if hours were limited. Mr. Brackett stated it was about 50/50. Vice-Chairman Cowen asked how inside was portioned off. Mr. Brackett stated it would be metal. Commissioner Deem stated she assumed they did some sort of market survey and asked what the need is for their business in the community. Mr. Brackett informed her they would be able to support a full center there and storage is needed. Commissioner Deem asked if he was aware of the inventory of the self-storage units already existing. Mr. Brackett stated he did not believe they were full and that their company offers different storage uses. Commissioner Kienzle asked if supplies would come in at all hours. Mr. Bracket stated they did not. Eric Gerbitz came forward with Uhaul to go over details of location and asked if there were any questions. Vice-Chairman Cowen asked what was allowed in the interior storage. Mr. Gerbitz stated they regulate what goes in there so rodents do not get in and stated there would be a fire suppression system. Commissioner Kienzle asked if the employees stage trucks or what happens when trucks are returned. Mr. Gerbitz explained the system. Chairman Bergsten asked if there was a plan yet for where they would be staged. Mr. Gerbitz stated they did not know yet. Chairman Bergsten closed the public portion of the meeting and asked if there were any questions, comments or a motion. Vice-Chairman Cowen made a motion to approve, seconded by Commissioner Walker.

Motion:
AYE: Deem, Matthews, Walker, Bergsten, Cowen, Kienzle, Rowell
NAY:
ABSTAIN:

AGENDA ITEM NO.11: **Case #S04-18 – Consideration of approval of a Preliminary Plat for Maple Development, LLC located on Shawnee Mall Drive, East of the BNSF Railroad Tracks, Shawnee, OK**

Applicant: Sid and Javal, INC

Chairman Bergsten asked for staff report. Justin Debruin presented staff report and discussed location with it being roughly 8.5 acres in size. Mr. Debruin informed the board that the plan is to split into five individual lots but are awaiting revisions so staff asks to defer until the April meeting. Chairman Bergsten opened the public portion of the meeting and asked if any anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward. Chairman Bergsten closed the public portion of the meeting and asked if there were any questions, comments or a motion. Commissioner Matthews made a motion to defer to April, seconded by Commissioner Rowell.

Motion:
AYE: Deem, Matthews, Walker, Bergsten, Cowen, Kienzle, Rowell
NAY:
ABSTAIN:

AGENDA ITEM NO.12: **Case #S05-18 – Consideration of approval of a Preliminary Plat for First United Bank of Shawnee located at 2600 N. Harrison Avenue, Shawnee, OK**

Applicant: Mr. William Fahrendorf

Chairman Bergsten asked for staff report. Justin Debruin presented staff report and stated location is at the corner of MacArthur and Harrison that was formerly the Joe Cooper site and is currently in process of being prepped. Mr. Debruin explained the 4.5 acre site is planned to be subdivided into two separate lots, with northern most lot being home to First United Bank. Justin Debruin mentioned landscaping would be incorporated and water lines are already served with sewer lines being extended. Staff recommends approval with three conditions. Chairman Bergsten opened the public portion of the meeting and asked if any anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. Austin Hahn came forward to speak in favor and stated he was here to answer any questions. Commissioner Matthews discussed traffic concerns with driveway off Harrison. Mr. Hahn stated they are proposing consolidating driveways. Chairman Bergsten closed the public portion of the meeting and asked if there were any questions, comments or a motion. Commissioner Matthews made a motion to approve with conditions listed, seconded by Commissioner Walker.

Motion:
AYE: Deem, Matthews, Walker, Bergsten, Cowen, Kienzle, Rowell
NAY:
ABSTAIN:

AGENDA ITEM NO. 13: **Planning Director's Report**

Justin Debruin presented report and gave update regarding comprehensive plan. Mr. Debruin informed board that at the February 20th, 2018 City Commission meeting, the city approved a contract with RDG Planning and Design and thanked Robbie Kienzle for being a part of the selection committee. Justin Debruin explained the process would take around 13-14 months and an advisory committee would be selected that would include one Planning Commission member. Mr. Debruin stated he would follow up to see who would be willing to serve.

AGENDA ITEM NO. 14: **Commissioners Comments and/or New Business**

Chairman Bergsten mentioned the Shawnee Academy will be coming at the end of March if anyone is interested in learning more about Shawnee.

AGENDA ITEM NO. 15: **Adjournment**

Meeting was adjourned.

Dan Bergsten
Chairman/Vice-Chairman

Cheyenne Pettigrew
Planning Commission Secretary