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**AGENDA
CITY OF SHAWNEE
PLANNING COMMISSION
MARCH 4TH, 2020 AT 1:30 P.M.
COMMISSION CHAMBERS
CITY HALL, 16 W 9TH ST**

- 1)** Roll Call
- 2)** Consideration of approval of the minutes from the special called meeting of the Planning Commission on February 12th, 2020
- 3)** Citizens' Participation
(A three-minute limit per person)
(A twelve-minute limit per topic)
- 4)** Case #P05-20 – Public Hearing and Consideration of a conditional use permit (CUP) for a bed-and-breakfast for a 2.5-acre property, located at 16405 Hart Road
Applicant: Robert & Janet Lindley
- 5)** Case #P06-20 – Public Hearing and Consideration of a rezoning from C-1 (Neighborhood Commercial) to C-3 (Highway Commercial) for a 0.45-acre property, located at 1332 North Harrison Avenue
Applicant: Nelmon Brauning
- 6)** Case #P04-20 – Public Hearing and Consideration of a rezoning from R-3 (Multi-Family Residential) to C-2 (Limited Office) and a conditional use permit (CUP) for a medical office, located 300 feet east of the northeast corner of Acme Road and West MacArthur Street
Applicant: J Bentley Developments LP
- 7)** Discussion and possible action for consideration of Fiscal Year 2021 initiatives aligning with the 2040 Comprehensive Plan
- 8)** Planning Director's Report
- 9)** Commissioners Comments/New Business
- 10)** Adjournment

PLANNING COMMISSION MINUTES

DATE: FEBRUARY 12TH, 2020

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, February 12th, 2020, 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, Rowell, Melot

Absent: Kienzle

Meeting was called to Order.

AGENDA ITEM NO.2: **Consideration of approval of the minutes from the regular meeting of the Planning Commission on December 4th, 2019**

Chairman Bergsten asked Commissioners for any comments, questions, or a vote. Commissioner Deem made a motion to approve the minutes; seconded by Commissioner Melot.

Motion passed:

AYE: Deem, Walker, Bergsten, Melot

NAY:

ABSTAIN: Matthews, Rowell

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 #P01-20 – Public hearing and consideration of approval of a rezone request from A-1 (Rural Agricultural) to a PUD (Planned Unit Development) for a 40.08-acre property, located 630 feet west of the northwest corner of North Bryan Avenue and East 45th Street**

Applicant: Mass Architects

Chairman Bergsten elected to move this item further into the meeting.

AGENDA ITEM NO.5: **Case #P02-20 – Public hearing and consideration of approval of a rezone request from R-2 (Combined Residential) to C-3 (Highway Commercial) for a 0.11-acre property, located 60 feet east of the northeast corner of North Harrison Avenue and East Whittaker Street**

Applicant: Judy Akerman

Planning Director Rebecca Blaine presented staff report. She noted there are no current commercial plans, but that the property owner would like to market the property as commercial for future development. She stated this rezone aligns with the 2019 Comprehensive Plan, and that staff recommends approval.

Chairman Bergsten opened the public portion of the meeting and asked if anyone speaking against the item would like to come forward.

No one came forward and Chairman Bergsten asked if anyone speaking in favor of the item would like to come forward. No one came forward and Chairman Bergsten closed the public portion of the meeting.

Chairman Bergsten asked if there were any comments or questions. There were no comments or questions and Chairman Bergsten asked for a motion. Commissioner Matthews made a motion to approve the rezone; seconded by Commissioner Walker.

Motion passed:

AYE: Deem, Matthews, Walker, Bergsten, Rowell, Melot

NAY:

ABSTAIN:

AGENDA ITEM NO. 6:

Case #P03-20 – Public hearing and consideration of approval of a conditional use permit for a cell tower for a 0.29-acre property, located at 1310 North Kickapoo Avenue

Applicant: Troy Williams

Planning Director Rebecca Blaine presented staff report. She described the current conditions of the property as vacant with only a billboard on the premises, having cracks in the concrete, and grass as overgrown. She noted this proposal went to the Zoning Board of Adjustment in December of last year to obtain a variance for the setback requirements and height. She stated the Planning Department has not received a protest letter and noted that there are letters of support in the packet.

Chairman Bergsten opened the public portion of the meeting and asked if anyone speaking against the item would like to come forward.

No one came forward and Chairman Bergsten asked if anyone speaking in favor of the item would like to come forward. Troy Williams, the applicant, came forward to speak. He stated the proposal has received approval from the Federal Aviation Administration (FAA). He stated they are leasing the entire property in order to maintain it. He stated the site is unique and that because of the existing billboard, which cannot be obstructed from view, a variance was necessary in order to place a cell tower on the property. He stated that the property is in the flood plain, and that they had to have a flood certificate done. He stated there are plans to beautify the property. He stated the tower would have support for data, broadband, Wi-Fi, and FirstNet. He clarified that the cell tower is a monopole.

Chairman Bergsten asked Mr. Williams if this proposal is similar to the cell tower on East 45th Street in that it is self-collapsing. Mr. Williams confirmed that it is.

Commissioner Deem thanked Mr. Williams for making the tower on East 45th Street a Monopine. Mr. Williams noted there is a presentation about that Monopine planned.

No one else came forward and Chairman Bergsten closed the public portion of the meeting.

Chairman Bergsten asked if there were any comments or questions. Commissioner Walker asked what the setbacks do to the rest of the corner. Director Blaine stated the surrounding properties will not be affected, but the subject property will be. She noted the Zoning Code was written before this type of engineering design was created. There were no more comments or questions and Chairman Bergsten asked for a motion. Commissioner Walker made a motion to approve the conditional use permit; seconded by Commissioner Matthews.

Motion passed:

AYE: Deem, Matthews, Walker, Bergsten, Rowell, Melot

NAY:

ABSTAIN:

AGENDA ITEM NO.7:

Case #S01-20 – Consideration of approval of a preliminary plat for Hyatt Addition, Section IV, a 6.57-acre property located east of North Harrison Avenue and south of East 45th Street, for the purpose of a single-family development

Applicant: Hyatt Development, LLC

Planning Director Rebecca Blaine presented staff report. She stated staff recommends approval. She briefly summarized the characteristics of the area and the previous phases of the development. She noted the ownership of the development has changed since the previous phases began development. She stated the road that runs south of the development in the original plats was going to require improvements of that roadway. She stated the applicant is not required to improve that roadway at this point in time. She stated there would be buffering from the commercial areas.

Chairman Bergsten opened the public portion of the meeting and asked if anyone speaking against the item would like to come forward. Chuck Glave came forward. He stated that in 2013, for Phase III of the development, the Planning Commission and City Commission approved language that would require the developer in the next phase to improve 42nd Street for the length of the development for half the street. He stated that in the Agenda there is a letter that states improvements would not be required until developing adjacent lots. He stated this is in direct conflict with what was approved in 2013. He asked the Planning Commission to not let the developer go another seven years before improving 42nd Street. He stated the street is in deplorable condition. Director Blaine stated that phase was agreed upon with a different developer. She noted Phase III encompassed Phase IV, and that it was going to go all the way back to 42nd Street and would have included access off that road. She stated that anytime a development is going to pour a higher traffic volume onto a road, they would consider an improvement of that roadway. She stated this phase has redefined what Phase IV is, and is not adjacent to 42nd Street, and that there will be no access onto that roadway. She stated when that is the case, they will be required to uphold that end of the agreement.

Chairman Bergsten asked Director Blaine if she was aware of any plans for that area on the south end that would run adjacent to 42nd Street. Director Blaine she has not received any such plans. Commissioner Matthews noted he did not see any access to 42nd Street. Director Blaine stated that in the original approved plat the original developer had promised to improve 42nd Street, but that the new plat was changed and now has no access on 42nd Street. She stated that if they propose a plat that does propose access on 42nd Street, they would be required to improve the roadway. Chairman Bergsten asked if the developer owned the property south of the plat. Director Blaine stated she would confirm this. Mr. Glave stated there is only one access for the fire department, and that the original design called for that road to be extended to 42nd Street.

Commissioner Deem asked if there is a requirement in terms of access for fire engines. Mr. Glave stated that in 2013, it was required that when the next section of Hyatt is developed, it will be required to provide street paving to city standards to 42nd Street, and 42nd Street will need to be improved.

Commissioner Matthews stated while 42nd Street is in poor condition, he also struggled to see how the City could hold the developer accountable for the conditions of 42nd Street when the development is not currently going to affect it. Director Blaine confirmed the developer does own the property abutting 42nd Street all the way to the Harrison Avenue frontage. Commissioner Deem expressed concern about that not being developed. Commissioner Walker expressed concern about 45th Street and the traffic volume. Director Blaine stated they do not have provisions for that in the Subdivision Regulations.

Commissioner Melot asked how long the development of Phase III took. Director Blaine stated it has been developed for several years, and that the Planning Department still have open permits out on Phase III. Commissioner Melot stated developers invest a lot in the community and if this was done because it needs to be

a financial incremental decision as a developer grows a neighborhood and a business, then the City should try to support that. She stated it does not make sense to hold up an incremental development.

Commissioner Matthews asked if there is a precedent of requiring a developer to redo a City street. Director Blaine stated there is if they are adding traffic volume onto a road. Mr. Glave stated that when they built their church in 2005, the City required them to bring a new water line from Harrison to the church, and that they had to size it big enough to create a loop. He also stated the church paid for it. He asked if there was a bond system to ensure the developer eventually does improve the road. Chairman Bergsten stated that if the area along 42nd Street is developed, it would come before the Planning Commission.

Mike Taylor of the New Beginnings Church came forward. He stated the City and his church have worked together on infrastructure improvements before. He stated in 2005 the church applied for a building permit to begin construction for a new building housing a worshipping center, fellowship home, library, prayer room, nursery, and preschool facilities. He stated the City granted the permit on condition that an adequate supply of water would be available to provide a fire suppression system and to support two fire hydrants. He discussed the water line improvements the church had to make. He stated both parties benefitted from the collaborative effort. He requested that everyone work together to improve 42nd Street.

No one else came forward and Chairman Bergsten asked if anyone speaking in favor of the item would like to come forward. Richard Whitecotton, the applicant, came forward. He stated that at some point he would like to develop 42nd Street, but that the phase being discussed at this meeting does not come off that street. He stated he did not have knowledge of the prior agreement made by the previous owners. He stated Phase III was already finished when he bought the development. He stated 42nd Street is a private street. Director of Engineering Michael Ludi confirmed this to be the case. Mr. Whitecotton asked why he should have to pay to develop a private road.

Commissioner Walker asked if 42nd Street was improved, would the houses in Phase IV have access. Mr. Whitecotton responded by stating that Hyatt Road is intended to go out to 42nd Street at some point. Commissioner Walker asked if he would have to both finish Hyatt Road to 42nd Street and redo 42nd Street for this to make any difference. Mr. Whitecotton confirmed this. He also added that he does not own the land all the way to Harrison; he stated Vision Bank owns that land. Chairman Bergsten asked if Mr. Whitecotton intends to develop the part of 42nd Street that he does own. Mr. Whitecotton confirmed this.

Commissioner Melot asked if it is known who owns 42nd Street. Director of Engineering Ludi stated multiple property owners have ownership of that road. Commissioner Deem asked if it is the property owners' responsibility to maintain that street. Mr. Ludi stated the City does not have any easements or right-of-ways. He noted that the City has helped citizens out there by patching the road up, but that the City has no obligations. Commissioner Melot asked how they can make agreements on improving a road the City does not own. Commissioner Matthews asked if there is a homeowner's association. Mr. Ludi stated it is not a subdivision. Commissioner Matthews asked what process the City must go through to make 42nd Street a city street. Mr. Ludi stated that was pulled from the books. Mr. Whitecotton stated it is not cost effective for him to build an entire street. Director Blaine asked if the intent of the agreement was to build out the street to city standards and the City was open to taking over the maintenance. Mr. Ludi stated it would have been half the street, the portion adjacent to the road. Mr. Whitecotton said it does not make sense to only improve half the road. Mr. Ludi stated that at that point the City would have considered doing the second half.

Commissioner Deem asked if this is a problem appropriate for the Traffic Commission to discuss. Mr. Ludi stated it was not appropriate for them to discuss. Commissioner Melot stated it seems the development and 42nd Street are two separate issues, and that the City does not seem to have any stake as it relates to the road. She stated the private street is not a Planning Commission issue because the street does not belong to the City. Chairman Bergsten agreed, and noted that the City could only possibly require improvements of the part of the street that the applicant owns. Mr. Whitecotton asked if a possible solution would be the City supplying the labor for the improvements and the owners supplying the materials and the cost. Mr. Ludi stated that he could not speak to that. Commissioner Matthews suggested the City and applicant could get things in place so that the next development phase will be ready for it.

Mr. Glave stated that Justin Erickson, the former City Manager, wrote to him in an e-mail April, 2018 that Engineering has prepared the easement documents needed to be signed by all property owners, that he intended to hold a meeting with stakeholders, and that the plan would be to stabilize the base and do an asphalt

overlay. Mr. Glave also stated that Mr. Erickson stated there would be no charge to abutting landowners. Chairman Bergsten stated that was on an earlier budget that this expenditure was removed from.

No one else came forward and Chairman Bergsten closed the public portion of the meeting

Chairman Bergsten asked if there were any comments or questions. There were no comments or questions and Chairman Bergsten asked for a motion. Commissioner Matthews made a motion to approve the preliminary plat with the condition listed on the staff report; seconded by Commissioner Rowell.

Motion passed:

AYE: Deem, Matthews, Walker, Bergsten, Rowell, Melot

NAY:

ABSTAIN:

AGENDA ITEM NO. 8:

Case #S02-20 – Consideration of approval of a final plat for Rolling Hills South Addition, a 3.00-acre property located on the southeast corner of Bryan Avenue and East Main Street, for the purpose of a single-family development and for the construction of the Friendship House

Applicant: TLP Associates, Inc.

Planning Director Rebecca Blaine presented staff report. She briefly discussed the characteristics of the Friendship House and that of the proposed final plat. She stated staff recommends approval, but with the condition that the required maintenance bond is submitted and that it should be submitted before the upcoming City Commission Meeting on February 18th, 2020. If the bond is not submitted in time, this item will be pulled from that meeting's Agenda.

Commissioner Deem asked for clarification on which tribe was part of this development. Director Blaine clarified that the Absentee Shawnee is part of this development.

Chairman Bergsten opened the public portion of the meeting and asked if anyone speaking against the item would like to come forward.

No one came forward and Chairman Bergsten asked if anyone speaking in favor of the item would like to come forward. No one came forward and Chairman Bergsten closed the public portion of the meeting.

Chairman Bergsten asked if there were any comments or questions. There were no comments or questions and Chairman Bergsten asked for a motion. Commissioner Deem made a motion to approve the final plat with the condition listed on the staff report; seconded by Commissioner Walker.

Motion passed:

AYE: Deem, Matthews, Walker, Bergsten, Rowell, Melot

NAY:

ABSTAIN:

AGENDA ITEM NO.4:

Case #P01-20 – Public hearing and consideration of approval of a rezone request from A-1 (Rural Agricultural) to a PUD (Planned Unit Development) for a 40.08-acre property, located 630 feet west of the northwest corner of North Bryan Avenue and East 45th Street

Applicant: Mass Architects

Planning Director Rebecca Blaine presented staff report. She briefly described the characteristics of the surrounding area. She stated the proposed Planned Unit Development is for the National Institute on Developmental Delays. She stated that this is a unique development, and that this is more appropriate as a Planned Unit Development than any one zoning district due to the uniqueness of the application. She stated the campus would be a retreat area that would have no permanent housing but would be a place where families could come with their children that have developmental delays and equip them with tools to be successful. The applicant submitted a conceptual plan that would be phased. The submitted plans discuss walking paths or horse trails, and at some point, an indoor swimming pool facility and a children's museum, which could be open to the public. Director Blaine noted there is a 100-year flood plain that traverses through the property, and that there would be no development in the flood plain. She stated this area would be a perfect place to have trails and nature options.

Chairman Bergsten opened the public portion of the meeting and asked if anyone speaking against the item would like to come forward.

No one came forward and Chairman Bergsten asked if anyone speaking in favor of the item would like to come forward. No one came forward and Chairman Bergsten closed the public portion of the meeting.

Chairman Bergsten asked if there were any comments or questions. Commissioner Deem asked about the nature of the organization proposing to develop the subject property. The applicant, Duane Mass of Mass Architects came forward to answer Commissioner Deem's question. Mr. Mass went into further detail about the proposed development. He stated there would be an administrative building, gymnasium, and small programs building. He stated the campus will feel more like a park.

Chairman Bergsten expressed concern for the residents in the adjacent residential subdivisions. He expressed particular concern about the arena and the horse trails. He asked what kind of buffer there would be between the development and the residencies. Mr. Mass stated there would be landscape buffers. Mr. Mass stated the arena would be more for horse therapy. Mr. Mass stated the National Institute on Developmental Delays is a private organization, and that the funds for this campus are raised dollars.

Commissioner Matthews stated this is a worthy program. He asked if the Interstate-40 frontage was in the flood plain and expressed concern about the added traffic volume the campus would create. Mr. Mass stated the Interstate-40 frontage is in the flood plain. Mr. Mass stated they will not be putting a lot of parking on the facility and that it will not be a high traffic area.

Commissioner Melot asked about what kind of demand there will be, why Shawnee is an attractive community with which to bring these services, and if Shawnee can support another significant investment in the area. Mr. Mass stated the land is being donated. Commissioner Melot asked if there is justification for this facility. Mr. Mass stated there is justification, and that it is sustainable, and they could partner with other organizations in the area. Mr. Mass stated the project will not begin until the funds for it are raised. He stated the demand is sustainable.

Brad Henry came forward to speak. He stated he inherited the property from his father. He discussed the background of how this development was conceived. He expressed his appreciation for the natural beauty of the general area. He gave detailed information about the organization behind this proposal. He stated there will be a chapel on the property at some point.

There were no more comments or questions and Chairman Bergsten asked for a motion. Commissioner Deem made a motion to approve the rezone; seconded by Commissioner Melot.

Motion passed:

AYE: Deem, Matthews, Walker, Bergsten, Rowell, Melot

NAY:

ABSTAIN:

AGENDA ITEM NO. 9:

Consideration of approval of an amendment to the City of Shawnee Code of Ordinances, Chapter 22, Zoning Code, Section 155, Agricultural Uses, Subsection 4, Dimensional Standards, amending the agricultural dimensional standards for minimum street frontage (feet) and minimum lot width (feet)

Planning Director Rebecca Blaine presented staff report. She described the amendment as a housekeeping item. She stated the proposed changes are removing the exception from lot width requirements for A-1 zoned tracts of land that are more than ten acres in area and changing the street frontage requirements from none to 330 feet, the same as the minimum requirements for lot width. She stated the past interpretation was that the lot width requirement of 330 feet also meant that if a tract of land has the minimum 330 feet of lot width, it would have 330 feet of street frontage, but that this interpretation was challenged recently. She stated she wants this change reflected in the Zoning Code so that oddly shaped lots that are subdivided below the minimum standards in the Zoning Code can be prevented. She stated one of her top priorities for the next fiscal year is to get a new Zoning Code and Subdivision Regulations written. She stated the codes are very old. However, she stressed the urgency of making the proposed amendments.

Commissioner Matthews asked Director Blaine if this amendment would prevent renegade developers from finding loopholes in the Zoning Code. Director Blaine confirmed this to be the case. She provided an example of flag lots that could be created in the Zoning Code's current form without the proposed amendment. She stated all lots created in the A-1 District need to be required to have at least 330 feet of width and street frontage.

Commissioner Deem asked when a new Zoning Code may happen. Director Blaine stated the fiscal year starts on July 1st. She hopes to start that process this summer. She stated the Planning Commission would be an intricate part of that process, or a subcommittee could be created.

Chairman Bergsten opened the public portion of the meeting and asked if anyone speaking against the item would like to come forward. Seth Koenig came forward. He stated he is not against changes to the Zoning Code. He stated he has had multiple conversations with Director Blaine. He stated he owns a property on Walker Road that is 104 acres and has a little over 500 feet of frontage on Walker Road. He stated that property could not be split if this amendment were passed. Director Blaine stated that this is incorrect; that he could split it, but he would have to follow the Subdivision Regulations and provide adequate road infrastructure to service the lots created by this split. Mr. Koenig stated a lot that only has 650 feet of frontage could not be split. Chairman Bergsten stated they could, but that they would have to provide the infrastructure and access. Mr. Koenig stated notification should be given to property owners. Chairman Bergsten stated this can be hard to do because the City cannot always know when transactions of properties have taken place. Mr. Koenig stated people who have bought property in this district could be stuck with properties they had intended to develop but now cannot if the amendment were passed.

Commissioner Matthews asked Director Blaine if the City posts notices of the Agenda online. Director Blaine stated the City does do this. She stated there is no requirement for noticing everyone who owns property within 300 feet of A-1 zoned properties and that this would be impossible to provide. Mr. Koenig stated there should be more notification for this. Chairman Bergsten stated there is notification of public meetings. Mr. Koenig stated he would not be able to sell his property if this amendment were passed.

No one else came forward and Chairman Bergsten closed the public portion of the meeting.

Chairman Bergsten asked if there were any comments or questions. Commissioner Melot stated it is hard to operate the City on an antiquated code but asked if the City can change the code and notify property owners the change will be effective at a certain date. Director Blaine stated Mr. Koenig's attorney and the City Attorney are discussing Mr. Koenig's tract of land and what is a reasonable course of action for that issue. She stated the City Attorney's office supports the amendment to the Zoning Code.

There were no more comments or questions and Chairman Bergsten asked for a motion. Commissioner Melot made a motion to approve the amendment to the Zoning Code; seconded by Commissioner Walker.

Motion passed:

AYE: Deem, Matthews, Walker, Bergsten, Rowell, Melot

NAY:

ABSTAIN:

AGENDA ITEM NO.10:

Planning Director's Report

Planning Director Rebecca Blaine did not have a report. She did note that the City Commission Meeting will be on a Tuesday in observance of President's Day.

AGENDA ITEM NO. 11:

Commissioners Comments and/or New Business

Commissioner Melot stated she noticed the light pole near the park is now gone.

Commissioner Deem stated Planning Director Rebecca Blaine had stated to her that the house with the tree laying on it at Tucker Avenue and 10th Street is on track for demolition. Director Blaine noted the Planning Department will be requesting a larger demolition budget for the upcoming fiscal year.

Commissioner Deem asked for a progress report for the fencing on Highland Street. Director Blaine stated she did not believe any progress had been made. She stated the City is looking at a quote to see what it would cost to make the changes the City has repeatedly asked the property owner to do.

Commissioner Matthews asked if the City has learned who owns the Cinderella Hotel. Director Blaine stated a bank owns it. She stated the City is working on getting quotes to determine what it would cost to demolish that building. She stated the City spends a lot of time and resources securing the building. She stated it is unlikely that the City will be able to get the property owner to do something about the building. Commissioner Matthews asked that if a bank owns the property, then would the bank have assets the City could charge them for the demolition. Director Blaine stated the City has not been able to gain traction with the owner, and so that is something that will probably be looked at for a future project list.

AGENDA ITEM NO.12:

Adjournment

Meeting was adjourned.

Chairman/Vice-Chairman

Joseph Barker

Planning Commission Secretary

City of Shawnee Planning Department 222. N. Broadway Shawnee, OK 74801 (405) 878-1616 Fax: (405) 878-1587 www.ShawneeOK.org			CASE # P05-20 PUBLIC HEARING DATE: March 4th, 2020 CITY COMMISSION DATE: March 16th, 2020	
APPLICANT: Robert & Janet Lindley		PO Box 184 Edmond, Oklahoma, 73083		janetlindleylaps@yahoo.com
PROPERTY ADDRESS/LOCATION: 16405 Hart Road				
The applicants, Robert and Janet Lindley, are requesting a conditional use permit (CUP) for a bed-and-breakfast located at 16405 Hart Road. There is currently a single-family home on the property.				
EXISTING ZONING: A-1	EXISTING LAND USE: Single-Family Home	SURROUNDING ZONING & LAND USE: A-1 (Rural Agricultural)	SUBDIVISION: Hart Tract	PROPERTY SIZE: 2.50 acres

STAFF RECOMMENDATION

The proposed bed and breakfast is on a lake lot property that is owned and leased by the City. The private improvements to the property are owned by the applicants.

Chapter 22, Zoning Code, Section 160, Residential Uses, Subsection 8, Other Residential Standards, 22-160.8(E)(3) states that "[T]hose uses that require a Conditional Use Permit are also required to meet all applicable criteria set forth in this Section,". The application meets all applicable requirements of this section.

Because the application is a lake lot lease administered by the City on Shawnee Lake #1, the regulations of Chapter 22, Zoning Code, Article V, Shawnee Twin Lakes Lake Protection Zone (LPZ) apply to this application. The application meets all applicable requirements of this section.

The 2019 Comprehensive Plan intends for this area's future land use to be agriculture/open space. A bed and breakfast in this location does not violate the purpose and intent of the Comprehensive Plan. This tract of land is part of the Lake Protection Zone (LPZ), which permits bed and breakfasts, subject to the granting of a conditional use permit, as per Chapter 22, Zoning Code, Article V, Shawnee Twin Lakes Lake Protection Zone (LPZ), Section 120, Permitted uses, 22-120(9). The purpose of this overlay district is to protect public health, safety and welfare and to ensure orderly development along and near Shawnee Lake #1. The proposed use does not violate the intent of the Zoning Code.

The subject request is in conformance with City Zoning Code and the 2019 Comprehensive Plan. Therefore, Staff hereby recommends approval of the requested conditional use permit for a bed and breakfast upon the following condition:

- 1. No additional structures are erected for the purpose of a bed and breakfast.**

APPROVE

APPROVE WITH CONDITIONS

DENY

No protest letters have been submitted at this time.

**ATTACHMENTS:
(CIRCLE)**

SUBMITTED PLANS

**PUBLIC HEARING
PETITION/
APPLICATION FORM**

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

Approximate dimensions:

Area: 108,750 sq. feet

Width: 250 feet

Length: 435 feet

Frontage: 250 feet

Approximately: 2 1/2 acres

ZONING COMMISSION APPLICATION

Planning Department

Shawnee, OK 74801
-1616 Fax (405) 878-1587
www.shawneeOK.org

For Office Use Only	
Case Number:	<u>P05-20</u>
Project Number:	<u>200158</u>
Date Filed:	<u>1/30/2020</u>
_____ Planning Commission Secretary	

Permit

Rezoning w/Conditional Use Permit

Planned Unit Development

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from A-1 District to CUP District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 16405 Hart Road, Shawnee, OK 74801

LEGAL DESCRIPTION: LOTS 14 and 15, Block ONE, HART TRACT, SHAWNEE LAKE ADDITION, In the City of Shawnee, being further described as lying in part of the West HALF of the NE Quarter (W/2 NE/4) of Section Twenty-two, Township Ten (10) North, Range Two (2) East of the Indian Meridian, Pottawatomie County, Oklahoma.

PROPERTY OWNER (S): ROBERT & JANET LINDLEY

PROPERTY AGENT (APPLICANT): Robert & Janet Lindley

APPLICANT'S ADDRESS: P.O. Box 184

CITY: Edmond STATE: OK ZIP: 73083

EMAIL ADDRESS: janetlindleylaps@yahoo.com

TELEPHONE NUMBER: (405) 388-6243 CONTACT NUMBER: (405) 388-6243

DIMENSIONS OF PROPERTY: AREA: _____ WIDTH: _____

LENGTH: _____ FRONTAGE: _____

CURRENT ZONING: A-1 CURRENT USE: RESIDENTIAL

PROPOSED ZONING: CUP PROPOSED USE: BED & BREAKFAST

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

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

SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

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

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

RECEIPT NO. 02386141

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.: _____

Legal
Description:
P05-20

Lots Fourteen (14) and Fifteen (15), Block One (1), HART TRACT, SHAWNEE LAKE ADDITION, in the City of Shawnee, being further described as lying in part of the West Half of the Northeast Quarter (W/2 NE/4) of Section Twenty-two (22), Township Ten (10) North, Range Two (2) East of the Indian Meridian, Pottawatomie County, Oklahoma.

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

The property requesting a conditional use permit is described as follows:

Lots Fourteen (14) and Fifteen (15), Block One (1), HART TRACT, SHAWNEE LAKE ADDITION, in the City of Shawnee, being further described as lying in part of the West Half of the Northeast Quarter (W/2 NE/4) of Section Twenty-two (22), Township Ten (10) North, Range Two (2) East of the Indian Meridian, Pottawatomie County, Oklahoma

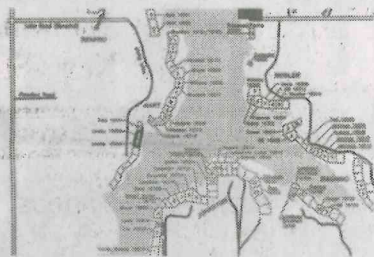
General Location Known As:
16405 Hart Road

Current Zoning Classification:
A-1 (Rural Agricultural)

Requested Zoning Classification:
A-1 (Rural Agricultural w/ Conditional Use Permit)

Proposed Use of Property
Bed & Breakfast

Applicant: Robert & Janet Lindley



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

March 4th, 2020 AT 1:30 P.M.:
CITY OF SHAWNEE PLANNING COMMISSION
March 16th, 2020 AT 6:00 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 conditional use permit. The Commission reserves the right to limit discussion and debate on the proposed conditional use permit in the public hearing, in which event those persons appearing in support or opposition of the proposed conditional use permit 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 405-878-1616. 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 12th day of February, 2020.

/s/ Lisa Lasyone, City Clerk
(Published in the Shawnee News-Star on Feb 16th, 2020)

Affidavit of Publication

The Shawnee News-Star
215 N. Bell
Shawnee OK 74801
(405) 273-4200

State of Oklahoma
County of Pottawatomie

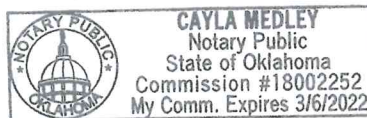
I, Wanda Westerman, of lawful age, being duly sworn upon oath, deposes and says that I am the Legal Advertising Account Executive of The Shawnee News-Star, a Daily publication that is a "legal newspaper" as that phrase is defined in 25 O.S. §106 for the City of Shawnee, for the County of Pottawatomie, in the State of Oklahoma, and that the attachment hereto contains a true and correct copy of what was actually published in said legal newspaper in consecutive issues on the following date(s):

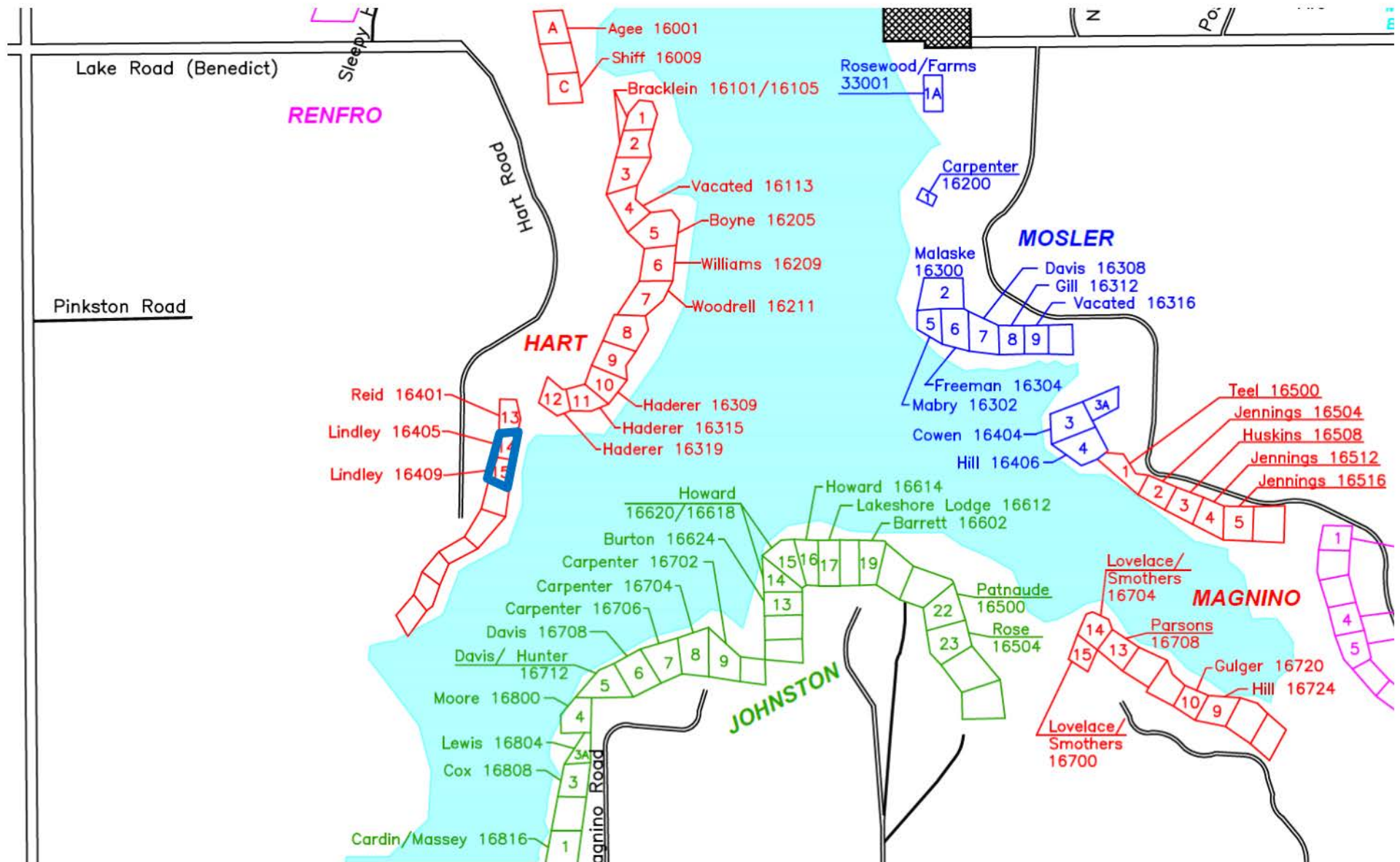
Insertion Date(s): Feb. 16th, 2020
Publishing Fee: \$98.15

Wanda Westerman, Account Executive

Signed and sworn to before me this 18th day of Feb., 2020.

Cayla Medley, Notary Public
My Commission Expires: March 6th, 2022
Commission No. 18002252







SMITH BROTHERS

ABSTRACT

118 N. Broadway Avenue

Shawnee, OK 74801

Phone: (405)273-9820 Fax: (405)273-9813

State of Oklahoma
County of Pottawatomie

} SS

SPECIAL CERTIFICATE

IN RE: Lots Fourteen (14) and Fifteen (15), Block One (1), HART TRACT, SHAWNEE LAKE ADDITION, in the City of Shawnee, being further described as lying in part of the West Half of the Northeast Quarter (W/2 NE/4) of Section Twenty-two (22), Township Ten (10) North, Range Two (2) East of the Indian Meridian, Pottawatomie County, Oklahoma.

The undersigned a duly bonded and qualified abstract company within and for Pottawatomie County, Oklahoma, hereby certifies that the current year's tax rolls in the office of the Pottawatomie County Treasurer shows the names and addresses of the owners of the property abutting and within 300 feet in any direction of the before described real estate as follows, to-wit:

NAME AND ADDRESS

Robert Lindley and Janet Lindley
PO Box 184
Edmond, OK 73083

City of Shawnee
PO Box 1448
Shawnee, OK 74802-1448

James Reid
16401 Hart Road
Shawnee, OK 74801

LEGAL DESCRIPTION

(16405 & 16409 Hart Road, Shawnee, OK) Lots 14-15, Block 1, HART TRACT, SHAWNEE LAKE ADDITION also described as lying in part of the W/2 NE/4 of Section 22, Township 10 North, Range 2 East, Pottawatomie County, OK

(Hart Road) Lots 16-21, Block 1, Hart Tract, Shawnee Lake Addition, also described as lying in part of the W/2 NE/4 of Section 22, Township 10 North, Range 2 East, Pottawatomie County, OK

(16401 Hart Road) Lots 13, Block 1, Hart Tract, Shawnee Lake Addition, also described as lying in part of the W/2 NE/4 of Section 22, Township 10 North, Range 2 East, Pottawatomie County, OK

IN WITNESS WHEREOF, We have hereunto set our hand and seal at office in the City of Shawnee, Oklahoma, this 16th day of January, 2020 at 07:30 AM.

ATTEST:

Smith Brothers Abstract & Title Co., LLC

Rickey Conner, Abstractor
Abstractor License No.: 4707

President
Abstractor License No.: 1725

Robert Lindley and Janet Lindley
PO Box 184
Edmond, OK 73083

City of Shawnee
PO Box 1448
Shawnee, OK 74802-1448

James Reid
16401 Hart Road
Shawnee, OK 74801



First American

First American Title & Trust Company
123 West Highland
Shawnee, OK 74801
Phn - (405)275-0266
Fax - (866)721-6217

CLOSING ACKNOWLEDGMENT

BUYERS: Robert R. Lindley and Janet P. Lindley

SELLERS: Ronald Swadley and Georgia Swadley

PROPERTY ADDRESS: 16405 Hart Road
Shawnee, OK 74801

The undersigned do hereby acknowledge receipt and approval of a settlement statement prepared by First American Title & Trust Company pertaining to the closing of the above described property.

Seller(s) states that he/she/they has/have disclosed in full to Buyer(s) any known defects and/or other material information relating to the above mentioned property, and that the property has not been damaged by flood or storm run-off water.

Buyer(s) acknowledge(s) that he/she/they has/have inspected the property and the same is accepted in its present condition, or if the Buyer(s) have not inspected the property, by closing the sale on the property, the Buyer(s) waive all claims, rights, and demands against Seller(s) to repair, replace or remedy any defects and hereby released Seller(s), First American Title & Trust Company, Berkshire Hathaway Home Services, Benchmark Realty, Realtors, their agents, employees, representatives, sub-agents and co-brokers from any liability whatsoever.

Buyer(s) and Seller(s) acknowledge that this transaction is a Leasehold Property and that the lease is with the City of Shawnee and that the Home and all Improvements are considered Personal Property.

Buyer(s) and Seller(s) acknowledge that First American Title & Trust Company is preparing a Bill of Sale for all of the personal property, including but not limited to the Home and all improvements thereon, and that there is no abstract, no title insurance is being issued and that no deed will be filed at the county courthouse to transfer title to the property. First American Title & Trust Company is to be held harmless regarding any liens, mortgages or judgments filed against the property and not disclosed at the time of closing.

Buyer(s)/Seller(s) acknowledge that the contract has been fully executed.

DATED: May 20, 2015

BUYERS:

SELLERS:

Robert R. Lindley

Ronald Swadley

Janet P. Lindley

Georgia Swadley

Make Checks Payable To:

POTTAWATOMIE COUNTY TREASURER

WENDY MAGNUS
325 N BROADWAY, STE 203
SHAWNEE, OK 74801
PHONE: (405) 273-0213

Parcel ID Number

121961



LINDLEY ROBERT & JANET
13500 SKYVIEW RD
EDMOND OK 73013-7466

Taxpayer Copy

Breakdown	Mills	Amount
COUNTY GENERAL	10.15	204.12
COUNTY HEALTH	2.54	51.14
VO-TECH GENERAL	10.12	203.75
VO-TECH BUILDING	5.06	101.87
COUNTY WIDE 4-MI	4.06	81.74
SCHOOL DIST GEN.	35.77	720.16
SCHOOL DIST ELD	5.11	102.69
SCHOOL DIST SINK	29.52	594.33
MULTI-CO LIBRARY	6.06	122.01
TOTALS	108.39	2182.00

I3 SHAWNEE

Personal Tax

School Dist 003S Tax Year 2019 Taxroll Item # 56225

Gross Assessed 20,133
Exemptions 0
Net Assessed 20,133
Total Tax 2182.00
Total Tax Payments 0.00

Total Due \$2182.00

Legal Description:
LAKE LOT HART SHAWNEE LAKE ADDN BLK
1 LOTS 14 & 1516405 & 16409 HART RD



Retain this portion for your records or when paying in person bring entire statement

Second Half Payment

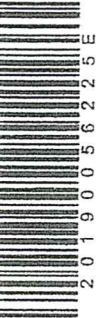
Personal Tax

School Dist 003S Tax Year 2019 Taxroll Item # 56225

WENDY MAGNUS
POTTAWATOMIE COUNTY TREASURER
325 N BROADWAY, STE 203
SHAWNEE, OK 74801
PHONE: (405) 273-0213

LAKE LOT HART SHAWNEE LAKE ADDN BLK 1 LOTS 14 &
1516405 & 16409 HART RD

Payment Enclosed	
Payments	
SECOND Half Tax	1091.00
Penalty	
Mail	
Lien	
Advertising	
Other	
Total:	2182.00



Owner 56225

LINDLEY ROBERT & JANET
13500 SKYVIEW RD
EDMOND OK 73013-0000

Visit our Website at:
www.pottcotrea.org
for online payment



W M Deputy _____

Enter Address Changes Here

Return this stub with
SECOND HALF payment
before APRIL 1ST
THIS IS THE ONLY
NOTICE MAILED

First or Full Payment

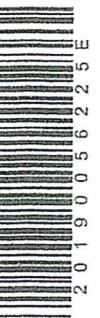
Personal Tax

School Dist 003S Tax Year 2019 Taxroll Item # 56225

WENDY MAGNUS
POTTAWATOMIE COUNTY TREASURER
325 N BROADWAY, STE 203
SHAWNEE, OK 74801
PHONE: (405) 273-0213

LAKE LOT HART SHAWNEE LAKE ADDN BLK 1 LOTS 14 &
1516405 & 16409 HART RD

Payment Enclosed	
Payments	
Select Payment	
Circle One Below	
FULL PAYMENT	2182.00
OR	
HALF PAYMENT	1091.00



Visit our Website at:
www.pottcotrea.org
for online payment

Visa, MasterCard, Discover, Am Express; 2.95%
conv fee (1.95 min) charged by Processor. Visa
Debit Card \$3.95 & E-Check \$1.95 flat rate.

18

W M Deputy _____

Enter Address Changes Here

Return this stub with
FIRST HALF or FULL
payment before
JANUARY 1ST

P05-20



The City of Shawnee
PO Box 1448
Shawnee Oklahoma 74802-1448
(405) 878-1616 Fax (405) 878-1587
www.ShawneeOK.org

**PLANNING
DEPARTMENT
DIVISION**
222 N Broadway Ave
Shawnee OK
74801-6918

**ROBERT & JANET LINDLEY
13500 SKYVIEW RD.
EDMOND OK 73013**

License Number : 026924
Lake Site Location : 16405 HART RD

At the City Commission meeting on April 20th, 2015 your lake site lease application was approved. Enclosed, please find the executed copy of your lease.

If you have any questions, please call (405) 878-1616 or email Cheyenne.Lincoln@ShawneeOK.org.

Sincerely,
Cheyenne Lincoln
Planning Secretary

PLEASE READ CAREFULLY

THIS LEASE IS NOT TRANSFERABLE AND IS SUBJECT TO CANCELLATION BY THE CITY FOR ANY VIOLATIONS OF THE TERMS THEREOF AS MORE SPECIFICALLY SET FORTH IN SECTION 16-326 OF THE SHAWNEE MUNICIPAL CODE:

CABIN SITE LEASE
LEASE# 026924

STATE OF OKLAHOMA, POTTAWATOMIE COUNTY, SS:

This Lease made and entered into in duplicate this date of April 20th, 2015 by and between the CITY OF SHAWNEE, a municipal Corporation, PARTY OF THE FIRST PART, and

ROBERT LINDLEY
of 13500 SKYVIEW RD. EDMOND OK 73013,
JANET LINDLEY
of 13500 SKYVIEW RD. EDMOND OK 73013,
PARTY OF THE SECOND PART.

WITNESSETH: That the first party in consideration of the sum of \$ 662.00 dollars for 2015, does hereby acknowledge receipt of the applicable rental fee, and other good and valuable considerations, does by these presents demise, lease and let unto the second party the following described real estate situated on, and a part of the site, owned by the first party as a City Reservoir and known as Shawnee Twin Lake No. 1, in the County of Pottawatomie State of Oklahoma, to-wit:

**16405 HART RD
LOT 14 HART TRACT**

TO HAVE AND TO HOLD SAME UNTO the second party for a term of thirty (30) years from the date hereof.

IT IS FURTHER mutually understood and agreed by and between the parties hereto as follows:

The said party of the second part shall and will and does hereby agree to pay to the first party annual lease payments as set forth in "Exhibit A", payable yearly in advance. The City shall retain the right to adjust the lease rate schedule at the termination of the original 30-year lease or at such time that a transfer is approved in accordance with Section 16-321 of the Shawnee Municipal Code (hereafter "SMC").

conditions set forth in Section 16-321 SMC. There is no limit to the number of times a lease can be renewed.

The premises of all lots leased by the City shall at all times be kept clean and maintained in a sanitary condition by the lessee. There is a 25-foot lakeshore buffer that extends landward of the ordinary high water mark on all leased lots for the purpose of watershed protection. This area shall not be used by the general public, except during an emergency situation. Within this buffer, leaseholders are encouraged to preserve existing native vegetation. Docks and other approved structures may be located within the buffer area. Fertilizers and other chemicals shall not be used within the buffer area. All other applicable City regulations and rules apply

That in addition to the possession of the property so leased, the lessee shall have the right and privilege of a site for a boat house and boat dock on the land owned by the City adjoining and immediately in front of a lot leased, which said boat house shall be erected and maintained by and at the cost of the lessee on ground not to exceed an area of thirty (30) feet by thirty (30) feet, which said boat house shall never be used as a place of human habitation, and which said boat house or boat dock shall conform to the provisions of Section 16-325 SMC, and that said boat dock or boat house shall be the private property of the lessee, who shall have the right of ingress and egress to and from the same, subject to the rights of the public as set forth herein. The lessee shall agree to keep said lot and boat house and dock in a clean and sanitary condition, and to maintain the same in a safe condition, and the City as lessor shall in no manner be liable to lessee for any damages suffered by lessee to said lot or boat house or dock, or the improvements thereon on account of the rise and fall of the water line of said lake, or for the enlargement or decrease by the City of the size of said lake, or on account of any rule or regulation that may hereafter be adopted by lessor, governing the regulations of said lake, and lessee agrees to hold the lessor free and harmless from all damages suffered by him or by any other person, on account of personal injuries or loss of property that may incur upon said lot, boat house or boat dock.

That the lessee agrees to lease the premises AS IS from the lessor with the knowledge and understanding that the lessor does not guarantee access to lots. Should the Lessee determine that an access road is necessary to reach his/her lot from a road already in existence, lessee agrees to use his/her own funds to create said access road. Lessee further agrees that upon access road completion it shall not be a private road, but rather, will be available for public use, including, but not limited to, allowing neighbor lots to connect to it to improve access to their lots or to allow joint access to bordering lots upon the one access road. The location of any access road to be constructed by the lessee must be approved by the City Engineer of the City of Shawnee prior to the beginning of construction.

That should the lessee construct any building or other structure, said construction will be in accordance to City of Shawnee development regulations. Lessee agrees that prior to commencing construction on any structure on the leased premises he/she will obtain an approved building permit from the City.

That lessee is solely responsible for determining the flood elevation on the leased premises and is required to satisfy lessor that prior to any construction on the leased premises the

determination of the flood elevation has been done correctly and that any structure or building to be constructed on the leased premises be above the flood elevation. **LESSOR EXPRESSLY MAKES NO WARRANTIES OR REPRESENTATIONS AS TO SAFETY FROM FLOODING ON THE LEASED PREMISES AND LESSEE EXPRESSLY RELEASES THE LESSOR FROM ANY LIABILITY DUE TO FLOOD DAMAGE, BOTH PERSONAL AND PROPERTY, OCCURRING ON THE LEASED PREMISES FROM ANY CAUSE OR CONDITION.**

That all sanitary facilities to be constructed on the premises shall be wholly contained on the leased premises. Sanitary facilities, include, but are not limited to, septic tanks and lateral lines.

All septic systems and waste disposal systems on leased lake lots shall be inspected and subject the standards set forth in Chapter 16 SMC. The leaseholder shall have sixty (60) days to correct any defects found in the system. Corrections not made within the allotted time shall be grounds for the City to cancel the lease of the leaseholder.

That no lease shall be assigned or sublet, but lessee may at any time during the term of his/her lease, sell and transfer to other parties the improvements on the lot leased by him/her.

That in the event of the sale of the improvements by the lessee, the transfer shall not become effective until approved by the Board of Commissioners of the City of Shawnee at a regular or adjourned meeting held for that purpose and the City as lessor reserves the right to reject and disapprove any transfer when in its opinion it would be to the best interests of the City and its inhabitants to do so. If the transfer is approved, a new lease shall be entered into between the purchaser and the City, and a transfer charge is hereby fixed and established in the sum of one-thousand dollars (\$1000.00) to be paid to the City prior to said transfer in accordance with Section 16-322 SMC.

That the lessee shall be the owner of all improvements which may be placed by him or her, said improvements including cabins or other buildings and boat houses constitute personal property and lessee shall have the right to remove same from the lot at the termination of the lease, subject to the following: whenever a lease has been cancelled by the City as provided herein or by ordinance, the lessee or owner of said improvements shall remove the same within sixty (60) days of the date of the said cancellation of the lease and upon failure to do so, said improvements shall revert to and become the property of the City of Shawnee. And it shall have the right, without further notice or demand to take immediate possession of all said improvements and these will belong to the first party or its assigns, as liquidated damages for the non-fulfillment of the lease by lessee and for the use and rental thereof.

That the said second party does hereby release the City of Shawnee of any claim or claims for damages by reason of the cancellation of the said lease aforesaid.

That the second party shall at all times during the term of this lease be subject to and does hereby agree to abide by and conform to any rules, regulations or ordinances now in force, or that may hereafter be adopted by the City of Shawnee, governing the regulation of said lake and

within the described premises, as to fishing, hunting, boating and other recreational activities upon and around said water reservoir, and to conform to and abide by all further rules, regulations and ordinances now in force, or that hereafter may be adopted by the City of Shawnee, Oklahoma, governing the regulations of said premises and lake.

The City Commission may upon a showing of intentional disregard for the terms of the lease and this division or other city ordinance pertaining to the lake, cancel the city lease upon 30 days notice to the lessee by mailing a copy of such notice to the lessee at his/her last known address. If a lease is cancelled either by the city or the lessee of a city-owned lot prior to the expiration of the lease term, the lessee shall pay the city an early termination fee of \$1,000 in exchange for a release of liability from the remaining term.

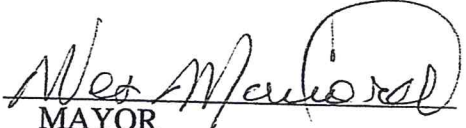
That this lease shall be binding upon the representatives, heirs, and assigns and successors in interest of the parties hereto.

It is understood by the parties hereto that a failure to comply with the terms of said Cabin Site Lease shall constitute a misdemeanor and any person, firm, or corporation convicted of such violation shall be punished by a fine not exceeding five hundred dollars (\$500.00) plus costs, or imprisonment for a term not exceeding thirty (30) days, or by such fine and imprisonment.

IN WITNESS WHEREOF, party of the first part has caused its name to be affixed hereto by the Mayor of the City of Shawnee, Oklahoma, and attested by the City Clerk, and the party of the second part hereunto affixed his/her name the day and year first above written.

CITY OF SHAWNEE, OKLAHOMA
A Municipal Corporation,

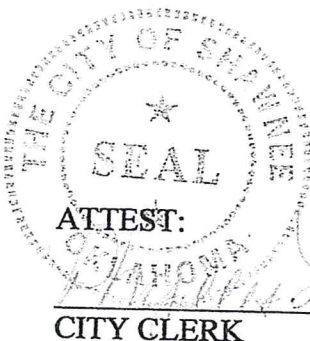
BY:


MAYOR

PARTY OF THE FIRST PART


PARTY OF THE SECOND PART


PARTY OF THE SECOND PART





The City of Shawnee
PO Box 1448
Shawnee Oklahoma 74802-1448
(405) 878-1616 Fax (405) 878-1587
www.ShawneeOK.org

**PLANNING
DEPARTMENT
DIVISION**
222 N Broadway Ave
Shawnee OK
74801-6918

ROBERT & JANET LINDLEY
13500 SKYVIEW RD.
EDMOND OK 73013

License Number : 026927
Lake Site Location : 16409 HART RD

At the City Commission meeting on April 20th, 2015 your lake site lease application was approved. Enclosed, please find the executed copy of your lease.

If you have any questions, please call (405) 878-1616 or email Cheyenne.Lincoln@ShawneeOK.org.

Sincerely,
Cheyenne Lincoln
Planning Secretary

PLEASE READ CAREFULLY

THIS LEASE IS NOT TRANSFERABLE AND IS SUBJECT TO CANCELLATION BY THE CITY FOR ANY VIOLATIONS OF THE TERMS THEREOF AS MORE SPECIFICALLY SET FORTH IN SECTION 16-326 OF THE SHAWNEE MUNICIPAL CODE:

CABIN SITE LEASE
LEASE# 026927

STATE OF OKLAHOMA, POTTAWATOMIE COUNTY, SS:

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ROBERT LINDLEY
of 13500 SKYVIEW RD. EDMOND OK 73013 ,
JANET LINDLEY
of 13500 SKYVIEW RD. EDMOND OK 73013,
PARTY OF THE SECOND PART.

WITNESSETH: That the first party in consideration of the sum of \$ 662.00 dollars for 2015, does hereby acknowledge receipt of the applicable rental fee, and other good and valuable considerations, does by these presents demise, lease and let unto the second party the following described real estate situated on, and a part of the site, owned by the first party as a City Reservoir and known as Shawnee Twin Lake No. 1, in the County of Pottawatomie State of Oklahoma, to-wit:

**16409 HART RD
LOT 15 HART TRACT**

TO HAVE AND TO HOLD SAME UNTO the second party for a term of thirty (30) years from the date hereof.

IT IS FURTHER mutually understood and agreed by and between the parties hereto as follows:

The said party of the second part shall and will and does hereby agree to pay to the first party annual lease payments as set forth in "Exhibit A", payable yearly in advance. The City shall retain the right to adjust the lease rate schedule at the termination of the original 30-year lease or at such time that a transfer is approved in accordance with Section 16-321 of the Shawnee Municipal Code (hereafter "SMC").

That at the expiration of the primary term hereof, the lessee shall have the right and option to renew said lease for an additional period of thirty (30) years under the terms and conditions set forth in Section 16-321 SMC. There is no limit to the number of times a lease can be renewed.

The premises of all lots leased by the City shall at all times be kept clean and maintained in a sanitary condition by the lessee. There is a 25-foot lakeshore buffer that extends landward of the ordinary high water mark on all leased lots for the purpose of watershed protection. This area shall not be used by the general public, except during an emergency situation. Within this buffer, leaseholders are encouraged to preserve existing native vegetation. Docks and other approved structures may be located within the buffer area. Fertilizers and other chemicals shall not be used within the buffer area. All other applicable City regulations and rules apply

That in addition to the possession of the property so leased, the lessee shall have the right and privilege of a site for a boat house and boat dock on the land owned by the City adjoining and immediately in front of a lot leased, which said boat house shall be erected and maintained by and at the cost of the lessee on ground not to exceed an area of thirty (30) feet by thirty (30) feet, which said boat house shall never be used as a place of human habitation, and which said boat house or boat dock shall conform to the provisions of Section 16-325 SMC, and that said boat dock or boat house shall be the private property of the lessee, who shall have the right of ingress and egress to and from the same, subject to the rights of the public as set forth herein. The lessee shall agree to keep said lot and boat house and dock in a clean and sanitary condition, and to maintain the same in a safe condition, and the City as lessor shall in no manner be liable to lessee for any damages suffered by lessee to said lot or boat house or dock, or the improvements thereon on account of the rise and fall of the water line of said lake, or for the enlargement or decrease by the City of the size of said lake, or on account of any rule or regulation that may hereafter be adopted by lessor, governing the regulations of said lake, and lessee agrees to hold the lessor free and harmless from all damages suffered by him or by any other person, on account of personal injuries or loss of property that may incur upon said lot, boat house or boat dock.

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All septic systems and waste disposal systems on leased lake lots shall be inspected and subject the standards set forth in Chapter 16 SMC. The leaseholder shall have sixty (60) days to correct any defects found in the system. Corrections not made within the allotted time shall be grounds for the City to cancel the lease of the leaseholder.

That no lease shall be assigned or sublet, but lessee may at any time during the term of his/her lease, sell and transfer to other parties the improvements on the lot leased by him/her.

That in the event of the sale of the improvements by the lessee, the transfer shall not become effective until approved by the Board of Commissioners of the City of Shawnee at a regular or adjourned meeting held for that purpose and the City as lessor reserves the right to reject and disapprove any transfer when in its opinion it would be to the best interests of the City and its inhabitants to do so. If the transfer is approved, a new lease shall be entered into between the purchaser and the City, and a transfer charge is hereby fixed and established in the sum of one-thousand dollars (\$1000.00) to be paid to the City prior to said transfer in accordance with Section 16-322 SMC.

That the lessee shall be the owner of all improvements which may be placed by him or her, said improvements including cabins or other buildings and boat houses constitute personal property and lessee shall have the right to remove same from the lot at the termination of the lease, subject to the following: whenever a lease has been cancelled by the City as provided herein or by ordinance, the lessee or owner of said improvements shall remove the same within sixty (60) days of the date of the said cancellation of the lease and upon failure to do so, said improvements shall revert to and become the property of the City of Shawnee. And it shall have the right, without further notice or demand to take immediate possession of all said improvements and these will belong to the first party or its assigns, as liquidated damages for the non-fulfillment of the lease by lessee and for the use and rental thereof.

That the said second party does hereby release the City of Shawnee of any claim or claims for damages by reason of the cancellation of the said lease aforesaid.

28

January 30, 2020

To: Rebecca Blaine

From: Robert & Janet Lindley

Concerning our Property at 16405 Hart Road Shawnee, Oklahoma 74801

Enclosed are all the papers that you required to submit our request for the Bed & Breakfast permit for our property.

- ✚ Completed Application
- ✚ Bonded Abstractor's List
- ✚ Proof of ownership: Lease agreements, Closing Acknowledgment, Property Tax receipts.
- ✚ 2 checks: \$280 for CUP fee & \$50.00 for sign fee

The only question we had is that we are not sure of exact property Dimensions. We have been told it is about 2 ½ acres for both lots. So about 1 ¼ acre per lot. Estimating the Property dimensions to be 250 feet wide by 435 feet deep.

Our intent is to rent part of our house occasionally. Please let us know if you need anything else from us.

Thank you,

Robert & Janet Lindley

405-388-6243

janetlindleylaps@yahoo.com

Handwritten signatures of Robert and Janet Lindley in black ink.

City of Shawnee Planning Department 222. N. Broadway Shawnee, OK 74801 (405) 878-1616 Fax: (405) 878-1587 www.ShawneeOK.org			CASE # P06-20 PUBLIC HEARING DATE: March 4th, 2020 CITY COMMISSION DATE: March 16th, 2020	
APPLICANT: Nelmon Brauning		Nelmon Brauning Seminole, Oklahoma, 74868		nbrauning@hotmail.com
PROPERTY ADDRESS/LOCATION: 814 East Grant Street & 1332 North Harrison Avenue				
The applicant, Nelmon Brauning, is requesting a rezone from C-1 to C-3 for 1332 North Harrison Avenue. The stated proposed use is for a medical building. The applicant has submitted a deed approval application to administratively combine the lots, granted the rezoning is approved.				
EXISTING ZONING: C-1	EXISTING LAND USE: Residential & Vacant	SURROUNDING ZONING & LAND USE: C-1 (Neighborhood Commercial) C-3 (Highway Commercial)	SUBDIVISION: Beverly Hills Addition	PROPERTY SIZE: 0.45 acres

STAFF RECOMMENDATION

The applicant has stated the proposed use is for a medical building. The subject site is 0.45 acres in size. Adjacent properties are zoned C-1 (Neighborhood Commercial) and C-3 (Highway Commercial). The 2019 Comprehensive Plan intends for this area to be mixed use. The Comprehensive Plan specifically lists medical buildings as a type of use intended for this area; however, it is *not necessary* to rezone the subject tract to C-3 to erect a medical building, as medical buildings are allowed in the C-1 District upon obtaining a conditional use permit (CUP). The adjacent existing uses are low intensity commercial and high intensity commercial. However, traffic from any higher intensity uses should be directed away from the adjacent lower intensity uses and building elements and scale should be consistent with surrounding development, according to the Comprehensive Plan.

The rezone is required to conform to Section 22-165.2 of the Zoning Code, "Uses [in commercial districts]," which assures that the C-3 zoning district is used to provide for establishments offering accommodations, supplies or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusement and service establishments. The proposed use of a medical building is permitted in this district. The rezone is also required to conform to Section 22-165.4 of the Zoning Code, "Dimensional Standards [in commercial districts]." If rezoned to C-3, it would conform to these standards.

Staff recommends approving C-1 rezoning with a conditional use permit (CUP) for allowance of a medical clinic building, hospital, under 15,000 square feet to keep future business uses the least invasive as possible.

APPROVE

APPROVE WITH CONDITIONS

DENY

**ATTACHMENTS:
(CIRCLE)**

SUBMITTED PLANS

**PUBLIC HEARING
PETITION/
APPLICATION FORM**

LEGAL NOTICE

LEGAL DESCRIPTION

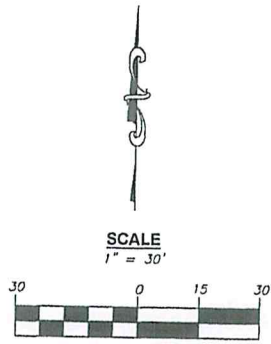
PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

No protest letters have been received at this time.

BOUNDARY SURVEY



SCALE
1" = 30'

BASIS OF BEARING
GRID NORTH
OKLAHOMA STATE PLANE
COORDINATE SYSTEM (NAD83)

CERTIFICATE OF SURVEY DATE: NOVEMBER 25, 2019

I, PHILLIP LYNAM, LICENSED PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY AS OF THE DATE SET FORTH ABOVE THAT I HAVE MADE A CAREFUL SURVEY OF THE TRACT OF LAND DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION

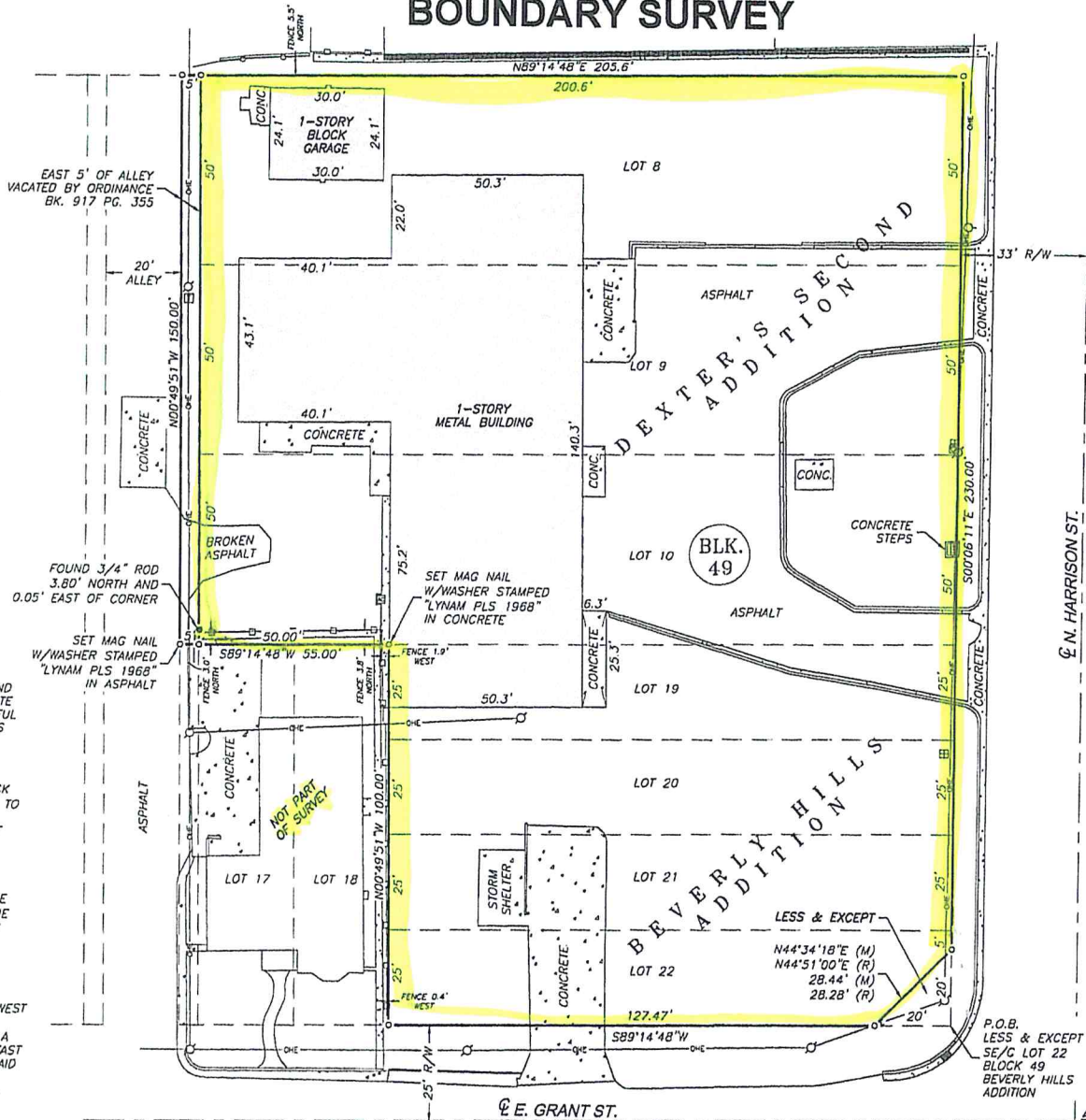
LOTS EIGHT (8), NINE (9) AND TEN (10), BLOCK FORTY-NINE (49), DEXTER'S SECOND ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

AND

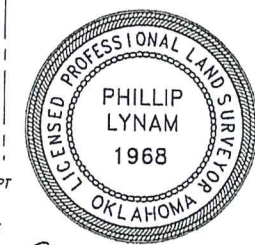
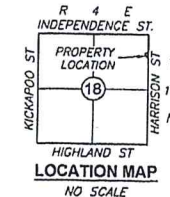
LOTS NINETEEN (19), TWENTY (20), TWENTY-ONE (21) AND TWENTY-TWO (22), BLOCK FORTY-NINE (49), BEVERLY HILLS ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

LESS AND EXCEPT:

A TRACT DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 22; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 22 A DISTANCE OF 20.00 FEET; THENCE N44°51'00"E A DISTANCE OF 28.28 FEET TO A POINT ON THE EAST LINE OF SAID LOT 22; THENCE SOUTH ALONG SAID EAST LINE A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.



- LEGEND**
- FOUND MONUMENT
 - SET 3/8" REBAR
 - W/CAP "LYNAM PLS 1968"
 - POWER POLE
 - LIGHT POLE
 - GUY WIRE
 - WATER VALVE
 - WATER METER
 - FIRE HYDRANT
 - GAS METER
 - AIR CONDITIONER UNIT
 - TELEPHONE PEDESTAL
 - CHAINLINK FENCE
 - STOCKADE FENCE
 - OVERHEAD ELECTRIC LINE
 - R/W RIGHT-OF-WAY
 - P.O.B. POINT OF BEGINNING
 - (R) RECORD DISTANCE OR BEARING
 - (M) MEASURED DISTANCE OR BEARING



11/25/2019
PHILLIP LYNAM, PLS #1968 DATE

GENERAL NOTES

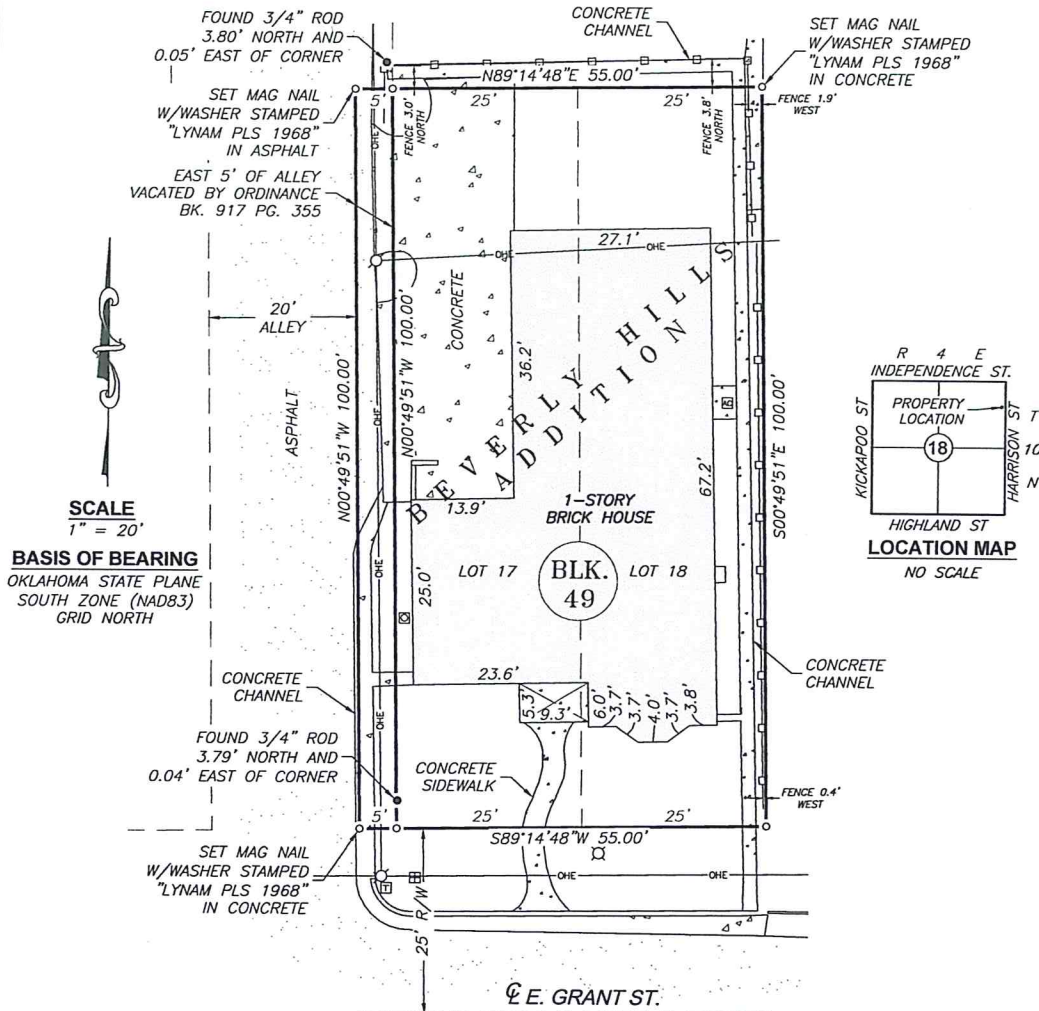
1. A TITLE COMMITMENT, INDICATING APPLICABLE EASEMENTS, HAS NOT BEEN PROVIDED. THEREFORE, ALL EASEMENTS MAY NOT BE SHOWN HEREON.
2. THIS SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
3. THE LAST DAY VISITING SITE 11/25/2019.

CLIENT: Jerome L. & Shirley J. Johnson	2009 Revocable Trust
PROPERTY LOCATION: 1336 & 1332 N. HARRISON, SHAWNEE	
DATE OF SURVEY: 11/25/2019	SURVEYED BY: PL
DATE OF DRAWING: 11/25/2019	DRAWN BY: PL
JOB NO. 19-1103	PAGE: 1 OF 1

Lynam Land Surveying, LLC

34106B E. County Meadows Dr., Meeker, OK 74855
Phone: (405) 855-6185 Email: phillip@lynam-llc.com
C.A. #7971 Exp. June 30, 2021

BOUNDARY SURVEY



LEGEND

- FOUND MONUMENT
- SET 3/8" REBAR
W/CAP "LYNAM
PLS 1968"
- R/W RIGHT-OF-WAY
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- (R) RECORD DISTANCE
OR BEARING
- (M) MEASURED DISTANCE
OR BEARING
- ☒ AIR CONDITIONER
- ⊗ POWER POLE
- ⊠ LIGHT POLE
- ⊞ GAS METER
- ⊡ WATER METER
- ⊞ TELEPHONE PEDESTAL
- ⊞ BROKEN SCALE
- ⊞ WOOD FENCE
- ⊞ CHAINLINK FENCE
- OHE— OVERHEAD ELECTRIC

CERTIFICATE OF SURVEY

DATE: NOVEMBER 25, 2019

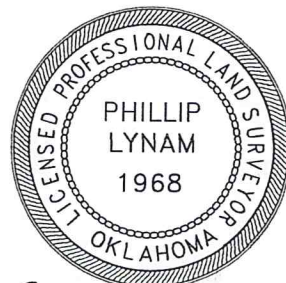
I, PHILLIP LYNAM, LICENSED PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY AS OF THE DATE SET FORTH ABOVE THAT I HAVE MADE A CAREFUL SURVEY OF THE TRACT OF LAND DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION

LOTS SEVENTEEN (17) AND EIGHTEEN (18), BLOCK FORTY-NINE (49), BEVERLY HILLS ADDITION TO THE CITY OF SHAWNEE, ACCORDING TO THE RECORDED PLAT THEREOF.

GENERAL NOTES

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- THIS SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- THE LAST DAY VISITING SITE 10/31/2019.



Phillip Lynam 11/25/2019
PHILLIP LYNAM, PLS #1968 DATE

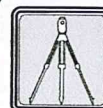
CLIENT: **OKLAHOMA MENTAL HEALTH COUNCIL**

PROPERTY LOCATION: LOTS 17 AND 18, BLOCK 49, BEVERLY HILLS ADDITION TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY

DATE OF SURVEY: 11/25/2019

DATE OF DRAWING: 11/25/2019

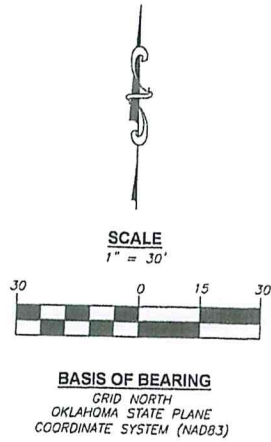
JOB NO. 19-1104



**Lynam Land
Surveying, LLC**

341069 E. Country Meadows Dr., Meeker, OK 74855
Phone: (405) 695-6195 Email: phillip@lynam-ls.com
C.A. #7971 Exp. June 30, 2021

BOUNDARY SURVEY



CERTIFICATE OF SURVEY DATE: NOVEMBER 25, 2019

I, PHILLIP LYNAM, LICENSED PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY AS OF THE DATE SET FORTH ABOVE THAT I HAVE MADE A CAREFUL SURVEY OF THE TRACT OF LAND DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION

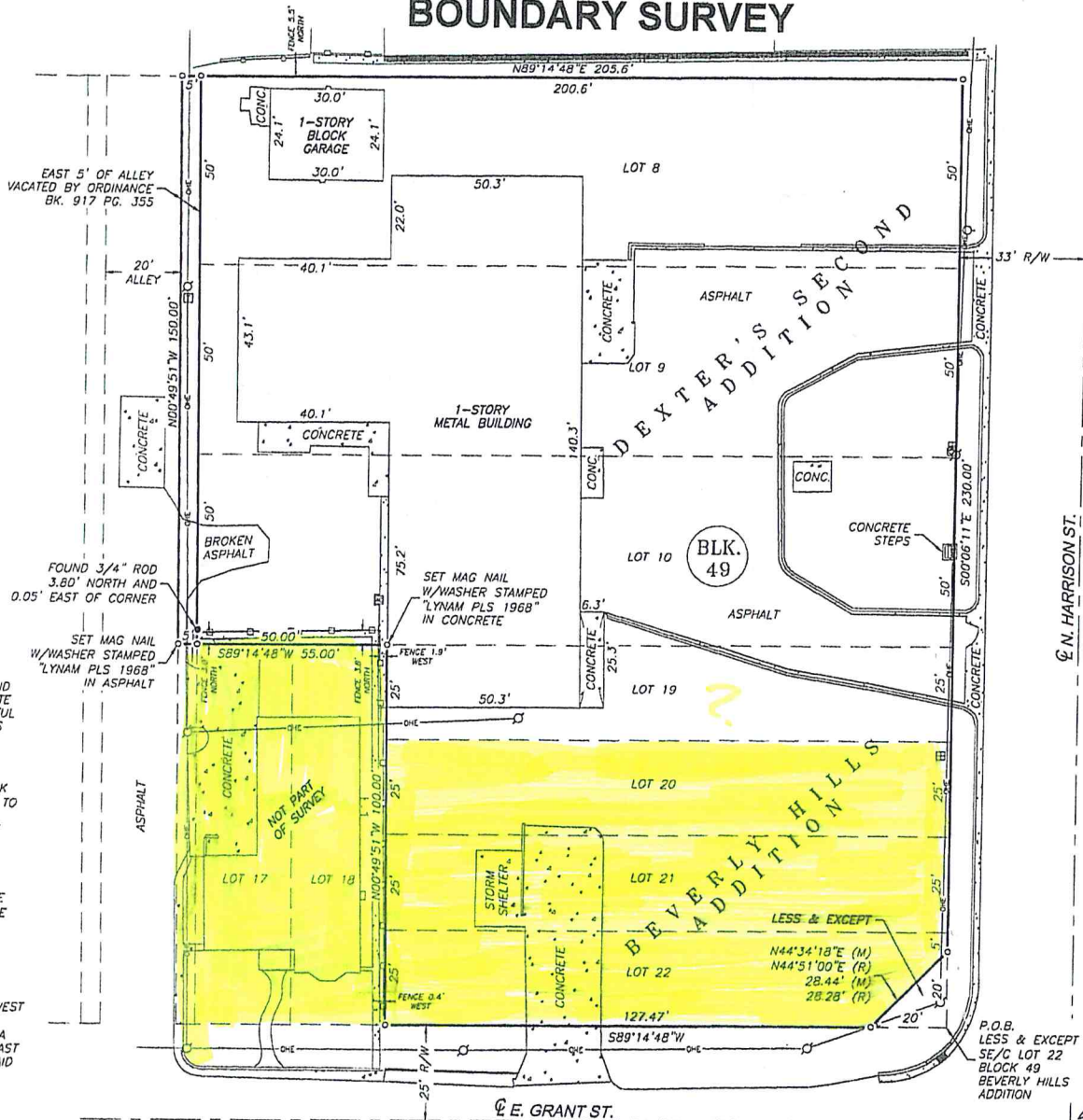
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AND

LOTS NINETEEN (19), TWENTY (20), TWENTY-ONE (21) AND TWENTY-TWO (22), BLOCK FORTY-NINE (49), BEVERLY HILLS ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

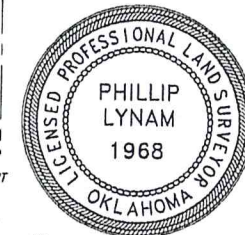
LESS & EXCEPT:

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LEGEND

- FOUND MONUMENT
- SET 3/8" REBAR W/CAP "LYNAM PLS 1968"
- POWER POLE
- LIGHT POLE
- GUY WIRE
- WATER VALVE
- WATER METER
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- STOCKADE FENCE
- OHE— OVERHEAD ELECTRIC LINE
- R/W RIGHT-OF-WAY
- P.O.B. POINT OF BEGINNING
- (R) RECORD DISTANCE OR BEARING
- (M) MEASURED DISTANCE OR BEARING



11/25/2019
PHILLIP LYNAM, PLS #1968 DATE

GENERAL NOTES

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3. THE LAST DAY VISITING SITE 11/25/2019.

CLIENT: Jerome L & Shirley J Johnson
2009 Revocable Trust

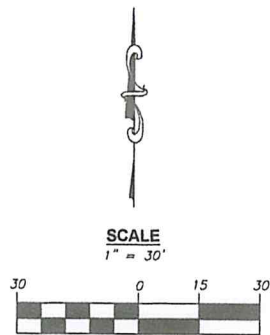
PROPERTY LOCATION: 1336 & 1332 N. HARRISON, SHAWNEE	SURVEYED BY: PL
DATE OF SURVEY: 11/25/2019	DRAWN BY: PL
DATE OF DRAWING: 11/25/2019	PAGE: 1 OF 1
JOB NO. 19-1103	

Lynam Land Surveying, LLC



34168 E. County Meadows Dr., Meeker, OK 74855
Phone: (405) 695-6195 Email: phillip@lynam-llc.com
C.A. #7011 Exp. June 30, 2021

LOT CONSOLIDATION EXHIBIT



BASIS OF BEARING
GRID NORTH
OKLAHOMA STATE PLANE
COORDINATE SYSTEM (NAD83)

CERTIFICATE OF SURVEY

DATE: JANUARY 15, 2020

I, PHILLIP LYNAM, LICENSED PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY AS OF THE DATE SET FORTH ABOVE THAT I HAVE MADE A CAREFUL SURVEY OF THE TRACT OF LAND DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION

LOTS EIGHT (8), NINE (9) AND TEN (10), BLOCK FORTY-NINE (49), DEXTER'S SECOND ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

AND

LOTS NINETEEN (19), TWENTY (20), TWENTY-ONE (21) AND TWENTY-TWO (22), BLOCK FORTY-NINE (49), BEVERLY HILLS ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

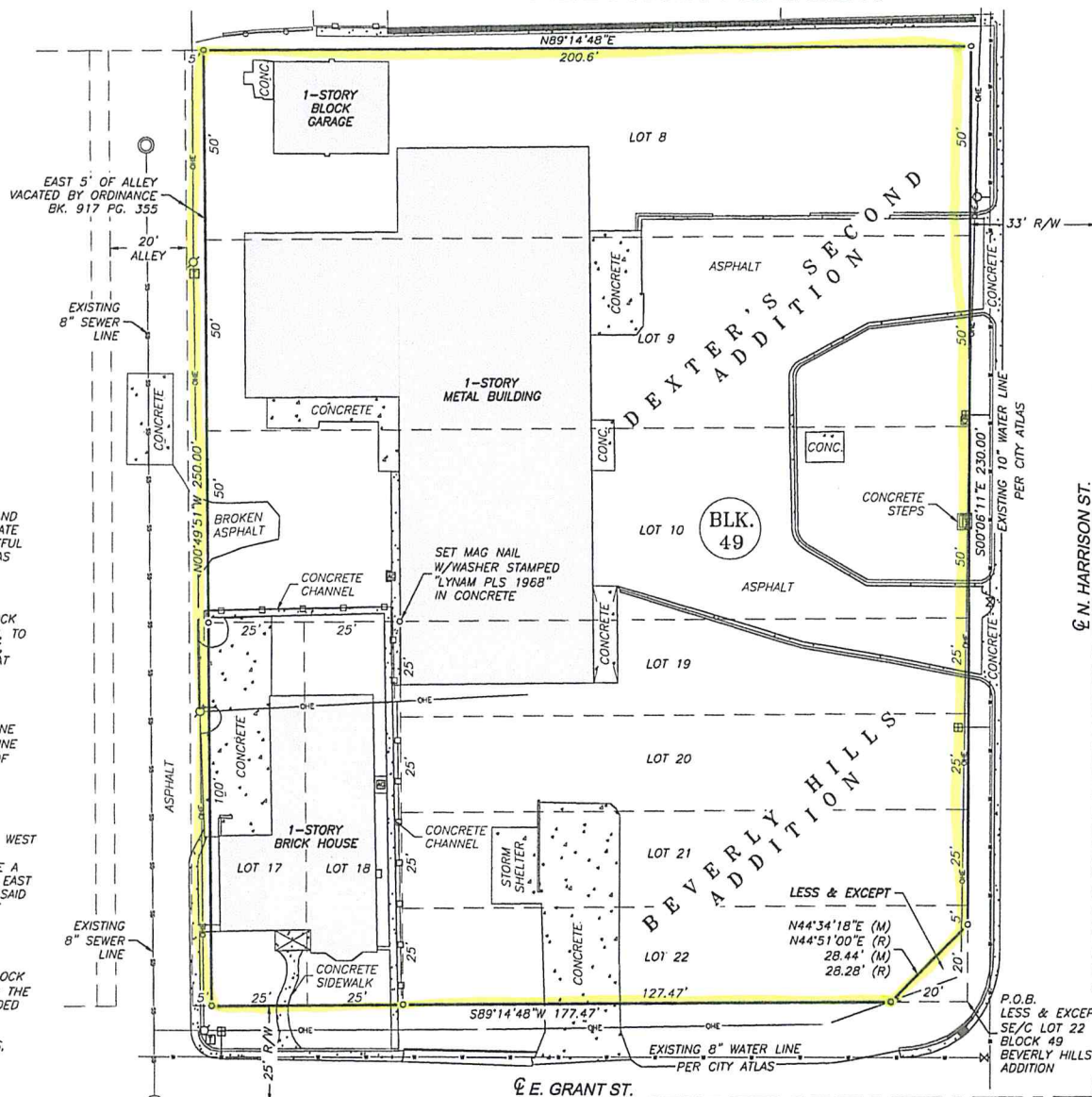
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AND

LOTS SEVENTEEN (17) AND EIGHTEEN (18), BLOCK FORTY-NINE (49), BEVERLY HILLS ADDITION TO THE CITY OF SHAWNEE, ACCORDING TO THE RECORDED PLAT THEREOF.

CONTAINING 49,562.78 SQ. FT. OR 1.14 ACRES, MORE OR LESS.



OWNER OF RECORD

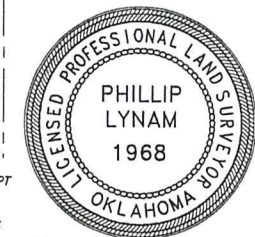
THE OKLAHOMA MENTAL HEALTH COUNCIL,
AN OKLAHOMA NOT FOR PROFIT
CORPORATION D/B/A RED ROCK
BEHAVIORAL SERVICES, AN OKLAHOMA
CORPORATION

ADDRESS: 4400 N. LINCOLN BLVD
OKLAHOMA CITY, OK
73105-5105

LEGEND

- FOUND MONUMENT
- SET 3/8" REBAR
W/CAP "LYNAM
PLS 1968"
- POWER POLE
- LIGHT POLE
- GUY WIRE
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- GAS METER
- AIR CONDITIONER UNIT
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- SS— SANITARY SEWER LINE
- W— WATER LINE

R/W RIGHT-OF-WAY
P.O.B. POINT OF BEGINNING
(R) RECORD DISTANCE
OR BEARING
(M) MEASURED DISTANCE
OR BEARING



Phillip Lynam 01/15/2020
PHILLIP LYNAM, PLS #1968 DATE

GENERAL NOTES

1. A TITLE COMMITMENT INDICATING APPLICABLE EASEMENTS, HAS NOT BEEN PROVIDED. THEREFORE ALL EASEMENTS MAY NOT BE SHOWN HEREON.
2. THIS SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
3. THE LAST DAY VISITING SITE 11/25/2019.

CLIENT: OKLAHOMA MENTAL HEALTH COUNCIL

PROPERTY LOCATION: 1336 & 1332 N. HARRISON, AND 814 E. GRANT ST., SHAWNEE, OKLAHOMA	SURVEYED BY: PL	DRAWN BY: PL	PAGE: 1 OF 1
DATE OF SURVEY: 11/25/2019	DATE OF DRAWING: 01/15/2020	JOB NO. 19-1103	

Lynam Land Surveying, LLC
34108 E. County Meadows Dr., Weiler, OK 74855
Phone: (405) 855-6195 Email: phillip@lynam-llc.com
C.A. #7971 Exp. June 30, 2021

PLANNING COMMISSION APPLICATION



City of Shawnee Planning Department

222 N. Broadway
Shawnee, OK 74801
(405) 878-1616 Fax (405) 878-1587
www.ShawneeOK.org

For Office Use Only	
Case Number:	<u>P06-20</u>
Project Number:	<u>200156</u>
Date Filed:	<u>2/5/2020</u>
_____ Planning Commission Secretary	

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 C1 District to C3 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 814 E GRANT ST & 1332 N. HARRISON ST.

LEGAL DESCRIPTION: Lots 17, 18, 20, 21, 22 BLK 49- Beverly Hills Addition

PROPERTY OWNER (S): The OKLAHOMA MENTAL HEALTH COUNCIL dba Red Rock Behavioral Health Services

PROPERTY AGENT (APPLICANT): Nelson Brauning

APPLICANT'S ADDRESS: 35963 Hwy 99A

CITY: Seminole STATE: OK ZIP: 74868

EMAIL ADDRESS: nbrauning@hotmail.com

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

DIMENSIONS OF PROPERTY: AREA: 0.334 WIDTH: 75'
LENGTH: 177.47' FRONTAGE: 177.47'

CURRENT ZONING: C1 CURRENT USE: Rental & Vacant Lots

PROPOSED ZONING: C3 PROPOSED USE: Build new Medical 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.

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

Nelson Brauning
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

REZONING &/OR C.U.P FEE \$ 280.00
RECEIPT NO. 02285711

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.: _____

Return To:
The Oklahoma Mental Health Council, an Oklahoma not for profit corporation d/b/a
4400 N. Lincoln Blvd
Oklahoma City, OK 73105

WARRANTY DEED
(OKLAHOMA STATUTORY FORM)

Doc Stamps: **132.00**

Tax ID#: **16700**

Filed/insured by: First American Title Insurance Company
File No.: **2465323-SH01 (CC)**

That **BMC Ventures, LLC, an Oklahoma limited liability company**, (the "Grantor"), in consideration of the sum of TEN & NO/100-----Dollars and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do(es) hereby, grant, bargain, sell and convey unto **The Oklahoma Mental Health Council, an Oklahoma not for profit corporation d/b/a Red Rock Behavioral Health Services, an Oklahoma corporation**, (the "Grantee"), the following described real property and premises situated in **Pottawatomie County, State of Oklahoma**, to wit:

SURFACE ONLY:

Lots Seventeen (17) and Eighteen (18), Block Forty-nine (49), BEVERLY HILLS ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

LESS & EXCEPT, ANY AND ALL INTEREST IN AND TO ALL OF OIL, GAS, COAL & OTHER MINERALS & ALL RIGHTS PERTAINING THERETO.

Property Address: **814 East Grant Street, Shawnee, OK 74801**

Together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same. LESS AND EXCEPT any interest in and to oil, gas, coal, metallic ores and other minerals therein and thereunder previously reserved or conveyed of record and all rights, interests and estates of whatsoever nature incident thereto or arising thereunder, and SUBJECT TO easements, rights of way, restrictive covenants of record.

TO HAVE AND TO HOLD said described premises unto the Grantee, and to the heirs, successors and assigns, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

Signed and delivered this **January 29, 2020**.

STATE OF OKLAHOMA
Pottawatomie County
Documentary Stamps: \$ **132.00**



First American Title **SH 2465323**

BMC Ventures, LLC, an Oklahoma limited liability company

By: Donald J. Santiago
Name: Donald J. Santiago
Title: Manager

By: Terri L. Santiago
Name: Terri L. Santiago
Title: Manager

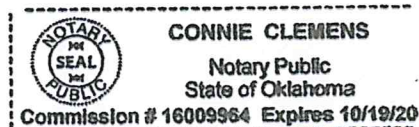
ACKNOWLEDGMENT - OKLAHOMA FORM

STATE OF OKLAHOMA }
COUNTY OF POTTAWATOMIE } ss.

This instrument was acknowledged before me on **January 29, 2020**, by **Donald J. Santiago and Terri L. Santiago** as **Managers** of **BMC Ventures, LLC** an **Oklahoma limited liability company**.

Connie Clemens
NOTARY PUBLIC **Connie Clemens**

My Commission Expires: **10/19/20**



Copy

Return To:

The Oklahoma Mental Health Council, an Oklahoma not for profit corporation d/b/a
4400 N. Lincoln Blvd
Oklahoma City, OK 73105

WARRANTY DEED
(OKLAHOMA STATUTORY FORM)

Doc Stamps: **N/A**

Tax ID#:

Filed/insured by: First American Title Insurance Company

File No.: **2465323-SH01 (CC)**

That **The Oklahoma Mental Health Council, an Oklahoma not for profit corporation d/b/a Red Rock Behavioral Health Services, an Oklahoma corporation**, (the "Grantor"), in consideration of the sum of TEN & NO/100-----Dollars and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do(es) hereby, grant, bargain, sell and convey unto **The Oklahoma Mental Health Council, an Oklahoma not for profit corporation d/b/a Red Rock Behavioral Health Services, an Oklahoma corporation**, (the "Grantee"), the following described real property and premises situated in **Pottawatomie County, State of Oklahoma**, to wit:

Lots Seventeen (17) and Eighteen (18), Block Forty-nine (49), BEVERLY HILLS ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

AND

TRACT 1:

Lots Eight (8), Nine (9) and Ten (10), in Block Forty-nine (49) of DEXTER'S SECOND ADDITION to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

TRACT 2:

Lots Nineteen (19), Twenty (20), Twenty-one (21) and Twenty-two (22), Block Forty-nine (49), BEVERLY HILLS ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof, LESS AND EXCEPT a tract described as beginning at the Southeast corner of said Lot 22; thence West along the South line of said Lot 22 a distance of 20.00 feet; thence N44°51'00"E a distance of 28.28 feet to a point on the East line of said Lot 22; thence South along said East line a distance of 20.00 feet to the point of beginning.

Property Address: **814 E Grant Street and 1332 & 1336 N Harrison Street, Shawnee, OK 74801**

Together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same. LESS AND EXCEPT any interest in and to oil, gas, coal, metallic ores and other minerals therein and thereunder previously reserved or conveyed of record and all rights, interests and estates of whatsoever nature incident thereto or arising thereunder, and SUBJECT TO easements, rights of way, restrictive covenants of record.

TO HAVE AND TO HOLD said described premises unto the Grantee, and to the heirs, successors and assigns, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

Signed and delivered this January 29, 2020.

The Oklahoma Mental Health Council, an
Oklahoma not for profit corporation d/b/a Red
Rock Behavioral Health Services, an Oklahoma
Corporation

By: Kile Kuykendall
Name: Kile Kuykendall
Title: Chief Financial Officer

STATE OF OKLAHOMA }
COUNTY OF POTTAWATOMIE } ss.
ACKNOWLEDGMENT - OKLAHOMA FORM

This instrument was acknowledged before me on January 29, 2020, by **Donald J. Santiago** as **Manager**
of **BMC Ventures, LLC** an **Oklahoma limited liability company**.

Connie Clemens
Notary Public:

My Commission Expires:



Return To:
The Oklahoma Mental Health Council
4400 N. Lincoln Blvd.
Oklahoma City, OK 73105

WARRANTY DEED
(OKLAHOMA STATUTORY FORM)

Doc Stamps: 450.00

Tax ID#: 0180-00-049-019-0-000-00

Filed/insured by: First American Title Insurance Company

File No.: 2452832-SH01 (DKB)

That Shawnee Memorials, Inc. and Shirley June Johnson, Sole Trustee of the Jerome and Shirley June Johnson 2009 Revocable Trust Agreement, dated March 4, 2009, (the "Grantor"), in consideration of the sum of TEN & NO/100-----Dollars and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do(es) hereby, grant, bargain, sell and convey unto The Oklahoma Mental Health Council, an Oklahoma not for profit corporation d/b/a Red Rock Behavioral Health Services, an Oklahoma corporation, (the "Grantee"), the following described real property and premises situated in Pottawatomie County, State of Oklahoma, to wit:

SURFACE ONLY:

TRACT 1:

Lots Eight (8), Nine (9) and Ten (10), in Block Forty-nine (49) of DEXTER'S SECOND ADDITION to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

TRACT 2:

Lots Nineteen (19), Twenty (20), Twenty-one (21) and Twenty-two (22), Block Forty-nine (49), BEVERLY HILLS ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof, LESS AND EXCEPT a tract described as beginning at the Southeast corner of said Lot 22; thence West along the South line of said Lot 22 a distance of 20.00 feet; thence N44°51'00"E a distance of 28.28 feet to a point on the East line of said Lot 22; thence South along said East line a distance of 20.00 feet to the point of beginning.

LESS AND EXCEPT ANY AND ALL INTEREST IN AND TO ALL OF THE OIL, GAS, COAL AND OTHER MINERALS AND ALL RIGHTS PERTAINING THERETO

Property Address: 1332 North Harrison Street, 1336 North Harrison Street, Shawnee, OK 74804

Together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same. LESS AND EXCEPT any interest in and to oil, gas, coal, metallic ores and other minerals therein and thereunder previously reserved or conveyed of record and all rights, interests and estates of whatsoever nature incident thereto or arising thereunder, and SUBJECT TO easements, rights of way, restrictive covenants of record.

TO HAVE AND TO HOLD said described premises unto the Grantee, and to the heirs, successors and assigns, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

First American Title 5H2452832

STATE OF OKLAHOMA

Pottawatomie County

Documentary Stamps: \$ 450.00



Signed and delivered this **December** __, 2019.

Shawnee Memorials, Inc.

Jerome and Shirley June Johnson 2009
Revocable Trust Agreement, dated March 4,
2009

By: Shirley June Johnson
Name: Shirley June Johnson
Title: President

Shirley June Johnson
Shirley June Johnson, Trustee

STATE OF Kansas }
COUNTY OF Douglas } ss.
ACKNOWLEDGMENT - OKLAHOMA FORM

This instrument was acknowledged before me on **December** 7th, 2019, by **Shirley June Johnson** as **President of Shawnee Memorials, Inc.** an **Oklahoma corporation**.

[Signature]
NOTARY PUBLIC

My Commission Expires: 10/8/23

STATE OF Kansas }
COUNTY OF Douglas } ss.
ACKNOWLEDGMENT - OKLAHOMA FORM

This instrument was acknowledged before me on **December** 7th, 2019, by **Shirley June Johnson** as **Sole Trustee of Jerome and Shirley June Johnson 2009 Revocable Trust Agreement, dated March 4, 2009** an .

[Signature]
NOTARY PUBLIC

My Commission Expires: 10/8/23

Mail Tax Statements To:

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 a rezone is described as follows:

Lots Seventeen (17) and Eighteen (18), Block Forty-nine (49), in BEVERLY HILLS ADDITION to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

AND

Lots Nineteen (19), Twenty (20), Twenty-one (21) and Twenty-two (22), Block Forty-nine (49), BEVERLY HILLS ADDITION to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof, LESS & EXCEPT a tract described as beginning at the Southeast corner of said Lot 22; THENCE West along the South line of said Lot 22 a distance of 20.00 feet; THENCE N44°51'00" E a distance of 28.28 feet to a point on the East line of said Lot 22; THENCE South along said East line a distance of 20.00 feet to the point of beginning.

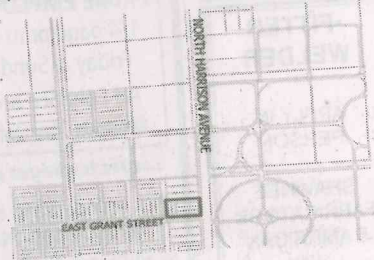
General Location Known As:
814 East Grant Street & 1332 North Harrison Avenue

Current Zoning Classification:
C-1 (Neighborhood Commercial)

Requested Zoning Classification:
C-3 (Highway Commercial)

Proposed Use of Property
Medical Building

Applicant: Nelmon Brauning



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

March 4th, 2020 AT 1:30 P.M.:
CITY OF SHAWNEE PLANNING COMMISSION
March 16th, 2020 AT 6:00 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 405-878-1616. A copy of the application is available for public inspection during normal working hours in the Planning Secretary's office at 222 N. Broad-

P06-20

Witness my hand this 13th day of Feb-

Affidavit of Publication

The Shawnee News-Star
215 N. Bell
Shawnee OK 74801
(405) 273-4200

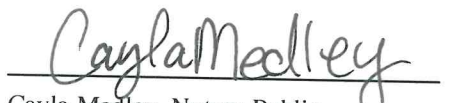
State of Oklahoma
County of Pottawatomie

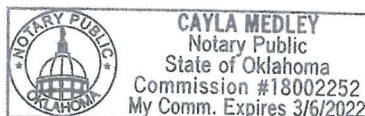
I, Wanda Westerman, of lawful age, being duly sworn upon oath, deposes and says that I am the Legal Advertising Account Executive of The Shawnee News-Star, a Daily publication that is a "legal newspaper" as that phrase is defined in 25 O.S. §106 for the City of Shawnee, for the County of Pottawatomie, in the State of Oklahoma, and that the attachment hereto contains a true and correct copy of what was actually published in said legal newspaper in consecutive issues on the following date(s):

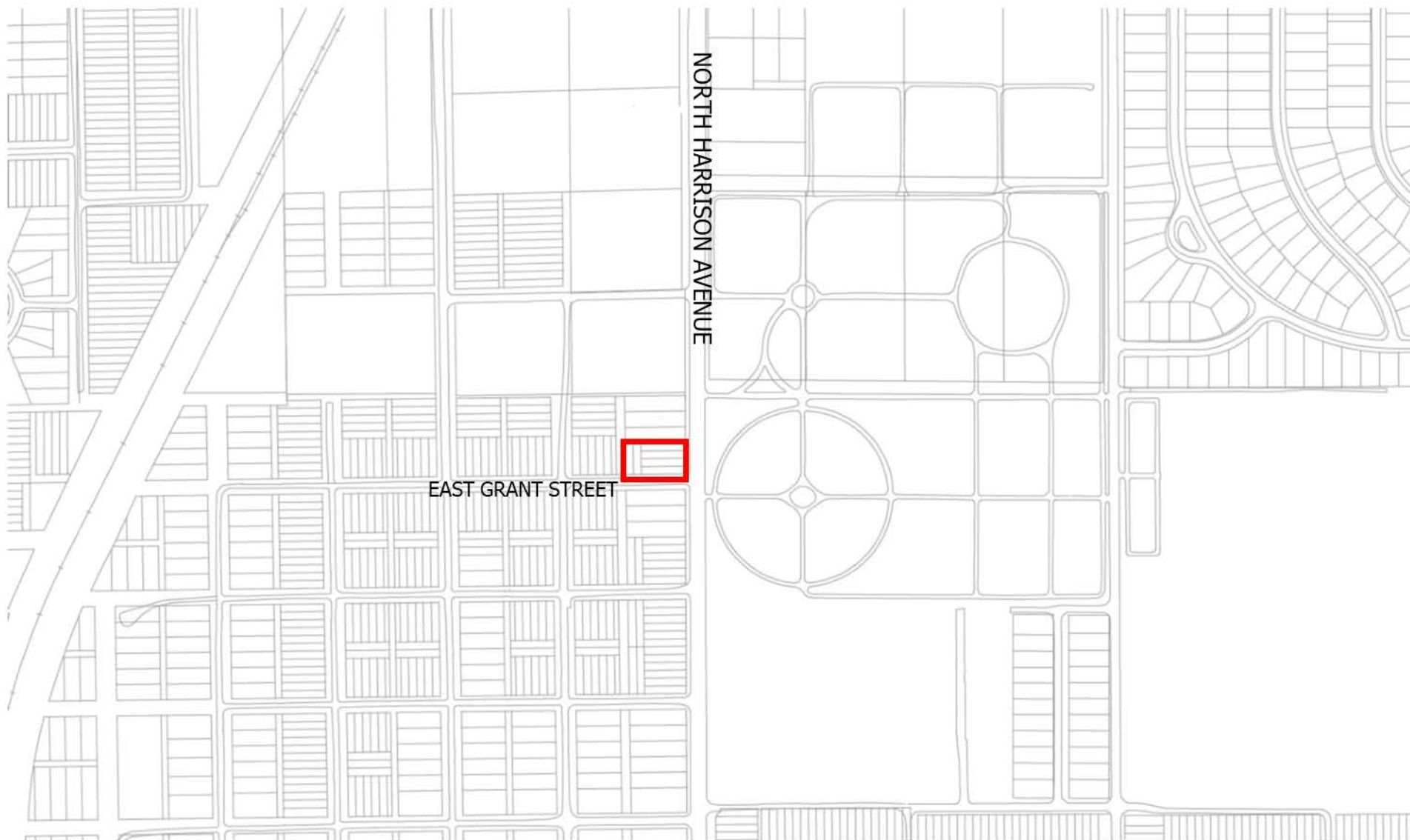
Insertion Date(s): Feb. 16th, 2020
Publishing Fee: \$106.85


Wanda Westerman, Account Executive

Signed and sworn to before me this 18th day of Feb., 2020.


Cayla Medley, Notary Public
My Commission Expires: March 6th, 2022
Commission No. 18002252





STATE OF OKLAHOMA)
COUNTY OF POTTAWATOMIE) §:

45

OWNERSHIP LIST

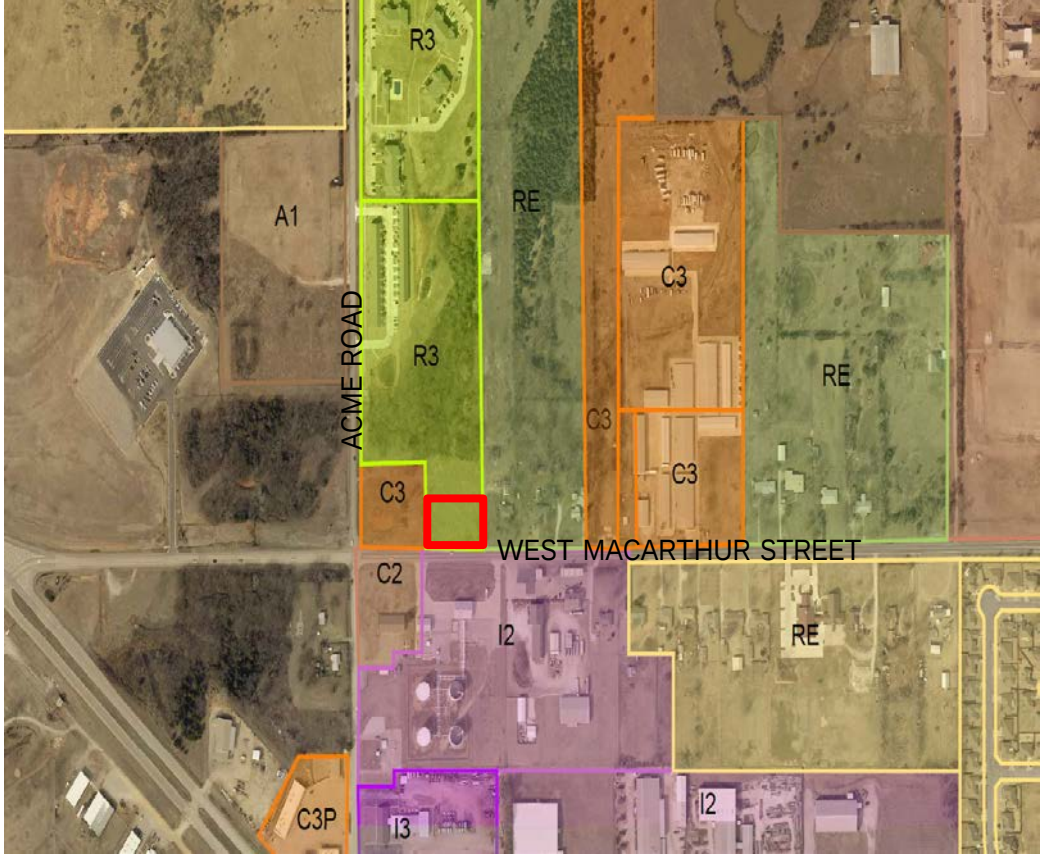
ORDER NO. 2470799

DATE PREPARED: January 22, 2020

EFFECTIVE DATE: January 15, 2020 at 7:30 am

OWNER	LOT	BLK	ADDITION
BMC VENTURES LLC 13001 VINEHAVEN BLVD OKC, OK 73170	17-18	49	BEVERLY HILLS
OKLAHOMA MENTAL HEALTH COUNCIL 4400 N. LINCOLN BLVD OKLAHOMA CITY, OK 73105	PT 19-22	49	BEVERLY HILLS
CENTRAL TRIBES OF THE SHAWNEE AREA 1535 N MCKINLEY SHAWNEE, OK 74801	1 THRU 5 & LOT 11 EXCEPT 10' X 15' NW/C & LOTS 12 THRU 16	49	BEVERLY HILLS
OKLAHOMA MENTAL HEALTH COUNCIL 4400 N. LINCOLN BLVD OKLAHOMA CITY, OK 73105	8-10	49	DEXTER 2
MORGAN TIRE & AUTO INC ATTN TAX DEPT 535 MARRIOTT DR NASHVILLE, TN 37214		4	BEG SE/C BLK 4 W172.5' N100' E172.5' S100' POB .40AC YATES
CITY OF SHAWNEE P O BOX 1448 SHAWNEE, OK 74802		6-9	MCDIVITT
CHRIS CARRELL INSURANCE LLC 1400 N HARRISON SHAWNEE, OK 74801	7	4	BEG 100'N SE/C BLK 4 W172.5' N51.5' E172.5' S51.5' POB YATES
CENTRAL TRIBES OF THE SHAWNEE AREA 1535 N MCKINLEY SHAWNEE, OK 74801	3	4	BEG 172.5'W & 50'N SE/C BLK 4 W171.5' N95.30' E171.5' S95.30' POB .38AC YATES
CENTRAL TRIBES OF THE SHAWNEE AREA 1535 N MCKINLEY SHAWNEE, OK 74801	4	4	BEG 25'E SW/C BLK 4 N50' E171' S50' W171' POB YATES
ONE GAS INC ATTN: ACCOUNTS PAYABLE PO BOX 21049 TULSA, OK 74121	10'x15' NW/c of 11	49	BEVERLY HILLS
CROSSROADS YOUTH & FAMILY SER INC 1650 W TECUMSEH RD SUITE 500 NORMAN, OK 73069	1-4	48	BEVERLY HILLS
LARABEE TRUDY L TRUST 1506 N MCKINLEY SHAWNEE, OK 74801	LOT 5 & N35' LOTS 19 THRU 24	48	BEVERLY HILLS

TAYLOR EARNEST W & COURTNEY GILLEY & KELSEY GILLEY 1502 N MCKINLEY SHAWNEE, OK 74801	S90' OF 21-24	48	BEVERLY HILLS
TAYLOR EARNEST 1502 N MCKINLEY SHAWNEE, OK 74801	N65' & VAC ALLEY ADJ. LOTS 3 THRU 6	37	BEVERLY HILLS
DUGGAN ELDON C & CYNTHIA L 1418 N MCKINLEY SHAWNEE, OK 74801	S60' LOTS 3 THRU 6	37	BEVERLY HILLS
TAYLOR EARNEST & COURTNEY GILLEY & KELSEY GILLEY 1502 N MCKINLEY SHAWNEE, OK 74801	W15' & VAC ALLEY ADJ LOT 4 & ALL VAC ALLEY ADJ LOTS 5 & 6	36	BEVERLY HILLS
TAYLOR EARNEST & COURTNEY GILLEY & KELSEY GILLEY 1502 N MCKINLEY SHAWNEE, OK 74801	W15' & VAC ALLEY ADJ LOT 2 & VAC ALLEY ADJ LOT 3 & E10' LOT 4	36	BEVERLY HILLS
CITY OF SHAWNEE P O BOX 1448 SHAWNEE, OK 74802	LOT 1 & E10' & VAC. ALLEY ADJ. LOT 2	36	BEVERLY HILLS
DEERE LEVESTA FAY & LAUREN ASHLEY SPEARS 1415 N MCKINLEY SHAWNEE, OK 74801	10-11	36	BEVERLY HILLS
SMITH KODY & MYSTIE 807 KIMBERLY RD TECUMSEH, OK 74873	14-15	36	BEVERLY HILLS
SMITH KODY & MYSTIE 807 KIMBERLY RD TECUMSEH, OK 74873	16-17	36	BEVERLY HILLS
DANIELS CLAUDE JACK & SANDRA 812 E SEYMOUR SHAWNEE, OK 74801	18-19	36	BEVERLY HILLS
COWDEN G RANDY & JOYE E 1902 KATIE RD SHAWNEE, OK 74804	LOTS 20 21 22 23 24 & 25 LESS & EXCEPT DES AS BEG AT SE/C LOT 25 TH W20' TH N44*51'E A DIS 28.80' TO POINT ON EAST LINE SAID LOT TH S20' POB ALSO INCLUDES HOUSE LOCATED AT 816 E SEYMOUR	36	BEVERLY HILLS
COWDEN G RANDY & JOYE E 1902 KATIE RD SHAWNEE, OK 74804	7-9	36	DEXTER 2

City of Shawnee Planning Department 222. N. Broadway Shawnee, OK 74801 (405) 878-1616 Fax: (405) 878-1587 www.ShawneeOK.org			CASE # P04-20 PUBLIC HEARING DATE: March 4th, 2020 CITY COMMISSION DATE: March 16th, 2020	
APPLICANT: J. Bentley Developments LP		39004 West MacArthur Street, Suite 100 Shawnee, Oklahoma, 74804		justin@jbentleyinc.com
PROPERTY ADDRESS/LOCATION: 300' east of the northeast corner of Acme Road & West MacArthur Street				
The applicant, J. Bentley Developments LP, is requesting a rezone from R-3 to C-2 with a conditional use permit (CUP) for a medical office located on a strip of land 300 feet east of the northeast corner of Acme Road and West MacArthur Street.				
EXISTING ZONING: R-3	EXISTING LAND USE: Vacant	SURROUNDING ZONING & LAND USE: RE (Residential Estate) R-3 (Multi-Family Residential) C-3 (Highway Commercial) I-2 (Light Industrial)	SUBDIVISION: Belmont Park, Phase II	PROPERTY SIZE: 1.09 acres

STAFF RECOMMENDATION

The proposed rezone takes place over a 250' X 190' tract of land that is currently part of the Belmont Park Addition, Phase II, a subdivision plat that was intended to have duplexes constructed on 19 lots. The applicant intends to submit a new preliminary and final plat for this tract.

The applicant has stated the proposed use is for a medical office. The subject site is 1.09 acres in size. Adjacent properties are zoned RE (Residential Estate), R-3 (Multi-Family Residential), C-3 (Highway Commercial), and I-2 (Light Industrial). The 2040 Comprehensive Plan intends for this area's future land use to be medium density residential. The C-2 District is not amongst the districts the Future Land Use Plan intends for this area to be; however, the 2040 Comprehensive Plan's future land use map utilizes "fuzzy" lines and the boundaries between land uses are meant to show approximate areas for transition rather than rigid boundaries (Page 88). The type of land use area next to the boundaries of this area is mixed use, which is a suitable area for a medical office.

The rezone is required to conform to Section 22-165.2 of the Zoning Code, "Uses [in commercial districts]," which assures that the C-2 zoning district is used to provide for businesses and professional offices that are compatible with residential use. The rezone is also required to conform to Section 22-165.4 of the Zoning Code, "Dimensional Standards [in commercial districts]." If rezoned to C-2, it would conform to these standards.

The subject request is in conformance with the 2040 Comprehensive Plan. Therefore, Staff hereby recommends approval of the requested rezone from R-3 (Multi-Family Residential) to C-2 (Limited Office) and for the requested conditional use permit (CUP) for a medical office.

APPROVE

APPROVE WITH CONDITIONS

DENY

ATTACHMENTS:
(CIRCLE)

SUBMITTED PLANS

PUBLIC HEARING
PETITION/
APPLICATION FORM

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

No protest letters have been received at this time.

Exhibit “A”

LEGAL DESCRIPTION

Re-Zoning Tract
Belmont Park Commercial II
Shawnee, Pottawatomie County, Oklahoma

January 16, 2020

A tract of land lying in 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 at the Southwest corner of said Southwest Quarter (SW/4);

THENCE North 89°19'11" East, along the South line of said Southwest Quarter (SW/4), a distance of 300.00 feet to the **POINT OF BEGINNING**;

THENCE North 00°34'33" West, parallel with the West line of said Southwest Quarter (SW/4), a distance of 190.00 feet;

THENCE North 89°19'11" East, parallel with said South line, a distance of 250.00 feet;

THENCE South 00°34'33" East, parallel with said West line, a distance of 190.00 feet to a point on said South line;

THENCE South 89°19'11" West, along said South line, a distance of 250.00 feet to the **POINT OF BEGINNING**.

Said tract of land containing 47,500 square feet or 1.0905 acres, more or less.

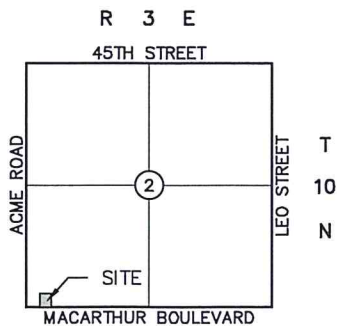
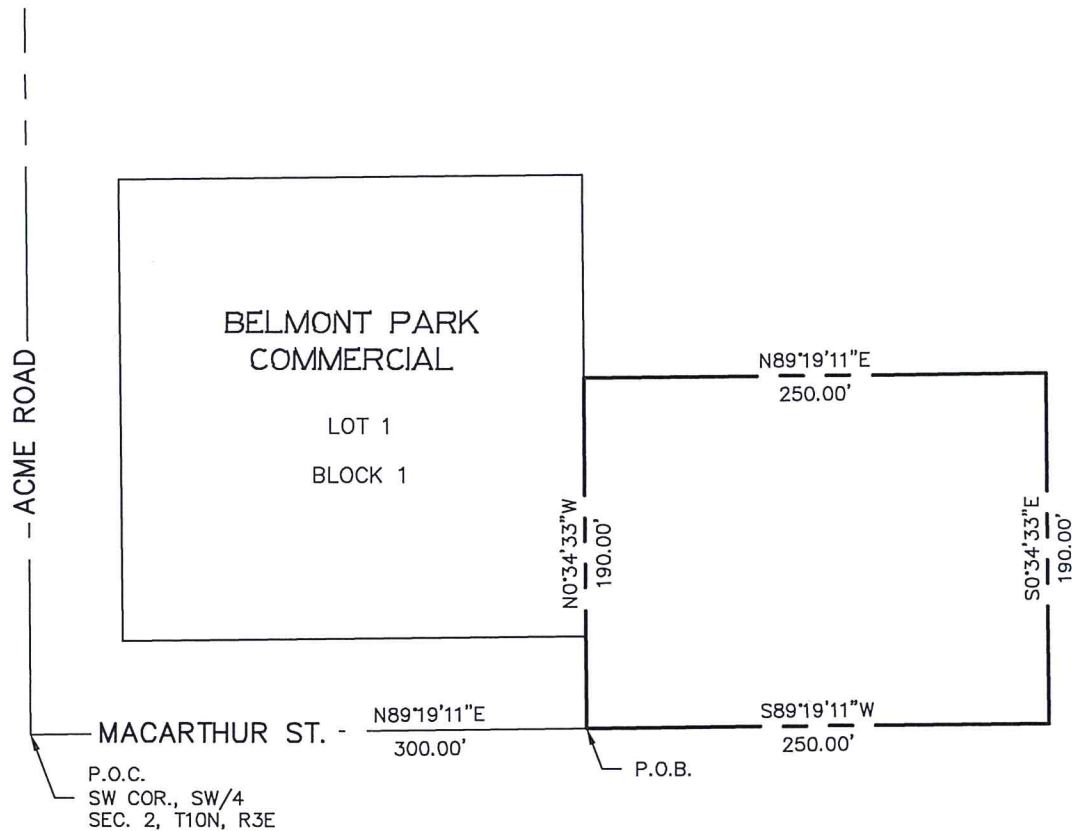
The basis of bearings for the above-described tract of land is a record of North 89°19'11" East, along the South line of said Southwest Quarter (SW/4).

Prepared by Durham Surveying, Inc.
Matt C. Barnum, PLS No. 1742

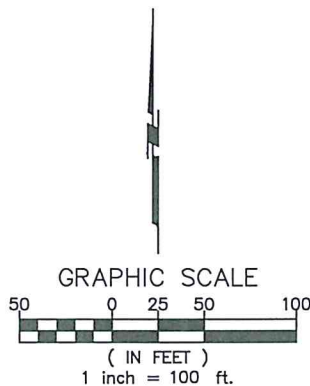
T:\2016\16-026\Docs\16-026_20200116_Re-Zoning Tract_Legal Description.docx

Exhibit 'B'

RE-ZONING TRACT BELMONT PARK COMMERCIAL II SHAWNEE, POTTAWATOMIE CO., OKLAHOMA



Location Map
SCALE: 1"=4000'



DURHAM SURVEYING, INC.

1800 SOUTH SARA ROAD

YUKON, OKLAHOMA 73099

Ph. (405) 265-3404 Fax (405) 265-0649

1/16/2020

CERTIFICATE OF AUTHORIZATION NO. 5313, EXP. DATE 06/30/2020



PLANNING COMMISSION APPLICATION

Planning Department

222 N. Broadway
Shawnee, OK 74801
(405) 878-1616 Fax (405) 878-1587
www.ShawneeOK.org

For Office Use Only	
Case Number:	<u>P04-20</u>
Project Number:	<u>200157</u>
Date Filed:	<u>1/29/2020</u>
_____ Planning Commission Secretary	

REQUEST:

☒ Rezoning
☐ Conditional Use Permit

☐ Rezoning w/Conditional Use Permit
☐ Planned Unit Development

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from R-3 Multi-Family Residential District to C-3 Restricted Automotive & Comm Recreation District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): MacArthur Road

LEGAL DESCRIPTION: Part of the SW/4, Sec 2, T10N, R3E

PROPERTY OWNER (S): _____

PROPERTY AGENT (APPLICANT): J. Bentley Developments LP

APPLICANT'S ADDRESS: 39004 W. MacArthur, Suite 100

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

EMAIL ADDRESS: justin@jbentleyinc.com

TELEPHONE NUMBER: (405) 641-8578 **CONTACT NUMBER:** ()

DIMENSIONS OF PROPERTY: AREA: 1.72 acres WIDTH: 250 ft
LENGTH: 300 ft (250 ex r/w) FRONTAGE: 250 ft

CURRENT ZONING: R-3 **CURRENT USE:** vacant

PROPOSED ZONING: C-2* **PROPOSED USE:** retail commercial

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

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

[Signature]
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

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

RECEIPT NO. 02386144

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.:** _____

*Application amended to C-2 With a conditional use permit
(CUP) for a medical office (i.e. dentist's office, doctor's
office)
P04-20
DEC 10 52

①

201600007117
Filed for Record in
POTTAWATOMIE OKLAHOMA
RAESHEL FLEWALLEN, COUNTY CLERK
06-21-2016 AT 04:45 pm.
WARR DEED 277.50



Return To:
J. Bentley Developments, LP

Instrument 201600007117 PG 1 OF 2

WARRANTY DEED
(OKLAHOMA STATUTORY FORM)

File No.: **2143824-SH01 (DKB)**
Doc Stamps: **\$262.50**

Tax ID#: **0000-02-010-003-0-003-00**

That **J.C. Hughes Investments, L.L.C.**, an Oklahoma limited liability company party(ies) of the first part, in consideration of the sum of TEN & NO/100-----Dollars and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do(es) hereby, grant, bargain, sell and convey unto **J. Bentley Developments, LP**, an Oklahoma Limited Liability Partnership, (the "Grantee"), the following described real property and premises situated in Pottawatomie County, State of Oklahoma, to wit:

A tract of land lying in 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 at the Southwest corner of said SW/4; thence N00°34'33"W, along the West line of said SW/4, a distance of 300.00 feet to the Point of Beginning; thence continuing N00°34'33"W, along said West line, a distance of 188.36 feet to the Southwest Corner of Belmont Park Addition, an addition to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof; thence along the South and East line of said addition for the following three (3) courses: 1. N89°22'51"E, a distance of 103.10 feet; 2. N26°09'10"E, a distance of 348.85 feet; 3. N00°34'33"W, a distance of 309.26 feet to the Northeast corner of said addition; thence N89°19'11"E, parallel with the South line of said SW/4, a distance of 290.00 feet; thence S00°34'33"E, parallel with the West line of said SW/4, a distance of 1108.80 feet to a point on the South line of said SW/4; thence S89°19'11"W, along said South line, a distance of 250.00 feet; thence N00°34'33"W, parallel with the West line of said SW/4, a distance of 300.00 feet; thence S89°19'11"W, parallel with the South line of said SW/4, a distance of 300.00 feet to the Point of Beginning.

Property Address: **Vacant Land, Shawnee, OK 74804**

Together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same. LESS AND EXCEPT any interest in and to oil, gas, coal, metallic ores and other minerals therein and thereunder previously reserved or conveyed of record and all rights, interests and estates of whatsoever nature incident thereto or arising thereunder, and SUBJECT TO easements, rights of way, restrictive covenants of record.

TO HAVE AND TO HOLD said described premises unto the Grantee, and to the heirs, successors and assigns, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

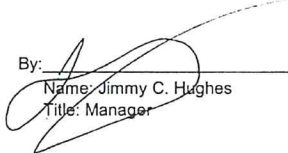
STATE OF OKLAHOMA
Pottawatomie County
Documentary Stamps: \$262.50

Signed and delivered this **June 17, 2016**.

2143824-JBentley

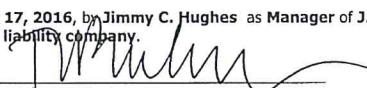
First American Title

J.C. Hughes Investments, L.L.C., an Oklahoma limited liability company

By: 
Name: Jimmy C. Hughes
Title: Manager

ACKNOWLEDGMENT - OKLAHOMA FORM
STATE OF OKLAHOMA }
} ss.
COUNTY OF POTTAWATOMIE }

This instrument was acknowledged before me on June 17, 2016, by Jimmy C. Hughes as Manager of J.C. Hughes Investments, L.L.C. an Oklahoma limited liability company.


NOTARY PUBLIC D. Bourbonnais

My Commission Expires: 5/2/2019

Mail Tax Statements



CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P04-20

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 a rezone is described as follows:

A tract of land lying in 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 at the Southwest corner of said Southwest Quarter (SW/4); THENCE North 89°19'11" East, along the South line of said Southwest Quarter (SW/4), a distance of 300.00 feet to the POINT OF BEGINNING; THENCE North 00°34'33" West, parallel with the West line of said Southwest Quarter (SW/4), a distance of 190.00 feet; THENCE North 89°19'11" East, parallel with said South line, a distance of 250.00 feet; THENCE South 00°34'33" East, parallel with said West line, a distance of 190.00 feet to a point on said South line; THENCE South 89°19'11" West, along said South line, a distance of 250.00 feet to the POINT OF BEGINNING. Said tract of land containing 47,500 square feet or 1.0905 acres, more or less. The basis of bearings for the above-described tract of land is a record of North 89°19'11" East, along the South line of said Southwest Quarter (SW/4)

General Location Known As:
300' east of the northeast corner of Acme Road & West MacArthur Street

Current Zoning Classification:
R-3 (Multi-Family Residential)

Requested Zoning Classification:
C-3 (Highway Commercial)

Proposed Use of Property Retail

Applicant: J Bentley Developments LP

ACME ROAD

WEST MACARTHUR STREET

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

March 4th, 2020 AT 1:30 P.M.:
CITY OF SHAWNEE PLANNING COMMISSION

March 16th, 2020 AT 6:00 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 405-874-P04-20. A copy of the application is available for public inspection during normal working hours in the Plan-

Affidavit of Publication

The Shawnee News-Star
215 N. Bell
Shawnee OK 74801
(405) 273-4200

State of Oklahoma
County of Pottawatomie

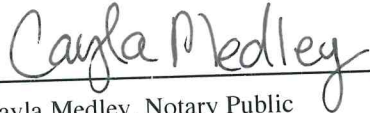
I, Wanda Westerman, of lawful age, being duly sworn upon oath, deposes and says that I am the Legal Advertising Account Executive of The Shawnee News-Star, a Daily publication that is a "legal newspaper" as that phrase is defined in 25 O.S. §106 for the City of Shawnee, for the County of Pottawatomie, in the State of Oklahoma, and that the attachment hereto contains a true and correct copy of what was actually published in said legal newspaper in consecutive issues on the following date(s):

Insertion Date(s): Feb. 16th, 2020
Publishing Fee: \$118.85



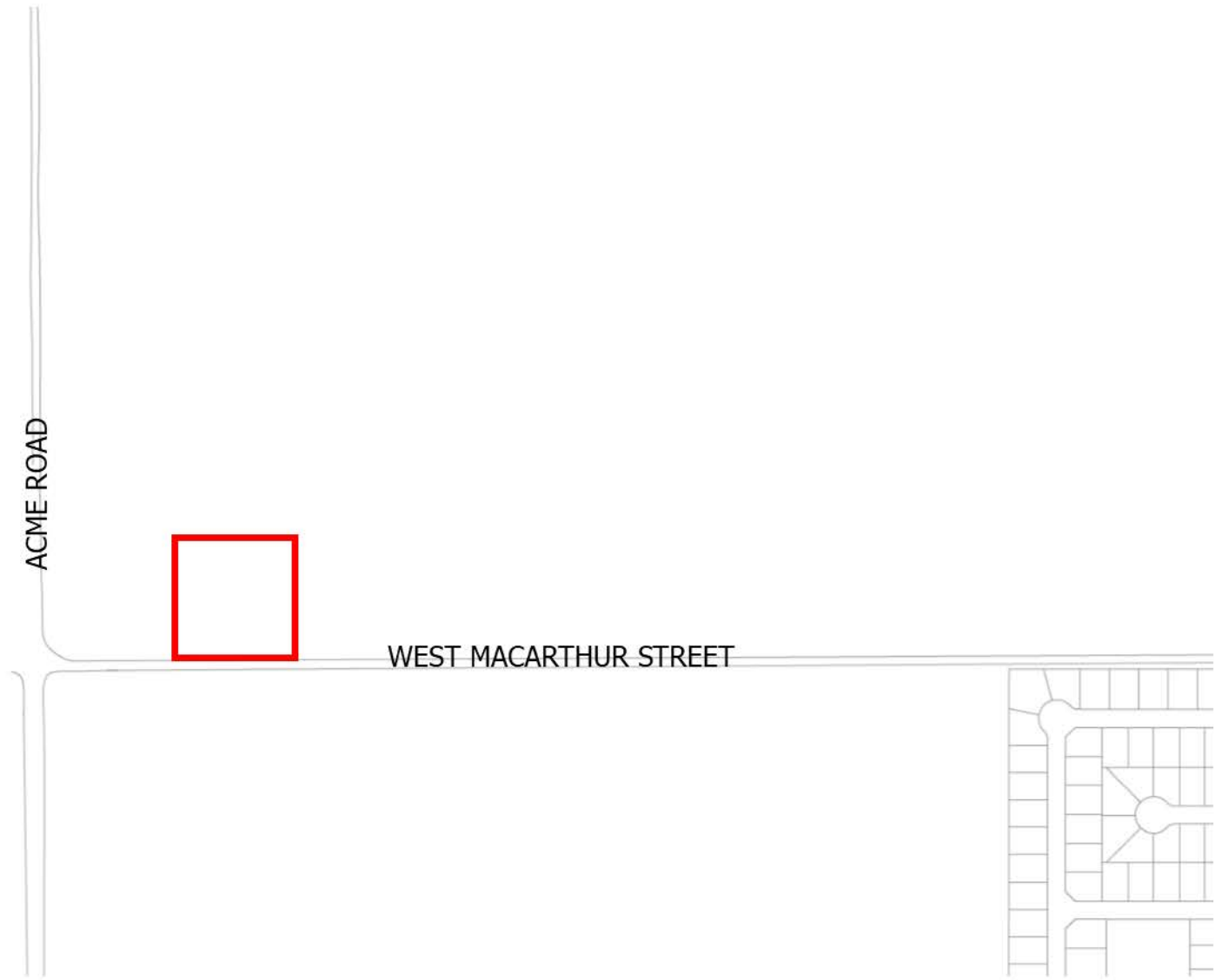
Wanda Westerman, Account Executive

Signed and sworn to before me this 18th day of Feb., 2020.



Cayla Medley, Notary Public
My Commission Expires: March 6th, 2022
Commission No. 18002252





CERTIFICATE OF BONDED ABSTRACTOR (300 FEET RADIUS REPORT)

STATE OF OKLAHOMA)
) §:
COUNTY OF POTTAWATOMIE)

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

A tract of land lying in 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 at the Southwest corner of said Southwest Quarter (SW/4); THENCE North 89°19'11" East, along the South line of said Southwest Quarter (SW/4), a distance of 300.00 feet to the POINT OF BEGINNING;
THENCE North 00°34'33" West, parallel with the West line of said Southwest Quarter (SW/4), a distance of 190.00 feet; THENCE North 89°19'11" East, parallel with said South line, a distance of 250.00 feet; THENCE South 00°34'33" East, parallel with said West line, a distance of 190.00 feet to a point on said South line;
THENCE South 89°19'11" West, along said South line, a distance of 250.00 feet to the
to the POINT OF BEGINNING. Said tract of land containing 47,500 square feet or 1.0905 acres, more or less. The basis of bearings for the above-described tract of land is a record of North 89°19'11" East, along the South line of said Southwest Quarter (SW/4).

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

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

Dated: January 17, 2020 at 7:30 AM

First American Title Insurance Company

By: Michelle Cook

Michelle Cook
 Abstractor License No. 3286
 OAB Certificate of Authority # 017
 File No. 2472526-OK99

OWNERSHIP LIST

ORDER NO. 2472526

DATE PREPARED: January 28, 2020

EFFECTIVE DATE: January 17, 2020 at 7:30 am

OWNER	LOT	BLK	ADDITION
J BENTLEY DEVELOPMENTS LP 39004 W MACARTHUR SHAWNEE, OK 74804			BEGINNING SW/C SW/4 N300' POBN188.36' E103.1' N26°9'10"E348.85'N309.26'E290' S1108.8' W250' N300' W300' POB (2-10N-3E)
J BENTLEY DEVELOPMENTS LP 39004 W MACARTHUR SHAWNEE, OK 74804	1	1	BELMONT PARK COMMERCIAL
HAYNES WILMA 39104 W MACARTHUR SHAWNEE, OK 74804			BEG 2090'W SE/C SW N1320' E154' S1320' W154' TO POB (2-10N-3E)
HALE EMMITT J & SUSAN ELAINE 39106 W MACARTHUR SHAWNEE, OK 74801			BEG 1782'W SE/C SW N1100' E198' N880' W506' S660' E154' S1320' E154' TO POB (2-10N-3E)
ESCOBEDO LLC 11127 NS 3500 RD PRAGUE, OK 74864			BEG 1056'E SW/C SW W198' N1100' E198' S1100' POB (2-10N-3E)
ROSS SANDRA KING TRUSTEE OF SANDRA KING ROSS REVOC TRUST P O BOX 108 WEATHERFORD, OK 73096	1	1	BELMONNT PARK
ASHFORD PLACE APARTMENTS LP 7780 W 119TH ST OVERLAND PARK, KS 66213			BEG 1108.8' N SW/C SW N871.2' E550' S871.2' W550' TO POB ASHFORD PLACE APTS (2-10N-3E)
SCHOOL LAND ACME SCHOOL 326 N UNION SHAWNEE, OK 74801			BEG NE/C S1/2 SE S790' W575' N790' E575' POB (3-10N-3E)
ALLOTMENT (KICKAPOO CASINO SHAWNEE) 38900 W MACARTHUR ST SHAWNEE OK 74804			S1/2 SE LESS TRACTS LAND 2500 (3-10N-3E)
BOARD OF COUNTY COMMISSIONERS (OSU EXTENSION OFFICE) 14101 ACME RD SHAWNEE, OK 74801			BEGINNING NW/C NW/4 NW/4 NW/4 E255.66 S326.59' W50' S44.55' W205.68' N373.25' TO POB (11-10N-3E)
SINCLAIR TRANSPORTATION CO PROPERTY TAX DEPT PO BOX 30825 SALT LAKE CITY, UT 84130			NW NW NW LESS 3.5A (11-10N-3E)

MODERN OIL CO INC P O BOX 218 SHAWNEE, OK 74802			BEG 465'W NE/C OF NW NW S660' W150' N660' E150' POB & BEG NW/C NE NW NW E45' S660' W45' N660'POB WAREHOUSE (11-10N-3E)
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