

REGULAR PLANNING COMMISSION MINUTES

DATE: MARCH 4TH, 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, March 4th, 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, Kienzle, Rowell, Melot

Absent:

Meeting was called to Order.

AGENDA ITEM NO.2: **Consideration of approval of the minutes from the special meeting of the Planning Commission on February 12th, 2020**

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

Motion passed:

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

NAY:

ABSTAIN:

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

Chairman Bergsten opened the public portion of the meeting and announced that this is an open time for discussion for those with questions on topics not on the Agenda and asked if anyone would like to come forward.

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

AGENDA ITEM NO.4: **Case #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

Planning Director Rebecca Blaine presented staff report. She stated the bed and breakfast is in a portion of the existing single-family home that is already located on the property; it would not involve a new structure. She stated there would not be extensive traffic or parking added. She noted the Commission may set conditions on the approval of any conditional use permit. She stated staff recommends approval.

Chairman Bergsten asked Director Blaine if the property was surrounded by trees. Director Blaine confirmed this to be the case. She stated she does not think the bed and breakfast would be a disturbance. Chairman Bergsten stated he did not see a reason to be concerned about lighting or fencing.

Commissioner Walker asked about signage at the gate. Director Blaine stated the City has a permitting process for signage.

Chairman Bergsten asked about the condition on the staff report that states "No additional structures are [to be] erected for the purpose of a bed and breakfast,". He asked if that would be for any structure or just any structure that is used for the bed and breakfast. Director Blaine stated that condition encapsulates the use of the

bed and breakfast. She stated the applicant would not be able to erect another house on the parcel for the use of a bed and breakfast. She stated the condition would not limit erecting an accessory structure, such as a shed.

Commissioner Matthews asked if a gazebo would be separate from the bed and breakfast. Director Blaine stated that is something they could consider. She stated one could make an argument that that is a joint use and that it could be evaluated on a case-by-case evaluation. Commissioner Matthews stated that would beautify the area. Director Blaine suggested the language of the condition could be edited to say dwelling structure rather than just structure.

Commissioner Walker stated the way the staff report has the condition worded is correct.

Chairman Bergsten stated the applicant would not want to erect anything that is unattractive.

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 Walker made a motion to approve the conditional use permit with the condition that no additional structures are erected for the purpose of a bed and breakfast; seconded by Commissioner Deem.

Motion passed:

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

NAY:

ABSTAIN:

AGENDA ITEM NO.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

Planning Director Rebecca Blaine presented staff report. She stated this application is for the future home of the Red Rock Behavioral Health. She stated they provide mental health counseling services. She noted that this is a corner property and that the applicant is going to combine the lots. She stated this aligns with the 2040 Comprehensive Plan. She stated staff recommends approval of the rezone.

Chairman Bergsten asked if the existing building will be used. Director Blaine stated it would be demolished and a parking lot will go there.

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. Nelmon Brauning, the applicant, came forward. She passed around brochures to the Commission. She stated the red building will be demolished because the roof is too expensive to repair. She stated there will be about 30 employees. She stated the existing house will be demolished. She stated it will be pretty. Commissioner Deem asked if Red Rock Behavioral Health was on Bell Avenue. Ms. Brauning stated it is a little office for finding Red Rock locations.

Chairman Bergsten asked about inpatient care. Ms. Brauning stated there would be no inpatient care or overnight care. 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 rezone; seconded by Commissioner Melot.

Motion passed:

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

NAY:

ABSTAIN:

AGENDA ITEM NO. 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

Planning Director Rebecca Blaine presented staff report. She stated the original application requested C-3 zoning. She stated C-3 allows for heavier uses and C-2 allows for the proposed use with a conditional use permit. She stated the applicant agreed to amend their application to request C-2 zoning. She stated staff recommends approval of the rezone and that it does not compromise the intent of the 2040 Comprehensive Plan.

Chairman Bergsten asked if there is any intent of expanding the apartment complex. Director Blaine stated the Planning Department has not received any submittals regarding this.

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. The applicant, Justin Ramer, came forward to speak. He stated they want to continue to construct office buildings as they go west along the corridor. He confirmed there are no projects pending on the R-3 zoned land behind this tract of land. He stated they are in talks with the property owner to the east about acquiring that property for higher end duplexes. 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 rezone; seconded by Commissioner Walker.

Motion passed:

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

NAY:

ABSTAIN:

AGENDA ITEM NO.7:

Discussion and possible action for consideration of Fiscal Year 2021 initiatives aligning with the 2040 Comprehensive Plan

Planning Director Rebecca Blaine stated the City is preparing the Fiscal Year 2021 budget. She stated she wanted to discuss ideas she is considering proposing for the fiscal budget. She stated her number one priority is overhauling the Zoning Code and Subdivision Regulations. She noted that the current Zoning Code and Subdivision Regulations are quite old. She also expressed her desire to set up an Arts Commission. Commissioners Deem and Kienzle stated they like the idea of an Arts Commission.

Commissioner Deem stated the City's budget for demolitions should be increased. Director Blaine agreed with this statement. Chairman Bergsten used the Cinderella Hotel as an example of building that could be demolished. Director Blaine stated the City has received bids on that subject. She stated it would cost far more than what the current budget is for demolitions. Commissioner Kienzle asked if the Citizen Pottawatomie Nation would be able to assist with this subject. She stated they have a good relationship with the EPA. Director Blaine was receptive towards this suggestion. Director Blaine stated the City is already spending money on an annual basis on the Cinderella Hotel regarding law enforcement being called over to the property and code enforcement having to secure the property. Commissioner Kienzle stated the EPA can also enlist the Army Corp of Engineers to do the assessment. Chairman Bergsten asked if there are federal grants for this. Commissioner Kienzle stated there are grants for the remediation part of the process.

Commissioner Melot discussed the idea of a discretionary budget for the purpose of finding matching dollars of certain projects. Director Blaine stated she wants a designated grant fund.

Commissioner Melot asked about the budget for code enforcement. She stated there is a disparity in enforcement. Director Blaine stated the Planning Department's code enforcement resources are currently limited. She stated this is something that can be looked at. She also stated that the Planning Department is going to assign boundary areas of the City to the two code enforcement officers.

Commissioner Kienzle asked if the current travel and training budget was large enough. Director Blaine asked Commissioner Kienzle to share any suggestions for conferences. She stated she will be putting together a large budget due to the influx of new staff.

Commissioner Kienzle asked about the technology budget. Director Blaine stated their computers are fine, and the software is archaic.

Commissioner Kienzle asked whether educational materials on bicycling and walking is warranted. Director Blaine stated she is part of the stakeholder's group for the statewide transportation plan and that they have a community review and assessment regarding that subject. She stated Shawnee is ranked in the bottom five on transportation options and multi-modal public options across the nation. She stated the branding and marketing on that is to become a top five in that subject.

Chairman Bergsten asked if there is ongoing effort or plans for the downtown area. Director Blaine stated there is nothing as it relates to the Streetscape or bump outs. She stated the Kickapoo expansion project and that there will be a roundabout at Main & Kickapoo. She stated she does know of any other downtown related projects.

Commissioner Walker asked if the TIF District went to Harrison. Director Blaine stated she was not sure if it does. Commissioner Melot noted there is a significant amount of private investment happening in Downtown. Chairman Bergsten stated while there is a lot of development in the central part of Main Street, the western and eastern ends still have bad looking buildings. Director Blaine stated she intends to create a budget for homelessness resources. Chairman Bergsten expressed concern about the economic impact of homelessness on the Downtown area.

Commissioner Deem asked what is going on with the 9th Street Apartments. Director Blaine stated they have not received any submittals regarding that property; however, she stated the owner was dealing with a personal situation that resulted in the asset being legally tied up, and that that is no longer the case. She stated work is being done on this property.

AGENDA ITEM NO.8:

Planning Director's Report

Planning Director Rebecca Blaine did not have a report.

AGENDA ITEM NO. 9:

Commissioners Comments and/or New Business

Commissioner Walker stated there is a dumpster on the 300 block of Midland Street placed on the street. Director Blaine stated she will have someone start a case on that. Director of Engineering Michael Ludi stated the foundation was being redone and that the City will find out why work has stopped.

Commissioner Kienzle stated the sidewalks by the middle school are blocked off. She asked if somebody cuts off a route to a school, should they have to provide an alternative route. Mr. Ludi asked if Commissioner

Kienzle was referring to the middle school on Union Avenue. She confirmed that was the case. Mr. Ludi stated he would get with his inspectors on it.

Commissioner Melot stated on Broadway Avenue there is a mattress set that has been laying across the sidewalk for at least three weeks.

Commissioner Deem asked if there was any progress on Shawnee Milling with the wall. Director Blaine stated another letter has been sent to them. Commissioner Deem asked how many letters the Planning Department sends them. Director Blaine stated that is tied back to a limited budget. She stated they try to have the property owner take care of their own property. Commissioner Deem asked Director Blaine what would she do if she had unlimited funds for code enforcement. Director Blaine stated that, if the property owner was given property notice and given a chance to correct the issue by themselves, the City would bid out for contractors, acquire three bids, and then file a lien to their property for the cost of that. She stated the City usually does not get that money back because unless the property owner is intending to sell the property, they do not care about the lien. Mr. Ludi stated work will continue on the Shawnee Milling. He stated the owner has been ill and is now recovering.

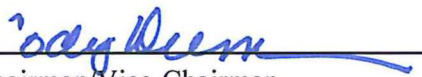
Commissioner Melot asked about the lighting at the airport tunnel. Mr. Ludi stated they are waiting on the purchase orders to clear through the City.

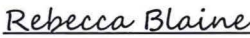
Commissioner Kienzle asked if the City does the recycling. Director Blaine stated the City does limited recycling with Central Disposal.

AGENDA ITEM NO.12:

Adjournment

Meeting was adjourned.


Chairman/Vice-Chairman


Planning Director