

PLANNING COMMISSION MINUTES

DATE: February 3rd, 2016

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 3rd, 2016 at 1:30 p.m., pursuant to notice duly posted as prescribed by law.

AGENDA ITEM NO.1:

Roll Call

Upon roll call the following members were present:

Present: Morton, Clinard, Kerbs, Bergsten, Cowen, Kienzle, Affentranger

Absent:

Meeting was called to Order.

AGENDA ITEM NO. 2:

Consideration of Approval of the minutes from the January 6th, 2016 Planning Commission Meeting

Chairman Bergsten asked if the Board had time to review the minutes and if there were any questions or comments. Commissioner Morton addressed the absence of each Commissioners individual votes being listed on agenda item five and Commissioner Affentranger discussed his vote showing approval on agenda item number seven when he left meeting early. Board voted to approve amended minutes with changes to both item numbers. Commissioner Kerbs made a motion to approve, seconded by Vice-Chairman Cowen.

Motion passed:

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

NAY:

ABSTAIN:

AGENDA ITEM NO. 3:

Citizen's Participation

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

AGENDA ITEM NO. 4:

Case #S14-15 – Consideration of approval of a Final Plat for Shawnee Auto Mall located on Shawnee Mall Dr., east of Union Street, Shawnee, OK

Applicant: Huitt-Zollars, INC

Chairman Bergsten asked for the staff report. Justin Debruin presented the staff report. Mr. Debruin explained that the location is around twenty one acres and runs alongside the I40 service road, east of Union Street. Four car lots are shown and staff does recommend approval after review with five conditions listed. Chairman Bergsten asked if there were any questions. Commissioner Kerbs asked which lots would be constructed first. Mr. Debruin informed him it would be the south and north portions; lots 1 and 4. Commissioner Clinard asked if the lots on northern end of plans would be addressed due to the water. Mr. Debruin agreed and mentioned that was part of the delay. Chairman Bergsten opened the public portion of the meeting and asked if anyone against the item would like to come forward. No one

came forward and Chairman Bergsten asked if anyone in favor of the item would like to come forward. No one came forward. Chairman Bergsten closed the public portion of the meeting and asked if there were any questions or comments from Commissioners. Commissioner Kerbs made a motion to approve with conditions, seconded by Commissioner Affentranger.

Motion passed:

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

NAY:

ABSTAIN:

AGENDA ITEM NO. 5:

Case #P15-15 – A public hearing for consideration of approval of a Rezone for property located at 1500 E. Independence St. from R-1; Single Family Residential to R-2; Combined Residential, Shawnee, OK

Applicant: The Landrun Group, LLC

Chairman Bergsten asked for the staff report. Justin Debruin presented the staff report. Mr. Debruin passed out conceptual plats to Commissioners. Justin Debruin discussed the location of rezone, current zoning, zoning of surrounding properties, consistency with surrounding areas and comprehensive plan uses. Mr. Debruin mentioned the platting procedure if rezone was not approved. Justin Debruin also went over the main topics listed in the protest letters. Chairman Bergsten asked if there were any questions for staff. Commissioner Kerbs asked if R-2 zoning can include a quad, two up two down and around 150 total triplexes. Mr. Debruin explained triplexes and townhomes are allowed as well as the number of triplexes. Commissioner Clinard asked if the conceptual plat was for homes or duplexes. Mr. Debruin stated the applicant could address that question. Vice-Chairman Cowen asked if he misunderstood Justin Debruin when referring to only 2 living units per ten thousand square feet. Mr. Debruin discussed the comparison for duplexes and single family residences. Commissioner Kienzle asked if the properties to the west pre-dated Emerald Forest and if the other multi-family residences on Bryan were for a specific use. Mr. Debruin stated he believed that both pre-dated Emerald Forest. Commissioner Affentranger asked if the Commission agreed on a PUD that it would help iron out some of the questions and issues. Justin Debruin agreed and discussed the processes involved. Chairman Bergsten mentioned the different potential ways the PUD could house duplexes, single family home and etc. Commissioner Affentranger asked for clarification on if rezoned to a PUD, it be an R-2 at the same time. Mr. Debruin stated it would be considered a PUD. Commissioner Affentranger also asked if Golden Acres was zoned a PUD and Mr. Debruin agreed. Commissioner Kienzle asked about process to vote on PUD. Justin Debruin discussed options. Chairman Bergsten asked if there were any other questions. There were none and Chairman Bergsten asked for the applicant or developer to come forward to give additional information. Darrin Marical came forward and discussed the handout, went over concerns, explained intentions and mentioned he met with property owners. Commissioner Kerbs asked if Mr. Marical held a meeting with the surrounding property owners and he agreed. Commissioner Affentranger asked how much the rent would run. Darrin Marical stated it would run between \$1300-\$1400 a month. Chairman Bergsten asked what the square footage would be. Mr. Marical informed him it would be 1171 living area and an additional two car garage. Commissioner Clinard asked if they allow students to rent and Darrin Marical stated they have one unit with college students but they also have requirements. Commissioner Kienzle asked about the driveways for the units and Mr. Marical discussed they would do a curb and gutter and Justin Debruin informed the Commissioners that is something that can be dictated as the process moves further. Commissioner Affentranger asked if yard size would be bigger than Golden Acres and Darrin Marical agreed. Steve Landes came forward and discussed lot size differences, amenities, zoning, setbacks and a PUD. Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition would like to come forward. Lesa Shaw, Christopher Aston, Roger Klans, Greg Wall

and Glen Parsons came forward. Their discussions included, but were not limited to, the number of petitioners, different studies regarding the housing market and effects of duplexes next to single family residences, crime, consistency, Elm Street and flooding issues. Chairman Bergsten asked if anyone in favor would like to come forward. Darrin Marical came forward and mentioned sidewalks, revenues and need for upper end housing. Commissioner Kienzle asked if Marical Brothers were the owner. Darrin Marical stated the contract is contingent upon the rezone. Chairman Bergsten asked if there was anyone else who would like to come forward. No one came forward and Chairman Bergsten closed the public portion of the meeting and asked if there were any questions or comments. Commissioner Kerbs mentioned what the PUD dictates sizes of lots and Commissioner Affentranger asked if having driveway coming off Independence was possible. Steve Landes came forward and stated it would be limited on space. Justin Debruin discussed PUD requirements. Vice-Chairman Cowen asked about the legality. Commissioner Kerbs asked if a Frank Harris was in the room who spoke on the last rezone at this property. He was not. Vice-Chairman suggested deferring until an answer is given and Commissioner Kerbs asked if Mary Ann Karns was available. Mr. Debruin stated the option was to defer or deny at that point and Commissioner Clinard made a motion to deny, seconded by Commissioner Kienzle. Vice-Chairman Cowen asked if the discussion was over and Commissioner Affentranger went on to ask if motion is denied today, if applicant can turn in an application for a PUD. Mr. Debruin agreed. Chairman Bergsten addressed the motion on the floor and took a five minute recess. After resuming, the determination was agreed that the application was valid and Chairman Bergsten asked to continue with the motion on the floor. Motion was denied.

Motion to deny passed:

AYE: Morton, Clinard, Kerbs, Bergsten

NAY: Cowen, Affentranger

ABSTAIN:

AGENDA ITEM NO. 6:

Planning Director's Report

Chairman Bergsten asked Justin Debruin if he had any news to report. Mr. Debruin stated he did not have anything to report but would be happy to answer any questions.

AGENDA ITEM NO. 9:

Commissioners Comments and/or New Business

Chairman Bergsten asked if there were any comments and Commissioner Kienzle requested that the City consider a comprehensive housing study to be better informed of the people living here. Chairman Bergsten discussed the alternative of a PUD application. Vice-Chairman Cowen discussed the importance of understanding the facts being presented, removing emotions and looking into the best interests of Shawnee. Commissioner Clinard mentioned needing to listen to the interests in the community. Vice-Chairman Cowen stated he believed they needed to do what was best for all of Shawnee. Commissioner Kerbs asked if there was a study on Shawnee's rental versus ownership. Justin Debruin stated he did not see any based on his research. Commissioner Kienzle discussed looking at the current rentals in Shawnee to see if having newer developments would benefit the city. Vice-Chairman Cowen discussed the need for nicer rentals and Commissioner Affentranger agreed. Chairman Bergsten and Commissioner Kerbs spoke about a PUD.

AGENDA ITEM NO. 10:

Adjournment

Meeting was adjourned.

Chairman/Vice-Chairman

Cheyenne Lincoln
Planning Commission Secretary