REGULAR PLANNING COMMISSION MINUTES
DATE: January 6th, 2021

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in person for a regular meeting on January 6th, 2021, 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: Loftis-Walton, Johnson, Deem, Lester, Engles, Rowell
Absent: Walker

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

AGENDA ITEM NO. 2: **Citizens' Participation**
(A three-minute limit per person)
(A twelve-minute limit per topic)

Chair Deem opened the floor for public participation for items not on the meeting's agenda.
There was no citizen participation.

AGENDA ITEM NO.3: **Case #RZ01-21 Public Hearing and Consideration of a rezoning of a 0.56-acre tract located at 301 N. Kickapoo on the northeast corner of N. Kickapoo and W. 10th Street from C-1 (Neighborhood Commercial District) to C-3 (Highway Commercial District) for the purpose of marketing for a future business.**
Applicant: Kevin Mankin on behalf of Jackline Mankin

Chairperson Deem asked for a staff report. Director Blaine explained the application was adjacent to a rezoning request from the previous month. Due to an omission on the City's Zoning Map, the parcel lacked a zoning district. This request would allow the subject property to be rezoned from C-1 (Neighborhood Commercial District) to C-3 (Highway Commercial District). Blaine stated the rezoning request followed the 2040 Comprehensive Plan. She mentioned the $19 million project that will widen Kickapoo Street and add a roundabout at Main Street. This property has frontage that will be affected by the widening project. Staff recommended the Planning Commission recommend approval of the application.

Chairperson Deem opened the public hearing. She asked if anyone wanted to speak in favor or in opposition of this case. No one came forward, and the public hearing was closed.

Chairperson Deem asked the Planning Commissioners if there were questions.

Commissioner Loftis-Walton made a motion to recommend approval. It was seconded by Commissioner Engles. Motion passed 6-0.

Aye: Loftis-Walton, Engles, Johnson, Deem, Lester, Rowell
Nay: None
Abstain: None

It was stated the application (Case #RZ01-21) would be heard at the next regular City Commission meeting on Monday, January 19th at 6:00 p.m. in the Commission Chambers.

AGENDA ITEM NO. 4: **Case #RZ02-21 - Public Hearing and Consideration of a rezoning of an 0.17-acre tract located at 1825 N. Beard on the east side of N. Beard just south of W. Emmett Street from R-1 (Single-Family Residential District) to R-1 with CUP (Single Family Residential District with Conditional Use Permit) for the purpose of a short-term rental property (Airbnb).**
Applicant: Thomas Humphreys

Chair Deem announced the item and requested a staff report. Director Blaine explained the request would allow for the conditional use as an Airbnb (Air Bed and Breakfast), which is a short-term rental of the property. If approved, the Ordinance allows the conditional use to continue if there is a change in property ownership. If a different use were requested, which was not a use by right, a new application would be presented to this board and the City Commission. Staff recommended that the Planning Commission recommend approval of the CUP (Conditional Use Permit) for a short-term rental.

Chairperson Deem opened the public hearing. She asked if anyone wanted to speak in favor or in opposition of this case. No one came forward, and the public hearing was closed.

Chairperson Deem asked the Planning Commissioners if there were questions.

Commissioner Johnson made a motion to recommend approval. It was seconded by Commissioner Loftis-Walton.
Motion passed 6-0.

Aye: Johnson, Loftis-Walton, Deem, Lester, Engles, Rowell
Nay: None
Abstain: None

It was stated the application (Case #RZ02-21) would be heard at the next regular City Commission meeting on Monday, January 19th at 6:00 p.m. in the Commission Chambers.

AGENDA ITEM NO. 5: **Case #RZ03-21 – Public Hearing and Consideration of a rezoning of a 2.15-acre tract located at 303 S. Leo Street from A-1 (Rural Agricultural District) to R-E (Residential Estates District).**
Applicant: James Whitefield

Chair Deem announced the item and requested a staff report. Director Blaine explained that the two parcels for Agenda Items 5 and 6 are under the same ownership. Both are located on the same street, just a couple parcels away. In the past, a lot split had been filed with the County but was never reviewed and approved through the City. The current zoning, A-1 (Rural Agricultural District) requires a minimum of five acres per parcel. Neither meet the criteria, which makes them illegal non-conforming parcels. The applicant stated there was a buyer for both parcels. Rezoning to R-E (Residential Estates District), which requires a minimum of one-acre of land would bring the lots into compliance with the Zoning Code. Staff recommends that the Planning Commission recommend approval of the rezoning requests.

Chairperson Deem opened the public hearing. She asked if anyone wanted to speak in favor or in opposition of this case. No one came forward. Chairperson Deem then closed the public hearing. Chairperson Deem asked the Planning Commissioners for questions.

Commissioner Lester made a motion to recommend approval of both rezoning requests. It was seconded by Commissioner Loftis-Walton.
Motion passed 6-0.

Aye: Lester, Loftis-Walton, Johnson, Deem, Engles, Rowell
Nay: None
Abstain: None

It was stated the applications (Case #RZ03-21 and #RZ01-21) would be heard at the next regular City Commission meeting on Monday, January 19th at 6:00 p.m. in the Commission Chambers.

<u>AGENDA ITEM NO. 6:</u> **Case #RZ04-21- Public Hearing and Consideration of a rezoning of a 2.33-acre tract located at 431 S. Leo Street from A-1 (Rural Agricultural District) to R-E (Residential Estates District).**
Applicant: James Whitefield

(See information with Agenda Item 5)

<u>AGENDA ITEM NO. 7:</u> **Case #PL01-21- Consideration of Approval of a re-plat of the Final Plat for Shawnee Mall Subdivision Section 3, a portion of Block "A", Lots 2 and 8 for the creation of five new lots.**
Applicant: Mason Schwartz on behalf of Shawnee Mall Owner, LLC

Chair Deem announced the item and requested a staff report. Director Blaine explained that the application does not create new land, it is re-subdividing at the existing parcel. This change allows the retail spaces to create a lot for the sale to separate ownership. Staff has been advised the retail business included are Sears, Buffalo Wild Wings, the movie theater, Ross, and Jo-Ann Fabrics. Staff recommended the Planning Commission recommend approval of the application.

Chairperson Deem opened the public hearing. She asked if anyone wanted to speak in favor or in opposition of this case.
Mason Schwartz, 522 Kulcore Drive announced he was present on behalf of the applicant. He was accompanied by Mr. Muhammad Khan, who is an engineer with SMC. Mr. Schwartz provided a brief overview of the project. He explained that his client, a national mall operator, as with many other national mall operators, were selling individual retail spaces to retailers. Mr. Schwartz explained all parties benefited since the retailer now has an asset and have more control over their space, which ties them long-term to the community. Mr. Schwartz described that this allowed for the raising of capital to invest directly back into the mall; that is the goal of his client. He summarized by stating, "selling these lots off, raise the capital, and turn around and reinvest it into the mall." Further, he stated he and Mr. Kahn were available for questions.

The speaker was asked to provide his information on the sign-in sheet. Chair Deem asked if anyone else wanted to speak. Seeing none, she closed the meeting, and called for a motion.

Commissioner Loftis-Walton made a motion to recommend approval. It was seconded by Commissioner Rowell. Motion passed 6-0.

Aye: Loftis-Walton, Rowell, Johnson, Deem, Lester, Engles
Nay: None
Abstain: None

It was stated the application would be heard at the next regular City Commission meeting on Monday, January 19th at 6:00 p.m. in the Commission Chambers.

<u>**AGNEDA ITEM NO. 8:**</u> **Case #PL02-21- Consideration and Approval of a Preliminary Plat for Bentley Oaks Addition, a 0.99-acre tract located on the southside of Hardesty Drive west of Concord Boulevard.** ***Applicant: Justin Ramer, J. Bentley Construction, LLC***

Chair Deem announced the item and requested a staff report. Director Blaine described this as an infill plat for five additional lots adjacent to the Smoking Oaks Addition, which starts at 45th and Kickapoo. This subdivision creates five (5) .20-acre lots for new residential homes. The developer previously stated the houses would range between 1,400 and 1,700 square feet with a roughly $200,000 price point. Blaine stated this request does align with the Comprehensive Plan. The subject property is zoned R-1; it has never been developed. Additionally, the proposed plat supports the community's need for additional housing. Director Blaine stated she was available for questions and recommended the Planning Commission recommend approval of the preliminary plat, as well as the final plat as presented.

Chairperson Deem opened the public hearing.

Kyle Ramer, with J. Bentley Developments advised he was available for questions. He confirmed the lots were planned for 1,600 square foot houses with a price point of around 210. ($210,000)

Chair Deem asked if anyone else wanted to speak. Seeing none, she closed the meeting, and called for a motion.

Commissioner Engles made a motion to recommend approval of the Preliminary Plat. It was seconded by Commissioner Johnson.
Motion passed 6-0.

Aye: Engles, Johnson, Loftis-Walton, Deem, Lester, Rowell
Nay: None
Abstain: None

It was stated the application for the Preliminary and Final Plat applications would be heard at the next regular City Commission meeting on Monday, January 19th at 6:00 p.m. in the Commission Chambers.

Director Blaine suggested the Planning Commission make a motion and take an additional vote for the final plat of the Bentley Oaks subdivision.

AGENDA ITEM NO. 9: **Case #PL02-21- Consideration and Approval of a Final Plat for Bentley Oaks Addition, a 0.99-acre tract located on the southside of Hardesty Drive west of Concord Boulevard.**
Applicant: Justin Ramer, J. Bentley Construction, LLC

Commissioner Lester made a motion to recommend approval of the Final Plat. It was seconded by Commissioner Engles.
Motion passed 6-0.

Aye: Lester, Engles, Loftis-Walton, Johnson, Deem, Rowell
Nay: None
Abstain: None

AGENDA ITEM NO. 10: **Case #PL03-21- Consideration and Approval of a Preliminary Plat for Wolverine Industrial Park, a 59.18-acre tract located on Wolverine Road west of N. Harrison.**
Applicant: Landes Engineering on behalf of Mac Bagby

Chair Deem announced the item and requested a staff report. Director Blaine stated the subject property was zoned heavy industrial, which is I-3. The applicant intends to have a medical marijuana grow and processing plant here on the property. That is permitted use by right in I-3 zoning.
Blaine stated a gate was currently located at the end of the drive, which stops entry onto that property. Staff has discussed the gate with the City's Engineer and the Developer. According to City standards and specifications, if it is gated, it must remain a private drive. Based upon that, staff would only entertain the public roadways if the gate were removed and the drives were improved to City standards. The plat provided indicates the gate, so staff understands the drives will remain private.
Director Blaine stated that staff's report noted conditional approval items. One condition was regarding the roads, specifically, the roads behind Vanguard Boulevard will remain private. There was a discrepancy on the plat, which indicated a 32' street section on one view and 26' on another. Staff requested clarification on the correct dimension. Blaine also mentioned multiple lots without appropriate fire hydrant coverage. Staff stated the necessary number of hydrants must meet minimum City Standards and Code. Additionally, she stated that multiple lots were without appropriate sewer service and advised additional public sewer must be extended. The extension is also necessary to remove private sewer services located in the right-of-way. The City's Subdivision Regulations, Section 60.8.1, prohibits locating bar ditches behind the curbs. Lastly, the project must provide the appropriate storm sewer and detention. Staff recommended that the Planning Commission recommend conditional approval of the application.

Chairperson Deem opened the public hearing and asked if anyone wanted to speak.

Steve Landes of Landes Engineering approached the podium to address the Planning Commission. Chair Deem asked Mr. Landes to sign-in to speak.

Mr. Landes explained that the intent was to divide the subject property into a multiple lot industrial park. Mr. Landes explained that the gate and whether it would remain was open for discussion. His focus was on developing the subject into a multi-lot industrial park.

Chairperson Deem asked the Planning Commissioners if there were questions.
Commissioner Johnson asked Mr. Landes to confirm that the proposed operation was for growing and processing and that it was not a dispensary where local traffic would be entering the property to make a purchase.

Mr. Landes responded "absolutely not" then stated his uncertainty regarding a dispensary.

Commissioner Johnson asked if the drive area would only be utilized by the employees at the facility.

Mr. Landes responded yes and went on to explain a "horseshoe loop". It is an industrial road that loops around for access to that front of gate entrance. He stated that the roadway to the gate is currently considered a public street. Mr. Landes stated that water and sewer had been brought to that site. He further explained an 8" (eight-inch) water line had been extended to the around the site and to hydrants. He acknowledged that some (hydrants) may have been missed and other problems existed on the property. Mr. Landes stated that sewer will be developed (on) every lot. He concluded that additionally drainage and taking care of City Codes with the Engineer were still required.

Chairperson Deem asked if anyone else wished to speak about the project and then closed the public hearing.

Commissioner Loftis-Walton made a motion to recommend conditional approval. It was seconded by Commissioner Lester.
Motion passed 6-0.

Aye: Loftis-Walton, Lester, Johnson, Deem, Engles, Rowell
Nay: None
Abstain: None

It was stated the application would be heard at the next regular City Commission meeting on Monday, January 19th at 6:00 p.m. in the Commission Chambers.

AGENDA ITEM NO. 11: **Case #PL04-21- Consideration and Approval of a Preliminary Plat for Trails End, a proposed residential subdivision for an 80.60-acre tract located on the east side of N. Kickapoo north of Interstate 40.**
Applicant: Crafton Tull on behalf of Greg Brown Homes, LLC

Chair Deem announced the item and requested a staff report. Director Blaine described the subject property as located north of the interstate (I-40) and the Shawnee Mall. FEMA 100-year flood maps were included in the agenda packets as this development could have a substantial effect on the floodplain. City Ordinance does not allow residential development in the 100-year floodplain. The applicant has the option of applying to FEMA for a Letter of Map Amendment (LOMA). That may be obtained if the on-site measurements for elevation are above the base flood elevation indicated on the FEMA maps or if the applicant were to request a Conditional Letter of Map Revision based upon Fill (CLOMR-F) from FEMA, it may be possible to raise the elevations with fill dirt from earth located elsewhere on the property.

The submitted Preliminary Plat indicates three (3) detention ponds. The pond furthest to the east is completely located in the floodplain. There are also approximately twenty (20) lots that are touched by the floodplain.

Crafton Tull are the engineering firm for this project, and they have confirmed they intend to file for a LOMA or LOMR-F with FEMA. FEMA's process for review and approval of request for map change can be lengthy, so time will pass before this plat comes back to the Planning Commission or the City Commission.

Staff suggested conditional approval of the plat as submitted because all utility easements are in place. All lots are served by sanitary sewer. All lots meet the minimum standard for R-1 (Single-Family District) zoning, which is 6,000 square feet. Apart from the 35' frontage on the cul-de-sac lots, the lots all measure 60' x 100'. To be clear, recommended approval is based upon the condition that the applicant understands that FEMA will have to make the determination about the detention pond and lots that are located in the floodplain. Also, staff has requested the addition of a walking trail around one of the detention ponds. The trail is considered a quality-of-life aspect, which is significant in the City's 2040 Comprehensive Plan. Director Blaine stated she was happy to answer any questions about the land, the plot layout, or the floodplain issues.

Chairperson Deem asked if there were any questions for staff.

Commissioner Lester asked if the "fill" would be for the entire lot or just where a house would be placed. Director Blaine that the lot was considered in the floodplain even if it is just a small portion of land hat touches the floodplain. The lowest elevation (below base flood level) of the complete lot is the measurement used for determining the necessity of fill. The topography of a lot would determine if the amount of fill dirt required. for the entire lot or just the small portion.

The public hearing was opened.

Kendall Dylan with Crafton Tull was representing the applicant. The applicant, Mr. Greg Brown, was also present. The proposed project will have a total of 131 lots. With just under 80-acres, the density is about 1.6 dwelling units per acre. Mr. Dylan stated that was a "really low" density. He agreed that there was a considerable amount of floodplain. He stated the project would be utilizing about 40 acres of that floodplain.

Mr. Dylan suggested the Commissioners consider looking at the project on more of a net density. Excluding a large portion of the common area, the density is around three dwelling units per acre, He opined this number was also "really low." Mr. Dylan spoke about the broad range of lot sizes. They would range between 7,200 square feet up to about 21,000, with the average lot size just under 10,000 square feet. He stated the applicant was in agreement with staff's recommendation of providing a walking trail around one of the ponds to add that quality-of-life element from the City's Comprehensive Plan.

Mr. Dylan concluded by expressing the excitement surrounding the project and the consensus that it is a really great project. He suggested that most were familiar with the Brown family and their long history of developing and building in this community. He stated there is confidence in bringing a great asset to the City of Shawnee.

Chair Deem asked about the price point for the homes. A voice from the audience replied, "200 and up, probably" (perhaps Greg Brown) Chair Deem confirmed understanding. The audience voice stated, "between two and four."

Commissioner Rowell asked if the process with FEMA had started.

Mr. Dylan replied that it had not started, but it will start. He explained one reason for delay was to complete some applications, FEMA has established provisions in certain areas that any development would not negatively affect certain environmental issues, specifically the burying (burrowing) beetle. Since the end of last year, the classification of beetle has changed. Mr. Dylan stated the time of year in which you can do such an environmental study is limited and we are outside of that time pocket.
Mr. Dylan stated another reason that the application process with FEMA had yet to start was due to extensive engineering fees necessary for application. He stated the intent to do those things but wanted to get acknowledgement from the planning body that the Preliminary Plat will be moved forward before

going into the depth of those design things. He expressed concern that money spent with FEMA would be wasted if the City did not like the Preliminary Plat.

Chair Deem asked about the average length of time involved in an application for FEMA?
Mr. Dylan replied that it is difficult to answer that question, but you can get the done in 90 days. However, it's not common to have such a quick turnaround. He stated that FEMA may be approached in multiple ways, so in conjunction with the City Engineer and Floodplain Manager, the Developer will agree on the process for dealing with FEMA. Mr. Dylan stated there would be no lots developed in the floodplain as the do not want someone to have to pay for flood insurance. He stated that Director Blaine's number of 20 affected lots sounded correct but pointed out that the majority were touched by the floodplain in the rear yards of the lots. He further explained that with the exclusion of the one detention pond, which is being worked on, the elevation of the back of the lots may need to be elevated by one or two feet. Mr. Dylan stated that would cure any issue with FEMA, and FEMA will issue a letter stating the entirety of the lot's been removed from the floodplain.

With no other requests to speak, Chairperson Deem then closed the public hearing.

Commissioner Rowell made a motion to recommend approval with conditions. It was seconded by Commissioner Johnson.
Motion passed 6-0.

Aye: Rowell. Johnson, Loftis-Walton, Deem, Engles
Nay: None
Abstain: None

It was stated the application would be heard at the next regular City Commission meeting on Monday, January 19th at 6:00 p.m. in the Commission Chambers.

AGENDA ITEM NO. 12: **Planning Director's Report**

Director Blaine introduced the recently hired City Planner, Rachel Clyne, to the Commissioners. She stated that Clyne was a University of Oklahoma alum and held a Master of Regional and City Planning degree. Blaine explained that Clyne was originally from Oklahoma but most recently had been working in Kansas. She encouraged everyone to welcome Clyne back home.

Planner Clyne greeted the Commissioners and requested grace in remembering names. She was excited to work with Director Blaine who had already made a positive impact. Clyne further stated she knew that the department was busy, and she was ready to assist Blaine and the Planning Commission.

The Planning Commissioners all welcomed Clyne and spoke encouraging words to staff.

AGENDA ITEM NO. 14: **New Business**

Commissioner Loftis-Walton asked about procedure in recommending approval of Items 5 and 6. Director Blaine confirmed that the recommendation for approval was correctly made under one motion, but the two parcels were placed as separate agenda items for clarity.

Chairperson Deem asked if there was new news about Arts Commission and its progress.

Director Blaine stated that forming the Arts Commission was still underway. There are many talented people willing to serve. She has turned draft by-laws over to the City Attorney for review and anticipates it will be heard by the City Commission soon. The City Commission will who establishes the Arts Commission, as well as appoint those members and the terms that go with them.

AGENDA ITEM NO. 13: **Commissioners Comments**

Commissioner Lester asked about the new business going in on MacArthur. He could not recall the name but said it was similar to the Blue Garden in OKC.

Director Blaine advised that staff had not yet received any plans from the business. They did go to Zoning Board of Adjustment and received approval to use the shipping container as the public restroom facilities and ensure it was ADA accessible. We are just waiting for plans.

There were no further comments from the Planning Commission.

AGENDA ITEM NO.15: **Adjournment**

Chair Deem asked if there were any comments. With no response, she suggested a motion to adjourn.

Commissioner Loftis-Walton made a motion to adjourn, which was seconded by Commissioner Lester. Motion passed 6-0.

Aye: Loftis-Walton, Lester, Johnson, Deem, Engles, Rowell
Nay: None
Abstain: None

Meeting was adjourned at 2:05 p.m.

Approved Feb 2024

Chairman/Vice-Chairman

Rebecca Blaine, AICP

Planning Director