PLANNING COMMISSION MINUTES
DATE: JANUARY 6TH, 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, January 6th, 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 December 2nd, 2015 Planning Commission Meeting**

Chairman Bergsten asked if the Board had time to review the minutes and if so would ask to entertain a motion if there were no questions or discussion. Commissioner Kerbs made a motion to approve, seconded by Commissioner Kienzle.

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 informed the Commissioners that staff recommends deferring the case one more month to the February 3rd, 2016 Planning Commission meeting. Justin Debruin mentioned that construction documents were turned in around two weeks ago and more time was needed to review and prepare. Chairman Bergsten asked if there were any questions for staff, there were none and Chairman Bergsten opened the public portion of the meeting and asked if anyone who would like to speak against the item 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 and Chairman Bergsten closed the public portion of the meeting. Chairman Bergsten asked if the Commissioners had any questions or comments or would like to entertain a motion. Vice-Chairman Cowen made a motion to defer, seconded by Commissioner Kienzle.

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 stated that the applicant is requesting a rezone from R-1; Single Family Residential to R-2; Combined Residential and property was not developed when rezoned to R-1 last year. Property is around twelve acres in size. Mr. Debruin stated storm water drainage and increased traffic in area as previous problems. Justin Debruin went over some topics that were of concern from complaint letters staff received. Mr. Debruin discussed storm water drainage will have to be satisfied by City before plat approval. Justin Debruin explained that half street improvements would be required and mentioned that staff does not see an issue with comprehensive plan due to area. Mr. Debruin informed the Commissioners that sidewalks would be constructed and site plans or plats are not required at the rezone phase. The project would also be built in phases, not all at once. Mr. Debruin recommended approval. Chairman Bergsten asked if the Commissioners had any questions. Commissioner Clinard asked if Elm Street in a whole would be repaired. Mr. Debruin mentioned that Elm Street is not a collector street and is not required to be repaired by the applicant. Commissioner Kerbs asked about the half street improvements and Justin Debruin stated street would be asphalt like other side and would be up to the City for additional improvements. Vice-Chairman Cowen asked if other side was developed. Mr. Debruin agreed except for northern section. Vice-Chairman Cowen discussed the possibility of no street improvements in future if developed. Mr. Debruin explained there was potential for that northern section. Commissioner Kerbs mentioned if that area was developed, it would not take on the entirety of the street and Justin Debruin agreed and stated it would a City concern at that point. Commissioner Kerbs asked for definition of R-3 zoning. Mr. Debruin stated it was basically duplexes. Commissioner Kerbs also asked if they were owned duplexes. Justin Debruin could not confirm. Commissioner Affentranger asked for confirmation that the property was rezoned from Agricultural to R-1 roughly a year ago and Mr. Debruin agreed. Commissioner Affentranger went on to ask if there was any opposition at that time to the request and also regarding the traffic issue. Commissioner Kerbs stated there were two letters turned in. Commissioner Affentranger asked if the previous request include two thirty-six lots. The Board agreed and Commissioner Kerbs mentioned that the emphasis from previous request was not as much on the traffic concerns as it was for storm water drainage issues. Commissioner Affentranger wanted to clarify that there weren't traffic concerns then and Commissioner Kerbs stated they were secondary, storm water drainage was primary. Commissioner Kienzle asked how many units were on the multi-family structure to the west and Mr. Debruin stated it looked like ten duplexes. Commissioner Clinard asked how many duplexes would go in at this location. Justin Debruin informed her they did not know at this point in the rezone phase. Commissioner Kerbs asked if going to R-2 restricted it to only single level and not put in apartment complexes and Mr. Debruin agreed. Commissioner Affentranger asked if staff knew where entrances would go and Justin Debruin they did not know at this point. Commissioner Kerbs asked what else is acceptable in R2 zoning. Mr. Debruin informed him it consisted of duplexes, single family and townhomes. Vice-Chairman Cowen asked for the density requirements for R1 and R2 and/or how many more families/persons could occupy R2 versus R1. Justin Debruin stated that generally the differences between them are as follows: minimum lot size in R1 is 6000 sq feet and R2 is 10000 sq feet for duplex type structures; minimum lot width is 60 feet for single family and 80 feet for duplexes. Chairman Bergsten asked if there were any other questions for staff.

There were none and Chairman Bergsten opened the public portion of the meeting and asked if anyone who would like to speak against the item would like to come forward. Several people in opposition came forward to speak against the item and discussed issues including, but not limited to, flooding and storm water drainage, decrease in value of property for surrounding property owners, crime and traffic increase and upkeep of new development. Chairman Bergsten asked if anyone in favor of the item would like to come forward. Julie Landes with The Landrun Group came forward to mention that the storm water drainage would be brought up to state and federal regulations as well and city codes and also discussed a few of the concerns that were brought up. Vice-Chairman Cowen asked for a timeline and Julie Landes said the next step would be Preliminary Plat. Commissioner Affentranger asked for a number of units and Julie Landes informed him there would be around thirty five units. Steven Landes came forward to speak in favor and informed the Commissioners of more details regarding development. Commissioner Kienzle discussed the possibility of the surrounding property owners and the applicant having discussion to go over the issues described. Jared Marical came forward to speak in favor of item on behalf of the applicant and briefly went over some issues. Chairman Bergsten closed the public portion of the meeting and asked Justin Debruin to come forward to discuss a few more topics. Commissioner Affentranger asked for clarification that the drainage issue could possibly be improved with this development and Justin Debruin agreed. Commissioner Affentranger also asked if there was information regarding the de-valuation of the surrounding property owners and Mr. Debruin informed him there were no records. Commissioner Kerbs asked about regulating what is allowed to go in on the site and Justin Debruin discussed this briefly. Commissioner Clinard asked about the proposed layout of property and a driveway going in. Vice-Chairman Cowen went over the process for the applicant and mentioned a few other topics. Commissioner Kerbs discussed a few items and Chairman Bergsten asked if there were any other questions or comments. Vice-Chairman Cowen made a motion to approve, seconded by Commissioner Affentranger. Motion did not pass and Commissioner Kienzle made a motion to defer, seconded by Chairman Bergsten.

Motion to approve failed:
AYE: Cowen, Affentranger
NAY: Morton, Clinard, Kerbs, Bergsten, Kienzle
ABSTAIN:

Motion Approved to defer to February 3rd, 2016 meeting:
AYE: Morton, Clinard, Kerbs, Bergsten, Cowen, Kienzle, Affentranger
NAY:
ABSTAIN:

AGENDA ITEM NO. 6: **Case #P16-15 – A public hearing for consideration of approval of a Rezone for property located at 2202 N. Leo St. from R-1; Single Family Residential to R-2; Combined Residential, Shawnee, OK**

Applicant: Darrin Marical

Chairman Bergsten asked for the staff report. Justin Debruin presented the staff report and informed the Commissioners that the property is located on the northwest corner of Leo and Franklin Streets. Mr. Debruin stated that there would be one unit for a duplex and meets standards for construction. Commissioner Kerbs asked what the zoning is and Justin Debruin informed him it was R1. Commissioner Kerbs asked for the lot size and Mr. Debruin explained it was fifteen thousand. Chairman Bergsten asked if there were any other questions for staff. There were none and 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. Carl Packwood came forward and Chairman Bergsten closed the public portion of the meeting and asked if there were any questions or comments for staff. Vice-Chairman Cowen made a motion to approve, seconded by Commissioner Morton.

Motion Approved:
AYE: Morton, Clinard, Kerbs, Bergsten, Cowen, Kienzle, Affentranger
NAY:
ABSTAIN:

AGENDA ITEM NO. 7: **Case #S17-15 – Consideration of approval of a Preliminary Plat for the re-plat of Vision Bank Addition, Section I, located at 4301 N. Harrison, Shawnee, OK**

Applicant: Vision Bank, NA

Chairman Bergsten asked for the staff report. Justin Debruin presented the staff report. Mr. Debruin mentioned the location was between 45th and 42nd Streets and discussed the reasons for the re-plat were to correct the lines on the current plat and to shrink the floodplain to the large concrete channel on property for more space for development. Mr. Debruin explained there would be an addition of around sixty eight feet and it would fix lot lines for future developments. Justin Debruin stated it would correct some issues and also mentioned there were four conditions. Commissioner Clinard asked about the channel location and whether it would put any additional stress on other properties and Mr. Debruin informed her that the channel was already on property but not finished and would not hinder any other properties. Commissioner Kerbs asked about the Agricultural classification showing on figure 2 and Justin Debruin stated it was not accurate and is zoned Commercial. Commissioner Kienzle asked if the city relied on a methodology for a ten year history for storm water drainage and Mr. Debruin discussed there are issues that can hopefully be updated in future. Chairman Bergsten asked if there were any questions for staff. There were none and Chairman Bergsten opened the public portion of the meeting and asked if anyone would like to speak against the item. No one came forward and Chairman Bergsten asked if anyone would like to speak in favor of the item. Carl Packwood came forward and spoke in favor. Chairman Bergsten asked what use property would have and Mr. Packwood stated that a company would like to make it into an office and a strip center. Richard Landes with Landes Engineering came forward to speak about the development. Commissioner Kerbs asked if storm water drainage would affect neighboring property and Mr. Landes informed him it would not. Commissioner Affentranger left early. Chairman Bergsten closed the public portion and asked if there were any questions or comments. Commissioner Kienzle made a motion to approve with conditions, seconded by Commissioner Kerbs.

Motion approved:
AYE: Morton, Clinard, Kerbs, Bergsten, Cowen, Kienzle
NAY:
ABSTAIN:

AGENDA ITEM NO. 8: **Planning Director's Report**

Justin Debruin informed Link Cowen that stop signs would be put in the Hyatt Addition. Mr. Debruin mentioned that the Shawnee Marketplace was issued their Final Certificates of Occupancy and there is a drive being put in for two more pad sites.

AGENDA ITEM NO. 9: **Commissioners Comments and/or New Business**

Commissioner Kerbs asked about the North Harrison Industrial Park construction. Mr. Debruin informed him that the construction has moved slower but is still in the works. Commissioner Kerbs asked for an update on the Downtown Property Maintenance Code. Justin Debruin stated that four properties were sent a letter and have communicated with Building Inspector. Commissioner Clinard asked about the sidewalks for downtown. Mr. Debruin mentioned he was unsure of the exact date but would verify timelines. Commissioner Kerbs discussed issues with drainage and Mr. Debruin went over procedures and different items that could be changed. There was general discussion over sub division regulations.

AGENDA ITEM NO. 10: **Adjournment**

Meeting was adjourned.

Chairman/Vice-Chairman

Cheyenne Lincoln
Planning Commission Secretary