AGENDA
CITY OF SHAWNEE
PLANNING COMMISSION
JANUARY 3RD, 2018 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 October 4th, 2017 Planning Commission meeting

3) Consideration of approval of the minutes from the November 1st, 2017 Planning Commission meeting

4) Swearing in of Cody Deem to the Planning Commission

5) Citizens' Participation
(A three minute limit per person)
(A twelve minute limit per topic)

6) Case #P01-18 – A public hearing for consideration of approval for the 19th Hole Planned Unit Development located at Country Club Heights Addition, Section 1, Shawnee, OK
Applicant: Landrun Group, LLC

7) Case #P02-18 – A public hearing for consideration of approval for the Shawnee Trail Office Park Planned Unit Development located at the SE corner of East 45th Street and Hyatt Road, Shawnee, OK

Applicant: Bonray Real Estate, LLC

8) Case #S01-18 – Consideration of approval of a Preliminary Plat for Shawnee Trail Office Park, located at the SE corner of East 45th Street and Hyatt Road, Shawnee, OK

Applicant: Bonray Real Estate, LLC

9) Case #S02-18 – Consideration of approval of a Final Plat for Chicken Express Addition, located near the intersection of North Harrison Street and 45th Street, Shawnee, OK

Applicant: Wilma Smith/Paul Pogue 2012 Trust

10) Case #P03-18 – A public hearing for consideration of approval for a Conditional Use Permit located at 7109 N. Kickapoo Avenue, Shawnee, OK

Applicant: Nelmon Brauning

11) Planning Director's Report

12) Commissioners Comments and/or New Business

13) Adjournment

PLANNING COMMISSION MINUTES
DATE: OCTOBER 4TH, 2017

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, October 4th, 2017 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: Walker, Bergsten, Cowen, Kienzle, Rowell
Absent:

Meeting was called to Order.

AGENDA ITEM NO. 2: **Consideration of approval of the minutes from the September 6th, 2017 Planning Commission Meeting**

Chairman Bergsten asked if there were any questions, comments or if anyone would like to entertain a motion. Commissioner Kienzle made a motion to approve, seconded by Commissioner Walker.

Motion passed:
AYE: Walker, Cowen, Kienzle, Rowell
NAY:
ABSTAIN: Bergsten

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: **Consideration of approval of the 2018 Schedule of Regular Meetings for the Planning Commission**

Chairman Bergsten asked if there were any questions or comments. Justin Debruin informed the board that there was one date that may be a little difficult with our meeting in July falling on July 4th so it was pushed to the following Thursday. Mr. Debruin offered the possibility of keeping or changing the date of the meeting or waiting until it gets closer to July and reschedule if needed. Commissioner Walker made a motion to approve, seconded by Commissioner Kienzle.

Motion passed:
AYE: Walker, Bergsten, Cowen, Kienzle, Rowell
NAY:
ABSTAIN:

AGENDA ITEM NO. 5: **Case #P11-17 - A public hearing for consideration of approval of a Rezone with Conditional Use Permit from C-1; Neighborhood Commercial District to C-3; Highway Commercial District w/ CUP, located at 4400 N. Kickapoo Street, Shawnee, OK**

Applicant: Dennis Morris

Chairman Bergsten asked for the staff report. Justin Debruin presented staff report and informed the board the case was for a rezone from C-1; Neighborhood Commercial District to C-3; Highway Commercial District located south of 45th Street, west of Kickapoo Street and is in line with many rezones that have come before the Planning Commission recently. Mr. Debruin discussed that currently they do not allow by right any residential use within a commercial structure, only by Conditional Use Permit. The applicant requests commercial on bottom and residential on top of a two story structure. Justin Debruin explained there are stringent building code requirements but combination of uses is acceptable to staff. There is enough room for all parking needs and landscaping and facade requirements will be included. Staff does recommend approval. Commissioner Walker asked how appropriate off street parking was different given the mixed uses of this property versus strictly commercial. Justin Debruin stated there was no difference and explained it was merely reassuring some concerns with residential use attempts for on street parking being accounted for. Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward to speak in favor. Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Vice-Chairman Cowen made a motion to approve, seconded by Commissioner Rowell.

Motion passed:
AYE: Walker, Bergsten, Cowen, Kienzle, Rowell
NAY:
ABSTAIN:

AGENDA ITEM NO. 6: **Case #P12-17 - A public hearing for consideration of approval of a Rezone from RE; Residential Estates District to C-3; Highway Commercial District, located at 39110 W. MacArthur Street, Shawnee, OK**

Applicant: Nelmon Brauning

Chairman Bergsten asked for the staff report. Justin Debruin presented staff report and mentioned this was a fairly straight forward rezone located at 39110 W. MacArthur Street, east of Acme Road, containing around five acres and is unique in shape at 200 feet wide by about 1100 feet, similar to surrounding properties. Mr. Debruin stated there are currently two structures on site, one being the primary residential structure that is vacant and went on to inform the commissioners of the surrounding property zoning classifications. Justin Debruin informed the board that staff does recommend approval based on location of arterial road, general conformance with zoning in area, and comprehensive plan matching use for area. The applicant does not have a particular use at this time. Mr. Debruin stated he would be happy to answer any questions. There were no questions and Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward to speak in favor. Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Commissioner Walker made a motion to approve, seconded by Commissioner Kienzle.

Motion passed:
AYE: Walker, Bergsten, Cowen, Kienzle, Rowell
NAY:
ABSTAIN:

AGENDA ITEM NO. 7: **Case #P13-17 - A public hearing for consideration of approval for the Workman's Plaza Planned Unit Development located at 4830 N. Harrison Avenue, Shawnee, OK**

Applicant: Landes Engineering, LLC

Chairman Bergsten asked for the staff report. Justin Debruin presented staff report and stated he would be presenting a joint report for Agenda Items 7 & 8, PUD and Preliminary Plat. Mr. Debruin informed the Board that the property is 22 acres in size, located at the southwest corner of I-40 and Harrison. Property has been vacant for quite some time; former use was for a restaurant. Justin Debruin stated floodplain covers about half of the property, which will have to be remedied. The property is being rezoned from a scattering of uses including: C-3; Highway Commercial, R-3; Multi-Family Residential and A-1; Rural Agricultural to make it a C-3; Highway Commercial underlining district and proposed use is for a transportation facility over two lots, separated by a creek and channel area. Mr. Debruin explained applicant has reserved some space on northern part for a potential service road incorporated into PUD. Justin Debruin discussed the one requested variance for 120' sign on two locations and after comparison to the largest allowances previously accepted, has recommended approval for 70' signs. Mr. Debruin mentioned two drives are requested along Harrison Street and all requirements for commercial districts will apply. Staff recommends approval for PUD with three conditions and five conditions for Preliminary Plat. Chairman Bergsten asked if there were any questions. Commissioner Kienzle asked what kind of traffic analysis would be done and is concerned about westbound traffic. Justin Debruin informed her that is something they would look into and will also look at the larger truck traffic. Commissioner Bergsten asked if there were any plans for the west end of the lot. Mr. Debruin stated lot one is where they will build, out lot represented storm water channelization and the reserved six acres are for a potential service road. Vice-Chairman Cowen asked if service road goes in, would they need to do something with the median on Harrison. Justin Debruin agreed. There were no additional questions and Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. Skip Landes came forward and discussed the floodplain plans, signalization, access points and other items pertaining to request. Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Vice-Chairman Cowen made a motion to approve with conditions set forth by staff, seconded by Commissioner Rowell.

Motion passed:
AYE: Walker, Bergsten, Cowen, Kienzle, Rowell
NAY:
ABSTAIN:

AGENDA ITEM NO. 8: **Case #S05-17 – Consideration of approval of a Preliminary Plat for Workman's Plaza, located at 4830 N. Harrison Avenue, Shawnee, OK**

Applicant: Landes Engineering, LLC

Joint staff report with case #P13-17. Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and

Chairman Bergsten asked if anyone in favor 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 comments, questions or a motion from the Commissioners. Commissioner Walker made a motion to approve with conditions set forth by staff, seconded by Commissioner Kienzle.

Motion passed:
AYE: Walker, Bergsten, Cowen, Kienzle, Rowell
NAY:
ABSTAIN:

AGENDA ITEM NO. 9: **Planning Director's Report**

Justin Debruin discussed the $10,000.00 AARP grant for the mini circle located at Chapman and Burns that will begin construction on Monday. Harbor Freight would like to open Black Friday. Discount Tire has been issued building permit. There are 300 acres being negotiated with the Commissioners of the Land Office west of the Shawnee Marketplace. Domino Plaza has projected opening date of Black Friday. Lifechurch is coming along. Schlotzsky's should have temporary CO soon. Shawnee Park was given temporary CO. Shawnee Historical Museum is being constructed. Tax Increment Finance District documents will be handed out prior to meeting. The Zoning Board of Adjustment asked for Joe Cooper's 100' flagpole variance request to come before the Planning Commission for discussion regarding the current sign height allowance. Mr. Debruin would like to put on agenda next month. Chairman Bergsten asked if there were plans for the old Joe Cooper dealership location. Justin Debruin mentioned he has been in contact with a company that is interested in developing lot. Chairman Bergsten asked about Phase two for Shawnee Marketplace. Mr. Debruin stated the City has been in contact with Commissioners of the Land Office for future development and would let the board know more when he has confirmation. Chairman Bergsten asked about the previous discussion regarding the potential road for land behind McAlister's Deli going out to 45th Street. Justin Debruin stated there has not been any additional discussion but it may be looked into soon with the recent surrounding development. Commissioner Walker asked for an update regarding the Cinderella Motel mentioning the fence was gone. Mr. Debruin discussed the property was sold at an auction and they are currently attempting to locate the correct property owner in order to get the fence back up.

AGENDA ITEM NO. 10: **Commissioners Comments and/or New Business**

There were no comments or new business.

AGENDA ITEM NO. 11: **Adjournment**

Meeting was adjourned.

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Chairman/Vice-Chairman

Cheyenne Pettigrew
Planning Commission Secretary

PLANNING COMMISSION MINUTES
DATE: NOVEMBER 1ST, 2017

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, November 1st, 2017 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: Walker, Bergsten, Rowell
Absent: Cowen, Kienzle

Meeting was called to Order.

AGENDA ITEM NO.2: **Consideration of approval of the minutes from the October 4th, 2017 Planning Commission Meeting**

Minutes were deferred to December 6th, 2017 Planning Commission meeting due to lack of quorum.

Motion passed:
AYE:
NAY:
ABSTAIN:

AGENDA ITEM NO.3: **Swearing in of Cody Deem to the Planning Commission**

Cody Deem was not present.

AGENDA ITEM NO.4: **Swearing in of Daniel Matthews to the Planning Commission**

Daniel Matthews was sworn in.

AGENDA ITEM NO.5: **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.6: **Case #S06-17 – Consideration of approval of a Preliminary Plat for Chicken Express Addition, located near the intersection of North Harrison Ave. and 45th Street, Shawnee, OK**

Applicant: Amy Landry

Chairman Bergsten asked for the staff report. Justin Debruin presented staff report informed the board that the preliminary plat being presented today is located southwest of Harrison and 45th Street, just north of the U-Haul business on Harrison Avenue. Mr. Debruin explained that the property is 1.16 acres in size and currently zoned as C-3; Highway Commercial. Justin Debruin discussed the standards required, including six foot sidewalks adjacent to Harrison Avenue. Storm water detention is shown on site, all necessary easements are set in place and Justin Debruin listed the five recommendations needed before final plat approval. Staff does recommend approval and Mr. Debruin stated he would be happy to answer any questions. Chairman Bergsten asked what the intended out lot use was. Justin Debruin informed him that a billboard is in place there and the owners wanted to keep that area open to access this portion of property. There were no additional questions for staff. Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward to speak in favor. Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Commissioner Matthews made a motion to approve with conditions listed, seconded by Commissioner Walker.

Motion passed:
AYE: Matthews, Walker, Bergsten, Rowell
NAY:
ABSTAIN:

AGENDA ITEM NO.7: **Consideration and appropriate action to approve a resolution of the Shawnee Planning Commission determining that the Amended and Restated Shawnee Downtown Revitalization Project Plan is in conformance with the City of Shawnee Comprehensive Plan and to recommend that the Shawnee City Commission approve and adopt the Amended and Restated Shawnee Downtown Revitalization Project Plan**

Chairman Bergsten asked for the staff report. Justin Debruin presented staff report and explained that the City established by ordinance in 2013, a Tax Increment Finance District for downtown and discussed how with the current plan expiring in 2018 this proposed plan would encompass the original and also add an additional district with different projects. Chairman Bergsten informed the Commissioners that the role this board plays for this item is to show it is in conformance with the current comprehensive plan. Justin Debruin agreed and relayed that it would be approved by resolution. Jeff Savin, Attorney for the Center of Economic Development Law, came forward and gave a presentation discussing the TIF's purpose, goals, project areas, statutory guidelines, improvements to streets, parks and library, Aldridge repayments and revenue source for Shawnee Public Schools among other topics. Chairman Bergsten asked if there were any questions. There were none and Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward to speak in favor. Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Chairman Bergsten asked about the purple building listed on an exhibit and Justin Debruin explained it was the number three, referring to Beard Avenue. Chairman Bergsten asked for a motion, Commissioner Walker made a motion to adopt resolution. Chairman Bergsten asked for the secretary, Cheyenne Pettigrew, to read the resolution title. Justin Erickson asked for Chairman Bergsten to obtain a second vote before proceeding. Commissioner

Rowell seconded the motion. Cheyenne Pettigrew read the resolution title. Chairman Bergsten asked for a vote.

Motion passed:
AYE: Matthews, Walker, Bergsten, Rowell
NAY:
ABSTAIN:

AGENDA ITEM NO.8: **Discussion regarding the City of Shawnee Sign Code as it relates to flag poles**

Chairman Bergsten asked for the staff report. Justin Debruin presented staff report and explained the reference to the zoning board of adjustment's Case #Z03-17, in regards to a request for a 120' flagpole in September of this year at the Joe Cooper Dealership site. Recommendation was to deny and Mr. Debruin briefed the board with attachments of the staff report from that meeting. Justin Debruin explained that the height limitation along the I-40 corridor is a 40' max height above grade for signs. Mr. Debruin discussed two or three separate variance cases located on the southern side of the highway with the grade being quite a bit lower in this area. Justin Debruin informed the Commissioners that the request was denied because it did not qualify for a variance since it was not unique to that particular site. It was agreed during that meeting to bring it before the Planning Commission for consideration. There was general discussion from the Commissioners commenting on elevation changes, comparison to other cities codes, definition of banners, differences between flags and signs and additional items. Mr. Debruin expressed that he would do more research and bring item before Commissioners again.

AGENDA ITEM NO.9: **Discussion regarding changes to the City of Shawnee Sign Code as it relates to Downtown Shawnee**

Chairman Bergsten asked for the staff report. Justin Debruin presented staff report and informed the Commissioners no content was added to the agenda packet as he wanted an open discussion regarding this topic. Mr. Debruin explained current sign code does not allow projecting signs and it was brought up that the advertising allowances for downtown were not good enough. Justin Debruin mentioned many codes are outdated and he would like to explore this idea and bring it before the commission again at a later time. Mr. Debruin discussed swinging signs causing safety concerns and the issue of being placed in the right of way. Justin Debruin stated he would like feedback from commissioners at any time regarding this item and there was general discussion regarding topic.

AGENDA ITEM NO.10: **Planning Director's Report**

Justin Debruin discussed the request for qualifications for the comprehensive plan due on November 6th that will update the comprehensive plan currently in place. Mr. Debruin mentioned TIF and the mini-circle project waiting on signage. Chairman Bergsten asked for updates regarding ongoing projects. Justin Debruin stated Shawnee Park has been given their CO. Life Church is getting closer to completion and Schlotzsky's is now open. Mr. Debruin stated Domino Plaza is waiting on FEMA letter. Chairman Bergsten asked if there was any news on Shawnee Marketplace Phase 2 and Mr. Debruin stated there wasn't any additional news but that the city was looking into evaluating the next steps. Wayfinding signage is near completion and Justin Debruin informed Commissioners that the parks master plan discussion will be held at the expo center on Thursday at 6pm.

AGENDA ITEM NO.11: **Commissioners Comments and/or New Business**

There were no comments.

AGENDA ITEM NO.12: **Adjournment**

Meeting was adjourned.

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Chairman/Vice-Chairman

Cheyenne Pettigrew
Planning Commission Secretary

City of Shawnee
OKLAHOMA
Community Development Department

STAFF REPORT
Planned Unit Development (PUD)
Case #P01 -18

TO: Shawnee Planning Commission

AGENDA: January 3, 2018

RE: 19th Hole Planned Unit Development (PUD)

PROPOSAL

The 19th Hole development is a high density residential concept located on Highland Street east of Bryan Avenue and the property is currently zoned R1 (Single Family Residential). Placed on a two (2) acre tract, the development proposes the following (Exhibit 1):

- Sixteen (16) individual lots, sized at approximately 4,000 square feet.
- One (1) community building with golf cart storage and a common area with pavilion.
- Ten (10%) percent landscaping throughout the development.
- Three (3') foot sidewalks connecting the internal drive to the required sidewalk on Highland St.
- Up to ten (10) on street parking spaces along a private, internal drive.
- East Highland fencing alternatives include wrought iron, masonry, or vinyl.
- Maintenance controlled by a Property Owner's Association (POA).
- Security gate along Highland St. for private access.

GENERAL INFORMATION

Applicant	LandRun Group, LLC.
Owner(s)	19th Hole, LLC.
Site Location/Address	Lots 1-2, Block 1, Country Club Heights Addition
Current Site Zoning	R1 (Single Family Residential)
Parcel Size	2 Acres (Approximate)
Proposed Use	Residential
Comprehensive Plan Designation	Residential
Existing Land Use	Vacant
Surrounding Zoning	A1 (Agricultural), R1, and R3 (Multifamily Residential),

Figure 1: Aerial view of site – approximate total area outlined in red.

STAFF REVIEW AND ANALYSIS

The 19th Hole PUD is designed based on an R1-Z (Zero-lot-line residential) zoning designated, which existed in the City's Zoning Code prior to 2014. The intent of the R1-Z district is to permit and establish regulations for comprehensively planned single family tracts with zero side yard building setbacks. The internal side yard (where the structure

is placed on a property line) must be consistent among all lots in a development. The minimum lot size is established at 4,000 square feet, being substantially more dense than the R1 and R2 (Combined Residential) zoning districts.

Due to the exclusion of R1-Z zoning in the updated Zoning Code, the developer has chosen to establish the underlying zoning as R2, in recognition that the density is substantially too high for R1 zoning. The R2 district allows townhouses (3 structures per 10,000 sq. ft. of lot size), single family housing (6,000 sq. ft. min. lot size), duplex / triplex development (10,000 sq. ft. min. lot size), and the maximum site coverage is thirty-five (35%) percent.

Because of the fundamental difference between the proposed concept and the R2 zoning district, the following are the primary variances requested from City Code(Exhibit 2):

1.	Min. lot area	R2 – 6,000 sq. ft.	Provided 4,004 sq. ft.
2.	Min. frontage	R2 – 60 feet	Provided 38.5 feet
3.	Min. front setback	R2 – 25 feet	Provided 10 feet
4.	Max lot coverage	R2 – 35%	Provided 47%

<u>Issues and necessary corrections</u>

1. For the purpose of providing orderly development, covenants were established on Lots 1-16 of the Country Club Heights Addition in 1977 (Exhibit 4), which includes the subject property. Numerous letters of protest have been received based on a potential conflict with the private covenants.

2. Part I, Section 3 of the 19th Hole PUD Design Statement describes storm water mitigation measures. The intent, to which storm water would be released directly into the adjacent creek, does not meet the City's on-site detention requirement. To avoid confusion, this section should be corrected to state that storm water mitigation will be in conformance with City Engineering specifications.

3. Additional language should be added to the PUD Design Statement in accordance with the previous R1-Z zoning district, including:

    a. No portion of the dwelling or architectural features shall project over any property line.
    b. A perpetual five (5') foot maintenance easement shall be provided on the lot adjacent to the zero lot property line. This easement shall be shown

on the plat and incorporated into each deed transferring title to the property.

c. The roof shall be so designed that water runoff from the dwellings placed on the zero-lot-line drains onto the owner's property.
d. No accessory structure shall be located in the maintenance easement.

The 19th Hole development is in general conformance with the City's Comprehensive Plan, which designates this area for residential use. The requested rezone would allow for higher density than the existing R1 zoning district. However, land adjacent and to the south of this subject property is currently zoned R3, allowing for high-density multi-family residential use.

<u>Due to general conformance with City standards, Staff has no objections to the requested PUD if the following conditions are met:</u>

1. Storm water mitigation shall be in conformance with City requirements and corrected on the PUD Design Statement and Plan Map.
2. Additional language shall be included in the Design Statement in conformance with item 3 from the section titled, "Issues and necessary corrections."
3. All other applicable City standards apply.

Attachments:

1. Figure 1: Aerial view of site
2. Figure 2: Zoning Map
3. Figure 3: Comprehensive Plan Map
4. Exhibit 1: PUD Plan Map
5. Exhibit 2: PUD Design Statement
6. Exhibit 3: Landscape Plan
7. Exhibit 4: Private Covenants
8. Exhibit 5: Letter of Support – Country Club Ownership
9. Exhibit 6: Letters of Protest – Affected Property Owners

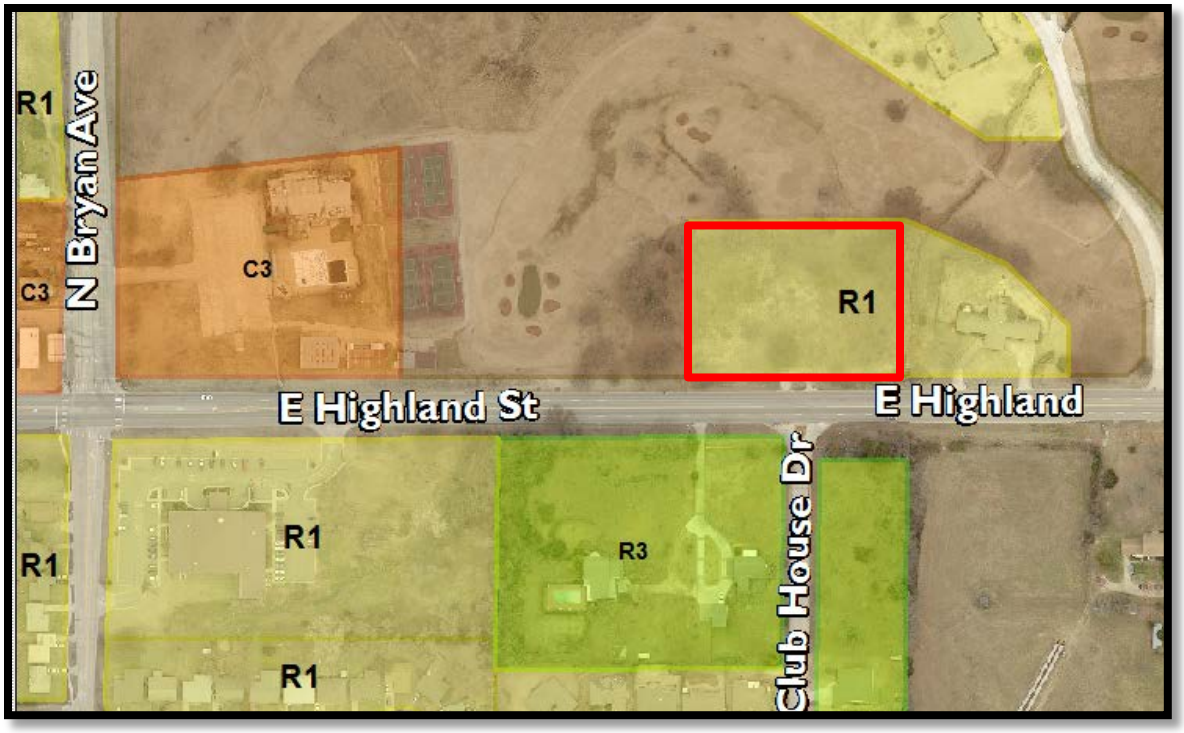


Figure 2: Zoning Map of site – approximate total area outlined in red.

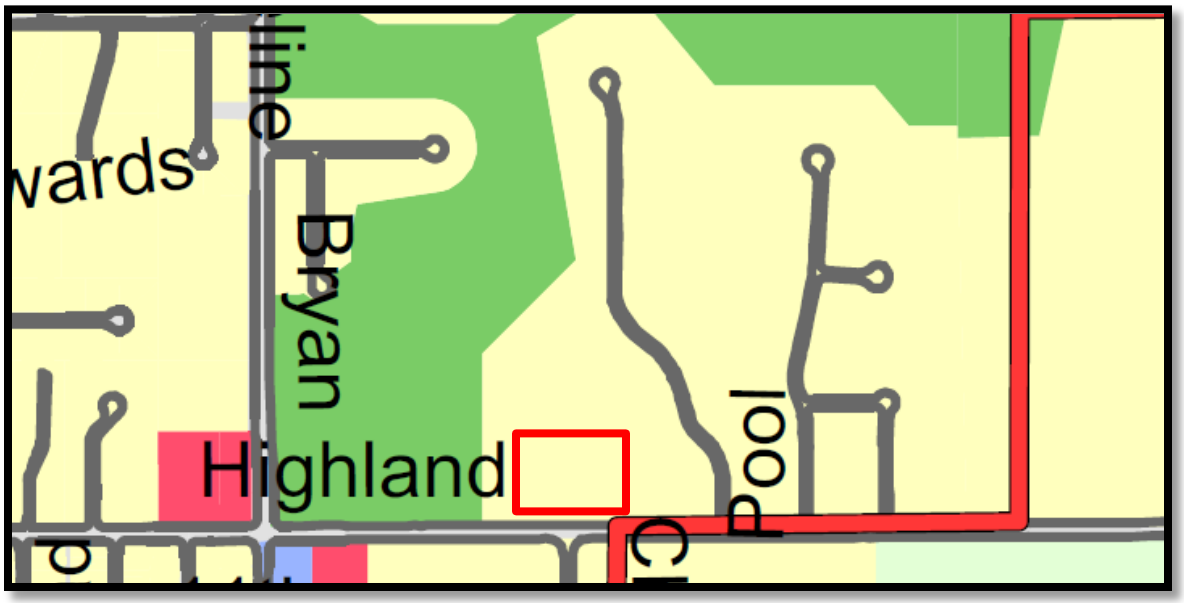
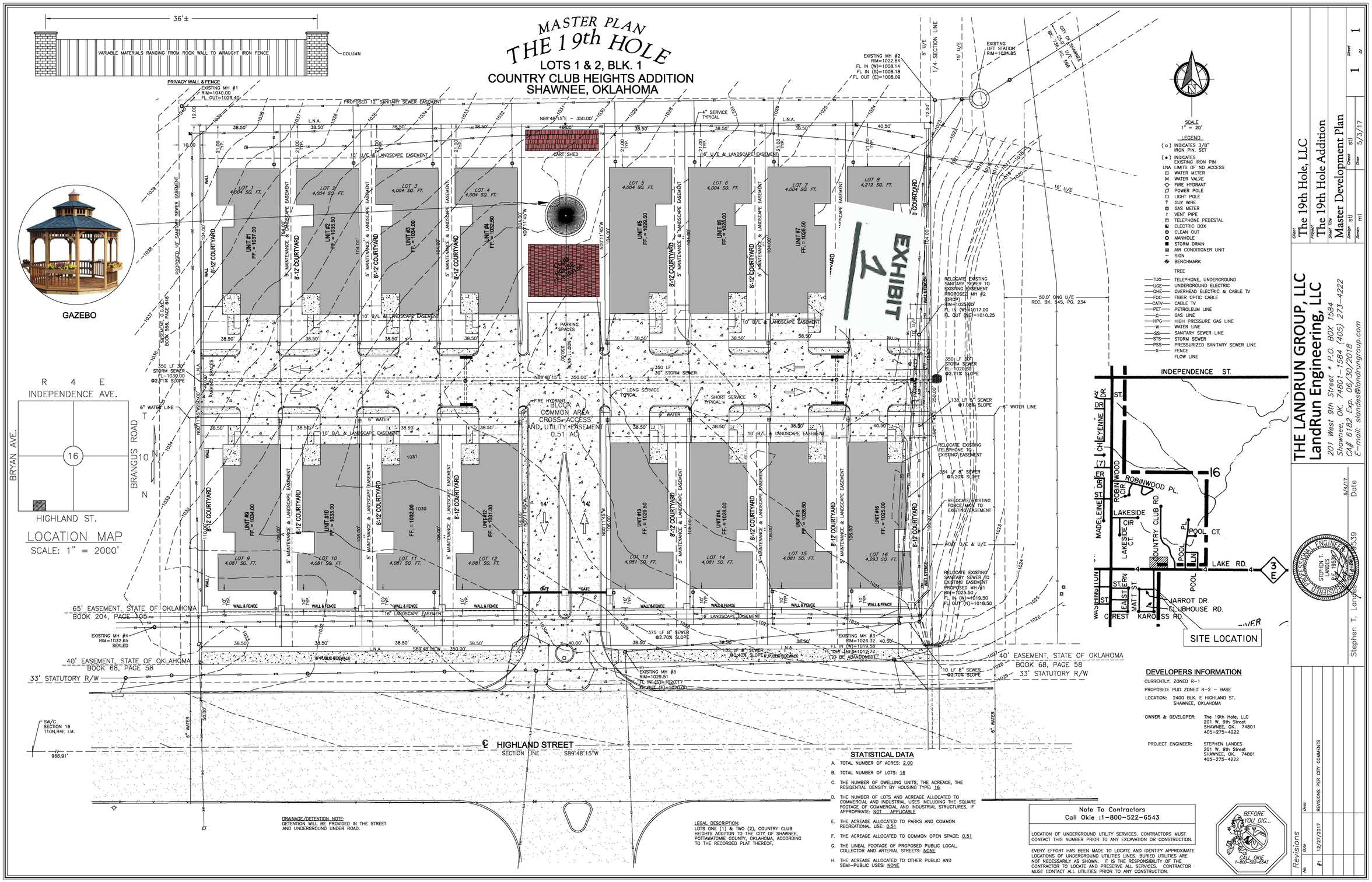


Figure 3: Future Comprehensive Plan Map – approximate total area outlined in red.

MASTER PLAN
THE 19th HOLE
LOTS 1 & 2, BLK. 1
COUNTRY CLUB HEIGHTS ADDITION
SHAWNEE, OKLAHOMA



DEVELOPERS INFORMATION

CURRENTLY: ZONED R-1

PROPOSED: PUD ZONED R-2 – BASE

LOCATION: 2400 BLK. E HIGHLAND ST.
SHAWNEE, OKLAHOMA

OWNER & DEVELOPER: The 19th Hole, LLC
201 W. 9th Street
SHAWNEE, OK. 74801
405-275-4222

PROJECT ENGINEER: STEPHEN LANDES
201 W. 9th Street
SHAWNEE, OK. 74801
405-275-4222

STATISTICAL DATA

A. TOTAL NUMBER OF ACRES: 2.00

B. TOTAL NUMBER OF LOTS: 16

C. THE NUMBER OF DWELLING UNITS, THE ACREAGE, THE RESIDENTIAL DENSITY BY HOUSING TYPE: 16

D. THE NUMBER OF LOTS AND ACREAGE ALLOCATED TO COMMERCIAL AND INDUSTRIAL USES INCLUDING THE SQUARE FOOTAGE OF COMMERCIAL AND INDUSTRIAL STRUCTURES, IF APPROPRIATE: NOT APPLICABLE

E. THE ACREAGE ALLOCATED TO PARKS AND COMMON RECREATIONAL USE: 0.51

F. THE ACREAGE ALLOCATED TO COMMON OPEN SPACE: 0.51

G. THE LINEAL FOOTAGE OF PROPOSED PUBLIC LOCAL, COLLECTOR AND ARTERIAL STREETS: NONE

H. THE ACREAGE ALLOCATED TO OTHER PUBLIC AND SEMI-PUBLIC USES: NONE

DRAINAGE/DETENTION NOTE:
DETENTION WILL BE PROVIDED IN THE STREET AND UNDERGROUND UNDER ROAD.

LEGAL DESCRIPTION:
LOTS ONE (1) & TWO (2), COUNTRY CLUB HEIGHTS ADDITION TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

Note To Contractors
Call Okie :1-800-522-6543

LOCATION OF UNDERGROUND UTILITY SERVICES. CONTRACTORS MUST CONTACT THIS NUMBER PRIOR TO ANY EXCAVATION OR CONSTRUCTION.

EVERY EFFORT HAS BEEN MADE TO LOCATE AND IDENTIFY APPROXIMATE LOCATIONS OF UNDERGROUND UTILITIES LINES. BURIED UTILITIES ARE NOT NECESSARILY AS SHOWN. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE AND PRESERVE ALL SERVICES. CONTRACTOR MUST CONTACT ALL UTILITIES PRIOR TO ANY CONSTRUCTION.

BEFORE YOU DIG... CALL OKIE 1-800-522-6543

Revisions			
No.	Date	Desc.	
#1	12/27/2017	REVISIONS PER CITY COMMENTS	

Client: The 19th Hole, LLC
Project: The 19th Hole Addition
Sheet Title: Master Development Plan

Design	stl	Check	stl	Sheet	1
Drawn	ml	Date	5/3/17	of	1

THE LANDRUN GROUP, LLC
LandRun Engineering, LLC
201 West 9th Street * P.O. BOX 1584
Shawnee, OK. 74801-1584 (405) 273-4222
CA# 6182 Exp. 06/30/2018
E-mail: slandes@landrungroup.com

STEPHEN T. LANDES
REG. NO. 19539
PROFESSIONAL ENGINEER
OKLAHOMA

5/4/17
Date

Stephen T. Landes, P.E.

EXHIBIT
2

THE LANDRUN GROUP, LLC

ENGINEERING, LEGAL SERVICES, DRAFTING, LAND MANAGEMENT, CONSTRUCTION MANAGEMENT

Master Plan of

19th Hole
Lots 1 & 2, Blk.1
Country Club Heights

A Planned Unit Development

PUD #

January 15, 2018

An 2.00 acre tract in the Southwest Quarter
of Section 16, Township 10 North, Range 4 East I.M.,
City of Shawnee, Pottawatomie County, Oklahoma

OWNER/DEVELOPER

19th Hole, LLC
201 W. 9th Street
Shawnee, OK 74801

DEVELOPMENT CONSULTANTS

This Master Development Plan and engineering documents have been prepared by:

The LandRun Group, LLC
LandRun Engineering, LLC
JDGL Legal Resource, Group, LLC
201 West 9th Street
Shawnee, OK 74801

PART 1: DESIGN STATEMENT

GENERAL PLANNED UNIT DEVELOPMENT CONCEPT

The 19th Hole is a privately funded planned residential community located on East Highland Street and in Shawnee, Oklahoma. The land use is for a single residence based on a zero-lot line residential development approach served by municipal water and sanitary sewer utilities. To conform to a conventional City of Shawnee zoning, the general guidelines of the PUD will be developed on an R-2 basis with a conventional townhouse model. The development will be approximately sixteen (16) individual lots with sixteen single family patio homes. The development will be established with a community building with golf cart storage, common area with a pavilion, additional parking spaces, and a privacy/security gate from East Highland Street. The development will provide community landscaping, exterior residential maintenance, community building maintenance established for both individual and a small family environment (controlled by **P**roperty **O**wner's **A**ssociation). The development will not be age restrictive but establish with individually owned homes for individuals attracted to increased density private living with staff through the POA capable of assisting with the community appearance and maintenance. Golf cart stalls and trails will be developed for individual members of the Shawnee Golf & Country Club interested in utilizing club services. These features combined with the quiet surrounding residential neighborhoods establishes this as an excellent location for a safe and secure development for younger and older families alike.

This development is restricted to privately funded housing maintained above standard median household income levels.

This development was formed in recognition of a segment of today's society interested in having amenities without the time for property maintenance yet still interested in the single-family environment. A Property Owner's Association (POA) will be created in the subdivision covenants to provide for either an individual or company to control all maintenance of all yards, common areas, landscaping areas inside and outside the walls of the individual homes and courtyards. Membership in the POA will be mandatory with dues assessed against each property. Said dues will be used to pay for lawn/landscape maintenance, electric charges, general liability insurance, reserves for maintenance, etc.

The 19th Hole Addition will not be specifically geared toward any specific age group and there will not be an age restriction. The floor plans offered will be geared towards young or growing families with diversity in the amenities for a wider range of age groups.

The common amenities being established for this development include a community building, community golf carts & stalls for use by members of the POA for access to the Shawnee Country Club and pavilion. The covenants will be written to allow the POA to develop additional amenities upon the discretion of its members and city code requirements. All housing will require individual or group storm shelters.

Vehicle access to the development will be via a gated entrance located on East Highland Street. Due to the 65 feet of right of way depth on East Highland Street a turn-around island will be established to accommodate vehicles incapable of entering the security gate. The gate will be established with a knock

box for access from city or security vehicles when or if necessary. All individual home will have 2 car garages with a corresponding eighteen (18') to twenty (20') feet drives on a private street/drive developed for the 19th Hole. The private street will be a twenty-four (24') feet concrete street with role curbing constructed on either a stabilized sub-base or gravel base to conventional street standards. The road and utilities will be installed in existing easements or in a utility and drive easement. Eight to ten (8-10) on-street parking spaces will be developed (as shown on master development plan) to accommodate vehicles incapable of parking in spaces developed for each individual home. Additional on-street parking will be prohibited.

A 3' sidewalk will be developed around the perimeter of the east/west street with a sidewalk developed along the west side of the entrance that connects to the city sidewalk developed in the right of way.

Public water lines will be installed in the development allowing individual services for each home.

Public sanitary sewer lines exist allowing individual services for each home. All other right of way and easements will be developed to allow public and private utilities adequate space to provide services for each property.

See the Master Development Plan for details.

SURROUNDING ZONING AND LAND USES

Surrounding land uses include A1 (North & West) consisting of the Shawnee Golf and Country Club, R-3 (South) across E. Highland Street, R-1 (East) consisting of an individual home on the east side of this development. Surrounding properties beyond the actual golf course include R-1, R-3 and C-3 development areas. This tract is currently zoned R-1 and the proposed PUD development is being developed as single family residential townhouses under R-2 guidelines.

SUBDIVISION IMPROVEMENTS -
DESCRIPTIONS, STANDARDS, COMMITMENTS, AND REQUESTS

1. WATER

All properties in the 19th Hole will be served potable water by the Shawnee municipal water system. Water lines, fire hydrants, and appropriate easements are included in the subdivision development in accordance with City of Shawnee standards. The potable water distribution system will be constructed by the Developer and maintained by the City. Water will include development of a 6" water main under Highland Street and either looped back to the existing main or back upon itself.

2. SANITARY SEWER

All properties in 19th Hole will be served by a public sanitary sewer system that is connected to City of Shawnee mains in accordance with City of Shawnee standards. The existing sanitary sewer system already provides lines adjacent to each proposed lot.

3. STORM WATER CONSIDERATIONS

The subject tract generally drains to a channel running north and south along the east side of the development. The site will be developed with storm sewer located in the private street capable of draining into the existing channel. The channel on the east side will be cleared and opened to improve flow. Detention for the facility will be developed in the underground storm sewer line and upon the surface of the private street.

4. OTHER UTILITIES

The 19th Hole will be served by all other utilities including natural gas, electricity, telephone, and cable television. Utility easements either already exist or will be provided in accordance with City of Shawnee regulations.

5. STREET DESIGN

The development will require the establishment of a twenty-four (24') feet curb and gutter private drive/street. The street is required to be private due to the gated entrance associated with the development.

6. LANDSCAPING

Landscaping will be established at a minimum of 10% above City of Shawnee Code requirements. Landscape area have been defined along both the exterior and interior portions of the development. The POA will maintain all yard and landscape areas and general maintenance of the yard area and courtyards spaces not considered private by the individual home owners. The perimeter landscaping along Highland Street will operate as a sound and privacy barrier. Plants and planting area defined on the master plan may be substituted with alternative materials as necessary based on availability and hardiness based on both soil and site conditions.

7. OTHER IMPROVEMENTS

This development will comply with green initiatives where determined practical. All structures will meet energy star requirements and the use of recycled materials and green products will be incorporated into the structures and site amenities whenever possible.

A combination six (6') Wrought Iron and column decorative fence will be established along East Highland Street. Landscaping will be established along the perimeter of the fence to provide both a sound and privacy. The developer may add consider substituting either a masonry wall and/or vinyl for the fencing combined with the columns along East Highland at their own digression.

THE FOLLOWING VARIATIONS FROM CITY STANDARDS ARE REQUESTED:

All curbing will be a 6" shallow roll curb. Such curbing is intended to alleviate the trip and fall hazard that a raised curb can create.

7. LOT SIZES, SETBACKS, SPACING, FENCING, ETC.

The 19th Hole Subdivision will be developed with each lot maintaining frontage on the private drive/street. Each lot will have a minimum 38.5 feet frontage and direct access to public utilities (water and sanitary sewer). Specific structures are designed with a minimum 12' to 8' courtyard located on one side of the structure. The exterior wall of the adjacent lot will be considered the property line for the adjacent structure. The private east/west drive/road will be established in a forty (40') access and utility easement.

Variations from R-2 - Combined Residential District

1. Min. Lot area R-2 – 6000 sq. ft.	Provided 4,004 sq. ft.
2. Min. Frontage R-2 – 60 feet	Provided 38.5 feet
3. Min. Front Setback R-2 – 25 feet	Provided 10 feet from private easement line
4. Min. Side Setback R-2 – 8 feet	Provided 8 to 12 feet
5. Min. Rear Setback R-2 – 20 feet	Provided 10 to 21 feet
6. Max Lot Coverage R-2 - 35%	Provided 47%
7. Max Height R-2 – 2.5 stories	Provided 2 stories
8. Landscape Per City Code	Provided City Code + 10%
9. Multi-family Unit allowed	Provided with Single Family only
10. Internal Sidewalks not required	Provided with Sidewalks
11. Additional Amenities not required	Provided with Clubhouse, Cart Shed & Gated Entrance

A 10' building line will be established beyond the easement line. The PUD was developed similar to a previous zoning district "R-1Z" which was abandoned during previous modifications to the zoning code because it was deemed obsolete. The more suitable replacement was established as a PUD with variations to allow for the design of site specific facilities. The building setback established on the preliminary and final plat shall apply to the perimeter of the PUD. The exterior wall adjacent to the courtyards will be developed on the property line. Lighting will be provided as part of the development.

8. SIGNS

Signs will be subject to City of Shawnee sign regulations. The Developer anticipates monument signs at the entrances along East Highland Street. If a sign is developed, it shall incorporate a monument base and shall not exceed 18 square feet of display area. Additional signage may be constructed into the wrought iron aspect of the gate structure to identify the development.

DEVELOPMENT FEATURES

The 19th Hole will consist of single family home which may be either single or two-story and will be subject to conventional R-2 regulations unless modified herein. The houses will be built with energy star rated services and will incorporate green products where applicable and feasible to the cost and design.

The exterior of all residential structures will have a eifs, brick or rock veneer. Roofing materials may be alternative composite materials mimicking a slate or terracotta style, slate, terracotta, or concrete type materials, excluding conventional architectural composite materials. Second story's may incorporate elevated patios, exterior colors and floor plan orientation will be varied to create diversity and individuality. The architectural styling of the houses will be contiguous within the development. Covenants will be established to provide additional architectural control of all structures. The covenants will conform with most of the covenants originally developed for the County Club Heights Addition with exception to being reflective of the re-plat for the 19th Hole Addition, requirements defined within this PUD, not less than 1,800 gross area and regulated through the POA. Exception would be clubhouse and amenities established for the residents of the 19th Hole Addition.

Special attention will be placed on the back or rear façade's facing either Highland Street or the Shawnee Country Club Golf course. The rear façade will be developed in a way to present an attractive look equal to the appearance on the front of or street side of the residential structure. Special attention will be placed on the creation of an ascetic visual perspective adjacent to both Highland Street and the golf course.

DEVELOPMENT SCHEDULE

It is the intent of the Developer to begin all subdivision improvements as soon as City approvals are granted. A preliminary plat and final plat will be developed for the 19th Hole Addition.

PART 2. PRELIMINARY PLAT

Location of the subject tracts is a 2.00 acre parcel with the following legal descriptions for the property.

Lot 1 and 2, Block 1, Country Club Heights Addition to the City of Shawnee, Pottawatomie County, Oklahoma according to the recorded plat thereof.

Existing zoning is R-1. The parcel is to be developed and re-platted as The 19th Hole Addition to the City of Shawnee, Potawatomie County, Oklahoma according to the recorded plat thereof.

A Preliminary Plat will be prepared at a scale of (1 = 20') which will be nearly identical to the attached Master Plan (Conceptual Plat) as included in the design statement as a part of the application for rezoning.

EXHIBITS

Exhibits A, is attached hereto and made an integral part of this Planned Unit Development.

A – Design Master Plan

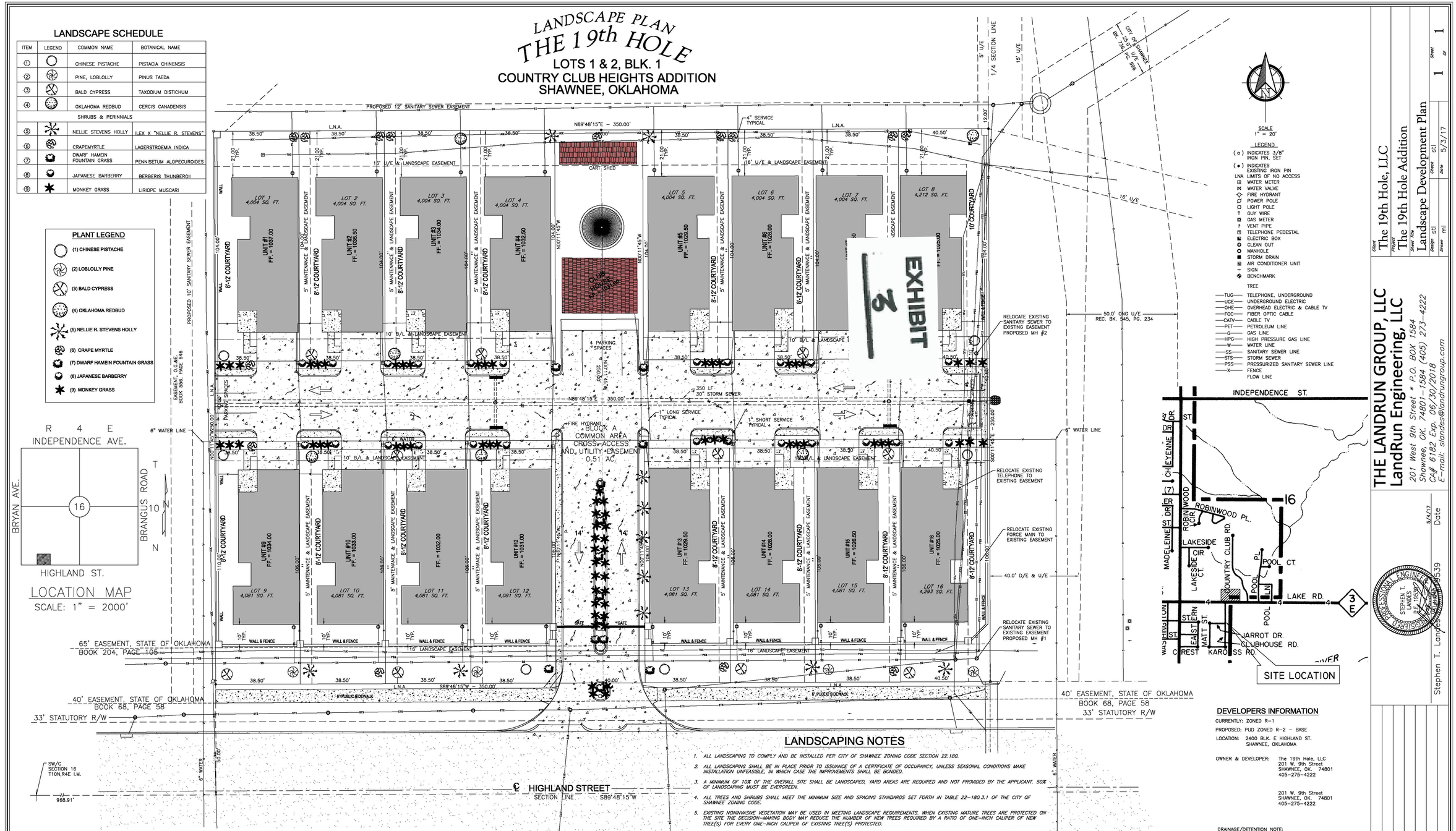
B – Landscape Plan

C – Final Plat

LANDSCAPE PLAN
THE 19th HOLE
LOTS 1 & 2, BLK. 1
COUNTRY CLUB HEIGHTS ADDITION
SHAWNEE, OKLAHOMA

LANDSCAPE SCHEDULE

ITEM	LEGEND	COMMON NAME	BOTANICAL NAME
1		CHINESE PISTACHE	PISTACIA CHINENSIS
2		PINE, LOBLOLLY	PINUS TAEDA
3		BALD CYPRESS	TAXODIUM DISTICHUM
4		OKLAHOMA REDBUD	CERCIS CANADENSIS
		SHRUBS & PERINNIALS	
5		NELLIE STEVENS HOLLY	ILEX X "NELLIE R. STEVENS"
6		CRAPEMYRTLE	LAGERSTROEMIA INDICA
7		DWARF HAMEIN FOUNTAIN GRASS	PENNISETUM ALOPECUROIDES
8		JAPANESE BARBERRY	BERBERIS THUNBERGII
9		MONKEY GRASS	LIRIOPE MUSCARI



LANDSCAPE REQUIREMENTS

			10% PUD INCREASE
FRONT YARD – 10' SETBACK	1 TREE PER 35' (LINEAR)	350/35 = 10 TREES	(350/35) * 1.1 = 11 TREES
SIDE YARD – 5' SETBACK	1 TREE PER 400 SQ. FT.	250x2x5/400 = 6 TREES	(250x2x5/400) * 1.1 = 7 TREES
REAR YARD – 10' SETBACK	1 TREE PER 400 SQ. FT.	350x10/400 = 9 TREE	(350x10/400) * 1.1= 10 TREE
PARKING LOT – 10 SPACES	1 TREE AND 3 SHRUBS PER 6 SPACES	10/6 = 2 TREES 10/6x3 = 6 SHRUBS	(11/6) *1.1 = 2 TREES (11/6x3) = 6 SHRUBS
		TOTAL LANDSCAPING REQUIRED: (INCLUDING 10% INCREASE)	30 TREES 6 SHRUBS

LANDSCAPING NOTES

1. ALL LANDSCAPING TO COMPLY AND BE INSTALLED PER CITY OF SHAWNEE ZONING CODE SECTION 22.180.
2. ALL LANDSCAPING SHALL BE IN PLACE PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, UNLESS SEASONAL CONDITIONS MAKE INSTALLATION UNFEASIBLE, IN WHICH CASE THE IMPROVEMENTS SHALL BE BONDED.
3. A MINIMUM OF 10% OF THE OVERALL SITE SHALL BE LANDSCAPED, YARD AREAS ARE REQUIRED AND NOT PROVIDED BY THE APPLICANT. 50% OF LANDSCAPING MUST BE EVERGREEN.
4. ALL TREES AND SHRUBS SHALL MEET THE MINIMUM SIZE AND SPACING STANDARDS SET FORTH IN TABLE 22-180.3.1 OF THE CITY OF SHAWNEE ZONING CODE.
5. EXISTING NONINVASIVE VEGETATION MAY BE USED IN MEETING LANDSCAPE REQUIREMENTS. WHEN EXISTING MATURE TREES ARE PROTECTED ON THE SITE THE DECISION-MAKING BODY MAY REDUCE THE NUMBER OF NEW TREES REQUIRED BY A RATIO OF ONE-INCH CALIPER OF NEW TREE(S) FOR EVERY ONE-INCH CALIPER OF EXISTING TREE(S) PROTECTED.
6. BARK DUST, CHIPS, AGGREGATE, OR OTHER NON-PLANT GROUND COVERS MAY BE USED, BUT SHALL COVER NO MORE THAN 60% OF THE AREA TO BE LANDSCAPED AND SHALL BE CONFINED TO AREAS UNDERNEATH PLANTS. NON-PLANT GROUND COVERS CANNOT BE A SUBSTITUTE FOR GROUND COVER PLANTS.
7. THE USE OF DROUGHT-TOLERANT NATIVE PLANT SPECIES IS ENCOURAGED, AND MAY BE REQUIRED WHEN IRRIGATION IS NOT AVAILABLE. IRRIGATION SHALL BE PROVIDED FOR PLANTS THAT ARE NOT DROUGHT-TOLERANT. IF THE PLANTINGS FAIL TO SURVIVE, THE PROPERTY OWNER SHALL REPLACE THEM WITH AN EQUIVALENT SPECIMEN. TABLE 22-180.3.1 OF THE CITY OF SHAWNEE ZONING CODE PROVIDES A LIST OF RECOMMENDED SPECIES. ALL IRRIGATION INSTALLED SHALL BE AUTOMATIC.
8. LANDSCAPING COMPANY IS TO BE CONTRACTED PRIOR TO BUILDING COMPLETION TO INSURE ALL PLANTS FOR SITE HAVE BEEN ORDERED.
9. LANDSCAPING COMPANY WILL GUARANTEE ALL PLANTS FOR A SIX MONTH PERIOD (MINIMUM) FROM DISEASES AND DEATH NOT RELATED TO POOR LANDSCAPING MAINTENANCE AND MANAGEMENT.

DEVELOPERS INFORMATION

CURRENTLY: ZONED R-1

PROPOSED: PUD ZONED R-2 – BASE

LOCATION: 2400 BLK. E HIGHLAND ST.
SHAWNEE, OKLAHOMA

OWNER & DEVELOPER: The 19th Hole, LLC
201 W. 9th Street
SHAWNEE, OK. 74801
405-275-4222

201 W. 9th Street
SHAWNEE, OK. 74801
405-275-4222

DRAINAGE/DETENTION NOTE:
DETENTION WILL BE PROVIDED IN THE STREET AND UNDERGROUND UNDER ROAD.

Note To Contractors
Call Okie :1-800-522-6543

LOCATION OF UNDERGROUND UTILITY SERVICES. CONTRACTORS MUST CONTACT THIS NUMBER PRIOR TO ANY EXCAVATION OR CONSTRUCTION.

EVERY EFFORT HAS BEEN MADE TO LOCATE AND IDENTIFY APPROXIMATE LOCATIONS OF UNDERGROUND UTILITIES LINES. BURIED UTILITIES ARE NOT NECESSARILY AS SHOWN. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE AND PRESERVE ALL SERVICES. CONTRACTOR MUST CONTACT ALL UTILITIES PRIOR TO ANY CONSTRUCTION.

BEFORE YOU DIG... CALL OKIE 1-800-522-6543

THE LANDRUN GROUP, LLC
LandRun Engineering, LLC
201 West 9th Street * P.O. BOX 1584
Shawnee, Ok. 74801-1584 (405) 273-4222
CA# 6182 Exp. 06/30/2018
E-mail: slandes@landrungroup.com

Client	The 19th Hole, LLC
Project	The 19th Hole Addition
Sheet Title	Landscape Development Plan
Design	stl
Check	stl
Sheet	1 of 1
Drawn	ml
Date	5/3/17

STEPHEN T. LANDES REG. 18539 PROFESSIONAL ENGINEER OKLAHOMA

5/4/17
Stephen T. Landes 18539 Date

Revisions

No.	Date	Desc

BOOK 806 PAGE 804

BOOK 591 PAGE 9

5668

FILE NO. ..... BOOK ..... PAGE .....
STATE OF ..... COUNTY SS:
FILED FOR ..... AT 9:20 O'CLOCK A.M.
May 2 1978
GEORGIA DELIE ACSIRO County Clerk
BY: Vuela Mills .. DEPUTY

OWNER'S CERTIFICATE AND RESTRICTIONS

TO

Lots 1-16, inclusive, COUNTRY CLUB HEIGHTS a subdivision of a part of Section 16, Township 10 North, Range 4 East of the Indian Meridian, Shawnee, Pottawatomie County, Oklahoma.

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, N. W. Baptist, III, William L. Ford, and Sim K. Sims, Trustees, certify that they are the owners and the only persons, firm or corporation having any legal title or interest in and to all of Lots 1-16, inclusive, COUNTRY CLUB HEIGHTS, as shown and embraced by the plat of said addition, recorded in the office of the County Clerk of Pottawatomie County, State of Oklahoma.

For the purpose of providing an orderly development of the entire addition above described, and for the purpose of providing adequate restrictive covenants for the mutual benefit of ourselves, or our successors in title to the said premises, we, the owners, do hereby impose the following restrictions and reservations on the above described plat, COUNTRY CLUB HEIGHTS, to which it shall be incumbent upon all successors in title to adhere, and any person or persons, corporation, trust, partnership or other legal entity whatsoever, hereafter becoming the owner either directly or indirectly through subsequent transfer, or any manner whatsoever, of any lot or lots, block or blocks, included in said plat, shall take, hold and convey the same subject to the following, to-wit:

(1) All lots in this subdivision shall be used as Single Family residential lots.

(2) Single family residences erected in said addition may be one-story, one and one-half story, split level or two-story in height.

(3) No building shall be located on any lot or building site, nearer to the front property line than the Building Limit Line as shown on the recorded plat. The minimum distance between the building and the side and rear property lines shall be not

Miller, Pitts & Dickman
26 Bal 1935 - Shawnee, OK

less than five (5) feet from said property lines. In the instance that the owner of a lot, or building site, desires to locate his building less than five (5) feet from the said property lines, and his lot is located adjacent to a vacant lot, he must obtain permission, in writing, from the owner of the adjacent property in order that he may locate the building as close as five (5) feet to the said property lines.

For the purpose of this covenant, eaves, steps and open porches shall not be considered as a part of the building, provided, however, that this shall not be construed to permit any portion of a building to encroach upon another site.

(4) No single family residence shall be erected or placed on any building site of less than one lot, but may be erected on a site consisting of more than one lot.

(5) No building or structure shall be erected, or altered on any building site or lot in this addition until the building plans and specifications, and plot plan, showing the location of such building, have been approved in writing as to the conformity and harmony of external design with existing structures in the subdivision, and as to the location of the building with respect to topography and finished ground elevation by a Building Committee composed of N. W. Baptist, III, William L. Ford, Murlin Derebery, Chris J. Lillard and H. Jeffrey Diamond, or by a representative designated by a majority of the members of said committee. In the event of death or resignation of any member of said committee, the remaining members shall have full authority to approve or disapprove such design and location or to designate a representative with like authority. In the event said committee or its designated representative with like authority fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, or in any event, if no suit to enjoin the erection of such building, or the making of such building, or the making of such alterations have been commenced prior to the completion thereof, such approval will not be necessary and this covenant will be deemed to have been fully complied with. Neither the members of the committee nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. The power and duties of the committee and its designated representative shall cease on or after January 1, 1998. Thereafter the approval described in this covenant shall not be required unless prior to said date and effective thereon, a written

instrument shall be executed by the then record owners of a majority of the lots or building sites in this addition, and duly recorded in the land records of said county, appointing a representative or representatives who shall thereafter exercise the same powers previously exercised by the committee.

(6) No business, trade or activity shall be carried on upon any residential lot or building site. No noxious or offensive activity shall be carried on upon any lot or building site, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

No cows, horses, or other livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept provided that they are not kept, bred, nor maintained for any commercial purpose.

No trash, ashes or other refuse may be thrown or dumped on any vacant lot in the addition. Each owner of a vacant lot is required to keep said lot in presentable condition or the Building Committee may, at its discretion, mow said lot, trim trees, remove trash or refuse and levy a lien on said lot for the cost involved, which cost, the owner of any such lot agrees to pay upon demand.

(7) No structure or building of a temporary character, trailer, tent, shack, garage, barn or other outbuilding shall be used on any lot or building site at any time as a residence, either temporarily or permanently. Outbuildings such as cabanas, greenhouses, play houses, servants quarters and similar buildings erected on any of said lots shall be approved, in advance of construction, by the Building Committee, within fifteen (15) days of submission, and shall correspond in style and structure to the residence to which it is appurtenant.

Dog pens shall be concealed from the street, and the location of same approved by the Building Committee.

No garbage or trash cans shall be visible from the street or golf course.

No campers, boats, housetrailers, or trucks of any kind shall be permitted to be continuously parked in sight in the front of a residence, or on any protion of any lot in the addition, and must be totally concealed from the street and abutting lot owners.

(14) All utility services shall be underground for as long as such underground facilities are available from supplier and the owner of each lot shall provide facilities to take and receive such services by means of properly installed underground service lines.

(15) These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 1998, (except as otherwise specified herein), at which time said covenants shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by a majority of the then owners of the lots or building sites has been recorded, agreeing to change said covenants in whole or in part.

(16) If the parties hereto, or any of them, or their heirs or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any person or persons owning any real property situated in said subdivision to prosecute any proceedings at law or in equity against the person or persons violating, or attempting to violate any such covenants and either to prevent him or them from doing or to recover damages or other dues for such violation.

(17) Invalidation of any of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have affixed their signatures this 18th day of August, 1977.

N. W. BAPTIST, III, WILLIAM L. FORD
and SIM K, SIMS, TRUSTEES

N. W. Baptist, III

William L. Ford

Sim K. Sims

BOOK 591 PAGE 14

BOOK 806 PAGE 809

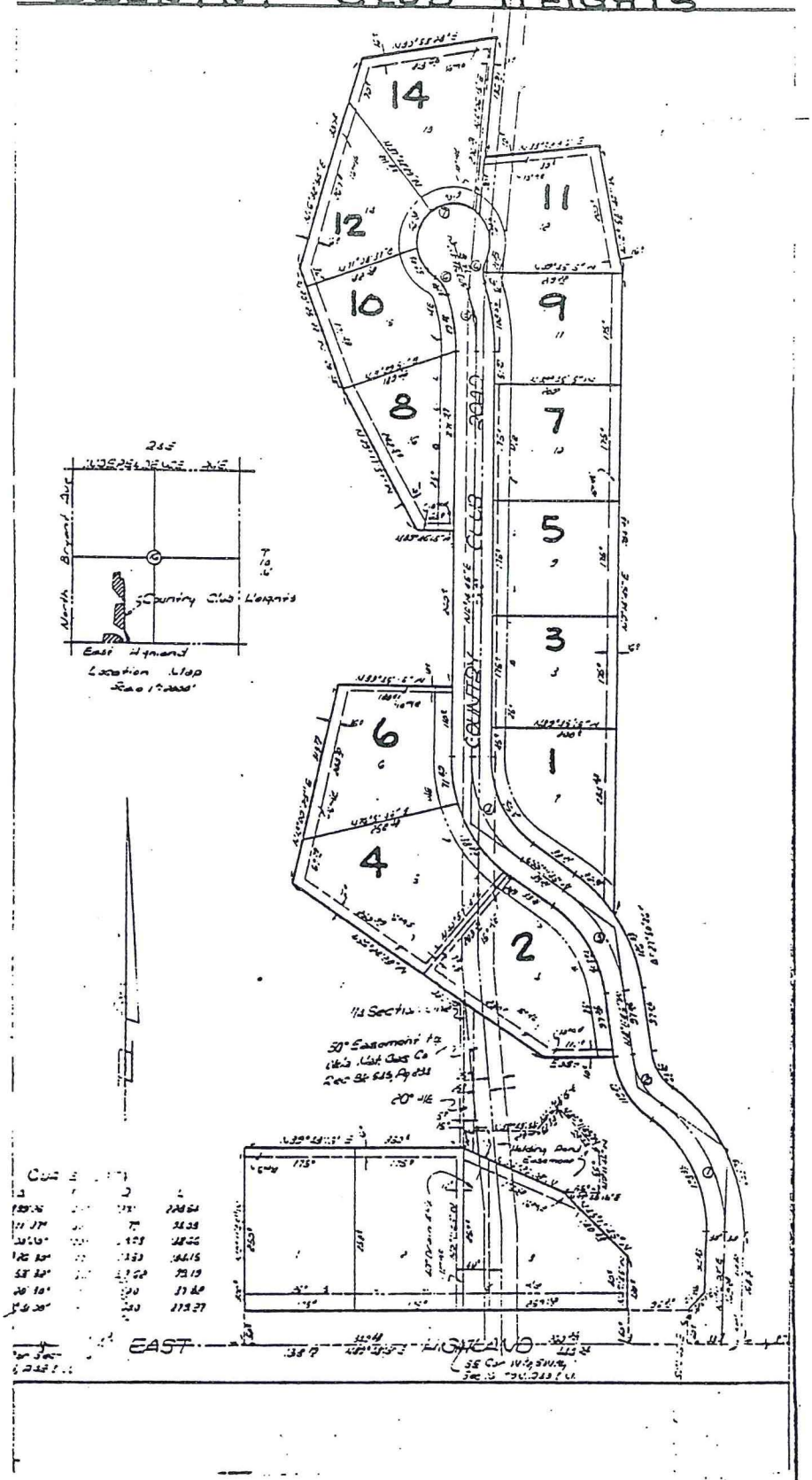
STATE OF OKLAHOMA)
COUNTY OF POTTAWATOMIE) ss.

The foregoing instrument was acknowledged before me this 18th day of August, 1977, by N. W. Baptist, III, William L. Ford and Sim K. Sims, Trustees.

Louise Rose
Notary Public

My Commission Expires:
(Seal)
2-5-79

COUNTRY CLUB HEIGHTS



Sec. 2, see back

Shawnee Country Club

September 1, 2017

Mr. Justin Erickson, City Manager
City of Shawnee
16 West 9th Street
Shawnee, OK 74801-6802

Dear Mr. Erickson:

The ownership of Shawnee Country Club has recently been in discussions with Mr. Bryce Barfield in regards to a planned development called "The 19th Hole".

Based upon the information detailed by Mr. Barfield, the ownership of Shawnee Country Club has determined that the planned development does not infringe on the existing operations of Shawnee Country Club, does not conflict with its operations, and appears to be a quality development.

Therefore, the ownership of Shawnee Country Club does not object to the project and its possible approval by the City of Shawnee to proceed.

Cordially,

Highlands, L.L.C. dba Shawnee Country Club

Gary A. Akin, L.L.C. Manager

2501 Augusta Dr. ♦ P. O. Box 1574 ♦ Shawnee, Oklahoma 74802-1574 ♦ 405 • 273 • 2764 ♦ www.shawneecc.com

December 20, 2017

Planning Commission
City of Shawnee
16 West 9th Street
Shawnee, Oklahoma 74801

RE: Proposed Planned Unit Development
Referred to as 19th Hole, located on
Lots 1 & 2, Country Club Heights Addition
to the City of Shawnee

Ladies and Gentlemen:

The undersigned lot owners in Country Club Heights Addition hereby protest referenced Planned Unit Development for the reason that same conflicts with the Owners Certificate & Restrictions for Country Club Heights, a copy of which is attached hereto.

This protest letter may be signed in one or more counterparts.

Respectfully Submitted,

Lot 9, Richard Finley 1997 Trust

By Richard Finley
Richard Finley

Lot 11, Leonard Taron & Bevelyn Taron

By Leonard Taron
Leonard Taron

By Bevelyn Taron
Bevelyn Taron

RECEIVED CITY CLERK'S OFFICE
Date 12/21/17 Time 2:18 pm
Tracie Eck

received
12-21-17
K.D.

Lot 12, Chris J. Lillard & Patty Lillard

By_____
Chris J. Lillard

By_____
Patty Lillard

Lot 13 & 14, Nancy M. Ford Revocable Trust

By_____
Nancy M. Ford

By_____
William L. Ford

Lot 16, H. Jeffrey Diamond and Nance L. Diamond

By_____
H. Jeffrey Diamond

By_____
Nance L. Diamond

December 21, 2017

PLANNING COMMISSION

CITY OF SHAWNEE

16 WEST 9TH STREET

SHAWNEE, OKLAHOMA 74801

RE: PROPOSED PLANNED UNIT DEVELOPMENT
REFERRED TO AS 19TH HOLE, LOCATED ON
LOTS 1 & 2, COUNTRY CLUB HEIGHTS ADDITION
TO THE CITY OF SHAWNEE

LADIES AND GENTLEMEN:

THE UNDERSIGNED LOT OWNERS IN COUNTRY CLUB HEIGHTS ADDITION HEREBY **PROTEST** THE REFERENCED PLANNED UNIT DEVELOPMENT FOR THE REASON THAT SAME CONFLICTS WITH THE OWNERS CERTIFICATE & RESTRICTIONS FOR COUNTRY CLUB HEIGHTS, A COPY OF WHICH IS ATTACHED HERETO.

THIS PROTEST LETTER MAY BE SIGNED IN ONE OR MORE COUNTERPARTS.

RESPECTFULLY SUBMITTED,

LOT 4 BLOCK 1, RAYMOND & LAVERNE SHAFFER

BY Raymond Shaffer

RAYMOND SHAFFER

BY LaVerne Shaffer

LAVERNE SHAFFER

Nacie Zck
RECEIVED CITY CLERK'S OFFICE
Date 12/21/17 Time 3:57 pm

26 December 2017

Planning Commission
City of Shawnee
16 West 9th Street
Shawnee, OK 74807

Re: Proposed Planning Unit Development
referred to as 19th Hole, located on
Lots 1 & 2, Country Club Heights Subdivision
to the City of Shawnee

Members of the Planning Commission:

I am the owner of Lot 6 in the Country Club Heights Subdivision and hereby protest the above referenced proposed development which is subject to the existing "Owner's Certificate & Restrictions for the Country Club Heights Subdivision" (restrictions), a copy of which is attached hereto. Such proposed development would be contrary to and in violation of the deed restrictions which I personally relied upon when purchasing my property in April 2017. I would like to assume that such restrictions will be applied to any proposed development in the Country Club Heights Subdivision both now and in the future.

Even though I am new to Shawnee, there are numerous existing sites elsewhere where the proposed development could be sited.

Please deny the request from the Land Run Group relative to its proposed development on Lots 1 & 2 of the Subdivision referenced herein.

Respectively submitted,

Loyd Drain, Owner LOT 6
6 Country Club Road
Shawnee, OK 74801
Loyd.Drain1@gmail.com

received
12-27-17
KG

December 20, 2017

Planning Commission
City of Shawnee
16 West 9th Street
Shawnee, Oklahoma 74801

RE: Proposed Planned Unit Development
Referred to as 19th Hole, located on
Lots 1 & 2, Country Club Heights Addition
to the City of Shawnee

Ladies and Gentlemen:

The undersigned lot owners in Country Club Heights Addition hereby protest referenced Planned Unit Development for the reason that same conflicts with the Owners Certificate & Restrictions for Country Club Heights, a copy of which is attached hereto.

This protest letter may be signed in one or more counterparts.

Respectfully Submitted,

Lot 9, Richard Finley 1997 Trust

By_____
Richard Finley

Lot 11, Leonard Taron & Bevelyn Taron

By_____
Leonard Taron

By_____
Bevelyn Taron

received
12-28-17
JC

Lot 12, Chris J. Lillard & Patty Lillard

By_____
Chris J. Lillard

By_____
Patty Lillard

Lot 13 & 14, Nancy M. Ford Revocable Trust

By_____
Nancy M. Ford

By_____
William L. Ford

Lot 16, H. Jeffrey Diamond and Nance L. Diamond

By_____
H. Jeffrey Diamond

By_____
Nance L. Diamond

City of Shawnee Planning Department 222. N. Broadway Shawnee, OK 74801 (405) 878-1616 Fax: (405) 878-1587 www.ShawneeOK.org	City of Shawnee OKLAHOMA	CASE # P02-18 CASE # S01-18 PUBLIC HEARING DATE: January 3rd, 2018 CITY COMMISSION DATE: January 16, 2018

APPLICANT: **Philip C. Day**	**929 E. Britton Road** **Oklahoma City, OK 73114**	**(405) 842-1661**

PROPERTY ADDRESS/LOCATION: **SE Corner of E. 45th St and Hyatt Rd.**

SUMMARY OF REQUEST:

The applicant, Bonray Real Estate, LLC., is requesting Planned Unit Development (PUD) and Preliminary Plat approval for property located on 45th Street, east of Harrison Avenue. The subject site is approximately 4.06 acres in size and currently zoned C2 (Office Commercial). Proposed is the creation of an 8-lot office park with space reserved for detention.

EXISTING ZONING:	EXISTING LAND USE:	SURROUNDING ZONING & LAND USE:	Number of Lots:	PROPERTY SIZE:
C2	**Vacant**	**A-1 (Rural Agricultural)** **R-1 (Single Family Residential)** **C-2 (Suburban Office Commercial)**	**1**	**4.06 Acres**

STAFF REVIEW AND ANALYSIS

Based on a review by Staff, the requested PUD and Preliminary Plat can be summarized as follows (Exhibit 2):

- Eight (8) developable lots and one (1) outlot for storm water detention.
- Private, internal roadway network with on-street parking.
- All structures shall have a minimum of 90% brick / stone façade.

- Ten (10%) percent landscaping requirement shall be met.
- Sight proof fencing shall be placed along the south property boundary, where abutting residential.
- Per code, a six (6') foot sidewalk shall be constructed along 45th Street.
- A Property Owner's Association (POA) will be established to control site maintenance.
- The proposed use is in conformance with the existing C2 zoning.

Staff has reviewed the subject requests and finds them to be in conformance with the City of Shawnee Zoning Code, Subdivision Regulations, and the Comprehensive Plan. The proposed use is appropriate for the existing C2 zoning, so the transition to a PUD serves primarily to ensure appropriate common access elements and maintenance agreements. Based on these facts, Staff recommends approval of the requested Preliminary Plat and PUD zoning.

PUD Recommendation

Staff recommends approval of the requested PUD, with the following conditions:

1. Minor corrections to the PUD Design Statement to assure consistency with the PUD Plan Map.
2. All other applicable City standards apply.

Preliminary Plat Recommendation

Staff recommends approval of the requested Preliminary Plat, with the following conditions:

1. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
2. Drainage plans must be approved by the City Engineer concurrent with Final Plat approval.
3. All other applicable City standards apply.

APPROVE	APPROVE WITH CONDITIONS	DENY

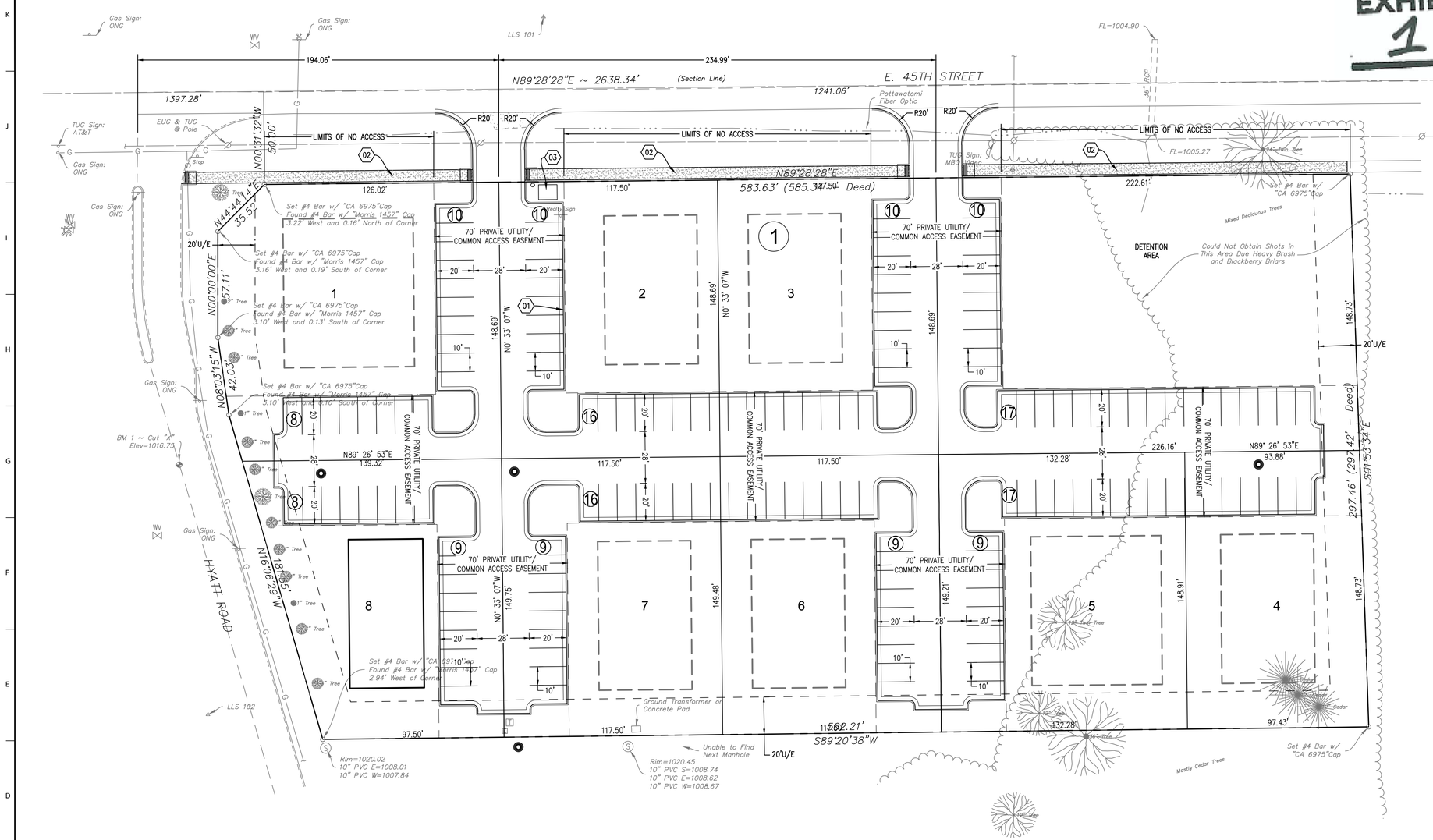
Staff has received no letters of protest from surrounding property owners.

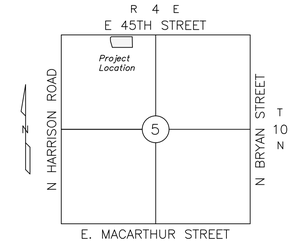
ATTACHMENTS: (CIRCLE)	SUBMITTED PLANS	PUBLIC HEARING PETITION/ APPLICATION FORM	LEGAL NOTICE	LEGAL DESCRIPTION
PUBLIC COMMENTS		AGENCY COMMENTS	RESPONSE TO STANDARDS	

Attachments:

Exhibit 1: PUD Master Plan Map
Exhibit 2: PUD Design Statement
Exhibit 3: Shawnee Trail Office Park Preliminary Plat

EXHIBIT 1





HARDSCAPE / LANDSCAPE PATTERNS

- CONCRETE SIDEWALKS
- LIGHT DUTY ASPHALT PAVING
- HEAVY DUTY ASPHALT PAVING
- LIGHT DUTY CONCRETE PAVING
- HEAVY DUTY CONCRETE PAVING
- REINFORCED HEAVY DUTY CONCRETE PAVING
- SODDING / SEEDING / VEGETATIVE COVER

KEY NOTES

ID	DESCRIPTION
01	INSTALL 6-IN CONCRETE HEADER CURB.
02	INSTALL 6-FT WIDE CONCRETE SIDEWALK.
03	MONUMENT SIGN & FLAG POLE

0' 30' 60' 120'

SCALE: 1" = 30'

BEFORE YOU DIG CALL OKIE (800) 522-6543

UTILITY WARNING:
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM RECORD DOCUMENTS OR FIELD LOCATIONS BY THE OPERATOR. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

UTILITY ELEVATIONS AND SIZES MAY HAVE BEEN MEASURED UNDER ADVERSE FIELD CONDITIONS. UPON EXPOSING THE UTILITY, ELEVATIONS AND LINE SIZES SHOULD BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR SHOULD VERIFY CRITICAL ELEVATIONS USING THE BENCHMARK PROVIDED BY THE SURVEYOR OR ENGINEER. ANY DISCREPANCIES SHOULD BE IMMEDIATELY BROUGHT TO THE ENGINEER'S AND SURVEYOR'S ATTENTION.

REVISIONS

No.	Description	Date

KEY PLAN

SEAL

PROJECT
SHAWNEE TRAIL OFFICE PARK

LOCATION
SHAWNEE, OKLAHOMA

PREPARED FOR
BONRAY REAL ESTATE, L.L.C.

SHEET TITLE
MASTER DEVELOPMENT PLAN

Project No.	BREC171410
Drawn By	JDD
Checked By	CWL
Date	12/04/2017
Scale	AS SHOWN
Issued For	Review

SHEET NO.
EXHIBIT

CARDINAL ENGINEERING
An ENVIROCLEAN Company
525 Central Park Drive, Ste. 402
Oklahoma City, Oklahoma 73105
Phone 405.842.1066
Fax 405.843.4687

3700 West Robinson, Ste. 200
Norman, OK 73072
Phone 405.701.5058
Fax 405.701.5208

http://www.eccgrp.com
CA# 7110, expiration date 06.30.2018

© Cardinal Engineering, LLC 2017

G:\Projects\BREC171410\Civil Cad\Production Drawings\Exhibits\Exhibit Master Development Plan.dwg Dec 04, 2017 - 12:12pm

EXHIBIT
2

PUD NO. ____

DESIGN STATEMENT

OF THE SHAWNEE TRAIL OFFICE PARK

PLANNED UNIT DEVELOPMENT

DECEMBER 5, 2017

DEVELOPER:

BONRAY REAL ESTATE, L.L.C.

PREPARED BY:

CARDINAL ENGINEERING

525 CENTRAL PARK DRIVE, SUITE 402

OKLAHOMA CITY, OK 73105

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PLANNED UNIT DEVELOPMENT

SHAWNEE, OKLAHOMA

1.0 INTRODUCTION

THIS PLANNED UNIT DEVELOPMENT, CONSISTING OF APPROXIMATELY 4.06 ACRES IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP TEN NORTH, RANGE FOUR EAST OF THE INDIAN MERIDIAN, SHAWNEE, OKLAHOMA. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTHEAST CORNER OF EAST 45TH STREET AND HYATT ROAD. THE SITE IS PRESENTLY ZONED C-2 COMMERCIAL.

2.0 LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION FIVE (5), TOWNSHIP TEN NORTH (T-10-N), RANGE FOUR EAST (R-4-E) OF THE INDIAN MERIDIAN (I.M.), POTTAWATOMIE COUNTY, OKLAHOMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF NW/4; THENCE NORTH 89°28'28" EAST ALONG THE NORTH LINE OF SAID NW/4 A DISTANCE OF 1397.28 FEET; THENCE SOUTH 00°31'32" EAST A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF E. 45TH STREET, AND THE POINT OF BEGINNING; THENCE SOUTH 44°44'14" WEST A DISTANCE OF 35.52 FEET; THENCE SOUTH 00°00'00" WEST (SOUTH – DEED) A DISTANCE OF 57.11 FEET; THENCE SOUTH 08°03'15" EAST A DISTANCE OF 42.03 FEET; THENCE SOUTH 16°06'29" EAST A DISTANCE OF 181.55 FEET; THENCE NORTH 89°20'38"EAST A DISTANCE OF 562.21 FEET; THENCE NORTH 01°53'54" WEST A DISTANCE OF 297.76 (297.42 – DEED) FEET TO A POINT ON THE SAID SOUTH RIGHT-OF-WAY LINE OF E. 45TH STREET; THENCE SOUTH 89°28'28" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 583.63 (585.34 – DEED) FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 4.06 ACRES, MORE OR LESS.

NOTE: BASIS OF BEARING = N 89°28'28" E = NORTH LINE NW/4 SECTION 5, T-10-N, R-4-E, I.M. (DEED)

NOTE: BEARINGS SHOWN HEREON ARE PLATTED BEARINGS, HOWEVER, THE COORDINATE SYSTEM REMAINS STATE PLANE.

3.0 OWNER-DEVELOPER

THE OWNER AND DEVELOPER OF THIS PLANNED UNIT DEVELOPMENT IS BONRAY REAL ESTATE, L.L.C., 929 EAST BRITTON ROAD, OKLAHOMA CITY OK 73114-7802.

4.0 SITE AND SURROUNDING AREA

THE SITE IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP TEN NORTH, RANGE FOUR EAST OF THE INDIAN MERIDIAN, SHAWNEE, OKLAHOMA. THE

SUBJECT PROPERTY IS LOCATED ON THE SOUTHEAST CORNER OF EAST 45TH STREET AND HYATT ROAD. THE SITE IS PRESENTLY ZONED C-2 COMMERCIAL.

THE SOUTH BOUNDARY ABUTS R-1 WHICH CONTAINS SINGLE FAMILY RESIDENTIAL HOUSING. THE EAST BOUNDARY ABUTS C-2 COMMERCIAL SITE WHICH CONTAINS AN EXISTING BUSINESS.

5.0 PHYSICAL CHARACTERISTICS

THE LAND IS AT AN ELEVATION OF 1020 NEAR THE SOUTHWEST CORNER OF THE SITE AND DRAINS GENERALLY NORTHEAST TO EXIT ELEVATIONS OF APPROXIMATELY 1005 AT THE NORTHEAST CORNER OF THE SITE. NO PORTION OF THE SITE IS IN A 50 OR 100 YEAR FLOOD PLAIN.

THERE ARE APPROXIMATELY 14.6 ACRES OF RUN OFF ENTERING THE SITE FROM THE SOUTH ADJACENT PROPERTY.

6.0 CONCEPT

THE CONCEPT OF THE PLANNED UNIT DEVELOPMENT IS TO DEVELOP THE APPORXIMATELY 4 ACRES AS C-2 GENERAL OFFICE. THE SITE WILL BE DEVELOPED AS AN OFFICE PARK WITH INDIVIDUAL LOTS. ACCESS TO PARKING AND ARTERIALS WILL BE PROVIDED THROUGH A RECIPROCAL EASEMENT AGREEMENT.

THE PROPOSED PROJECT WILL CONSIST OF NINE (9) OFFICE BUILDINGS RANGING FROM 2,500 SQUARE FEET TO 6,000 SQUARE FEET. ALL BUILDINGS WILL BE SINGLE STORY BRICK VENEER.

7.0 SERVICE AVAILABILITY

THE PLANNED UNIT DEVELOPMENT HAS CITY SERVICES AVAILABLE TO SERVE THE SITE AS FOLLOWS:

7.1 STREETS

THE NORTH BOUNDARY ABUTS EAST 45TH STREET AND THE WEST BOUNDARY ABUTS HYATT ROAD. DRIVES WILL BE CONSTRUCTED TO ACCESS THE SITE ALONG THE NORTH ADJACENT STREET.

7.2 SANITARY SEWER

THERE IS A 10" SANITARY SEWER MAIN TO SERVE THIS SITE, WHICH RUNS WEST ALONG THE SOUTH BOUNDARY OF THE SITE. A NEW 8" MAIN WILL BE PROVIDED WITHIN THE COMMON/UTILITY EASEMENT WITHIN THE PROPERTY.

7.3 WATER

THERE IS A 12" WATER MAIN ALONG E. 45TH STREET AND AN 8" WATER MAIN ALONG HYATT ROAD. PRIVATE WATER SERVICE LINES SHALL BE PROVIDED ON

SITE TO PROVIDE SERVICE AND FIRE PROTECTION AS NEEDED.

7.4 <u>FIRE POTECTION</u>

FIRE PROTECTION IS PRESENTLY AVAILABLE FROM THE SHAWNEE FIRE STATION AT 16 W. 9TH STREET, WHICH IS 4 MILES FROM THE SITE.

7.5 <u>ELECTRICITY, NATURAL GAS AND TELEPHONE SERVICE</u>

ADEQUATE ELECTRIC, GAS AND TELEPHONE SERVICE ARE AVAILABLE TO PROVIDE SERVICE FOR THE SITE, AND PROPER COORDINATION WITH THE UTILITY COMPANIES WILL BE MADE DURING THE CONSTRUCTION OF THE PLANNED UNIT DEVELOPMENT.

8.0 <u>SPECIAL DEVELOPMENT REGULATIONS</u>

THE FOLLOWING SPECIAL DEVELOPMENT REGULATIONS AND/OR LIMITATIONS ARE PLACED UPON THE DEVELOPMENT OF THE PLANNED UNIT DEVELOPMENT. PLANNING AND ZONING REGULATIONS WILL BE THOSE, WHICH ARE IN EFFECT AT THE TIME OF DEVELOPMENT OF THIS PLANNED UNIT DEVELOPMENT, PROVIDED, HOWEVER, THAT THE DENSITY AND OR INTENSITY OF THE PUD SHALL NOT BE INCREASED. DEVELOPMENT IS WHEN A PERMIT IS ISSUED FOR ANY CONSTRUCTIONS OR ADDITION TO ANY STRUCTURE ON A DEVELOPMENT TRACT. CERTAIN ZONING DISTRICTS ARE REFERRED TO AS A PART OF THE SPECIAL DEVELOPMENT REGULATIONS OF THIS PLANNED UNIT DEVELOPMENT REGULATIONS, THE OPERATIVE AND CONTROLLING LANGUAGE AND REGULATIONS OF SUCH ZONING DISTRICTS SHALL BE THE LANGUAGE AND REGULATIONS OF SUCH ZONING DISTRICTS APPLICABLE TO THE REFERENCED ZONING DISTRICTS AS CONTAINED IN THE CITY OF SHAWNEE'S PLANNING AND ZONING CODE AS SUCH EXISTS AT THE TIME OF DEVELOPMENT OF THIS PLANNED UNIT DEVELOPMENT. IN THE EVENT OF CONFLICT BETWEEN PROVISIONS OF THE PUD AND ANY OF THE PROVISIONS OF THE SHAWNEE MUNICIPAL CODE, AS A MENDED ("CODE"), IN EFFECT AT THE TIME A PERMIT IS APPLIED FOR WITH RESPECT TO ANY LOT, BLOCK, TRACT AND/OR PARCEL OF LAND SUBJECT TO THIS PUD, THE PROVISIONS OF THE CODE SHALL PREVAIL AND BE CONTROLLING; PROVIDED HOWEVER, THAT IN THE EVENT OF A CONFLICT BETWEEN THE SPECIAL USE AND DEVELOPMENT REGULATIONS SPECIFICALLY NEGOTIATED AS A PART OF THIS PUD AND THE PROVISIONS OF THE CODE IN EFFECT AT THE TIME A PERMIT IS APPLIED FOR WITH RESPECT TO ANY LOT, BLOCK, TRACT AND/OR PARCEL OF LAND SUBJECT TO THIS PUD, SUCH SPECIAL USE AND DEVELOPMENT REGULATIONS OF THIS PUD SHALL PREVAIL AND BE CONTROLLING.

9.0 <u>USE AND DEVELOPMENT REGULATIONS</u>

THE USE AND DEVELOPMENT REGULATIONS OF THE C-2 GENERAL OFFICE DISTRICT SHALL GOVERN THIS PUD, EXCEPT AS HEREIN MODIFIED, INCLUDING CONDITIONAL, SPECIAL PERMIT, SPECIAL EXCEPTION, ALCOHOL BEVERAGE CONSUMPTION REQUIREMENTS AND/OR ACCESSORY USES SUBJECT THEIR APPROPRIATE CONDITIONS AND REVIEW PROCEDURES FOR PUBLIC HEARINGS WHERE APPLICABLE, UNLESS

OTHERWISE NOTED HEREIN.

9.1 <u>FAÇADE REGULATIONS</u>

ALL STRUCTURES SHALL HAVE A MINIMUM 90% BRICK STONE EXTERIOR FINISH WITH NO EXPOSED METAL SIDING EXCEPT DOORS AND WINDOWS. MASONRY SHALL BE REQUIRED FOR GABLE END OF PITCHED ROOFS.

9.2 <u>LANDSCAPING REGULATIONS</u>

THE SUBJECT PARCEL SHALL MEET THE 10% LANDSCAPING REQUIREMENT EXCLUDING ALL COMMON ACCESS EASEMENTS. ALL PARKING ISLANDS SHOWN AT THE INTERSECTIONS ARE TO BE LANDSCAPED AND MAINTAINED. THE WESTERN PERIMETER ABUTTING HYATT DRIVE IS TO BE LANDSCAPED AND MAINTAINED.

9.3 <u>LIGHTING REGULATIONS</u>

TO MINIMIZE LIGHT SPILLOVER ON RESIDENTIAL USES, OUTDOOR LIGHTS WITHIN ANY OFFICE OR COMMERCIAL TRACTS WILL BE DIRECTED AWAY FROM ADJACENT RESIDENTIAL PROPERTIES. TO ACOMPLISH THIS, LIGHTS SHALL UTILIZE SHIELDS, SHADES, OR OTHER APPROPRIATE METHODS OF DIRECTING LIGHT BEAMS. LIGHTING STANDARDS SHALL HAVE A MAXIMUM HEIGHT OF 12 FEET.

9.4 <u>PLATTING REGULATIONS</u>

PLATTING OF THIS PLANNED UNIT DEVELOPMENT SHALL BE REQUIRED PRIOR TO DEVELOPMENT.

9.5 <u>DRAINAGE REGULATIONS</u>

DRAINAGE IMPROVEMENTS, IF REQUIRED, WILL BE IN ACCORDANCE TO APPLICABLE SECTIONS OF SHAWNEE CODE OF ORDINANCES. DRAINAGE WAYS MAY BE PERMITTED AND CONSTRUCTED IN ACCORDANCE WITH SECTION 18-247 OF THE SHAWNEE MUNICIPAL CODE, WHICH INCLUDES CERTAIN ALLOWANCES IN CONSTRUCTION STANDARDS FOR PLANNED UNIT DEVELOPMENTS, PROVIDED THE PUD IS PLATTED WITH DRAINAGE AREAS CONFINED TO COMMON AREAS.

9.6 <u>DUMPSTER REGULATIONS</u>

DUMPSTER SHALL BE LOCATED WITHIN AN AREA SCREENED BY A 6-8' HIGH FENCE OR MASONRY WALL.

9.7 <u>ACCESS REGULATIONS</u>

9.7.1 VEHICULAR ACCESS SHALL BE FROM TWO ENTRY DRIVES ALONG E. 45TH STREET.

9.7.2 LOTS WITHIN THIS PUD WILL NOT BE REQUIRED TO HAVE FRONTAGE

ON AN APPROVED STREET. ACCESS TO INDIVIDUAL LOTS WITHIN THE PUD SHALL BE PERMITTED FROM A PRIVATE DRIVE. THE PRIVATE DRIVE SHALL BE PLACED WITHIN A COMMON AREA DESIGNATED FOR ACCESS PURPOSES. PRIVATE SHARED ACCESS DRIVES WILL PROVIDE INTERNAL CIRCULATION. PRIVATE SHARED ACCESS DRIVES SHALL HAVE A MINIMUM WIDTH OF 28 FEET.

9.7.3 THE PROPERTY OWNERS THROUGH THE USE OF A RECORDED RECIPROCAL AGREEMENT SHALL GOVERN MAINTENANCE OF THE PRIVATE DRIVES.

9.8 PARKING REGULATIONS

THE DESIGN OF ALL PARKING FACILITIES IN THIS PUD SHALL ALLOW PARKING ALONG THE COMMON AREA DRIVES. THE PARKING NUMBER OF ALL PARKING FACILITIES SHALL BE IN ACCORDANCE WITH SECTION 22-185 OF THE SHAWNEE MUNICIPAL CODE.

9.9 SIGNAGE REGULATIONS

9.9.1 THERE SHALL BE 1 FREESTANDING SIGN IN THIS PUD. THE FREESTANDING SIGN WITHIN THIS PUD SHALL BE A GROUND (MONUMENT) SIGN HAVING A HEIGHT OF 10 FT AND SHALL HAVE NO MORE THAN 170 SQUARE FEET IN AREA AND SHALL HAVE NO LESS THAN 25 SQUARE FEET OF LANDSCAPING AT THE BASE. NO POLE SIGNS WILL BE ALLOWED.

9.10 ROOFING REGULATIONS

ALL ROOFS ON PRIMARY STRUCTURES SHALL BE CLASS 'C' OR BETTER RATED, WITH 40 YEAR COMPOSITION ROOFS AND NO WOOD SHINGLE ROOFS SHALL BE PERMITTED. ROOFTOP MECHANICAL EQUIPMENT MAY BE PROVIDED WHERE NECESSARY.

9.11 HEIGHT REGULATIONS

THE BASE ZONING DISTRICT REGULATIONS SHALL REGULATE HEIGHTS OF STRUCTURES IN THIS PLANNED DEVELOPMENT.

9.12 SETBACK REGULATIONS

UNLESS MODIFIED HEREIN, YARD REQUIREMENTS IN THIS PLANNED UNIT DEVELOPMENT SHALL BE THE SAME AS THE BASE ZONING DISTRICT.

9.13 PUBLIC IMPROVEMENTS

PUBLIC IMPROVEMENTS SHALL BE MADE BY THE PROPERTY OWNER THROUGHOUT THE PLANNED UNIT DEVELOPMENT AS REQUIRED BY THE CITY OF SHAWNEE PUBLIC WORKS DEPARTMENT OR AGENCY. ALL LOCAL, STATE AND FEDERAL ORDINANCES AS THEY SHALL APPLY TO THE SITE WILL BE

ADHERED TO FULLY.

9.14 <u>COMMON AREAS</u>

MAINTENANCE OF THE COMMON AREAS IN THE DEVELOPMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER OR PROPERTY OWNERS' ASSOCIATION. NO STRUCTURES, STORAGE OF MATERIAL, GRADING, FILL, OR OTHER OBSTRUCTIONS, INCLUDING FENCES, EITHER TEMPORARY OR PERMANENT, THAT SHALL CAUSE A BLOCKAGE OF FLOW OR AN ADVERSE EFFECT ON THE FUNCTIONING OF THE STORM WATER FACILITY, SHALL BE PLACED WITHIN THE COMMON AREAS INTENDED FOR THE USE OF CONVEYANCE OF STORM WATER, AND/OR DRAINAGE EASEMENTS SHOWN. CERTAIN AMENITIES SUCH AS, BUT NOT LIMITED TO, WALKS, BENCHES, PIERS, AND DOCKS, SHALL BE PERMITTED IF INSTALLED IN A MANNER TO MEET THE REQUIREMENTS SPECIFIED ABOVE.

THE BOUNDARY OF THE COMMON AREA SHALL BE ADJUSTED, IF NECESSARY, TO ENSURE THAT THE COMMON AREA COVERS THE ENTIRE 100-YEAR FLOOD PLAIN.

10.0 <u>DEVELOPMENT SEQUENCE</u>

DEVELOPMENT PHASING SHALL BE ALLOWED AS PART OF THIS PUD.

11.0 <u>SIDEWALK REGULATIONS</u>

SIX-FOOT (6') SIDEWALKS SHALL BE CONSTRUCTED ALONG E. 45TH STREET AND HYATT ROAD WITH EACH DEVELOPMENT PARCEL SUBJECT TO THE POLICIES AND PROCEDURES OF THE PUBLIC WORKS DEPARTMENT.

12.0 <u>PERMIT REQUIREMENTS</u>

APPLICATIONS FOR BUILDING PERMITS IN THIS PUD MUST INCLUDE AN OVERALL PUD SITE PLAN THAT DEPICTS THE LOCATION OF THE PROPOSED BUILDING PERMIT AND THE SIZE AND ADDRESS OF ALL EXISTING BUILDINGS AS WELL AS ALL EXISTING PARKING AND LANDSCAPING IN THE COMMERCIAL PART OF THE PUD AND PARKING AND LANDSCAPING PROPOSED FOR THE BUILDING FOR WHICH A BUILDING PERMIT IS REQUESTED.

13.0 <u>OWNER'S MAINTENANCE RESPONSIBILITY OF LOT</u>

FOR PURPOSES OF MAINTENANCE, REPAIR, ALTERATION AND REMODELING, AN OWNER SHALL BE RESPONSIBLE FOR ALL PORTIONS OF THE LOT AND BUILDING, IRRIGATION SYSTEMS AND STANDARD LANDSCAPE MAINTENANCE IN ADDITION TO THE MAINTENANCE RESPONSIBILITY SET FORTH IN SECTION 3.3 OF THE COVENANTS. REPLACEMENT OF DEAD LANDSCAPING SHALL BE THE RESPONSIBILITY OF THE OWNERS. IN FURTHERANCE THEREOF, THE OWNER OF ANY LOT SHALL HAVE THE

DUTY OF AND RESPONSIBILITY FOR KEEPING THE PREMISES, BUILDING (BOTH INTERIOR AND EXTERIOR), IMPROVEMENTS, AND APPURTENANCES, IN A WELL MAINTAINED, SAFE, CLEAN, AND ATTRACTIVE CONDITION AT ALL TIMES. IF, IN THE OPINION OF THE BOARD OF DIRECTORS OF THE ASSOCIATION, ANY OWNER FAILS TO FULFILL HIS DUTY AND RESPONSIBILITY, THE ASSOCIATION MAY ELECT TO GIVE NOTICE OF SUCH FACT TO THE OWNER, WHO SHALL WITHIN SEVEN (7) DAYS OF SUCH NOTICE, UNDERTAKE THE CARE AND MAINTENANCE REQUIRED TO RESTORE SAID OWNER'S BUILDING OR LOT TO A SAFE, CLEAN, AND ATTRACTIVE CONDITION. SHOULD ANY SUCH OWNER FAIL TO FULFILL ITS DUTY AND RESPONSIBILITY AFTER SUCH NOTICE, THE ASSOCIATION SHALL HAVE THE RIGHT AND POWER TO PERFORM SUCH CARE AND MAINTENANCE, AND THE OWNER SHALL BE LIABLE FOR THE COSTS THEREOF PLUS 20% OF THE COST TO CURE SUCH FAILURE AS AN ADMINISTRATIVE FEE. IF SUCH OWNER FAILS TO REIMBURSE THE ASSOCIATION FOR THE COST OF SUCH CARE AND MAINTENANCE UPON RECEIPT OF AN INVOICE THEREFOR, THE AMOUNT OF SUCH CHARGE SHALL CONSTITUTE A LIEN UPON THE LOT AND BUILDING ENFORCEABLE AS ANY OTHER MORTGAGE LIEN.

14.0 <u>ASSOCIATION'S MAINTENCANCE, OPERATION, REPAIR AND ALTERATIONS RESPONSIBILITY.</u>

THE ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE, OPERATION, AND REPAIR OF THE COMMON ELEMENTS, IRRIGATION SYSTEMS AND STANDARD LANDSCAPE MAINTENANCE FOR THE COMMON ELEMENTS.

15.0 <u>OBLIGATION TO PAY PRO-RATA SHARE</u>.

ALL OWNERS SHALL BE OBLIGATED TO PAY THE ASSESSMENTS, EITHER ESTIMATED OR ACTUAL, IMPOSED BY THE BOARD OF DIRECTORS OF THE ASSOCIATION TO MEET THE COMMON EXPENSES.

16.0 <u>RESERVATION FOR ACCESS, MAINTENANCE, REPAIR AND EMERGENCIES; NEGLIGENCE OF OWNER; EASEMENT BY ASSOCIATION</u>

THE ASSOCIATION, OR ITS AGENTS, SHALL HAVE ACCESS TO EACH LOT AND BUILDING FROM TIME TO TIME DURING REASONABLE HOURS AS MAY BE NECESSARY FOR THE MAINTENANCE, REPAIR OR REPLACEMENT OF ANY OF THE COMMON ELEMENTS THEREON OR ACCESSIBLE THEREFROM, OR FOR MAKING EMERGENCY REPAIRS THEREIN NECESSARY TO PREVENT DAMAGE TO THE COMMON ELEMENTS OR TO ANOTHER LOT OR BUILDING. DAMAGE TO THE INTERIOR OR ANY PART OF A BUILDING OR ANY PART OF A LOT RESULTING FROM THE MAINTENANCE, REPAIR, EMERGENCY REPAIR OR REPLACEMENT OF ANY OF THE COMMON ELEMENTS OR AS A RESULT OF EMERGENCY REPAIRS WITHIN ANOTHER LOT, AT THE INSTANCE OF THE ASSOCIATION, SHALL BE A COMMON EXPENSE OF ALL OF THE OWNERS; PROVIDED, HOWEVER, IF SUCH DAMAGE IS THE RESULT OF THE MISUSE OR NEGLIGENCE OF AN OWNER, THEN SUCH OWNER SHALL BE RESPONSIBLE AND LIABLE FOR ALL SUCH DAMAGE. ALL MAINTENANCE, REPAIRS AND REPLACEMENTS AS TO THE COMMON ELEMENTS (UNLESS NECESSITATED BY THE NEGLIGENCE OR MISUSE OF A LOT OWNER,

IN WHICH CASE SUCH EXPENSE SHALL BE CHARGED TO SUCH LOT OWNER), SHALL BE THE COMMON EXPENSE OF ALL THE OWNERS.

17.0 EXHIBITS

THE FOLLOWING EXHIBITS ARE HEREBY ATTACHED AND INCORPORATED IN TO THIS PUD. THESE EXHIBITS ARE:

A. LEGAL DESCRIPTION AND TOPOGRAPHIC SITE SURVEY

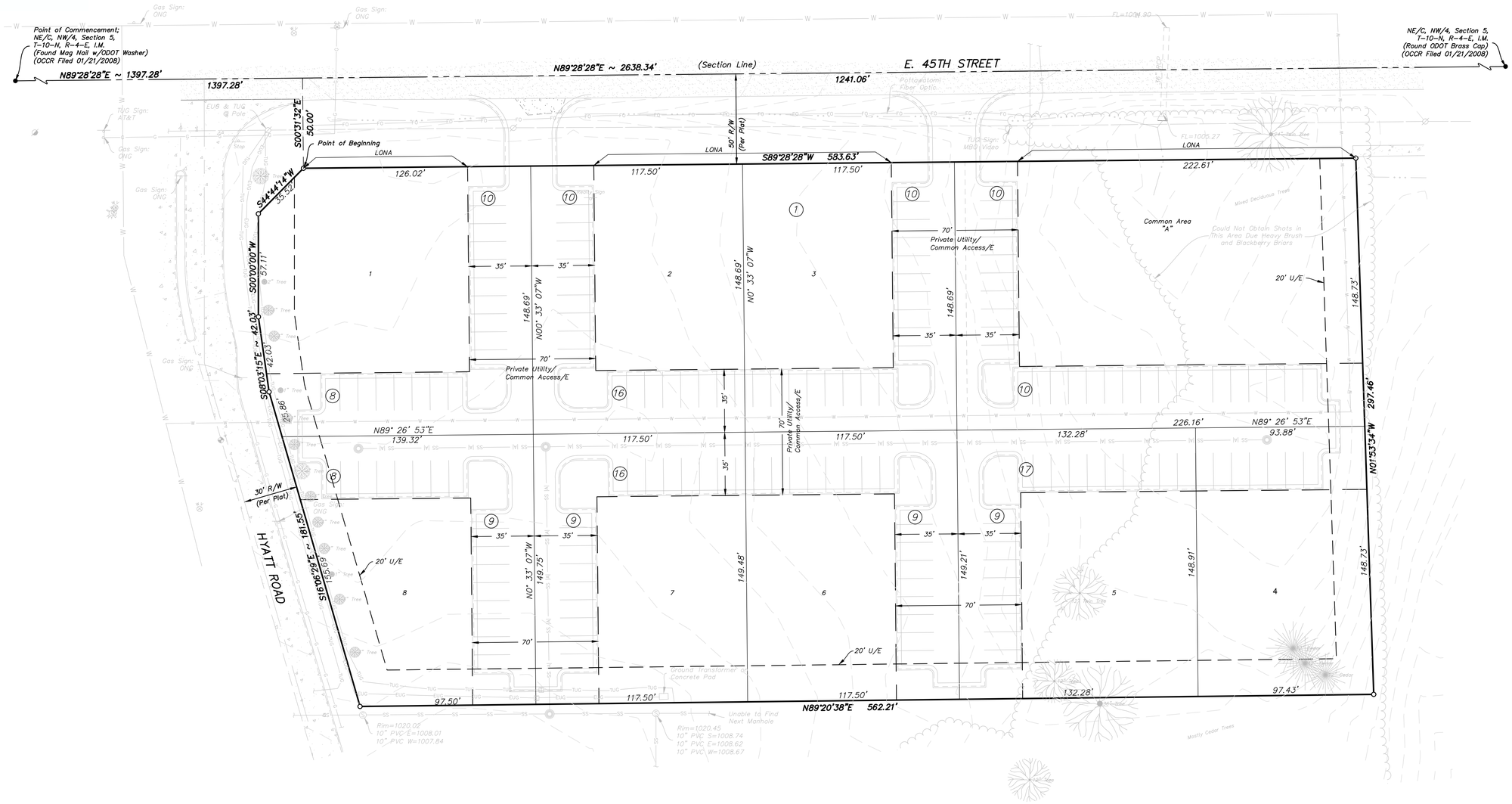
B. MASTER DEVELOPMENT PLAN

EXHIBIT

3

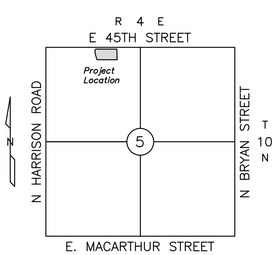
PRELIMINARY PLAT FOR
SHAWNEE TRAIL OFFICE PARK

PART OF THE NORTHWEST 1/4, SECTION 5, T10N, R4E, I.M.
SHAWNEE, OKLAHOMA, POTTAWATOMIE COUNTY, OKLAHOMA



TOPOGRAPHIC LEGEND

FIRE HYDRANT	ELECTRIC UNDERGROUND LINE
GAS VALVE	OVERHEAD ELECTRIC LINE
TRA GROUND TRANSFORMER	GAS LINE
SANITARY SEWER MANHOLE (PROPOSED)	SANITARY SEWER LINE
SANITARY SEWER MANHOLE	STORM DRAIN LINE
TRANSFORMER POLE	UNDERGROUND TELEPHONE LINE
POWER POLE	UNDERGROUND FIBER OPTIC LINE
DOWN GUY	WATER LINE
MONUMENT FOUND	CURB AND GUTTER
MONUMENT SET (#4 BAR)	SURFACE DRAINAGE FLOWLINE
SIGN	TREE DRIP LINE
TELEPHONE RISER	CONCRETE
WATER VALVE BOX	ASPHALT
ELECTRIC RISER	LONA LIMITS OF NO ACCESS
BENCHMARK	



LOCATION MAP

LEGAL DESCRIPTION

A tract of land located in the Northwest Quarter (NW/4) of Section Five (5), Township Ten North (T-10-N), Range Four East (R-4-E) of the Indian Meridian (I.M.), Pottawatomie County, Oklahoma, and being more particularly described as follows:

Commencing at the Northwest corner of said NW/4;
Thence North 89°28'28" East along the North line of said NW/4 a distance of 1397.28 feet;
Thence South 00°31'32" East a distance of 50.00 feet to a point on the South right-of-way line of E. 45th Street, and the Point of Beginning;
Thence South 44°44'14" West a distance of 35.52 feet;
Thence South 00°00'00" West (South - deed) a distance of 57.11 feet;
Thence South 08°03'15" East a distance of 42.03 feet;
Thence South 16°06'29" East a distance of 181.55 feet;
Thence North 89°20'38" East a distance of 562.21 feet;
Thence North 01°53'54" West a distance of 297.76 (297.42 - deed) feet to a point on the said South right-of-way line of E. 45th Street;
Thence South 89°28'28" West along said right-of-way a distance of 583.63 (585.34 - deed) feet to the Point of Beginning.

Said tract contains 4.06 acres, more or less.

Note: Basis of Bearing = N 89°28'28" E = North line NW/4 Section 5, T-10-N, R-4-E, I.M. (deed)

Note: Bearings shown hereon are platted bearings, however, the Coordinate System remains State Plane.

Engineering By: Corey Lipps PE #21291 of

CARDINAL ENGINEERING
An ENVIROCLEAN Company

525 Central Park, Suite 402
Oklahoma City, OK 73105
PHONE (405)842-1066
FAX (405)843-4687
CA # 7110 EXP.DATE 6/30/18

Surveying By: William Sullivan PLS #1571 of

LEMKE LAND SURVEYING, LLC

3226 BART CONNER DR.
NORMAN, OK 73072
PH.(405)366-8541
FAX(405)366-8540
CA # 6975 EXP.DATE 6/30/19
http://www.LEMKE-LS.com

City of Shawnee Planning Department 222. N. Broadway Shawnee, OK 74801 (405) 878-1616 Fax: (405) 878-1587 www.ShawneeOK.org	City of Shawnee OKLAHOMA	CASE # S02-18 PUBLIC HEARING DATE: January 3, 2018 CITY COMMISSION DATE: January 16, 2018

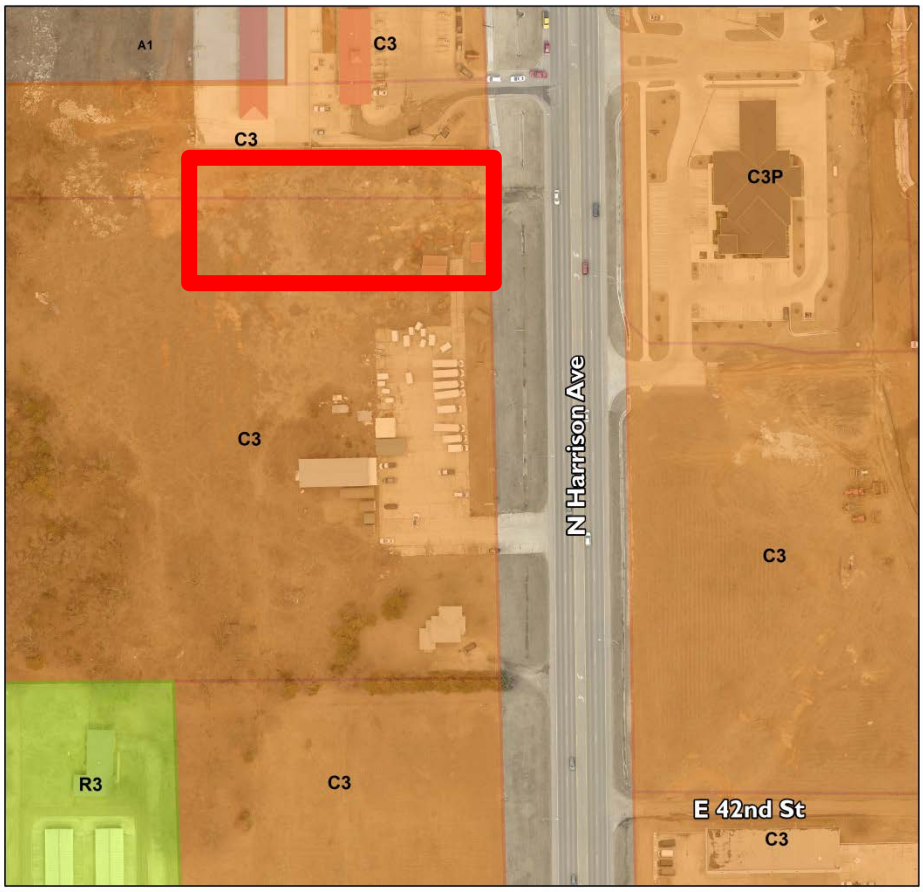
APPLICANT: Amy Landry	3202 Avenue N Galveston, TX 77550	(817)-851-5414

PROPERTY ADDRESS/LOCATION:

Near Intersection of N. Harrison St. and 45th St.

SUMMARY OF REQUEST:

The applicant has requested final plat approval for a tract of land located south of 45th Street on the west side of Harrison Avenue. The site is approximately 1.16 acres in size and zoned C3 (Highway Commercial). The preliminary plat was approved by City Commission on November 6th, 2017. Intended on this property is the construction of an eating establishment with a drive-through.



EXISTING ZONING:	EXISTING LAND USE:	SURROUNDING ZONING & LAND USE:	Number of Lots:	PROPERTY SIZE:
C3	Vacant	C-3 (Highway Commercial)	1	1.16 ac.

STAFF REVIEW AND ANALYSIS

Staff has reviewed the Chicken Express Final Plat (Exhibit 1) and finds it in general conformance with the Shawnee Zoning Code, Subdivision Regulations, and Comprehensive Plan.

At Staff's recommendation, the following five (5) conditions were included in the approval of the Chicken Express Preliminary Plat:

1. The proposed "outlot," located at the property's north-east corner shall be corrected and shown as an easement rather than a lot.

2. Per Section 60.9.3 of the Subdivision Regulations, no portion of the building shall be located more than 300' from a fire hydrant.
3. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
4. Necessary drainage plans must be approved by the City Engineer concurrent with Final Plat approval.
5. All other applicable City standards apply.

In reviewing the final plat submittal, all of the conditions listed have been met. In regard to infrastructure, a 10" public sewer main will be extended approximately 175' from its existing located west of the subject property for service, while the City's 8" water main currently exists adjacent to the site, along the east side of Harrison Ave. Storm water detention is shown on-site and will be required to maintain runoff based on pre-development calculations. A six (6') foot sidewalk is required along Harrison Ave., and the site must adhere to all landscaping and façade requirements.

Final Plat Recommendation

Staff Recommends approval of the Chicken Express Final Plat with the following conditions:

1. Final construction documents must be approved by the City Engineer prior to construction.
2. Final engineered drainage plan must be approved by the City Engineer prior to construction.
3. All other applicable City standards apply.

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	

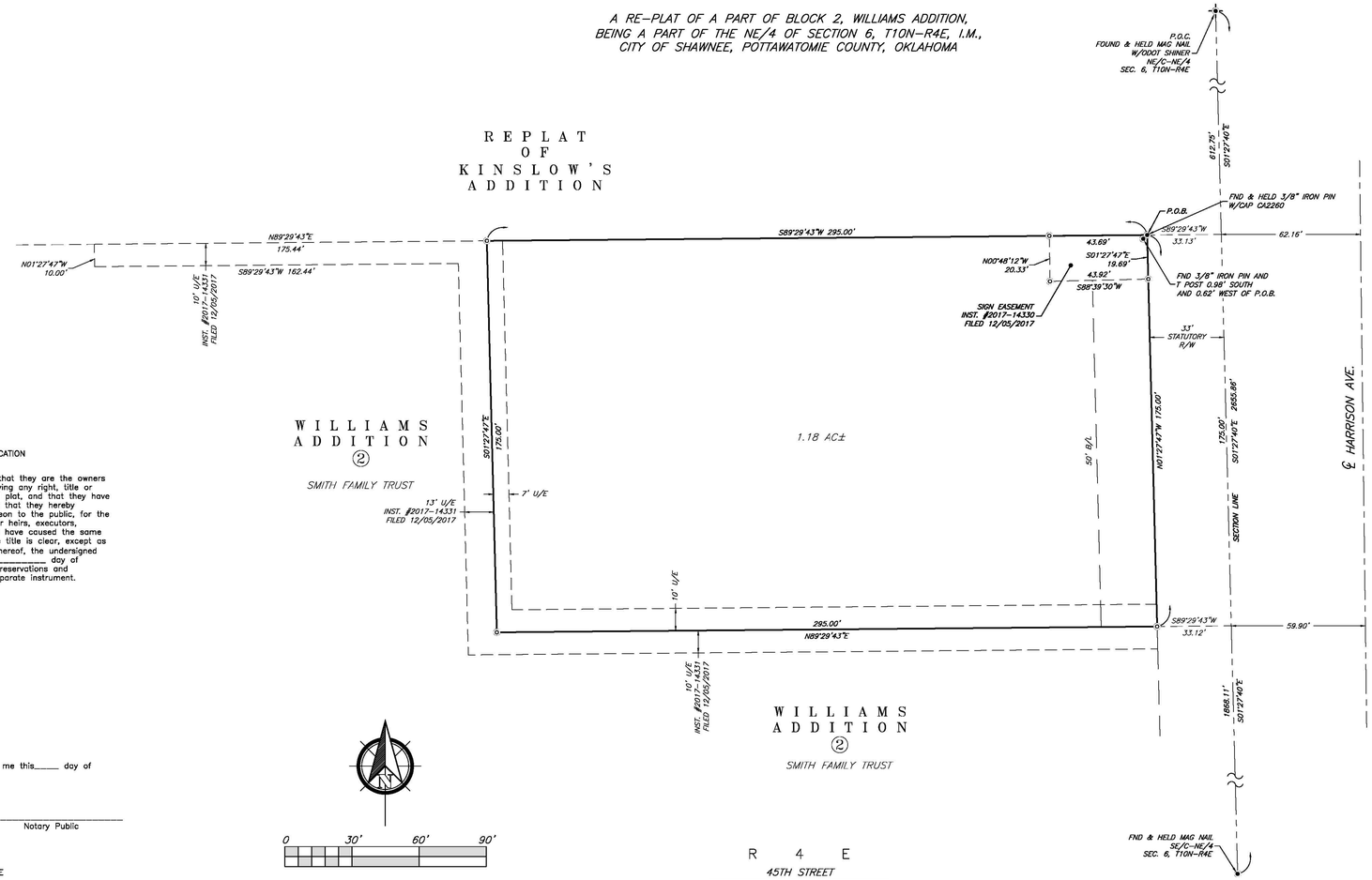
Attachments:

Exhibit 1: Chicken Express Final Plat
Exhibit 2: Chicken Express Preliminary Plat

RE–PLAT

CHICKEN EXPRESS ADDITION

A RE–PLAT OF A PART OF BLOCK 2, WILLIAMS ADDITION,
BEING A PART OF THE NE/4 OF SECTION 6, T10N–R4E, I.M.,
CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA



SCALE: 1" = 30'

BASIS OF BEARING OF S01°27'40"E
ALONG THE EAST LINE OF NE/4 OF SECTION 6, T10N–R4E, I.M.
ACCORDING TO ODOT HIGHWAY PLANS STATE AID
PROJECT NO. SAP–63(55), SHEET 23, POTTAWATOMIE COUNTY

LEGEND

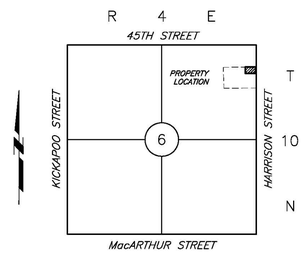
(o) INDICATES 3/8" IRON PIN, SET W/CAP "CA 2260"

(•) INDICATES EXISTING MONUMENT

U/E UTILITY EASEMENT

B/L BUILDING LINE (SETBACK)

R/W RIGHT–OF–WAY



LOCATION MAP
1" = 2000'

LEGAL DESCRIPTION

BEING PART OF LOT TWO (2) IN THE WILLIAMS ADDITION IN THE CITY OF SHAWNEE, OKLAHOMA, BEING OTHERWISE DESCRIBED AS FOLLOWS: A PARCEL OF LAND LYING AND SITUATED IN THE NORTHEAST QUARTER (NE/4) OF SECTION SIX (6), TOWNSHIP TEN (10) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA, DESCRIBED AS FOLLOWS: COMMENCING AT A MAG NAIL BEING LOCATED AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE/C NE/4) OF SECTION SIX (6); THENCE S01°27'40"E FOR A DISTANCE OF 612.75 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER (NE/4); THENCE S89°29'43"W FOR A DISTANCE OF 33.13 FEET TO AN EXISTING 3/8" IRON PIN WITH A CA2260 CAP BEING LOCATED ON THE STATUTORY RIGHT OF WAY ALSO BEING THE POINT OF BEGINNING; THENCE S89°29'43"W FOR A DISTANCE OF 295.00 FEET; THENCE S01°27'47"E FOR A DISTANCE OF 175.00 FEET; THENCE N89°29'43"E FOR A DISTANCE OF 295.00 FEET TO A POINT ON SAID RIGHT OF WAY; THENCE N01°27'47"W FOR A DISTANCE OF 175.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.18 ACRES, MORE OR LESS. THIS DEED WAS PREPARED BY CHRIS D'AMICO (LS1945) ON AUGUST 25, 2017.

FLOOD STATEMENT

THIS PROPERTY IS LOCATED IN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER F.I.R.M. POTTAWATOMIE COUNTY, OKLAHOMA AND INCORPORATED AREAS, PANEL 210 OF 550, MAP NUMBER 40125C0210–H, MAP REVISED 9–3–2010.

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS:
That *Paul Pogue 2012 Trust*, does hereby certify that they are the owners of and the only persons, firms, or corporation having any right, title or interest in and to the land shown on the annexed plat, and that they have caused the same to be surveyed and platted, and that they hereby dedicate all the streets and easements shown hereon to the public, for the purposes of streets, utilities and drainage, for their heirs, executors, administrators, successors and assign forever, and have caused the same to be released from all encumbrances so that the title is clear, except as shown in the abstractor's certificate. In Witness Whereof, the undersigned have caused this instrument to be executed this _____ day of _____, 20____. Covenants, reservations and restrictions for this addition are contained in a separate instrument.

_____
Paul Pogue
Paul Pogue 2012 Trust

STATE OF OKLAHOMA)
)SS:
COUNTY OF POTTAWATOMIE)

The foregoing instrument was acknowledged before me this_____ day of _____, 20____.

My Commission Expires:

_____ _____
Notary Public

LAND SURVEYOR'S CERTIFICATE

I, Chris D'Amico, Professional Land Surveyor, do hereby certify that the annexed re–plat of **Chicken Express Addition**, an addition to the City of **Shawnee**, **Pottawatomie** County, Oklahoma, correctly represents a careful survey made under my supervision and any monuments shown thereon actually exist and their respective positions are correctly shown. I futher certify that this plat complies with the requirements of Senate Bill No. 377, Section 518, as amended.

_____
Chris D'Amico, L.S. 1945

STATE OF OKLAHOMA)
)SS:
COUNTY OF POTTAWATOMIE)

The foregoing instrument was acknowledged before me this_____ day of _____, 20____.

My Commission Expires:

_____ _____
Notary Public

BONDED ABSTRACTOR'S CERTIFICATE

The undersigned, a duly qualified abstractor in and for **Pottawatomie** County, State of Oklahoma, hereby certifies that according to the records of said County, title to the land included in the annexed re–plat of **Chicken Express Addition**, an Addition to the City of **Shawnee**, **Pottawatomie** County, Oklahoma, appears to be vested in *Paul Pogue 2012 Trust*. All lands described and referred to are unencumbered by pending actions, judgements, liens, mortgages, taxes and other encumbrances, EXCEPT oil, gas and other mineral leases and interests which have been previously conveyed and easements and general mortgages of record.

EXECUTED at City of **Shawnee**, **Pottawatomie** County, State of Oklahoma, on this __ day _____, 20____.

ATTEST: First American Title and Trust

By:_____ By:_____
Asst. Secretary Vice–President

STATE OF OKLAHOMA)
)SS:
COUNTY OF POTTAWATOMIE)

The foregoing instrument was acknowledged before me this_____ day of _____, 20____.

By _____, Vice–President of **First American Title and Trust**, an Oklahoma Corporation, on behalf of the Corporation.

My Commission Expires:

_____ _____
Notary Public

COUNTY TREASURER'S CERTIFICATE

I,_____ , do hereby certify that I am the duly elected, qualified and acting County Treasurer of **Pottawatomie** County, State of Oklahoma, that the tax records of said County show all taxes are paid for the year 20____, and prior years on the land shown on the annexed plat, that the required statutory security has been deposited in the office of the County Treasurer, guaranteeing payment of the current years taxes. IN WITNESS WHEREOF, said County Treasurer has caused this instrument to be executed at the City of **Shawnee**, Oklahoma, this _____ day of _____, 20____.

_____
County Treasurer

CITY PLANNING COMMISSION APPROVAL

I,_____ , Chairman of the City Planning Commission for the City of **Shawnee**, State of Oklahoma, hereby certify that the said commission duly approved the annexed plat on the _____ day of _____, 20____.

_____
CHAIRMAN

ACCEPTANCE OF DEDICATION OF CITY COMMISION

BE IT RESOLVED by the Council of the City of **Shawnee**, Oklahoma, that the dedications shown on the annexed plat are hereby accepted. Adopted by the Council of the City of **Shawnee**, Oklahoma, this _____ day of _____, 20____.

Attest: City of **Shawnee**, Oklahoma

_____ _____
City Clerk Mayor

CERTIFICATE OF CITY CLERK

I,_____ , City Clerk of the City of **Shawnee**, State of Oklahoma, hereby certify that I have examined the records of said City and find that all deferred payments or unmatured installments upon special assessments have been paid in full and that there is no special assessment procedure now pending against the land shown on the annexed plat on this _____ day of _____, 20____.

_____
City Clerk

OWNER'S CORPORATE SEAL

OWNER'S NOTARY SEAL

LAND SURVEYOR'S SEAL

SURVEYOR'S NOTARY SEAL

BONDED ABSTRACTOR'S SEAL

COUNTY TREASURER'S SEAL

CITY CORPORATE SEAL

THIS PLAT OF 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.

IF THE SURVEYOR'S SEAL IMPRESSION IS NOT RED COLORED, THE PLAT IS A COPY.

DWG FILE: P:\ENGINEERING\2017\CHICKEN EXPRESS\BASE.DWG

LANDES ENGINEERING L.L.C. & ASSOCIATES
www.landesengineering.net
903 EAST 35TH STREET SHAWNEE, OKLAHOMA 74804
(405) 275–5388 CA #2260 EXP. 6–30–19

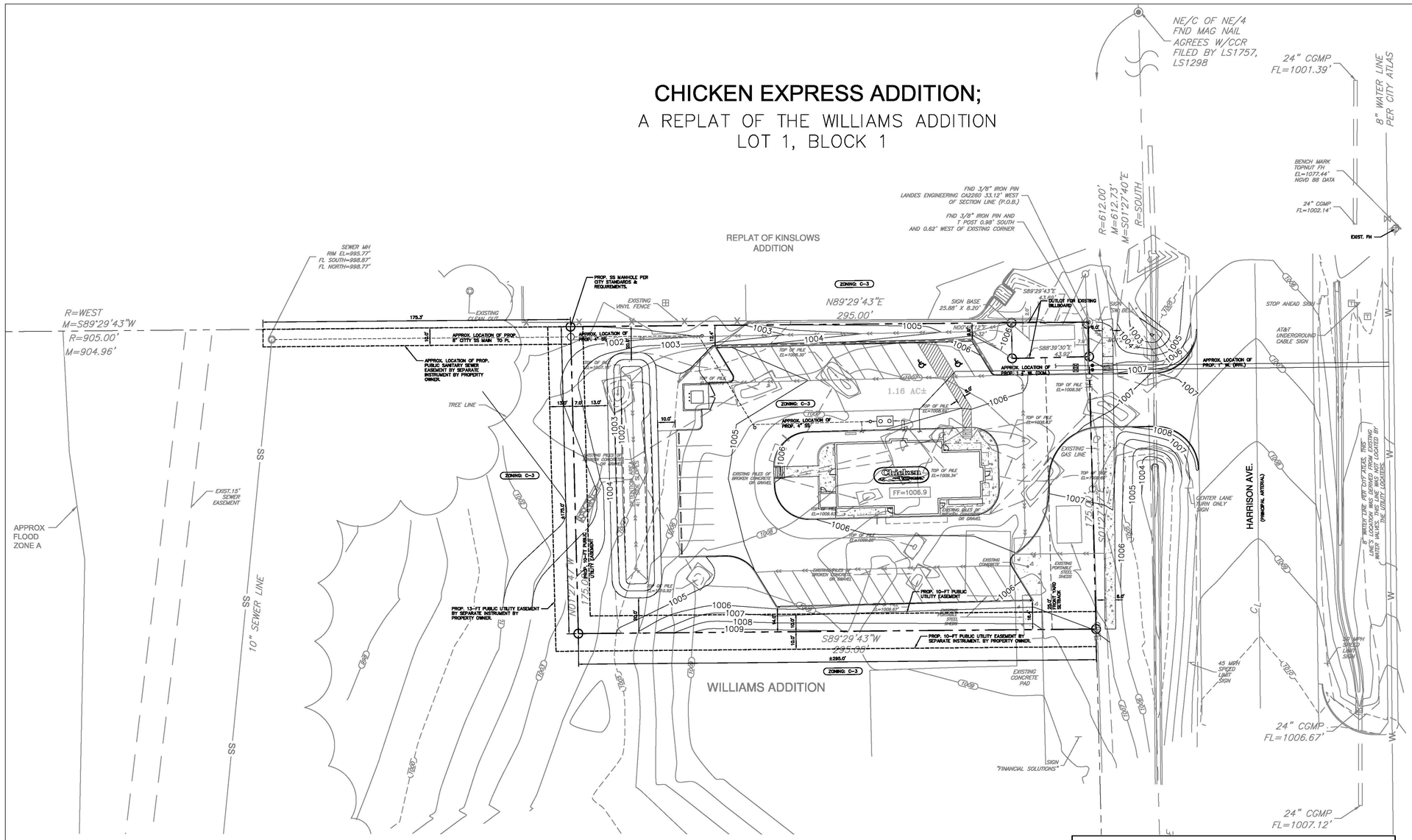
DATE: 12/06/2017 REV.

Chicken Express Addition
SHAWNEE, OKLAHOMA

DRAWN BY: ml
CHECKED CD
SHEET NUMBER: 1 of 1

CHICKEN EXPRESS ADDITION;

A REPLAT OF THE WILLIAMS ADDITION
LOT 1, BLOCK 1



DRAWING LEGEND

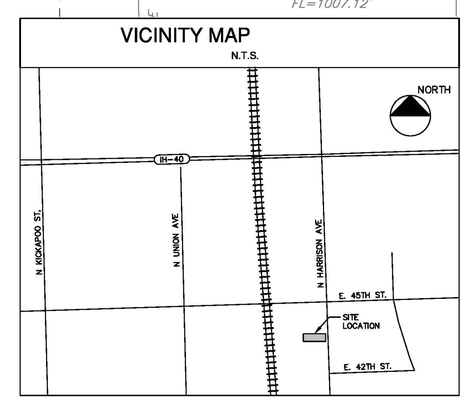
	PROPERTY LINE
	ADJOINING PROPERTY LINE
	PROP. EDGE OF PAVEMENT
	CURB LINE
	EASEMENT/SETBACK LINES
100	EXIST. CONTOUR LINE
100	PROP. CONTOUR LINE
	BREAKLINE/RIDGE
	SWALE
	PROP. WATER LINE
	PROP. SS LINE
	PROP. CLEANOUT
SS	SAN. SEWER
WL	WATER LINE
DOM.	DOMESTIC WATER
IRRI.	IRRIGATION

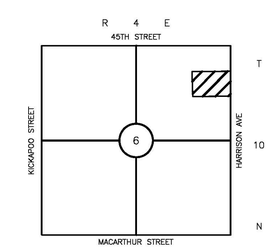
LEGAL DESCRIPTION:

BEING PART OF LOT TWO (2) IN THE WILLIAMS ADDITION IN THE CITY OF SHAWNEE, OKLAHOMA, BEING OTHERWISE DESCRIBED AS FOLLOWS: A PARCEL OF LAND LYING AND SITUATE IN THE NORTHEAST QUARTER (NE/4) OF SECTION SIX (6), TOWNSHIP TEN (10) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA, DESCRIBED AS FOLLOWS: COMMENCING AT A MAG NAIL BEING LOCATED AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE/C NE/4) OF SECTION SIX (6); THENCE S01°27'40"E FOR A DISTANCE OF 612.75 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER (NE/4); THENCE S89°29'43"W FOR A DISTANCE OF 33.13 FEET TO AN EXISTING 3/8" IRON PIN WITH A CA2260 CAP BEING LOCATED ON THE STATUTORY RIGHT OF WAY ALSO BEING THE POINT OF BEGINNING; THENCE S89°29'43"W FOR A DISTANCE OF 295.00 FEET; THENCE S01°27'47"E FOR A DISTANCE OF 175.00 FEET; THENCE N89°29'43"E FOR A DISTANCE OF 295.00 FEET TO A POINT ON SAID RIGHT OF WAY; THENCE N01°27'47"W FOR A DISTANCE OF 175.00 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPT A TRACT OF LAND COMMENCING AT A MAG NAIL BEING LOCATED AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION SIX (6) (NE/C NE/4); THENCE S01°27'40"E FOR A DISTANCE OF 612.75 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER (NE/4); THENCE S89°29'43"W FOR A DISTANCE OF 33.13 FEET TO AN EXISTING 3/8" IRON PIN WITH A CA2260 CAP BEING LOCATED ON THE STATUTORY RIGHT OF WAY AND BEING THE POINT OF BEGINNING OF THIS TRACT; THENCE S89°29'43"W FOR A DISTANCE OF 43.69 FEET; THENCE S00°48'12"E FOR A DISTANCE OF 20.32 FEET; THENCE N88°39'30"E FOR A DISTANCE OF 43.92 FEET TO A POINT OF THE SAID RIGHT OF WAY; THENCE N01°27'47"W FOR A DISTANCE OF 19.69 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPT ALL INTEREST IN AND TO THE OIL, GAS AND MINERAL RIGHTS THEREIN AND THEREUNDER. THIS DEED HAS A BEARING OF BASIS OF S01°27'40"E ALONG THE EAST LINE OF THE NORTHEAST QUARTER (NE/4) AND CONTAINS 1.16 ACRES MORE OR LESS. THIS DEED WAS PREPARED BY CHRIS D'AMICO (LS1945) ON AUGUST 25, 2017.

VICINITY MAP

N.T.S.





LOCATION MAP
SCALE: 1" = 2000'

NORTH

GRAPHIC SCALE 1"=30'
11x17 SCALE N.T.S.
0' 30' 45' 60'
8.5x11 SCALE N.T.S.

NOTE TO CONTRACTOR

CALL 811 AND ANY OTHER APPLICABLE UTILITY LOCATING SERVICES 48 HOURS PRIOR TO CONSTRUCTION ACTIVITY. LOBSINGER & POTTS STRUCTURAL ENGINEERING, INC IS NOT RESPONSIBLE FOR KNOWING THE LOCATION OF ALL EXISTING UTILITIES OR DEPICTING EXACT LOCATIONS ON ALL DRAWINGS. THE LOCATION OF EXIST. UTILITIES ARE SHOWN AS APPROXIMATE ONLY. THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES AS A RESULT OF FAILURE TO LOCATE AND PRESERVE EXIST. UTILITIES.

OWNER OF RECORD/SUBDIVIDER:

WILMA J. SMITH 2009 REVOCABLE TRUST
18 CEDAR CREEK DRIVE
SHAWNEE, OK 74804

SURVEYOR:

LANDES ENGINEERING LLC & ASSOCIATES
905 E. 35TH STREET
SHAWNEE, OK 74802
(405) 275-5388

PREPARED BY:

LPSE
Lobsinger & Potts Structural Engineering, Inc
1723 E. Southlake Blvd., Suite 200 Southlake, Texas 76092
817.851.5414 Fax 817.488.9937 Firm Reg. # 7290

BENCHMARK

1. BENCHMARK TOPNUT FH, LOCATED ON EAST SIDE OF HARRISON AVE. ELEVATION= 1077.44', NGVD 88 DATA SEE SURVEY.

PRELIMINARY
THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT.
JUSTIN S. BRAMMER, P.E.
LICENSE NO. 27161
DATE: OCTOBER 20, 2017

JAMES W.P. HOWARD
ARCHITECT N.C.A.R.B. A.I.A.
2416 STAGECOACH STREET
FORT WORTH, TEXAS 76133
(817) 377-3477

Chicken EXPRESS

NEAR INTERSECTION OF N. HARRISON ST. AND E. 45TH ST.
SHAWNEE, OKLAHOMA 74804

PROJECT:
DATE: 10-20-17
DRAWN BY: L.P.S.E.
CHECKED BY:
FILE:

REVISIONS

SHEET TITLE
PRELIMINARY PLAT

SHEET
C-2.1

FINAL PLAT 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: SO248
Project Number: 171272
Date Filed: December 6th, 2017
Amount Paid: $227.00
Receipt No.: 02112848

Please provide a submittal letter, 6-24 X 36 maps, 1-8 1/2 x 14 map, 1 electronic map and filing fees upon submitting this application. Please call 878-1616 with any questions.

APPLICANT Wilma Jean Smith / Paul Pogue 2012 Trust

APPLICANT ADDRESS 18 Cedar Creek Shawnee Ok./1512 Bray Central Dr., McKinney Tx

APPLICANT PHONE NUMBERS 405-275-3157 (Smith)

EMAIL ADDRESS larrygsmith5023@sbcglobal.net

NAME OF PLAT Chicken Express Addition

LOCATION 4302 N. Harrison Ave. Shawnee Ok.

NUMBER OF ACRES 1.18 NUMBER OF LOTS 1

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: FEE: $225.00

PLUS **$3.00** PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS _____ _____

PLUS **$1.00** PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____ _____

TOTAL COST _____

FOR LESS THAN 2 ACRE LOTS: FEE: $225.00

PLUS **$2.00** PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 1 $2.00

PLUS **$1.00** PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____ _____

TOTAL COST $227.00

OWNER/DEVELOPER INFORMATION:

NAME Paul Pogue 2012 Trust

ADDRESS 1512 Bray Central Drive, Suite 300, McKinney, Tx. 75069

CONTACT NUMBERS 972-333-8115 (Rick Brown)

EMAIL ADDRESS cerbrown@yahoo.com

PROJECT ENGINEER INFORMATION:

NAME Lobsinger & Potts Engineering (Amy Landry, P.E.)

ADDRESS 1723 E. Southlake Blvd., Suite 200 Southlake, Tx. 73092

CONTACT NUMBERS 817-851-5414

EMAIL ADDRESS amy@lpse.net

APPPLICATION, SITE PLAN, CONSTRUCTION DOCUMENTS, PAYMENT, ETC... MUST BE RECEIVED 30 DAYS PRIOR TO MEETING

City of Shawnee Planning Department 222. N. Broadway Shawnee, OK 74801 (405) 878-1616 Fax: (405) 878-1587 www.ShawneeOK.org	City of Shawnee OKLAHOMA	CASE # P03-18 PUBLIC HEARING DATE: January 3rd, 2018 CITY COMMISSION DATE: January 16th, 2018

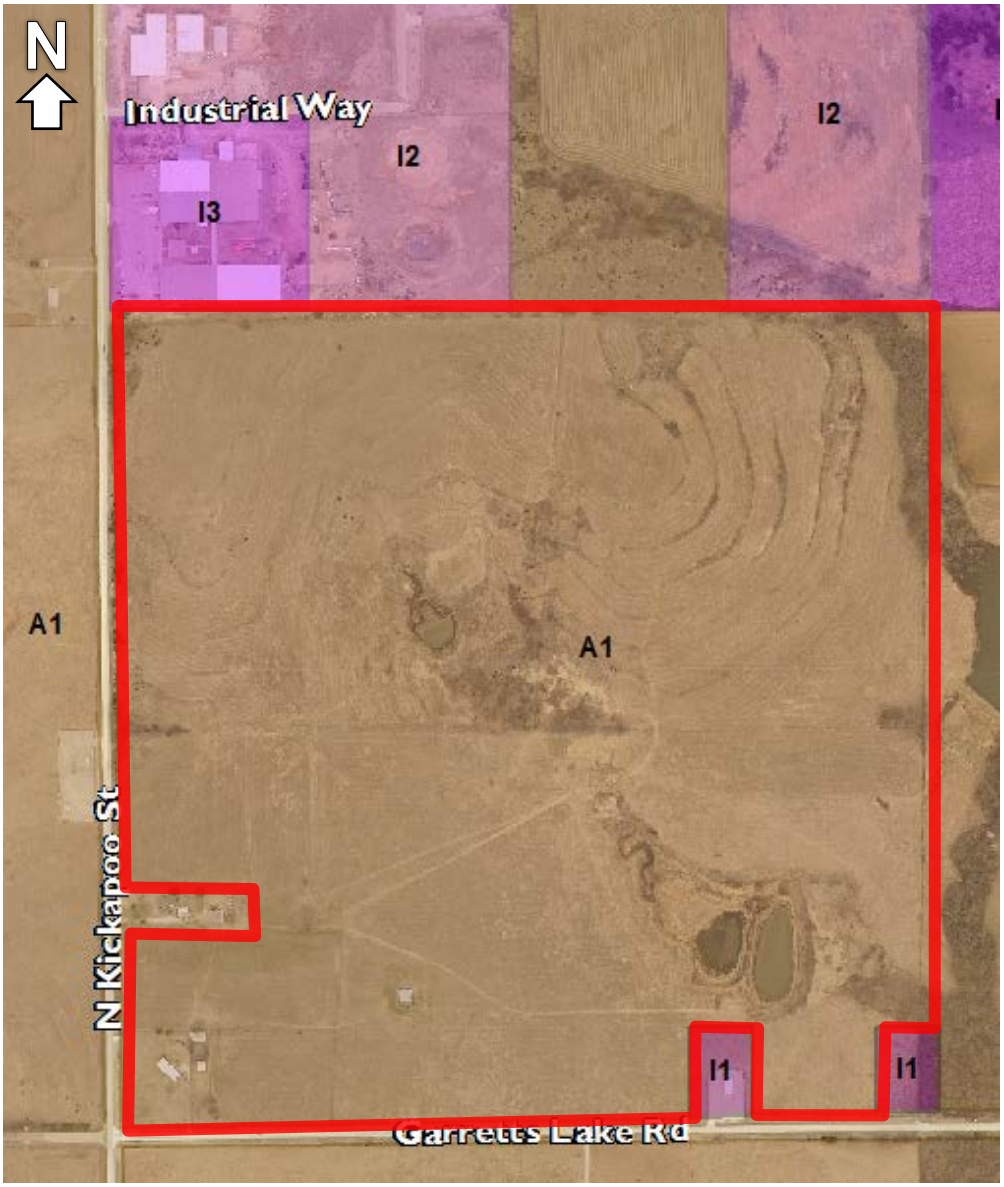
APPLICANT: **Nelmon Brauning**	**35963 EW 99A Seminole, OK 74868**	**(405) 370-0394**

PROPERTY ADDRESS/LOCATION: **7109 N. Kickapoo, Shawnee OK, 74801**

The applicant, Nelmon Brauning, is requesting a Conditional Use Permit (CUP) on A1 (Agricultural) zoned land to allow for "carnival, circus, tent revival or similar temporary open air enterprise," in accordance with Table 22-155.2.1 of the Zoning Code.

The property owner intends to use the 157 (approximate) acre property for a variety of temporary open air market uses. Including craft, flea, and farmers market uses. If the venture proves successful, the applicant may explore commercial rezoning in the future.

The property is located on the north-east corner of Kickapoo St. and Garrett's Lake Rd., is surrounded by agricultural and industrial uses, and is designated for industrial use per the Comprehensive Plan.



EXISTING ZONING:	EXISTING LAND USE:	SURROUNDING ZONING & LAND USE:	School District:	PROPERTY SIZE:
A1	**Residential**	**A-1 (Agricultural)**	**I-93 Shawnee**	**157.55 Acres**

STAFF REVIEW

If a CUP is approved, the property owner will be required to account for the following items for events:

- Provide adequate parking and circulation on site, as not to affect traffic along Garrett's Lake Rd. and Kickapoo St.;
- Manage trash pickup and collection;
- Provide adequate restroom facilities; and
- Adhere to all City of Shawnee regulations

Due to the property's large size and the rural nature of the surrounding area, Staff finds the site appropriate for the proposed use. Staff has no objections and recommends approval for a rezone from A-1 to A-1P.

APPROVE	APPROVE WITH CONDITIONS	DENY

Staff recommends approval of the requested CUP, with the following conditions:

1. Prior to hosting events deemed necessary for CUP, the property owner shall provide a plan detailing the following: provisions for adequate parking and on-site vehicular circulation, management of trash pickup and collection, and the providing of adequate restroom facilities.

SUBMITTED PLANS	PUBLIC HEARING PETITION/ APPLICATION FORM	LEGAL NOTICE	LEGAL DESCRIPTION
PUBLIC COMMENTS	AGENCY COMMENTS	RESPONSE TO STANDARDS	