

AGENDA
PLANNING COMMISSION
FEBRUARY 7, 2024 AT 1:30 PM
COMMISSION CHAMBERS AT CITY HALL
16 WEST 9TH STREET
SHAWNEE, OKLAHOMA

Official action can only be taken on items which appear on the agenda. The public body may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item. When more information is needed to act on an item, the public body may refer the matter to Staff or back to Committee or the recommending body. Under certain circumstances, items are deferred to a future date or stricken from the agenda entirely.

CALL TO ORDER

DECLARATION OF QUORUM

1. Consideration of approval of the Minutes from the December 6, 2023, regular meeting.
2. Case Number: **CUP01-24** | Public hearing and consideration of a request for a Conditional Use Permit (CUP) to operate a liquor store at the property located at 523 South Chapman Avenue.
3. Community Development Department Updates
4. Commissioners Comments
5. Adjournment

Respectfully submitted,



Rachel Clyne, Secretary

The City of Shawnee encourages participation from its citizens in public meetings. If participation is not possible due to a disability, notify the City Clerk, in writing, at least forty-eight hours prior to the scheduled meeting, and necessary accommodations will be made. (ADA 28 CFR 36)

REGULAR PLANNING COMMISSION MINUTES

DATE: December 6, 2023

DRAFT MINUTES

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in person for a regular meeting on December 6, 2023, at 1:30 p.m., according to notice duly posted as prescribed by law.

Chair Reese called the meeting to order at **1:30 p.m.** Community Development Director Rian Harkins called Roll and stated a quorum was present.

The following Commissioners were present:

Present: Johnson, Reese, Rowell, Porter, Barrett, Walker

Absent: Mew-Palmer

Item 1. Approval of Minutes – Regular Meeting

Consideration of approval of the minutes from the regular meeting on October 4, 2023. Chair Reese asked for questions or corrections to the minutes.

Commissioner Walker made a motion to **Approve** the minutes as presented, which Commissioner Johnson seconded. Motion **passed 6-0-0.**

Aye: Johnson, Reese, Rowell, Walker, Porter, Barrett

Nay: None

Abstain: None

Item 2. Case Number: **RZ12-23** Public hearing and consideration of a request to rezone from A-1 (Rural Agricultural District) to C-3 (Highway Commercial District) property located northwest of the intersection of E. 45th Street and N. Harrison Avenue.

City Planner Rachel Clyne provided a staff report with the following information and recommendation.

Findings and Facts:

- The subject property is adjacent to land with the desired zoning district C-3 (Highway Commercial District).
- The request is in conformance with the Comprehensive Plan Future Land Use Map (FLUM) with the appropriate project design.
- The proper notification for a public hearing was served.

Chair Reese opened the public hearing. Steve Landes, representing the applicant, was present and available for questions. With no additional public input, the public hearing was closed.

Based on the Findings and Facts, staff recommended that the Planning Commission recommend to the City Commission **APPROVAL** of **RZ12-23** to rezone the subject property from A-1 (Rural Agricultural District) to C-3 (Highway Commercial District).

Commissioner Barrett made a motion to recommend the **APPROVAL** of Case No. RZ12-23, which Commissioner Walker seconded.

Motion **passed 6-0-0.**

Aye: Johnson, Reese, Rowell, Walker, Porter, Barrett

Nay: None

Abstain: None

It was noted the application would be on the agenda of the City Commission at its regular meeting on December 18, 2023, at 6:00 p.m.

Item 3. Case Number: **RZ13-23** Public hearing and consideration of a request to rezone from A-1 (Rural Agricultural District) to I-1 (Limited Light Industrial District) property located northwest of the intersection of E. 45th Street and N. Harrison Avenue.

City Planner Rachel Clyne provided a staff report with the following information and recommendation.

Findings and Facts:

- The subject property is adjacent to land with the desired zoning district I-1 (Limited Light Industrial District).
- The request is in conformance with the Comprehensive Plan Future Land Use Map (FLUM) with the appropriate project design.
- The proper notification for a public hearing was served.

Chair Reese opened the public hearing. Steve Landes, representing the applicant, was present and available for questions. With no additional public input, the public hearing was closed.

Based on the Findings and Facts, staff recommended that the Planning Commission recommend to the City Commission **APPROVAL** of **RZ13-23** to rezone the subject property from A-1 (Rural Agricultural District) to I-1 (Limited Light Industrial District).

Commissioner Johnson made a motion to recommend the **APPROVAL** of Case No. RZ13-23, which Commissioner Porter seconded.

Motion **passed 6-0-0.**

Aye: Johnson, Reese, Rowell, Walker, Porter, Barrett

Nay: None

Abstain: None

It was noted the application would be on the agenda of the City Commission at its regular meeting on December 18, 2023, at 6:00 p.m.

Item 4. Case Number: PPL04-23 Consideration of a request for a Preliminary Plat, Adcock Addition, of approximately 22.68 acres.

City Planner Rachel Clyne provided a staff report with the following information and recommendation.

Findings and Facts:

- Staff has reviewed the document for accuracy and finds it sufficient.
- The City Engineer voiced no concern with the Preliminary Plat as submitted.
- Applications to rezone the property are running concurrently with this application.

Based on the Findings and Facts, staff recommends that the Planning Commission recommend to the City Commission **APPROVAL** of PPL04-23 for the Preliminary Plat, Adcock Addition.

Commissioner Porter made a motion to recommend the **APPROVAL** of Case No. PPL04-23, which Commissioner Johnson seconded.

Motion **passed 6-0-0.**

Aye: Johnson, Reese, Rowell, Walker, Porter, Barrett

Nay: None

Abstain: None

It was noted the application would be on the agenda of the City Commission at its regular meeting on December 18, 2023, at 6:00 p.m.

Item 5. Review and Approval of the 2024 Planning Commission meetings calendar.

Commissioner Walker made a motion to recommend the **APPROVAL** of the 2024 Planning Commission meetings calendar, which Commissioner Johnson seconded.

Motion **passed 6-0-0**.

Aye: Johnson, Reese, Rowell, Walker, Porter, Barrett

Nay: None

Abstain: None

Item 6. Consideration and Approval of the Twin Lakes Master Plan.

Community Development Director Rian Harkins addressed the Planning Commission and discussed the Twin Lake Master Plan. He advised the Summary and the Technical Report were located on the City's website. Director Harkins discussed the background of the Plan, which began as a discussion on where to place a particular land use at the Twin Lakes and now is a complete Master Plan for the Twin Lakes. He continued explaining that an advisory team was formed, and an RFP for a consultant was drafted. The consulting firm, Halff Associates was selected. That firm, with staff and public input, developed a vision, created a final development concept, and explained who the City could work to implement the plan. Director Harkins reviewed the summary document and answered questions.

Commissioner Walker made a motion to recommend the **APPROVAL** of the Twin Lakes Master Plan, which Commissioner Barrett seconded.

Motion **passed 5-0-1**.

Aye: Johnson, Reese, Rowell, Walker, Barrett

Nay: None

Abstain: Porter

It was noted the Twin Lakes Master Plan would be on the agenda of the City Commission at its regular meeting on December 18, 2023, at 6:00 p.m.

Item 7. Community Development Update

Community Development Director Harkins advised the Planning Commission that staff was working with the consultant on a full working draft of the Unified Development Code (UDC). Staff has already provided two heavy edits and will continue to review them over the holidays. After the beginning of the year, the public will be asked for input and the Planning Commission can expect sessions during monthly meetings for feedback on the UDC. Director Harkins stated that the Santa Fe Depot roof project took bids last week. Two bids were received and will be presented to the City Commission. Next, Harkins updated the Commissioners on the Infill Housing Palette project. He stated it was 95% complete. It is anticipated that the plans will be available on the website after the end of January 2024. He then advised that all departments were working to finalize the Strategic Plan and working toward grant opportunities and capital improvements. Harkins then advised that the Community Development Department, when presented with a submittal or design questions, was continuing to work with the Engineering, Public Works, and Fire Marshal Departments to work on potential issues upfront and streamline the review process.

Item 8. Planning Commissioners' Comments

Commissioner Porter wished all in attendance a Merry Christmas.

Item 9. Adjournment

The meeting adjourned at **2:31 p.m.**

Chair/Vice-Chair

Date

City Planner

Date



Planning Commission Meeting – 2.7.2023 – City of Shawnee, Oklahoma

Staff Report | CUP01-24 | 523 S. Chapman Avenue

Date: 1.31.2024

To: Shawnee Planning Commission

From: Rachel Clyne, City Planner

Subject: **Staff Report** - Public hearing and consideration of a request for a Conditional Use Permit (CUP) to operate a liquor store on the property at 523 S. Chapman Avenue.

Case No. **CUP01-24** | Applicant: Jennifer Hunt

Background

The subject property is located at 523 S. Chapman Avenue and contains a vacant structure. The request is for a Conditional Use Permit (CUP) to operate a retail liquor store in the existing building. The structure operated as a bar after receiving a Conditional Use Permit (CUP) in 2007. That business ceased operation more than twelve (12) months ago. The property is zoned C-3 (Highway Commercial District).

Discussion

Referencing the City of Shawnee Zoning Code (Code) DIVISION 14. – Administration. Section 22-605. – Conditional Use Permit. "The uses designated under the various districts herein as "conditional uses" are so classified because they could more intensely dominate the area in which they are located...." The conditional uses shall be reviewed and authorized or rejected with or without special conditions placed on the project."

In the Code, Section 22-331. Table 22-331. Permitted uses in Commercial Zoning Districts. The table indicates that in zoning district C-3, the use of "Beer, wine, or liquor store (off-premises consumption of alcohol)" is permitted subject to acquiring a Conditional Use Permit (CUP).

The Comprehensive Plan Future Land Use Map (FLUM) indicates the subject property has the land use designation of Low-Density Residential.", which is the majority of the uses located in the area. This request is not to rezone but for a Conditional Use Permit. The previous use was akin to the proposed use. It is reasonable that this Conditional Use Permit request if granted, would remain in conformance with the Comprehensive Plan.

Staff completed the required public hearing notifications for this application. All property owners within 300' from the perimeter of the subject property were mailed a public hearing notification letter. Additionally, the County Democrat weekly newspaper published a notice of a public hearing. Staff placed a sign providing details and contact information at the subject property.

Findings:

- The subject property is located in C-3 and previously had a Conditional Use Permit to operate as a bar.
- Proper notification for a public hearing was served.
- The application was reviewed, and conditions are recommended.

Staff Recommendation:

Based on the review of the application and the listed Findings, staff recommends that the Planning Commission recommend to the City Commission **APPROVAL** of **CUP01-24** to locate a liquor store at 523 S. Chapman Avenue with the following conditions:

- Acknowledgment by the applicant that the Approval of a Conditional Use Permit (CUP) does not negate or circumvent the other requirements of development as stated in the City Codes, which include the Zoning Code and the adopted Building and Fire Codes.
- Acknowledgment by the applicant that additional permits may be required and standard inspections will be conducted.
- All licenses, permits, and regulations enforceable by the Oklahoma Alcoholic Beverage Laws Enforcement (ABLE) Commission shall be followed.
- Compliance with all provisions of the Oklahoma Alcoholic Beverage Control (ABC) Act.

Recommendation Options:

- Approval of Case No. CUP01-24, to locate a liquor store at 523 S. Chapman Avenue with the conditions presented by staff.
- Denial of the application for CUP01-24, thus preventing the operation of a liquor store at the subject property.
- Deferral of Case No. CUP01-24 with a request for additional and specific information to a certain date.
- Approval of Case No. CUP01-24, to locate a liquor store at 523 S. Chapman Avenue with the conditions presented by staff plus additional conditions.

This rezoning application will be heard at the City Commission meeting on Tuesday, February 20, 2024, at 6:00 pm.

www.ShawneeOK.org

Planning Commission Secretary

REQUEST:

☐ Rezoning
☒ Conditional Use Permit

☐ Rezoning w/Conditional Use Permit
☐ Planned Unit Development

PROPERTY LOCATION (STREET ADDRESS): 523 S. ~~the~~ Chapman St, Shawnee OK

LEGAL DESCRIPTION: Inglewood B1K1D Lots 13-15 74801

PROPERTY OWNER(S): Ray Smith

PROPERTY APPLICANT: Jennifer Hunt

APPLICANT'S ADDRESS: 20812 Stevens Rd

CITY: Tecumseh **STATE:** OK **ZIP:** 74873

EMAIL ADDRESS: hidee hole liquor@gmail.com

TELEPHONE NUMBER: (405) 264-6221 **CONTACT NUMBER:** (Same)

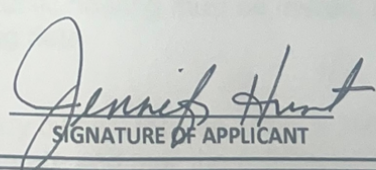
DIMENSIONS OF PROPERTY: AREA: 12,536 Lot WIDTH: LENGTH: FRONTAGE: 139'

CURRENT ZONING: **CURRENT USE:**

PROPOSED ZONING: **PROPOSED USE:**

With the filing of this application, I acknowledge that I have been informed of off-street parking, fencing and paving requirements in regard to the zoning I have requested as witnessed by my signature.

COMPLETED APPLICATION AND ALL CORRESPONDING DOCUMENTS MUST BE RECEIVED 30 DAYS PRIOR TO MEETING TO MAKE THE AGENDA.


SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

REZONING &/OR C.U.P FEE \$ 280.00
RECEIPT NO. _____

PLANNED UNIT DEVELOPMENT FEE \$ 550.00
NOTIFICATION SIGN \$ 50.00

PLANNING COMMISSION ACTION: _____ **DATE:** _____

PLANNING COMMISSION ACTION: _____ **DATE:** _____

January 5, 2024
NOTICE OF PUBLIC HEARING
Rezoning Request (CUP01-24)

It is hereby noticed that the City of Shawnee Planning Commission will hold a public hearing on February 7, 2024, at 1:30 p.m. in the Commission Chambers at City Hall, 16 W. 9th St, Shawnee, OK. The City of Shawnee City Commission will hold a public hearing on February 20, 2024, at 6:00 p.m. in the Commission Chambers at City Hall. The Planning Commission and City Commission will consider a request for a Conditional Use Permit (**CUP01-24**) for a liquor store located at 523 S. Chapman Avenue and described as:

Inglewood Blk 10 Lots 13 thru 15

Public hearings will be held at the above times and dates. All residents and parties in interest shall have an opportunity to be heard regarding the request above.

