

AGENDA
PLANNING COMMISSION
AUGUST 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 July 3, 2024, regular meeting.
2. Public Hearing and consideration of a proposed amendment to Chapter 22 to adopt a new Unified Development Code. Case TXT01-24
3. Community Development Department Updates
4. Commissioners Comments
5. Adjournment

Respectfully submitted,

Rian Harkins, Community Development
Director

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)

PLANNING COMMISSION MINUTES

DATE: July 3, 2024

MINUTES

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in person for a regular meeting on July 3, 2024, at 1:30 p.m., according to notice duly posted as prescribed by law.

Chair Barrett 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, Porter, Hayes, Barrett, Reese, Hembree, Alexander

Absent:

Item 1. Consideration of approval of the minutes from the regular meeting on June 5, 2024. Chair Barrett asked for questions or corrections to the minutes.

Commissioner Johnson made a motion to **Approve** the minutes as presented, which Commissioner Reese seconded. Motion **passed 7-0-0.**

Aye: Hayes, Johnson, Barrett, Reese, Porter, Alexander, Hembree

Nay: None

Abstain: None

Item 2. Case Number: **CUP03-24** Consideration of a request for a Conditional Use Permit (CUP) for a Short Term Rental (STR). 15305 Perry Road.

Background

The subject property is located at 15305 Perry Road in the Shawnee Twin Lakes area on the Coffman Tract. This Conditional Use Permit (CUP) application is being requested to allow for a Short Term Rental (STR). A Conditional Use Permit (CUP) is required per the Short Term Rental ordinance (Ordinance #2804NS) to allow one (1) Accessory Dwelling Unit (ADU) on the property. The property is currently zoned A-1 Agricultural.

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, the Short Term Rental ordinance allows for a Short Term Rental with a Conditional Use Permit (CUP) under the provisions of Section 22-301. Section 22-302 of the Code notes that the A-1 Agricultural District and A-1 District with the Lake Protection Zone (LPZ) both allow for Short Term Rentals subject to acquiring a Conditional Use Permit (CUP).

Additionally, the STR Ordinance highlights a number of requirements regarding Life/Health/Safety, parking, and property rules that must be adhered to. The applicant has furnished those as part of the application. The Comprehensive Plan Future Land Use Map (FLUM) indicates the subject property has an Agricultural land use designation. A-1 Agricultural is an appropriate zoning district for this land use designation. With this in mind, the request for the Conditional Use Permit (CUP) is in conformance with the 2040 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, a notice of public hearing was published in The County Democrat weekly newspaper. A sign providing details and contact information

was placed on the subject property.

Findings and Facts:

- The subject property is applying for the CUP in order to have the STR be in compliance with the Short Term Rental ordinance.
- Proper notification for a public hearing was served.
- The application was reviewed, and conditions are recommended.
- Regulations for STR's per Section 22-304 of the Zoning Code are required conditions.

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 CUP03-24 to locate one (1) Short Term Rental (STR) at 15305 Perry Road with the following conditions:

- All requirements of the Short Term Rental ordinance (Ordinance #2804NS) are adhered to.

Staff noted the objection of Linda Agee on behalf of the Twin Lakes Association, and a legal opinion she had obtained stated the STR was not allowed. Staff also provided a legal opinion from the city attorney noting that the improvements are owned by the lease holder, and the land is city property. Thus, the leaseholder is running the STR legally.

Chair Barrett opened the public hearing, the applicant was available for questions, after which the public hearing was closed after no additional comment.

Recommendation: Based on the Findings and Facts, staff recommends that the Planning Commission recommend to the City Commission **APPROVAL** of **CUP03-24** for an STR at 15305 Perry Road.

Commissioner Porter made a motion to recommend the **APPROVAL** of Case No. CUP03-24, which Commissioner Reese seconded.

Motion **passed 7-0-0**.

Aye: Reese, Johnson, Barrett, Porter, Hayes, Hembree, Alexander

Nay: None

Abstain: None

It was noted the application would be on the agenda of the City Commission at its regular meeting on July 15, 2024.

Item 3. Case Number: **CUP04-24** consideration of a request for a Conditional Use Permit (CUP) for a Short Term Rental (STR) at 16712 Magnino Road

Background

The subject property is located at 16712 Magnino Road in the Shawnee Twin Lakes area on the Coffman Tract. This Conditional Use Permit (CUP) application is being requested to allow for a Short Term Rental (STR). A Conditional Use Permit (CUP) is required per the Short Term Rental ordinance (Ordinance #2804NS) to allow one (1) Accessory Dwelling Unit (ADU) on the property. The property is currently zoned A-1 Agricultural.

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, the Short Term Rental ordinance allows for a Short Term Rental with a Conditional Use Permit (CUP)

under the provisions of Section 22-301. Section 22-302 of the Code notes that the A-1 Agricultural District and A-1 District with the Lake Protection Zone (LPZ) both allow for Short Term Rentals subject to acquiring a Conditional Use Permit (CUP).

Additionally, the STR Ordinance highlights a number of requirements regarding Life/Health/Safety, parking, and property rules that must be adhered to. The applicant has furnished those as part of the application. The Comprehensive Plan Future Land Use Map (FLUM) indicates the subject property has an Agricultural land use designation. A-1 Agricultural is an appropriate zoning district for this land use designation. With this in mind, the request for the Conditional Use Permit (CUP) is in conformance with the 2040 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, a notice of public hearing was published in The County Democrat weekly newspaper. A sign providing details and contact information was placed on the subject property.

Findings and Facts:

- The subject property is applying for the CUP in order to have the STR be in compliance with the Short Term Rental ordinance.
- Proper notification for a public hearing was served.
- The application was reviewed, and conditions are recommended.
- Regulations for STR's per Section 22-304 of the Zoning Code are required conditions.

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 CUP04-24 to locate one (1) Short Term Rental (STR) at 15305 Perry Road with the following conditions:

- All requirements of the Short Term Rental ordinance (Ordinance #2804NS) are adhered to.

Staff noted the objection of Linda Agee on behalf of the Twin Lakes Association, and a legal opinion she had obtained stated the STR was not allowed. Staff also provided a legal opinion from the city attorney noting that the improvements are owned by the lease holder, and the land is city property. Thus, the leaseholder is running the STR legally. Staff also noted an objection from a nearby resident due to other properties in the area that caused problems (not the applicant's)

Chair Barrett opened the public hearing, the applicant was available for questions, after which the public hearing was closed after no additional comment.

Commissioner Johnson made a motion to recommend the **APPROVAL** of Case No. CUP04-24, which Commissioner Reese seconded.

Motion **passed 7-0-0**.

Aye: Reese, Johnson, Barrett, Porter, Hayes, Alexander, Hembre

Nay: None

Abstain: None

It was noted the application would be on the agenda of the City Commission at its regular meeting on July 15, 2024, at 6:00 p.m.

Item 5. Case Number: **FPL02-24** Consideration of a request for a Final Plat, Rolling Hills Addition Section 2, Applicant: Absentee Shawnee Housing Authority (BWR Design Group – Engineer)

Background: The subject property is approximately 2.39 acres in size and is located northeast of the intersection of Main Street and Bryan Avenue. The property is currently zoned R-1 (Single Family Residential District). The preliminary plat and a final plat for Section 1 have previously been approved at various times from 2014 onward.

Discussion: Findings and Facts:

- Staff has reviewed the document for accuracy and finds it sufficient.
- The City Engineer voiced no concern with the Final Plat as submitted but has asked for copies of all ODEQ engineering reports and applications regarding water and sanitary sewer.
- The Fire Marshall is requesting a 96' diameter cul-de-sac per the requirements of the 2018 International Fire code.

Recommendation: Based on the Findings and Facts, staff recommends that the Planning Commission recommend to the City Commission **APPROVAL** of **FPL02-24** for the Final Plat, Rolling Hills Addition Section 2, with the conditions presented in the staff report.

This application will be heard at the City Commission meeting on Monday, July 15, 2024, at 6:00 p.m. in the City Hall Commission Chambers.

Commissioner Porter made a motion to recommend the **APPROVAL** of Case No. FPL02-24, which Commissioner Alexander seconded.

Motion **passed 7-0-0**.

Aye: Reese, Johnson, Alexander, Hembree, Barrett, Porter, Hayes

Nay: None

Abstain: None

Item 6. Case Number: FPL04-24 Consideration of a request for a Final Plat, Shawnee Twin Lakes Lake 1 Phase 2, Applicant: City of Shawnee.

Background: The subject property is located in Township 10 North, Range 2 East, and part of Section 14. The Preliminary Plat includes approximately 368.02 acres. The property is zoned A-1 (Rural Agricultural District). The Preliminary Plat of this area was approved in April 2024. The proposed Final Plat of the Shawnee Twin Lakes – Lake No. 1, Phase II subdivision has been completed to define the boundaries of the “lake lot leases” and “common areas” located within the city limits of Shawnee, Oklahoma. There are three (3) areas containing lake lot leases: Damron, Seck, and Belcher. The breakdown of lake lot leases per area is Damron – 13 | Seck – 9 | Belcher – 26 for a total of 48 lots.

Discussion: Findings and Facts:

- Staff has reviewed the document for accuracy and finds it sufficient.
- Staff no other comments on the proposed final plat at this time.

Alternatives:

- Recommending Approval of Case No. FPL04-24, for the Final Plat, Shawnee Twin Lakes Lake 1 Phase 2, as requested and presented by the applicant.
- Recommending Approval of Case No. FPL04-24, for the Final Plat, Shawnee Twin Lakes Lake 1 Phase 2, with additional conditions noted by the Planning Commission.
- Recommending Denial of the application for Case No. FPL04-24
- Recommending Deferral of Case No. FPL04-24 with a request for additional and specific information to a certain date.

Recommendation: Based on the Findings and Facts, staff recommends that the Planning Commission recommend to the City Commission **APPROVAL** of **FPL04-24** for the Final Plat, Shawnee Twin Lakes Lake 1 Phase 2, as presented in the staff report.

This application will be heard at the City Commission meeting on Monday, July 15, 2024, at 6:00 p.m. in the City Hall Commission Chambers.

Commissioner Johnson made a motion to recommend the **APPROVAL** of Case No. FPL04-24, which Commissioner

Hayes seconded.

Motion **passed 7-0-0.**

Aye: Reese, Johnson, Barrett, Porter, Hayes

Nay: None

Abstain: None

Item 6. Unified Development Code Update

Community Development Director Harkins provided a progress update on the Unified Development Code, noting some of the noticeable differences between the current and proposed code such as, fewer commercial and industrial districts, a new district for the Twin Lakes area, and additional uses proposed in the R-1 district. The addition of parkland dedication and increased sidewalk requirements were also noted. It was also noted that the sign code would be replaced by a chapter dedicated to this element.

Item 7. Community Development Update

Community Development Director Harkins advised the Planning Commission that a search for one vacant staff position is still underway. CDBG housing rehabilitation projects continue. Staff will be looking at additional feedback and project opportunities using CDBG funds, with more details forthcoming.

Item 6. Planning Commissioners' Comments

Commissioners expressed a warm welcome to the new member of the Planning Commission, the progress on the Unified Development Code, and expressed excitement for the ongoing and upcoming projects.

Item 7. Adjournment

The meeting adjourned at **2:30 p.m.**

Chair/Vice-Chair

Date

Community Development Director

Date



Planning Commission Meeting – 8.7.2024 – City of Shawnee, Oklahoma

Staff Report | TXT01-24

Date: August 6, 2024

To: Shawnee Planning Commission

From: Rian Harkins, Community Development Director

Subject: **Staff Report** - Public hearing and consideration of a request to adopt the new Unified Development Code
Case No. TXT01-24

Background

Over the last 2.5 years the City of Shawnee has been working on creating a new Unified Development Code. The new code is one of many implementation steps identified in the 2019 New Horizons Comprehensive Plan. The purpose of the new code is to:

- 1) To help increase the housing stock in the community. Shawnee needs to increase the amount and types of housing, so it is affordable for all residents.
- 2) To promote economic vitality. Shawnee needs to continue to draw new businesses while retaining the existing retail and manufacturing
- 3) To increase connectivity across the city for cars, bikes, and pedestrians.
- 4) To provide clarity for both property owners and developers.
- 5) To create ways that manage resources better, including taxpayer dollars.

Discussion

City Staff, working with a consultant, has formulated a proposed Unified Development Code, in that the zoning and subdivision regulations are no longer separate documents but one complete ordinance. The project began with focus groups of stakeholders and users sharing thoughts regarding the current development regulations and issues they present the community.

The consultant (Freese and Nichols) maintained review/progress calls with staff at least twice monthly, with progress updates provided after the initial diagnostic report, as various sections reached draft form, and as we neared the point of having a final draft. Staff worked with the consultant to provide additional input sessions over the last two months. Feedback up to this point has been positive overall, with only minor suggestions provided.

Major differences in the proposed Unified Development Code include:

- Creating a separate Twin lakes zoning district that incorporates the recommendations of the Twin Lakes Master Plan.

- Consolidation of the Residential Estate and Agricultural districts into a single Transitional Agricultural district to address ongoing development issues on the urban fringe.
- Consolidation of the three industrial districts into two zoning districts.
- Consolidation of the commercial districts into three from the previous five districts.
- Merging the sign ordinance into this new development code.
- Creating the opportunity for additional housing in residential zoning districts by increasiung the number permitted uses in each of the residential districts, including accessory dwelling units, tiny homes, and other dwelling types.
- Creating the opportunity for additional housing in residential zoning districts by decreasing the minimum lot size in the R-1 Residential Zoning District from 6,000 square feet to zero.
- Establishing a Mixed Use zoning district to allow for additional flexibility between residential and commercial areas.

The public link for the draft code can be found at:

<https://freese.mysocialpinpoint.com/shawneeudc/documents>

Staff completed the required public hearing notifications for this application, with a notice of public hearing was published in The County Democrat weekly newspaper as this is similar to an amendment to the current zoning ordinance.

Findings and Facts:

- The proposed development code is in compliance with the comprehensive plan.
- Proper notification for a public hearing was served.
- The proposed code serves to address issues impacting the community in a number of areas.

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 TXT01-24.

Options:

- Recommending Approval of Case No. TXT01-24 as requested by the applicant.
- Recommending Approval of Case No. TXT01-24 as requested by the applicant with additional conditions noted by the Planning Commission.
- Recommending Denial of the application for TXT01-24.
- Recommending Deferral Case No. TXT01-24 with a request for additional and specific information to a certain date.

This item will be heard at the City Commission meeting on Monday, August 19, 2024, at 6:00 pm.