

AGENDA
PLANNING COMMISSION
DECEMBER 4, 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 October 2, 2024 regular meeting.
2. Public hearing and consideration of a request to rezone from R-1 (Low-Density Residential District) to C-2 (Regional Commercial District) for property located at 3918 Kickapoo Ave.
Case No. RZ05-24 | Applicant: Erika Jones
3. Public Hearing and Consideration of a request for a Conditional Use for a Short Term Rental located at 40 Chickasaw Drive, Case No. CUP05-24 | Applicant: Edward King
4. Study Session: Planning Commission Training (Role of the Planning Commission)
5. Community Development Department Updates
6. Commissioners Comments
7. Adjournment

Respectfully submitted,

Rian Harkins, 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)

PLANNING COMMISSION MINUTES

DATE: October 2, 2024

MINUTES

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in person for a regular meeting on October 2, 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, Alexander, Hembree

Absent:

Item 1. Consideration of approval of the minutes from the regular meeting on September 4, 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: Johnson, Barrett, Reese, Porter, Alexander, Hayes, Hembree

Nay: None

Abstain: None

Item 2. Consideration of a request for a Final Plat for Union Square Addition Case No. **FPL05-24** |

Applicant: Royal Land Properties, LLC

Background: The subject property is located northeast of the intersection of E 45th Street and N. Union Avenue in Section 31, Township 11 North, Range 4 East. The property is zoned C-2 (Regional Commercial District). The Preliminary Plat included approximately 11.952 acres and was approved in May 2024. The Preliminary Plat of Union Square Addition contained eight (8) lots and one (1) common tract. The City Commission reviewed and approved the Preliminary Plat after suggested changes made by staff were incorporated.

Discussion:

The proposed Final Plat was submitted by the applicant and reviewed by staff, which proposes the following revisions:

- Noting all cross-access easements as delineated on the copy of the proposed plat staff has marked up.
- Revise easements to note they are also drainage easements as shown on the marked-up copy of the proposed plat.
- Include the additional drainage easement near the northwest corner of the common area as noted by staff.

Findings and Facts:

- Staff has reviewed the document for accuracy and finds it sufficient.
- The City Engineer, Community Development Director, and Fire Marshal are satisfied with the Final Plat with the proposed revisions

Alternatives:

- Recommending Approval of Case No. FPL05-24, for the Final Plat, Union Square Addition as presented.
- Recommending Approval of Case No. FPL05-24, for the Final Plat, Union Square Addition as recommended (including suggested revisions).
- Recommending Denial of the application for Case No. FPL05-24.
- Recommending Deferral of Case No. FPL0-24 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 **CONDITIONAL APPROVAL** of **FPL05-24** for the Final Plat, Union Square Addition with the suggested revisions.

It was noted that this application will be heard at the City Commission meeting on Monday, October 21, 2024, at 6:00 p.m. in the City Hall Commission Chambers.

Commissioner Porter made a motion to recommend the **APPROVAL** of Case No. FPL05-24 with the conditions noted in the staff report, which Commissioner Reese seconded.

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

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

Nay: None

Abstain: None

Item 3. Public hearing and consideration of a request to rezone from C-1 (Local Commercial District) to R-2 (Medium Density Residential District). Case No. **RZ03-24** | Applicant: Gerona Fowler

Background

The subject property is located at 1339 E Highland and is currently zoned C-1 Local Commercial. The request by the applicant is to rezone the property to the R-2 Medium Density Residential District. The subject property is at the corner of Highland and Pesotum at the southwest corner of the intersection.

Discussion

The subject property is zoned C-1 (Local Commercial District). The properties surrounding the subject property to the east, west, and north are a combination of C-1 Local Commercial and C-2 Regional Commercial Zoning Districts. To the south, the adjacent parcels are zoned R-2 (Medium Density Residential District). The applicant is currently looking to sell the property, which contains a single family detached dwelling unit. However, the existing dwelling unit is considered a non-conforming use. Because of this, the applicant is seeking the zoning change to make the dwelling unit a legally compliant structure as part of the sale of the property.

The Comprehensive Plan Future Land Use Map (FLUM) indicates the subject property has a Medium Density Residential land use designation. This land use designation features a density of up to 12 dwelling units per acre. R-2 is an appropriate zoning district for this land use designation. The request is in conformance with the 2040 Comprehensive Plan.

Referencing the City of Shawnee Zoning Code (Code) DIVISION 15. - Amendments; Procedures. Section 22-645. – Planning commission recommendation required. This section gives authority to the Planning Commission to make changes (amendments) to the official Zoning Map. *"...be amended, supplemented, changed, modified, or repealed by ordinance, but no change shall be made until the planning commission, after notice and public hearing, files with the city commission a report and recommendation on the proposed change."*

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 adjacent to R-2 zoning.
- If approved, the rezoning of the property would make the existing dwelling unit a conforming structure.
- Removing the non-conforming status of the dwelling unit will allow for easier title transfer.
- The request is in conformance with the Comprehensive Plan Future Land Use Map (FLUM).

- Notification for a public hearing was served.

Options:

- Recommending Approval of Case No. RZ03-24 to rezone from C-1 (Local Commercial District) to R-2 (Medium Density Residential District) as requested by the applicant.
- Recommending Denial of the application for RZ03-24 to rezone the subject property.
- Recommending Deferral Case No. RZ03-24 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 **RZ03-24** to rezone the subject property from C-1 (Local Commercial District) to R-2 (Medium Density Residential District).

This rezoning application will be heard at the City Commission meeting on Monday, October 21, 2024, at 6:00 pm.

Chair Barrett opened the public hearing, and then noted no one present to speak on the item, after which the public hearing was closed after no additional comment. Planning Commission members then discussed the merits of the application.

Commissioner Reese made a motion to recommend the **APPROVAL** of Case No. RZ03-24, which Commissioner Hayes seconded.

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

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

Nay: None

Abstain: None

Item 4. Public hearing and consideration of a request to rezone from R-1 (Low Density Residential District) to C-2 (Regional Commercial District). Case No. **RZ04-24** | Applicant: Rueben Peltier Properties (Nick Atwood, Attorney)

Background

The subject property is located at approximately 2025 E MacArthur and contains approximately 4.84 acres. The request is to rezone approximately 1.81 acres of the property to C-2 (Regional Commercial District) from the current R-1 (Low Density Residential District). The subject property is just to the east of the intersection of Bryant and MacArthur. The remaining part of the property would likely be split from the area under consideration for later development. The applicant is requesting the rezoning in order to construct a Dollar General store location.

Discussion

The subject property is zoned R-1 (Low Density Residential District). The properties surrounding the subject property to the east are zoned TA (Transitional Agricultural District). To the north, across MacArthur, the land is zoned C-2 (Regional Commercial District). To the immediate west and then further west at the intersection is land zoned R-1 and C-1 respectively. Thus, the request would be an extension of the existing C-2 zoning located to the north of the subject property.

The Comprehensive Plan Future Land Use Map (FLUM) indicates the subject property has a Large Lot Residential land use designation. The description of this land use is that is a land use focused on single family detached development, with civic uses generally allowed, and with special permission granted for higher intensity uses. Transitional Agricultural zoning is generally the appropriate zoning district for this land use designation. However, there is a low intensity commercial land use immediately north of the subject property. This land use classification generally lends itself to the C-1 Local Commercial District. With this in mind, the request for the C-2 zoning would not be in conformance with the 2040 Comprehensive Plan.

Referencing the City of Shawnee Zoning Code (Code) DIVISION 15. - Amendments; Procedures. Section 22-645. – Planning commission recommendation required. This section gives authority to the Planning Commission to make changes (amendments) to the official Zoning Map. *"...be amended, supplemented, changed, modified, or repealed by ordinance, but no change shall be made until the planning commission, after notice and public hearing, files with the city commission a report and recommendation on the proposed change."*

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.

Staff have received objections to the rezoning request, with any written objections included as an attachment to the staff report.

Findings and Facts:

- The subject property is adjacent to C-2 and TA zoning on MacArthur.
- Due to the Large Lot Residential future land use classification, the request is generally not in conformance with the Comprehensive Plan Future Land Use Map (FLUM).
- There is a Low Intensity Commercial designation on the FLUM immediately across MacArthur to the north.
- The increased lighting, landscaping, and screening standards would help mitigate any negative impacts upon neighboring properties.
- Notification for a public hearing was served.

Options:

- Recommending Approval of Case No. RZ024-24 to rezone from R-1 (Low Intensity Residential District) to C-2 (Regional Commercial District) as requested by the applicant.
- Recommending Approval of Case No. RZ024-24 to rezone from R-1 (Low Intensity Residential District) to C-1 (Local Commercial District).
- Recommending Denial of the application for RZ04-24 to rezone the subject property.
- Recommending Deferral Case No. RZ04-24 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 **DENIAL** of **RZ04-24** to rezone the subject property to C- 2 (Highway Commercial District) to R-1 (Low Density Residential District).

This rezoning application will be heard at the City Commission meeting on Monday, October 21, 2024, at 6:00 pm.

Chair Barrett opened the public hearing, and then noted that individuals will be limited to three minutes of speaking time on this matter, and that comments should not simply be a repeat of what others have previously stated. Multiple people spoke against the proposed rezoning, citing the nearby school, drainage, traffic, and the presence of multiple locations of this store in the community already. Nick Atwood, Attorney for the applicant, spoke in favor of the proposal, noting that this part of the community is underserved for grocery stores, and that this part of the community will continue to grow in spite of no access to Interstate 40. After public comment had concluded, Chairman Barrett closed the public hearing, and noted because he was related to the applicant, he would be abstaining from the vote to avoid a conflict of interest. Commissioner Porter noted the following factors as reasons to deny the application: traffic, drainage, and the lack of continuity in uses.

Commissioner Alexander made a motion to recommend the **DENIAL** of Case No. RZ04-24, which Commissioner Hembree seconded.

Motion **passed 6-0-1**.

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

Nay: None

Item 5. Community Development Update

Community Development Director Harkins introduced the Planning Commission to Emily Lisenby, the newest staff member. She will be assuming the position held by Rachel Clyne. CDBG housing rehabilitation projects continue. Staff will be looking at additional feedback and project opportunities using CDBG funds, and that input can be sent to city staff for discussion as part of the Annual Action Plan. Director Harkins also spoke of the upcoming Quad State Planning Conference held this coming October in Arkansas, noting staff will be involved in two presentations at the event. He also noted that the Twin Lakes Master Plan will be awarded the Outstanding Plan award from the Oklahoma Chapter of the American Planning Association.

Item 6. Planning Commissioners' Comments

Commissioners expressed excitement for the achievements of many groups in the community, how the community continues to move forward, and excitement for the ongoing and upcoming events and projects, how Pedal-Pa-Looza had over 200 in attendance, and gratitude for the work of staff. It was also noted that the Appalachian Service Project is looking for volunteers to help with crisis management.

Item 7. Adjournment

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

Chair/Vice-Chair

Date

Community Development Director

Date

PLANNING COMMISSION APPLICATION



City of Shawnee Community Development Department

222 N. Broadway
Shawnee, OK 74801
(405) 878-1672
www.ShawneeOK.org

For Office Use Only

Case Number: R2 08-24

Project Number: 20241342

Date Filed: 9-11-2024

Planning Commission Secretary

REQUEST:

☒ Rezoning
☐ Conditional Use Permit
☐ Rezoning w/Conditional Use Permit
☐ Planned Unit Development

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from R-1 District to C-3 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 3918 N Kickapoo Ave, Shawnee, OK 74804

LEGAL DESCRIPTION: College View Block 1 Lot 3

PROPERTY OWNER (S): Eight Eagles LLC C/O Mike Massey

PROPERTY AGENT (APPLICANT): Erika Jones

APPLICANT'S ADDRESS: PO Box 1471

CITY: Shawnee **STATE:** Oklahoma **ZIP:** 74802

EMAIL ADDRESS: erika@nexthomecre.com

TELEPHONE NUMBER: (405) 476-4158 **CONTACT NUMBER:** (405) 476-4158

DIMENSIONS OF PROPERTY: AREA: 31,500 sf WIDTH: 150 feet
LENGTH: 210 feet FRONTAGE: 150 feet

CURRENT ZONING: R-1 **CURRENT USE:** Vacant Land

PROPOSED ZONING: C-3 **PROPOSED USE:** Commerical use in C-3

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.

Erika Jones
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

REZONING &/OR C.U.P FEE \$ 280.00

RECEIPT NO. 5590 Darel

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

NOTIFICATION SIGN \$ 50.00

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

CITY COMMISSION ACTION: _____ **DATE:** _____

PLACE ON ZONING MAP: _____ **ORDINANCE NO.:** _____

September 5, 2024

Re: Rezoning
3918 N Kickapoo Ave
Shawnee, OK 74804

To Whom It May Concern:

I, Mike Massey, explicitly give permission for the public hearing for a rezoning on the above referenced property, and for Erika Jones to complete the necessary tasks to assist me in the rezoning process.

Sincerely,



Eight Eagles, LLC C/O Mike Massey

201300014514
Filed for Record in
POTTAWATOMIE OKLAHOMA
RAESHEL FLEWALLEN, COUNTY CLERK
08-28-2013 At 03:42 pm.
WARR DEED 187.50

Instrument PG 1 OF 2
201300014514

Return To:
Eight Eagles, LLC
65 Granada
Shawnee, OK 74804

WARRANTY DEED
(OKLAHOMA STATUTORY FORM)

File No.: **1858320-SH01 (dkb)**
Doc Stamps: **\$172.50**

Tax ID#: **0555-00-001-003-0-000-00**

That **Donald Earl Stewart and Jorun Helen Holt Stewart, Husband and Wife**, party(ies) of the first part, in consideration of the sum of TEN & NO/100-----Dollars and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do(es) hereby, grant, bargain, sell and convey unto **Eight Eagles, LLC**, party(ies) of the second part, the following described real property and premises situated in **Pottawatomie County, State of Oklahoma**, to wit:

Lot Three (3), Block One (1), COLLEGE VIEW ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

Property Address: **3918 North Kickapoo, Shawnee, OK 74804**

Together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said party(ies) of the second part, and to the heirs, successors and assigns, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

EXCEPT covenants, conditions, easements, restrictions and mineral reservations or conveyances of record.

Signed and delivered this **August 21, 2013**.

STATE OF OKLAHOMA
Pottawatomie County 50
Documentary Stamps: \$ 172



541858320 / Eight Eagles, LLC

FL American Title

VIEW ADDITIONAL LAND RECORDS AT
OKCOUNTYRECORDS.COM

Donald Earl Stewart
Donald Earl Stewart

Jorun Helen Holt Stewart
Jorun Helen Holt Stewart

ACKNOWLEDGMENT OKLAHOMA FORM
STATE OF _____ } CITY OF OSLO }
COUNTY OF _____ } EMBASSY OF THE } SS:
UNITED STATES OF AMERICA }

This instrument was acknowledged before me on August 21, 2013, by Donald Earl Stewart and Jorun Helen Holt Stewart, Husband and Wife.

Erin Sunde
NOTARY PUBLIC
Erin Sunde
Professional Adjudication Specialist

My Commission Expires: N/A

Mail Tax Statements To:

VIEW ADDITIONAL LAND RECORDS AT
OKCOUNTYRECORDS.COM

CERTIFICATE OF BONDED ABTRACTOR
(300 FEET RADIUS REPORT)

STATE OF OKLAHOMA)
) §:
COUNTY OF POTTAWATOMIE)

The undersigned bonded abstractor in and for POTTAWATOMIE County, State of Oklahoma, does hereby certify that the following Ownership is true and correct according to the current year's tax rolls in the office of the County Treasurer of POTTAWATOMIE County, Oklahoma, as updated by the records of the County Clerk of POTTAWATOMIE County, Oklahoma; that the owners, as reflected by said records, are based on the last conveyance or final decree of record of certain properties located within 300 feet in all directions of the following described land:

Lot Three (3), Block One (1), COLLEGE VIEW ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (3), both inclusive.

NOTICE TO CUSTOMERS: This report is released with the understanding that the information is strictly confidential. This report contains information from public land records only and is not to be construed as an abstract of title, opinion of title, title commitment, title insurance policy, or environmental research report. As used herein, the term "public land records" means those land records which under the recording laws of the applicable state, impart constructive notice to the third parties with respect to recorded, unreleased or record instruments memorializing legal interests in real estate. The company suggests that you contact your attorney for matters of a legal nature or legal opinion. We have exercised due care and diligence in preparing this report, however, the Abstractor does not guarantee validity of the title and acceptance of this report by the Company or person(s) for whom this report is made, constitutes agreement and confirmation of the limitation of this report.

Dated: SEPTEMBER 3, 2024 at 7:30 AM

First American Title Insurance Company

By: 

Julie Jordan
Abstractor License No. 4071
OAB Certificate of Authority # 017
File No. 2893131-OK99

OWNERSHIP LIST

ORDER NO 2893131-OK99

DATE PREPARED: September 11, 2024

EFFECTIVE DATE: August 30, 2024 at 7:30 am

OWNER	LOT	BLK	ADDITION
EIGHT EAGLES LLC C/O MIKE MASSEY 2100 E 45TH ST SHAWNEE, OK 74804-0000	3	1	COLLEGE VIEW
EIGHT EAGLES LLC C/O MIKE MASSEY 2100 E 45TH ST SHAWNEE, OK 74804-0000	2	1	COLLEGE VIEW
COHESIVE PROPERTIES LLC 12480 BRANGUS ROAD SHAWNEE, OK 74804-0000	1	1	COLLEGE VIEW
STONEBRIDGE FARMS LLC 43809 MACARTHUR ST SHAWNEE, OK 74804-0000	6	1	COLLEGE VIEW
M2 REAL ESTATE LLC 1107 MARLBORO LN NICHOLS HILLS, OK 73116-0000	5	1	COLLEGE VIEW
M2 REAL ESTATE LLC 1107 MARLBORO LN NICHOLS HILLS, OK 73116-0000	4	1	COLLEGE VIEW
ASKINS MICHAEL D & KAREN L 4003 BLAINE RD SHAWNEE, OK 74804-0000	7	1	COLLEGE VIEW AP
FLEISCHFRESSER KENNETH L & ROXANE K 3917 N AYDELOTTE SHAWNEE, OK 74804-0000	LOT 8 &; N35' LOT 9	1	COLLEGE VIEW AP
SMITH TYLER J & ASHLEY N 3915 N AYDELOTTE SHAWNEE, OK 74804-0000	S25' LOT 9 &; LOT 10 LESS S10	1	COLLEGE VIEW AP
THOMAS MILLARD JR 3913 N AYDELOTTE SHAWNEE, OK 74804-0000	S10' LOT 10 &; ALL LOT 11 &; N4.76' LOT 12	1	COLLEGE VIEW AP
FARRIS HAROLD D & JUDY M 3911 N AYDELOTTE SHAWNEE, OK 74804-0000	S55' LOT 12 &; N30' LOT 13	1	COLLEGE VIEW AP
RUEBEN PELTIER PROPERTIES LLC P O BOX 3071 SHAWNEE, OK 74802-0043	S30' LOT 13 &; ALL LOT 14	1	COLLEGE VIEW AP
WILLIAMS MATTHEW ISAAC & MARGARET ANNE WILLIAMS 3906 N AYDELOTTE AVE SHAWNEE, OK 74804-	LOT 15 &; N10' LOT 16	1	COLLEGE VIEW AP
HAZLEWOOD JOANNA G 3903 N AYDELOTTE SHAWNEE, OK 74804-0000	S60' LOT 16 &; ALL LOT 17	1	COLLEGE VIEW AP

PRESLEY KENNETH D & SHERRIE A PRESLEY FAMILY TRUST 3902 N AYDELOTTE SHAWNEE, OK 74804-	LOT 19 &; S10' LOT 20	3	COLLEGE VIEW AP
LOULA DON L & GAIL L REVOCABLE TRUST 3906 N AYDELOTTE SHAWNEE, OK 74804-0000	N55' LOT 20 &; S35' LOT 21	3	COLLEGE VIEW AP
P & F PROPERTIES LLC 12 MOHICAN CIR SHAWNEE, OK 74801-0000	N30' LOT 21 &; S60' LOT 22	3	COLLEGE VIEW AP
WALLS JOHN ROBERT 3910 N AYDELOTTE SHAWNEE, OK 74804-	N5' LT 22 &; ALL LT 23 &; S5' LOT 24	3	COLLEGE VIEW AP
BREWER LAUREL E 3912 N AYDELOTTE SHAWNEE, OK 74804-0000	N74.56' LOT 24 &; S30' LOT 25	3	COLLEGE VIEW AP
JOES RENTALS LLC 24 E AYRE SHAWNEE, OK 74804-0000	N40' LOT 25 &; S50' LOT 26	3	COLLEGE VIEW AP
OKLA BAPTIST UNIVERSITY 500 W UNIVERSITY SHAWNEE, OK 74804-0000	1 &; 2	7	COLLEGE VIEW AP
ROS SAMPHORS & RA BOU 16 N RICE RD SHAWNEE, OK 74804-0000			BEG 574.51' N SW/C NW E180' N180.49' W180' S180.49' POB. I.K.S.#14 (6-10N-4E)
AMERICAN SELF STG L L C P O BOX 13540 OKLAHOMA CITY, OK 73113-0000			BEG 375' N &; 180.07' E SW/C NW E450' N380.24' W450' S380.24' POB (6-10N-4E)
ELLIOTT ADAEZE HOLDINGS LLC 12335 N ROCKWELL AVE OKC, OK 73142-			BEG 375' N SW/C NW E50' N199.49' TH WESTERLY 50' TO A POINT ON W LINE NW TH S ALG WEST LINE TO POB (6-10N-4E)
ELLIOTT ADAEZE HOLDINGS LLC 12335 N ROCKWELL AVE OKC, OK 73142-	1	1	NORTH CREEK PLAZA
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	1	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	2	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	3	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	4	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	5	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	6	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	7	1	NORTHCREEK MANOR

NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	8	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	9	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	10	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	11	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	12	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	13	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	14	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	15	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	16	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	17	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	18	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	19	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	20	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	21	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	22	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	23	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	24	1	NORTHCREEK MANOR
NORTH CREEK MANOR ASSOCIATION P O BOX 23 SHAWNEE, OK 74802-0023	A	3	

Planning Commission

December 4, 2024
City Hall at 16 W. 9th Street, Commission
Chambers
1:30 PM

City Commission

December 16, 2024
City Hall at 16 W. 9th Street, Commission
Chambers
6:00 PM



For more information

Community Development Department
Shawnee City Hall
16 W. 9th Street
Shawnee, OK 74801
405-878-1672

PUBLIC HEARING



December 4, 2024
1:30 PM

City Hall at 16 W. 9th Street,
Commission Chambers

Project Information

Request: Request to rezone from R-1 (Low Density Residential District) to C-2 (Regional Commercial District) unit.

Applicant: Erika Jones

Location: 3918 N Kickapoo, Shawnee, OK, 74804

Legal Description:

Lot 3, Block One, College View Addition to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.



Frequently Asked Questions

What is a Rezoning?

A Rezoning is a request to change the zoning of a property to a different zoning district. The zoning of a property determines many of the allowed uses available for development.

What is a Conditional Use Permit (CUP)?

A Conditional Use Permit (CUP) is a request for a particular use that has been classified in the Zoning Code as requiring a CUP. These uses require a thorough review because some uses could more intensely affect the area in which it is located.

Why did I receive a letter?

You own property within 300 feet of the subject property.

How do I comment on the request?

Try to attend the public hearing if you are able. Staff will also accept written comments for those who cannot attend.

What if I have questions?

Call the Community Development Dept. at 405-878-1672 or email the Community Development Director at rian.harkins@shawneeok.org.

What if I cannot attend the hearing?

Staff will accept written comments. You may also have a neighbor or friend attend the hearing to represent your interests at the meeting.

How will this request affect me?

Every property is different. Contact the Community Development Department for more information if you have concerns about any impact on you.

I am not in favor of the request, what do I do?

Attend the meetings or provide written comments if you cannot attend. Property owners within 300 feet of the subject property may also prepare a protest petition. Staff can supply information about the protest petition requirements.

NOTICE OF PUBLIC HEARING
Rezoning Request (RZ05-24)

It is hereby noticed that the City of Shawnee Planning Commission will hold a public hearing on December 4, 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 December 16, 2024, at 6:00 p.m. in the Commission Chambers at City Hall. The Planning Commission and City Commission will consider a rezoning request (**RZ05-24**) to rezone from R-1 (Low Density Residential District) to C-2 (Regional Commercial District) at property addressed as 3918 N Kickapoo and described as:

Lot 3, Block One, College View Addition to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

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.



RZ05-24 3918 N Kickapoo



Planning Commission Meeting – 12.4.2024 – City of Shawnee, Oklahoma

Staff Report | RZ05-24 | R-1 to C-2 | 3918 N Kickapoo Ave

Date: November 14, 2024

To: Shawnee Planning Commission

From: Rian Harkins, Community Development Director

Subject: **Staff Report** - Public hearing and consideration of a request to rezone from R-1 (Low-Density Residential District) to C-2 (Regional Commercial District).
Case No. RZ05-24 | Applicant: Erika Jones

Background

The subject property is located at 3918 N Kickapoo Ave and contains approximately .72 acres. The request is to rezone the property from R-1 (Low-Density Residential District) to C-2 (Regional Commercial District).

Discussion

The subject property is zoned R-1 (Low-Density Residential), and is located on the major arterial corridor of North Kickapoo. The properties surrounding the subject property to the east and south are zoned C-2 (Regional Commercial). To the north, the land is zoned C-1 (Local Commercial). To the west is a neighborhood zoned R-1 (Low-Density Residential).

There is a 16 inch water line located along the west side of North Kickapoo, and a 60 inch RCP storm sewer line located on the east side of North Kickapoo. An 8 inch gravity sewer line runs behind the property along the unpaved alleyway on the west side. There are no sidewalk paths immediately adjacent to the property or to the south, but there is potential for sidewalk connection to the north along North Kickapoo.

The Comprehensive Plan Future Land Use Map (FLUM) indicates the subject property has a Mixed Use land use designation. C-2 is an appropriate zoning district for this land use designation, because a major commercial use will help to improve economic performance and allow for more complementary uses within a close proximity. The request is in conformance with the 2040 Comprehensive Plan, which calls for mixed use developments with similar intensity along arterial corridors.

Referencing the City of Shawnee Zoning Code (Code) DIVISION 15. - Amendments; Procedures. Section 22-645. – Planning commission recommendation required. This section gives authority to the Planning Commission to make changes (amendments) to the official Zoning Map. *"...be amended, supplemented, changed, modified, or repealed by ordinance, but no change shall be made until the planning commission, after notice and public hearing, files with the city commission a report and recommendation on the proposed change."*

Staff completed the required public hearing notifications for this application. All property owners within a 300 foot radius 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 adjacent to C-2 zoning on North Kickapoo St.
- The request is in conformance with the Comprehensive Plan Future Land Use Map (FLUM).
- Notification for a public hearing was served.

Options:

- Recommending Approval of Case No. RZ05-24 to rezone from R-1 (Low-Density Residential District) to C-2 (Regional Commercial District) as requested by the applicant.
- Recommending Denial of the application for RZ05-24 to rezone the subject property.
- Recommending Deferral Case No. RZ05-24 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 **RZ05-24** to rezone the subject property from R-1 (Low-Density Residential District) to C-2 (Regional Commercial District).

This rezoning application will be heard at the City Commission meeting on Monday, December 16, 2024, at 6:00 pm.

Planning Commission

December 4, 2024
City Hall at 16 W. 9th Street, Commission
Chambers
1:30 PM

City Commission

December 16, 2024
City Hall at 16 W. 9th Street, Commission
Chambers
6:00 PM



For more information

Community Development Department
Shawnee City Hall
16 W. 9th Street
Shawnee, OK 74801
405-878-1672

PUBLIC HEARING



December 4, 2024
1:30 PM

City Hall at 16 W. 9th Street,
Commission Chambers

Project Information

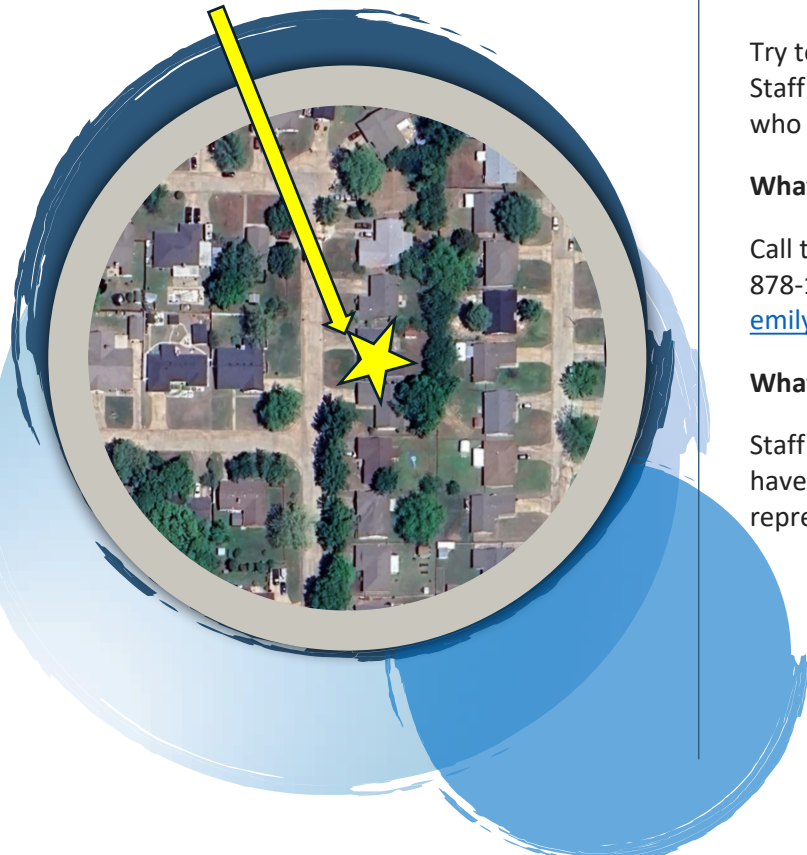
Request: Request for a Conditional Use Permit (CUP) for a single-family residence for a short-term rental unit.

Applicant: Edward King

Location: 40 Chickasaw Drive, Shawnee, OK, 74801

Legal Description:

LARKINS MEADOW 4TH BLK 11 LOT 34



Frequently Asked Questions

What is a Conditional Use Permit (CUP)?

A Conditional Use Permit (CUP) is a request for a particular use that has been classified in the Zoning Code as requiring a CUP. These uses require a thorough review because some uses could more intensely affect the area in which it is located.

Why did I receive a letter?

You own property within 300 feet of the subject property.

How do I comment on the request?

Try to attend the public hearing if you are able. Staff will also accept written comments for those who cannot attend.

What if I have questions?

Call the Community Development Dept. at 405-878-1672 or email the City Planner at emily.lisenby@shawneeok.org.

What if I cannot attend the hearing?

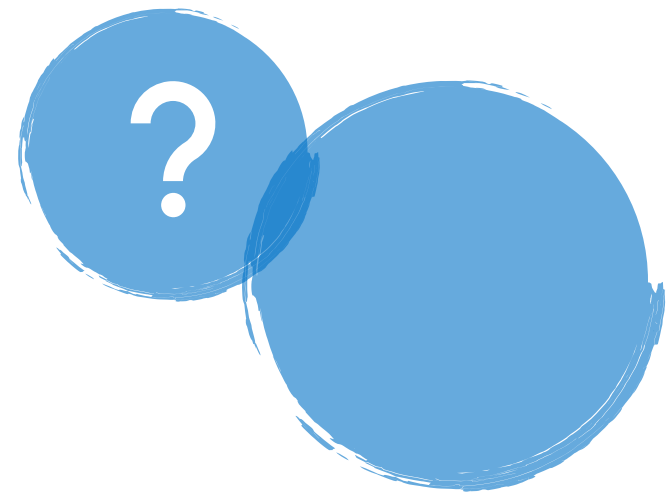
Staff will accept written comments. You may also have a neighbor or friend attend the hearing to represent your interests at the meeting.

How will this request affect me?

Every property is different. Contact the Community Development Department for more information if you have concerns about any impact on you.

I am not in favor of the request, what do I do?

Attend the meetings or provide written comments if you cannot attend. Property owners within 300 feet of the subject property may also prepare a protest petition. Staff can supply information about the protest petition requirements.



Publish ASAP

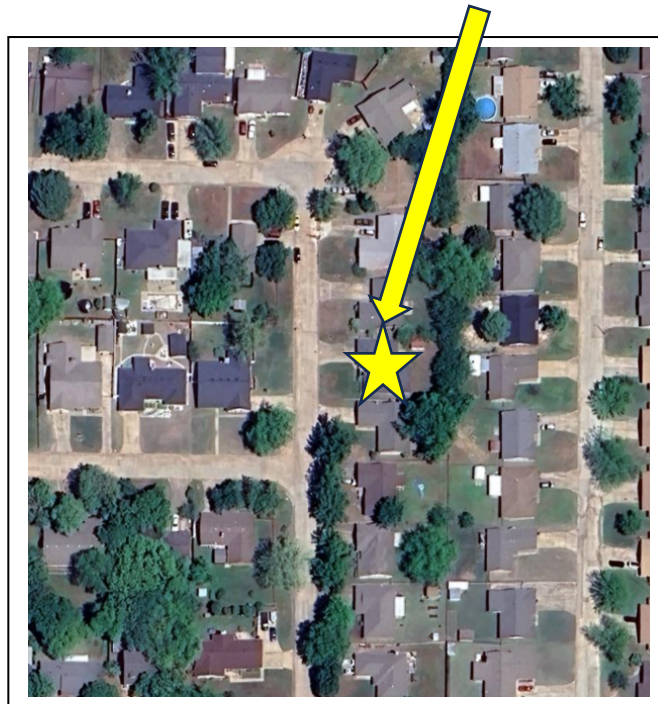
NOTICE OF PUBLIC HEARING
Conditional Use Request

It is hereby noticed that the City of Shawnee Planning Commission will hold a public hearing on December 4, 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 December 16, 2024, at 6:00 p.m. in the Commission Chambers at City Hall. The Planning Commission and City Commission will consider a Conditional Use Permit request to allow a short-term rental unit at property addressed as 40 Chickasaw Drive, Shawnee, OK, 74801 and described as:

LARKINS MEADOW 4TH BLK 11 LOT 34

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.

40 Chickasaw Drive, Shawnee, OK, 74801



PLANNING COMMISSION APPLICATION



City of Shawnee Community Development Department

222 N. Broadway
Shawnee, OK 74801
(405) 878-1672
www.ShawneeOK.org

For Office Use Only

Case Number: _____

Project Number : _____

Date Filed: _____

Planning Commission Secretary

REQUEST:

____ Rezoning
☒ Conditional Use Permit
____ Rezoning w/Conditional Use Permit
____ Planned Unit Development

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from (218) 93 Shawnee District to (218) 93 Shawnee District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 40 Chickasaw Dr., Shawnee

LEGAL DESCRIPTION: LARKINS MEADOW 4TH BLK 11 LOT 34

PROPERTY OWNER (S): King Quality Rentals LLC

PROPERTY AGENT (APPLICANT): Edward King

APPLICANT'S ADDRESS: 40 Chickasaw Drive

CITY: Shawnee **STATE:** OK **ZIP:** 74801

EMAIL ADDRESS: edwardking98@gmail.com

TELEPHONE NUMBER: (907) 699-6788 **CONTACT NUMBER:** (907) 696-6788

DIMENSIONS OF PROPERTY: AREA: 7,818.269 ft2 WIDTH: 65 ft
LENGTH: 120 ft FRONTAGE: 65 ft

CURRENT ZONING: R1 **CURRENT USE:** Single family residential

PROPOSED ZONING: R1 **PROPOSED USE:** Short-term rental

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

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

RECEIPT NO. _____

NOTIFICATION SIGN \$ 50.00

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

CITY COMMISSION ACTION: _____ **DATE:** _____

PLACE ON ZONING MAP: _____ **ORDINANCE NO.:** _____

Planning Department Application Submittal Guidelines - City of Shawnee, OK

Planning Department – 222 N. Broadway Ave. – 405-878-1672

Rezoning (RZ) – Conditional Use Permits (CUP) – Planned Unit Developments (PUD)

Applicants must speak with a member of the Planning Department staff **prior** to submitting an application. Please contact the Planning Department to schedule a time to discuss your application with a staff member. Initial meetings can be over the phone, virtual, or in-person. Follow-up phone calls and emails are welcomed.

Application packages shall be submitted to the Planning Department **at least 30 days** prior to the Planning Commission meeting. Attached to these guidelines are a current Planning Commission meetings calendar and the corresponding due dates for application submittal.

The submittal package shall include **Application – Deed or Affidavit – Mailing List – Fees**

Application

The completed and signed application. Include the full legal description of the subject property – attached by separate sheet if necessary. Incomplete or unsigned applications will not be accepted or will be returned.

Deed or Affidavit

A copy of the deed of ownership or a signed affidavit from the property owner explicitly giving permission for the public hearing for a rezoning is allowed on the subject property.

Mailing List

A mailing address list of all property owners located within a 300' radius of the perimeter of the subject property lines. Multi-family uses or treatment facilities rezoning requests require a radius of 1,320 feet and increased notice time. (*see next page*)

The certified list **must be obtained** from a registered, bonded abstract company or a licensed title insurance company. The cost of obtaining the list is the applicant's responsibility.

Fees

The fees due with submittal are application and sign fees. Calls or emails to confirm are welcomed.

=====

Upon receipt, staff will review the submittal and contact the applicant with any questions.

In compliance with Oklahoma State Statute the notifications of a public hearing must be mailed, published, and posted not less than 20 days prior to the public hearing meeting date

- A notification of a public hearing shall be mailed to all property owners located within a 300' radius of the perimeter of the subject property lines. City staff will generate and mail the notification letters.
- A legal notice of a public hearing shall be published in a newspaper of general circulation in Shawnee. City staff will arrange for the publication.
- A sign announcing a public hearing shall be posted on the subject property by the City.

- The Planning Commission will hold a public hearing to review the rezoning/CUP/PUD request. The Planning Commission is a recommending body, so a recommendation of approval, approval with conditions, or denial will be forwarded with the application to the City Commission for review.
 - While not required, the applicant or a knowledgeable representative should plan to attend and speak at the public hearing. Legal representation is not needed.
- The City Commission will hold a public hearing and review the rezoning/CUP/PUD request along with the Planning Commission's recommendation. If you do not attend the meeting, you may contact the Planning Department after the City Commission meeting for the final decision. The City Commission typically meets the first and third Mondays of each month at 6:00 p.m.

=====

- When a rezoning request is for multi-family or treatment facilities, and similar facilities
 - 11 O.S. 43-106 – “ In addition to the notice required in this subsection, if the zoning change requested permits the use of treatment facilities, multiple family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or nonmedical detoxification as these terms are defined pursuant to Section 3-403 of Title 43A of the Oklahoma Statutes, the entity proposing the zoning change shall mail a written notice within thirty (30) days of the hearing to all real property owners within one-quarter (1/4) of a mile where the area to be affected is located...”
 - ❖ This additional notification time will affect the due date for application submittal. The typical due date is 30-days prior to the scheduled Planning Commission meeting you wish to attend. For the uses listed pursuant to 11 O.S. 43-106, the submittal due date may be 60-days prior to the public hearing meeting. Planning staff will confirm an application due date on a case-by-case basis.

Planning Applications Submittal Checklist

- _____ Meeting with Planning Department staff member
- _____ Application – completed and signed
- _____ Certified list of property owners' addresses obtained from a licensed abstract or title company
- _____ Deed or Affidavit – proof of ownership or signed permission for land use change application
- _____ Fees – The cost of the application and applicable fees are due at the time of submittal.

2022 CALENDAR YEAR

Schedule of Regular Meetings

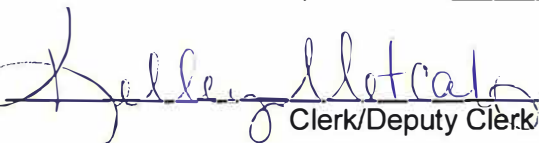
PLANNING COMMISSION, SHAWNEE, OK

<u>DATE</u>	<u>TIME</u>	<u>PLACE OF MEETING</u>
January 5, 2022	1:30 PM	Commission Chambers City Hall, 16 W. 9 th St.
February 2, 2022	1:30 PM	Commission Chambers City Hall, 16 W. 9 th St.
March 2, 2022	1:30 PM	Commission Chambers City Hall, 16 W. 9 th St.
April 6, 2022	1:30 PM	Commission Chambers City Hall, 16 W. 9 th St.
May 4, 2022	1:30 PM	Commission Chambers City Hall, 16 W. 9 th St.
June 1, 2022	1:30 PM	Commission Chambers City Hall, 16 W. 9 th St.
July 6, 2022	1:30 PM	Commission Chambers City Hall, 16 W. 9 th St.
August 3, 2022	1:30 PM	Commission Chambers City Hall, 16 W. 9 th St.
September 7, 2022	1:30 PM	Commission Chambers City Hall, 16 W. 9 th St.
October 5, 2022	1:30 PM	Commission Chambers City Hall, 16 W. 9 th St.
November 2, 2022	1:30 PM	Commission Chambers City Hall, 16 W. 9 th St.
December 7, 2022	1:30 PM	Commission Chambers City Hall, 16 W. 9 th St.

Rachel Clyne, City Planner
222 N Broadway Ave. Shawnee, OK 74801
405-878-1672

Filed in the office of the municipal clerk at 3:32 am/pm on December 7th, 2021.

Signed


Clerk/Deputy Clerk

2022 CALENDAR YEAR
Schedule of Regular Meetings
PLANNING COMMISSION, SHAWNEE, OK

MEETING DATES

APPLICATION DUE DATES

January 5, 2022	-----	December 6, 2021
February 2, 2022	-----	January 5, 2022
March 2, 2022	-----	February 2, 2022
April 6, 2022	-----	March 2, 2022
May 4, 2022	-----	April 6, 2022
June 1, 2022	-----	May 4, 2022
July 6, 2022	-----	June 1, 2022
August 3, 2022	-----	July 1, 2022
September 7, 2022	-----	August 1, 2022
October 5, 2022	-----	September 1, 2022
November 2, 2022	-----	October 3, 2022
December 7, 2022	-----	November 2, 2022



Planning Commission Meeting – 12.4.2024 – City of Shawnee, Oklahoma

Staff Report | CUP05-24 | 40 Chickasaw Drive

Date: November 14, 2024

To: Shawnee Planning Commission

From: Rian Harkins, Community Development Director

Subject: **Staff Report** - Public hearing and consideration of a request for a Conditional Use Permit (CUP) for a short term rental.
Case No. CUP05-24 | Applicant: Edward King

Background

The subject property is located at 40 Chickasaw Drive and contains approximately .18 acres. A Conditional Use Permit (CUP) is required to allow one (1) short term rental unit on the property.

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 Section 22-291 of Shawnee's Unified Development Code is Table 22-291: Permitted uses in Residential Zoning Districts. The table indicates that in zoning district R-1, the use of a Short Term Rental at a single-family residential (use) is permitted subject to acquiring a Conditional Use Permit (CUP).

The Comprehensive Plan Future Land Use Map (FLUM) indicates the subject property has a Low Density Residential land use designation. R-1 is an appropriate zoning district for this land use designation. The request is in conformance with the 2040 Comprehensive Plan.

Staff completed the required public hearing notifications for this application. All property owners within a 300 foot radius 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:

- 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 CUP05-24 to locate one (1) short term rental unit at 40 Chickasaw Drive 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.
- Adherence to Section 22-199(i) of Shawnee's Unified Development Code as follows:

1. Short-term Rental. A short-term rental is defined as the rental of an existing or otherwise permitted dwelling unit, or any portion thereof, for not more than 30 days, where the owner is engaged in a contract for the rental of that specific dwelling unit or any portion thereof. In addition to a conditional use permit, accessory dwelling units must also meet the following criteria:

- a. Application and approval of a conditional use permit is required before application of the license is approved.
- b. An annual short-term rental license may be issued to eligible applicants by the city. A short-term rental license is a privilege that may be denied, suspended, revoked, or not renewed.
- c. Short-term rental units shall only be utilized by those individuals who are renting said units, and then only for the purposes of overnight accommodation.
- d. Short-term rentals shall not adversely affect the residential character of the neighborhood, nor shall the use generate noise beyond what is allowed under city code, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of their residence.
- e. A licensee or guest of a short-term rental shall not use or allow the use of sound equipment, amplified music, and musical instruments.
- f. A licensee or guest of a short-term rental shall not violate any parking ordinances of this Code. Suitable parking based on proposed occupancy must be available on-site, and the use of street parking as the primary guest parking is not allowed.
- g. Guest occupancy limits are established for each short-term rental.
- h. Anyone under the age of 18 is prohibited from renting a short-term rental.
- i. All short-term rental properties shall pay a license application fee and a license renewal fee, as noted in the city fee schedule.
- j. All short-term rental properties shall be inspected by the city annually.
- k. Short-term rental licenses shall not be transferrable.
- l. No person shall offer or engage in a short-term rental in or on any part of the property not approved for residential occupancy. Examples include, but are not limited to, a vehicle or RV parked on the property, storage shed, trailer, garage, or any temporary structure such as a tent.

2. Short-term rental, residential; license required; compliance with applicable codes. Any fraud, material misrepresentation, or false statements contained in the attestations, required documentation, or correlating application material shall be grounds for immediate revocation of a short-term rental license. Furthermore, all requirements shall be continuously maintained throughout the duration of the permit. These requirements shall be verified as having been met through an annual inspection.

- a. No person shall manage or operate a short-term rental without an annual license, as provided herein, issued by the community development department.
- b. Licenses for short-term rental shall expire annually on the date the license was originally granted or immediately upon change of ownership. Licenses may be renewed annually upon filing a renewal application with the community development department.

- c. No license shall be issued or renewed until the applicant verifies that tax permits have been issued by the State of Oklahoma and provides evidence that all applicable collection of taxes will take place or is taking place.
 - d. No license shall be issued or renewed where taxes are delinquent and are owed by the owner or operator of the property or if the property violates any section of this Code. No renewal shall be issued for a property deemed to breach this Code until such violation is resolved through final disposition of a prosecution filed in the municipal or district court or upon certification by the building code official that the property is in compliance with applicable codes
 - e. No short-term rental license shall be issued until a conditional use permit (CUP) has been approved by the city.
 - f. No person shall offer or engage in a short-term rental without complying with applicable building and fire codes.
 - g. Use of a short-term rental for any commercial events is prohibited. Each short-term rental shall comply with all applicable noise ordinances.
 - h. The number of occupants at any given time in a short-term rental unit shall not exceed the number of beds.
3. Suspension, revocation; notice and appeal; complaint process
 - a. A license issued may be suspended or revoked by the city for failure to pay applicable sales and/or occupancy taxes due or for violation of any section of this Code or state law.
 - b. Failure to renew the short-term rental license annually will require a new license application to be submitted and charged the initial fee as described in the city fee schedule.
 - c. A resident within 300 feet of the short-term rental may file a complaint with the city if they feel the short-term rental unit is noncompliant with the provisions of this division.
 - d. No license shall be suspended or revoked until the owner has been accorded written notice of the violation(s) and administrative hearing with the city.
 - e. The decision to suspend or revoke the license may be appealed to the city commission by filing notice thereof with the city clerk within ten days of said action.
 4. Covenants, deed restrictions; overlay requirements
This division or any section therein is not intended to be construed in derogation of, or in conflict with, any restrictive covenant, deed restriction, or lease agreement that may be applicable. This division or section therein shall be subject to any applicable overlay district or provision thereof or any zoning restriction unique to a particular area or parcel.
 5. Penalty Violation of Division III.Sec. 22-199. I. shall be deemed a class C offense. Each day a short-term rental is operated in violation of said section shall constitute a separate offense.

Options:

- Recommending Approval of Case No. CUP05-24 to to allow for one short term rental unit as requested by the applicant.
- Recommending Denial of the application for CUP05-24.
- Recommending Deferral Case No. CUP05-24 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 **CUP05-24**.

This CUP application will be heard at the City Commission meeting on Monday, December 16, 2024, at 6:00 pm.