

AGENDA
PLANNING COMMISSION
AUGUST 2, 2023 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 5, 2023, regular meeting.
2. Case No. CUP02-23 -- Public hearing and consideration of a request for a Conditional Use Permit (CUP) for telecommunications housing on property located at 43008 E. MacArthur Street.
3. Planning Commission Training Session – Part Three
4. Community Development Department Updates
5. Commissioners Comments
6. 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: July 5, 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 July 5, 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, Barrett, Rowell, Mew-Palmer

Absent: Walker, Porter

Item 1. Approval of Minutes – Regular Meeting

Consideration of approval of the minutes from the regular meeting of May 3, 2023. Chair Reese asked for questions or corrections to the minutes.

Commissioner Barrett made a motion to **Approve** the amended minutes as presented, which Commissioner Mew-Palmer seconded.

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

Aye: Johnson, Reese, Barrett, Rowell, Mew-Palmer

Nay: None

Abstain: None

Item 2. Case No. CUP01-23 – Public hearing and consideration of a request for a Conditional Use Permit (CUP) for a brewpub on property located at 313 E. Main Street.

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

Findings and Facts:

- The subject property is located in downtown Shawnee and conforms with the Comprehensive Plan.
- The proper notification for a public hearing was served.
- The application was reviewed, and conditions are recommended.

Chair Reese opened the public hearing. The applicant was not present. Staff advised the Commissioners that the application was originally on the June 7, 2023, Planning Commission agenda, but that meeting had been canceled due to lack of quorum. The applicant had advised staff he was unable to attend the July meeting. Planner Clyne offered to answer any questions regarding the application based on multiple conversations with the applicant.

Beth Hatley of 317 E. Main Street addressed the Commission and asked to read a letter from the applicant, David Thomas of Vortex Brewing that provided an overview of the proposed idea and background information on the company. Ms. Hatley closed by stating the applicant, Mr. Thomas, was cordial, a good neighbor, and community-minded. With no other public input, the public hearing was closed.

Based on the review of the application and the listed Findings, staff recommended that the Planning Commission recommend to the City Commission **APPROVAL** of CUP01-23 to locate a brewery/taproom at 313 East Main Street 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.

Commissioner Johnson made a motion to recommend the **APPROVAL**, with the listed conditions, of Case No. CUP01-23, which Commissioner Mew-Palmer seconded.

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

Johnson, Reese, Barrett, Rowell, Mew-Palmer Nay: None

Abstain: None

It was noted the application would be on the agenda of the City Commission at its regular meeting on July 17, 2023, at 6:00 p.m.

Item 3. Case No. TXT01-23 – Public hearing and consideration of the proposed text amendment to Section 22-295 of the Zoning Code regarding Traditional Neighborhood (TN) infill standards.

Director Harkins provided a staff report and provided the following information and recommendation.

Findings:

- The Traditional Neighborhood (TN) is an existing zoning overlay for residential standards.
- Within city limits, many vacant residential lots are smaller than the required 6,000 sq. ft.
- There is a demand for housing options in established neighborhoods of the City.
- The proper notification for a public meeting was served.

Chair Reese opened the public hearing. No one spoke, so the public hearing was closed.

Based on the review of the application and the listed Findings, staff recommended that the Planning Commission recommend to the City Commission **APPROVAL** of TXT01-23 for the proposed text amendment to Section 22-295 of the Zoning Code.

Commissioner Rowell made a motion to recommend the **APPROVAL** of Case No. TXT01-23, which Commissioner Barrett seconded.

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

Aye: Johnson, Reese, Barrett, Rowell, Mew-Palmer

Nay: None

Abstain: None

It was noted the application would be on the agenda of the City Commission at its regular meeting on July 17, 2023, at 6:00 p.m.

Item 4. Case No. RZ10-23 – Public hearing and consideration of a request to rezone from I-2 (Light Industrial District) and R-1 (Single-Family Residential District) to A-1 (Rural Agricultural District) on property located at 1804 W. Dewey Street.

Findings:

- The subject property is adjacent to land with the desired zoning district, A-1 (Rural Agricultural District).
- The request is in conformance with the Comprehensive Plan Future Land Use Map (FLUM).
- The request would be a downzone to less intensive use of the land.
- The proper notification for a public hearing was served.

Chair Reese opened the public hearing. The applicant wasn't present, and no one spoke. The public hearing was

closed.

Based on the Findings, staff recommended that the Planning Commission recommend to the City Commission **APPROVAL** of RZ10-23 to rezone the subject property from I-2 (Light Industrial District) and R-1 (Single-Family Residential District) to A-1 (Rural Agricultural District).

Commissioner Barrett made a motion to recommend the Approval of Case No. RZ10-23, which Commissioner Johnson seconded.

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

Aye: Johnson, Reese, Barrett, Rowell, Mew-Palmer

Nay: None

Abstain: None

It was noted the application would be on the agenda of the City Commission at its regular meeting on July 17, 2023, at 6:00 p.m.

Item 5. Planning Commission Training Session – Part Two

Director Harkins presented a slide show to the Planning Commissioners discussing the fundamentals of the Comprehensive Plan and its relation to many aspects within the City of Shawnee. He advised the other names often used are General Plan, Master Plan, and Land Use Plan. He explained that the Shawnee Comprehensive Plan is tied to the Zoning Ordinance, but some states tie their zoning to the Comp Plan. Harkins discussed examples of elements that may be found in a Comp Plan, such as the Capital Improvement Plan (CIP) and the Land Use Designation, which staff references in many staff reports. He explained that the Twin Lakes Master Plan will complement the Comp Plan once it is completed. He finished by stating that Oklahoma does not have mandatory elements required of its Comprehensive Plans.

Item 6. Community Development Update

Community Development Director Harkins stated that staff was working on By-laws for the Planning Commission and the Board of Adjustment. The UDC project was continuing, and staff had reviewed the zoning uses and subdivision regulations. The first draft of the sign code was expected this week. Harkins updated that the Twin Lakes Master Plan was at the stage of Technical Report. He stated that the City may be able to go out for a bid on the Depot roof in the coming months. Lastly, Director Harkins stated that Love Your Block (LYB) had a new Fellow. She has a background in education, sales marketing, and working with disadvantaged groups. A review of mini-grants has started. Expect to see community-based projects such as tree plantings and a pollinating garden.

Item 7. Planning Commissioners' Comments

The Commissioners voiced appreciation for the training received and they thanked staff for their work and for keeping them informed.

Item 8. Adjournment

The meeting adjourned at **2:22 p.m.**

Chair/Vice-Chair

Date

City Planner

Date



Planning Commission Meeting – 8.2.2023 – City of Shawnee, Oklahoma

Staff Report | CUP02-23 | 43008 E. MacArthur Street

Date: 7.27.2023

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) for telecommunications housing on property located at 43008 E. MacArthur Street.
Case No. **CUP02-23** | Applicant: Tim & Donna Russell

Background

The subject property is located at 43008 E. MacArthur Street and contains a small engine repair shop. The request is for a Conditional Use Permit (CUP) to locate telecommunications housing north (behind) the existing building. 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 "Communication towers/cell phone towers" is permitted subject to acquiring a Conditional Use Permit (CUP). At this location, however, a communications tower is not the request.

The companies, Bluepeak and MBO Networks, supply fiber optic internet and television. The two (2) telecommunications structures (sheds) will be located behind the existing structure. One shed will be approximately 120 sq. ft. and the other shed approximately 200 sq. ft. The area surrounding the sheds and their generators will be fenced and screened. A rendering of the proposed location and a photograph of a similar building follow this report.

The Comprehensive Plan Future Land Use Map (FLUM) indicates the subject property has the land use designation of Low Intensity Commercial. According to the Comprehensive Plan, Low Intensity Commercial land use is defined, in part, as "Areas with easily accessed neighborhood commercial services." The enclosed area for the telecommunications sheds is an accessory use of the existing business. This Conditional Use Permit request, if granted, would conform 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, a notice of a public hearing was published in The County Democrat weekly newspaper. A sign providing details and contact information was placed at the subject property.

Findings:

- The subject property is located in C-3 zoning (Highway Commercial District) and conforms with the Comprehensive Plan.
- The proper notification for a public hearing was served.
- The application was reviewed, and conditions are recommended.
- The proposed structures will be fenced and screened as required by the Zoning Code.

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 **CUP02-23** to locate telecommunications housing on property located at 43008 E. MacArthur Street 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.

Recommendation Options:

- Approval of Case No. CUP02-23, to locate telecommunications housing at 43008 E. MacArthur Street with the conditions presented by staff.
- Denial of the application for CUP02-23, thus preventing the construction of the telecommunications sheds at the subject property.
- Deferral of Case No. CUP02-23 with a request for additional and specific information to a certain date.
- Approval of Case No. CUP02-23, to locate telecommunications housing at 43008 E. MacArthur Street with the conditions presented by staff plus additional conditions.

This CUP application will be heard at the City Commission meeting on Monday, August 21, 2023, at 6:00 pm.

PLANNING COMMISSION APPLICATION



**City of Shawnee
Community Development
Department**

16 W. 9th Street
Shawnee, OK 74801
(405) 878-1672
www.ShawneeOK.org

For Office Use Only

Case Number: CUP02-23

Project Number: _____

Date Filed: 6/29/23

R. Clyne
Planning Commission Secretary

Received
Comm Dev
6/29/23 RC

REQUEST:

☐ Rezoning
☒ Conditional Use Permit

☐ Rezoning w/Conditional Use Permit
☐ Planned Unit Development

PROPERTY LOCATION (STREET ADDRESS): 43008 E. MacArthur St.

LEGAL DESCRIPTION: See Deed

PROPERTY OWNER(S): Tim & Donna Russell

PROPERTY APPLICANT: Tim & Donna Russell

APPLICANT'S ADDRESS: 1718 E. MacArthur St.

CITY: Shawnee

STATE: OK

ZIP: 74804

EMAIL ADDRESS: Smallenginesystems@gmail.com

TELEPHONE NUMBER: (405) 881-3565 CONTACT NUMBER: (405) 273-2329 Business

DIMENSIONS OF PROPERTY:

AREA: 1.94 Acres WIDTH: 170 Ft.

LENGTH: 505 Ft. FRONTAGE: 170 Ft.

CURRENT ZONING: C-3 Commercial CURRENT USE: Small Engine Repair

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.

Donna Russell
Tim Russell
SIGNATURE OF APPLICANT

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

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: 8/2/23

CITY COMMISSION ACTION: _____

DATE: 8/21/23

PLACE ON ZONING MAP: _____

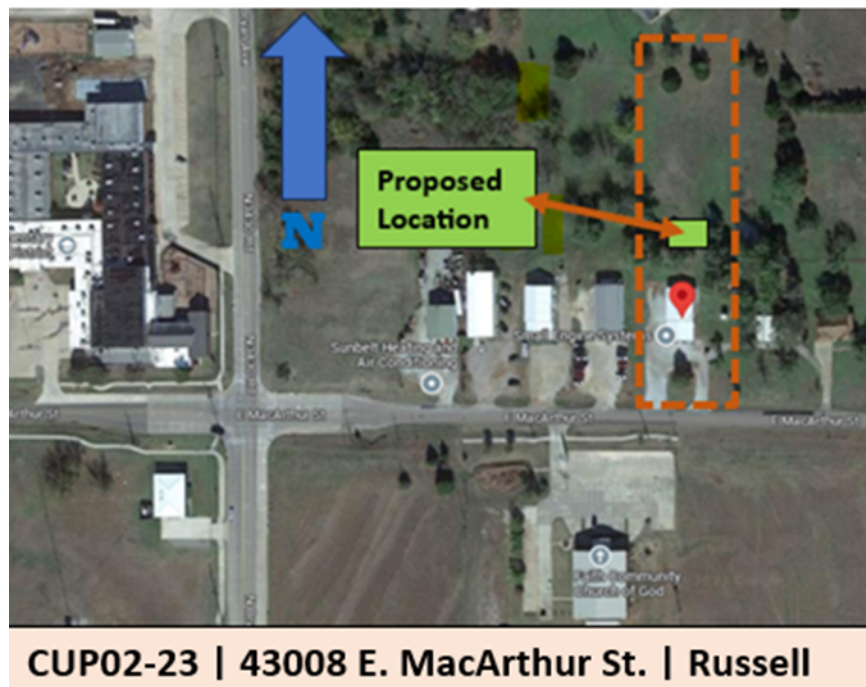
ORDINANCE NO.: _____

Publish July 7, 2023
NOTICE OF PUBLIC HEARING
Rezoning Request (CUP02-23)

It is hereby noticed that the City of Shawnee Planning Commission will hold a public hearing on August 2, 2023, 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 August 21, 2023, 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 (**CUP02-23**) for telecommunications housing located at 43008 E. MacArthur Street and described as:

A tract of land in the Southwest Quarter of Section 4, Township 10 North, Range 4 East of the 1.M., Pottawatomie County, Oklahoma, described as beginning at a point 585.49' East of the Southwest Corner of said Southwest Quarter; thence N01°32'32"W a distance of 533.48'; thence East a distance of 166.616'; thence S01°26'55"E a distance of 533.46'; thence West a distance of 165.744' to the point of beginning, containing 2.0298 acres, more or less,

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.



Shawnee Oklahoma

