

**AGENDA
CITY OF SHAWNEE
PLANNING COMMISSION
DECEMBER 7TH, 2016 AT 1:30 P.M.
COMMISSION CHAMBERS
CITY HALL, 16 W 9TH ST**

- 1)** Roll Call
- 2)** Consideration of approval of the minutes from the November 2nd, 2016 Planning Commission meeting
- 3)** Citizens' Participation
(A three minute limit per person)
(A twelve minute limit per topic)
- 4)** Consideration of approval of the 2017 Schedule of Regular Meetings for the Planning Commission
- 5)** Case #P11-16 – A public hearing for consideration of approval of a Rezone from PUD; Planned Unit Development to C-3; Highway Commercial, located at the East side of Harrison Street, North on Transportation Parkway, Shawnee, OK
Applicant: City of Shawnee
- 6)** Planning Director's Report
- 7)** Commissioners Comments and/ or New Business
- 8)** Adjournment

PLANNING COMMISSION MINUTES

DATE: NOVEMBER 2ND, 2016

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in the Commission Chambers, at City Hall, 9th and Broadway, on Wednesday, November 2nd, 2016 at 1:30 p.m., pursuant to notice duly posted as prescribed by law.

AGENDA ITEM NO.1: Roll Call

Upon roll call the following members were present:

Present: Morton, Clinard, Kerbs, Bergsten, Kienzle, Affentranger

Absent: Cowen

Meeting was called to Order.

AGENDA ITEM NO. 2: Consideration of Approval of the minutes from the October 5th, 2016 Planning Commission Meeting

Chairman Bergsten asked if the Board had time to review the minutes and if there were any questions or comments. Commissioner Kienzle made a motion to approve, seconded by Commissioner Affentranger.

Motion passed:

AYE: Morton, Clinard, Kerbs, Bergsten, Kienzle, Affentranger

NAY:

ABSTAIN:

AGENDA ITEM NO. 3: Citizen's Participation

Chairman Bergsten opened the public portion of the meeting and announced that this is an open time for discussion for those with questions on topics not on the Agenda and asked if anyone would like to come forward. No one came forward and Chairman Bergsten closed the public portion of the meeting.

AGENDA ITEM NO. 4: Case #P09-16 – A public hearing for consideration of approval of a Rezone from C-1; Neighborhood Commercial to C-3; Highway Commercial, located at 4020 N. Kickapoo Ave., Shawnee, OK

Applicant: Nelmon Brauning

Chairman Bergsten asked for the staff report. Brittney Burton presented the staff report and stated the property is located south of O'Reilly with a lot size of .72 acres. The applicant is requesting a rezone in order to construct a restaurant and Ms. Burton informed the Commissioners that one person came forward with concerns regarding fencing and drainage issues. Ms. Burton stated staff recommends approval. Chairman Bergsten asked if they would see fencing during platting and Ms. Burton agreed and stated they would be required to put a fence next to residential. Commissioner Kerbs asked if there was a utility easement behind property and Mr. Debruin agreed. Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in

favor would like to come forward. No one came forward and Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Commissioner Kerbs made a motion to approve, seconded by Commissioner Clinard.

Motion passed:

AYE: Morton, Clinard, Kerbs, Bergsten, Kienzle, Affentranger

NAY:

ABSTAIN:

AGENDA ITEM NO. 5:

Case #P10-16 – A public hearing for consideration of approval of a Rezone from CP; Planned Shopping Center District to PUD; Planned Unit Development, located at the Northeast corner of 45th St., and Harrison Ave., Shawnee, OK

Applicant: Shawnee Harrison, LLC

Chairman Bergsten asked for the staff report. Justin Debruin presented the staff report and informed the Board that the proposed rezone consists of approximately fifteen acres and the intent is for various C-3 uses in a Planned Unit Development and includes two variances. Mr. Debruin stated the uses include a hotel, restaurant and gas station completed in phases. Justin Debruin stated this is a combined staff report for the Preliminary Plat as well. The site includes five buildable lots, two common areas for detention, dog park and project is privately maintained. There are three shared drives along Harrison, two access points along 45th Street and one point of access along John C. Bruton drive. John C. Bruton will be converted to a collector street and a traffic study was completed by the City Engineer. Utilities are in place. Mr. Debruin discussed the eighty foot freestanding sign variance request. The second variance request is for a perimeter easement not being necessary due to the creek next to property. Justin Debruin stated staff has listed ten conditions on both cases and recommends approval. Chairman Bergsten asked if Collision Works sign was seventy feet and Mr. Debruin agreed. Chairman Bergsten asked if Mr. Debruin knew how tall the hotel buildings would be to compare sign height and Mr. Debruin stated there would be a forty five foot height limit. Commissioner Kerbs asked about signal light being installed at John C. Bruton drive. Commissioner Affentranger asked if final plat would include the location for light and Mr. Debruin agreed. Commissioner Kerbs asked for confirmation that there were no plans for a retention pond and Mr. Debruin agreed. Commissioner Kerbs also asked if the dog park would be privately maintained and Mr. Debruin agreed. Commissioner Kienzle asked if it was for public use and Mr. Debruin agreed. Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward and Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Commissioner Kienzle made a motion to approve with conditions listed, seconded by Commissioner Affentranger.

Motion passed:

AYE: Morton, Clinard, Kerbs, Bergsten, Kienzle, Affentranger

NAY:

ABSTAIN:

AGENDA ITEM NO. 6:

Case #S19-16 –Consideration of approval of a Preliminary Plat for Domino Plaza Addition, located at the Northeast corner of 45th St., and Harrison Ave., Shawnee, OK

Applicant: Shawnee Harrison, LLC

Combined staff report. Chairman Bergsten asked if there were any questions. There were none and Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward and Chairman Bergsten closed the public portion of the meeting. Chairman Bergsten asked if there were any comments, questions or a motion from the Commissioners. Commissioner Affentranger made a motion to approve with conditions listed, seconded by Commissioner Kerbs.

Motion passed:

AYE: Morton, Clinard, Kerbs, Bergsten, Kienzle, Affentranger

NAY:

ABSTAIN:

AGENDA ITEM NO. 7:

Planning Director's Report

Justin Debruin discussed Lot Eight of Shawnee Marketplace being ready for pick up and the next two lots still under negotiation. Regal is open and landscaping is being completed. Domino Express is moving rapidly. FFO Furniture is hoping to open within next few weeks. Mr. Debruin discussed the downtown properties. The Historic Shawnee Alliance took over the façade grant application process. The Hornbeck Theatre application was accepted. Mr. Debruin informed the Commissioners that staff would be updating the building codes from the 2009 to the 2015 codes. Commissioner Affentranger asked about the OBU street closure. Mr. Debruin stated it would be going before the City Commission and includes closing the public right-of-way but not closing the street itself. Justin Debruin also mentioned it is still under discussion. Chairman Bergsten asked about seeing if the left turn at the intersection of Kickapoo near I-40 is supposed to be removed. Mr. Debruin informed him that he would look into it. Commissioner Morton asked about the permit next to CVS. Mr. Debruin stated it was a two tenant structure but staff did not know what businesses would be going in there yet.

AGENDA ITEM NO. 8:

Commissioners Comments and/or New Business

Chairman Bergsten discussed Commissioner Morton leaving the Board and thanked her for her service. Commissioner Kerbs announced the Christmas tree lighting ceremony and the Christmas parade dates and times. Commissioner Kerbs also mentioned the college impact in the downtown area. Commissioner Kienzle thanked all for going to the public art session and informed the Commissioners that an arts network has been launched.

AGENDA ITEM NO. 9:

Adjournment

Meeting was adjourned.

Chairman/Vice-Chairman

Cheyenne Pettigrew

Planning Commission Secretary

2017 PLANNING COMMISSION

Meeting Dates

APPLICATION, OWNERSHIP LIST & PAYMENT MUST BE RECEIVED
30 DAYS PRIOR TO PLANNING COMMISSION MEETING

Planning Commission 1:30 p.m. Meeting dates	City Commission 6:30 p.m. Meeting dates
1-4-17	1-17-17
2-1-17	2-6-17
3-1-17	3-6-17
4-5-17	4-17-17
5-3-17	5-15-17
6-7-17	6-19-17
7-5-17	7-17-17
8-2-17	8-7-17
9-6-17	9-18-17
10-4-17	10-16-17
11-1-17	11-6-17
12-6-17	12-18-17

Planning Commission meets at 1:30 p.m.

City Commission meets at 6:30 p.m.

Both meetings are held in the City Commission Chambers located at City Hall, 16 W. 9th Shawnee OK.

Please Call the Planning Department if you have any questions. (405) 878-1616.



**STAFF REPORT
CASE #P11-16: REZONE**

TO: Shawnee Planning Commission

AGENDA: December 7, 2016

RE: Rezone Request – PUD: Planned Unit Development to C-3: Highway Commercial

PROPOSAL

The City of Shawnee has made a request to rezone two (2) lots located on Transportation Parkway, east of Harrison Avenue (Highway 18). The 2.57 Acres of land is currently zoned as a Planned Unit Development (PUD), intended to implement a unified design over 55 Acres of contiguous land. As the underlying zoning for this PUD is C-3, such a rezone does not affect allowable uses on the subject property.

GENERAL INFORMATION

Applicant	City of Shawnee
Owner	City of Shawnee
Site Location/Address	Transportation Parkway, east of Harrison
Current Site Zoning	PUD (Planned Unit Development)
Proposed Zoning	C-3 (Highway Commercial)
Property Area	2.57 Acres
Current Use	Vacant
Proposed Use	Commercial
Comprehensive Plan Designation	Commercial
Existing Land Use	Undeveloped
Surrounding Land Use	Commercial
Surrounding Zoning	PUD (Planned Unit Development) C-3 (Highway Commercial)

STAFF REVIEW AND ANALYSIS



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

According to Section 22-190.14 of the Shawnee Zoning Code, reversion of the PUD shall be accomplished by making application for rezone to either the original status (the subject site was originally C-3) or to a new classification.

The subject two (2) lots are associated with the Planned Unit Development of Howard E. Tommie Enterprises (2001), intended to provide a service hub to support the transportation industry with fueling, storage, maintenance and human service facilities. The PUD has since been rendered obsolete as land has been sold off piecemeal. As the requested rezone to C-3 represents to current, underlying zoning for the PUD, there will be no changes to the allowable uses and dimensional standards for construction.

Based on consistency with the Shawnee Comprehensive Plan and the Shawnee Zoning Code, Staff does hereby recommend approval for the proposed rezone from PUD (Planned Unit Development) to C-3 (Highway Commercial) – the original zoning designation for the site.

STAFF RECOMMENDATION

Staff recommends **approval** for the proposed rezone from PUD to C3 (Highway Commercial) for the subject property.

Attachments:

1. Figure 1: Aerial view of site
2. Figure 2: Zoning Map
3. Figure 3: Future Land Use Map

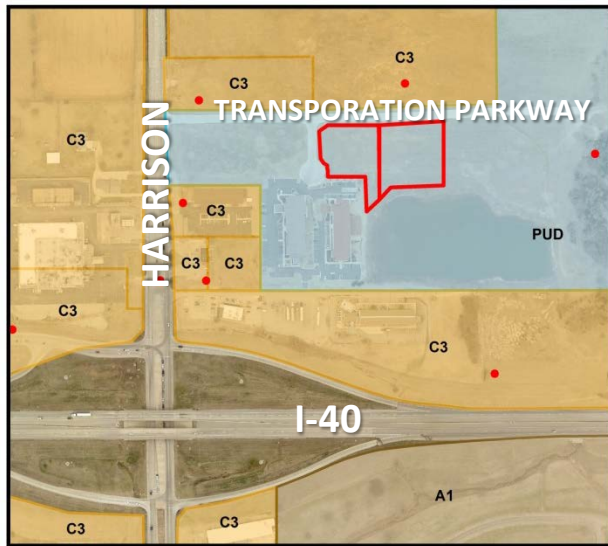


Figure 2: Zoning Map of site – approximate total area outlined in red.

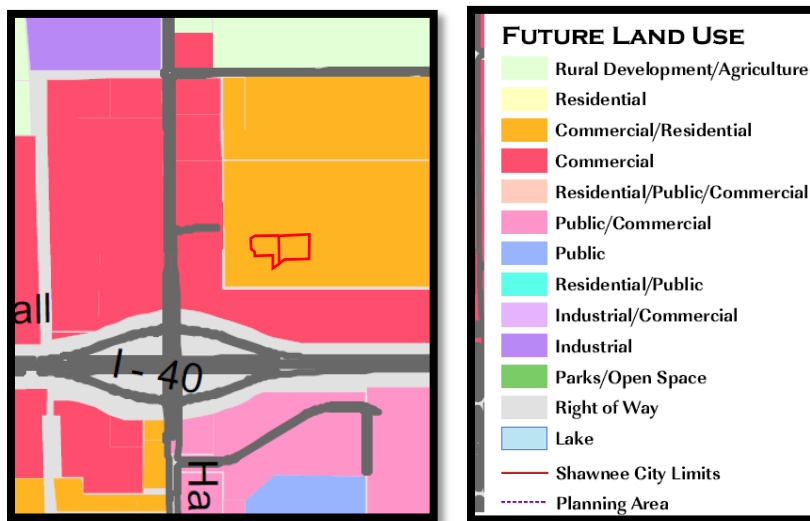


Figure 3: Shawnee Comprehensive Plan: Future Land Use Map – approximate total area outlined in red.

PLANNING COMMISSION APPLICATION



City of Shawnee Planning Department

222 N. Broadway
Shawnee, OK 74801
(405) 878-1616 Fax (405) 878-1587
www.ShawneeOK.org

For Office Use Only

Case Number: P11-16
Project Number: 161370
Date Filed: 11-1-16
Cheyenne Pettigrew
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 PUD District to C-3 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): East of Harrison St, North of Transportation Parkway

LEGAL DESCRIPTION: Lots 516, Block 1, Yahgnee Addition to Shawnee

PROPERTY OWNER (S): City of Shawnee

PROPERTY AGENT (APPLICANT): City of Shawnee

APPLICANT'S ADDRESS: 222 N. Broadway

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

EMAIL ADDRESS: _____

TELEPHONE NUMBER: (405) 878-1616 **CONTACT NUMBER:()** _____

DIMENSIONS OF PROPERTY: **AREA:** _____ **WIDTH:** _____

LENGTH: _____ **FRONTAGE:** _____

CURRENT ZONING: PUD **CURRENT USE:** Commercial

PROPOSED ZONING: C-3 **PROPOSED USE:** Commercial

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.

**APPLICATION, OWNERSHIP LIST AND PAYMENT
MUST BE RECEIVED 30 DAYS PRIOR TO MEETING**

[Signature]
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

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

RECEIPT NO. WA

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

SIGN DEPOSIT \$ 50.00

(Refundable if Applicant returns 48 hrs. after City Commission Meeting)

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

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

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

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P11-16

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on a proposed Rezone of property located within the City of Shawnee.

The property requesting rezoning is described as follows:

Lots Five (5) and Six (6), Block One (1), YAHGNEE ADDITION, to Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

General Location Known As:	<u>East side of Harrison Street, North of</u> <u>Transportation Parkway, Shawnee, OK</u>
Current Zoning Classification:	<u>PUD; Planned Unit Development</u>
Requested Zoning Classification:	<u>C-3; Highway Commercial District</u>
Proposed Use of Property:	<u>Commercial</u>
Applicant:	<u>City of Shawnee</u>

The "Zoning Map of the City of Shawnee, Oklahoma" will be amended accordingly to reflect such change if approved by the City Commission.

The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

December 7th, 2016 AT 1:30 P.M.: CITY OF SHAWNEE PLANNING COMMISSION
December 19th, 2016 AT 6:30 P.M.: CITY OF SHAWNEE CITY COMMISSION

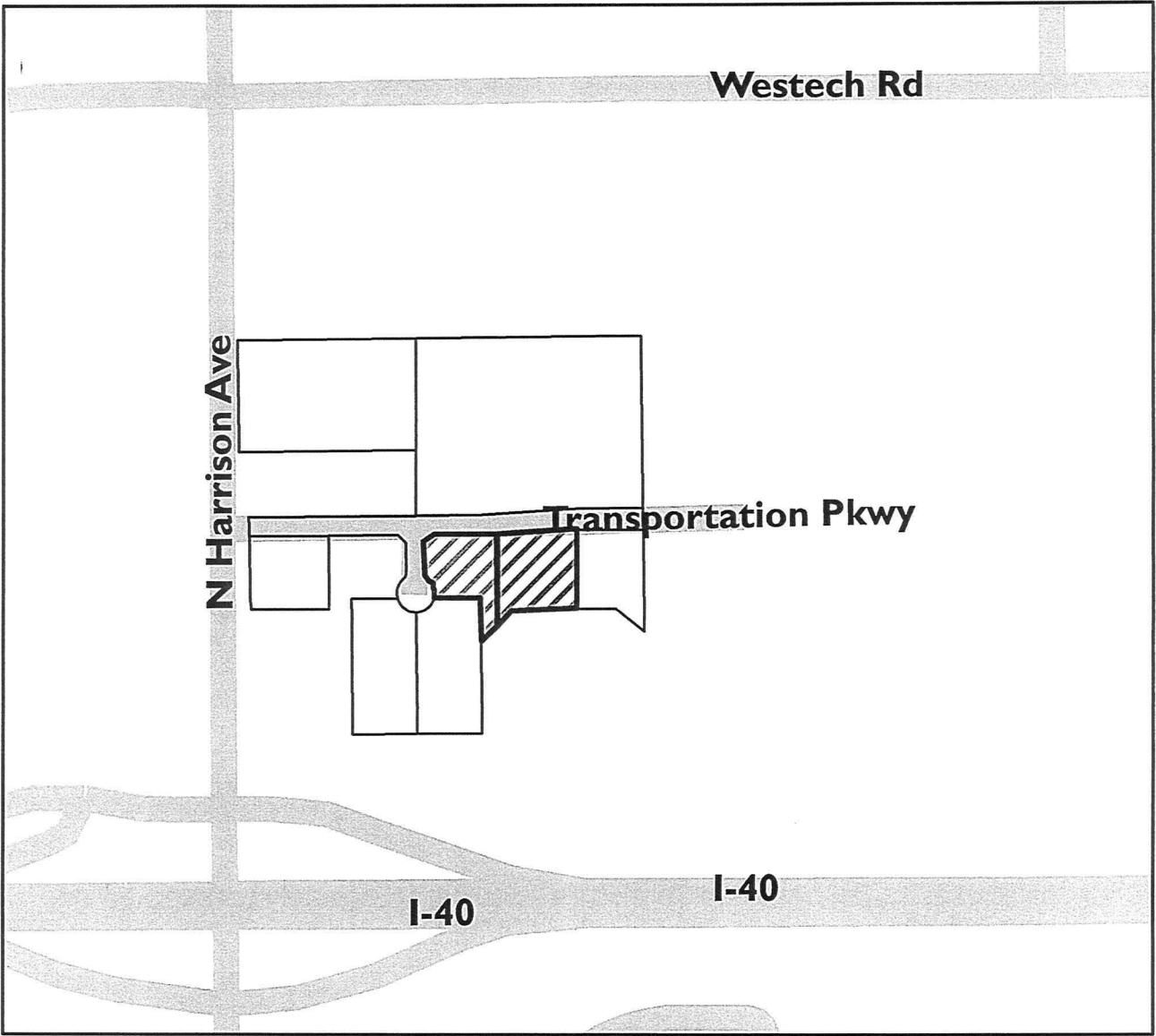
At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the rezone. The Commission reserves the right to limit discussion and debate on the proposed rezone in the public hearing, in which event those persons appearing in support or opposition of the proposed rezone will be allotted equal time. Any formal protest must be filed in writing with the City Clerk during normal working hours before 5:00 p.m. a minimum of three (3) days prior to the hearing. If there are any questions about the proposal, or you need additional information prior to the public hearing, please contact the Planning Department at 878-1616. A copy of the application is available for public inspection during normal working hours in the Planning Secretary's office at 222 N. Broadway.

Witness my hand this 16TH day of November, 2016.


Phyllis Loftis, City Clerk



CASE# P11-16



STATE OF OKLAHOMA)
) §:
COUNTY OF POTTAWATOMIE)

By: Jason Waldrop

File No. 2186843-SH99

OWNERSHIP LIST

ORDER NO. 2186843

DATE PREPARED: October 13, 2016

EFFECTIVE DATE: September 31, 2016 at 7:30 a.m.

OWNER	LOT	BLK	ADDITION
CITY OF SHAWNEE P O BOX 1448 SHAWNEE OK 74802-0000	5	1	YAHGNEE ADDITION
CITY OF SHAWNEE P O BOX 1448 SHAWNEE OK 74802-1448	6	1	YAHGNEE ADDITION
CANADIAN VALLEY ELECTRIC CO-OP P O BOX 751 SEMINOLE OK 74868-0000	2	1	YAHGNEE ADDITION
CHANDRA KALA LLC PO BOX 3877 SHAWNEE OK 74804-0000	3	1	YAHGNEE ADDITION
LAXMI INC % DAYS INN P O BOX 3877 SHAWNEE OK 74802-0000	4	1	YAHGNEE ADDITION
CANADIAN VALLEY ELECTRIC CO-OP P O BOX 751 SEMINOLE OK 74868-0000	7	1	YAHGNEE ADDITION
MAJESTIC INVESTORS LLC PO BOX 3285 SHAWNEE OK 74802-3285	8	1	YAHGNEE ADDITION
MAJESTIC INVESTORS LLC PO BOX 3285 SHAWNEE OK 74802-3285	9	1	YAHGNEE ADDITION
YAHGNEE LLC PO BOX 3285 SHAWNEE OK 74802-3285			BEG 774.37'S & 1336.83'E NW/C NW/4 E1311.11' S1254.48' W1819.65' N291.2' N44*22'43"E 141.21' E325' S51*56'34"E 115.19' N932.14' POB LESS A 10.22AC TRACT DESCRIBES AS BEG NW/C NW/4 S774.37' E 1615.1' S600.83' FOR POB E466.74' SOUTHEASTERLY ON A CURVE TO THE RIGHT A DISTANCE OF 17.51' NORTHEASTERLY ON A CURVE TO THE LEFT A DISTANCE OF 116.64' E153.29' S325.31' E210.43' S36*4'52"W96.73' S57*45'20"W198.27' S81*28'16"W225.16' S43*22'7"W118.27' W411.26' N597.63' POB 32.92 Acres

G6 HOSPITALITY PROPERTY LLC 4001 INTERNATIONAL PARKWAY CARROLTON TX 75007-0000			BEG SW/C S/2 S/2 NW/4 N674.88 TO THE NW/C S/2 S/2 NW/4 E691' POB E584.86' S379.74' TO THE N R-O-W OF I-40 NORTH WESTERLY ON A CURVE 461.36' N70°13'55"W 142.23' N249.54' POB
LAFREEDA FAMILY PARTNERSHIP 5839 SEBASTIAN PLACE STE 102 SAN ANTONIO TX 78249-0000			A TR BEG SW/C S 1/2 S 1/2 NW N ALG W LINE 675.06' TO NW/C E569' TO POB, E122' S250.67' NW130.79' N204.13' POB
LAXMI INN INC % DAYS INN 5107 N HARRISON SHAWNEE OK 74804-0000			PT N1/2 S1/2 NW, BEG SW/C N1/2 S1/2 NW E128.05' & N200' POB E300' N200' W315.58' SE125.61' S75.45' POB
BELTERRE DEV CO % DAVID LITTLE 1901 N KICKAPOO SHAWNEE OK 74804-0000			BEG SW/C N1/2 NW N208' E628' S208' W628' POB & TRACT IN REC 2003- 3328 LESS TR TO STATE & LESS TR TO YAHGNEE REC 2003- 3327 2.86 Acres
ZIMMERMAN PROPERTIES DEVELOPMENT LLC 1730 EAST REPUBLIC ROAD, SUITE F SPRINGFIELD MO 65804			BEG 774.37' S, 1336.83' E & 540.86 S NW/C NW POB ELY ON CURVE 174.76' E566.83' NELY ON CURVE 48.74' E64.75' SLY ON CURVE 17.49' SLY ON CURVE 178.09' NLY ON CURVE 17.51' W568.61' WLY ON CURVE 174.61' N60 POB