

REGULAR PLANNING COMMISSION MINUTES

DATE: December 2nd, 2020

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in person for a regular meeting on December 2nd, 2020, 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: Walker, Loftis-Walton, Deem, Lester

Absent: Johnson, Engles, Rowell

A quorum was declared, and the meeting was called to order.

AGENDA ITEM NO. 2: Consideration of approval of the Planning Commission Calendar of Regular Meetings for 2021.

Director Blaine explained that the Planning Commission meeting dates in May and October would be the second Wednesday of that month to allow staff and Commissioners to attend APA (American Planning Association) conferences.

Chairwoman Deem asked for any discussion on the proposed 2021 Planning Commission meeting calendar.

Commissioner Loftis-Walton made a motion to approve with a second by Commissioner Walker. Motion carried 4-0-0.

Aye: Loftis-Walton, Walker, Deem, Lester

Nay: None

Abstain: None

AGENDA ITEM NO. 3: Citizens' Participation (A three-minute limit per person) (A twelve-minute limit per topic)

Chairwoman Deem opened the floor for public participation for items not on the meeting's agenda. No citizens came forward for citizen participation.

AGENDA ITEM NO.4: Case #P19 - 20 Public Hearing and Consideration of a rezoning of a 1.79-acre tract on the southeast corner of N. Kickapoo and W. 10th Street from C-3 (Highway Commercial District) and R-3 (Multifamily Residential) to C-4 (Central Business District) for the purpose of a warehouse. Applicant: South Central Industries, Inc.

Chairperson Deem asked for a staff report. Director Blaine presented the staff report. She stated subject property was comprised of six (6) lots. The current zoning districts were C-3 (Highway Commercial District) and R-3 (Multifamily Residential) and the rezoning request was to change to C-4 (Central Business District). The applicant, South Central Industries, Inc., requested the rezoning to expand their campus. Director Blaine spoke of the ODOT project for an expansion of Kickapoo Street that would affect this property. That ODOT project is slated to begin within 12-months. She stated the request was consistent with the Future Land Use Map (FLUM) of the 2040 Comprehensive Plan. Blaine requested that the applicant remain mindful of the upcoming Kickapoo widening project and the rights-of-way of this property. Staff recommended approval of this application.

Chairwoman Deem asked the Planning Commissioners if there were questions for staff. No questions were asked.

Chairwoman Deem opened the public hearing. She asked if anyone wanted to speak in favor or in opposition of this case. No one came forward. Chairperson Deem then closed the public hearing.

Commissioner Loftis-Walton made a motion to approve. It was seconded by Commissioner Lester. Motion passed 4-0-0.

Aye: Loftis-Walton, Lester, Walker, Deem

Nay: None

Abstain: None

It was stated the application (Case #P19-20) would be heard at the next regular City Commission meeting on Monday, December 7th, 2020 at 6:00 p.m. in the Commission Chambers.

AGENDA ITEM NO. 5:

Case #P20-20 - Public Hearing and Consideration of a rezoning of an 80-acre tract on the north side of Wolverine Road west of Harrison Avenue from A-1 (Rural Agricultural District) to I-3 (Heavy Industrial District) for the purpose of future industry.

Applicant: Carruth Family Partnership 1992

Chairwoman Deem requested the staff report. Director Blaine presented the staff report. She stated the subject property was an 80-acre tract located on the north side of Wolverine Road and west of Harrison Avenue. The Future Land Use Map (FLUM) of the 2040 Comprehensive Plan indicates the area to be appropriate for industrial land use designations. The property is owned by a family partnership, and the rezoning request serves as a first step for future development of the land. The subject property is zoned A-1 zoning (Rural Agricultural District) and is surrounded by A-1 zoning. The application requests to rezone to I-3 (Heavy Industrial District), which reduces potential restrictions on future growth and opportunity.

Chairwoman Deem asked the Planning Commissioners if there were questions for staff. No questions were asked.

Chairwoman Deem opened the public hearing. She asked if anyone wanted to speak in favor or opposition of this case. No one came forward, so Chairperson Deem closed the public hearing.

Commissioner Loftis-Walton made a motion to approve the application. It was seconded by Commissioner Walker.
Motion passed 4-0-0.

Aye: Loftis-Walton, Walker, Deem, Lester
Nay: None
Abstain: None

It was stated the application would be heard at the next regular City Commission meeting on Monday, December 7th, 2020 at 6:00 p.m. in the Commission Chambers.

AGENDA ITEM NO. 6: **Case #CPA01-20 – Public Hearing and Consideration of an amendment to the 2040 Comprehensive Plan for a 13.49-acre tract located approximately 1100’ east of Harrison Avenue on E. 39th Street to be rezoned from A-1 (Rural Agricultural District) to R-1 (Single Family Residential).**
Applicant: David Ray

Chairwoman Deem requested the staff report. Director Blaine presented the staff report. She stated the subject property was approximately 13.49 acres and located 1100’ east of Harrison Avenue. The area was well known as a location for Van’s (restaurant) on the corner and the Northridge subdivision to the southeast. The zoning districts of the surrounding area included A-1 (Rural Agricultural District) and C-3 (Highway Commercial District) along Harrison Avenue; an OG+E sub-station was located across the street.

Director Blaine recalled the same piece of property was presented to the Planning Commissioners in August 2020 with an application to rezone to a PUD (Planned Unit Development). The 2040 Comprehensive Plan and its FLUM (Future Land Use Map) designate the subject area as appropriate for high-density residential multi-family land use. Following City Commission hearing in August, that application for a PUD was met with resistance by neighboring property owners. The consensus was that neither PUD zoning nor multi-family zoning would be acceptable. Those citizens who signed the protest petition did support rezoning to single-family residential (R-1).

Blaine explained two conditions for approval of the application. The first condition was the obligation to replace any land designated for high-density multi-family residential on the Comprehensive Plan’s Future Land Use Map (FLUM), which would change to a single-family land use designation. An area of similar size (13 – 15 acres) must be changed on the FLUM to a high-density multi-family residential land use to prevent the reduction in affordable housing options in the City.

The second condition was that when this project reaches the platting stage, the streets plan must be presented to the Traffic Commission for review. This requirement occurs during the platting process, and Director Blaine explained that mentioning the plans at this meeting was to ensure it was on the record and included in the staff report as a requirement. She stated this information inclusion was critical to future understanding of the application and the decisions surrounding its approval or denial.

Commissioners Loftis-Walton and Walker asked questions about the necessity of the conditions of approval included on the staff report for the application’s request for the amendment to the Comprehensive Plan. Director Blaine explained that the requested change in zoning district from A-1 (Rural Agricultural District) to R-1 (Single Family Residential) cannot occur because the Future Land

Use Map (FLU) of the 2040 Comprehensive Plan indicates the area is designated for a multi-family land use. She further explained that the annual review of the City's Comprehensive Plan would be in February of 2021. By mentioning the reallocation of multi-family land use at this meeting, it would be in the Commissioners' recent memory, part of the official record (through minutes and staff report) and included as information for the City Commission to consider in making the final decision.

Director Blaine further explained that the rezoning and amendment to the Comprehensive Plan were two separate processes. Without approval of the amendment to the Comprehensive Plan, the rezoning request was not possible.

Commissioners expressed concern that the conditions placed on the approval of the amendment were not relevant to the applicant's application. City Attorney Joe Vorndran addressed the board members to ensure that the record was clear and so the Planning Commission could consider the information prior to making a recommendation to the City Commission. The recommended conditions of approval for the Comprehensive Plan amendment were to redesignate the land use that would change if approved and to ensure the proposed project is presented to the Traffic Commission as part of the platting process. He explained that Director Blaine was mentioning the process in advance to announce that presentation and approval from the Traffic Commission will be a requirement for the project.

City Attorney Vorndran stated that it was appropriate for staff to include the two conditions in the recommendation to approve Case #CPA01-20. The Planning Commission's role was to consider the reasons for the conditions when it made a recommendation to the City Commission. The reallocation of land use was not related to the applicant's request, but the reallocation of the land use is relevant to remaining in compliance with the Comprehensive Plan.

Commissioner Walker voiced concern that a rezoning request was also part of the application. He stated the rezoning could not be approved until the amendment to the Comprehensive Plan had been approved. City Attorney Vorndran explained that by statute a city could adopt a process to amend its Comprehensive Plan. He further stated that allowing for flexibility, the preservation of spirit and intent of the Comprehensive Plan was maintained. Vorndran explained that by hearing the amendment and rezoning requests concurrently, the impediment to the developer is reduced. Director Blaine explained that the annual review of the Comprehensive Plan would occur in February. That review was based upon discussions amongst staff and Commissioners and applied to the entire City. Recently, to accommodate developers and private property owners who wished to apply for Comprehensive Plan amendments, staff established the opportunity to apply on quarterly basis, and this meeting was the first quarterly occasion for Comprehensive Plan amendments.

The Commissioners, City Attorney, and Planning Director discussed the condition of approval related to a review and recommendation from the Traffic Commission for the streets included in proposed project. Due to poorly maintained planning documentation in the past, the condition was intended to make note as a future intent. The streets study would be a requirement of the preliminary and final platting processes. Vorndran explained that the Planning Commission can adjust staff's recommendations before approving a motion. That motion would be delivered to the City Commission as a recommendation as well. Further discussion led to the suggestion that two (2) action items for the application was the better course of action.

Chairperson Deem opened the public hearing. She asked if anyone wanted to speak in favor or to speak in opposition of this case.

Jon Flowers, 102 E Highland Street, spoke as the attorney for the applicant, David Ray. He described detailed discussions that had occurred with City staff. Speaking for his client, Mr. Flowers stated there was an understanding that the reallocation of 13-15 acres does not require action from him. He expressed appreciation for the cooperative attitudes of the City and hoped that work could start quickly. He also opined that the discussion and decision regarding the streets was for a separate commission. He stated that his client understood that the roads/streets improvements would have to be addressed.

Chairwoman Deem stated that 39th Street had been a “murky area” in the past discussions (August 2020) of development. The citizens opposed to the multi-family land use of the area also voiced considerable concern about the lack of specifications for 39th Street. Director Blaine stated that the recommendations from this Commission, as well as the recommendation from the Traffic Commission would be forwarded to the City Commission during the platting process.

Chair Deem called for any other public participation on this topic. Rob Morris, 1307 Windsor Place, indicated he lived in the Northridge subdivision. He stated he had not been in favor of multi-family development but supported single-family residential development at the subject location. It was stated that 177 signatures in favor of single-family development from surrounding neighbors had been compiled and submitted with the application.

Chairperson Deem asked if anyone else wished to speak. Seeing none, she closed the public hearing. She then asked if any Commissioners had questions or comments.

More discussion surrounding the language of the motions occurred.

Commissioner Walker made a motion to recommend approval the application (#CPA01-20) to amend the Comprehensive Plan with the condition that 13-15 acres of land located within the city limits of Shawnee, Oklahoma be reallocated to the land use high density, multi-family. The motion was seconded by Commissioner Loftis-Walton.

Motion passed 4-0-0.

Aye: Walker, Loftis-Walton, Deem, Lester

Nay: None

Abstain: None

It was stated the application would be heard at the next regular City Commission meeting on Monday, December 7th, 2020 at 6:00 p.m. in the Commission Chambers.

It was noted that a second motion to make a recommendation about rezoning the subject property from A-1 (Rural Agricultural District) to R-1 (Single Family Residential) was necessary, which necessitated a public hearing.

Chairwoman Deem opened the public hearing. She asked if anyone wanted to speak in favor or to speak in opposition of a rezoning from A-1 (Rural Agricultural District) to R-1 (Single Family Residential). No one came forward. The public hearing was closed.

Chairwoman Deem asked if any Commissioners had questions or comments.

Commissioner Loftis-Walton made a motion to recommend approval of the request to rezone the subject property from A-1 (Rural Agricultural District) to R-1 (Single Family Residential). The motion was seconded by Commissioner Lester.

Motion passed 4-0.

Aye: Loftis-Walton, Lester, Deem, Walker,
Nay: None
Abstain: None

It was stated the application would be heard at the next regular City Commission meeting on Monday, December 7th, 2020 at 6:00 p.m. in the Commission Chambers.

AGENDA ITEM NO. 7: **Planning Director's Report**

Director Blaine addressed the Planning Commissioners with a brief report. The search for a degreed, professional planner was on-going. The residential demolition list that was paused due to COVID-19 was again moving forward. The annual review of the Comprehensive Plan would be in February. Blaine asked that each Commissioner take note of any specific topics or areas of the community needed discussion for updating. She also mentioned the goal to form an Arts Commission. The talent of the citizens and the arts program at OBU would provide a solid foundation – the bylaws were currently being written. Blaine acknowledged the City of Shawnee's citizens' willingness to serve the community and stated it was not always the norm but was greatly appreciated. Lastly, Director Blaine wished all Commissioners happy holidays and new year.

AGENDA ITEM NO. 8: **New Business**

There was no new business.

AGENDA ITEM NO. 9: **Commissioners Comments**

Chairwoman Deem asked if there were any comments from the Commissioners. Commissioner Walker stated the sidewalks at the middle school were unusable. The difference in elevation was 18" to 24"; this makes the sidewalks non-functional. Sidewalks and ADA compliant ramps at or near the Grove Retirement Community were also mentioned as inadequate. City Engineer, Seth Barkhimer, stated he would monitor the progress and final sidewalk product.

Chairwoman Deem asked Director Blaine about progress on Shawnee Sawmill. Blaine stated that progress had halted but staff has a formal process to reach out. She thanked Chair Deem for the reminder. Chair Deem also spoke of private homes in the community. Not just those in terrible repair but ones that looked like junkyards. Although she understood that it is delicate issue, she sought confirmation that some recourse was available. Blaine stated that there were ordinances for addressing trash and debris and another for junk or non-operable vehicles. She suggested that with a specific address, the Code Enforcement Officers could follow through on any concerns.

Chairwoman Deem asked if there were any comments. With no response, she suggested a motion to adjourn.

Commissioner Lester made a motion to adjourn, which was seconded by Commissioner Loftis-Walton. Motion passed 4-0-0.

Aye: Lester, Loftis-Walton, Deem, Walker,
Nay: None
Abstain: None

AGENDA ITEM NO.10

Adjournment

Meeting was adjourned at 2:19 p.m.

Chairman/Vice-Chairman

Rebecca Blaine, AICP
Planning Director