

AGENDA
BOARD OF CITY COMMISSIONERS
November 21, 2016 AT 6:30 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

FLAG SALUTE

All motions will be made in the affirmative. The fact that a commissioner makes or offers a second to a motion does not mean that the commissioner must vote in favor of passage.

1. Consider approval of Consent Agenda:
 - a. Minutes from the October 17, 2016, as amended, and November 7, 2016 regular meetings.
 - b. Acknowledge the following reports and minutes:
 - License Payment Report for October 2016
 - Project Payment Report for October 2016
 - Planning Commission Minutes from October 5, 2016 meeting.
 - c. Acknowledge Commission and Related Authorities meeting schedule for 2017.
2. Citizens Participation

(A three minute limit per person)
(A twelve minute limit per topic)
3. Discussion, consideration and possible action to enter into executive session to discuss confidential communications between the City and the City Attorney concerning a pending claim and investigation which the City, with the advice of the City Attorney, has determined that disclosure would seriously impair the ability to the City to process the claim and conduct an investigation in the public interest in compliance with its duty of confidentiality concerning investigation of complaints of the existence of a hostile work environment as authorized by 25 O.S. Section 307B(4).
4. Discussion, consideration and possible action for an executive session pursuant to 25 O.S. §307 (C) (10), for the purpose of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to remain or to locate within Shawnee due to advice from the City Attorney and City Manager that public disclosure of the matter discussed would interfere with the development of products or services or that public disclosure would violate the confidentiality of the business.

5. Consider matters discussed in executive session regarding confidential communications between the City and the City Attorney concerning a pending claim and investigation which the City, with the advice of the City Attorney, has determined that disclosure would seriously impair the ability to the City to process the claim and conduct an investigation in the public interest in compliance with its duty of confidentiality concerning investigation of complaints of the existence of a hostile work environment as authorized by 25 O.S. Section 307B(4).
6. Consider matters discussed in executive session pursuant to 25 O.S. §307 (C) (10), for the purpose of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to remain or to locate within Shawnee due to advice from the City Attorney and City Manager that public disclosure of the matter discussed would interfere with the development of products or services or that public disclosure would violate the confidentiality of the business.
7. Public hearing and consideration of an ordinance to rezone property located at 4020 North Kickapoo Avenue from C-1; Neighborhood Commercial District to C-3; Highway Commercial District. Case No. P09-16. Application: Nelmon Brauning.
8. Consideration of a Sales Tax Rebate Agreement between the City of Shawnee and the Elmer Smith Oil Company.
9. Public hearing and consideration of an ordinance to rezone property located at the northeast corner of 45th Street and Harrison Avenue from CP; Planned Shopping Center to PUD; Planned Unit Development. Case No. P10-16. Applicant: Shawnee Harrison, LLC.
10. Consideration of a Preliminary Plat for Domino Plaza Addition located at the northeast corner of 45th Street and Harrison Avenue. Case No. S19-16. Applicant: Shawnee Harrison, LLC.
11. Public hearing and consideration of an ordinance to close University Drive, University Avenue, also known as University Street, Chapman Avenue, also known as Pottenger Street, and Pottenger Avenue, also known as Lone Street. Applicant: Oklahoma Baptist University.
12. Consideration of an Agreement between the City of Shawnee and Oklahoma Baptist University to maintain vehicular access to University Drive/Street and pursue certain roadway improvements.
13. Acknowledge Sales Tax Report received November 2016.
14. New Business

(Any matter not known about or which
could not have been reasonably foreseen
prior to the posting of the agenda)
15. Commissioners Comments
16. Adjournment

Respectfully submitted

Phyllis Loftis, CMC, City Clerk

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 Board of Commissioners

1. a.

Meeting Date: 11/21/2016

CC Minutes

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Minutes from the October 17, 2016, as amended, and November 7, 2016 regular meetings.

Attachments

CC Minutes 10-17-2016

CC Minutes 11-07-2016

A M E N D E D

BOARD OF CITY COMMISSIONERS PROCEEDINGS

OCTOBER 17, 2016 AT 6:30 P.M.

The Board of City Commissioners of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in Regular Session in the Commission Chambers at City Hall, 9th and Broadway, Shawnee, Oklahoma, Monday, October 17, 2016 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Mayor Finley presided and called the meeting to order. Upon roll call, the following members were in attendance.

Richard Finley

Mayor

Dub Bushong

Commissioner Ward 1

Ron Gillham

Commissioner Ward 2

James Harrod

Commissioner Ward 3-Vice Mayor

Darren Rutherford

Commissioner Ward 4

Lesha Shaw

Commissioner Ward 5

Absent

Commissioner Ward 6

ABSENT: Micheal Dykstra

INVOCATION

The Lord's Prayer

FLAG SALUTE

AGENDA ITEM NO. 1:

Consider approval of Consent Agenda:

- a. Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids as set forth in Shawnee Municipal Authority Agenda Item No. 2.
- b. Minutes from the October 3, 2016 regular meeting.
- c. Acknowledge the following reports and minutes:
 - License Payment Report for September 2016
 - Project Payment Report for September 2016

- Shawnee Urban Renewal Authority Minutes from the July 5, 2016 meeting
 - Planning Commission Minutes from the September 7, 2016 meeting
- d. Approve agreement with the Housing Authority of the City of Shawnee for supplemental police services.
 - e. Acknowledge City of Shawnee Holiday Schedule for 2017.
 - f. Acceptance of public improvement, i.e., sanitary sewer, for the Regal Addition and placing the maintenance bond into effect.
 - g. Acceptance of public improvements, i.e., sanitary sewer, storm sewer, water, and paving for Deer Field Estates Addition, placing maintenance bonds into effect.
 - h. Acknowledge Oklahoma Municipal Retirement Fund Early Retirement for Frank Loman.
 - i. Mayor's Appointments:

Traffic Commission

John "Jack" Barrett	1 st Partial Term	Expires 1/1/2017
<i>Replaces Darren Rutherford – Resigned</i>		

Shawnee Hospital Authority

Mike Warwick	6 Year Term	Expires 9/30/2022
<i>Reappointment</i>		

John Robinson, M.D.	6 Year Term	Expires 9/30/2022
<i>Reappointment</i>		

Charles Skillings	6 Year Term	Expires 9/30/2022
<i>Reappointment</i>		

Commissioner Shaw asked that Agenda Item No. 1(i) be pulled for separate consideration.

A motion was made by Commissioner Shaw, seconded by Commissioner Rutherford, to approve the Consent Agenda Item Nos. 1 (a-i), less item 1(i). Motion carried 6-0.

AYE: Shaw, Rutherford, Bushong, Gillham, Harrod, Finley

NAY: None

Regarding Agenda Item No. 1(i), Shawnee Hospital Authority reappointments, Commissioner Shaw asked why that board, as well as the Avedis Foundation board, has not changed their appointment application process to be consistent with the City of Shawnee's application process. Shawnee Hospital Authority Board member and Avedis Foundation board member Michael Adcock was present and briefly addressed the commission regarding the yearly meeting of the Shawnee Hospital Authority Board.

Commissioner Shaw made a motion to table Agenda Item No. 1(i) until uniform applications can be submitted to the City Clerk's office. Motion failed due to the lack of a second.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, to approve Agenda Item No. 1(i). Motion carried 5-1.

AYE: Harrod, Gillham, Finley, Rutherford, Bushong

NAY: Shaw

AGENDA ITEM NO. 2:

Citizens Participation

(A three minute limit per person)

(A twelve minute limit per topic)

Mr. Douglas Gordon introduced himself as the co-owner of a new art gallery at 112 ½ East Main Street. He explained the concept behind the gallery and invited everyone to visit. He specifically mentioned events in November and an Opera and Art show scheduled for February, 2017.

AGENDA ITEM NO. 3:

Discussion, consideration and possible action on Clara and Juan Guerrero's appeal of an Administrative Order requiring the demolition of the residential structure located at 420 South Park Street. *(Reconsideration from September 6, 2016 City Commission meeting.)*

Community Development Director Justin DeBruin explained that Mr. and Mrs. Guerrero were issued a building permit and have six months to bring the property up to code. No action was taken.

AGENDA ITEM NO. 4:

Consideration of a Final Plat for Re-Plat of Vision Addition, Section I, located at 4301 North Harrison Street. Case No. S18-16. Applicant: Vision Bank, NA.

Community Development Director Justin DeBruin discussed Agenda Item Nos. 4 and 5. Mr. DeBruin explained that the properties in question are located on the Northeast corner of 42nd Street and Harrison Street. Staff recommends approval with four conditions, which includes a letter from the Federal Emergency Management Agency (FEMA). Mr. DeBruin stated that he did not expect any problems with either final plat.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Shaw, to approve a Final Plat for Re-Plat of Vision Addition, Section I, located at 4301 North Harrison Street, with the following conditions:

1. Present for review and approval an appropriate Letter of Map Revision (LOMR) from FEMA, indicating any changes to the floodplain due to channelization.
2. Final construction documents must be approved by the City Engineer prior to construction.
3. Any necessary drainage plans must be approved by the City Engineer prior to construction.
4. All other applicable City standards apply.

Motion carried 6-0.

AYE: Harrod, Shaw, Bushong, Gillham, Finley, Rutherford

NAY: None

AGENDA ITEM NO. 5:

Consideration of a Final Plat for Vision Addition, Section II, located at 4301 North Harrison Street. Case No. S10-16. Applicant: Vision Bank, NA.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Bushong, to approve a Final Plat for Vision Addition, Section II, located at 4301 North Harrison Street, with the following conditions:

1. Present for review and approval an appropriate Letter of Map Revision (LOMR) from FEMA, indicating any changes to the floodplain due to channelization.

2. Final construction documents must be approved by the City Engineer prior to construction.
3. Any necessary drainage plans must be approved by the City Engineer prior to construction.
4. All other applicable City standards apply.

Motion carried 6-0.

AYE: Harrod, Bushong, Gillham, Finley, Rutherford, Shaw

NAY: None

AGENDA ITEM NO. 6:

Public hearing and consideration of an ordinance to rezone property located at 1500 East Independence Street from R-1; Single Family Residential to C-1; Neighborhood Commercial. Case No. P08-16. Application: ADG, PC.

Community Development Director Justin DeBruin gave a staff report for Agenda Item Nos. 6 and 7. Mr. DeBruin explained that this property is located on the Northeast corner of East Independence Street and North Elm Street and is approximately twelve acres. A seven thousand square foot office building for the Avedis Foundation will be constructed on the site. Developers plan on keeping an abundance of the trees on the property. This buffer provides a lower density than previous development requests for this location. Mr. DeBruin stated that staff recommends approval of the ordinance and the preliminary plat with four conditions listed.

Commissioner Shaw stated that she resides in this neighborhood and the neighbors she has spoken with support this rezoning, although some are concerned that their property value will be affected. She also has concerns and mentioned previous flooding issues on Elm Street as one of the concerns.

Mayor Finley declared a public hearing in session to consider an ordinance rezoning property located at 1500 East Independence Street from R-1; Single Family Residential to C-1; Neighborhood Commercial. Mr. Michael Adcock, representing the Avedis Foundation, appeared in favor of said rezoning and stated the Avedis Foundation plans on keeping the property as much like a park setting as possible. Project Engineer Jason Cotton addressed the commission noting the City's drainage ordinance will be used to control any flooding issues. Staff advised as the project develops the final plat will show drainage plan and will address any potential flooding problems. With no one else coming forward to speak in favor or in opposition, the public hearing was closed.

A motion was made by Commissioner Shaw, seconded by Vice Mayor Harrod, to approve the ordinance rezoning property located at 1500 East Independence Street from R-1; Single Family Residential to C-1; Neighborhood Commercial.

Ordinance No. 2587NS was introduced.

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: A TRACT OF LAND DESCRIBED AS BEGINNING 660 FEET N89°43'27"E OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SW/4 SE/4) OF SECTION EIGHT (8), TOWNSHIP TEN (10) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA; THENCE N00°16'33"W A DISTANCE OF 1314.50 FEET TO A POINT ON THE NORTH LINE OF THE S/2 SE/4; THENCE N89°19'27"E A DISTANCE OF 397.66 FEET; THENCE S00°16'33"E A DISTANCE OF 1314.50 FEET; THENCE S89°43'27"W A DISTANCE OF 397.66 FEET TO THE POINT OF BEGINNING, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF REZONING SAID PROPERTY FROM R-1; SINGLE FAMILY RESIDENTIAL DISTRICT TO C-1; NEIGHBORHOOD COMMERCIAL DISTRICT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 6-0.

AYE: Shaw, Harrod, Finley, Rutherford, Bushong, Gillham
NAY: None

Ordinance No. 2587NS was adopted by the City Commission.

AGENDA ITEM NO. 7: Consideration of a Preliminary Plat for Avedis Park located at 1500 East Independence Street. Case No. S17-16. Applicant: ADG, PC.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, to approve a Preliminary Plat for Avedis Park located at 1500 East Independence Street, with the following conditions:

1. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
2. Any necessary drainage plans must be approved by the City Engineer concurrent with Final Plat approval.
3. Correction of minor details on the Preliminary Plat.
4. All other applicable City standards apply.

Motion carried 6-0.

AYE: Harrod, Gillham, Finley, Rutherford, Shaw, Bushong

NAY: None

AGENDA ITEM NO. 8: Acknowledge Sales Tax Report received October 2016.

Finance Director Cynthia Arnold reported that October sales tax collected was \$1,496,732 which is down 3.14% from October 2015. She also provided current fiscal year figures against the previous fiscal year in revenue categories and provided top revenues in the general fund.

AGENDA ITEM NO. 9: New Business (Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)

There was no New Business.

AGENDA ITEM NO. 10: Commissioners Comments

Commissioner Shaw recommended reviewing the City Charter to restructure the ward boundaries in an attempt to equalize the number of inhabitants in each ward. She would like this information provided to the City Commission. City Attorney Vorndran noted that the City Manager was reviewing census information regarding this issue.

Commissioner Shaw stated she is excited about having the Avedis Foundation near and thanked them.

Commissioner Shaw invited Commissioners to attend the FAST Act Department of Transportation Rule Making Committee meetings being held at the Grand Casino/Hotel. All areas of transportation will be discussed.

Commissioner Gillham said he is proud that the Avedis Foundation has found a home in Shawnee and is enthusiastic with the work they have done and are continuing to do.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR
TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE
MUNICIPAL AUTHORITY (7:01 p.m.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE
CHAIR (7:05 p.m.)

AGENDA ITEM NO. 11:

Discussion, consideration and possible
action to enter into executive session to
discuss confidential communications
between the City and the City Attorney
concerning a pending claim and
investigation which the City, with the advice
of the City Attorney, has determined that
disclosure would seriously impair the ability
to the City to process the claim and conduct
an investigation in the public interest in
compliance with its duty of confidentiality
concerning investigation of complaints of
the existence of a hostile work environment
as authorized by 25 O.S. Section 307B(4).

A motion was made by Vice Mayor Harrod, seconded by Commissioner
Gillham, to enter into executive session to discuss confidential communications
between the City and the City Attorney concerning a pending claim and
investigation which the City, with the advice of the City Attorney, has determined
that disclosure would seriously impair the ability to the City to process the claim
and conduct an investigation in the public interest in compliance with its duty of
confidentiality concerning investigation of complaints of the existence of a hostile
work environment as authorized by 25 O.S. Section 307B(4). Motion carried 6-0.

AYE: Harrod, Gillham, Finley, Rutherford, Shaw, Bushong

NAY: None

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 7:06 P.M. WITH
ALL MEMBERS PRESENT

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 7:37 P.M.
WITH ALL MEMBERS PRESENT

AGENDA ITEM NO. 12:

Consider matters discussed in executive session regarding confidential communications between the City and the City Attorney concerning a pending claim and investigation which the City, with the advice of the City Attorney, has determined that disclosure would seriously impair the ability to the City to process the claim and conduct an investigation in the public interest in compliance with its duty of confidentiality concerning investigation of complaints of the existence of a hostile work environment as authorized by 25 O.S. Section 307B(4).

A motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to authorize the City Manager and City Attorney to hire a qualified independent third-party to conduct an investigation of a pending claim which the City, with the advice of the City Attorney, has determined that disclosure would seriously impair the ability of the City to process the claim and conduct an investigation in the public interest in compliance with its duty of confidentiality concerning investigation of complaints of the existence of a hostile work environment as authorized by 25 O.S. Section 307(B)(4). Commissioner Shaw stated that she understood the reason for the investigation but did not agree with the approach. Therefore, she would abstain. Motion carried 5-0-1.

AYE: Harrod, Rutherford, Bushong, Gillham, Finley

NAY: None

ABSTAIN: Shaw

AGENDA ITEM NO. 13:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:39 p.m.)

RICHARD FINLEY, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

BOARD OF CITY COMMISSIONERS PROCEEDINGS
NOVEMBER 7, 2016 AT 6:30 P.M.

The Board of City Commissioners of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in Regular Session in the Commission Chambers at City Hall, 9th and Broadway, Shawnee, Oklahoma, Monday, November 7, 2016 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Mayor Finley presided and called the meeting to order. Upon roll call, the following members were in attendance.

Richard Finley
Mayor

Dub Bushong
Commissioner Ward 1

Ron Gillham
Commissioner Ward 2

James Harrod
Commissioner Ward 3-Vice Mayor

Darren Rutherford
Commissioner Ward 4

Lesa Shaw
Commissioner Ward 5

Absent
Commissioner Ward 6

ABSENT: Micheal Dykstra

INVOCATION

The Lord's Prayer

FLAG SALUTE

AGENDA ITEM NO. 1:

Consider approval of Consent Agenda:

- a. Minutes from the October 17, 2016 regular meeting.
- b. Acknowledge the following minutes:
 - Traffic Commission Minutes from October 27, 2015 meeting.
- c. Traffic Commission Recommendations
 - 1) Approval of October 27, 2015 Minutes

STAFF RECOMMENDATION: Staff recommends approval of request.

BOARD RECOMMENDATION: Board recommends approval of request.

2) Approval of 2017 Calendar of Meetings

STAFF RECOMMENDATION: Staff recommends approval of request.

BOARD RECOMMENDATION: Board recommends approval of request.

3) Consideration of request by Staff, to Remove the No Parking restriction of South Beard Street from 7th Street to Main Street on the East side.

STAFF RECOMMENDATION: Staff recommends approval of request.

BOARD RECOMMENDATION: Board recommends approval of request.

- d. Budget Amendment – General Fund 001
To adjust budget for two (2) grants received by the Police Department – From OSHA (Oklahoma Highway Safety Office) and the Attorney General for overtime for speed enforcements and policing high crime areas.
- e. Budget Amendment – General Fund 001
To adjust budget for the VOCA (Victims of Crime Act) Grant and the Red Cross Shelter Grant
- f. Acknowledge resignation of Regena Morton from the Planning Commission.
- g. Authorize City Manager to execute an agreement with the Oklahoma Department of Emergency Management for the sub-grant of Emergency Management Performance Grant funds.

- h. Authorize staff to purchase a 2017 Chevrolet Suburban from Hudiburg Chevrolet in the amount of \$45,753.00, for the Fire Department.
- i. Authorize staff to purchase a 2017 Chevrolet Silverado 1500 Crew Cab Pickup in the amount of \$31,285.00 using county sales tax funds, for the Fire Department.
- j. Transfer of funds to Shawnee Community Foundation in the amount of \$30,000.00 for black granite panels to be installed in the Veterans Memorial Park.
- k. Accept water line improvements for Haag Addition and placing the maintenance bond into effect.
- l. Grant an easement to Canadian Valley Electric Cooperative, Inc. to serve an existing City Lake Lot Lease site at Shawnee Twin Lakes.

Commissioner Shaw asked that Agenda Item Nos. 1(a), 1(b), and 1(c) be pulled for separate consideration.

A motion was made by Commissioner Harrod, seconded by Commissioner Bushong, to approve the Consent Agenda Item Nos. 1 (a-l), less items 1(a), 1(b), and 1(c). Motion carried 6-0.

AYE: Harrod, Bushong, Gillham, Finley, Rutherford, Shaw

NAY: None

Regarding Agenda Item No. 1(a), Commissioner Shaw stated that she would like Agenda Item No. 10 of the City Commission Minutes, regarding ward boundaries, to include additional language; and on Agenda Item No. 12 she requested that her statement made after the Executive Session be included in the minutes.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to approve changes to Agenda Item No. 1(a). Motion carried 6-0.

AYE: Harrod, Rutherford, Shaw, Bushong, Gillham, Finley

NAY: None

Regarding Agenda Item No. 1(b), Commissioner Shaw asked to be educated on the Traffic Commission by-laws. City Manager Justin Erickson explained the

by-laws of the Traffic Commission. Commissioner Shaw stated that in the future, she does not want to see that kind of length of time between the Traffic Commission meeting and the minutes being acknowledged by the City Commission. Commissioner Rutherford and Commissioner Gillham, both former Traffic Commission members, explained the meetings are held when citizens make requests to the Traffic Commission for consideration, and that no meetings are held if requests have not been received. Commissioner Shaw encouraged citizens to contact the Traffic Commission with their street and traffic concerns.

A motion was made by Commissioner Shaw, seconded by Commissioner Gillham, to approve Agenda Item No. 1(b). Motion carried 6-0.

AYE: Shaw, Gillham, Harrod, Finley, Rutherford, Bushong

NAY: None

Regarding Agenda Item No. 1(c), Commissioner Shaw asked about the Centracs System referred to in the minutes from the Traffic Commission meeting. Specifically, Commissioner Shaw questioned why the completion was approximately four years out. City Manager Justin Erickson explained that the reason for the completion timeline is to allow for budgetary phasing in.

A motion was made by Commissioner Shaw, seconded by Vice Mayor Harrod, to approve Agenda Item No. 1(c). Motion carried 6-0.

AYE: Shaw, Harrod, Finley, Rutherford, Bushong, Gillham

NAY: None

AGENDA ITEM NO. 2:

Citizens Participation

(A three minute limit per person)

(A twelve minute limit per topic)

There was no Citizens Participation.

AGENDA ITEM NO. 3:

Presentation by City Manager to Employee of the Month, James Kriwanek, Fire Prevention.

James Kriwanek was present to accept the Employee of the Month Certificate presented by City Manager Justin Erickson.

AGENDA ITEM NO. 4:

Consideration of a resolution supporting the Avedis Blue Zones Project.

A report was given by City Manager Justin Erickson stating that staff does recommend approval of this item. Mayor Finley explained that the Avedis Blue Zones Project is a collaborative effort to pursue healthy habits in our community in an effort to improve the quality of life and longevity for our citizens. Mayor Finley discussed his experiences when visiting Albert Lea, Minnesota. Commissioner Gillham spoke regarding his enthusiasm for the project. Commissioner Shaw asked for clarification regarding the collaborative assessment process.

Resolution No. 6527 was introduced.

A RESOLUTION PROCLAIMING SUPPORT FOR THE AVEDIS BLUE ZONES PROJECT, A COMMUNITY-WIDE WELL-BEING IMPROVEMENT INITIATIVE IN THE CITY OF SHAWNEE, OKLAHOMA; DIRECTING THE CITY MANAGER TO COLLABORATE IN THE COMMUNITY ASSESSMENT PROCESS AND REPORT ACTION REQUIRED OF THE CITY TO BECOME A BLUE ZONE COMMUNITY; PROVIDING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, to approve a resolution supporting the Avedis Blue Zones Project. Motion carried 6-0.

AYE: Harrod, Gillham, Finley, Rutherford, Shaw, Bushong

NAY: None

AGENDA ITEM NO. 5:

Consideration of a resolution to declare certain items surplus property and authorizing the sale of said items at auction.

Resolution No. 6528 was introduced.

A RESOLUTION DECLARING CERTAIN ITEMS OF PERSONAL PROPERTY SURPLUS AND NO LONGER NEEDED FOR CITY PURPOSES; DESCRIBING SAID ITEMS; AND AUTHORIZING THE SALE OF SAID ITEMS BY PUBLIC AUCTION.

A motion was made by Commissioner Shaw, seconded by Commissioner Bushong, to approve a resolution to declare certain items surplus property and authorizing the sale of said items at auction. Motion carried 6-0.

AYE: Shaw, Bushong, Gillham, Harrod, Finley, Rutherford

NAY: None

AGENDA ITEM NO. 6: Discussion, consideration and possible action to approve an agreement with Excel Auctions, LLC, to auction surplus City property.

Director of Operations James Bryce explained that the auction will begin at 10:00 a.m. He also noted that the auction will not be exclusive to the City of Shawnee items, but that City's surplus items will be added to an existing auction.

A motion was made by Commissioner Shaw, seconded by Vice Mayor Harrod, to approve an agreement with Excel Auctions, LLC, to auction surplus City property. Motion carried 6-0.

AYE: Shaw, Harrod, Finley, Rutherford, Bushong, Gillham

NAY: None

AGENDA ITEM NO. 7: Consideration of estimate of probable costs for Fire Station No. 2 renovation and possible action to authorize staff to proceed with final plans, specifications and bid documents.

Fire Chief Dru Tischer announced that he had been working closely with Don Collins and Fritz Bailey Architects to create a plan for Fire Station No. 2. Chief Tischer explained that the building will be constructed with durability in mind with the intention to construct a facility that will endure for 40 years or longer. He noted that the footprint of the building will not change but that interior walls would be moved to create a more functional facility. Chief Tischer provided a power point presentation showing diagrams of the exterior and interior of the building. He stated the estimated cost would be \$1,255,641.61.

The City Manager noted that the architects are still three months from completing the plans and that the Commission will see this item again before it goes out for bids. All costs will be itemized in conjunction with the budget at that time.

A motion was made by Commissioner Shaw, seconded by Commissioner Bushong, to authorize staff to proceed with final plans, specifications and bid documents. Motion carried 6-0.

AYE: Shaw, Bushong, Gillham, Harrod, Finley, Rutherford

NAY: None

AGENDA ITEM NO. 8:

Discuss and consider setting one or more special call meetings with regard to a workshop to discuss city projects, goals, long term needs, budget, and funding options.

The Commissioners held discussion regarding potential plans for a retreat to hold a special call meeting to discuss various city business. It was decided that the retreat be held locally. Mayor Finley suggested that two retreats be held; one before the end of the year and the second one after. Staff was advised to reach out to Commissioners to determine dates for the retreat and to coordinate the details with everyone.

Commissioner Shaw mentioned an on-going retreat discussion list containing city needs and goals that she would like to continue to discuss at the upcoming retreat. She asked the City Clerk and City Manager to forward that list to Commissioners. Commissioner Shaw also asked that all city boards and committees be invited to attend the retreat.

AGENDA ITEM NO. 9:

Authorization to negotiate a contract for the Park Planning and Design.

Director of Operations James Bryce announced that staff is requesting authorization to begin contract negotiations with CLS and Associates, LLC for the Park Planning and Design Project. Mr. Bryce explained the details of the project and stated that staff recommends approval. He noted that this company has worked with the City in the past and has recently completed the bison statues for Oklahoma Baptist University.

Mayor Finley requested that city staff also work with those involved with the Blue Zone Project to incorporate some of their ideas into park planning and design.

Commissioner Shaw said she would like to see the Chamber of Commerce's Beautification Committee and City's Beautification Committee have input on this project as well.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, to defer this item until the December 19, 2016 City Commission meeting. Motion carried 6-0.

AYE: Harrod, Gillham, Finley, Rutherford, Shaw, Bushong

NAY: None

AGENDA ITEM NO. 10:

City Manager Report

City Manager Justin Erickson gave updates on the following city issues:

- a. The third phase of the Downtown Streetscape Project should be completed toward the end of December.
- b. The Auditorium HVAC project is about ninety percent completed.
- c. The milling and overlay of Mall Drive from Kickapoo to just west of Harrison was completed last week.
- d. The Community Survey will be mailed out to 2,200 random households. The results should be ready in time for the second Commission retreat.

AGENDA ITEM NO. 11:

New Business (Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)

There was no New Business.

AGENDA ITEM NO. 12:

Commissioners Comments

Vice Mayor Harrod commented on the Fire Station No. 2 noting that rather than build a new fire station, the rebuilding of the current station will allow them to keep aspects such as red iron and concrete structures which are important to the integrity of the floor and building.

Commissioner Shaw wanted to alert the Human Resource Department of the FLSA (Fair Labor Standards Act) that will be going into effect as of December 1, 2016.

Commissioner Shaw also asked citizens to remember Veterans Day on November 11 and thanked all those who have served.

AGENDA ITEM NO. 13: Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:29 p.m.)

RICHARD FINLEY, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

1. b.

Meeting Date: 11/21/2016

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Acknowledge the following reports and minutes:

- License Payment Report for October 2016
 - Project Payment Report for October 2016
 - Planning Commission Minutes from October 5, 2016 meeting.
-

Attachments

License Pymt Rpt 10-2016

Project Pymt Rpt 10-2016

Planning Minutse 10-05-2016

11/02/2016 4:11 PM
LICENSES: THRU ZZZZZZZZZZ

L I C E N S E P A Y M E N T R E P O R T
SORTED BY: CODE

PAGE:
PAYMENT DATES: 10/01/2016 TO 10/31/2016

** FEE CODE TOTALS **

FEE CODE	DESCRIPTION		FEE	PENALTY	TAX	INTEREST	TOTAL PAI
ALARM	BURGLAR/FIRE ALARM LICENSE	4	100.00CR				100.00
ALARMRENEW	BURGLAR/FIRE ALARM RENEW	11	165.00CR				165.00
AUCD	AUCTION LICENSE FEE ONE DAY	1	10.00CR				10.00
BOATREG	BOAT REGULAR PERMIT	1	26.00CR				26.00
DEMOL	DEMOLITION LICENSE FEE	2	150.00CR				150.00
ELEC1	ELECTRICAL CONTRACTOR INITIAL	4	400.00CR				400.00
ELEC2	ELECTRICAL CONTRACTOR RENEW	6	450.00CR				450.00
FISHANNUAL	FISHING ANNUAL FEE	2	30.00CR				30.00
HUNT2	MIGRATORY FOWL	3	24.00CR				24.00
IMERC	ITINERANT MERCHANT FEE	4	200.00CR				200.00
LAKELEASE	LAKE LEASE	14	9,150.00CR				9,150.00
MECH2	MECHANICAL CONTRACTOR RENEW	7	525.00CR				525.00
PLUM1	PLUMBING CONTRACTOR INITIAL	1	100.00CR				100.00
PLUM2	PLUMBING CONTRACTOR RENEW	8	600.00CR				600.00
RESAL	RESIDENTIAL SALE	124	1,240.00CR				1,240.00
SOLID	SOLICITOR DAILY LICENSE	5	18.00CR				18.00
STORM	STORM CELLAR LICENSE FEE	1	75.00CR				75.00
TOTAL			13,263.00CR				13,263.00

11/04/2016 11:11 AM
STATUS: ALL
SEGMENT CODES: A11
FEE CODES: A11

P R O J E C T P A Y M E N T R E P O R T

PAGE: 5
PROJECTS: THRU ZZZZZZZZZZ
PAYMENT DATES: 10/01/2016 TO 10/31/2016
SORTED BY: PROJECT

** FEE CODE TOTALS **

FEE CODE	DESCRIPTION	TOTAL PAYMENTS	TOTAL PAID
B-BPLANCK	CONSTRUCTION FEE SQ FT	12	1,217.81CR
B-OTHER	BUILDING CONSTRUCTION OTHER CH	8	160.00CR
B-PLANCHK	BUILDING PLAN CHECK FEE SQ FT	4	586.05CR
B-PLANCHK2	BUILDING OTHER PLAN CHECK	10	159.00CR
B-SQFOOT1	CONSTRUCTION FEE SQ FT	18	7,696.00CR
BUILDERREG	BUILDER REGISTRATION FEE	1	30.00CR
EREMODEL	RES ELECTRICAL ADD/REMODEL	6	120.00CR
MAIRCOM	AIR CONDITIONING COMMERCIAL	5	600.00CR
MAIRRES	AIR CONDITIONING RESIDENTIAL	21	1,180.00CR
PMISC	PLUMBING MISC	7	140.00CR
PNSWR	SEWER TAP FEE	3	300.00CR
PNWTR	WATER TAP/MTR FEE	4	750.00CR
SIGN	SIGN PERMIT FEE	7	225.00CR
SWIMPOOL	SWIMMING POOL PERMIT	2	60.00CR
UBCCFEE	UBCC STATE FEE	87	391.50CR
WELLFEE	WELL PERMIT FEE	1	100.00CR
X-BORE	BORE PERMIT FEE	17	1,020.00CR
X-CURBCUT	CURB CUT / DRIVEWAY/SIDEWALK	1	25.00CR
X-DEMO	DEMOLITION PERMIT FEE	2	100.00CR
X-OCCUP	OCCUPANCY PERMIT	7	350.00CR
XPLATPRE	PRELIMINARY PLAT REIVEW FEE	1	240.00CR
Z-ZONING	REZONING FEE	1	700.00CR
ZPISSUANCE	ISSUANCE OF EACH PERMIT	19	380.00CR
TOTAL			16,530.36CR

11/04/2016 11:11 AM
STATUS: ALL
SEGMENT CODES: A11
FEE CODES: A11

P R O J E C T P A Y M E N T R E P O R T

PAGE: 6
PROJECTS: THRU ZZZZZZZZZZ
PAYMENT DATES: 10/01/2016 TO 10/31/2016
SORTED BY: PROJECT

** GENERAL LEDGER DISTRIBUTION **

FUND G/L ACCOUNT	ACCOUNT NAME	AMOUNT
001-2133	UBCC FEE PAYABLE	348.00CR
001-4202	BUILDING PERMITS	9,848.86CR
001-4203	PLUMBING PERMITS	920.00CR
001-4204	ELECTRICAL PERMITS	120.00CR
001-4205	ZONING PERMITS & APPLICATIONS	940.00CR
001-4206	HEATING & A/C PERMITS	1,780.00CR
001-4249	OTHER PERMITS	735.00CR
001-4822	OTHER MISC. REVENUE	43.50CR
101-4249	OTHER PERMITS	1,045.00CR
501-4510	WATER TAPS	750.00CR
799-1023	BANCFIRST GENERAL	16,530.36

PLANNING COMMISSION MINUTES

DATE: OCTOBER 5TH, 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, October 5th, 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, Cowen, Kienzle, Affentranger

Absent:

Meeting was called to Order.

AGENDA ITEM NO. 2:

Consideration of Approval of the minutes from the September 7th, 2016 Planning Commission Meeting

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

Motion passed:

AYE: Morton, Clinard, Kerbs, Bergsten, Cowen, 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 #S18-16 – Consideration of approval of a Final Plat for the re-plat of Vision Bank Addition, Section I, located at 4301 N. Harrison St., Shawnee, OK

Applicant: Vision Bank, NA

Chairman Bergsten asked for the staff report. Justin Debruin presented the staff report and mentioned that the first two cases coincide together. Mr. Debruin briefly described the Preliminary Plat re-plat that previously came before the Planning Commission and covered the site drainage to fix a non-conforming issue as well as concrete channelization to reduce the floodplain. Justin Debruin stated the property is located on the northeast corner of Harrison and 42nd Street, lot one is InStock Now and lot two is Vision Bank and one of the changes to the plat is an additional acre. Mr. Debruin stated staff does recommend approval but they are waiting on the letter of map revision from FEMA which should arrive within a week or two and no CO's will be issued

until then. Justin Debruin stated he would be happy to answer any questions. 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 Kienzle made a motion to approve with conditions listed, seconded by Vice-Chairman Cowen.

Motion passed:

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

NAY:

ABSTAIN:

AGENDA ITEM NO. 5:

Case #S10-16 –Consideration of approval of a Final Plat for Vision Bank Addition, Section II, located at 4301 N. Harrison St., Shawnee, OK

Applicant: Vision Bank, NA

Chairman Bergsten asked for the staff report. Justin Debruin presented the staff report and stated this case represents the remaining property to the southeast with the preliminary plat being approved in March. Section II includes two buildable lots and two outlots. Mr. Debruin explained that they were recommending approval on three of the four components, with Section II being final platted in two separate phases. Lot one and the two outlots are included in the first phase and staff is waiting on the letter of map revision from FEMA. Justin Debruin discussed that staff recommends approval with four conditions and stated he would be happy to answer any questions. Chairman Bergsten asked if there were any questions. Commissioner Kerbs asked if this covered the east side and Mr. Debruin agreed, stating it also included the outlot. 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. Richard Landes came forward to speak in favor and mentioned letter from FEMA would be coming in and project should be wrapping up soon. 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 Clinard made a motion to approve with conditions listed, seconded by Commissioner Kerbs.

Motion passed:

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

NAY:

ABSTAIN:

AGENDA ITEM NO. 6:

Case #P08-16 –A public hearing for consideration of approval of a Rezone from R-1; Single Family Residential to C-1; Neighborhood Commercial, located at 1500 E. Independence St., Shawnee, OK

Applicant: ADG, PC

Chairman Bergsten asked for the staff report. Justin Debruin came forward and stated he would be presenting a combined staff report for the rezone and the potential preliminary plat located at the northeast corner of Independence and Elm Street. Mr. Debruin informed the Commissioners that the subject property has been heard numerous times this year and provided a brief history. Justin Debruin stated the proposal includes one commercial office building around 7,000 square feet, centralized upon site, keeping trees and creek in place. Mr. Debruin informed the Commissioners that since Elm Street is a local road, they cannot have means of ingress or egress and it will not have frontage. No half street improvements are required. Staff does recommend approval with four conditions and is in conformance with comprehensive plan. Mr. Debruin stated he would be happy to answer any questions. Chairman Bergsten asked if the location of the storm water discharge would be similar to where it is now and Mr. Debruin stated they would make sure it would not add any more to the area. Commissioner Kienzle asked if there were curbs and gutters along both streets and Mr. Debruin informed her there were not any along Elm. Commissioner Kienzle asked if the sidewalk requirement would be similar to what is along Union by Middle School and Justin Debruin agreed, stating it would be a four foot sidewalk with no curb added. Commissioner Kerbs asked if there can be any contingencies placed on this property if rezoned and if zoning would revert back to R-1. Justin Debruin discussed the details surrounding townhomes, zoning and mentioned zoning would stay C-1 if approved for rezone. Commissioner Kerbs and Vice-Chairman Cowen mentioned deed restriction and Attorney, Mike Clover stated that would be between seller and buyer. 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. Jason Cotton with ADG, PC came forward to inform the Commissioners he assisted the Avedis Foundation with the applications and would be available to answer any questions. Mr. Cotton also mentioned that the storm water detention pond would drain to the existing low spot. Commissioner Kienzle asked if there was a timeline on project. Mr. Cotton asked Michelle Briggs to come forward to answer. Mrs. Briggs stated that they were hoping to close on property by end of the year and construction would start immediately. Commissioner Clinard asked for confirmation that there would not be a lot of traffic in and out and Mrs. Briggs confirmed they only had a staff of four and a half. Vice-Chairman Cowen asked that this was an office building to serve the public and not build townhomes and also asked that they had the funding. Mrs. Briggs confirmed and explained proposal. Commissioner Kerbs asked if worst case scenario under C-1 zoning, there could possibly be ten townhomes. Justin Debruin agreed but said he would have to check for sure. Chairman Bergsten asked if anyone else would like to speak in favor. Carl and Jana Jacobs came forward to say they had faith in the Avedis Foundation and they appreciate their help in keeping the neighborhoods integrity. Diana Inman came forward to inform the Commissioners that she and her husband are thrilled and wanted to thank them for their support. Carl Packwood came forward to reassure Commissioner Kerbs on the location choice. 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 Morton stated she had a comment and wanted to thank everyone for coming and speaking in favor. Chairman Bergsten asked for a motion. Vice-Chairman Cowen made a motion to approve, seconded by Commissioner Morton.

Motion passed:

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

NAY:

ABSTAIN:

AGENDA ITEM NO.7:

Case #S17-16 – Consideration of approval of a Preliminary Plat for Avedis Park, located at 1500 E. Independence St., Shawnee, OK

Applicant: ADG, PC

Combined staff report. Chairman Bergsten asked if there were any questions for Mr. Debruin. 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. Chairman Bergsten closed the public portion of the meeting and asked if there were any questions or a motion from the Commissioners. Commissioner Kerbs made a motion to approve with conditions listed, seconded by Commissioner Kienzle.

Motion passed:

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

NAY:

ABSTAIN:

AGENDA ITEM NO. 8:

Planning Director's Report

Justin Debruin discussed phase one at Shawnee Marketplace, including the four tenant structure and the two tenant structure. Shawnee Automall is having foundation work completed. Mr. Debruin described that Universal Forest Products structure is up and underway. Regal car lot is looking to open within the next couple of weeks. Justin Debruin stated that Domino Express is pouring concrete and structure is going along. Silt fencing has been requested numerous times. Timbers has six building permits with the road open to Leo Street. Deer Field Estates has nineteen lots. Rolling Hills has twenty four units and Shawnee Park has one hundred and eight apartment units being constructed. Mr. Debruin gave an update over Downtown Property Maintenance Code. Vice-Chairman Cowen clarified addressing and Commissioner Kerbs asked about citation given to property. Mr. Debruin went over details. Commissioner Kerbs asked what the city was going after and Justin Debruin stated they issued the citation but it would be up to the judge after that point. Commissioner Morton asked if it was District Court and Attorney, Mike Clover stated it was Municipal Court and described process. Commissioner Clinard and Attorney, Mike Clover discussed mediation timeframe. Commissioner Clinard asked if staff had photos and Mr. Debruin confirmed.

AGENDA ITEM NO. 9:

Commissioners Comments and/or New Business

Commissioner Kerbs announced Boo on Bell coming up and Vice-Chairman Cowen reminded everyone about Commissioner Kienzle giving a presentation at Broadway Arts that afternoon.

AGENDA ITEM NO. 10:

Adjournment

Meeting was adjourned.


Chairman/Vice-Chairman

Cheyenne Lincoln
Planning Commission Secretary

Regular Board of Commissioners

1. c.

Meeting Date: 11/21/2016

CC 2017 Reg Meeting Dates

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Acknowledge Commission and Related Authorities meeting schedule for 2017.

Attachments

2017 Meeting Dates

2017 CALENDAR YEAR
SCHEDULE OF REGULAR MEETINGS
CITY COMMISSION & RELATED AUTHORITIES

DATE	TIME	PLACE OF MEETING
1/17/2017	Tuesday	Commission Chambers-City Hall 16 West 9 th , Shawnee, OK
2/06/2017	Monday	"
2/21/2017	Tuesday	"
3/06/2017	Monday	"
3/20/2017	"	"
4/03/2017	"	"
4/17/2017	"	"
5/01/2017	"	"
5/15/2017	"	"
6/05/2017	"	"
6/19/2017	"	"
7/03/2017	"	"
7/17/2017	"	"
8/07/2017	"	"
8/21/2017	"	"
9/05/2017	Tuesday	"
9/18/2017	Monday	"
10/02/2017	"	"
10/16/2017	"	"
11/06/2017	"	"
11/20/2017	"	"
12/04/2017	"	"
12/18/2017	"	"

NAME: PHYLLIS LOFTIS, CMC

TITLE: City Clerk

ADDRESS: P. O. Box 1448

Shawnee, OK 74802-1448

TELEPHONE: (405) 878-1604

Filed in the office of the Municipal Clerk at _____ a.m./p.m. on _____, 2016.

Signed: _____
Clerk/Deputy Clerk

Regular Board of Commissioners

3.

Meeting Date: 11/21/2016

Enter ES Personnel

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Discussion, consideration and possible action to enter into executive session to discuss confidential communications between the City and the City Attorney concerning a pending claim and investigation which the City, with the advice of the City Attorney, has determined that disclosure would seriously impair the ability to the City to process the claim and conduct an investigation in the public interest in compliance with its duty of confidentiality concerning investigation of complaints of the existence of a hostile work environment as authorized by 25 O.S. Section 307B(4).

Attachments

No file(s) attached.

Regular Board of Commissioners

4.

Meeting Date: 11/21/2016

Enter ES Economic

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Discussion, consideration and possible action for an executive session pursuant to 25 O.S. §307 (C) (10), for the purpose of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to remain or to locate within Shawnee due to advice from the City Attorney and City Manager that public disclosure of the matter discussed would interfere with the development of products or services or that public disclosure would violate the confidentiality of the business.

Attachments

No file(s) attached.

Regular Board of Commissioners

5.

Meeting Date: 11/21/2016

Discuss ES Personnel

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consider matters discussed in executive session regarding confidential communications between the City and the City Attorney concerning a pending claim and investigation which the City, with the advice of the City Attorney, has determined that disclosure would seriously impair the ability to the City to process the claim and conduct an investigation in the public interest in compliance with its duty of confidentiality concerning investigation of complaints of the existence of a hostile work environment as authorized by 25 O.S. Section 307B(4).

Attachments

No file(s) attached.

Regular Board of Commissioners

6.

Meeting Date: 11/21/2016

Discuss ES Economic

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consider matters discussed in executive session pursuant to 25 O.S. §307 (C) (10), for the purpose of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to remain or to locate within Shawnee due to advice from the City Attorney and City Manager that public disclosure of the matter discussed would interfere with the development of products or services or that public disclosure would violate the confidentiality of the business.

Attachments

No file(s) attached.

Regular Board of Commissioners**7.**

Meeting Date: 11/21/2016

P09-16

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Public hearing and consideration of an ordinance to rezone property located at 4020 North Kickapoo Avenue from C-1; Neighborhood Commercial District to C-3; Highway Commercial District. Case No. P09-16. Application: Nelmon Brauning.

Attachments

P09-16 Staff Rpt

P09-16 Ord

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Nelson Brauning
FOR: Rezone from C-1; Neighborhood Commercial to C-3;
Highway Commercial
LOCATION: 4020 N. Kickapoo Ave.
PROJECT#: 161154 Case# P09-16

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: C-1; Neighborhood Commercial
REQUESTED CLASSIFICATION: C-3; Highway Commercial
PROPOSED PROPERTY USE: Restaurant

PLANNING COMMISSION MEETING DATE: November 2nd, 2016

PLANNING COMMISSION RECOMMENDATION: Approval

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 6

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
MORTON			X			
CLINARD		X	X			
KERBS	X		X			
BERGSTEN (CHAIRMAN)			X			
COWEN (VICE-CHAIRMAN)						ABSENT
KIENZLE			X			
AFFENTRANGER			X			

RESPECTFULLY SUBMITTED,

Cheyenne Lincoln

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____



**STAFF REPORT
REZONE
CASE #P09-16**

TO: Shawnee Planning Commission

AGENDA: November 2, 2016

RE: Rezone Request from C-1 (Neighborhood Commercial) to C-3
(Highway Commercial)

PROPOSAL

The applicant is requesting a rezone from C-1 (Neighborhood Commercial) to C-3 (Highway Commercial) for property located at 4020 N. Kickapoo Ave to utilize as a Restaurant. The subject site is approximately 0.72 acres, or 31,500 square feet in size and is generally located on the west side of Kickapoo between W 45th St. and Penny St, south of O'Reilly.

GENERAL INFORMATION

Applicant	Nelmon Brauning
Owner	Randy D. Edmonson Holding Trust
Site Location/Address	4020 N. Kickapoo Ave.
Current Site Zoning	C-1: Neighborhood Commercial
Proposed Zoning	C-3: Highway Commercial
Property Area	31,500 square feet
Current Use	Residential
Proposed Use	Restaurant

Comprehensive Plan	Commercial and Residential
Existing Land Use	Residential
Surrounding Zoning	North – Commercial (C-3) South – Commercial (C-3) West – Residential (R-1) East – Residential (R-1)

STAFF REVIEW AND ANALYSIS

The applicant is requesting approval for a rezone from C-1 (Neighborhood Commercial) to C-3 (Highway Commercial) to appropriately construct a restaurant on-site. The site is of adequate size and properly located for such a rezone. There exists a high concentration of C-3 zoning along Kickapoo Street, and the City has recently approved similar rezone requests recently.

Fencing shall be required along the west perimeter where residential zoning abuts. In conformance with other such rezones, landscaping, façade requirements, and sidewalks shall be required.

Based on the consistency with the Shawnee Comprehensive Plan (Figure 3) and the Shawnee Zoning Code, Staff does hereby recommend approval on the proposed rezone from C-1 (Neighborhood Commercial) to C-3 (Highway Commercial).

STAFF RECOMMENDATION

Staff recommends **approval** of the proposed rezone from *C-1 (Neighborhood Commercial) to C-3 (Highway Commercial)* for the subject property.

Attachments

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

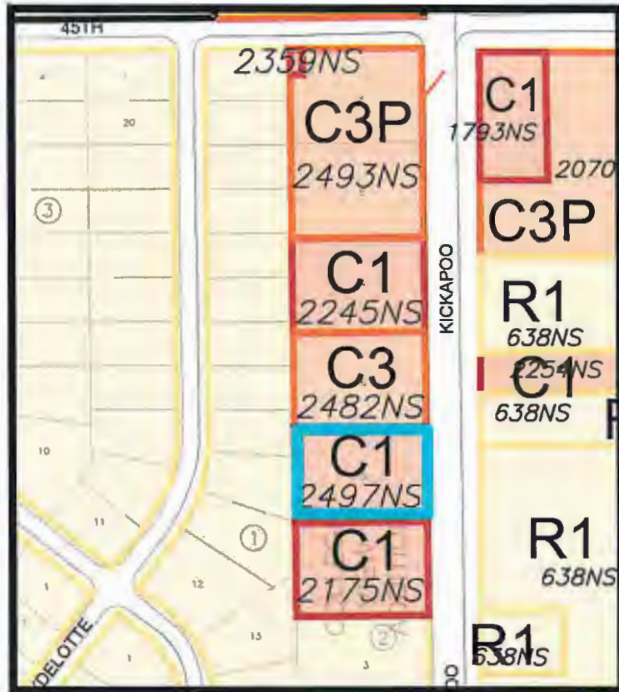


Figure 1: Zoning Map of site – approximate total area outlined in blue.



Figure 2: Aerial view of the site – approximate total area outlined in red.



Figure 3: Shawnee Comprehensive Plan: Future Land Use Map (Figure 4.2) - approximate total area outlined in blue.

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: POA-116
Project Number: 161154
Date Filed: September 28th 2016
Cheyenne Lincoln
Planning Commission Secretary

REQUEST:

☒ Rezoning ☐ Rezoning w/Conditional Use Permit
☐ 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 C1 District to C3 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 4020 N. KICKAPOO SHAWNEE

LEGAL DESCRIPTION: BLOCK 2 LOT 5 COLLEGE VIEW ADDITION

PROPERTY OWNER (S): RANDY D. EDMONSON HOLDING TRUST

PROPERTY AGENT (APPLICANT): NELMON BRAUNING

APPLICANT'S ADDRESS: 201 W 9th ST, SHAWNEE

CITY: SHAWNEE STATE: OK ZIP: 74801

EMAIL ADDRESS: nbrauning@hotmail.com

TELEPHONE NUMBER: (405) 370-0394 CONTACT NUMBER: (405) 370-0394

DIMENSIONS OF PROPERTY: AREA: .72 WIDTH: 151'
LENGTH: 210' FRONTAGE: 151'

CURRENT ZONING: C-1 CURRENT USE: Res

PROPOSED ZONING: C-3 PROPOSED USE: RESTAURANT

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

Nelson Brauning
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

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

RECEIPT NO. 0961667

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 #P09-16

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:

Lot Five (5), Block Two (2), COLLEGE VIEW ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

General Location Known As:	<u>4020 N. Kickapoo Street, Shawnee, OK</u>
Current Zoning Classification:	<u>C-1; Neighborhood Commercial District</u>
Requested Zoning Classification:	<u>C-3; Highway Commercial District</u>
Proposed Use of Property:	<u>Restaurant</u>
Applicant:	<u>Nelmon Brauning</u>

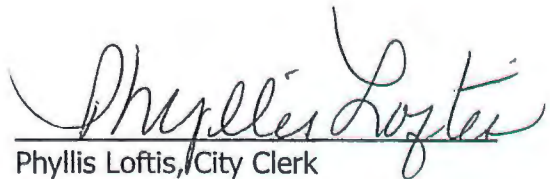
The "Zoning Map of the City of Shawnee, Oklahoma" will be amended accordingly to reflect such change if approved by the City Commission.

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

November 2nd, 2016 AT 1:30 P.M.: CITY OF SHAWNEE PLANNING COMMISSION
November 21st, 2016 AT 6:30 P.M.: CITY OF SHAWNEE CITY COMMISSION

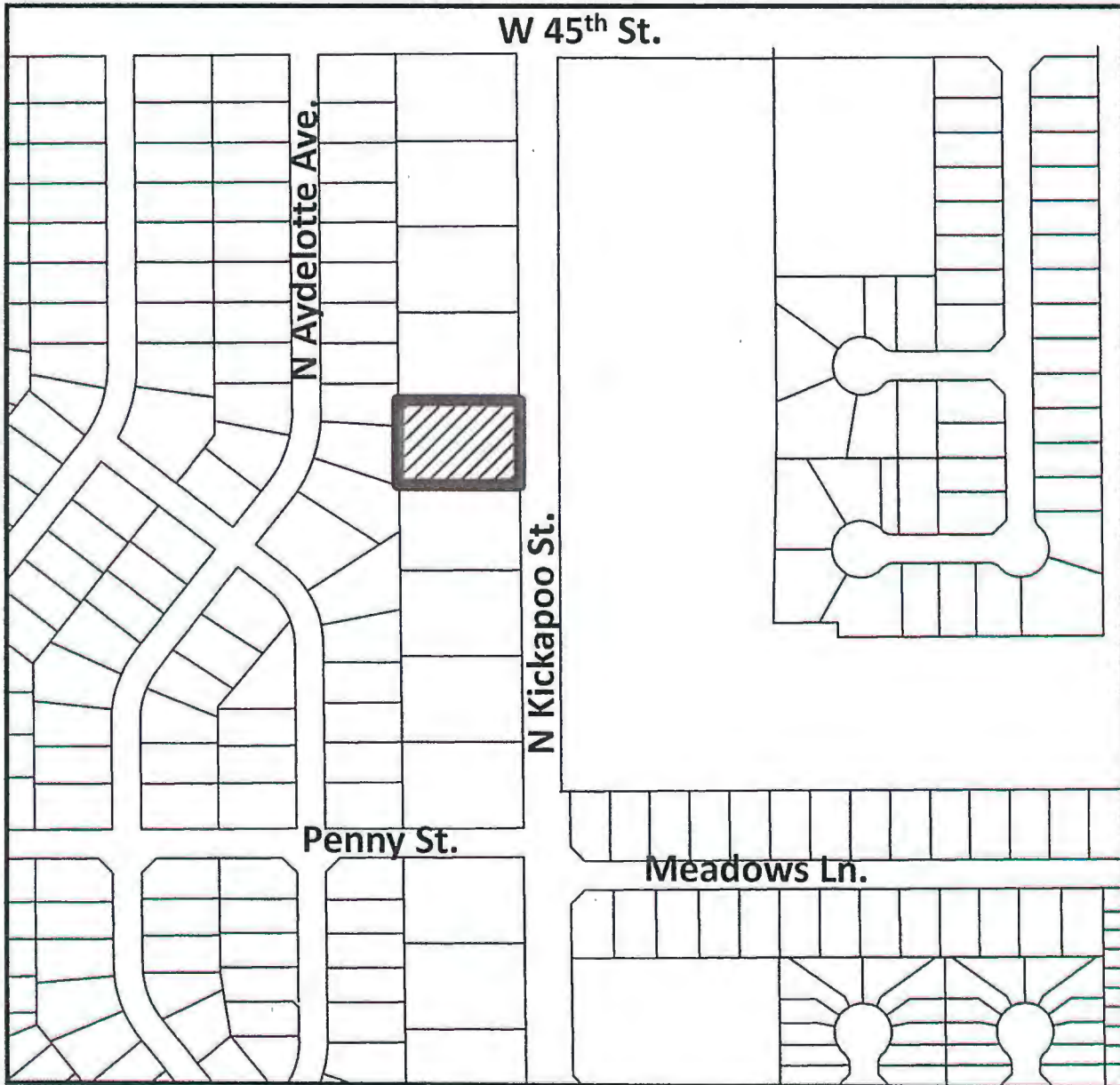
At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the rezone. The Commission reserves the right to limit discussion and debate on the proposed rezone in the public hearing, in which event those persons appearing in support or opposition 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 13th day of October, 2016.



Phyllis Loftis, City Clerk





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:

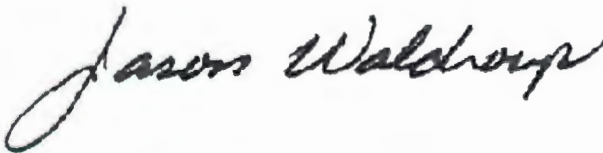
Lot Five (5), Block Two (2), COLLEGE VIEW ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (2), 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 21, 2016 at 7:30 AM

First American Title & Trust Company

By: 

Jason Waldroup
Abstractor License No. 1400
OAB Certificate of Authority # 017
File No. 2183139-SH99

OWNERSHIP LIST**ORDER NO. 2183139**

DATE PREPARED: September 27, 2016

EFFECTIVE DATE: September 21, 2016 at 7:30 a.m.

OWNER	LOT	BLK	ADDITION
EDMONSON RANDY D SEPARATE HOLDINGS TRUST P O BOX 3003 SHAWNEE OK 74802-0000	5	2	COLLEGE VIEW
O'REILLY AUTOMOTIVE STORES INC % PROPERTY MANAGEMENT P O BOX 1156 SPRINGFIELD MO 65801-0000	6	2	COLLEGE VIEW
D & G PROPERTIES LLC 4400 N KICKAPOO SHAWNEE OK 74804-0000	7	2	COLLEGE VIEW
EDMONSON RANDY D SEPARATE HOLDINGS TRUST 4016 N KICKAPOO SHAWNEE OK 74804-0000	4	2	COLLEGE VIEW
MALONE WM E & DREXEL W TRUST 4010 N KICKAPOO SHAWNEE OK 74804-0000	3	2	COLLEGE VIEW
BENTON ELBERT J & BETTE D 719 W DEWEY SHAWNEE OK 74801-0000			BEG 333'S NW/C LOT 4 S134' E420' N134' W420' POB.
LOWDER THOMAS & CHI CHI P O BOX 307 SHAWNEE OK 74802-0000			BEG 467'S NW/C LOT 4 (NW NW) S70' E420' N70' W420' POB.
SALES CHARLES E 4331 N KICKAPOO SHAWNEE OK 74804-0000			BEG 612'S OF NW/C LOT 4 (NW NW) E420' N75' W420' S75' POB.
OZERETNY JERRY E & PATRICIA R TRSTES OF OZERETNY FAMILY TRST 4325 N KICKAPOO SHAWNEE OK 74804-1203			BEG 690'S NW/C LOT 4 E420' N78' W420' S78' POB.
HOUSING AUTHORITY OF THE SAC & FOX NATION 201 N HARRISON SHAWNEE OK 74801-0000			BEG 690'S NW/C TH E420' N690' E570' S1056' W468.9' N21*W 13.72' N88*W 333.31' N 100'W183' N244'POB LESS PART PLATTED FOUR WINDS EST 2.85 Acres
FARLEY CHARLES TRACY & RICHARD FRAZIER FARLEY 13306 MUSSON RD SHAWNEE OK 74804-0000			BEG 289'N SW/C NW NW E183' N100' W183' S100' POB.
JONES RICHARD N LIVING TRUST P O BOX 1852 SHAWNEE OK 74802-1852			BEG 115'N & 33'E SW/C NW NW N125' E175' S124' W175' POB
VARNER ROY V TRUST 4009 1/2 N KICKAPOO SHAWNEE OK 74804-0000			BEG 333'E SW/C NW NW E657' N264' W990' S25' E333' S239' POB. 4.17 Acres
BROWN BOBBY A 4403 N AYDELOTTE SHAWNEE OK 74804-0000	5	1	BISON

HICKOX JASON 4401 N AYDELOTTE SHAWNEE OK 74804-0000	6	1	BISON
FLEMING CHRISTOPHER M & CHRISTINA K FLEMING 4311 N AYDELOTTE SHAWNEE OK 74804-0000	7	1	BISON
BOLERJACK ANNA L P O BOX 3922 SHAWNEE OK 74802-3922	8	1	BISON
MCMAHAN ROGER B & CORMAL K 4307 N AYDELOTTE SHAWNEE OK 74804-0000	9	1	BISON
BLISS WILLIAM R & ROSE B & BARBARA BLISS-WALCK 4305 N AYDELOTTE SHAWNEE OK 74804-0000	10 ½ INT.	1	BISON
MONTOYA NATALIE & DARRAH BIRTH 413 WANDERING WAY ARDMORE OK 73401	10 ½ INT.	1	BISON
ADAIR MANOI S 4303 N AYDELOTTE SHAWNEE OK 74804-1230	11	1	BISON
MINER AMANDA & HYRUM 4301 N AYDELOTTE SHAWNEE OK 74804-0000	12	1	BISON
BURDINE KRISTIN 4207 BLAINE RD SHAWNEE OK 74804-0000	13	1	BISON
GEAR RUSSELL CRAIG & DIANNA L 4205 BLAINE RD SHAWNEE OK 74804-0000	14	1	BISON
WHITED CLIFFORD E & PATSY J 4204 BLAINE RD SHAWNEE OK 74804-0000	10	2	BISON
RAMSEYER ANDREW R 4205 N AYDELOTTE SHAWNEE OK 74804-0000	1	2	BISON
CRAIG KENNETH G & MARGARET 4302 N AYDELOTTE SHAWNEE OK 74804-0000	11	3	BISON
MELTON MARY KATHRYN 4304 N AYDELOTTE SHAWNEE OK 74804-0000	12 & Part of 13*	3	BISON * N18° E133.5' CURVE SW DIST 25' SE/C LOT 13 N78°32' W133.26' TO POB
BLANTON JOHN T & JEAN L 5 CONCORD BLVD SHAWNEE OK 74804-0000	N65° LOT 13	3	BISON
HIGGINS J SCOTT 4308 N AYDELOTTE SHAWNEE OK 74804-0000	14	3	BISON
STORY CHARLES S & HOLT LARHONDA & STORY CHARLES R & STORY-SCHELL RITA 4310 N AYDELOTTE SHAWNEE OK 74804-0000	15	3	BISON
GARREN RICHARD B & ROBIN R 4402 N AYDELOTTE SHAWNEE OK 74804-0000	16	3	BISON
FIELDS LORENE A 2 SPRINGBROOK RD SHAWNEE OK 74804-0000	17	3	BISON

ORDINANCE NO. _____NS

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: LOT FIVE (5), BLOCK TWO (2), COLLEGE VIEW ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF REZONING SAID PROPERTY FROM C-1; NEIGHBORDHOOD COMMERCIAL DISTRICT TO C-3; HIGHWAY COMMERCIAL DISTRICT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

WHEREAS, pursuant to notice duly given as required by law, a public hearing conducted by the Board of Commissioners of the City of Shawnee, Oklahoma on the 21st day of November, 2016, upon an application to rezone certain properties located in the City of Shawnee, Oklahoma from zoning classification C-1; Neighborhood Commercial District to C-3; Highway Commercial District.

WHEREAS, the Planning Commission of the City of Shawnee has conducted one or more public hearings on said application pursuant to notice as required by law and has submitted its final report and recommendation upon said application to the Board of Commissioners; and,

WHEREAS, it appears to be in the best interest of the City of Shawnee and the inhabitants thereof for said properties to be rezoned to C-3; Highway Commercial District.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

SECTION 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit: LOT FIVE (5), BLOCK TWO (2), COLLEGE VIEW ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF REZONING SAID PROPERTY FROM C-1; NEIGHBORDHOOD COMMERCIAL DISTRICT TO C-3; HIGHWAY COMMERCIAL DISTRICT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

PASSED AND APPROVED this 21st day of November, 2016.

RICHARD FINLEY, MAYOR

(SEAL)

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality this 21st day of November, 2016.

JOSEPH VORNDRAN
CITY ATTORNEY

Regular Board of Commissioners

8.

Meeting Date: 11/21/2016

Sales Tax Rebate Agreement

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consideration of a Sales Tax Rebate Agreement between the City of Shawnee and the Elmer Smith Oil Company.

Attachments

No file(s) attached.

Regular Board of Commissioners

9.

Meeting Date: 11/21/2016

P10-16

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Public hearing and consideration of an ordinance to rezone property located at the northeast corner of 45th Street and Harrison Avenue from CP; Planned Shopping Center to PUD; Planned Unit Development. Case No. P10-16. Applicant: Shawnee Harrison, LLC.

Attachments

P10-16 Staff Rpt

P10-16 Ord

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE
CITY OF SHAWNEE
PLANNING COMMISSION

RECOMMENDATION FROM:

SUBJECT:

APPLICANT: Shawnee Harrison, LLC
FOR: Rezone from CP; Planned Shopping Center to PUD;
Planned Unit Development
LOCATION: NE corner of 45th St. and Harrison Ave.,
Shawnee, OK
PROJECT#: 161190 Case# P10-16

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: CP; Planned Shopping Center
REQUESTED CLASSIFICATION: PUD; Planned Unit Development
PROPOSED PROPERTY USE: Restaurant, Hotel, Service Station

PLANNING COMMISSION MEETING DATE: November 2nd, 2016

PLANNING COMMISSION RECOMMENDATION: Approval with following conditions:

1. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
2. Any necessary drainage plans must be approved by the City Engineer concurrent with Final Plat approval.
3. The requirements and conditions of the City Engineer as detailed in the memorandum (Exhibit 3) shall be met and shall be so shown on the above-noted construction plans and Final Plat.
4. These conditions shall override any deviation proposed in the Planned Unit Development Master Plan or Design Statement.
5. Sidewalks are required along 45th Street, Harrison Avenue, and John C. Burton Drive.
6. Approval of requested variance to allow for one eighty (80') foot free-standing sign, in place of further free-standing sign allowances.
7. Approval of requested variance to eliminate a perimeter easement along the east boundary due to the creek abutting the east side.
8. Correction of minor details on the Preliminary Plat.
9. The Planned Unit Development Design Statement shall be amended as needed to be in conformance with these conditions and submitted to the City for acceptance.
10. All other applicable City standards apply.

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 6

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
MORTON			X			
CLINARD			X			
KERBS			X			
BERGSTEN (CHAIRMAN)			X			
COWEN (VICE-CHAIRMAN)						ABSENT
KIENZLE	X		X			
AFFENTRANGER		X	X			

RESPECTFULLY SUBMITTED,
Cheyenne Lincoln
SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

ADOPTED _____ DENIED _____

DATE OF ACTION: _____

ORDINANCE NO. _____



Domino Plaza Addition

Combined Staff Report
Planned Unit Development - Case #P10-16
Preliminary Plat - Case #S19-16

TO: Shawnee Planning Commission

AGENDA: November 2, 2016

RE: Domino Plaza Addition (PUD / Preliminary Plat)

PROPOSAL

The applicant requests Planned Unit Development (PUD) and Preliminary Plat approval for a commercial development containing five (5) lots on 14.76 acres of land, located at the north-east corner of Harrison Avenue and 45th Street. The project will be developed in phases and shall involve hotel, restaurant, and gas service station developments. The site is currently zoned CP (Planned Shopping Center) and is currently undeveloped. Adjacent land uses include commercial uses, vacant land, residential property, and Gordon Cooper Technology Center.

GENERAL INFORMATION

Applicant	Shawnee Harrison, LLC
Owner	Shawnee Harrison, LLC
Site Location/Address	NE corner of 45 th St. and Harrison Ave.
Current Site Zoning	CP (Planned Shopping Center)
Proposed Zoning	PUD (Planned Unit Development)
Property Area	14.76 Acres
Current Use	Vacant
Proposed Use	Restaurant, Hotel, Service Station

Comprehensive Plan Designation	Residential / Public / Commercial
Existing Land Use	Undeveloped
Surrounding Land Use	Residential/ Agricultural/Commercial
Surrounding Zoning	A1: Rural Agricultural C3: Highway Commercial

STAFF REVIEW AND ANALYSIS

According to the applicant, the concept for Domino Plaza PUD is, “to create a series of restaurants and hotels that provide a wide range of goods and services to the City of Shawnee from national, regional and local business.” A PUD, unlike traditional zoning, allows for a degree of “give and take” between the developer and the City to accomplish a consistent and unified design over larger development projects. In exchange for master planning, consistent design and innovative approaches, applicants may be granted deviations which would commonly require a variance.



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

A planned unit development consists of a Master Development Plan Map and a Design Statement (Exhibit 1). Together, these two documents provide a detailed narrative for the development project. Approval of a PUD adopts the master plan prepared by the applicant and replaces any previous zoning district classification on the parcel. Domino Plaza is designed with the regulations imposed by the C-3 (Highway Commercial) district, which does allow for the variety of uses intended for this property. This concept will allow for a more efficient development and improved traffic flow throughout the site.

The site details are as follows:

1. Five (5) developable lots.
2. Three (3) common areas.
 - a) Common Area "A" – Detention Pond – 0.29 acres.
 - b) Common Area "B" – Dog Park – 1.17 acres.
 - i. Developed with walking trails, lighting, landscaping, benches, picnic area, footbridge, and small and large breed dog partitions.
 - c) Common Area "C" – Detention Pond – 0.62 Acres.
3. Currently, the PUD plan includes space for four (4) restaurants, two (2) hotels, one (1) gas service station, and one (1) dog park.

Street Improvements and Access

John C. Burton Drive provides one (1) point of access to the site from the north. This private drive will be upgraded to a 32' collector street, dedicated to the public, and improved to City standards for an approximate length of 395 linear feet. Three (3) shared access drives are proposed along Harrison Street and two (2) means of access are proposed along 45th Street. Sidewalks shall be provided along each street frontage.

Internal common access shall be established by cross access agreement, creating an improved traffic flow throughout the site.

Utility Improvements

Though water and sewer lines exist adjacent to the site, required extensions of these lines will be built to City standard and dedicated as public infrastructure. The subject property will include two detention ponds, serving to capture surface runoff, release said water at a rate consistent with the rate prior to development.

Signage

As part of the proposed Planned Unit Development, the applicant has incorporated a signage plan design similar to Shawnee Marketplace, emphasizing a reduction in overall site signage.

The total frontage is approximately 2,590 feet. Under the C-3 Zoning Signage Standards, free-standing signs (up to 40') may be constructed at a ratio of two square feet of sign area per linear foot of frontage. Thus, the maximum total allowable sign area is around 5,180 square feet. That square footage can be spread to multiple free-standing signs, provided that each sign is spaced

150 feet apart. Based on the significant amount of street frontage, this could amount to approximately seventeen (17) total free-standing signs along the three (3) frontages.

However, the applicant has elected to restrict signage to the following:

1. One (1) master sign with a maximum height of 80 feet, located at the north-west corner of the site.
2. One (1) monument sign with a maximum height of twelve (12') feet and a maximum area of 120 square feet, per structure.

Free-standing signs may be allowed up to forty (40') feet in height within one-half (1/2) mile of Interstate – 40. Historically, the City of Shawnee has approved variances to this requirement on properties located south of the Interstate, due to the lower elevation. Directly north of the subject site, a variance was approved for Collision Works (Case #Z10-06), located at 4881 N. Harrison Ave., to construct a free-standing sign at a height of seventy (70') feet.

Consistent with the historic findings for properties in this area, Staff believes the requested variance is acceptable. Aside from the low elevation and increased distance from I-40, the applicant intends to forgo the option to create upwards of seventeen (17) freestanding signs for the right to construct one (1) master sign at a height of eighty (80') feet. Such a compromise is considered unique to this case and certainly goes a long way in creating an aesthetically pleasing site. Said sign will be oriented in such a way that it does not interfere with the site triangle for any drives, will maintain appropriate clearance, and shall be constructed of materials considered harmonious to the development.

Directional signs and wall signs shall be restricted to the allowances detailed in the City of Shawnee Sign Code.

Architecture and Landscaping

All landscaping and architectural design will be compliant with the City of Shawnee Zoning Code. To create an aesthetically pleasing development, a minimum of 10% of the site will be landscaped. This shall include parking lot perimeter landscaping, landscape islands for every twelve (12) parking spaces, and additional, evenly spaced landscaping throughout each lot.

Though most brands have their own architectural design standards, City requirements shall ensure that at minimum, 60% of the structural facades shall incorporate masonry materials (rock, brick, stone, etc.) where facing upon a public street.

Additionally, the 1.17 acre dog park will include exceptional landscaping, adequate site lighting, picnic tables, a five (5') foot wide pedestrian path, and other great amenities. This centrally located park, along with the additional landscaping will meet and exceed the City standard.

Requested Variances

The following two (2) items are requested variances from City Code:

1. There shall be no perimeter easement along the east lot lines due to the creek abutting the east side.

2. There shall be one eighty (80') foot tall master sign for the development, located at the north-west corner of the development (Exhibit 1).

Other Considerations

The City of Shawnee commissioned a Traffic Impact Analysis for the proposed development. The report was prepared by Traffic Engineering Consultants, Inc. a firm from Oklahoma City. For a Staff analysis, please see comments from John Krywicki, City Engineer, in the attached memorandum (Exhibit 3).

Staff Findings

Staff makes the following findings relative to the proposed Domino Plaza Preliminary Plat and Planned Unit Development:

1. City utilities are adjacent to the subject property and the applicant proposes extending said utilities to serve the development.
2. The proposed development will generate a substantial amount of vehicle trips and roadway improvements are needed to mitigate the impact.
3. Approval of a Planned Unit Development for the subject site is the best way to ensure unified site design and development. It is a preferred alternative to piecemeal lot development and conventional zoning.
4. The proposed modifications and deviations to City of Shawnee code are limited, deemed minor in scope, and are consistent with the intent of the planned unit development process.
5. The Domino Addition Preliminary Plat is in conformance with the City of Shawnee subdivision regulations, Zoning Code, Comprehensive Plan, and the proposed Planned Unit Development standards, subject to recommended conditions.

The applicant is requesting approval for a rezone to PUD and preliminary plat. The proposed configurations are consistent with both the C-3 zoning standards and any modifications requested as part of the Planned Unit Development. Staff has reviewed the preliminary plat submittal and finds that the quality is such that an approval, with conditions, can be recommended.

STAFF RECOMMENDATION

Staff recommends **approval** for the proposed rezone from *CP* (Planned Shopping Center) to *PUD* (Planned Unit Development) and the proposed preliminary plat, with the following conditions:

1. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
2. Any necessary drainage plans must be approved by the City Engineer concurrent with Final Plat approval.
3. The requirements and conditions of the City Engineer as detailed in the memorandum (Exhibit 3) shall be met and shall be so shown on the above-noted construction plans and Final Plat.

4. These conditions shall override any deviation proposed in the Planned Unit Development Master Plan or Design Statement.
5. Sidewalks are required along 45th Street, Harrison Avenue, and John C. Burton Drive.
6. Approval of requested variance to allow for one eighty (80') foot free-standing sign, in place of further free-standing sign allowances.
7. Approval of requested variance to eliminate a perimeter easement along the east boundary due to the creek abutting the east side.
8. Correction of minor details on the Preliminary Plat.
9. The Planned Unit Development Design Statement shall be amended as needed to be in conformance with these conditions and submitted to the City for acceptance.
10. All other applicable City standards apply.

Attachments

1. Figure 1: Aerial view of site
2. Figure 2: Zoning Map
3. Figure 3: Future Land Use Map
4. Exhibit 1: Preliminary Plat
5. Exhibit 2: Planned Unit Development application materials.
6. Exhibit 3: Memorandum from the City Engineer, John Krywicki.

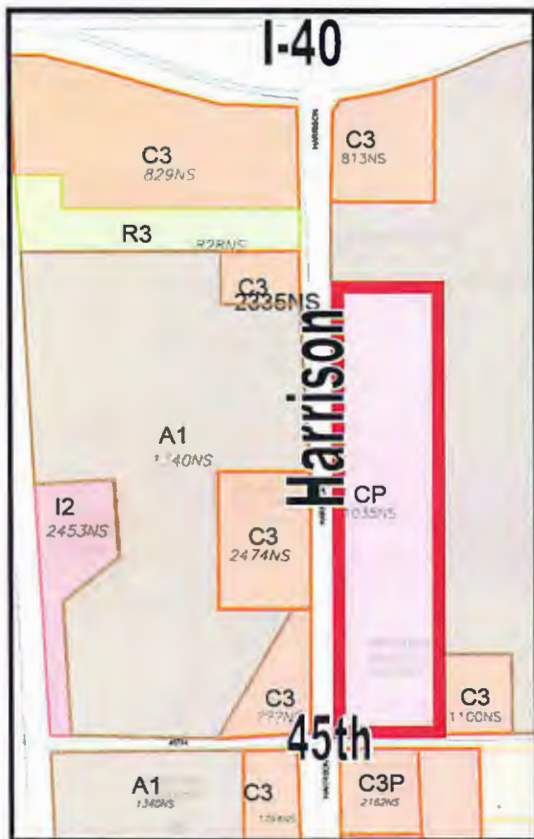


Figure 2: Zoning Map of site – approximate total area outlined in red.

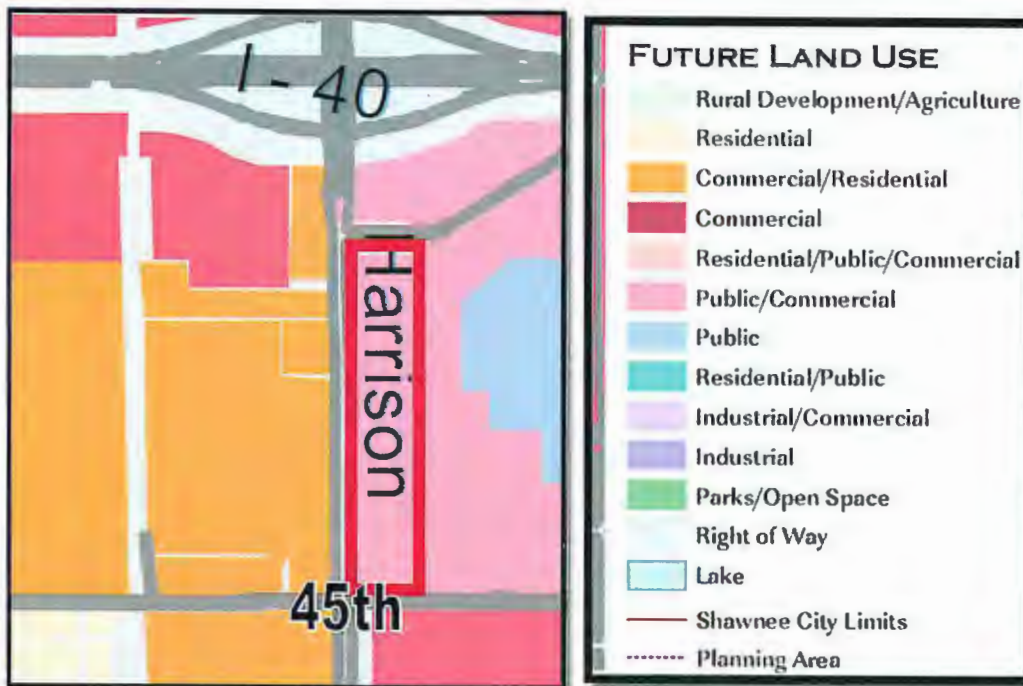


Figure 3: Shawnee Comprehensive Plan: Future Land Use Map – approximate total area outlined in red

LEGEND

BOUNDARY LINE	EX. POWER POLE
RIGHT OF WAY LINE	EX. WATER VALVE
EASEMENT LINE	EX. WATER METER PIT
EXISTING CONCRETE CURB AND GUTTER	EX. WATER METER
PROPOSED CONCRETE CURB AND GUTTER	PROP. WATER METER
PROPOSED FINE LINE (STREET)	EX. SPRINKLER VALVE
OVERHEAD ELECTRIC	EX. AUTO SPRINKLER
UNDERGROUND ELECTRIC	EX. ELECT. PEDISTAL
GAS LINE	EX. ELECT. TRANSFORMER
UNDERGROUND TELEPHONE	EX. ELECT. METER
UNDERGROUND FIBER OPTIC	PROP. ELECT. METER
SANITARY SEWER	EX. AIR CONDITIONER
WATERLINE	EX. SIGNAGE
BENCHMARK	EX. LIGHT POLE
PROP. INLETS (SEE GRADING PLAN FOR TYPE)	PROP. LIGHT POLE
VERTICAL SEPARATION REQUIREMENT	EX. BOLLARD
	EX. POWER POLE
	PROP. POWER POLE
	EX. TELEPHONE PED.
	EX. TELEPHONE MANHOLE
	EX. TRAFFIC SIGNAL LIGHT
	EX. TRAFFIC CONTROL BOX
	EX. FLAG POLE
	EX. YARD LIGHT
	EX. GREASE TRAP
	EX. SS MANHOLE
	PROP. SS MANHOLE
	EX. GAS METER
	PROP. GAS METER
	EX. ELECT. MANHOLE
	EX. STORM MANHOLE

OWNER

SHAWNEE HARRISON L.L.C.
1715 S. HWY 153
CLINTON, OK 73601
800-331-3728

DEVELOPER

SHAWNEE HARRISON L.L.C.
1715 S. HWY 153
CLINTON, OK 73601
800-331-3728

ENGINEER

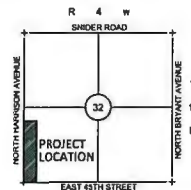
CEGAR CREEK CONSULTING INC.
PO BOX 14038
OKLAHOMA CITY, OK 73113
405-779-3300

STATISTICAL DATA

GROSS ACRES: 14.78 +/-
NUMBER OF LOTS: 5
NUMBER OF DWELLING UNITS: NONE
NUMBER OF LOTS FOR COMMERCIAL: 5 LOTS. 12.68 ACRES ALLOCATED TO COMMERCIAL WITH 53,478 SF +/- OF COMMERCIAL STRUCTURES.
ACREAGE ALLOCATED TO PARKS: 1.17 ACRES
ACREAGE ALLOCATED TO COMMON OPEN SPACE: 0.91 ACRES
ACREAGE ALLOCATED TO OTHER PUBLIC AND SEMI-PUBLIC USES: NONE
ZONING: P.U.D. PENDING (CURRENT ZONING = CP)

BENCHMARK - BM 1

ELEVATION	896.34
WORKMAN	CU 1/2 ON TOP OF CURB
LOCATION	EAST SIDE OF CONC. DRIVE ENTRANCE TO CONC. S. SIDE OF E. 45th STREET



LOCATION MAP
SCALE: 1" = 2000'



PRELIMINARY PLAT OF DOMINO PLAZA ADDITION

BEING A PART OF THE SW/4 OF SECTION 32, T-11-N, R-4-W, I.M.
SHAWNEE, POTTOWATOMIE COUNTY, OKLAHOMA
DATE: OCTOBER 3, 2016

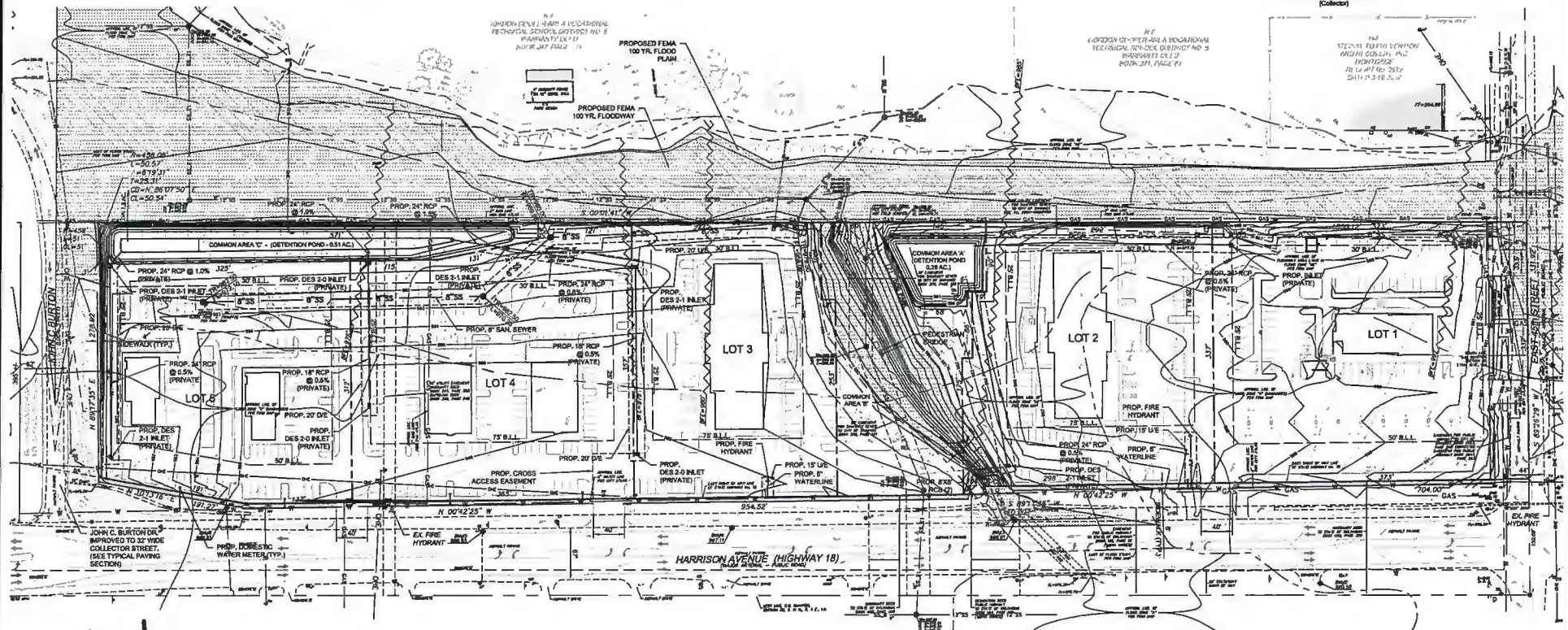
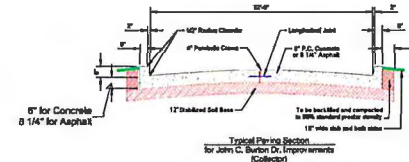


EXHIBIT
1



CEDAR CREEK
CITY ENGINEERING & PLANNING CONSULTANTS
P.O. BOX 14038 OKLAHOMA CITY, OK 73113
www.cedarcreekinc.com
Phone: 405-779-3300

EXHIBIT
2

THE CITY OF SHAWNEE, OKLAHOMA

PLANNED UNIT DEVELOPMENT

DESIGN STATEMENT

FOR

DOMINO PLAZA ADDITION

PREPARED BY:



CONTENTS:

Site Description

Legal Description

Concept

Zoning

Parking

Architecture

Street Improvements and Access

Utility Improvements

Signage

Site Lighting

Landscaping & Screening

ATTACHMENTS:

Master Development Plan

Master Utility Plan

Pylon Sign Schematic

Dog Park Schematic

Approved Landscape Materials List

Site Description

The Planned Unit Development (PUD) of Domino Plaza Addition, consisting of 14.76 acres is located within the SW/4 of Section 32, Township 11N, Range 4E, of the Indian Meridian, Pottawatomie County, Oklahoma. The subject property is generally located east side of Harrison Avenue and on north side of East 45th Street. This land is currently vacant and undeveloped. The land is currently owned by Shawnee Harrison, LLC , and is being developed by Shawnee Harrison, LLC in Clinton, OK.

Legal Description

LEGAL DESCRIPTION:

A tract of land lying in the West Half of the Southwest Quarter of Section 32, Township 11 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma, and further described as BEGINNING at a point on the south line of said West Half of the Southwest Quarter, 150.08 feet east of the southwest corner of said West Half of the Southwest Quarter, said POINT OF BEGINNING also being the east right of way line of State Highway No. 18;

THENCE North 00°42'25" West along said right of way line a distance of 704.00 feet;

THENCE South 89°17'35" West along said right of way line a distance of 10.00 feet;

THENCE North 00°42'25" West a distance of 954.52 feet;

THENCE North 10°13'16" East along said right of way line a distance of 191.27 feet to the south line of a 120.00 foot road and utility easement;

THENCE North 89°17'35" East along said south line a distance of 278.92 feet;

THENCE northeasterly along said south line on a curve to the left having a radius of 458.08 feet a distance of 50.57 feet;

THENCE South 00°01'41" West and parallel with the west line of said West Half of the Southwest Quarter a distance of 1850.12 feet to the south line of said West Half of the Southwest Quarter;

THENCE South 89°26'29" West along said south line a distance of 331.92 feet to the POINT OF BEGINNING.

Said described tract of land contains a gross area of 642,915 square feet or 14.7593 acres and a net area, less street right of way, of 630,892 square feet or 14.4833 acres, more or less.

Concept

The project conceptually consists of hotel, restaurant and/or gas service station outparcels along Harrison Avenue. The project is planned to be constructed in phases, with the first phase consisting of approximately 2.87 acres. Future phases may be added in any size in the future. The purpose of this Planned Unit Development is to create a series of restaurants and hotels that provide a wide range of goods and services to the City of Shawnee from national, regional and local business. The PUD will comply with all applicable requirements as described in the City of Shawnee Zoning Code adopted by Ordinance 1508NS dated June 2, 2014 unless otherwise discussed in this design statement.

Common Areas "A" & "C" will be used primarily for stormwater detention. Common Areas "A"& "C" will be private and will be maintained by the owner(s).

Common Area "B" will be developed as a park with walking trails, lighting, landscaping, benches, picnic area, footbridge, and small and large breed dog park.

Common Area "B" will be private and will be maintained by the owner(s). It will be lighted and open to the public. Public access will be available from Lot 2 and Lot 3.

Zoning

The current zoning for the subject site is CP. C-3 zoning will be the underlying zoning for the PUD. C-3 is located east of the site adjacent to E. 45th Street. The remaining property abutting the site to the east and north is zoned A-1.

Building setbacks for the lots will be as follows:

Front: Lots 1 & 5 = 50 feet; Lots 2,3,and 4 = 75 feet

Rear: All Lots = 30 feet

Sides: All Lots = 25 feet

Common access within the lots will be available by cross access easements. There shall be no landscape buffer along the interior side lot lines.

Variances to zoning code:

- 1) There shall be no perimeter easement along the east lot lines due to the creek abutting the east side.
- 2) There shall be one (1) 80 feet tall master sign for the development. See Exhibit "A".

Parking

Parking for hotel, restaurant, and gas service station uses shall be per the base C-3 zoning requirements.

Architecture

The site plan has potential for 7 or more separate structures primarily for hotel, restaurant, and gas and convenience store use. It is anticipated that each use will be for national or regional

brands. Most brands have their own brand design standard concerning architecture and image. Each structure for a national or regional brand will have a minimum 60% rock, brick, stone or CMU. National or regional brand hotels will be required to have 35% rock, brick, stone, or CMU with the remaining materials to be architecturally pleasing. Non national or regional brands must have an exterior that is a minimum of 80% rock, brick or stone. All four sides of each building shall be designed in an architectural pleasing manor.

Street Improvements and Access

The subject site is bounded by Harrison Avenue to the west, E. 45th Street to the south, and John C. Burton Dr. to the north. John C. Burton Drive, though private, will be improved to city standards and upgraded from the current status to a "Collector" street. The length of the John C. Burton Drive improvements is approximately 395 linear feet. Two additional driveways access from E. 45th Street. Three additional driveways access from Harrison. One additional driveway accesses from John C. Burton. Sidewalk will be provided along all street frontage.

Utility Improvements

The subject property contains two major drainage basins, divided by a natural channel that runs east from Harrison to the existing creek east of the property. The development will capture surface runoff and convey it by sheet flow or through private underground conduits to detention areas where the release rate will be mitigated to historic (undeveloped) flow rates. A double 8'x6' concrete box will be used to bridge the natural channel.

Water service is provided by an existing eight inch main along the east side of Harrison and an existing twelve inch main along the north side of 45th Street. Water main extensions provide for additional fire hydrants to serve the PUD area. All water main extensions will be dedicated to the City as public infrastructure.

An existing twelve inch sanitary sewer main runs through the PUD area and continuing north on the adjacent property abutting the east side of the PUD area. There is also an existing eight inch sanitary sewer main running along the east side of Lots 1 and 2. Additional eight inch public sanitary sewer mains will be installed to serve the remaining PUD area. All sanitary sewer mains will be dedicated to the City as public infrastructure.

Signage

Signage is a facet of development that has benefits from using a PUD concept. Currently, the proximity to the frontage road allows any lot within the PUD area to have a separate free standing sign with a maximum height of 40 feet. The PUD shall restrict signage to allow the following:

Each development within this PUD shall be restricted to one monument sign with a maximum height of 12 feet and a maximum area of 120 square feet. There shall be one master sign 80 feet in height in the northwest corner of the site. (see attached Exhibit "A".)

Site Lighting

Lighting for hotel, restaurant, and gas service station uses shall be LED with a maximum pole height of 30 feet. All other lighting shall be per the base C-3 zoning requirements.

Landscaping & Screening

The overall landscape design theme shall be that of "Native Oklahoma". Native plant materials are recommended; adapted materials are required. Materials which support the look of native Oklahoma are encouraged, even if not actually native. A use of yuccas, ornamental grasses, boulders and stone are encouraged. Sheered hedges, should be avoided. This look should contrast with irrigated Bermuda grass lawns. A defined edge between lawns and beds should be established with metal, concrete or stone edging. Shade, ornamental and evergreen trees should be used to shade parking areas, define edges and provide color and seasonal interest to the development.

The landscape should be designed to satisfy the following criteria:

- a. To create an aesthetically pleasing commercial/retail property utilizing the use of trees, shrubs, vines, annual color, ground cover, and turf.
- b. To create a buffer between on-site parking and the street and/or noncommercial property.
- c. To provide vertical and horizontal dimensions to the site.

A blend or integration of plant material should be achieved throughout the landscape design even though each part serves a different function.

All landscape standards, in accordance with City of Shawnee Ordinance Section 22.180, will be upheld.

LEGEND		
BOUNDARY LINE	—	EX. FIRE HYDRANT
RIGHT OF WAY LINE	—	EX. WATER VALVE
EASEMENT LINE	—	EX. WATER METER PIT
EXISTING CONCRETE CURB AND GUTTER	—	EX. WATER METER
PROPOSED CONCRETE CURB AND GUTTER	—	EX. SPRINKLER VALVE
PROPOSED FIRE LANE STRIPPING	—	EX. AUTO SPRINKLER
ONE	—	EX. ELECT. PEDESTAL
UNDERGROUND ELECTRIC	—	EX. ELECT. TRANSFORMER
UNDERGROUND TELEPHONE	—	EX. ELECT. METER
UNDERGROUND FIBER OPTIC	—	EX. ELECT. METER
SANITARY SEWER	—	EX. PROP. ELECT. METER
WATERLINE	—	EX. PROP. ELECT. METER
BENCHMARK	—	EX. AIR CONDITIONER
PROP. INLETS (SEE GRADING PLAN FOR TYPE)	—	EX. SIGNAGE
VERTICAL SEPARATION REQUIREMENT	—	EX. LIGHT POLE
		EX. PRISM LIGHT POLE
		EX. BOLLARD
		EX. POWER POLE
		PROP. POWER POLE
		EX. TELEPHONE PED.
		EX. TELEPHONE MANHOLE
		EX. TRAFFIC SIGNAL LIGHT
		EX. TRAFFIC CONTROL BOX
		EX. FLAG POLE
		EX. YARD LIGHT
		EX. GREASE TRAP
		EX. SS MANHOLE
		PROP. SS MANHOLE
		EX. GAS METER
		PROP. GAS METER
		EX. ELECT. MANHOLE
		EX. STORM MANHOLE

OWNER:
SHAWNEE HARRISON LLC,
1715 S. HWY 163
CLINTON, OK 73601
580-331-3738

DEVELOPER:
SHAWNEE HARRISON LLC,
1715 S. HWY 163
CLINTON, OK 73601
580-331-3738

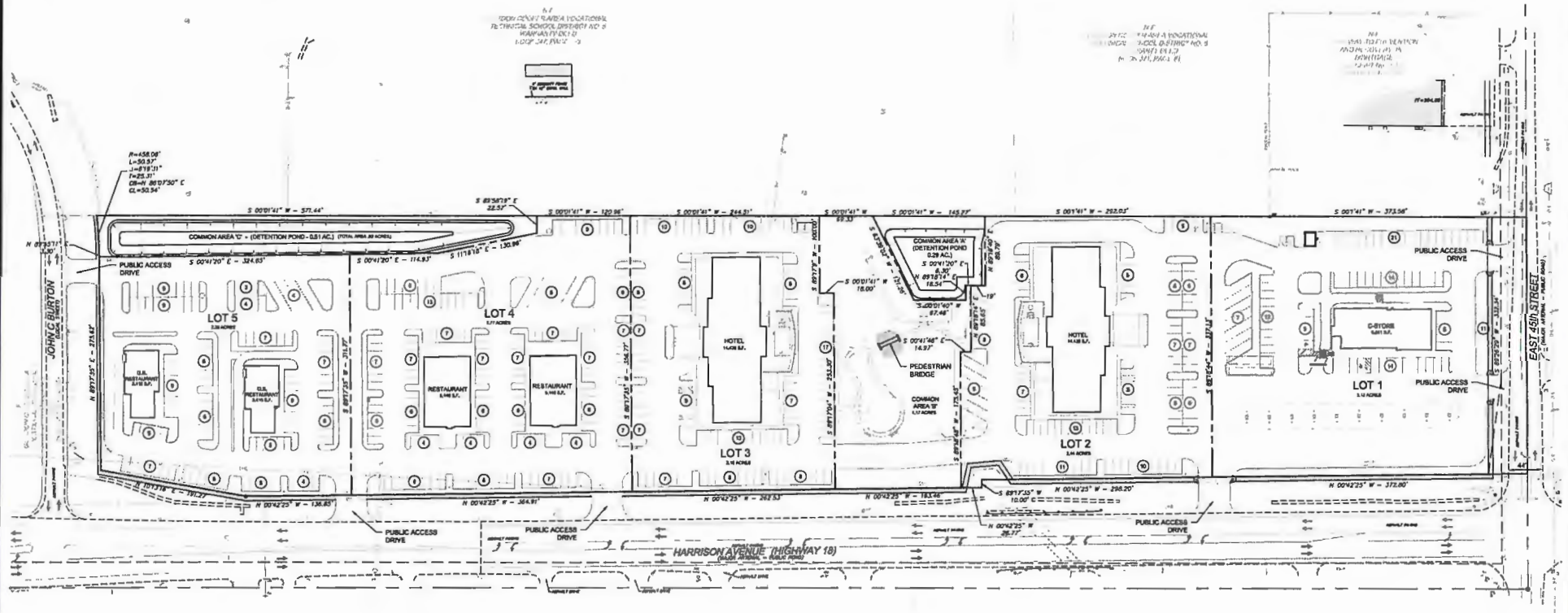
ENGINEER:
CEDAR CREEK CONSULTING, INC.
PO BOX 1424
OKLAHOMA CITY, OK 73113
405-778-3388

SITE DATA				
SITE AREA: 14.76 ACRES				ZONING: PUD (C3)
LOT	LOT AREA (AC)	BUILDING AREA (S.F.)	LOT COVERAGE	BUILDING USE
1	3.12	6,081	0.24	C-STORE
2	2.44	14,430	0.14	HOTEL
3	3.10	14,430	0.14	HOTEL
4	3.77	10,850	0.08	RESTAURANT (2)
5	2.28	9,830	0.10	RESTAURANT (2)
COMMON AREA	2.08			
TOTAL	14.76	55,621	0.10	586



MASTER DEVELOPMENT PLAN OF DOMINO PLAZA ADDITION

BEING A PART OF THE SW/4 OF SECTION 32, T-11-N, R-4-W, I.M.
SHAWNEE, POTTOWATOMIE COUNTY, OKLAHOMA
DATE: OCTOBER 3, 2016



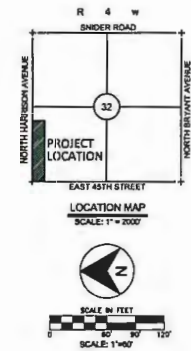
LEGEND

BOUNDARY LINE	FIRE HYDRANT	EX. POWER POLE
RIGHT OF WAY LINE	WATER VALVE	PROP. POWER POLE
EASEMENT LINE	EX. WATER METER PIT	EX. TELEPHONE PDL
EXISTING CONCRETE CURB AND GUTTER	EX. WATER METER	EX. TELEPHONE MANHOLE
PROPOSED CONCRETE CURB AND GUTTER	PROP. WATER METER	EX. TRAFFIC SIGNAL LIGHT
PROPOSED FIRE LANE STRIPING	EX. SPRINKLER VALVE	EX. TRAFFIC CONTROL BOX
OVERHEAD ELECTRIC	EX. AUTO SPRINKLER	EX. FLAG POLE
UNDERGROUND ELECTRIC	EX. ELECT. PEDESTAL	EX. YARD LIGHT
BAU	EX. ELECT. TRANSFORMER	EX. DREASE TRAP
UNDERGROUND TELEPHONE	EX. ELECT. METER	EX. SS MANHOLE
UNDERGROUND FIBER OPTIC	PROP. ELECT. METER	EX. GAS METER
STW	EX. AIR CONDITIONER	PROP. GAS METER
WATERLINE	EX. DRAINAGE	EX. ELECT. MANHOLE
BENCHMARK	EX. LIGHT POLE	EX. STORM MANHOLE
PROP. INLETS (SEE GRADING PLAN FOR TYPE)	PRIME LIGHT POLE	EX. BOLLARD
VERTICAL SEPARATION REQUIREMENT		

OWNER:
SHAWNEE HARRISON L.L.C.
1713 E. HWY 183
CLINTON, OK 73011
580-331-3728

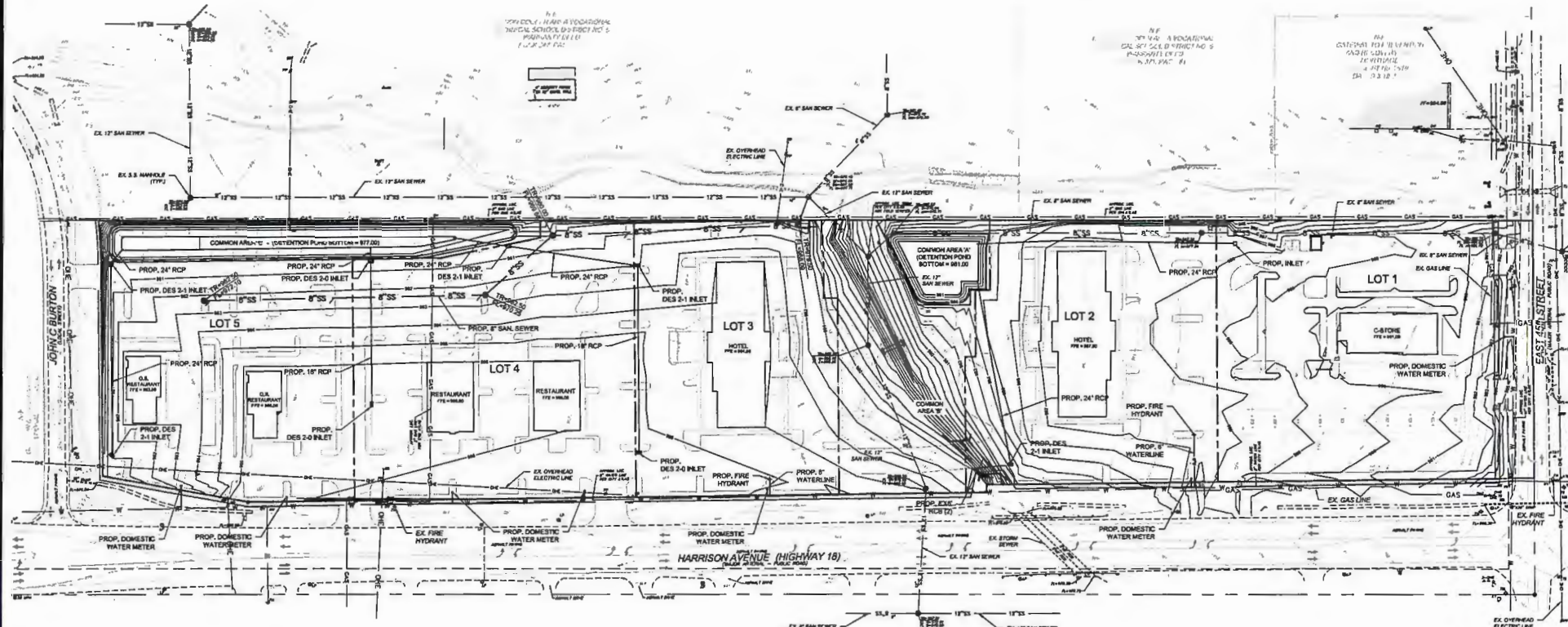
DEVELOPER:
SHAWNEE HARRISON L.L.C.
1713 E. HWY 183
CLINTON, OK 73011
580-331-3728

ENGINEER:
CEDAR CREEK CONSULTING, INC.
PO BOX 1624
OKLAHOMA CITY, OK 73113
405-775-3380



MASTER UTILITY PLAN OF DOMINO PLAZA ADDITION

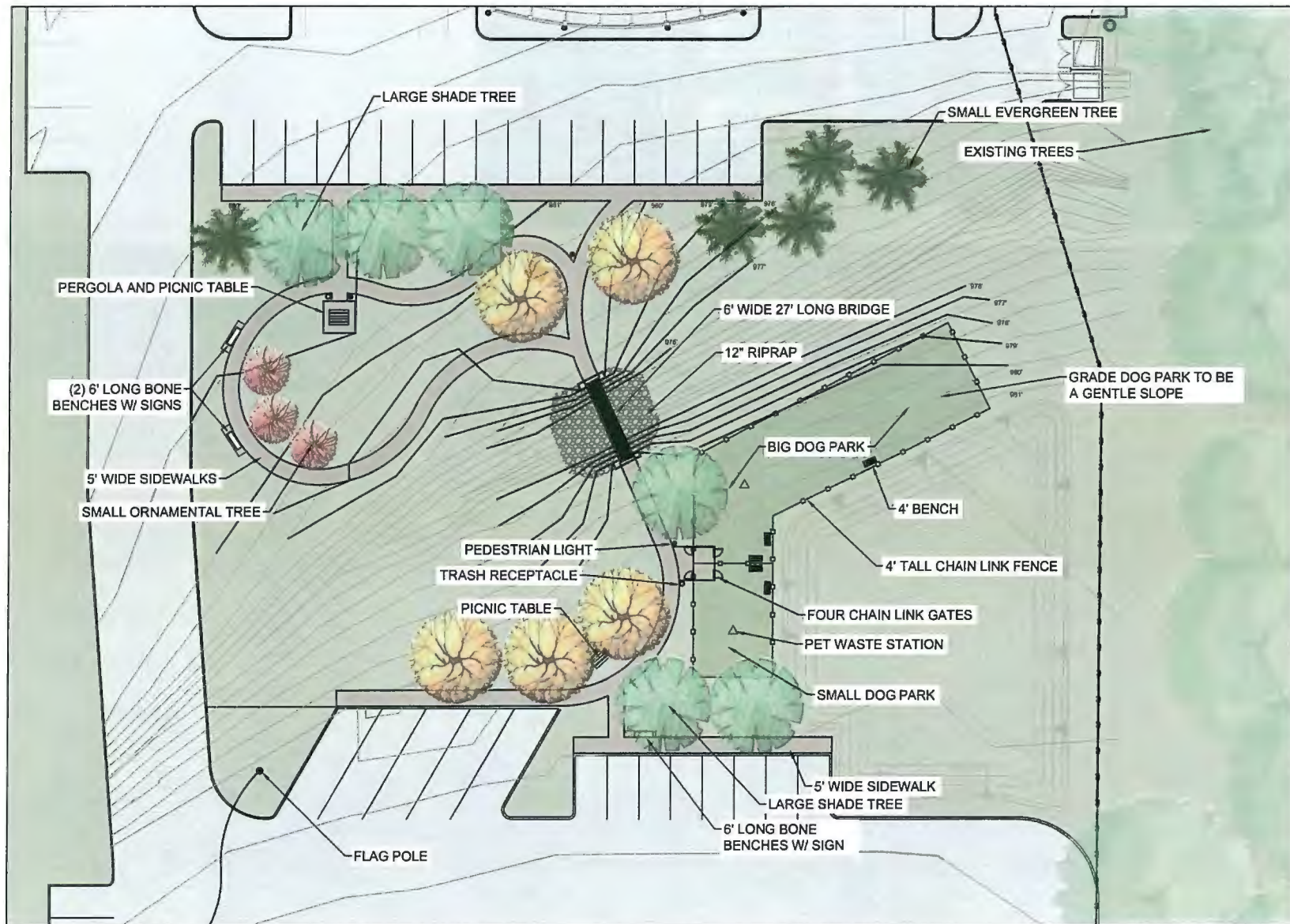
BEING A PART OF THE SW/4 OF SECTION 32, T-11-N, R-4-W, I.M.
SHAWNEE, POTTOWATOMIE COUNTY, OKLAHOMA
DATE: OCTOBER 3, 2016



DOMINO PLAZA ADDITION				
STANDARD TREE, SHRUB, AND MATERIALS SELECTION				
COMMON NAME	SCIENTIFIC NAME	MIN. SIZE	NOTES	EVERGREEN
TREES:				
REDBUD CULTIVARS	CERCIS	2"	B&B	
ARIZONA CYPRESS	CUPRESSUS ARIZONICA	6-7'	UN-SHEARED, B&B	X
PRIDE OF HOUSTON YAUPON HOLLY	ILEX VOMITORIA 'PRIDE OF HOUSTON'	6-8'	B&B	X
CANAERT JUNIPER	JUNIPERUS VIRGINIANA 'CANAERTII'	6-8'	UN-SHEARED, B&B	X
TAYLOR JUNIPER	JUNIPERUS VIRGINIANA 'TAYLOR'	6-8'	B&B	X
CRAPEMYRTLE	LAGERSTROEMIA INDICA	6'-8'	B&B	
CHINESE PISTACHE	PISTACIA CHINENSIS	3"	B&B	
SAWTOOTH OAK	QUERCUS ACUTISSIMA	3"	B&B	
WHITE OAK	QUERCUS ALBA	3"	B&B	
CRIMSON SPIRE OAK	QUERCUS ALBA X Q. ROBUR 'CRIMSCHMIDT'	3"	Fastigate, B&B	
BUR OAK	QUERCUS MACROCARPA	2"	B&B	
CHINQUAPIN OAK	QUERCUS MUEHLENBERGII	3"	B&B	
LIVE OAK	QUERCUS VIRGINIANA	3"	B&B	
SHUMARD OAK	QUERCUS SHUMARDI	3"	B&B	
FRIO RIVER BALD CYPRESS	TAXODIUM DISTICHUM 'FRIO RIVER'	4"	B&B	
SHAWNEE BRAVE BALD CYPRESS	TAXODIUM DISTICHUM 'SHAWNEE BRAVE'	4"	B&B	
SHOAL CREEK CHASTE TREE	VITEX AGNUS-CASTUS 'SHOAL CREEK'	8-9'	B&B	
CEDAR ELM	ULMUS CRASSIFOLIA	3"	B&B	
ALLEE ELM	ULMUS PARVIFOLIA 'ALLEE'	3"	B&B	
AMERICAN ELM 'PRINCETON'	ULMUS AMERICANA 'PRINCETON'	3"	B&B	
SHRUBS				
RED YUCCA	HESPERALOE PARVIFLORA	7 GAL		X
ROSE OF SHARON	HIBISCUS SYRIACUS	5-6'		
OAKLEAF HYDRANGEA	HYDRANGEA QUERCIFOLIA	7 GAL		
DWARF YAUPON HOLLY	ILEX VOMITORIA 'NANA'	7 GAL		X
COMPACT PFITZER JUNIPER	JUNIPERUS X PFITZERIANA 'PFITZERIANA COMPACTA'	7 GAL		X
RUSSIAN SAGE	PEROVSKIA ATRIPLICIFILIA	3 GAL		
SALVIA GREGGII	SALVIA GREGGII	1 GAL		
GOLDENROD CULTIVARS	SOLIDAGO RUGOSA	3 GAL		
ADAMS NEEDLE YUCCA	YUCCA FILAMENTOSA	7 GAL		X
VARIEGATED ADAM'S NEEDLE YUCCA	YUCCA FILAMENTOSA 'BRIGHT EDGE'	7 GAL		X
SAPPHIRE SKIES BEAKED BLUE YUCCA	YUCCA ROSTRATA 'SAPPHIRE SKIES'	7 GAL		X
ORNAMENTAL GRASSES				
BLUE GRAMMA	BOUTELOUA GRACILIS	QUART		
KARL FOERSTERS FEATHER REED GRASS	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER'	3 GAL		
RAVENNA GRASS	ERIANTHUS RAVENNAE	7 GAL		
MAIDEN GRASS CULTIVARS	MISCANTHUS SINENSIS	7 GAL		
MEXICAN FEATHER GRASS (STIPA)	NASSELLA TENUISSIMA	1 GAL		
LOWLAND SWITCHGRASS	PANICUM VIRGATUM 'ALAMO'	7 GAL		
HAMELN GRASS	PENNISETUM ALOPECUROIDES 'HAMELN'	3 GAL		
LITTLE BLUESTEM	SCHIZACHYRIUM SCOPARIUM	3 GAL		
BLOND AMBITION' PRAIRIE DROPSEED	SPOROBOLUS HETEROLEPIS 'BLOND AMBITION'	QUART		
GROUND COVERS/VINES:				
BUTTERFLY WEED	ASCLEPIAS TUBEROSA	1 GAL		
COLORATUS	EUONYMUS FORTUNEI 'COLORATUS'	1 GAL		X
WALKER'S LOW CATMINT	NEPITA RACEMOSA 'WALKER'S LOW'	1 GAL		
CREEPING PHLOX	PHLOX SUBULATA	1 GAL		
HOMESTEAD PURPLE VERBENA	VERBENA CANADENSIS 'HOMESTEAD'	1 GAL		
SOD				
U-3 BERMUDA SOD	CYNODON DACTYLON 'U-3'		ALL TURF AREAS	
LANDSCAPE MATERIALS:				
	BY MINICK MATERIALS OR EQUAL, www.minickmaterials.com Contact: Bryan Moore (405) 834-8280 for stone/gravel/mulch			

ORGANIC MULCH: MINICK PLATINUM			3" IN TREE WELLS	
MULCH-COARSE COMPOST			AND PLANTING BEDS	
SLATE SCREENINGS				
5/8" SLATE CHIPS				
MULTICOLORED GRANITE COBBLES				
MEXICAN BEACH PEBBLES				
MOSS COVERED SANDSTONE BOULDERS				
LANDSCAPE EDGING				
STONE EDGING ON CONCRETE BASE				
12" CONCRETE EDGING			AT TREE WELLS	
4" BLACK STEEL EDGING			AT GRAVEL AREAS	

PLOTTED ON: 6/22/2016 12:43:17 PM PAPER SIZE: 11" X 17"



1 PLAN VIEW
SCALE: 1" = 30'

SCALE: 1" = 30' - 0"
0' 15' 30' 60'



Landscape Architects
825 N. Broadway, Suite 315
Oklahoma City, OK 73102
Call 405-525-2220
www.LandscapesByCLS.com

PROJECT:
**DOMINO
DOG PARK**
SHAWNEE, OK

PLANS FOR USE AT THIS SITE ONLY

SEAL



DESIGNED BY:
Connie Scoburn, ASLA
Landscape Architect
DRAWN BY:
Connie Scoburn
Brian Rabre

DATE:
06-24-2016
REVISIONS:

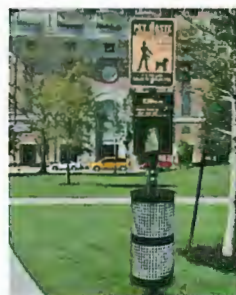
THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF ALL UTILITIES, PUBLIC OR PRIVATE, DURING CONSTRUCTION AND WILL SATISFY HIMSELF AS TO THEIR ACTUAL LOCATION PRIOR TO CONSTRUCTION. HE WILL NOTIFY THE UTILITY OWNER/USER PRIOR TO CONSTRUCTION TO ALLOW THEIR PARTICIPATION.



PLAN VIEW
SHEET
L1



1 PERSPECTIVE
N.T.S.



PET WASTE STATION



SIGNAGE



6' BONE BENCH



SFE 20
SHELTER

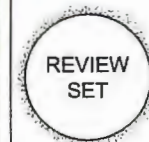


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PROJECT
**DOMINO
DOG PARK**
SHAWNEE, OK

PLANS FOR USE AT THIS SITE ONLY

SEAL



DESIGNED BY:
Connie Scoborn, ASLA
Landscape Architect
DRAWN BY:
Connie Scoborn
Brian Patric

DATE:
06-24-2016

REVISIONS:



THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF ALL UTILITIES EXPOSED OR EXCAVATED DURING CONSTRUCTION AND WILL SAFELY PROTECT THEM TO REMAIN IN PLACE THROUGHOUT THE CONSTRUCTION OF THE PROJECT.

PERSPECTIVE

SHEET
L2



EXHIBIT

3

MEMORANDUM

Date: October 27, 2016

To: Justin Debruin, Comm. Dev. Director

From: John Krywicki, P.E., City Engineer

RE: Domino Plaza Addition—Preliminary Plat Review

We have completed our review for the Preliminary Plat of the proposed Domino Plaza Addition development to be located along the east side of Harrison from 45th Street to John Burton (VoTech) Drive, and have the following comments:

- A large portion (area) of the proposed development lies within the existing 100Yr FEMA Floodplain, and as such, City Ordinances prohibit the development of property within the 100yr floodplain. Developer has provided engineering hydraulic/hydrology studies, and has requested a Letter of Map Revision (LOMR) from FEMA. A final LOMR has not been issued yet from FEMA, but, the Preliminary Plat can go forward with the understanding that no FINAL PLAT can be approved until FEMA issues a Letter of Map Revision removing the proposed development from the 100yr Floodplain.
- Because the proposed development will undoubtedly increase traffic and traffic congestion along Harrison north of 45th Street, the City commissioned Traffic Engineering Consultants Inc. (TEC) to conduct a "traffic impact study" and to make recommendations for traffic improvements necessary to accommodate the proposed development. TEC completed their analysis (see attached Traffic Impact Study) and have recommended that the development would at least need to include an **additional westbound lane along 45th Street**, and an **additional signalized intersection located on Harrison** and their main drive access point. We are recommending that the development locate the signalized intersection at Harrison & Burton Drive (VoTech entrance).
- The PUD Design Statement indicates that John Burton Drive (VoTech entrance) will be improved to City standards and upgraded to a Collector Street by the Developer. The City will need to receive construction plans for the proposed street improvement as well as traffic signal plans from

Developer's Engineer so that City staff can review and approval given by City Engineer prior to Final Plat being approved.

- Proposed locations (alignment) of sanitary sewer and water line extensions shown on the Preliminary Plat are satisfactory, but, construction plans for the proposed public improvements will need to be submitted to the City and approved by City Engineer prior to Final Plat being approved.
- Fifty (50) feet of right-of-way from the centerline of 45th Street needs to be shown on the Preliminary Plat, and then the 25 foot BLL would be from that new right-of-way line instead of the statutory 33 feet line.

If you have any questions or need additional information, please advise.

Cc: file/DominosPlaza

Attachments: TEC Traffic Impact Study

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:

P10-116

Project Number:

161190

Date Filed:

October 3rd 2016

Cheylene Lincoln
Planning Commission Secretary

REQUEST:

☐ Rezoning

☐ Rezoning w/Conditional Use Permit

☐ 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 CP District to PUD District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 45th & Harrison

LEGAL DESCRIPTION: SW/4 Section 32, T 11N, R4W, Indian Meridian, Pottawatomie County, OK

PROPERTY OWNER (S): Shawnee Harrison LLC

PROPERTY AGENT (APPLICANT): Martin Smith

APPLICANT'S ADDRESS: 1715 South Hwy 183

CITY: Clinton **STATE:** OK **ZIP:** 73601

EMAIL ADDRESS: msmith@elmersmithoil.com

TELEPHONE NUMBER: (580) 331-3728 **CONTACT NUMBER:** (580) 331-3711

DIMENSIONS OF PROPERTY: AREA: 14.76 acres WIDTH: 330'
LENGTH: 1850' FRONTAGE: 2,510

CURRENT ZONING: CP **CURRENT USE:** Vacant

PROPOSED ZONING: PUD **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. 01962829

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 #P10-16

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on an application for approval of a Planned Unit Development, which is a special zoning district, on property located within the City of Shawnee.

The applicant requests a Planned Unit Development for the following described property:

A tract of land lying in the West Half of the Southwest Quarter of Section 32, Township 11 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma, and further described as BEGINNING at a point on the south line of said West Half of the Southwest Quarter, 150.08 feet east of the southwest corner of said West Half of the Southwest Quarter, said POINT OF BEGINNING also being the east right of way line of State Highway No. 18;

THENCE North 00°42'25" West along said right of way line a distance of 704.00 feet; THENCE South 89°17'35" West along said right of way line a distance of 10.00 feet; THENCE North 00°42'25" West a distance of 954.52 feet;

THENCE North 10°13'16" East along said right of way line a distance of 191.27 feet to the south line of a 120.00 foot road and utility easement;

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THENCE northeasterly along said south line on a curve to the left having a radius of 458.08 feet a distance of 50.57 feet; THENCE South 00°01'41" West and parallel with the west line of said West Half of the Southwest Quarter a distance of

1850.12 feet to the south line of said West Half of the Southwest Quarter;

THENCE South 89°26'29" West along said south line a distance of 331.92 feet to the POINT OF BEGINNING.

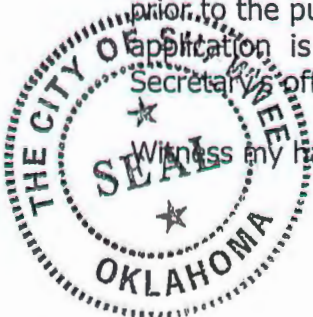
General Location Known As:	<u>Northeast corner of 45th & Harrison, Shawnee, OK</u>
Current Zoning Classification:	<u>CP; Planned Shopping Center District</u>
Requested Zoning Classification:	<u>"PUD"</u>
Proposed Use of Property:	<u>Commercial</u>
Applicant:	<u>Shawnee Harrison LLC</u>

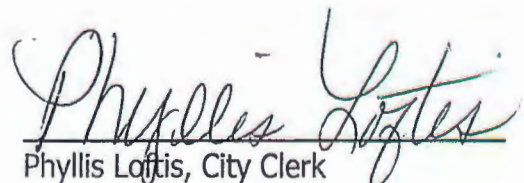
The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

November 2 nd , 2016 AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
November 21 st , 2016 AT 6:30 P.M.:	CITY OF SHAWNEE CITY COMMISSION

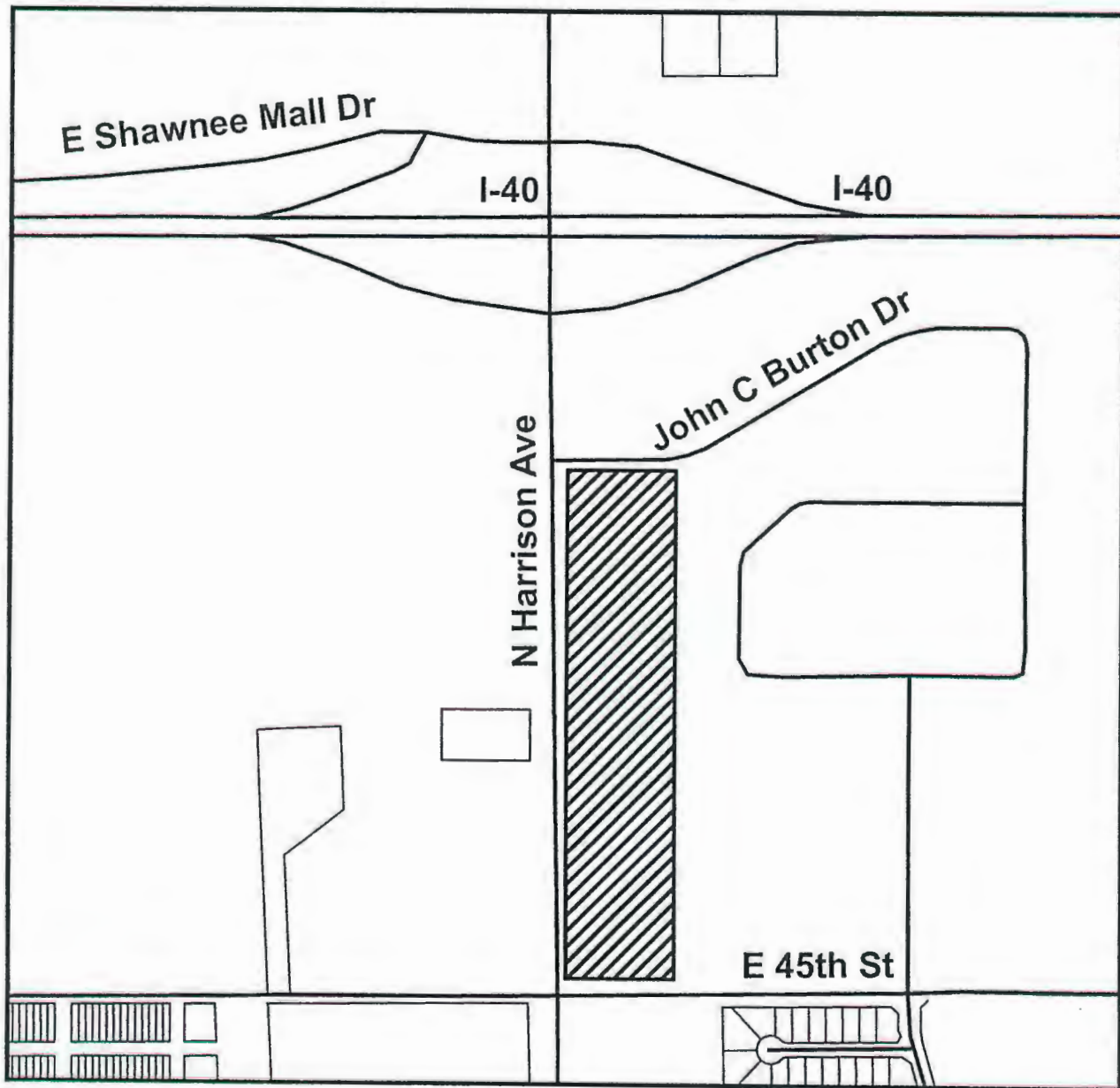
At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the Planned Unit Development. The Commission reserves the right to limit discussion and debate on the proposed Planned Unit Development in the public hearing, in which event those persons appearing in support or opposition of the proposed Planned Unit Development 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 13th day of October, 2016.




Phyllis Loftis, City Clerk

Case# P10-16



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:

A tract of land lying in the West Half of the Southwest Quarter of Section 32, Township 11 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma, and further described as BEGINNING at a point on the south line of said West Half of the Southwest Quarter, 150.08 feet east of the southwest corner of said West Half of the Southwest Quarter, said POINT OF BEGINNING also being the east right of way line of State Highway No. 18;

THENCE North 00°42'25" West along said right of way line a distance of 704.00 feet; THENCE South 89°17'35" West along said right of way line a distance of 10.00 feet; THENCE North 00°42'25" West a distance of 954.52 feet;

THENCE North 10°13'16" East along said right of way line a distance of 191.27 feet to the south line of a 120.00 foot road and utility easement;

THENCE North 89°17'35" East along said south line a distance of 278.92 feet;

THENCE northeasterly along said south line on a curve to the left having a radius of 458.08 feet a distance of 50.57 feet; THENCE South 00°01'41" West and parallel with the west line of said West Half of the Southwest Quarter a distance of 1850.12 feet to the south line of said West Half of the Southwest Quarter;

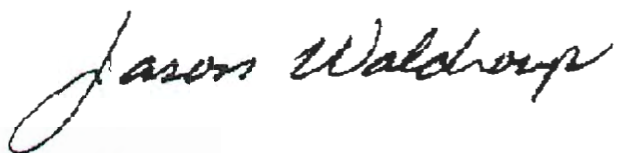
THENCE South 89°26'29" West along said south line a distance of 331.92 feet to the POINT OF BEGINNING.

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 28, 2016 at 7:30 AM

First American Title & Trust Company


By:

Jason Waldroup
Abstractor License No. 1400
OAB Certificate of Authority # 017
File No. 2185055-SH99

OWNERSHIP LIST

ORDER NO. 2185055

DATE PREPARED: October 4, 2016

EFFECTIVE DATE: September 28, 2016 at 7:30 a.m.

OWNER	LOT	BLK	ADDITION
SHAWNEE HARRISON LLC PO BOX 1719 CLINTON OK 73601			BEG 120'E SW/C SW E362' N853.29' W352.77' TO HWY 18 R/W S853' POB.
SHAWNEE HARRISON LLC PO BOX 1719 CLINTON OK 73601			BEG SW/C SW E150.08' N704' W10' N245.98' TO POB E354.11' N100' W355.39' S100' POB
SHAWNEE HARRISON LLC PO BOX 1719 CLINTON OK 73601			BEG 759.85'S & 151'E NW/C SW E331' S997.86' W352.77' HWY 18 N809' N10'19'21"E191.64' POB. LESS .81 ACS
COLLISION WORKS OF SHAWNEE OKLA PROPERTIES LLC 4881 N HARRISON ST SHAWNEE OK 74804-0000			BEG 1966'N & 178.5'E SW/C SW N369.59' ALG E R/W HWY I-40 THENCE ON A CURVE TO LEFT A RADIUS OF 1550.39' A DIST OF 324.96' ALONG S R/W HWY I-40 S423.7' W64' S5' W249.5' POB
GORDON COOPER VO TECH XXXXXXXXX SHAWNEE OK 74801-0000			BEG 482'E & 1980'N SW/C SW N428.7' TO PT ON ST R/W OF I- 40 NELY ON A CURVE TO LEFT RADIUS 1550.39' A DIST OF 232' N64'E153.47' S89'E968' 34.28 Acres
GORDON COOPER VO TECH XXXXXXXXX SHAWNEE OK 74801-0000			BEG 482'E & 660'N SW/C E1320' N1320' W1320' S1320' POB.
GORDON COOPER VO TECH XXXXXXXXX SHAWNEE OK 74801-0000			BEG 482'E & 1980'N SW/C SW N428.7' TO PT ON ST R/W OF I- 40 NELY ON A CURVE TO LEFT RADIUS 1550.39' A DIST OF 232' N64'E153.47' S89'E968'
GORDON COOPER VO TECH XXXXXXXXX SHAWNEE OK 74801-0000			PT W1/2 SW BEG 120' IN WID LYING 60' ON EITHER SIDE OF LINE
GATEWAY TO PREVENTION AND RECOVERY INC % AMERI NAT'L BA P O BOX 1089 SHAWNEE OK 74802-1089			BEG 482'E SW/C SW N330' E264' S330' W264' POB.
FARLEY TERRY L & MARCENE 1104 HYATT COURT SHAWNEE OK 74804	8		HYATT ADDITION
COTTON HOMES LLC 203 E 40TH SHAWNEE OK 74804-0000	9		HYATT ADDITION

VISION BANCSHARES INC ATTN LAVONDA JONES P O BOX 669 ADA OK 74821-0000			A TRACT IN THE W/2 OF LOT 4 BEG 659.57'E & 710'S NW/C NW/4 S618.54' W527.83' TO A PT ON THE E R-O-W OF HARRISON ST N ALG R-O-W 619.68' E519.29' POB & A TRACT BEG 450.08'ENW/C NW/4 E209.49 S1'E710' W219.23' N710' POB(2009- 3200) LESS A TRACT DESCRIBED AS BEG SW/C LOT 2 BLK 1 VISION ADDITION THENCE N101.8' E300.06' S138.33' W116.28' THENCE ON A CURVE TO THE LEFT 48.74' W111.17' POB(2009-3198) 9.99 Acres
OKC GOLF LLC 4405 N HARRISON SHAWNEE OK 74804-0000			BEG 450.08'E NW/C NW/4 E209.49' S710' W TO THE E R-O- W LINE OF HARRISON STREET N360' E300' N350' POB LESS 4.93AC REC 2007-18268 & LESS .60AC PLATTED INTO VISION ADDITION
MANNFORD LAND CO P O BOX 1809 SHAWNEE OK 74802-1809	1	1	KELSEY & CONNOR ADDITION
MANNFORD LAND CO P O BOX 1809 SHAWNEE OK 74802-0000	1A	1	KELSEY & CONNOR ADDITION
D P KINSLOW INC 4438 N HARRISON SHAWNEE OK 74804-0000	BEG 17'S NE/C LOT 1 W200.40' S129.72' E203.42' N129.72' POB		WILLIAMS ADDITION
KINSLOW DELBERT A 4438 N HARRISON SHAWNEE OK 74804-0000	BEG NE/C LOT 1 S146.72' TO POB W199.99' S94.34' E200' N92.28' POB		WILLIAMS ADDITION
AMERICAN NATIONAL BANK 1183 JOYCE BLVD STE 2 FAYETTEVILLE AR 72703-0000			A TR IN SE BEG SE/C SE N498.76' S37*W635.90' E389.93' POB

TJT HOLDINGS LC 3701 N HARRISON SHAWNEE OK 74804-0000			BEG SE/C SE TH W389.93'TO POB TH W571.67' TH N02°32'01"W 1379.50' TH E 676' TH S 359' TH E348' TH S520.24' TH S37°52'11"W A DIS 636.01' POB LESS 3.63 ACRES PLATTED INTO SHAWNEE TRANSFER STATION & LESS 1.45 ACRES PLATTED INTO BADARD ADDITION SEC 1
DHARSHAN INC 4700 N HARRISON SHAWNEE OK 74804-0000			BEG 1019'N SE/C SE W348' N159' E348' S159' POB.
EDMONSON RANDY D P O BOX 3003 SHAWNEE OK 74802-0000			BEG 1378'N SE/C SE W348' S200' E348' N200' POB
JOHNSON THOMAS T 4720 N HARRISON SHAWNEE OK 74804-0000			BEG 1378'N SE/C SE N112' W389' S112' E389' POB.
RODGERS KIM 4307 LIBERTY CIRCLE SHAWNEE OK 74804-0000			BEG NE/C SE S1121' W389' S112' W692' TO E RR R/W N ALG RR R/W TO PT 1204.6'W OF NE/C ETC. LESS .24 AC TO STATE
STATE OF OKLA 200 NE 21ST OKLA CITY OK 73105-0000			BEG NE/C SE S800.35' W33' N151.65' W100' N347.80' W303.78' NWLY TO RR R/W N124.86' ETC.

PRELIMINARY PLAT 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: 519116
Project Number: 161188
Date Filed: October 3rd 2016
Amount Paid: \$240.00
Receipt No.: 01962752

Please provide a submittal letter, 6-24 X 36 maps, 1-8 1/2 x 14 map, 1 electronic map and filing fees upon submitting this application. Please call 878-1616 with any questions.

APPLICANT Shawnee Harrison LLC
APPLICANT ADDRESS 1715 South Hwy 183
APPLICANT PHONE NUMBERS 580-331-3711
EMAIL ADDRESS msmith@elmersmithoil.com
NAME OF PLAT Domino Plaza Addition
LOCATION 45th & Harrison
NUMBER OF ACRES 14.76 NUMBER OF LOTS 5

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: FEE: \$225.00
PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 5x \$15.00
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____
TOTAL COST \$240.00

FOR LESS THAN 2 ACRE LOTS: FEE: \$225.00
PLUS \$2.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS _____
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____
TOTAL COST _____

OWNER/DEVELOPER INFORMATION:

NAME Shawnee Harrison, LLC
ADDRESS 1715 South Hwy 183
CONTACT NUMBERS 580.331.3711
EMAIL ADDRESS msmith@elmersmithoil.com

PROJECT ENGINEER INFORMATION:

NAME Cedar Creek Consulting, Inc - Jon Doyle, PE
ADDRESS PO Box 14534, Oklahoma City, OK 73112
CONTACT NUMBERS 405.778.3385
EMAIL ADDRESS jdoyle@cedarcreekinc.com

APPLICATION, SITE PLAN, CONSTRUCTION DOCUMENTS, PAYMENT, ETC... MUST BE RECEIVED 30 DAYS PRIOR TO MEETING

ORDINANCE NO. _____NS

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: A TRACT OF LAND LYING IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 11 NORTH, RANGE 4 EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA, AND FURTHER DESCRIBED AS BEGINNING AT A POINT ON THE SOUTH LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER, 150.08 FEET EAST OF THE SOUTHWEST CORNER OF SAID WEST HALF OF THE SOUTHWEST QUARTER, SAID POINT OF BEGINNING ALSO BEING THE EAST RIGHT OF WAY LINE OF STATE HIGHWAY NO. 18; THENCE NORTH 00°42'25" WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 704.00 FEET; THENCE SOUTH 89°17'35" WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 10.00 FEET; THENCE NORTH 00°42'25" WEST A DISTANCE OF 954.52 FEET; THENCE NORTH 10°13'16" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 191.27 FEET TO THE SOUTH LINE OF A 120.00 FOOT ROAD AND UTILITY EASEMENT; THENCE NORTH 89°17'35" EAST ALONG SAID SOUTH LINE A DISTANCE OF 278.92 FEET; THENCE NORTHEASTERLY ALONG SAID SOUTH LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 458.08 FEET A DISTANCE OF 50.57 FEET; THENCE SOUTH 00°01'41" WEST AND PARALLEL WITH THE WEST LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER A DISTANCE OF 1850.12 FEET TO THE SOUTH LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER; THENCE SOUTH 89°26'29" WEST ALONG SAID SOUTH LINE A DISTANCE OF 331.92 FEET TO THE POINT OF BEGINNING, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF REZONING SAID PROPERTY FROM CP; PLANNED SHOPPING CENTER TO PUD; PLANNED UNIT DEVELOPMENT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

WHEREAS, pursuant to notice duly given as required by law, a public hearing conducted by the Board of Commissioners of the City of Shawnee, Oklahoma on the 21st day of November, 2016, upon an application to rezone certain properties located in the City of Shawnee, Oklahoma from zoning classification CP; Planned Shopping Center to PUD; Planned Unit Development.

WHEREAS, the Planning Commission of the City of Shawnee has conducted one or more public hearings on said application pursuant to notice as required by law and has submitted its final report and recommendation upon said application to the Board of Commissioners; and,

WHEREAS, it appears to be in the best interest of the City of Shawnee and the inhabitants thereof for said properties to be rezoned to PUD; Planned Unit Development.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

SECTION 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit: A TRACT OF LAND LYING IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 11 NORTH, RANGE 4 EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA, AND FURTHER DESCRIBED AS BEGINNING AT A POINT ON THE SOUTH LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER, 150.08 FEET EAST OF THE SOUTHWEST CORNER OF SAID WEST HALF OF THE SOUTHWEST QUARTER, SAID POINT OF BEGINNING ALSO BEING THE EAST RIGHT OF WAY LINE OF STATE HIGHWAY NO. 18; THENCE NORTH 00°42'25" WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 704.00 FEET; THENCE SOUTH 89°17'35" WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 10.00 FEET; THENCE NORTH 00°42'25" WEST A DISTANCE OF 954.52 FEET; THENCE NORTH 10°13'16" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 191.27 FEET TO THE SOUTH LINE OF A 120.00 FOOT ROAD AND UTILITY EASEMENT; THENCE NORTH 89°17'35" EAST ALONG SAID SOUTH LINE A DISTANCE OF 278.92 FEET; THENCE NORTHEASTERLY ALONG SAID SOUTH LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 458.08 FEET A DISTANCE OF 50.57 FEET; THENCE SOUTH 00°01'41" WEST AND PARALLEL WITH THE WEST LINE OF

SAID WEST HALF OF THE SOUTHWEST QUARTER A DISTANCE OF 1850.12 FEET TO THE SOUTH LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER; THENCE SOUTH 89°26'29" WEST ALONG SAID SOUTH LINE A DISTANCE OF 331.92 FEET TO THE POINT OF BEGINNING, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF REZONING SAID PROPERTY FROM CP; PLANNED SHOPPING CENTER TO PUD; PLANNED UNIT DEVELOPMENT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

PASSED AND APPROVED this 21st day of November, 2016.

RICHARD FINLEY, MAYOR

(SEAL)

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality this 21st day of November, 2016.

JOSEPH VORNDRAN
CITY ATTORNEY

Regular Board of Commissioners

10.

Meeting Date: 11/21/2016

S19-16

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consideration of a Preliminary Plat for Domino Plaza Addition located at the northeast corner of 45th Street and Harrison Avenue. Case No. S19-16. Applicant: Shawnee Harrison, LLC.

Attachments

S19-16 Staff Rpt

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Shawnee Harrison, LLC
FOR: Preliminary Plat for Domino Plaza Addition
LOCATION: NE corner of 45th St. and Harrison Ave.,
Shawnee, OK
PROJECT# 161188 CASE# S19-16

PLANNING COMMISSION MEETING DATE: November 2nd, 2016

PLANNING COMMISSION RECOMMENDATION: Approval w/ following conditions:

1. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
2. Any necessary drainage plans must be approved by the City Engineer concurrent with Final Plat approval.
3. The requirements and conditions of the City Engineer as detailed in the memorandum (Exhibit 3) shall be met and shall be so shown on the above-noted construction plans and Final Plat.
4. These conditions shall override any deviation proposed in the Planned Unit Development Master Plan or Design Statement.
5. Sidewalks are required along 45th Street, Harrison Avenue, and John C. Burton Drive.
6. Approval of requested variance to allow for one eighty (80') foot free-standing sign, in place of further free-standing sign allowances.
7. Approval of requested variance to eliminate a perimeter easement along the east boundary due to the creek abutting the east side.
8. Correction of minor details on the Preliminary Plat.
9. The Planned Unit Development Design Statement shall be amended as needed to be in conformance with these conditions and submitted to the City for acceptance.
10. All other applicable City standards apply.

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 6

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
MORTON			X			
CLINARD			X			
KERBS		X	X			
BERGSTEN (CHAIRMAN)			X			
COWEN (VICE-CHAIRMAN)						ABSENT
KIENZLE			X			
AFFENTRANGER	X		X			

RESPECTFULLY SUBMITTED,

Cheyenne Lincoln

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____



Domino Plaza Addition

Combined Staff Report
Planned Unit Development - Case #P10-16
Preliminary Plat - Case #S19-16

TO: Shawnee Planning Commission

AGENDA: November 2, 2016

RE: Domino Plaza Addition (PUD / Preliminary Plat)

PROPOSAL

The applicant requests Planned Unit Development (PUD) and Preliminary Plat approval for a commercial development containing five (5) lots on 14.76 acres of land, located at the north-east corner of Harrison Avenue and 45th Street. The project will be developed in phases and shall involve hotel, restaurant, and gas service station developments. The site is currently zoned CP (Planned Shopping Center) and is currently undeveloped. Adjacent land uses include commercial uses, vacant land, residential property, and Gordon Cooper Technology Center.

GENERAL INFORMATION

Applicant	Shawnee Harrison, LLC
Owner	Shawnee Harrison, LLC
Site Location/Address	NE corner of 45 th St. and Harrison Ave.
Current Site Zoning	CP (Planned Shopping Center)
Proposed Zoning	PUD (Planned Unit Development)
Property Area	14.76 Acres
Current Use	Vacant
Proposed Use	Restaurant, Hotel, Service Station

Comprehensive Plan Designation	Residential / Public / Commercial
Existing Land Use	Undeveloped
Surrounding Land Use	Residential/ Agricultural/Commercial
Surrounding Zoning	A1: Rural Agricultural C3: Highway Commercial

STAFF REVIEW AND ANALYSIS

According to the applicant, the concept for Domino Plaza PUD is, “to create a series of restaurants and hotels that provide a wide range of goods and services to the City of Shawnee from national, regional and local business.” A PUD, unlike traditional zoning, allows for a degree of “give and take” between the developer and the City to accomplish a consistent and unified design over larger development projects. In exchange for master planning, consistent design and innovative approaches, applicants may be granted deviations which would commonly require a variance.



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

A planned unit development consists of a Master Development Plan Map and a Design Statement (Exhibit 1). Together, these two documents provide a detailed narrative for the development project. Approval of a PUD adopts the master plan prepared by the applicant and replaces any previous zoning district classification on the parcel. Domino Plaza is designed with the regulations imposed by the C-3 (Highway Commercial) district, which does allow for the variety of uses intended for this property. This concept will allow for a more efficient development and improved traffic flow throughout the site.

The site details are as follows:

1. Five (5) developable lots.
2. Three (3) common areas.
 - a) Common Area "A" – Detention Pond – 0.29 acres.
 - b) Common Area "B" – Dog Park – 1.17 acres.
 - i. Developed with walking trails, lighting, landscaping, benches, picnic area, footbridge, and small and large breed dog partitions.
 - c) Common Area "C" – Detention Pond – 0.62 Acres.
3. Currently, the PUD plan includes space for four (4) restaurants, two (2) hotels, one (1) gas service station, and one (1) dog park.

Street Improvements and Access

John C. Burton Drive provides one (1) point of access to the site from the north. This private drive will be upgraded to a 32' collector street, dedicated to the public, and improved to City standards for an approximate length of 395 linear feet. Three (3) shared access drives are proposed along Harrison Street and two (2) means of access are proposed along 45th Street. Sidewalks shall be provided along each street frontage.

Internal common access shall be established by cross access agreement, creating an improved traffic flow throughout the site.

Utility Improvements

Though water and sewer lines exist adjacent to the site, required extensions of these lines will be built to City standard and dedicated as public infrastructure. The subject property will include two detention ponds, serving to capture surface runoff, release said water at a rate consistent with the rate prior to development.

Signage

As part of the proposed Planned Unit Development, the applicant has incorporated a signage plan design similar to Shawnee Marketplace, emphasizing a reduction in overall site signage.

The total frontage is approximately 2,590 feet. Under the C-3 Zoning Signage Standards, free-standing signs (up to 40') may be constructed at a ratio of two square feet of sign area per linear foot of frontage. Thus, the maximum total allowable sign area is around 5,180 square feet. That square footage can be spread to multiple free-standing signs, provided that each sign is spaced

150 feet apart. Based on the significant amount of street frontage, this could amount to approximately seventeen (17) total free-standing signs along the three (3) frontages.

However, the applicant has elected to restrict signage to the following:

1. One (1) master sign with a maximum height of 80 feet, located at the north-west corner of the site.
2. One (1) monument sign with a maximum height of twelve (12') feet and a maximum area of 120 square feet, per structure.

Free-standing signs may be allowed up to forty (40') feet in height within one-half (1/2) mile of Interstate – 40. Historically, the City of Shawnee has approved variances to this requirement on properties located south of the Interstate, due to the lower elevation. Directly north of the subject site, a variance was approved for Collision Works (Case #Z10-06), located at 4881 N. Harrison Ave., to construct a free-standing sign at a height of seventy (70') feet.

Consistent with the historic findings for properties in this area, Staff believes the requested variance is acceptable. Aside from the low elevation and increased distance from I-40, the applicant intends to forgo the option to create upwards of seventeen (17) freestanding signs for the right to construct one (1) master sign at a height of eighty (80') feet. Such a compromise is considered unique to this case and certainly goes a long way in creating an aesthetically pleasing site. Said sign will be oriented in such a way that it does not interfere with the site triangle for any drives, will maintain appropriate clearance, and shall be constructed of materials considered harmonious to the development.

Directional signs and wall signs shall be restricted to the allowances detailed in the City of Shawnee Sign Code.

Architecture and Landscaping

All landscaping and architectural design will be compliant with the City of Shawnee Zoning Code. To create an aesthetically pleasing development, a minimum of 10% of the site will be landscaped. This shall include parking lot perimeter landscaping, landscape islands for every twelve (12) parking spaces, and additional, evenly spaced landscaping throughout each lot.

Though most brands have their own architectural design standards, City requirements shall ensure that at minimum, 60% of the structural facades shall incorporate masonry materials (rock, brick, stone, etc.) where facing upon a public street.

Additionally, the 1.17 acre dog park will include exceptional landscaping, adequate site lighting, picnic tables, a five (5') foot wide pedestrian path, and other great amenities. This centrally located park, along with the additional landscaping will meet and exceed the City standard.

Requested Variances

The following two (2) items are requested variances from City Code:

1. There shall be no perimeter easement along the east lot lines due to the creek abutting the east side.

2. There shall be one eighty (80') foot tall master sign for the development, located at the north-west corner of the development (Exhibit 1).

Other Considerations

The City of Shawnee commissioned a Traffic Impact Analysis for the proposed development. The report was prepared by Traffic Engineering Consultants, Inc. a firm from Oklahoma City. For a Staff analysis, please see comments from John Krywicki, City Engineer, in the attached memorandum (Exhibit 3).

Staff Findings

Staff makes the following findings relative to the proposed Domino Plaza Preliminary Plat and Planned Unit Development:

1. City utilities are adjacent to the subject property and the applicant proposes extending said utilities to serve the development.
2. The proposed development will generate a substantial amount of vehicle trips and roadway improvements are needed to mitigate the impact.
3. Approval of a Planned Unit Development for the subject site is the best way to ensure unified site design and development. It is a preferred alternative to piecemeal lot development and conventional zoning.
4. The proposed modifications and deviations to City of Shawnee code are limited, deemed minor in scope, and are consistent with the intent of the planned unit development process.
5. The Domino Addition Preliminary Plat is in conformance with the City of Shawnee subdivision regulations, Zoning Code, Comprehensive Plan, and the proposed Planned Unit Development standards, subject to recommended conditions.

The applicant is requesting approval for a rezone to PUD and preliminary plat. The proposed configurations are consistent with both the C-3 zoning standards and any modifications requested as part of the Planned Unit Development. Staff has reviewed the preliminary plat submittal and finds that the quality is such that an approval, with conditions, can be recommended.

STAFF RECOMMENDATION

Staff recommends **approval** for the proposed rezone from *CP* (Planned Shopping Center) to *PUD* (Planned Unit Development) and the proposed preliminary plat, with the following conditions:

1. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
2. Any necessary drainage plans must be approved by the City Engineer concurrent with Final Plat approval.
3. The requirements and conditions of the City Engineer as detailed in the memorandum (Exhibit 3) shall be met and shall be so shown on the above-noted construction plans and Final Plat.

4. These conditions shall override any deviation proposed in the Planned Unit Development Master Plan or Design Statement.
5. Sidewalks are required along 45th Street, Harrison Avenue, and John C. Burton Drive.
6. Approval of requested variance to allow for one eighty (80') foot free-standing sign, in place of further free-standing sign allowances.
7. Approval of requested variance to eliminate a perimeter easement along the east boundary due to the creek abutting the east side.
8. Correction of minor details on the Preliminary Plat.
9. The Planned Unit Development Design Statement shall be amended as needed to be in conformance with these conditions and submitted to the City for acceptance.
10. All other applicable City standards apply.

Attachments

1. Figure 1: Aerial view of site
2. Figure 2: Zoning Map
3. Figure 3: Future Land Use Map
4. Exhibit 1: Preliminary Plat
5. Exhibit 2: Planned Unit Development application materials.
6. Exhibit 3: Memorandum from the City Engineer, John Krywicki.

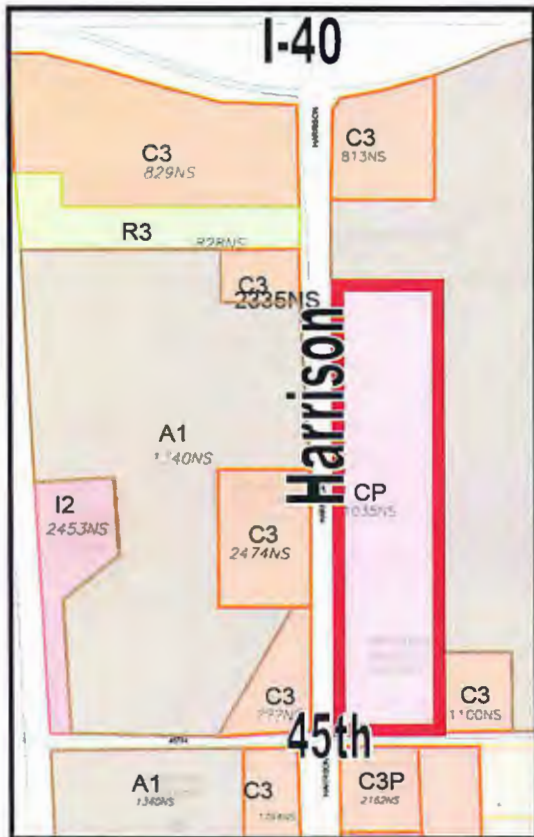


Figure 2: Zoning Map of site – approximate total area outlined in red.

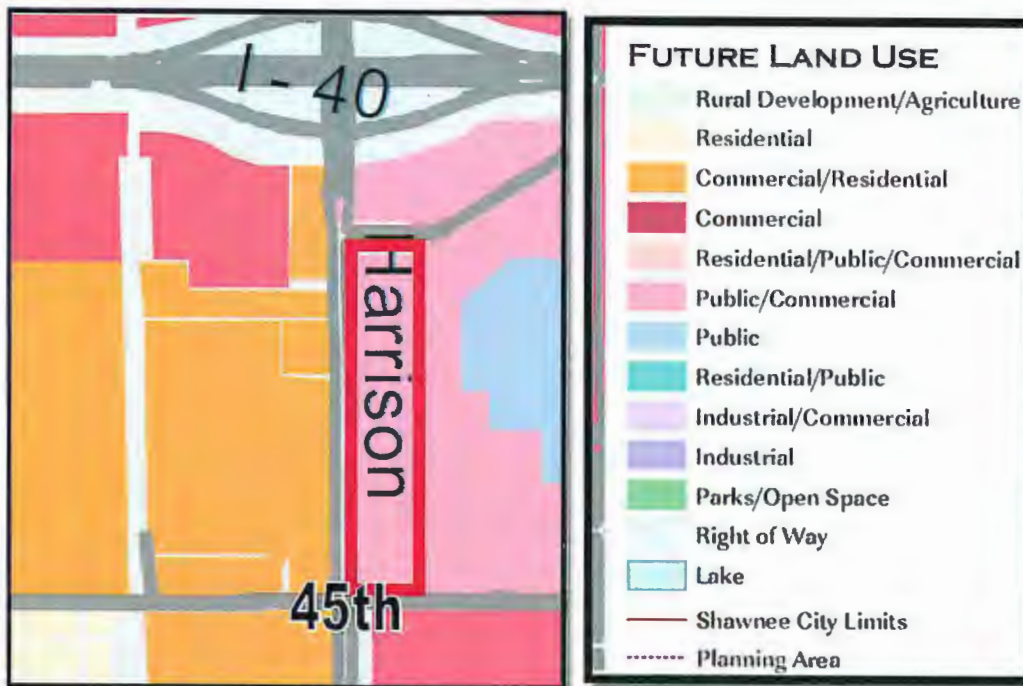


Figure 3: Shawnee Comprehensive Plan: Future Land Use Map – approximate total area outlined in red

LEGEND

BOUNDARY LINE	FIRE HYDRANT	EX. POWER POLE
RIGHT OF WAY LINE	WATER VALVE	PROP. POWER POLE
EASEMENT LINE	EX. WATER METER PIT	EX. TELEPHONE PED.
EXISTING CONCRETE CURB AND GUTTER	EX. WATER METER	EX. TELEPHONE MANHOLE
PROPOSED FINE LINE (STREET)	PROP. WATER METER	EX. TRAFFIC SIGNAL LIGHT
ONE	EX. SPRINKLER VALVE	EX. TRAFFIC CONTROL BOX
UNDERGROUND ELECTRIC	EX. AUTO SPRINKLER	EX. FLAG POLE
GAS LINE	EX. ELECT. PEDestal	EX. YARD LIGHT
UNDERGROUND TELEPHONE	EX. ELECT. TRANSFORMER	EX. GREASE TRAP
UNDERGROUND FIBER OPTIC	EX. ELECT. METER	EX. SS MANHOLE
SANITARY SEWER	PROP. ELECT. METER	PROP. GAS METER
WATERLINE	EX. AIR CONDITIONER	PROP. GAS METER
BENCHMARK	EX. SIGNAGE	EX. ELECT. MANHOLE
PROP. INLETS (SEE GRADING PLAN FOR TYPE)	EX. LIGHT POLE	EX. STORM MANHOLE
VERTICAL SEPARATION REQUIREMENT	EX. LIGHT POLE	EX. BOLLARD

OWNER

SHAWNEE HARRISON L.L.C.
1715 S. HWY 153
CLINTON, OK 73601
800-331-3728

DEVELOPER

SHAWNEE HARRISON L.L.C.
1715 S. HWY 153
CLINTON, OK 73601
800-331-3728

ENGINEER

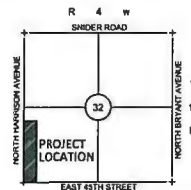
CEGAR CREEK CONSULTING INC.
PO BOX 14038
OKLAHOMA CITY, OK 73113
405-779-3300

STATISTICAL DATA

GROSS ACRES: 14.78 +/-
NUMBER OF LOTS: 5
NUMBER OF DWELLING UNITS: NONE
NUMBER OF LOTS FOR COMMERCIAL: 5 LOTS. 12.68 ACRES ALLOCATED TO COMMERCIAL WITH 53,478 SF +/- OF COMMERCIAL STRUCTURES.
ACREAGE ALLOCATED TO PARKS: 1.17 ACRES
ACREAGE ALLOCATED TO COMMON OPEN SPACE: 0.91 ACRES
ACREAGE ALLOCATED TO OTHER PUBLIC AND SEMI-PUBLIC USES: NONE
ZONING: P.U.D. PENDING (CURRENT ZONING = CP)

BENCHMARK - BM 1

ELEVATION	896.34
WORKMAN	CU 1.5 ON TOP OF CURB
LOCATION	EAST SIDE OF CONC. DRIVE ENTRANCE TO CONC. S. SIDE OF E. 45th STREET



LOCATION MAP
SCALE: 1" = 2000'



PRELIMINARY PLAT OF DOMINO PLAZA ADDITION

BEING A PART OF THE SW/4 OF SECTION 32, T-11-N, R-4-W, I.M.
SHAWNEE, POTTOWATOMIE COUNTY, OKLAHOMA
DATE: OCTOBER 3, 2016

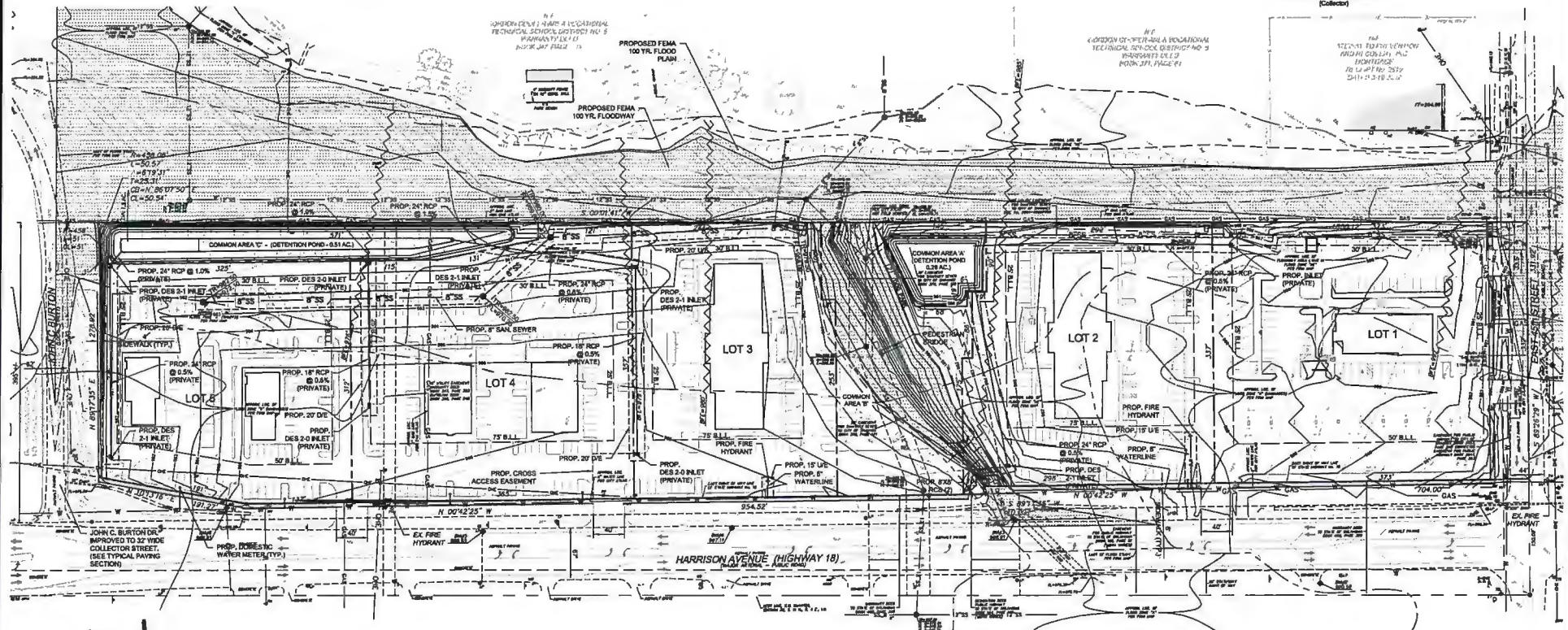
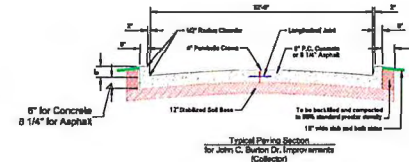


EXHIBIT
1



EXHIBIT

2

THE CITY OF SHAWNEE, OKLAHOMA

PLANNED UNIT DEVELOPMENT

DESIGN STATEMENT

FOR

DOMINO PLAZA ADDITION

PREPARED BY:



CONTENTS:

Site Description

Legal Description

Concept

Zoning

Parking

Architecture

Street Improvements and Access

Utility Improvements

Signage

Site Lighting

Landscaping & Screening

ATTACHMENTS:

Master Development Plan

Master Utility Plan

Pylon Sign Schematic

Dog Park Schematic

Approved Landscape Materials List

Site Description

The Planned Unit Development (PUD) of Domino Plaza Addition, consisting of 14.76 acres is located within the SW/4 of Section 32, Township 11N, Range 4E, of the Indian Meridian, Pottawatomie County, Oklahoma. The subject property is generally located east side of Harrison Avenue and on north side of East 45th Street. This land is currently vacant and undeveloped. The land is currently owned by Shawnee Harrison, LLC , and is being developed by Shawnee Harrison, LLC in Clinton, OK.

Legal Description

LEGAL DESCRIPTION:

A tract of land lying in the West Half of the Southwest Quarter of Section 32, Township 11 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma, and further described as BEGINNING at a point on the south line of said West Half of the Southwest Quarter, 150.08 feet east of the southwest corner of said West Half of the Southwest Quarter, said POINT OF BEGINNING also being the east right of way line of State Highway No. 18;

THENCE North 00°42'25" West along said right of way line a distance of 704.00 feet;

THENCE South 89°17'35" West along said right of way line a distance of 10.00 feet;

THENCE North 00°42'25" West a distance of 954.52 feet;

THENCE North 10°13'16" East along said right of way line a distance of 191.27 feet to the south line of a 120.00 foot road and utility easement;

THENCE North 89°17'35" East along said south line a distance of 278.92 feet;

THENCE northeasterly along said south line on a curve to the left having a radius of 458.08 feet a distance of 50.57 feet;

THENCE South 00°01'41" West and parallel with the west line of said West Half of the Southwest Quarter a distance of 1850.12 feet to the south line of said West Half of the Southwest Quarter;

THENCE South 89°26'29" West along said south line a distance of 331.92 feet to the POINT OF BEGINNING.

Said described tract of land contains a gross area of 642,915 square feet or 14.7593 acres and a net area, less street right of way, of 630,892 square feet or 14.4833 acres, more or less.

Concept

The project conceptually consists of hotel, restaurant and/or gas service station outparcels along Harrison Avenue. The project is planned to be constructed in phases, with the first phase consisting of approximately 2.87 acres. Future phases may be added in any size in the future. The purpose of this Planned Unit Development is to create a series of restaurants and hotels that provide a wide range of goods and services to the City of Shawnee from national, regional and local business. The PUD will comply with all applicable requirements as described in the City of Shawnee Zoning Code adopted by Ordinance 1508NS dated June 2, 2014 unless otherwise discussed in this design statement.

Common Areas "A" & "C" will be used primarily for stormwater detention. Common Areas "A"& "C" will be private and will be maintained by the owner(s).

Common Area "B" will be developed as a park with walking trails, lighting, landscaping, benches, picnic area, footbridge, and small and large breed dog park.

Common Area "B" will be private and will be maintained by the owner(s). It will be lighted and open to the public. Public access will be available from Lot 2 and Lot 3.

Zoning

The current zoning for the subject site is CP. C-3 zoning will be the underlying zoning for the PUD. C-3 is located east of the site adjacent to E. 45th Street. The remaining property abutting the site to the east and north is zoned A-1.

Building setbacks for the lots will be as follows:

Front: Lots 1 & 5 = 50 feet; Lots 2,3,and 4 = 75 feet

Rear: All Lots = 30 feet

Sides: All Lots = 25 feet

Common access within the lots will be available by cross access easements. There shall be no landscape buffer along the interior side lot lines.

Variances to zoning code:

- 1) There shall be no perimeter easement along the east lot lines due to the creek abutting the east side.
- 2) There shall be one (1) 80 feet tall master sign for the development. See Exhibit "A".

Parking

Parking for hotel, restaurant, and gas service station uses shall be per the base C-3 zoning requirements.

Architecture

The site plan has potential for 7 or more separate structures primarily for hotel, restaurant, and gas and convenience store use. It is anticipated that each use will be for national or regional

brands. Most brands have their own brand design standard concerning architecture and image. Each structure for a national or regional brand will have a minimum 60% rock, brick, stone or CMU. National or regional brand hotels will be required to have 35% rock, brick, stone, or CMU with the remaining materials to be architecturally pleasing. Non national or regional brands must have an exterior that is a minimum of 80% rock, brick or stone. All four sides of each building shall be designed in an architectural pleasing manor.

Street Improvements and Access

The subject site is bounded by Harrison Avenue to the west, E. 45th Street to the south, and John C. Burton Dr. to the north. John C. Burton Drive, though private, will be improved to city standards and upgraded from the current status to a "Collector" street. The length of the John C. Burton Drive improvements is approximately 395 linear feet. Two additional driveways access from E. 45th Street. Three additional driveways access from Harrison. One additional driveway accesses from John C. Burton. Sidewalk will be provided along all street frontage.

Utility Improvements

The subject property contains two major drainage basins, divided by a natural channel that runs east from Harrison to the existing creek east of the property. The development will capture surface runoff and convey it by sheet flow or through private underground conduits to detention areas where the release rate will be mitigated to historic (undeveloped) flow rates. A double 8'x6' concrete box will be used to bridge the natural channel.

Water service is provided by an existing eight inch main along the east side of Harrison and an existing twelve inch main along the north side of 45th Street. Water main extensions provide for additional fire hydrants to serve the PUD area. All water main extensions will be dedicated to the City as public infrastructure.

An existing twelve inch sanitary sewer main runs through the PUD area and continuing north on the adjacent property abutting the east side of the PUD area. There is also an existing eight inch sanitary sewer main running along the east side of Lots 1 and 2. Additional eight inch public sanitary sewer mains will be installed to serve the remaining PUD area. All sanitary sewer mains will be dedicated to the City as public infrastructure.

Signage

Signage is a facet of development that has benefits from using a PUD concept. Currently, the proximity to the frontage road allows any lot within the PUD area to have a separate free standing sign with a maximum height of 40 feet. The PUD shall restrict signage to allow the following:

Each development within this PUD shall be restricted to one monument sign with a maximum height of 12 feet and a maximum area of 120 square feet. There shall be one master sign 80 feet in height in the northwest corner of the site. (see attached Exhibit "A".)

Site Lighting

Lighting for hotel, restaurant, and gas service station uses shall be LED with a maximum pole height of 30 feet. All other lighting shall be per the base C-3 zoning requirements.

Landscaping & Screening

The overall landscape design theme shall be that of "Native Oklahoma". Native plant materials are recommended; adapted materials are required. Materials which support the look of native Oklahoma are encouraged, even if not actually native. A use of yuccas, ornamental grasses, boulders and stone are encouraged. Sheered hedges, should be avoided. This look should contrast with irrigated Bermuda grass lawns. A defined edge between lawns and beds should be established with metal, concrete or stone edging. Shade, ornamental and evergreen trees should be used to shade parking areas, define edges and provide color and seasonal interest to the development.

The landscape should be designed to satisfy the following criteria:

- a. To create an aesthetically pleasing commercial/retail property utilizing the use of trees, shrubs, vines, annual color, ground cover, and turf.
- b. To create a buffer between on-site parking and the street and/or noncommercial property.
- c. To provide vertical and horizontal dimensions to the site.

A blend or integration of plant material should be achieved throughout the landscape design even though each part serves a different function.

All landscape standards, in accordance with City of Shawnee Ordinance Section 22.180, will be upheld.

LEGEND		
BOUNDARY LINE	— FIRE HYDRANT	— EX. POWER POLE
RIGHT OF WAY LINE	— WATER VALVE	— PROP. POWER POLE
EASEMENT LINE	— EX. WATER METER PIT	— EX. TELEPHONE PED.
EXISTING CONCRETE CURB AND GUTTER	— EX. WATER METER	— EX. TELEPHONE MANHOLE
PROPOSED CONCRETE CURB AND GUTTER	— PROP. WATER METER	— EX. TRAFFIC SIGNAL LIGHT
PROPOSED FIRE LANE STRIPPING	— EX. SPRINKLER VALVE	— EX. TRAFFIC CONTROL BOX
ONE	— EX. AUTO SPRINKLER	— EX. FLAG POLE
UNDERGROUND ELECTRIC	— EX. ELECT. PEDESTAL	— EX. YARD LIGHT
UNDERGROUND TELEPHONE	— EX. ELECT. TRANSFORMER	— EX. GREASE TRAP
UNDERGROUND FIBER OPTIC	— EX. ELECT. METER	— EX. SS MANHOLE
SANITARY SEWER	— PROP. ELECT. METER	— PROP. SS MANHOLE
WATERLINE	— EX. AIR CONDITIONER	— EX. GAS METER
BENCHMARK	— EX. SIGNAGE	— PROP. GAS METER
PROP. INLETS (SEE GRADING PLAN FOR TYPE)	— EX. LIGHT POLE	— EX. ELECT. MANHOLE
VERTICAL SEPARATION REQUIREMENT	— PRISM LIGHT POLE	— EX. STORM MANHOLE
	— EX. BOLLARD	

OWNER:
SHAWNEE HARRISON L.L.C.
1715 S. HWY 163
CLINTON, OK 73601
580-331-3738

DEVELOPER:
SHAWNEE HARRISON L.L.C.
1715 S. HWY 163
CLINTON, OK 73601
580-331-3738

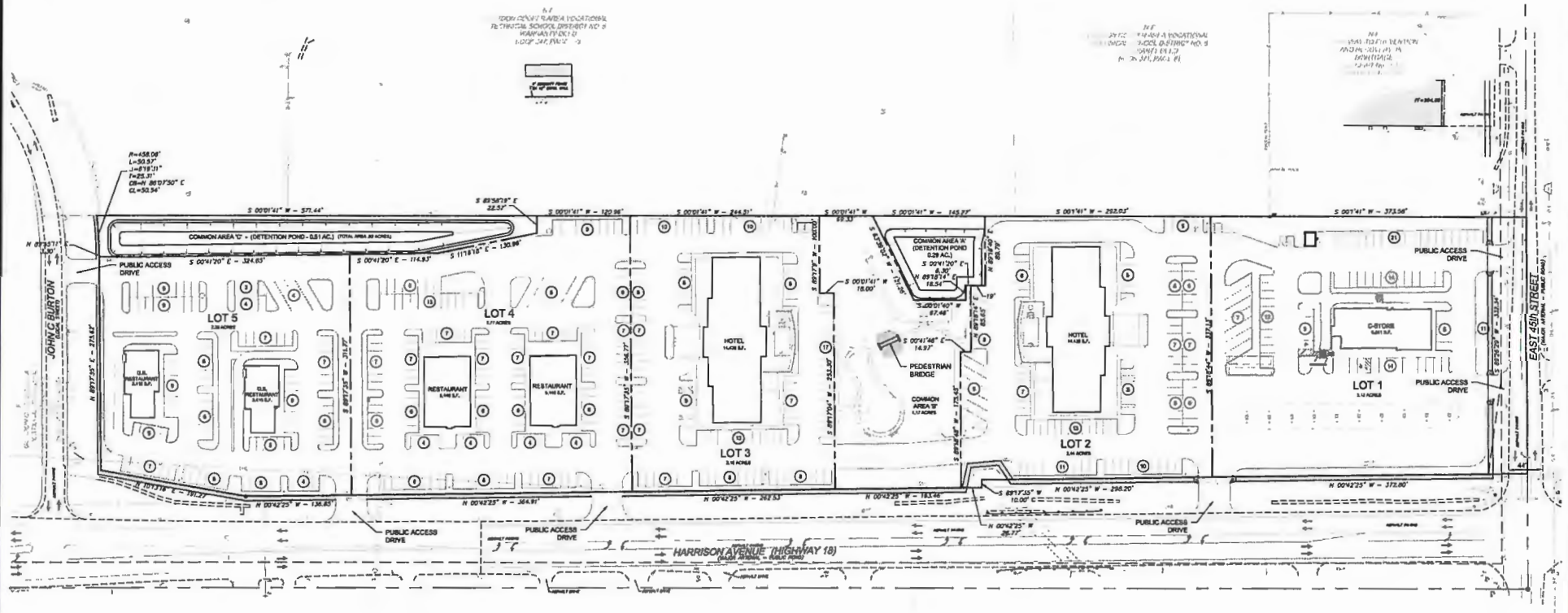
ENGINEER:
CEDAR CREEK CONSULTING, INC.
PO BOX 14024
OKLAHOMA CITY, OK 73113
405-778-3388

SITE DATA			
SITE AREA: 14.76 ACRES			ZONING: PUD (C3)
LOT	LOT AREA (AC)	BUILDING AREA (S.F.)	LOT COVERAGE
1	3.12	6,081	0.04
2	2.44	14,430	0.14
3	3.10	14,430	0.16
4	3.77	10,850	0.08
5	2.28	9,830	0.10
COMMON AREA	2.08		
TOTAL	14.76	55,621	0.10



MASTER DEVELOPMENT PLAN OF DOMINO PLAZA ADDITION

BEING A PART OF THE SW/4 OF SECTION 32, T-11-N, R-4-W, I.M.
SHAWNEE, POTTOWATOMIE COUNTY, OKLAHOMA
DATE: OCTOBER 3, 2016



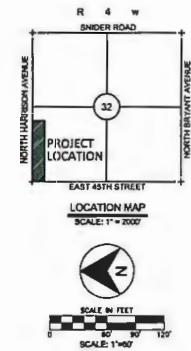
LEGEND

BOUNDARY LINE	FIRE HYDRANT	EX. POWER POLE
RIGHT OF WAY LINE	WATER VALVE	PROP. POWER POLE
EASEMENT LINE	EX. WATER METER PIT	EX. TELEPHONE PDL
EXISTING CONCRETE CURB AND GUTTER	EX. WATER METER	EX. TELEPHONE MANHOLE
PROPOSED CONCRETE CURB AND GUTTER	PROP. WATER METER	EX. TRAFFIC SIGNAL LIGHT
PROPOSED FIRE LANE STRIPING	EX. SPRINKLER VALVE	EX. TRAFFIC CONTROL BOX
OVERHEAD ELECTRIC	EX. AUTO SPRINKLER	EX. FLAG POLE
UNDERGROUND ELECTRIC	EX. ELECT. PEDESTAL	EX. YARD LIGHT
BA	EX. ELECT. TRANSFORMER	EX. DREASE TRAP
UNDERGROUND TELEPHONE	EX. ELECT. METER	EX. SS MANHOLE
UNDERGROUND FIBER OPTIC	PROP. ELECT. METER	EX. GAS METER
STW	EX. AIR CONDITIONER	PROP. GAS METER
WATERLINE	EX. DRAINAGE	EX. ELECT. MANHOLE
BENCHMARK	EX. LIGHT POLE	EX. STORM MANHOLE
PROP. INLETS (SEE GRADING PLAN FOR TYPE)	PROP. LIGHT POLE	EX. BOLLARD
VERTICAL SEPARATION REQUIREMENT		

OWNER:
SHAWNEE HARRISON L.L.C.
1713 E. HWY 182
CLINTON, OK 73011
580-331-3728

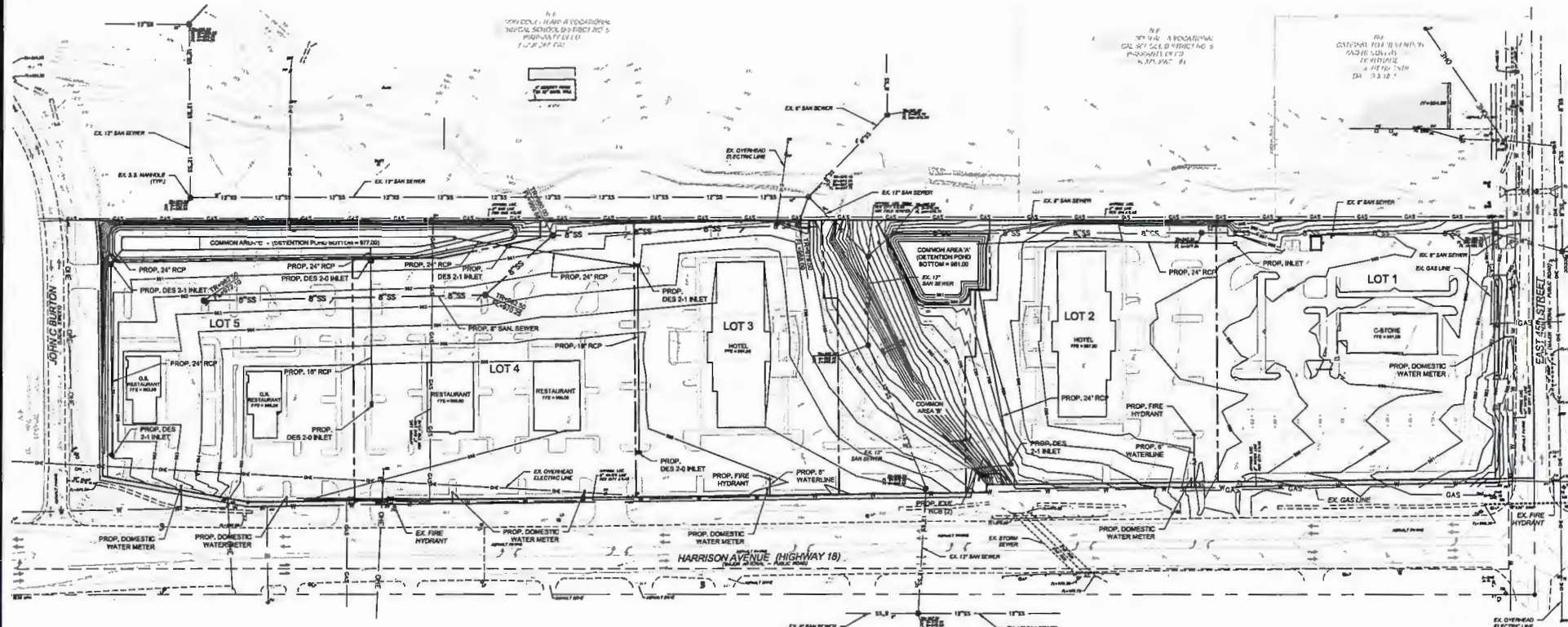
DEVELOPER:
SHAWNEE HARRISON L.L.C.
1713 E. HWY 182
CLINTON, OK 73011
580-331-3728

ENGINEER:
CEDAR CREEK CONSULTING, INC.
PO BOX 1624
OKLAHOMA CITY, OK 73113
405-775-3380



MASTER UTILITY PLAN OF DOMINO PLAZA ADDITION

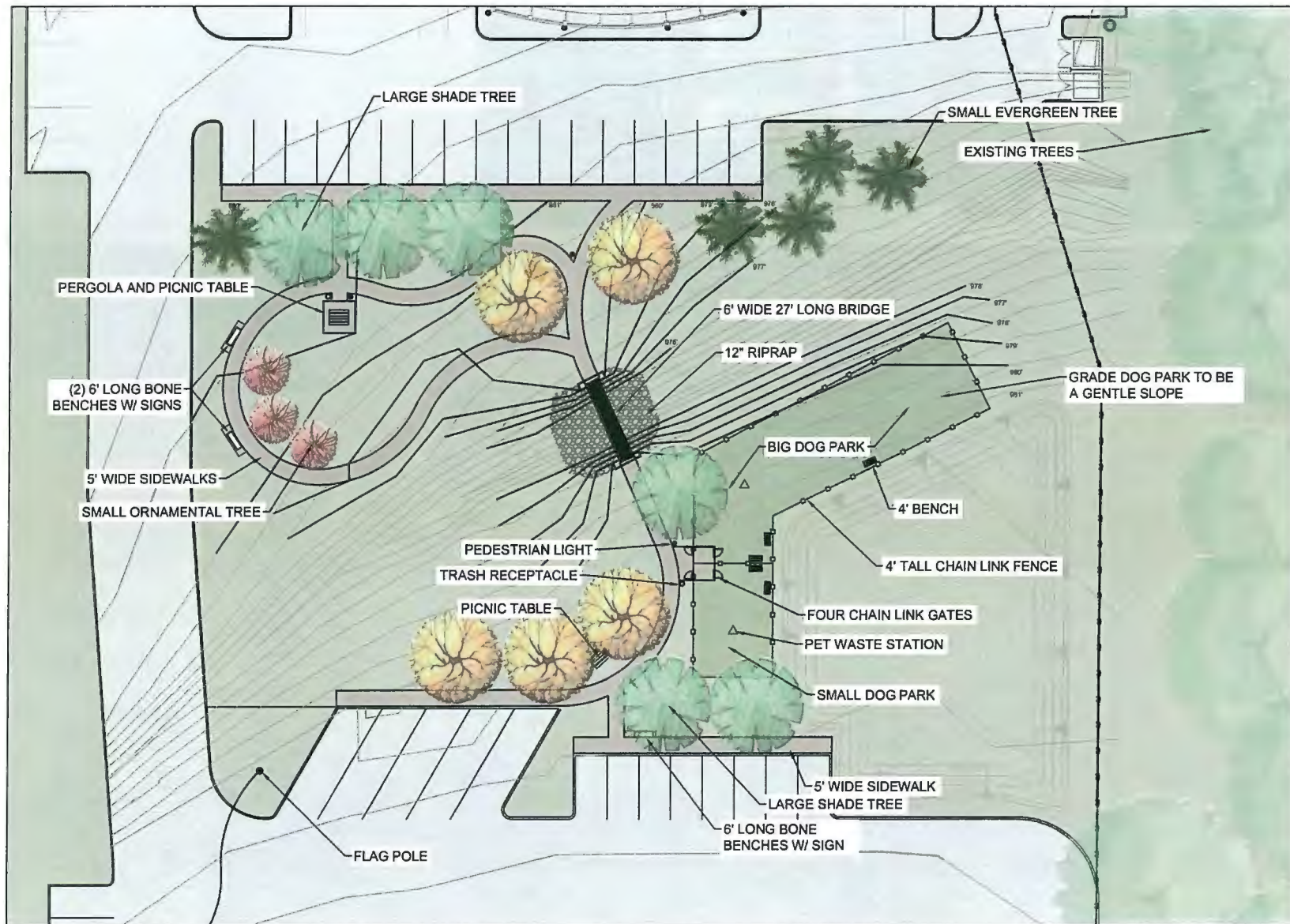
BEING A PART OF THE SW/4 OF SECTION 32, T-11-N, R-4-W, I.M.
SHAWNEE, POTTOWATOMIE COUNTY, OKLAHOMA
DATE: OCTOBER 3, 2016



DOMINO PLAZA ADDITION				
STANDARD TREE, SHRUB, AND MATERIALS SELECTION				
COMMON NAME	SCIENTIFIC NAME	MIN. SIZE	NOTES	EVERGREEN
TREES:				
REDBUD CULTIVARS	CERCIS	2"	B&B	
ARIZONA CYPRESS	CUPRESSUS ARIZONICA	6-7'	UN-SHEARED, B&B	X
PRIDE OF HOUSTON YAUPON HOLLY	ILEX VOMITORIA 'PRIDE OF HOUSTON'	6-8'	B&B	X
CANAERT JUNIPER	JUNIPERUS VIRGINIANA 'CANAERTII'	6-8'	UN-SHEARED, B&B	X
TAYLOR JUNIPER	JUNIPERUS VIRGINIANA 'TAYLOR'	6-8'	B&B	X
CRAPEMYRTLE	LAGERSTROEMIA INDICA	6'-8'	B&B	
CHINESE PISTACHE	PISTACIA CHINENSIS	3"	B&B	
SAWTOOTH OAK	QUERCUS ACUTISSIMA	3"	B&B	
WHITE OAK	QUERCUS ALBA	3"	B&B	
CRIMSON SPIRE OAK	QUERCUS ALBA X Q. ROBUR 'CRIMSCHMIDT'	3"	Fastigate, B&B	
BUR OAK	QUERCUS MACROCARPA	2"	B&B	
CHINQUAPIN OAK	QUERCUS MUEHLENBERGII	3"	B&B	
LIVE OAK	QUERCUS VIRGINIANA	3"	B&B	
SHUMARD OAK	QUERCUS SHUMARDI	3"	B&B	
FRIO RIVER BALD CYPRESS	TAXODIUM DISTICHUM 'FRIO RIVER'	4"	B&B	
SHAWNEE BRAVE BALD CYPRESS	TAXODIUM DISTICHUM 'SHAWNEE BRAVE'	4"	B&B	
SHOAL CREEK CHASTE TREE	VITEX AGNUS-CASTUS 'SHOAL CREEK'	8-9'	B&B	
CEDAR ELM	ULMUS CRASSIFOLIA	3"	B&B	
ALLEE ELM	ULMUS PARVIFOLIA 'ALLEE'	3"	B&B	
AMERICAN ELM 'PRINCETON'	ULMUS AMERICANA 'PRINCETON'	3"	B&B	
SHRUBS				
RED YUCCA	HESPERALOE PARVIFLORA	7 GAL		X
ROSE OF SHARON	HIBISCUS SYRIACUS	5-6'		
OAKLEAF HYDRANGEA	HYDRANGEA QUERCIFOLIA	7 GAL		
DWARF YAUPON HOLLY	ILEX VOMITORIA 'NANA'	7 GAL		X
COMPACT PFITZER JUNIPER	JUNIPERUS X PFITZERIANA 'PFITZERIANA COMPACTA'	7 GAL		X
RUSSIAN SAGE	PEROVSKIA ATRIPLICIFILIA	3 GAL		
SALVIA GREGGII	SALVIA GREGGII	1 GAL		
GOLDENROD CULTIVARS	SOLIDAGO RUGOSA	3 GAL		
ADAMS NEEDLE YUCCA	YUCCA FILAMENTOSA	7 GAL		X
VARIEGATED ADAM'S NEEDLE YUCCA	YUCCA FILAMENTOSA 'BRIGHT EDGE'	7 GAL		X
SAPPHIRE SKIES BEAKED BLUE YUCCA	YUCCA ROSTRATA 'SAPPHIRE SKIES'	7 GAL		X
ORNAMENTAL GRASSES				
BLUE GRAMMA	BOUTELOUA GRACILIS	QUART		
KARL FOERSTERS FEATHER REED GRASS	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER'	3 GAL		
RAVENNA GRASS	ERIANTHUS RAVENNAE	7 GAL		
MAIDEN GRASS CULTIVARS	MISCANTHUS SINENSIS	7 GAL		
MEXICAN FEATHER GRASS (STIPA)	NASSELLA TENUISSIMA	1 GAL		
LOWLAND SWITCHGRASS	PANICUM VIRGATUM 'ALAMO'	7 GAL		
HAMELN GRASS	PENNISETUM ALOPECUROIDES 'HAMELN'	3 GAL		
LITTLE BLUESTEM	SCHIZACHYRIUM SCOPARIUM	3 GAL		
BLOND AMBITION' PRAIRIE DROPSEED	SPOROBOLUS HETEROLEPIS 'BLOND AMBITION'	QUART		
GROUND COVERS/VINES:				
BUTTERFLY WEED	ASCLEPIAS TUBEROSA	1 GAL		
COLORATUS	EUONYMUS FORTUNEI 'COLORATUS'	1 GAL		X
WALKER'S LOW CATMINT	NEPITA RACEMOSA 'WALKER'S LOW'	1 GAL		
CREEPING PHLOX	PHLOX SUBULATA	1 GAL		
HOMESTEAD PURPLE VERBENA	VERBENA CANADENSIS 'HOMESTEAD'	1 GAL		
SOD				
U-3 BERMUDA SOD	CYNODON DACTYLON 'U-3'		ALL TURF AREAS	
LANDSCAPE MATERIALS:				
	BY MINICK MATERIALS OR EQUAL, www.minickmaterials.com Contact: Bryan Moore (405) 834-8280 for stone/gravel/mulch			

ORGANIC MULCH: MINICK PLATINUM			3" IN TREE WELLS	
MULCH-COARSE COMPOST			AND PLANTING BEDS	
SLATE SCREENINGS				
5/8" SLATE CHIPS				
MULTICOLORED GRANITE COBBLES				
MEXICAN BEACH PEBBLES				
MOSS COVERED SANDSTONE BOULDERS				
LANDSCAPE EDGING				
STONE EDGING ON CONCRETE BASE				
12" CONCRETE EDGING			AT TREE WELLS	
4" BLACK STEEL EDGING			AT GRAVEL AREAS	

PLotted ON: 6/22/2016 12:43:17 PM PAPER SIZE: 11" X 17"



1 PLAN VIEW
SCALE: 1" = 30'

SCALE: 1" = 30' - 0"
0' 15' 30' 60'

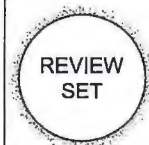


Landscape Architects
825 N. Broadway, Suite 315
Oklahoma City, OK 73102
Call 405-525-2220
www.LandscapesByCLS.com

PROJECT:
**DOMINO
DOG PARK**
SHAWNEE, OK

PLANS FOR USE AT THIS SITE ONLY

SEAL



DESIGNED BY:
Connie Scoburn, ASLA
Landscape Architect
DRAWN BY:
Connie Scoburn
Brian Rabre

DATE:
06-24-2016
REVISIONS:

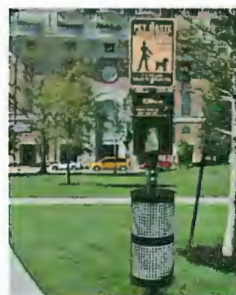


PLAN VIEW

SHEET
L1



1 PERSPECTIVE
N.T.S.



PET WASTE STATION



SIGNAGE



6' BONE BENCH



SFE 20
SHELTER

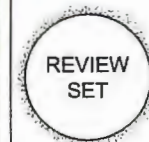


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Call 405-525-2220
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PROJECT
**DOMINO
DOG PARK**
SHAWNEE, OK

PLANS FOR USE AT THIS SITE ONLY

SEAL



DESIGNED BY:
Connie Scoborn, ASLA
Landscape Architect
DRAWN BY:
Connie Scoborn
Brian Patric

DATE:
06-24-2016

REVISIONS:



THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF ALL UTILITIES EXPOSED OR EXCAVATED DURING CONSTRUCTION AND WILL SAFELY PROTECT THEM AS TO THEIR ACTUAL LOCATION PRIOR TO CONSTRUCTION. HE SHALL NOTIFY THE UTILITY OWNER OF ANY ACTUAL ERRORS OR CONSTRUCTION TO ALLOW THEIR PARTICIPATION.

PERSPECTIVE

SHEET
L2



EXHIBIT

3

MEMORANDUM

Date: October 27, 2016

To: Justin Debruin, Comm. Dev. Director

From: John Krywicki, P.E., City Engineer

RE: Domino Plaza Addition—Preliminary Plat Review

We have completed our review for the Preliminary Plat of the proposed Domino Plaza Addition development to be located along the east side of Harrison from 45th Street to John Burton (VoTech) Drive, and have the following comments:

- A large portion (area) of the proposed development lies within the existing 100Yr FEMA Floodplain, and as such, City Ordinances prohibit the development of property within the 100yr floodplain. Developer has provided engineering hydraulic/hydrology studies, and has requested a Letter of Map Revision (LOMR) from FEMA. A final LOMR has not been issued yet from FEMA, but, the Preliminary Plat can go forward with the understanding that no FINAL PLAT can be approved until FEMA issues a Letter of Map Revision removing the proposed development from the 100yr Floodplain.
- Because the proposed development will undoubtedly increase traffic and traffic congestion along Harrison north of 45th Street, the City commissioned Traffic Engineering Consultants Inc. (TEC) to conduct a "traffic impact study" and to make recommendations for traffic improvements necessary to accommodate the proposed development. TEC completed their analysis (see attached Traffic Impact Study) and have recommended that the development would at least need to include an **additional westbound lane along 45th Street**, and an **additional signalized intersection located on Harrison** and their main drive access point. We are recommending that the development locate the signalized intersection at Harrison & Burton Drive (VoTech entrance).
- The PUD Design Statement indicates that John Burton Drive (VoTech entrance) will be improved to City standards and upgraded to a Collector Street by the Developer. The City will need to receive construction plans for the proposed street improvement as well as traffic signal plans from

Developer's Engineer so that City staff can review and approval given by City Engineer prior to Final Plat being approved.

- Proposed locations (alignment) of sanitary sewer and water line extensions shown on the Preliminary Plat are satisfactory, but, construction plans for the proposed public improvements will need to be submitted to the City and approved by City Engineer prior to Final Plat being approved.
- Fifty (50) feet of right-of-way from the centerline of 45th Street needs to be shown on the Preliminary Plat, and then the 25 foot BLL would be from that new right-of-way line instead of the statutory 33 feet line.

If you have any questions or need additional information, please advise.

Cc: file/DominosPlaza

Attachments: TEC Traffic Impact Study

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:

P10-116

Project Number:

161190

Date Filed:

October 3rd 2016

Cheylene Lincoln
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 CP District to PUD District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 45th & Harrison

LEGAL DESCRIPTION: SW/4 Section 32, T 11N, R4W, Indian Meridian, Pottawatomie County, OK

PROPERTY OWNER (S): Shawnee Harrison LLC

PROPERTY AGENT (APPLICANT): Martin Smith

APPLICANT'S ADDRESS: 1715 South Hwy 183

CITY: Clinton **STATE:** OK **ZIP:** 73601

EMAIL ADDRESS: msmith@elmersmithoil.com

TELEPHONE NUMBER: (580) 331-3728 **CONTACT NUMBER:** (580) 331-3711

DIMENSIONS OF PROPERTY: AREA: 14.76 acres WIDTH: 330'
LENGTH: 1850' FRONTAGE: 2,510

CURRENT ZONING: CP **CURRENT USE:** Vacant

PROPOSED ZONING: PUD **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. 01962829

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 #P10-16

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on an application for approval of a Planned Unit Development, which is a special zoning district, on property located within the City of Shawnee.

The applicant requests a Planned Unit Development for the following described property:

A tract of land lying in the West Half of the Southwest Quarter of Section 32, Township 11 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma, and further described as BEGINNING at a point on the south line of said West Half of the Southwest Quarter, 150.08 feet east of the southwest corner of said West Half of the Southwest Quarter, said POINT OF BEGINNING also being the east right of way line of State Highway No. 18;

THENCE North 00°42'25" West along said right of way line a distance of 704.00 feet; THENCE South 89°17'35" West along said right of way line a distance of 10.00 feet; THENCE North 00°42'25" West a distance of 954.52 feet;

THENCE North 10°13'16" East along said right of way line a distance of 191.27 feet to the south line of a 120.00 foot road and utility easement;

THENCE North 89°17'35" East along said south line a distance of 278.92 feet;

THENCE northeasterly along said south line on a curve to the left having a radius of 458.08 feet a distance of 50.57 feet; THENCE South 00°01'41" West and parallel with the west line of said West Half of the Southwest Quarter a distance of

1850.12 feet to the south line of said West Half of the Southwest Quarter;

THENCE South 89°26'29" West along said south line a distance of 331.92 feet to the POINT OF BEGINNING.

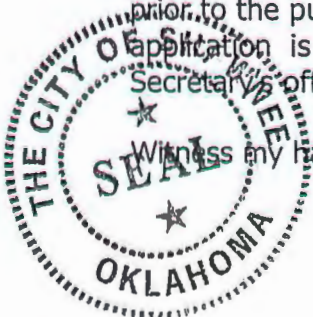
General Location Known As:	<u>Northeast corner of 45th & Harrison, Shawnee, OK</u>
Current Zoning Classification:	<u>CP; Planned Shopping Center District</u>
Requested Zoning Classification:	<u>"PUD"</u>
Proposed Use of Property:	<u>Commercial</u>
Applicant:	<u>Shawnee Harrison LLC</u>

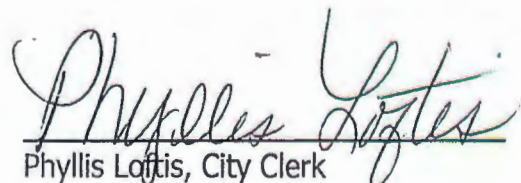
The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

November 2 nd , 2016 AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
November 21 st , 2016 AT 6:30 P.M.:	CITY OF SHAWNEE CITY COMMISSION

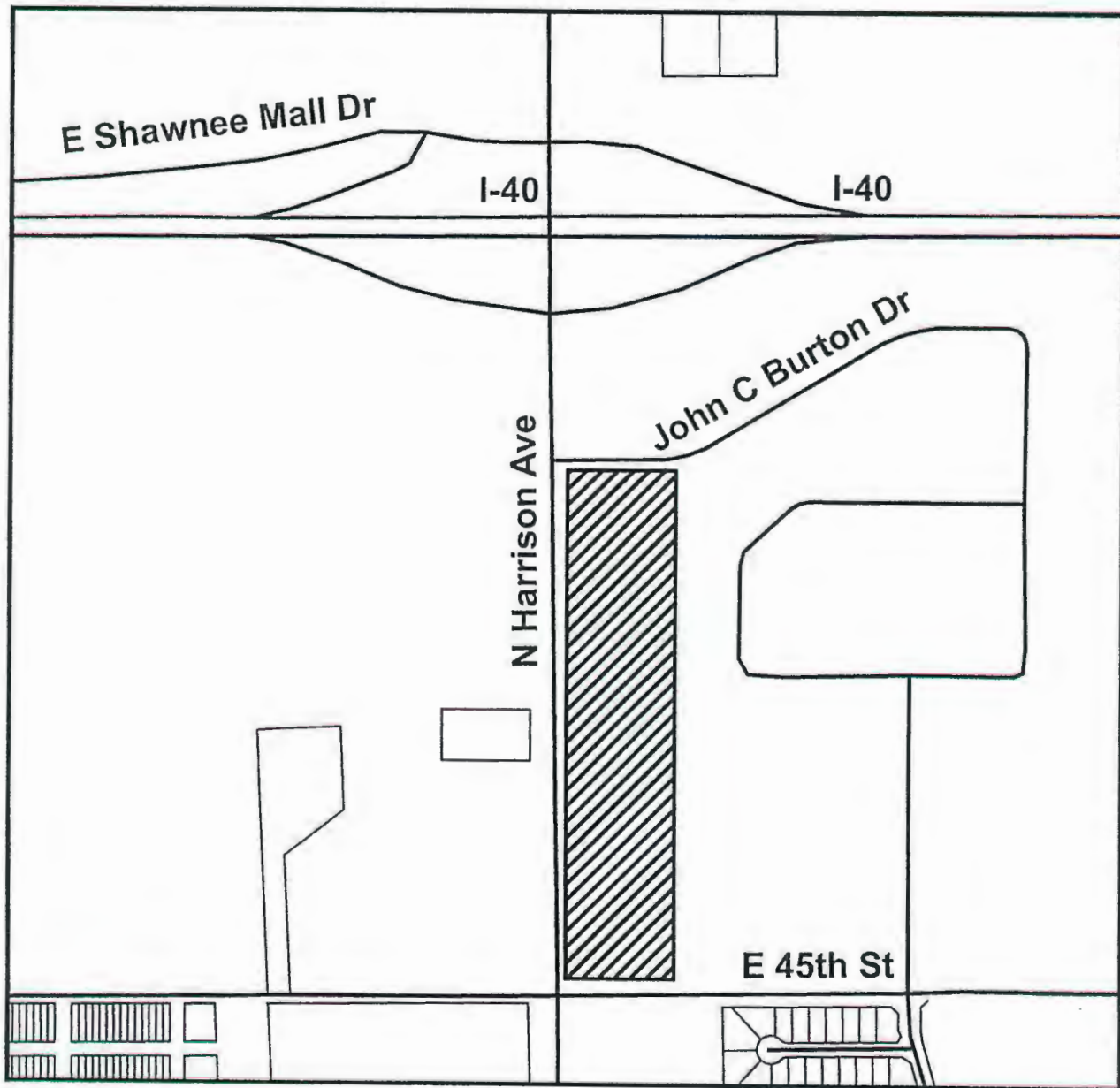
At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the Planned Unit Development. The Commission reserves the right to limit discussion and debate on the proposed Planned Unit Development in the public hearing, in which event those persons appearing in support or opposition of the proposed Planned Unit Development 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 13th day of October, 2016.




Phyllis Loftis, City Clerk

Case# P10-16



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:

A tract of land lying in the West Half of the Southwest Quarter of Section 32, Township 11 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma, and further described as BEGINNING at a point on the south line of said West Half of the Southwest Quarter, 150.08 feet east of the southwest corner of said West Half of the Southwest Quarter, said POINT OF BEGINNING also being the east right of way line of State Highway No. 18;

THENCE North 00°42'25" West along said right of way line a distance of 704.00 feet; THENCE South 89°17'35" West along said right of way line a distance of 10.00 feet; THENCE North 00°42'25" West a distance of 954.52 feet;

THENCE North 10°13'16" East along said right of way line a distance of 191.27 feet to the south line of a 120.00 foot road and utility easement;

THENCE North 89°17'35" East along said south line a distance of 278.92 feet;

THENCE northeasterly along said south line on a curve to the left having a radius of 458.08 feet a distance of 50.57 feet; THENCE South 00°01'41" West and parallel with the west line of said West Half of the Southwest Quarter a distance of 1850.12 feet to the south line of said West Half of the Southwest Quarter;

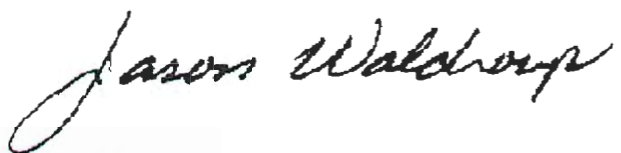
THENCE South 89°26'29" West along said south line a distance of 331.92 feet to the POINT OF BEGINNING.

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 28, 2016 at 7:30 AM

First American Title & Trust Company


By: Jason Waldroup

Abstractor License No. 1400

OAB Certificate of Authority # 017

File No. 2185055-SH99

OWNERSHIP LIST

ORDER NO. 2185055

DATE PREPARED: October 4, 2016

EFFECTIVE DATE: September 28, 2016 at 7:30 a.m.

OWNER	LOT	BLK	ADDITION
SHAWNEE HARRISON LLC PO BOX 1719 CLINTON OK 73601			BEG 120'E SW/C SW E362' N853.29' W352.77' TO HWY 18 R/W S853' POB.
SHAWNEE HARRISON LLC PO BOX 1719 CLINTON OK 73601			BEG SW/C SW E150.08' N704' W10' N245.98' TO POB E354.11' N100' W355.39' S100' POB
SHAWNEE HARRISON LLC PO BOX 1719 CLINTON OK 73601			BEG 759.85'S & 151'E NW/C SW E331' S997.86' W352.77' HWY 18 N809' N10*19'21"E191.64' POB. LESS .81 ACS
COLLISION WORKS OF SHAWNEE OKLA PROPERTIES LLC 4881 N HARRISON ST SHAWNEE OK 74804-0000			BEG 1966'N & 178.5'E SW/C SW N369.59' ALG E R/W HWY I-40 THENCE ON A CURVE TO LEFT A RADIUS OF 1550.39' A DIST OF 324.96' ALONG S R/W HWY I-40 S423.7' W64' S5' W249.5' POB
GORDON COOPER VO TECH XXXXXXXXX SHAWNEE OK 74801-0000			BEG 482'E & 1980'N SW/C SW N428.7' TO PT ON ST R/W OF I- 40 NELY ON A CURVE TO LEFT RADIUS 1550.39' A DIST OF 232' N64*E153.47' S89*E968' 34.28 Acres
GORDON COOPER VO TECH XXXXXXXXX SHAWNEE OK 74801-0000			BEG 482'E & 660'N SW/C E1320' N1320' W1320' S1320' POB.
GORDON COOPER VO TECH XXXXXXXXX SHAWNEE OK 74801-0000			BEG 482'E & 1980'N SW/C SW N428.7' TO PT ON ST R/W OF I- 40 NELY ON A CURVE TO LEFT RADIUS 1550.39' A DIST OF 232' N64*E153.47' S89*E968'
GORDON COOPER VO TECH XXXXXXXXX SHAWNEE OK 74801-0000			PT W1/2 SW BEG 120' IN WID LYING 60' ON EITHER SIDE OF LINE
GATEWAY TO PREVENTION AND RECOVERY INC % AMERI NAT'L BA P O BOX 1089 SHAWNEE OK 74802-1089			BEG 482'E SW/C SW N330' E264' S330' W264' POB.
FARLEY TERRY L & MARCENE 1104 HYATT COURT SHAWNEE OK 74804	8		HYATT ADDITION
COTTON HOMES LLC 203 E 40TH SHAWNEE OK 74804-0000	9		HYATT ADDITION

VISION BANCSHARES INC ATTN LAVONDA JONES P O BOX 669 ADA OK 74821-0000			A TRACT IN THE W/2 OF LOT 4 BEG 659.57'E & 710'S NW/C NW/4 S618.54' W527.83' TO A PT ON THE E R-O-W OF HARRISON ST N ALG R-O-W 619.68' E519.29' POB & A TRACT BEG 450.08'ENW/C NW/4 E209.49 S1'E710' W219.23' N710' POB(2009- 3200) LESS A TRACT DESCRIBED AS BEG SW/C LOT 2 BLK 1 VISION ADDITION THENCE N101.8' E300.06' S138.33' W116.28' THENCE ON A CURVE TO THE LEFT 48.74' W111.17' POB(2009-3198) 9.99 Acres
OKC GOLF LLC 4405 N HARRISON SHAWNEE OK 74804-0000			BEG 450.08'E NW/C NW/4 E209.49' S710' W TO THE E R-O- W LINE OF HARRISON STREET N360' E300' N350' POB LESS 4.93AC REC 2007-18268 & LESS .60AC PLATTED INTO VISION ADDITION
MANNFORD LAND CO P O BOX 1809 SHAWNEE OK 74802-1809	1	1	KELSEY & CONNOR ADDITION
MANNFORD LAND CO P O BOX 1809 SHAWNEE OK 74802-0000	1A	1	KELSEY & CONNOR ADDITION
D P KINSLOW INC 4438 N HARRISON SHAWNEE OK 74804-0000	BEG 17'S NE/C LOT 1 W200.40' S129.72' E203.42' N129.72' POB		WILLIAMS ADDITION
KINSLOW DELBERT A 4438 N HARRISON SHAWNEE OK 74804-0000	BEG NE/C LOT 1 S146.72' TO POB W199.99' S94.34' E200' N92.28' POB		WILLIAMS ADDITION
AMERICAN NATIONAL BANK 1183 JOYCE BLVD STE 2 FAYETTEVILLE AR 72703-0000			A TR IN SE BEG SE/C SE N498.76' S37*W635.90' E389.93' POB

TJT HOLDINGS LC 3701 N HARRISON SHAWNEE OK 74804-0000			BEG SE/C SE TH W389.93'TO POB TH W571.67' TH N02°32'01"W 1379.50' TH E 676' TH S 359' TH E348' TH S520.24' TH S37°52'11"W A DIS 636.01' POB LESS 3.63 ACRES PLATTED INTO SHAWNEE TRANSFER STATION & LESS 1.45 ACRES PLATTED INTO BADARD ADDITION SEC 1
DHARSHAN INC 4700 N HARRISON SHAWNEE OK 74804-0000			BEG 1019'N SE/C SE W348' N159' E348' S159' POB.
EDMONSON RANDY D P O BOX 3003 SHAWNEE OK 74802-0000			BEG 1378'N SE/C SE W348' S200' E348' N200' POB
JOHNSON THOMAS T 4720 N HARRISON SHAWNEE OK 74804-0000			BEG 1378'N SE/C SE N112' W389' S112' E389' POB.
RODGERS KIM 4307 LIBERTY CIRCLE SHAWNEE OK 74804-0000			BEG NE/C SE S1121' W389' S112' W692' TO E RR R/W N ALG RR R/W TO PT 1204.6'W OF NE/C ETC. LESS .24 AC TO STATE
STATE OF OKLA 200 NE 21ST OKLA CITY OK 73105-0000			BEG NE/C SE S800.35' W33' N151.65' W100' N347.80' W303.78' NWLY TO RR R/W N124.86' ETC.

PRELIMINARY PLAT 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: 519116
Project Number: 161188
Date Filed: October 3rd 2016
Amount Paid: \$240.00
Receipt No.: 01962752

Please provide a submittal letter, 6-24 X 36 maps, 1-8 1/2 x 14 map, 1 electronic map and filing fees upon submitting this application. Please call 878-1616 with any questions.

APPLICANT Shawnee Harrison LLC
APPLICANT ADDRESS 1715 South Hwy 183
APPLICANT PHONE NUMBERS 580-331-3711
EMAIL ADDRESS msmith@elmersmithoil.com
NAME OF PLAT Domino Plaza Addition
LOCATION 45th & Harrison
NUMBER OF ACRES 14.76 NUMBER OF LOTS 5

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: FEE: \$225.00
PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 5x \$15.00
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____
TOTAL COST \$240.00

FOR LESS THAN 2 ACRE LOTS: FEE: \$225.00
PLUS \$2.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS _____
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____
TOTAL COST _____

OWNER/DEVELOPER INFORMATION:

NAME Shawnee Harrison, LLC
ADDRESS 1715 South Hwy 183
CONTACT NUMBERS 580.331.3711
EMAIL ADDRESS msmith@elmersmithoil.com

PROJECT ENGINEER INFORMATION:

NAME Cedar Creek Consulting, Inc - Jon Doyle, PE
ADDRESS PO Box 14534, Oklahoma City, OK 73112
CONTACT NUMBERS 405.778.3385
EMAIL ADDRESS jdoyle@cedarcreekinc.com

APPLICATION, SITE PLAN, CONSTRUCTION DOCUMENTS, PAYMENT, ETC... MUST BE RECEIVED 30 DAYS PRIOR TO MEETING

Regular Board of Commissioners**11.**

Meeting Date: 11/21/2016

OBU Close Sts Public Hrg

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Public hearing and consideration of an ordinance to close University Drive, University Avenue, also known as University Street, Chapman Avenue, also known as Pottenger Street, and Pottenger Avenue, also known as Lone Street. Applicant: Oklahoma Baptist University.

Attachments

OBU Close Sts Staff Rpt

OBU Close Sts Public Hrg

OBU Close Sts Ord



STAFF REPORT

TO: Shawnee City Commission

AGENDA: November 21, 2016

RE: Request to close and vacate University Dr., University Ave. also known as University St., Chapman Ave. also known as Pottenger St., and Pottenger Ave. also known as Ione Street.

PROPOSAL

The applicant, Oklahoma Baptist University (OBU), has submitted a written request to close to the public use, and subsequently vacate the following four (4) streets located on, or around the university campus: University Street, University Oval Drive, Pottenger Street, and Ione Street (Exhibit 1). Though it is not an immediate priority, the expressed goal is to replace University Street as the primary east-west access to campus with an improved street(s) located due south.

STAFF REVIEW AND ANALYSIS

Oklahoma Baptist University has requested that the City close to the public University Street, University Drive, Pottenger Street, and Ion Street, in preparation for selecting and improving a new South Entrance to the campus, in accordance with the "OBU Long Range Master Plan." Two alternative locations have been suggested thus far. The first sequence of improvements may include portions of Midland St., Bonita Ave., and Franklin St. The second alternative incorporates Franklin St. from Kickapoo St. to Airport Dr. (Exhibit 2).

Closing of a public way is accomplished through adoption of an ordinance by the City. A municipality retains the right to open a closed street when deemed necessary. However, after the public street has been closed, the street may be vacated by petition to the district court, removing any right or claim for the City to reopen said street. If an ordinance is

passed to close the four (4) subject streets, it is the intent of the applicant to proceed with vacating said streets.

Primary concerns of staff include:

1. Once the City has closed the public streets, the property owner may petition the district court to vacate said streets, terminating the City's right to reopen any of the subject streets.
2. Once vacated the possibility exists, without an agreement in place, for University Street to be physically closed to public use. This could be concerning for the following reasons:
 - a. University Street is a public road providing primary access to, and through, the campus for citizens on a daily basis.
 - b. University Street currently serves as a necessary emergency service route. Removing such access at this time would not be in the best interest of the City.
 - c. The publicly dedicated right-of-way for the subject streets contain public infrastructure. University Street in particular includes a six (6") inch water line and an eight (8") inch sewer line.

To satisfy Staff concerns, the applicant has agreed to leave University Street open to public access for a period of ten (10) years, or until completion of the proposed street improvements to Midland, Bonita, and Franklin or another alternative agree-upon by the City. In regards to University Street, by separate easement or agreement, the ability to access and maintain services between Airport Drive and Kickapoo Street shall be ensured for REACT, City Police and Fire, Shawnee Municipal Authority, and other relevant entities.

The easement rights of effected utility companies (electric, gas, cable, telephone) to maintain, repair, or operate infrastructure along University Street will not be affected by the passing of such an ordinance (Title 11 O.S. 42-110(D)).

In accordance with State law, 11 O.S. 42-110(B), thirty (30) days written notice of the proposed street closure has been sent to all effected franchise holders, and all owners of property within 300 feet of the subject public ways.

STAFF RECOMMENDATION

Staff has no objection to the closing of University Street, University Oval Drive, and portions of Ione Street and Pottenger Street, with the following conditions:

1. Execute express, separate easements between the Grantor, City of Shawnee, and Grantees, React, Shawnee Municipal Authority, Shawnee Fire, Shawnee PD, and other relevant entities ensuring the ability and mobility of those services between Airport Road and Kickapoo Street; and

2. Execute a separate contract with OBU stipulating the right of the public to use University Street for ingress and egress for a specific, agreed-upon time, or until agreed-upon improvements have been established and dedicated, producing a new means of primary east-west access between Airport Drive and Kickapoo Street.

Attachments

1. Exhibit 1: Detailed Site Map
2. Exhibit 2: Detailed Site Map with Improvements
3. Exhibit 3: OBU Long Range Master Plan Map
4. Exhibit 4: Request for Street Closure – Oklahoma Baptist University



EXHIBIT
1

Airport Dr

W Macarthur St

W University St

N Lone Ave

N Pottenger Ave

W University St

University Oval Dr

N Kickapoo St

W Midland St

Airport Dr

N Bonita Ave

N Lone Ave

N Dorothy Ave

N Pottenger Ave

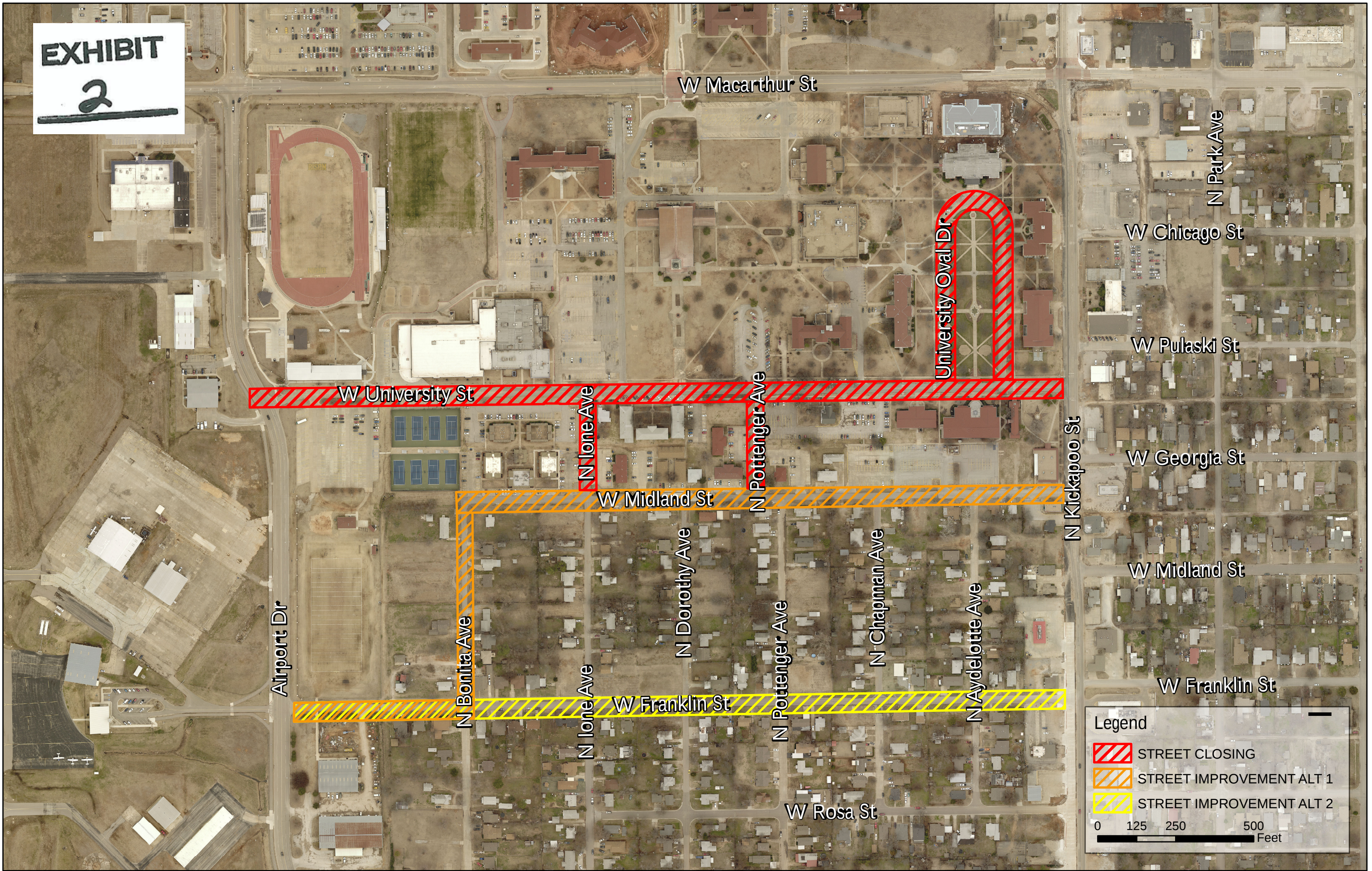
N Chapman Ave

Legend

 STREET CLOSING

0 100 200 400 Feet

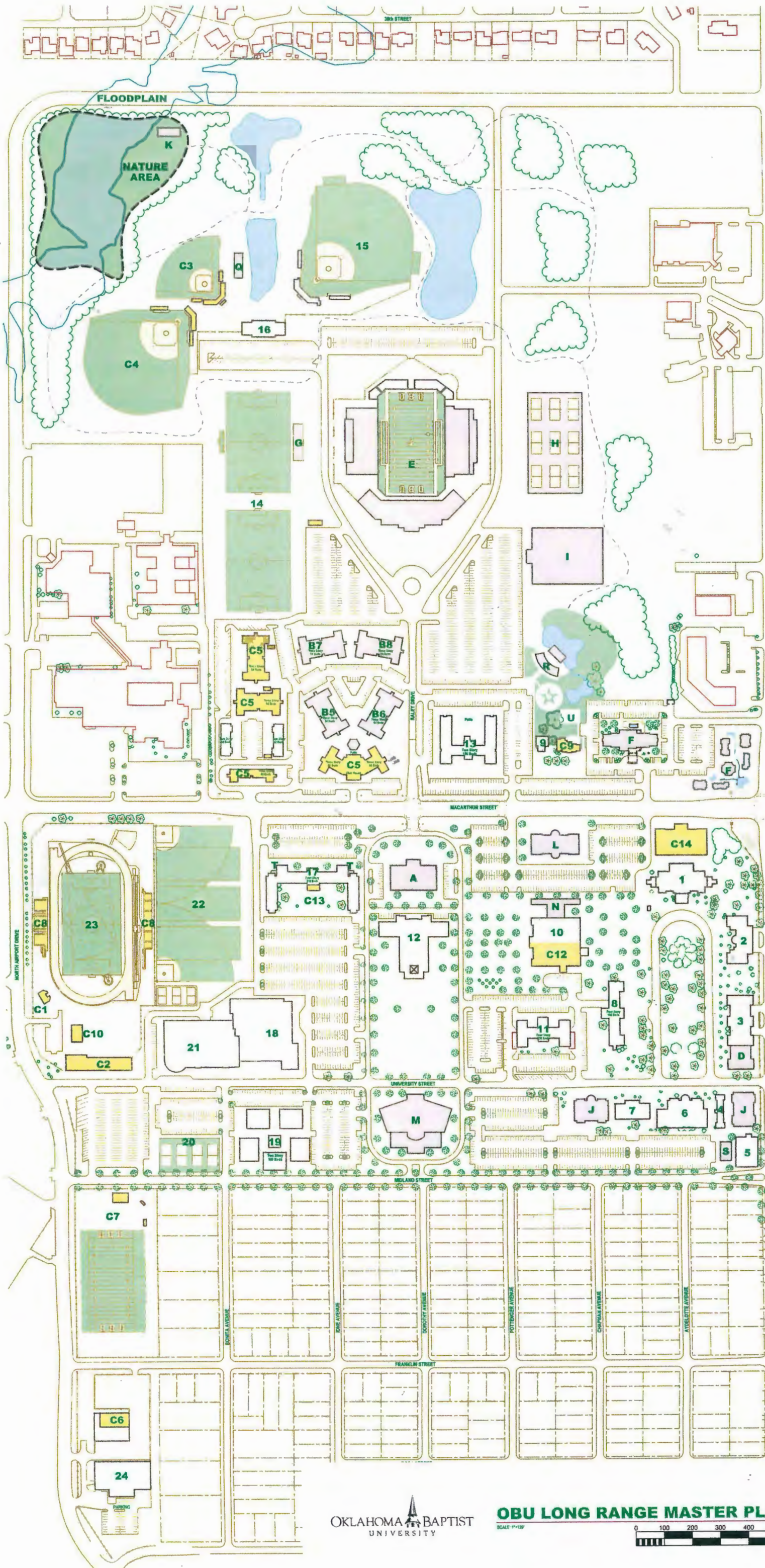
EXHIBIT
2



Legend

-  STREET CLOSING
-  STREET IMPROVEMENT ALT 1
-  STREET IMPROVEMENT ALT 2

0 125 250 500 Feet



EXISTING CAMPUS LEGEND

- EXISTING BUILDINGS
- REMODEL PROJECTS
- 1 SHAWNEE HALL
- 2 THURMOND HALL
- 3 W.P. WOOD SCIENCE BUILDING
- 4 FORD MUSIC HALL
- 5 ART BUILDING
- 6 BAILEY BUSINESS CENTER
- 7 MONTGOMERY HALL
- 8 WMU RESIDENCE CENTER
- 9 STUBBLEFIELD CHAPEL
- 10 GEIGER CENTER
- 11 KERR RESIDENCE HALL
- 12 RALEY CHAPEL
- 13 TAYLOR RESIDENCE CENTER
- 14 SOCCER AND LACROSSE COMPLEX
- 15 BISON BASEBALL FIELD AT FORD PARK
- 16 COATES BASEBALL/SOFTBALL ATHLETIC FACILITY
- 17 AGEE RESIDENCE CENTER
- 18 NOBLE COMPLEX
- 19 WEST UNIVERSITY APARTMENTS
- 20 INTRAMURAL TENNIS COURTS
- 21 RECREATION AND WELLNESS CENTER
- 22 INTRAMURAL FIELDS
- 23 HURT MEMORIAL TRACK COMPLEX
- 24 EYER BUILDING - FACILITIES MANAGEMENT

PLANNED BUILDING LEGEND

- NEW BUILDINGS
- A STUDENT SERVICES CENTER
- B OBU VILLAGE
- D W.P. WOOD SCIENCE BUILDING ADDITION
- E FOOTBALL / ATHLETICS COMPLEX
- F HOTEL / RETAIL CENTER
- G SOCCER STANDS
- H BISON TENNIS COURTS
- I AQUATICS / TENNIS CENTER
- J CLASSROOM BUILDING
- K NATURE AREA / CLASSROOM / RESTROOMS / STORAGE / (SUSTAINABLE DESIGN)
- L LIBRARY
- M PERFORMING ARTS CENTER
- N GEIGER CENTER LOADING DOCK ADDITION / COVERED WALKWAY
- O K-12 PRIMARY-SECONDARY SCHOOL - LOCATION TO BE DETERMINED
- P RETIREMENT CENTER - LOCATION TO BE DETERMINED
- Q BATTING CAGES
- R AMPHITHEATRE
- S GREENHOUSE
- T AGEE HALL ENTRANCE ADDITIONS
- U GOLD STAR PARK / BUTLER GARDENS / ALUMNI AREA

COMPLETED CAMPUS LEGEND

- COMPLETED BUILDINGS
- COMPLETED REMODEL PROJECTS
- C1 TRACK SCORING / RESTROOM FACILITIES
- C2 J.P. CHANCE TRACK BUILDING
- C3 LADY BISON SOFTBALL FIELD
- C4 BASEBALL FIELD
- C5 OBU VILLAGE
- C6 ATHLETIC LOCKER ROOM / WEIGHT ROOM
- C7 FOOTBALL PRACTICE FIELDS
- C8 PRESSBOX & BLEACHERS
- C9 CARGILL ALUMNI CENTER
- C10 MATHENA CENTER
- C11 SCIENCE BUILDING ANNEX
- C12 CAFETERIA / C STORE REMODEL
- C13 AGEE HALL SOUTH ENTRANCE
- C14 JANE E. & NICK K. STAVROS HALL

EXHIBIT

4

J. Roger Henson, P.L.L.C

Attorney at Law
2801A N. Kickapoo
Post Office Box 1465
Shawnee, Oklahoma 74802-1465

(405) 273-8558
Facsimile: (405) 234-3981

Email: roger@jrhensonlaw.com

September 6, 2016

Hand Delivered

Mr. Justin Debruin
Director of Planning & Code Enforcement
City of Shawnee
Shawnee City Hall
Shawnee, OK 74801

Re: Closing and vacating University Drive, University Avenue also known as University Street, Chapman Avenue also known as Pottenger Street, and Pottenger Avenue also known as Lone Street.

Dear Mr. Debruin:

On behalf of my client, Oklahoma Baptist University, this letter constitutes a request to the City of Shawnee asking the City of Shawnee to close and vacate all or portions of the following described streets, to-wit:

a. University Drive and described as follows:

A strip of land known as University Drive 60 feet in width lying 30 feet on each side of the following described center line; Beginning at a point on the north line of University Street, City of Shawnee, Oklahoma, 223.5 feet West of the center line of Kickapoo Street, City of Shawnee, Oklahoma, and running north 481.0 feet to a point of curvature, thence left on a curve having a radius of 92 feet, 289.0 feet to a point of tangency; thence South 481.0 feet to the north line of University Street.

b. University Avenue (also known as University Street) from Kickapoo Avenue to Airport Drive and described as follows:

Beginning 960 feet South and 33 feet West of the Northeast Corner of Section Twelve (12), Township Ten (10) North, Range Three (3) East of the Indian Meridian, thence West 2607 feet,

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PLANNING / CODE

thence South 60 feet to the Northwest Corner of Lot Twelve (12), Block Five (5), of University Grounds Addition to the City of Shawnee, thence East 2607 feet to a point 33 feet West of the East line of Section Twelve (12), Township Ten (10) North, Range Three (3) East of the Indian Meridian, thence North 60 feet to the point of beginning.

- c. Chapman Avenue (also known as and street signed as Pottenger Street) between University Avenue south to Midland Avenue and described as follows:

Beginning at the Northwest Corner of Lot Twenty-five (25), Block Two (2), of University Grounds Addition to the City of Shawnee, Pottawatomie County, Oklahoma, thence South 280 feet to the Southwest Corner of Lot Twenty-four (24), Block Two (2) of University Grounds to the City of Shawnee, thence West 50 feet to the Southeast Corner of Lot One (1), Block Three (3) of the University Grounds Addition to the City of Shawnee, thence North 280 feet to the Northeast Corner of Lot Forty-eight (48) of Block Three (3), University Grounds Addition to the City of Shawnee, thence East 50 feet to the point of beginning same being the Northwest Corner of Lot Twenty-five (25), Block Two (2), of University Grounds Addition to the City of Shawnee, Pottawatomie County, Oklahoma.

- d. Pottenger Avenue (also known as and street signed as Lone Street) between University Avenue and Midland Avenue; and described as follows:

As beginning at the Northwest Corner of Lot Twenty-five (25), Block Three (3) of University Grounds Addition to the City of Shawnee, thence South 280 feet to the Southwest Corner of Lot Twenty-four (24), Block Three (3), University Grounds Addition to the City of Shawnee, thence West 50 feet to the Southeast Corner of Lot One (1), Block Four (4) of University Grounds Addition to the City of Shawnee, thence North 280 feet to the Northeast Corner of Lot Forty-eight (48), Block Four (4), University Grounds Addition to the City of Shawnee, thence East 50 feet to the point of beginning same being the Northwest Corner of Lot Twenty-five (25), Block Three (3) of University Grounds Addition to the City of Shawnee, Pottawatomie County, Oklahoma.

For your information I have also enclosed a copy of the Affidavit of Bonded Abstracter identifying all property owners within 300 feet in all directions of the property sought to be vacated. Further, the service agents of the franchise holders are as follows:

Oklahoma Gas & Electric;
Service Agent: Patricia D. Horn
321 N. Harvey
Oklahoma City, OK 73102

Oklahoma Natural Gas, a division of ONE Gas, Inc;
Service Agent: National Registered Agents, Inc. of OK
1833 S. Morgan Road
Oklahoma City, OK 73128

Southwestern Bell Telephone Company;
Service Agent: The Corporation Company
1833 S. Morgan Road
Oklahoma City, OK 73128

Vyve Broadband LLC;
Service Agent: Corporation Service Company
115 SW 89th Street
Oklahoma City, OK 73139

Canadian Valley Electric Cooperative, Inc.
Service Agent: Canadian Valley Electric Cooperative, Inc.
P.O. Box 751
Seminole, OK 74818

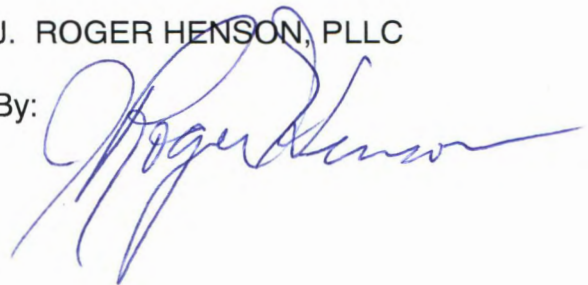
Would you please advise me of when the Planning Commission will meet and consider this request.

I appreciate your courtesy in this matter.

Yours very truly,

J. ROGER HENSON, PLLC

By:



JRH:jmc
Enclosure
cc: Via email: Randy Smith
Executive Vice-President

[illegible]

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (7), 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: August 18, 2016 at 7:30 AM

First American Title & Trust Company

By: 

John Cochrane

Abstractor License No. 1080

OAB Certificate of Authority # 0049

File No. 2172800-SH99

OWNERSHIP LIST**ORDER NO. 2172800**DATE PREPARED: August 25, 2016
EFFECTIVE DATE: August 18, 2016 at 7:30 A.M.

OWNER	LOT	BLK	ADDITION
DEFENBAUGH GEORGE JR & KRISTIE (1/2 INT) & LOUISE D YEAROUT (1/2 INT) P O BOX 9856 THE WOODLANDS TX 77387- 0000	LOTS 17 THRU 22 & S5' VAC ALLEY	6	ROSE GARDEN
DEFENBAUGH GEORGE JR & KRISTIE (1/2 INT) & LOUISE D YEAROUT (1/2 INT) P O BOX 9856 THE WOODLANDS TX 77387- 0000	LOTS 23 THRU 27	6	ROSE GARDEN
UNIVERSITY BAPTIST CHURCH 2515 N KICKAPOO SHAWNEE OK 74801-0000	LOTS 1 THRU 10 & LOTS 13 THRU 22	7	ROSE GARDEN
UNIVERSITY BAPTIST CHURCH 2515 N KICKAPOO SHAWNEE OK 74801-0000	LOTS 11 & 12	7	ROSE GARDEN
LAND HENRY P JR & MARTA J 1111 N PHIL SHAWNEE OK 74801-0000	S50' LOTS 13 THRU 16	18	ROSE GARDEN
LAND HENRY P & MARTA J 1111 N PHIL SHAWNEE OK 74801-0000	N90' LOTS 13 THRU 16 LESS .01	18	ROSE GARDEN
CITY OF SHAWNEE P O BOX 1448 SHAWNEE OK 74802-1448	BEG SW/C LOT 16 TH N50'TH E1.72' TH S43*48'40"E 69.50' TO SE/C LOT 15 TH W50'POB	18	ROSE GARDEN
CLUCK ZENOBIA & MAXENE HAMMAN 427 W PULASKI SHAWNEE OK 74804-0000	LOTS 11 & 12	18	ROSE GARDEN
CANNON ASSETS LLC 3515 E 66TH ST TULSA OK 74136-0000	LOTS 9 & 10	18	ROSE GARDEN
JOES RENTALS LLC 2616 N PARK SHAWNEE OK 74804-0000	LOTS 7 & 8	18	ROSE GARDEN
BRUBAKER TED R JR & LORI A 9900 SKYRIDGE DR ARCADIA OK 73007-0000	LOTS 5 & 6	18	ROSE GARDEN
ALCHEMY PROPERTIES INC. PO BOX 742 SHAWNEE, OK 74802	LOTS 27 & 28	18	ROSE GARDEN

MARTIN WILLIAM M & SANDRA K 17502 DRUMMOND RD SHAWNEE OK 74801-0000	LOTS 25 & 26	18	ROSE GARDEN
BARRETT NANCY R 1003 OVERLAND CT SHAWNEE OK 74801-0000	LOTS 23 & 24	18	ROSE GARDEN
WESTBROOK PAUL C & DAWN R 4407 LILLY VALLY ST SHAWNEE OK 74804-0000	LOTS 21 & 22	18	ROSE GARDEN
MODERN OIL CO INC P O BOX 218 SHAWNEE OK 74802-0218	LOT 20	18	ROSE GARDEN
MODERN OIL CO INC P O BOX 218 SHAWNEE OK 74802-0218	LOTS 17 THRU 19	18	ROSE GARDEN
ROBB'S ENTERPRISES L L C 2321 N KICKAPOO SHAWNEE OK 74804-0000	LOTS 11 THRU 16	19	ROSE GARDEN
STORIE BETTY 319 W GEORGIA SHAWNEE OK 74804-0000	LOTS 9 & 10	19	ROSE GARDEN
OKLA BAPTIST UNIVERSITY 500 W UNIVERSITY SHAWNEE OK 74801-0000	BEG AT THE NE/C SEC 12, T 10N, R 3E THENCE S 990 W 2640 N 990 E 2640 TO POB		
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOTS 13 THRU 24	1	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOTS 1 THRU 4	1	UNIVERSITY GROUNDS
THE OKLA BAPTIST UNIV 500 W UNIV SHAWNEE OK 74804-0000	LOTS 5 & 6	1	UNIVERSITY GROUNDS
THE OKLA BAPTIST UNIV 500 W UNIV SHAWNEE OK 74804-0000	LOTS 7 & 8	1	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOTS 9 THRU 12	1	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOTS 47 & 48	2	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOTS 29 THRU 46	2	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOTS 27 & 28	2	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOTS 25 & 26	2	UNIVERSITY GROUNDS

OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOTS 23 & 24	2	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY 500 W UNIVERSITY SHAWNEE OK 74801-0000	LOTS 21 & 22	2	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY 500 W UNIVERSITY SHAWNEE OK 74801-0000	LOTS 19 & 20	2	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOTS 15 THRU 18	2	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY 500 W UNIVERSITY SHAWNEE OK 74801-0000	LOTS 13 & 14	2	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY 500 W UNIVERSITY SHAWNEE OK 74801-0000	LOTS 11 & 12	2	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOTS 9 & 10	2	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY AUTH 500 W UNIVERSITY SHAWNEE OK 74801-0000	LOTS 7 & 8	2	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOTS 5 & 6	2	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOTS 1 THRU 4	2	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOTS 47 & 48	3	UNIVERSITY GROUNDS
CITY OF SHAWNEE P O BOX 1448 SHAWNEE OK 74802-1448	LOTS 43 THRU 46	3	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOTS 32 THRU 42	3	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY % J THOMAS TERRY 500 W UNIVERSITY SHAWNEE OK 74801-0000	LOTS 29 THRU 31	3	UNIVERSITY GROUNDS
CITY OF SHAWNEE P O BOX 1448 SHAWNEE OK 74802-1448	LOTS 27 & 28	3	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	ALL THAT PT. OF POTTENGER AVE. ADJ. LOTS 25 & 26	3	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOTS 23 & 24	3	UNIVERSITY GROUNDS

CITY OF SHAWNEE P O BOX 1448 SHAWNEE OK 74802-1448	LOTS 21 & 22	3	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOTS 17 THRU 20	3	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOT 16	3	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY 500 W UNIVERSITY SHAWNEE OK 74801-0000	LOTS 13 THRU 15	3	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOTS 9 THRU 12	3	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY 500 W UNIVERSITY SHAWNEE OK 74801-0000	LOTS 7 & 8	3	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	S85' LOTS 1 THRU 6	3	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	N55' LOTS 1 THRU 6	3	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOTS 38-48 & E5' LOTS 12 & 37 & VAC. POTTENGER ST. BETWEEN BLK 1 L3&4	4	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOTS 29 THRU 37 LESS E5' LOT 37	4	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY 500 W UNIVERSITY SHAWNEE OK 74804-0000	LOTS 25 THRU 28 LESS E10' LOT 28	4	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY 500 W UNIVERSITY SHAWNEE OK 74804-0000	LOTS 21 THRU 24 LESS E10' LOT 21	4	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOTS 12 THRU 20 LESS E5' LOT 12 & E10' LOTS 21 & 28	4	UNIVERSITY GROUNDS
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOTS 1 THRU 11	4	UNIVERSITY GROUNDS
SHAWNEE AIRPORT AUTHORITY SHAWNEE OK 74801-0000		5	UNIVERSITY GROUNDS
CITY OF SHAWNEE P O BOX 1448 SHAWNEE OK 74802-1448		6-26	UNIVERSITY GROUNDS

JOHNSON BILL BUREAU OF INDIAN AFFAIRS SHAWNEE OK 74801-0000 ALSO, PER ORDER ALLOWING FINAL ACCOUNT FILED IN PB- 15-93: CHARLES HARJO C/O 2230 N. CHAPMAN SHAWNEE, OK 74801 SHARON KAY HALE 8814 WINDY HOLLOW DRIVE MIDWEST CITY, OK 73119 CHERYL ANN CARTER C/O 2230 N CHAPMAN SHAWNEE, OK 74801 DAVID RUSSELL HARJO C/O 2230 N CHAPMAN SHAWNEE, OK 74801 LARRY HARJO (DECEASED; DOD 12/22/11) TERRY HARJO C/O 2230 N CHAPMAN SHAWNEE, OK 74801 ERIC WAYNE HARJO 1901 N. PARK, #C SHAWNEE, OK 74804	LOT 1 & N1/2 LOT 2	6	SUNSET PARK
OKLA BAPTIST UNIV 500 W UNIVERSITY SHAWNEE OK 74804-0000	S/2 LOT 2 & N40' LOT 3	6	SUNSET PARK
OKLA BAPTIST UNIV 500 W UNIVERSITY SHAWNEE OK 74804-0000	S10' LOT 3 & ALL LOT 4	6	SUNSET PARK
OKLAHOMA BAPTIST UNIVERSITY 500 W UNIVERSITY SHAWNEE OK 74804-0000	LOT 20	6	SUNSET PARK
CUDJOE TAGZMIN D & GLORIA D 2217 N POTTENGER SHAWNEE OK 74804-0000	LOT 21	6	SUNSET PARK
OKLAHOMA BAPTIST UNIVERSITY 500 W UNIVERSITY SHAWNEE OK 74804-0000	LOT 22	6	SUNSET PARK
OKLA BAPTIST UNIV 500 W UNIVERSITY SHAWNEE OK 74804-0000	LOT 23	6	SUNSET PARK

OKLA BAPTIST UNIV 500 W UNIV SHAWNEE OK 74801-0000	LOT 24	6	SUNSET PARK
OKLA BAPTIST UNIVERSITY 500 W UNIVERSITY SHAWNEE OK 74801-0000	LOT 1	8	SUNSET PARK
OKLAHOMA BAPTIST UNIVERSITY 500 W UNIVERSITY SHAWNEE OK 74804-0000	LOT 2	8	SUNSET PARK
OKLA BAPTIST UNIV 500 W UNIVERSITY SHAWNEE OK 74804-0000	LOT 3	8	SUNSET PARK
HICKEY ARLIE M SR & BILLIE L & WILLIAM E 29976 PATTERSON RD MACOMB OK 74852-0000	LOT 4	8	SUNSET PARK
OKLA BAPTIST UNIV 500 W UNIVERSITY SHAWNEE OK 74804-0000	LOT 5	8	SUNSET PARK
OKLA BAPTIST UNIV 500 W UNIVERSITY SHAWNEE OK 74804-0000	LOT 20	8	SUNSET PARK
OKLAHOMA BAPTIST UNIVERSITY 500 W UNIVER SHAWNEE OK 74804-0000	LOT 21	8	SUNSET PARK
CUTTING CHARLES C 2235 N DOROTHY SHAWNEE OK 74804-0000	LOT 22	8	SUNSET PARK
OKLA BAPTIST UNIVERSITY 500 W UNIVERSITY SHAWNEE OK 74804-0000	LOT 23	8	SUNSET PARK
RIDER PEGGY S & SUNITA M 811 W MIDLAND SHAWNEE OK 74804-0000	LOT 24	8	SUNSET PARK
OKLA BAPTIST UNIV 500 W UNIVERSITY SHAWNEE OK 74804-0000	LOT 1	10	SUNSET PARK
OKLAHOMA BAPTIST UNIVER 500 W UNIVERSITY SHAWNEE OK 74804-0000	LOT 2	10	SUNSET PARK
MILLS CHARLES D 2234 N DOROTHY SHAWNEE OK 74804-0000	LOT 3	10	SUNSET PARK
KIEFFER RHONDA LEA 2232 N DOROTHY SHAWNEE OK 74804-0000	LOT 4	10	SUNSET PARK
OKLA BAPTIST UNIV 500 W UNIVERSITY SHAWNEE OK 74804-0000	LOTS 19 & 20	10	SUNSET PARK

KNEISEL QUINTON 2226 N IONE SHAWNEE OK 74804-0000	LOT 21	10	SUNSET PARK
OKLA BAPTIST UNIV 500 W UNIV SHAWNEE OK 74804-0000	LOT 22	10	SUNSET PARK
OKLA BAPTIST UNIV 500 W UNIVERSITY SHAWNEE OK 74804-0000	LOT 23	10	SUNSET PARK
OKLA BAPTIST UNIVERSITY XXXXXX SHAWNEE OK 74801-0000	LOT 24	10	SUNSET PARK
OKLA BAPTIST UNIVERSITY 500 W UNIVERSITY SHAWNEE OK 74804-0000	LOT 1	12	SUNSET PARK
OKLA BAPTIST UNIVERSITY 500 W UNIVERSITY SHAWNEE OK 74804-0000	LOT 2	12	SUNSET PARK
KNEISEL QUINTON 2226 N IONE SHAWNEE OK 74804-0000	LOT 3	12	SUNSET PARK
KNEISEL QUINTON 2226 N IONE SHAWNEE OK 74804-0000	LOT 4	12	SUNSET PARK
OKLAHOMA BAPTIST UNIVER 500 W UNIVERSITY SHAWNEE OK 74804-0000	LOT 5	12	SUNSET PARK
OKLA BAPTIST UNIVER 500 W UNIVERISTY SHAWNEE OK 74804-0000	LOT 15	12	SUNSET PARK
OKLA BAPTIST UNIVER 500 W UNIVER SHAWNEE OK 74804-0000	S1/2 LOT 16	12	SUNSET PARK
OKLA BAPTIST UNIV 500 W UNIVERSITY SHAWNEE OK 74804-0000	N1/2 LOT 16	12	SUNSET PARK
OKLA BAPTIST UNIV 500 W UNIVERSITY SHAWNEE OK 74804-0000	S50' LOT 17	12	SUNSET PARK
OKLA BAPTIST UNIV 500 W UNIVERSITY SHAWNEE OK 74804-0000	N50' LOT 17	12	SUNSET PARK
COWAN WANDA & CLAUD A KLUTTS 13901 COKER RD SHAWNEE OK 74804-0000	LOT 18	12	SUNSET PARK
COWAN WANDA & CLAUD A KLUTTS 13901 COKER RD SHAWNEE OK 74804-0000	LOT 1	14	SUNSET PARK

FILED
IN THE DISTRICT COURT

JUN 16 2016

POTTAWATOMIE COUNTY, OK
VALERIE WELTZEN, COUNTY CLERK
BY *[Signature]* DEPUTY

IN THE DISTRICT COURT OF POTTAWATOMIE COUNTY
STATE OF OKLAHOMA

IN THE MATTER OF THE ESTATE OF)
Lucinda (Harjoche) Harjo now Johnson,) Case No. PB-15-93
¾ Seminole, NE (PM 1167 PF 1166), Deceased.)



**ORDER ALLOWING FINAL ACCOUNT OF
PERSONAL REPRESENTATIVE, DECREE DETERMINING
HEIRS, DECREE OF DISTRIBUTION AND DISCHARGE**

201600007257
Filed for Record in
POTTAWATOMIE OKLAHOMA
RACHHEL FLEWALLEN, COUNTY CLERK
2016 At 11:10 am.
25.00
Instrument PG 1 OF 7
201600007257

Now, on this 13th day of June, 2016, the First and Final Account, Petition for

Determination of Heirs, Distribution and Discharge of the duly appointed Personal Representative of the estate of the above-named deceased, came on for hearing. Petitioner appears in person and by and through her attorney, Stephanie C. Hudson, of Oklahoma Indian Legal Services, Inc.

The Court, having heard the evidence offered and having examined the pleadings on file herein, does FIND AND ORDERS as follows:

This cause is heard on this date pursuant to the Order For and Notice of Hearing Final Account and Petition for Determination of Heirship and for Distribution of Estate and the Order for Continuance made by the Court on the 16 day of June, 2016 for hearing on this date and at this time.

The Court finds that due and lawful notice of this hearing has been given for the time and in the manner provided by law, and the Court proceeded to hear the evidence and therefrom FINDS, and IT IS HEREBY ORDERED, ADJUDGED AND DECREED that due and lawful notice to creditors as required by Title 58 Sec. 243 and 331 of this act was given by the personal representative, including notice by mail to all creditors, if any, known to the Personal Representative as of the date said notice was filed with the district court clerk, at their respective last-known addresses; and that all claims not filed within the time permitted for the presentation of claims are nonsuited, void and forever barred, except as otherwise provided by law or any claim

for which payment is approved in this decree pursuant to Section 335 of Title 58 of the Oklahoma Statutes; that expenses of last illness, funeral expenses and all costs of administration have been paid; that all just and lawful debts owing by the decedent at the time of death have been paid and all attorney fees have been paid.

The Court further finds that the estate consists of property that is restricted under the laws of the United States and that notice of this proceeding was served on the Regional Director, Eastern Oklahoma Regional Office, successor to the Superintendent of the Five Civilized Tribes, in accordance with the provisions of Section 3(b) of the Act of Congress of August 4, 1947, 61 Stat. 731, as shown by the Acknowledgment of Notice filed herein, pursuant to 25 CFR 16.5.

The Court further finds that a certificate of non-assessment from the Oklahoma Tax Commission is on file herein; that an estate tax return has not been filed with the Internal Revenue Service for the reason that said estate was not possessed of sufficient assets to require the filing of such return; and that all state, county, school and municipal taxes together with all state and federal income taxes, if any, have been paid and that the estate is ready for distribution.

The Court further finds that the requirement for the formal Inventory and Appraisal of said estate has been waived; that all purposes of administration in said estate have been fulfilled, and that there are no receipts of income or disbursements that need be made in the administration of this estate.

It is further appearing to the court that due notice of the hearing for final decree herein determining the heirs, devisees and legatees of the said deceased, and assigning said estate to the persons entitled thereto by law, has likewise been duly given and served pursuant to law.

IT IS ORDERED, ADJUDGED AND DECREED by the Court that the account of the Personal Representative be and the same is hereby finally settled and allowed by the Court

according to the terms of the final account of the Personal Representative filed herein and distribution of the estate is hereby ordered.

The Court finds and IT IS ORDERED, ADJUDGED AND DECREED that the said Lucinda (Harjoche) Harjo now Johnson died testate on or about the 25th day of September, 2000; that the decedent, at the time of death, was a resident of Pottawatomie County. The decedent died leaving the following described property:

1. An undivided 1/3 surface interest only in all and to all that part of the NW ¼ SE ¼ lying South of US Highway I-40, of Section 36, Township 11 North, Range 7 East, Seminole County (allotment of Jennie Harjoche, Seminole NB138);
2. Lot one (1), Block six (6), in Sunset Park Addition to the City of Shawnee (a/k/a 2230 N. Chapman, Shawnee, OK 74801) Pottawatomie County, State of Oklahoma;
3. An Individual Indian Money (IIM) Account held with the Bureau of Indian Affairs;

and any other property which decedent may have owned in a restricted status.

The Court further finds and IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the deceased, Lucinda (Harjoche) Harjo now Johnson, died testate and was survived by the following heirs at law:

Name, relationship, & address

(The following are the issue of pre-deceased child, John Henry Harjo, DOD: 08/02/1985):

Victor Ray Harjo, adult grandchild
514 N. Mead
Shawnee, OK 74801

Wilford D. Harjo, adult grandchild
(Deceased; DOD: 09/22/2013)

Janice Harjo now Lowe, adult grandchild
520 Thomas Yahola
Wetumka, OK 74883

Phyllis Dawn Harjo now Nabils, adult grandchild
1901 S. Hemlock Ave
Broken Arrow, OK 74012

Leah Harjo now Burrows, adult grandchild
C/O 2500 S. Jenson
El Reno, OK 73036

Kevin Mark Harjo, adult grandchild
C/O 2500 S. Jenson
El Reno, OK 73036

Paula Harjo now Pawnee, adult grandchild
C/O 2500 S. Jenson
El Reno, OK 73036

Jeffery Todd Harjo, adult grandchild
C/O 2500 S. Jenson
El Reno, OK 73036

(The following are the issue of pre-deceased child, Homer Harjo, DOD: 08/07/1999):

Charles Harjo, adult grandchild
C/O 2230 N. Chapman
Shawnee, OK 74801

Sharon Kay Hale, adult grandchild
8814 Windy Hollow Drive
Midwest City, OK 73119

Cheryl Ann Carter, adult grandchild
C/O 2230 N. Chapman
Shawnee, OK 74801

David Russell Harjo, adult grandchild
C/O 2230 N. Chapman
Shawnee, OK 74801

Larry Harjo, adult grandchild
(Deceased; DOD: 12/22/2011)

Terry Harjo, adult grandchild
C/O 2230 N. Chapman
Shawnee, OK 74801

Eric Wayne Harjo, adult grandchild
1901 N. Park, #C
Shawnee, OK 74804

and was not survived by a parent or spouse; and that under the terms and provisions of the Last Will and Testament of the said Ludinda (Harjoché) Harjo now Johnson, the entire estate should be distributed as follows:

<u>Name</u>	<u>Share</u>
Charles Harjo, adult grandchild C/O 2230 N. Chapman Shawnee, OK 74801	1/7
Sharon Kay Hale, adult grandchild 8814 Windy Hollow Drive Midwest City, OK 73119	1/7
Cheryl Ann Carter, adult grandchild C/O 2230 N. Chapman Shawnee, OK 74801	1/7
David Russell Harjo, adult grandchild C/O 2230 N. Chapman Shawnee, OK 74801	1/7
Larry Harjo, adult grandchild (Deceased; DOD: 12/22/2011)	1/7
Terry Harjo, adult grandchild C/O 2230 N. Chapman Shawnee, OK 74801	1/7
Eric Wayne Harjo, adult grandchild 1901 N. Park, #C Shawnee, OK 74804	1/7

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that the above-named person is the sole devisee of the Last Will and Testament of Ludinda (Harjoche) Harjo now Johnson, deceased, and that the above described property is hereby ordered transferred, set-over, vested, assigned and conveyed to the said devisee in the proportion set opposite his name. The restricted property and estate descends to and becomes vested in the above-named heirs in a restricted status as to those heirs who are at least one-half blood quantum of the Five Civilized Tribes of Oklahoma.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that if and in the event any of the property, real, personal or otherwise, and wheresoever situated, is not specifically described in the Final Account or this Final Decree, title in and to said omitted property, if any be omitted, is hereby established, distributed to and vested in the said devisee, in the proportions set forth above, completely and without the necessity of further probate proceedings herein, as fully and to the same extent as if such property had been specifically included in the Final Account and this Final Decree.

Now, it further appearing to the court that the said Sharon Kay Hale, Personal Representative, has produced satisfactory evidence showing that he has performed all the acts lawfully required of him under the decree of distribution herein, and the court costs have been paid, including costs of administration and attorney's fees, and that no further acts remain to be performed by said Personal Representative.

Now, on motion of counsel for the said Sharon Kay Hale, Personal Representative, IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the court, that the said Sharon Kay Hale, Personal Representative of the estate of Ludinda (Harjoche) Harjo now Johnson, has fully and faithfully discharged the duties of his trust and she is hereby fully and absolutely discharged

Instrument PG 7 OF 7
201600725
from any further duties and responsibilities as such Representative of the Letters
Testamentary are hereby vacated and that the said estate is declared fully distributed and the trust
settled and closed.

WITNESS MY HAND the date first above written

John D. King

Judge of the District Court

Stephanie Hudson, OBA # 15977
Oklahoma Indian Legal Services, Inc.
4200 Perimeter Center Drive, Suite 222
Oklahoma City, OK 73112
(405)-943-6457
Attorney for Personal Representative,
Sharon Kay Hale



CITY OF SHAWNEE

PUBLIC HEARING NOTICE

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a Public Hearing to consider an Ordinance to close and vacate University Drive, University Avenue also known as University Street, Chapman Avenue also known as Pottenger Street, and Pottenger Avenue also known as Ione Street located and described as follows:

University Drive and described as follows:

A strip of land known as University Drive 60 feet in width lying 30 feet on each side of the following described center line; Beginning at a point on the north line of University Street, City of Shawnee, Oklahoma, 223.5 feet West of the center line of Kickapoo Street, City of Shawnee, Oklahoma, and running north 481.0 feet to a point of curvature, thence left on a curve having a radius of 92 feet, 289.0 feet to a point of tangency; thence South 481.0 feet to the north line of University Street.

University Avenue (also known as University Street) from Kickapoo Avenue to Airport Drive and described as follows:

Beginning 960 feet South and 33 feet West of the Northeast Corner of Section Twelve (12), Township Ten (10) North, Range Three (3) East of the Indian Meridian, thence West 2607 feet, thence South 60 feet to the Northwest Corner of Lot Twelve (12), Block Five (5), of University Grounds Addition to the City of Shawnee, thence East 2607 feet to a point 33 feet West of the East line of Section Twelve (12), Township Ten (10) North, Range Three (3) East of the Indian Meridian, thence North 60 feet to the point of beginning.

A portion of Chapman Avenue (also known as and street signed as Pottenger Street) between University Avenue south to Midland Avenue and described as follows:

Beginning at the Northwest Corner of Lot Twenty-five (25), Block Two (2), of University Grounds Addition to the

City of Shawnee, Pottawatomie County, Oklahoma, thence South 280 feet to the Southwest Corner of Lot Twenty-four (24), Block Two (2) of University Grounds to the City of Shawnee, thence West 50 feet to the Southeast Corner of Lot One (1), Block Three (3) of the University Grounds Addition to the City of Shawnee, thence North 280 feet to the Northeast Corner of Lot Forty-eight (48) of Block Three (3), University Grounds Addition to the City of Shawnee, thence East 50 feet to the point of beginning same being the Northwest Corner of Lot Twenty-five (25), Block Two (2), of University Grounds Addition to the City of Shawnee, Pottawatomie County, Oklahoma.

A portion of Pottenger Avenue (also known as and street signed as Ione Street) between University Avenue and Midland Avenue; and described as follows:

As beginning at the Northwest Corner of Lot Twenty-five (25), Block Three (3) of University Grounds Addition to the City of Shawnee, thence South 280 feet to the Southwest Corner of Lot Twenty-four (24), Block Three (3), University Grounds Addition to the City of Shawnee, thence West 50 feet to the Southeast Corner of Lot One (1), Block Four (4) of University Grounds Addition to the City of Shawnee, thence North 280 feet to the Northeast Corner of Lot Forty-eight (48), Block Four (4), University Grounds Addition to the City of Shawnee, thence East 50 feet to the point of beginning same being the Northwest Corner of Lot Twenty-five (25), Block Three (3) of University Grounds Addition to the City of Shawnee, Pottawatomie County, Oklahoma.

The request was made by Oklahoma Baptist University. The Shawnee City Commission will hold a Public Hearing in the City Commission Chambers in City Hall located at 16 W. 9th St., Shawnee, OK on November 21st, 2016 at 6:30 P.M. of shortly thereafter.

At this time, any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and to be heard with regard to the proposed vacating and street closure. The Commissioner reserves the right to limit discussion and debate on the proposed ordinance during the public hearing, in which event those persons appearing in support or opposition of the proposal will be allotted equal time. If there are any questions about the proposal, or you need additional information prior to the meeting, you may contact the Planning Department at 878-1616.

Copies of all materials pertaining to this request are available for review in the Planning Department, City Hall Annex, 222 N. Broadway, Monday through Friday between 8:00 A.M. and 5:00 P.M.

Witness my hand this 21st day of October, 2016.


Kacie Bachhofer, City Clerk



ORDINANCE NO. _____NS

AN ORDINANCE CLOSING UNIVERSITY DRIVE, UNIVERSITY AVENUE, ALSO KNOWN AS UNIVERSITY STREET, CHAPMAN AVENUE, ALSO KNOWN AS POTTENGER STREET, AND POTTENGER AVENUE, ALSO KNOWN AS IONE STREET, IN THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA; SPECIFICALLY DESCRIBING SAID PROPERTY; RESERVING THE RIGHT TO REOPEN SAID STREETS; RESERVING UTILITIES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

SECTION 1. That it is deemed necessary and expedient to close the streets hereinafter described to public use.

SECTION 2. That the streets are described as follows:

UNIVERSITY DRIVE AND DESCRIBED AS FOLLOWS: A STRIP OF LAND KNOWN AS UNIVERSITY DRIVE 60 FEET IN WIDTH LYING 30 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE; BEGINNING AT A POINT ON THE NORTH LINE OF UNIVERSITY STREET, CITY OF SHAWNEE, OKLAHOMA, 223.5 FEET WEST OF THE CENTER LINE OF KICKAPOO STREET, CITY OF SHAWNEE, OKLAHOMA, AND RUNNING NORTH 481.0 FEET TO A POINT OF CURVATURE, THENCE LEFT ON A CURVE HAVING A RADIUS OF 92 FEET, 289.0 FEET TO A POINT OF TANGENCY; THENCE SOUTH 481.0 FEET TO THE NORTH LINE OF UNIVERSITY STREET;

UNIVERSITY AVENUE (ALSO KNOWN AS UNIVERSITY STREET) FROM KICKAPOO AVENUE TO AIRPORT DRIVE AND DESCRIBED AS FOLLOWS: BEGINNING 960 FEET SOUTH AND 33 FEET WEST OF THE NORTHEAST CORNER OF SECTION TWELVE (12), TOWNSHIP TEN (10) NORTH, RANGE THREE (3) EAST OF THE INDIAN MERIDIAN, THENCE WEST 2607 FEET, THENCE SOUTH 60 FEET TO THE NORTHWEST CORNER OF LOT TWELVE (12), BLOCK FIVE (5), OF UNIVERSITY GROUNDS ADDITION TO THE CITY OF SHAWNEE, THENCE EAST 2607 FEET TO A POINT 33 FEET WEST OF THE EAST LINE OF SECTION TWELVE (12), TOWNSHIP TEN (10) NORTH, RANGE THREE (3) EAST OF THE INDIAN MERIDIAN, THENCE NORTH 60 FEET TO THE POINT OF BEGINNING;

A PORTION OF CHAPMAN AVENUE (ALSO KNOWN AS AND STREET SIGNED AS POTTENGER STREET) BETWEEN UNIVERSITY AVENUE SOUTH TO MIDLAND AVENUE AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT TWENTY-FIVE (25), BLOCK TWO (2), OF UNIVERSITY GROUNDS ADDITION TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, THENCE SOUTH 280 FEET TO THE SOUTHWEST CORNER OF LOT TWENTY-FOUR (24), BLOCK TWO (2) OF UNIVERSITY GROUNDS TO THE CITY OF SHAWNEE, THENCE WEST 50 FEET TO THE SOUTHEAST CORNER OF LOT ONE (1), BLOCK THREE (3) OF THE UNIVERSITY GROUNDS ADDITION TO THE CITY OF SHAWNEE, THENCE NORTH 280 FEET TO THE NORTHEAST CORNER OF LOT FORTY-EIGHT (48) OF BLOCK THREE (3), UNIVERSITY GROUNDS ADDITION TO THE CITY OF SHAWNEE, THENCE EAST 50 FEET TO THE POINT OF BEGINNING SAME BEING THE NORTHWEST CORNER OF LOT TWENTY-FIVE (25), BLOCK TWO (2), OF UNIVERSITY GROUNDS ADDITION TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA;

A PORTION OF POTTENGER AVENUE (ALSO KNOWN AS AND STREET SIGNED AS LONE STREET) BETWEEN UNIVERSITY AVENUE AND MIDLAND AVENUE; AND DESCRIBED AS FOLLOWS: AS BEGINNING

AT THE NORTHWEST CORNER OF LOT TWENTY-FIVE (25), BLOCK THREE (3) OF UNIVERSITY GROUNDS ADDITION TO THE CITY OF SHAWNEE, THENCE SOUTH 280 FEET TO THE SOUTHWEST CORNER OF LOT TWENTY-FOUR (24), BLOCK THREE (3), UNIVERSITY GROUNDS ADDITION TO THE CITY OF SHAWNEE, THENCE WEST 50 FEET TO THE SOUTHEAST CORNER OF LOT ONE (1), BLOCK FOUR (4) OF UNIVERSITY GROUNDS ADDITION TO THE CITY OF SHAWNEE, THENCE NORTH 280 FEET TO THE NORTHEAST CORNER OF LOT FORTY-EIGHT (48), BLOCK FOUR (4), UNIVERSITY GROUNDS ADDITION TO THE CITY OF SHAWNEE, THENCE EAST 50 FEET TO THE POINT OF BEGINNING SAME BEING THE NORTHWEST CORNER OF LOT TWENTY-FIVE (25), BLOCK THREE (3) OF UNIVERSITY GROUNDS ADDITION TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA,

be and the same is hereby closed.

SECTION 3. That the City of Shawnee, Oklahoma, shall retain the absolute right to reopen said streets without expense to the City.

SECTION 4. That the closing of said streets shall not affect the right to maintain, repair, reconstruct, operator or remove utility, public service corporation, transmission company or the City of Shawnee facilities or service thereon, including water lines and sewer, nor shall such closing affect the private ways existing by operation of law, unless released in writing executed by the owners thereof.

SECTION 5. That for the preservation of the public peace, health and safety, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this 21st day of November, 2016.

RICHARD FINLEY, MAYOR

(SEAL)

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

EMERGENCY SEPARATELY MOVED AND APPROVED this 21st day of November, 2016.

RICHARD FINLEY, MAYOR

(SEAL)

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality this 21st day of November, 2016.

JOSEPH VORNDRAN
CITY ATTORNEY

Regular Board of Commissioners

12.

Meeting Date: 11/21/2016

OBU Close Sts Agreement

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consideration of an Agreement between the City of Shawnee and Oklahoma Baptist University to maintain vehicular access to University Drive/Street and pursue certain roadway improvements.

Attachments

No file(s) attached.

Regular Board of Commissioners

13.

Meeting Date: 11/21/2016

Sales Tax 11-2016

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Acknowledge Sales Tax Report received November 2016.

Attachments

Sales Tax 11-2016



Date: November 9, 2016
TO: Mayor and Commissioners
From: Cynthia S. Arnold, Finance Director 
Subject: November sales tax and use tax collections

Sales Tax Collections:

November sales tax collected was \$1,468,286 which will be divided to the following funds:

General	\$ 978,858
Capital Improvements	\$ 189,654
Street Fund	\$ 214,125
Economic Development	\$ 24,471
Police Sales Tax Fund	\$ 30,589
Fire Sales Tax Fund	\$ 30,589

Compared to November 2015 we were up \$42,095 or 2.95%.

For the fiscal year we are down \$34,647 or .46%

We are still down for the year but we are encouraged that we haven't seen the rapid decline like other cities have. With the new development on the horizon we are very optimistic.

This chart below shows the last couple of year comparison of **Sales Tax**:

	December 2013	December 2014	December 2015	Increase	(Decrease)
	through	through	through	Over Prior Year	
Month	November 2014	November 2015	November 2016	Amount	Percentage
Dec	1,315,025	1,441,774	1,506,784	65,010	4.51%
Jan	1,556,616	1,499,067	1,546,951	47,884	3.19%
Feb	1,569,453	1,580,604	1,605,202	24,598	1.56%
March	1,265,687	1,292,781	1,316,044	23,263	1.80%
April	1,421,540	1,426,451	1,552,529	126,078	8.84%
May	1,394,972	1,466,536	1,493,399	26,863	1.83%
June	1,390,155	1,438,144	1,437,412	(732)	(0.05%)
July	1,477,552	1,442,218	1,475,520	33,302	2.31%
August	1,432,227	1,588,410	1,530,246	(58,164)	(3.66%)
September	1,426,359	1,494,203	1,490,836	(3,367)	(0.23%)
October	1,428,921	1,545,245	1,496,732	(48,513)	(3.14%)
November	1,374,143	1,426,192	1,468,286	42,095	2.95%
Total	17,052,650	17,641,623	17,919,942	278,319	1.58%
.					
		Prior Year	Current Year	Increase	(Decrease)
Period		Actual	Actual	Over Prior Year	
Fiscal Year to Date		7,496,267	7,461,620	(34,647)	(0.46%)

Top sales tax codes: (Deposited in November)

		October 2016	October 2015
Retail Trades	44-45	\$887,566	\$ 861,034
Accommodation and Food Serv	72	\$257,445	\$251,995
Wholesale Trades	42	\$ 84,253	\$ 98,639
Utilities	22	\$ 82,347	\$ 51,003
Information	51	\$ 50,789	\$ 56,010
Manufacturing	31-33	\$ 34,936	\$ 36,759
Real Estate Rental & Leasing	53	\$ 19,319	\$ 20,823
Other Services	81	\$ 10,634	\$ 12,709
Unclassified	UNC	\$ 28,912	\$ 22,627
Arts & Entertainment	71	\$ 6,991	\$ 5,339
Professional	54	\$ 3,222	\$ 4,365
Misc		\$ 1,872	\$ 4,889
TOTAL		\$1,468,286	\$ 1,426,192

Use Tax:

November use tax collected was \$111,647 which was down \$49,840 from the previous year. Last year we saw a few high months in use tax due to the completion of the Market Place. Use tax is based on the point of delivery, so when we have construction going on collection will be higher. Compared to November 2014 we are up \$10K.