

AGENDA
BOARD OF CITY COMMISSIONERS
November 19, 2012 AT 6:30 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM
INVOCATION

REV. LARRY SPARKS
NEW BEGINNINGS CHURCH

FLAG SALUTE

1. Consider approval of Agenda:
2. Consider approval of Consent Agenda:
 - a. Minutes from the November 5, 2012 meeting.
 - b. Budget Amendment – Capital Fund 301
To bring monies from fund balance to current year – this is the remaining money that was not spent last year and it went into fund balance and it needs to be brought back up into current year
 - c. Budget Amendment – General Fund
Monies not spent last year and need to be brought up from fund balance - /Ammo was on backorder
 - d. Budget Amendment – General Fund
Use donated monies to purchase logo sign for station 1
 - e. Acknowledge the following minutes and reports:
 - Planning Commission minutes from regular meeting October 3, 2012.
 - Project Payment Report for October 2012
 - License Payment Report for October 2012
 - f. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for MiChell Gibson.
3. Citizens Participation

(A three minute limit per person)
(A twelve minute limit per topic)

4. Mayor's Proclamation:

"Winter Weather Awareness Day"
November 20, 2012
5. Presentation and update regarding the YMCA by Theresa Hendrix, new Chief Executive Officer of the YMCA.
6. A public hearing and consideration of an ordinance to rezone property from R-1; Residential, Single Family Dwelling to R-3; Multi-Family Dwelling for property located at 3300 North Union. Case #P16-12 Applicant: Mike Little Construction
Deferred from the October 15, 2012 meeting.
7. Consideration of approval of a final plat for Shawnee Medical Center located at Kethley Road and MacArthur Street.
Case #S12-12 Applicant: Shawnee Real Estate Holdings, LLC
Deferred from the October 15, 2012 meeting.
8. A public hearing and consideration of approval of a Conditional Use Permit in C-3; Automotive, Commercial and Recreational district to allow the sale of beer and alcohol for on premise consumption and off premise consumption for property located at 4420 North Kickapoo. Case #P18-12 Applicant: Dao and Cynthia Nguyen (Nelmon Brauning – Agent)
9. Consideration of approval of a preliminary plat for G. E. Oil and Gas Addition located at 14311 Highway 177.
Case #S15-12 Applicant: Landes Engineering
10. Consideration of approval of a final plat for G.E. Oil and Gas Addition located at 14311 Highway 177.
Case #S16-12 Applicant: Landes Engineering
11. A public hearing and consideration of an ordinance to approve a Conditional Use Permit to allow a mobile home for property located at 31909 Lake Road.
Case #P19-12 Applicant: Chelsey Beauchamp
12. A public hearing for consideration of approval of a Hardship Request for temporary placement of a mobile home on property located at 31909 Lake Road.
Case #P20-12 Applicant: Chelsey Beauchamp
13. Consider acceptance of public easements and dedications associated with the Final Plat of Graystone Addition and authorizing recording of the final plat and obtainment of signatures and placing maintenance bonds into effect.
14. Discuss and consider a resolution establishing a moratorium on boarding or rooming houses in all zoning districts.
15. Acknowledge Sales Tax report received November 2012.
16. Consider Bids:
 - a. Airport Pedestrian Trail Contract COS-PW-12-01 (Award)

17. New Business

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

18. Administrative Reports

19. Commissioners Comments

20. 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

2. a.

Meeting Date: 11/19/2012

Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Minutes from the November 5, 2012 meeting.

Attachments

Minutes

BOARD OF CITY COMMISSIONERS PROCEEDINGS
NOVEMBER 5, 2012 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 5, 2012 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Mayor Mainord presided and called the meeting to order. Upon roll call, the following members were in attendance.

Wes Mainord

Mayor

Pam Stephens

Commissioner Ward 1

Linda Agee

Commissioner Ward 2

James Harrod

Commissioner Ward 3-Vice Mayor

Keith Hall

Commissioner Ward 4

John Winterringer

Commissioner Ward 5

Absent

Commissioner Ward 6

ABSENT: Steve Smith

INVOCATION

Rev. Ben Williams

Wesley Methodist Church

FLAG SALUTE

COMMISSIONER STEVE SMITH ARRIVED AT 6:35 P.M.

AGENDA ITEM NO. 1:

Consider approval of Agenda.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Hall, to approve the Agenda. Motion carried 7-0.

AYE: Harrod, Hall, Winterringer, Smith, Stephens, Agee, Mainord

NAY: None

AGENDA ITEM NO. 2:

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 Agenda Item No. 9.
- b. Minutes from the October 15, 2012 regular meeting.
- c. Budget Amendment FY2012-2013 2012 CDBG Entitlement Grant Fund
Appropriate 2012 CD BG Entitlement Funds for FY 2012- FY 2013
- d. Budget Amendment CDBG
To adjust budget for processing fees
- e. Acknowledge application for Healthy Communities Recertification and Grant.
- f. Acknowledge the following minutes:
 - Shawnee Civic and Cultural Development Authority minutes from September 20, 2012
 - Traffic Commission minutes from August 28, 2012
- g. Mayor's appointments:
Traffic Commission

Ms. Rebecca E. Dolan 1st Partial Term Expires 1-01-2014
Replaces Delbert Totty – Resigned

Mr. Larry Smith 1st Partial Term Expires 1-01-2014
Replaces Bill Johnson – Deceased
- h. Acknowledge Oklahoma Municipal Retirement Fund Normal Retirement for Randy Brock.
- i. Authorize staff to advertise for bids on the Federal Street Bridge Rehab Project (Contract No. COS-PW-12-02)

- j. Acknowledge acceptance of the Expo Parking Lot Improvement Project (Contract No. COS-PW-11-04) and placing maintenance bond into effect.
- k. Acknowledge acceptance of the Kulhbird Lane Hazard Mitigation Project (Contract No. COS-PW-11-09) and placing maintenance bond into effect.
- l. Acknowledge agreement with Excel Auctions, LLC, to auction surplus City property.
- m. Traffic Commission Recommendations from October 23, 2012

BOARD RECOMMENDATIONS TRAFFIC COMMISSION
OCTOBER 23, 2012

A. Consideration of request by Tyler Bridges to replace the regular School Zone signs with Flashing School Zone signs on Walnut Street just West of Pleasant Grove School and on Bryan Street on both the North and South sides of Pleasant Grove School.

STAFF RECOMMENDATION: Staff recommends approval of request. Michael Ludi states staff recommends approval of the light and would like to make the Traffic commission aware of the cost of the sign because it is a significant cost at \$5200 each. Tyler Bridges states the original request is to replace the regular School Zone Sign with a Flashing School Zone Sign on Walnut Street just west of Pleasant Grove School. This is the only one needed. Several incidents have happened in this area. It is a blind hill that is right before the school. People just fly over the hill and do not see the cars stopped for school pickup times. Major concern for safety is on Walnut. Ronald Taffe recommended amending the request to read “Consideration of request by Tyler Bridges to replace the regular School Zone Sign with a Flashing School Zone Sign on Walnut Street just West of Pleasant Grove School” All agreed to amend the consideration.

BOARD RECOMMENDATION: Board agrees with the Staff recommendation to replace the regular School Zone Sign with a

Flashing School Zone Sign on Walnut Street just west of Pleasant Grove School.

Vice Mayor Harrod requested that Consent Agenda Item 2m be pulled for separate consideration. A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to approve the Consent Agenda Items a-l, less m. Motion carried 7-0.

AYE: Harrod, Winterringer, Smith, Stephens, Agee, Mainord, Hall
NAY: None

Regarding Consent Agenda Item 2m, Vice Mayor Harrod asked staff where the flashing School Zone sign would be placed. City Engineer John Krywicki explained the exact location of the Walnut Street sign. In response to Vice Mayor Harrod's inquiry, Mr. Krywicki stated that the sign was budgeted for as a signal upgrade.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Hall, to approve Consent Agenda Item 2m. Motion carried 7-0.

AYE: Harrod, Hall, Winterringer, Smith, Stephens, Agee, Mainord
NAY: None

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

Former Mayor Linda Peterson addressed the Commission regarding Agenda Item No. 6 concerning consideration of postponing water and sewer rate increases until November of 2013. Ms. Peterson explained how and why the rate schedule was adopted. Ms. Peterson further urged the Commission to keep the current rate schedule in place which calls for a small rate increase beginning November 1, 2012.

AGENDA ITEM NO. 4: Mayor's Proclamation:

"Veteran's Day"
November 11, 2012

Cecil Johnston accepted the Mayor's Proclamation for "Veteran's Day" presented by Mayor Mainord.

“Becky Emerson Carlberg Day”
November 14, 2012

Becky Emerson Carlberg accepted the Mayor’s Proclamation for “Becky Emerson Carlberg Day” presented by Mayor Mainord.

AGENDA ITEM NO. 5:

A public hearing and consideration of rezoning property located at 204 N. Louisa from C-3; Automotive, Commercial and Recreation to C-4; Central Business with a conditional use permit. Case No. P13-12
(Deferred from the September 17, 2012 meeting)

Mayor Mainord declared a public hearing in session to consider an ordinance rezoning property located at 204 N. Louisa from C-3; Automotive, Commercial and Recreation to C-4; Central Business with a conditional use permit.

The following people spoke in favor of the proposed rezoning:

Mike Little
Bill Thurman
Eric Winegardner
Ray Belford
John Clemons
Ralph Griffin
Michelle Johnson
Karen Bays
Don Orr
Michelle Wilson
James Morton
Sarah Inselman
Landon Middleton
Tom Leach

The following people spoke against the proposed rezoning:

Holly Gordon

Crystal Marfil
Tina Hanna
Linda Shiffel
Theresa Cody

After all parties had an opportunity to speak, Mayor Mainord closed the public hearing.

After a lengthy discussion between Commissioners, a motion was made by Vice Mayor Harrod, seconded by Commissioner Agee, to deny the ordinance rezoning property at 204 N. Louisa from C-3; Automotive, Commercial and Recreation to C-4; Central Business with a conditional use permit. Motion carried 6-1.

AYE: Harrod, Agee, Mainord, Hall, Winterringer, Stephens
NAY: Smith

BY POWER OF THE CHAIR, A RECESS WAS TAKEN.

BY POWER OF THE CHAIR, THE MEETING WAS RECONVENED WITH ALL COMMISSIONERS PRESENT.

AGENDA ITEM NO. 6: Consideration and possible action on a revised ordinance regarding water and sewer rate structure.

Utility Director Jim Bierd addressed this agenda item. Mr. Bierd stated that Smith Roberts Baldischwiler, LLC, the engineer firm preparing water master plan, recommended that the City postpone any large water project until after the completion of the plan. He added that water rehab, sewer rehab and lift station projects would still continue.

Finance Director Cindy Sementelli stated that postponing water/sewer rate increases would result in a \$750,000.00 loss in revenue this year.

After careful consideration, the Commission agreed to leave the current ordinance in place. This ordinance calls for water and sewer rate increases beginning November 1, 2012. The increases will be reflected on the December water bills.

AGENDA ITEM NO. 7:

Consider a resolution to declare a certain item surplus property and transferring of said item to the Shawnee Civic and Cultural Development Authority.

Resolution No. 6435 was introduced.

A RESOLUTION DECLARING A CERTAIN ITEM OF PERSONAL PROPERTY SURPLUS AND NO LONGER NEEDED FOR CITY PURPOSES; DESCRIBING SAID ITEM; AND AUTHORIZING THE TRANSFER OF SAID ITEM TO THE SHAWNEE CIVIC AND CULTURAL DEVELOPMENT AUTHORITY.

A motion was made by Vice Mayor Harrod, seconded to Commissioner Smith, to approve a resolution to declare a certain item surplus property and transferring of said item to the Shawnee Civic and Cultural Development Authority. Motion carried 7-0.

AYE: Harrod, Smith, Stephens, Agee, Mainord, Hall, Winterringer

NAY: None

AGENDA ITEM NO. 8:

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

Resolution No. 6436 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 AUCTION.

A motion was made by Commissioner Hall, seconded by Commissioner Winterringer, to approve a resolution to declare certain items surplus property and authorizing the sale of said items at auction. Motion carried 7-0.

AYE: Hall, Winterringer, Smith, Stephens, Agee, Harrod, Mainord

NAY: None

AGENDA ITEM NO. 9:

Consider Bids:

a. Airport Pedestrian Trail Contract COS-PW-12-01 (Open)	
<u>BIDDER</u>	<u>AMOUNT</u>
RUDY CONSTRUCTION CO Oklahoma City, OK	\$763,176.50
C-P INEGRATED SERVICES, INC. Oklahoma City, OK	\$986,995.32
CGC, LLC Edmond, OK	\$692,547.00
SHELL CONSTRUCTION CO Oklahoma City, OK	\$799,410.00
ALL ROADS PAVING, INC Oklahoma City, OK	\$635,932.96
ORION CONSTRUCTION SERVICES CORP. Oklahoma City, OK	\$1,475,178.29
BISHOP PAVING CO INC. Oklahoma City, OK	\$633,409.90
SAC SERVICES, INC. Oklahoma City, OK	\$971,502.60
Engineer's Estimate - \$697,299.50	

City Engineer John Krywicki read the bids into the record and requested that the bid award be deferred until the next meeting to allow staff to review and check references.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Smith, to defer the bid award to the November 19, 2012 City Commissioner meeting. Motion carried 7-0.

AYE: Harrod, Smith, Stephens, Agee, Mainord, Hall, Winterringer

NAY: None

AGENDA ITEM NO. 10:

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. 11:

Administrative Reports

There was no Administrative Reports.

AGENDA ITEM NO. 12:

Commissioners Comments

Mayor Mainord said that he had attended a recent water meeting and was very concerned about water conservation.

Vice Mayor Harrod asked staff how much money was left from the projects funded from the bond refinance, which included the Expo parking lot and electrical upgrade. The exact figures were not available but would be provided at a later date.

Vice Mayor Harrod also asked City Engineer John Krywicki about the 45th Street paving project. Mr. Krywicki stated that the paving company had completed their work.

Vice Mayor Harrod also requested a moratorium on homeless shelters until after an ordinance could be passed placing conditions on such shelters.

RECESS CITY COMMISSION MEETING BY POWER OF THE CHAIR TO CONVENE SHAWNEE MUNICIPAL AUTHORITY AND SHAWNEE AIRPORT AUTHORITY AT 9:06 P.M.

RECONVENE CITY COMMISSION MEETING BY POWER OF THE CHAIR AT 9:08 P.M.

AGENDA ITEM NO. 13:

Consider an Executive Session to discuss City Attorney's employment contract pursuant to 25 O.S. §307(B)(1).

AGENDA ITEM NO. 14:

Consider an Executive Session to discuss City Manager's employment contract pursuant to 25 O.S. §307(B)(1).

AGENDA ITEM NO. 15:

Consider an Executive Session to discuss defense of Wilbanks v. City of Shawnee, Pottawatomie County CJ-2012-000478 pursuant to 25 O.S. §307(B)(4) on the recommendation of counsel that public discussion would impair the ability of the City Attorney to adequately defend the City.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to enter into Executive Session to discuss Agenda Items 13, 14 and 15. Motion carried 7-0.

AYE: Harrod, Winterringer, Smith, Stephens, Agee, Mainord, Hall

NAY: None

COMMISSION ENTERS EXECUTIVE SESSION AT 9:09 P.M.

COMMISSION RETURNS FROM EXECUTIVE SESSION WITH ALL COMMISSIONERS PRESENT AT 9:53 P.M.

AGENDA ITEM NO. 16:

Consider matters discussed in Executive Session regarding City Attorney's employment contract pursuant to 25 O.S. §307(B)(1).

A motion was made by Vice Mayor Harrod, seconded by Commissioner Smith, to adjust the City Manager's salary in accordance with his contract, with said adjustment retroactive to July 1, 2012. Motion carried 7-0.

AYE: Harrod, Smith, Stephens, Agee, Mainord, Hall, Winterringer

NAY: None

AGENDA ITEM NO. 17:

Consider matters discussed in Executive Session regarding City Manager's employment contract pursuant to 25 O.S. §307(B)(1).

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to adjust the City Attorney's salary in accordance with her contract, with said adjustment retroactive to July 1, 2012. Additionally, the City Attorney's contract shall include a six-month severance benefit. Motion carried 7-0.

AYE: Harrod, Winterringer, Smith, Stephens, Agee, Mainord, Hall

NAY: None

AGENDA ITEM NO. 18:

Consideration and possible action on matters discuss in Executive Session regarding of Wilbanks v. City of Shawnee, Pottawatomie County CJ-2012-000478 pursuant to 25 O.S. §307(B)(4) on the recommendation of counsel that public discussion would impair the ability of the City Attorney to adequately defend the City.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Smith, to authorize the City Attorney to proceed as directed in Executive Session regarding Wilbanks v. City of Shawnee, Pottawatomie County CJ-2012-000478. Motion carried 7-0.

AYE: Harrod, Smith, Stephens, Agee, Mainord, Hall, Winterringer

NAY: None

AGENDA ITEM NO. 19:

Adjournment

There being no further business to be considered, a motion was made by Commissioner Winterringer, seconded by Commissioner Stephens, that the meeting be adjourned. Motion carried 7-0. (9:58 p.m.)

AYE: Winterringer, Stephens, Agee, Harrod, Mainord, Hall, Smith

NAY: None

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

2. b.

Meeting Date: 11/19/2012

Budget Amendment

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Budget Amendment – Capital Fund 301

To bring monies from fund balance to current year – this is the remaining money that was not spent last year and it went into fund balance and it needs to be brought back up into current year

Attachments

Budget Amendment Fund 301

Estimated Revenue, Fund Balance, or Transfers IN

Fund Number	Account Number	Project Code	Line Item	Description	Balance	Amount of	Balance
					Before Amendment	Amendment Increase (Decrease)	After Amendment
301	3001			Fund Balance	336,514.23	236,613.73	99,900.50
							-
				Total		236,613.73	

Appropriations

[illegible]

Approved by the City Commission this

Explanation of Budget Amendment:

Housekeeping item- bring monies from fund balance to current year- this is the remaining money that was not spent last year and it went into fund balance and it needs to be brought back up into current year

Approved:

Mayor

Attest:

City Clerk

Posted By _____ Date _____ BA# _____ Pkt.# _____

Regular Board of Commissioners

2. c.

Meeting Date: 11/19/2012

Budget Amendment General Police

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Budget Amendment – General Fund

Monies not spent last year and need to be brought up from fund balance - /Ammo was on backorder

Attachments

Budget Amendment Ammo

Estimated Revenue, Fund Balance, or Transfers IN

Fund Number	Account Number	Project Code	Line Item	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
001	3001			Fund balance	3,428,596.00	(3,640.00)	3,424,956.00
							-
				Total		(3,640.00)	3,424,956.00

Appropriations

[illegible]

Approved by the City Commission this

Housekeeping items- Monies not spent last year and need to be brought up from fund balance-AMMO was on backorder

Approved:

Mayor

Attest:

Posted By _____ Date _____ BA# _____ Pkt.# _____

Regular Board of Commissioners

2. d.

Meeting Date: 11/19/2012

Budget Amendment General Fire Dept

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Budget Amendment – General Fund

Use donated monies to purchase logo sign for station 1

Attachments

Budget Amendment Fire Dept Sign

Estimated Revenue, Fund Balance, or Transfers IN

Appropriations

Posted By _____ Date _____ BA# _____ Pkt.# _____

Regular Board of Commissioners

2. e.

Meeting Date: 11/19/2012

Committee Minutes and Reports

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge the following minutes and reports:

- Planning Commission minutes from regular meeting October 3, 2012.
- Project Payment Report for October 2012
- License Payment Report for October 2012

Attachments

Planning Commission Minutes

Project Payment Report

License Payment Report

PLANNING COMMISSION MINUTES

DATE: OCTOBER 3, 2012

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 3, 2012 at 1:30 p.m., pursuant to notice duly posted as prescribed by law. Stephanie Clary, Assistant City Planner for the City of Shawnee, presented the staff reports. Staff reports are available upon request.

AGENDA ITEM NO.1: Roll Call

Upon roll call the following members were present:

Brad Carter, Kirk Hoster, Shawna Turner, Chris Silvia, Taylor Prince, Ben Salter

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

AGENDA ITEM NO. 2: Approval of the minutes from the July 5, 2012 Planning Commission Meeting.

Chairman Shawna Turner asked for changes or corrections to minutes. Commissioner Carter made a motion to approve the July 5, 2012 Minutes with corrections. Commission Prince seconded the motion.

Motion passed:

AYE: Carter, Prince, Hoster, Turner, Silvia, Salter

NAY:

ABSTAIN:

AGENDA ITEM NO.3: Approval of the minutes from the September 5, 2012 Planning Commission Meeting.

Chairman Shawna Turner asked for a motion. Commissioner Silvia made a motion seconded by Commissioner Prince to approve the September 5, 2012 minutes.

Motion passed:

AYE: Silvia, Prince, Carter, Hoster, Turner, Salter

NAY:

ABSTAIN:

AGENDA ITEM NO. 4: Citizens' Participation

(A three minute limit per person)

(A twelve minute limit per topic)

Chairman Turner opened the Citizens' Participation and asked if anyone would like to speak. No one came forward.

AGENDA ITEM NO. 5:

Case # P14-12 A public hearing for consideration of approval to rezone property for C-1; Neighborhood Commercial to C-3; Automotive, Commercial and Recreation for property located at 400 West MacArthur.

Applicant: Ron Degraffenreid

Chairman Turner asked for the staff report. Stephanie Clary presented the staff report and recommended approval to rezone property at 400 West MacArthur to C-3; Automotive, Commercial and Recreation.

Chairman Turner asked the applicant, Ron Degraffenreid to come forward to answer questions from the Commissioners. Mr. Degraffenreid told the Commission he is moving from his current location at 2820 North Kickapoo and estimated it would take 120 days to complete.

Chairman Turner opened the public portion to speak for or against the proposal. Since no one came forward, Chairman Turner asked for a motion. Commissioner Hoster made the motion to approve, seconded by Commissioner Prince.

Motion passed:

AYE: Hoster, Prince, Carter, Turner, Silvia, Salter

NAY:

ABSTAIN:

AGENDA ITEM NO. 6:

Case # P15-12 A public hearing for consideration of approval to rezone property from A-1; Agricultural to I-2; Light Industrial for property located at 8331 North Harrison.

Applicant: Clayton Eads

Chairman Turner asked for staff report. Stephanie Clary presented the staff report with a staff recommendation to approve applicants request to rezone to I-2; Light Industrial.

Chairman Turner asked Clayton Eads to come forward for any questions from the Commission. A representative for Clayton Eads spoke. He informed the Commission that this application would mainly to be used for commercial storage. Proposed plan is a total of three buildings at this time however, the number of units per building is currently uncertain. Additional buildings are planned at a later date. They continue to work with engineers with egress off Harrison and flood plain issues.

Chairman Turner opened the public portion. No one came forward. Motion was made by Commissioner Silvia to approve the proposal and a second from Commissioner Carter.

Motion passed:

AYE: Silvia, Carter, Hoster Prince, Salter

NAY: Turner

ABSTAIN:

AGENDA ITEM NO. 7:

Case # S11-12 Consideration of approval of a preliminary plat for North Harrison Street business Park located at the NE corner of Highway 18 and Wolverine Road.

Applicant: Landes Engineering

Chairman Turner asked for staff report. Stephanie Clary reported the staff only recommends approval of the Preliminary Plat for Lots 1, 3 and 4 of Phase 1.

These are not currently in the flood plain and front on Harrison. Staff feels this is best until the applicant can address the flood plain issues with FEMA.

Approval of this preliminary plat for Lots 1, 3 and 4 of Phase 1, as recommended by staff, would be subject to the following conditions:

1. The submitted Final Plat and Improvement Plans shall only indicate lots that are entirely outside of the regulated floodplain.
2. The driveway access on Highway 18 shall be approved by the City Engineer and Oklahoma Department of Transportation.
3. Final Plat improvement plans shall be approved by the City Engineer prior to the approval of the final Plat.
4. Sidewalks shall be installed in accordance with the City's sidewalk ordinance.
5. The building on Phase 1, Lot 3 shall be removed or the eastern property line shall be corrected to prevent the line from dividing the existing structure.
6. All other applicable City standards apply and no variances are hereby approved.

Chairman Turner asked the Engineer for Landes Engineering to come forward. He mentioned Lots 3 and 4 will not be developed but remain green spaces and the façade will resemble Mr Eads's storage facility located on West MacArthur.

Chairman Turner opened the floor for public comment. No one came forward. She then asked for a motion. Commissioner Silvia made the motion to approve with the six stipulations per staff recommendations. Commissioner Prince seconded the motion.

Motion passed:

AYE: Silvia, Prince, Carter, Hoster Prince, Salter

NAY: Turner

ABSTAIN:

AGENDA ITEM NO. 8:

Case # P 16-12 A public hearing for consideration of approval to rezone property from R-1; Residential, Single Family Dwelling to R-3; Multi-Family Dwelling for property located at 3300 North Union.

Applicant: Mike Little Construction

Chairman Turner asked for staff report. Stephanie Clary gave the staff report and stated the applicant wishes to defer this item until the next Planning Commission Meeting on November 7, 2012.

Motion to defer, at the request of the applicant, until the November 7, 2012, meeting was made by Commissioner Prince and seconded by Commissioner Silvia.

Motion passed:

AYE: Prince, Silvia, Carter, Hoster, Turner, Salter

NAY:

ABSTAIN:

AGENDA ITEM NO. 9:

Case # P 17-12 A public hearing for consideration of approval to rezone property from C-1; Neighborhood Commercial to C-3; Automotive, Commercial and Recreation for property located at 906 East Independence

Applicant: O'Reilly Automotive Store, Inc.

Chairman Turner asked for Staff Report. Stephanie Clary presented the staff report stating the applicant is requesting this rezoning to use the property for an addition to the main structure and for extra parking spaces. Staff recommends rezoning the property to C-3.

Chairman Turner opened the public portion asking if anyone was for or against this proposal. No one came forward.

Chairman Turner asked for a motion. Commissioner Hoster made the motion to approve the rezoning request. A second was made by Commissioner Carter.

Motion passed:

AYE: Hoster, Carter, Turner, Silvia, Prince, Salter

NAY:

ABSTAIN:

AGENDA ITEM NO. 10:

CASE #S12-12 Consideration of approval of a final plat for Shawnee Medical Center located at Keithley Road and MacArthur Street.

Applicant: Shawnee Real Estate Holdings, LLC

Chairman Turner asked for staff report. Stephanie Clary presented the staff report. The applicant has requested this item be deferred until the November 7, 2012 Planning Commission Meeting.

Chairman Turner asked for the motion. Commissioner Hoster made the motion to defer this proposal, seconded by Commission Salter.

Motion passed:

AYE: Hoster, Salter, Carter, Turner, Silvia, Prince

NAY:

ABSTAIN:

AGENDA ITEM NO. 11 and 12: CASE #S13-12 and Case #S14-12 Consideration of approval of a preliminary plat and final plat for Belmont Park Addition located at Acme Road and MacArthur Street

Applicant: J Bentley Development, LLC

Chairman Turner asked for staff report. Stephanie Clary presented a combined staff report for Case #S13-12 and Case #S14-12. The applicant is requesting the approval for a multi-family housing unit complex. Staff recommends approval of the preliminary plat.

Staff reported the applicant is requesting final preliminary approval for Lot 1 and will return to the commission to request approval for Lots 2 and Lots 3 at a later date. Staff recommends approval of the final plat with the following conditions.

1. Final improvements plans shall be approved by the City Engineer prior to construction.
2. Prior to filing (recording) the final plat, the applicant shall commence with making the required public site improvements in accordance with construction plans approved by the City Engineer or otherwise bond the project in accordance with City code.
3. The final Plat shall clearly note a total right-of-way width of 50 feet.
4. Sidewalks shall be installed in accordance with the City's sidewalk ordinance.
5. All other applicable standards apply.

With no questions or discussion, Chairman Turner opened public portion. No one came forward. Motion to approve the preliminary plat was made by Commissioner Prince, seconded by Commissioner Silvia.

Motion passed:

AYE: Prince, Silvia, Carter, Hoster, Turner, Salter

NAY:

ABSTAIN:

Chairman Turner asked for a motion to approve the Final Plat with the five recommendations from staff. Commissioner Prince made a motion with a second from Commissioner Silvia.

Motion passed:

AYE: Prince, Silvia, Carter, Hoster, Turner, Salter

NAY:

ABSTAIN:

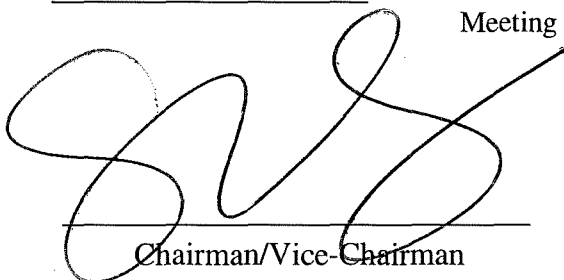
AGENDA ITEM NO. 13: **Planning Director's Report**

There was no report.

AGENDA ITEM NO. 14: **New Business/Commissioner Comments**

Chairman Turner asked for report from Staff. Stephanie Clary came forward with a letter for the Traffic Commission and the City Commission regarding potential bike lanes and pedestrian safety around Bryan Street. Commission decided to take action on letter at the October 10, 2012 meeting.

AGENDA ITEM NO. 15: **Adjournment**
Meeting was adjourned.



Chairman/Vice-Chairman

Linda Burg
Linda Burg, Planning Commission Secretary

11/01/2012 2:20 PM
STATUS: ALL
SEGMENT CODES: All
FEE CODES: All

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

PAGE: 7
PROJECTS: THRU ZZZZZZZZZZ
PAYMENT DATES: 10/01/2012 TO 10/31/2012
SORTED BY: PROJECT

** GENERAL LEDGER DISTRIBUTION **

FUND G/L ACCOUNT	ACCOUNT NAME	AMOUNT
001-2133	UBCC FEE PAYABLE	503.95CR
001-4202	BUILDING PERMITS	4,604.05CR
001-4203	PLUMBING PERMITS	1,720.00CR
001-4204	ELECTRICAL PERMITS	590.00CR
001-4205	ZONING PERMITS & APPLICATIONS	836.00CR
001-4206	HEATING & A/C PERMITS	1,725.00CR
001-4249	OTHER PERMITS	535.00CR
001-4822	OTHER MISC. REVENUE	63.00CR
101-4249	OTHER PERMITS	75.00CR
501-4510	WATER TAPS	1,200.00CR
799-1023	BANCFIRST GENERAL	11,852.00

11/01/2012 2:20 PM
STATUS: ALL
SEGMENT CODES: All
FEE CODES: All

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: 10/01/2012 TO 10/31/2012
SORTED BY: PROJECT

** SEGMENT CODE TOTALS **

SEGMENT CODE	DESCRIPTION	TOTAL PAID
B1-NEW	BUILDING CONSTRUCTION NEW	4,429.59CR
B2-ADD	BUILDING CONSTRUCTION ADD	322.48CR
B3-REMODEL	BUILDING CONSTRUCTION REM	1,269.48CR
B4-OTHER	BUILDING CAPORT/SHELTER	206.50CR
E2-ADD	ELECTRICAL ADDITION	24.50CR
E3-REMODEL	ELECTRICAL REMODEL/REPAIR	669.00CR
M2-ADD	MECHANICAL ADDITION	104.50CR
M3-REMODEL	MECHANICAL REMODEL/REPAIR	1,644.45CR
P2-ADD	PLUMBING ADDITION	154.50CR
P3-REMODEL	PLUMBING REMODEL	1,502.00CR
P5-SEPTIC	SEPTIC PERMIT	20.00CR
X-BORE/CUT	BORING & PAVING CUT PERMI	50.00CR
X-DEMO	DEMOLITION PERMIT	100.00CR
X-PLATFIN	PLAT REVIEW FINAL	328.00CR
X-PLATREV	PLAT REVIEW PRELIM	228.00CR
X-SIGN	SIGN PERMIT	200.00CR
X-SWIMPOOL	SWIMMING POOL PERMIT	69.00CR
Z-CONDUSE	CONDITIONAL USE PERMIT	355.00CR
Z-OCCUP	OCCUPANCY PERMIT	175.00CR
TOTAL		11,852.00CR

11/01/2012 2:52 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: 10/01/2012 TO 10/31/2012

** FEE CODE TOTALS **

FEE CODE	DESCRIPTION		FEE	PENALTY	PAYMENT DISTRIBUTION TAX	INTEREST	TOTAL PAI
ALARM	BURGLAR/FIRE ALARM LICENSE	8	200.00CR				200.00
BOATREG	BOAT REGULAR PERMIT	1	26.00CR				26.00
CONCE	CONCESSION STAND EVENT FEE	1	7.50CR				7.50
ELEC2	ELECTRICAL CONTRACTOR RENEW	6	525.00CR				525.00
FISHANNUAL	FISHING ANNUAL FEE	2	30.00CR				30.00
HUNT2	MIGRATORY FOWL	2	16.00CR				16.00
IMERC	ITINERANT MERCHANT FEE	1	50.00CR				50.00
LAKE-IN	LAKE LEASE CITY RESIDENT	2	400.00CR				400.00
LAKE-OUT	LAKE LEASE NON RESIDENT	2	800.00CR				800.00
LAKEINSP	LAKE LEASE INSPECTION	8	600.00CR				600.00
LAKELEASE	LAKE LEASE	13	8,112.00CR				8,112.00
LAKEXFER	LAKE LEASE TRANSFER FEE	1	1,000.00CR				1,000.00
MECH2	MECHANICAL CONTRACTOR RENEW	5	375.00CR				375.00
PLUM1	PLUMBING CONTRACTOR INITIAL	1	100.00CR				100.00
PLUM2	PLUMBING CONTRACTOR RENEW	8	650.00CR				650.00
RESAL	RESIDENTIAL SALE	153	1,540.00CR				1,540.00
SIGN	SIGN HANGERS LICENSE FEE	1	75.00CR				75.00
STORM	STORM CELLAR LICENSE FEE	1	75.00CR				75.00
TREE	TREE TRIMMING LICENSE FEE	1	25.00CR				25.00
TOTAL			14,606.50CR				14,606.50

Regular Board of Commissioners

2. f.

Meeting Date: 11/19/2012

Retirement Fund Refund - MiChell Gibson

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for MiChell Gibson.

Regular Board of Commissioners

4.

Meeting Date: 11/19/2012

Mayor's Proclamation

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Mayor's Proclamation:

"Winter Weather Awareness Day"

November 20, 2012

Regular Board of Commissioners

5.

Meeting Date: 11/19/2012

YMCA Presentation

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Presentation and update regarding the YMCA by Theresa Hendrix, new Chief Executive Officer of the YMCA.

Regular Board of Commissioners

6.

Meeting Date: 11/19/2012

Rezoning P16-12

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

A public hearing and consideration of an ordinance to rezone property from R-1; Residential, Single Family Dwelling to R-3; Multi-Family Dwelling for property located at 3300 North Union.

Case #P16-12 Applicant: Mike Little Construction

Deferred from the October 15, 2012 meeting.

Attachments

Rezone P16-12

Ordinance P16-12

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Mike Little Construction
FOR: Rezone
LOCATION: 3000 Wolf Trail (3300 Block of North Union)
PROJECT#: 121052 Case# P16-12

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION:

R-1; Residential, Single Family Dwelling

REQUESTED CLASSIFICATION:

R-3; Multi-Family Dwelling

PROPOSED PROPERTY USE:

Combined Residential District

PLANNING COMMISSION MEETING DATE: November 7, 2012

PLANNING COMMISSION RECOMMENDATION: Approval

VOTE OF THE PLANNING COMMISSION: *MEMBERS PRESENT:* 7

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN			X			
CARTER			X			
HOSTER	X		X			
TURNER (CHAIRMAN)			X			
SILVIA (VICE-CHAIRMAN)		X	X			
PRINCE			X			
SALTER			X			

RESPECTFULLY SUBMITTED,

Linda Burg

SECRETARY, PLANNING COMMISSION

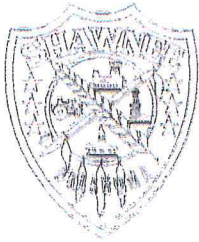
ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

STAFF REPORT
REZONE REQUEST
CASE #P16-12

TO: Shawnee Planning Commission

AGENDA: October 3, 2012

RE: CASE #P16-12; 3000 Wolf Trail (3300 Block of North Union)

PROPOSAL

The applicant is requesting the rezone of property located at 3000 Wolf Trail (3300 Block of North Union) from R-1, Single Family Residential to R-3, Multi-Family Residential. The applicant wishes to continue phased construction of the housing development to the south with duplexes and/or multifamily housing.

GENERAL INFORMATION

Applicant	Mike Little Construction, Bill Thurman
Owners	LLL Properties
Site Location/Address	<i>See Figure 1</i>
Current Site Zoning	R-1
Parcel Size	109,954 sq ft
Proposed Use	Multi-family housing
Comprehensive Plan Designation	Residential
Existing Land Use	Residential
Surrounding Proposed Land Use	<u>North</u> : Commercial/Residential <u>South</u> : Commercial/Residential <u>West</u> : Commercial/Residential <u>East</u> : Commercial/Residential

Surrounding Zoning	<u>North:</u> R-1 <u>South:</u> R-3 <u>West:</u> R-1 <u>East:</u> R-1
--------------------	--

STAFF ANALYSIS AND FINDINGS

The applicant is requesting permission for a zone change to allow for the extension of the current housing development to the south. The property is currently landlocked and surrounded by residential R-1 zoning on three sides with R-3 zoning to the south. The development is proposed as a continuation of Margaret Manor, which is a senior living housing development to the south of the site. The site would have triplexes and fourplexes as shown on the site plan with the private street Wolf Trail being extended if the site were developed as proposed. The applicant also suggested other property could be obtained to allow for road frontage on Union Street.

This site does not have road frontage currently and as such, would not be eligible for any other lot divisions. Before construction could commence, the applicant would also have to provide accessible road frontage by purchasing lots fronting on Union Street or doing a lot consolidation with the property to the south. Depending on what action the applicant takes to rectify the road frontage issue, the applicant may or may not have to return to the Planning Commission for approval.

The application meets all of the requirements for a zone change, and it is in Staff’s opinion that the proposed change does conform to the Comprehensive Plan (Figure 2), which recommends that the area be used for residential use. According to the Plan, “conventional one-family detached dwellings represent the primary use, although two-family units such as duplexes and “granny flats” are acceptable throughout the area. . . when appropriate, other uses may include multifamily residential activity and neighborhood commercial.” The plan does allow for multifamily dwellings which would be similar to the site to the South, allowing for similar uses within the community.

The property to the South was previously zoned R-3 in 1980 and the apartment buildings on the northeast corner of MacArthur and Union are zoned R-3 as well. The Comprehensive Plan does not note the higher use of the property, even though it was zoned R-3 before the 2005 Comprehensive Plan was created. Because of the current uses and the changing nature of the community, the continuation of R-3 zoning and the proposed housing would not adversely affect the area.

RECOMMENDATION

Based on the analysis and findings above, Staff recommends approval of the applicant’s request to rezone the subject property to R-3. The proposal conforms to the Shawnee Comprehensive Plan and the proposed uses are allowable under the proposed zoning. Staff recommends that the Planning Commission forward this recommendation to the City Commission.

Attachments

1. Figure 1-Zoning Map
2. Figure 2-Land Use Map

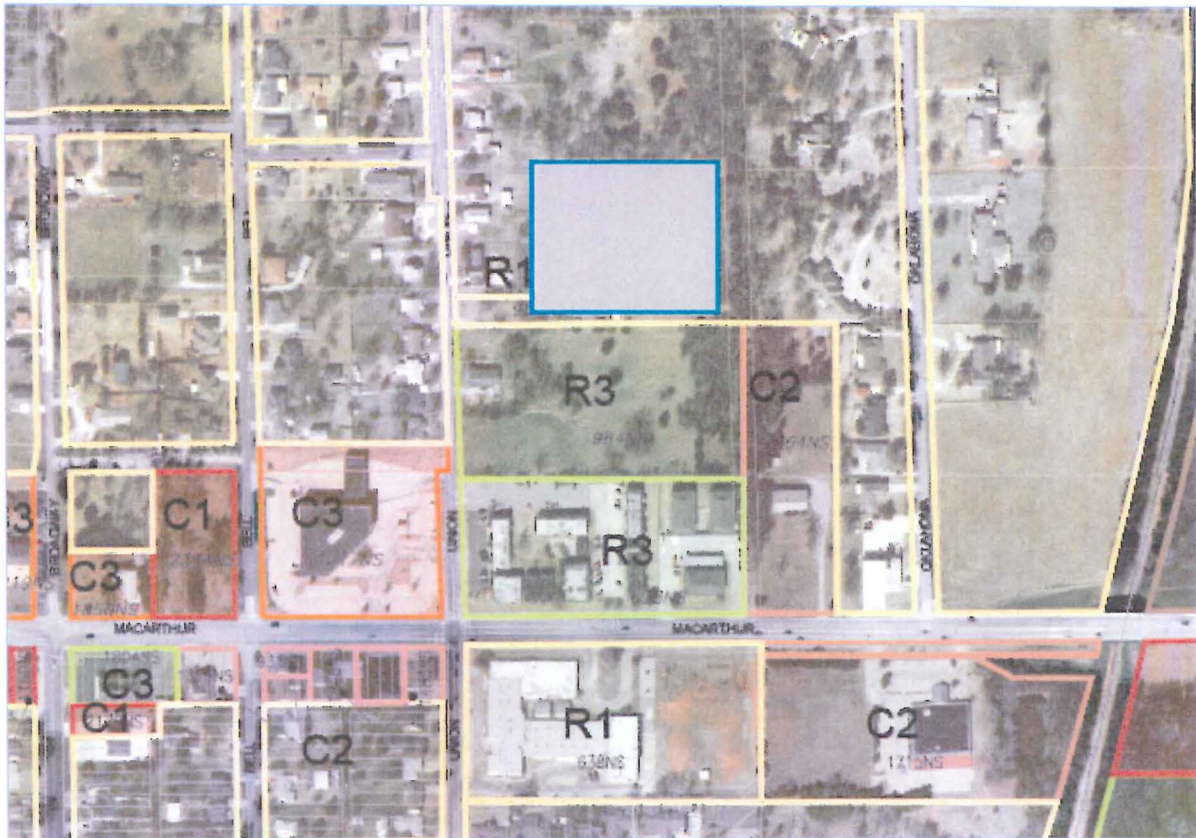


Figure 1: Zoning map, with site outlined in blue.

FUTURE LAND USE

- Rural Development/Agriculture
- Residential
- Commercial/Residential
- Commercial
- Residential/Public/Commercial
- Public/Commercial
- Public
- Residential/Public
- Industrial/Commercial
- Industrial
- Parks/Open Space
- Right of Way
- Lake
- Shawnee City Limits
- Planning Area

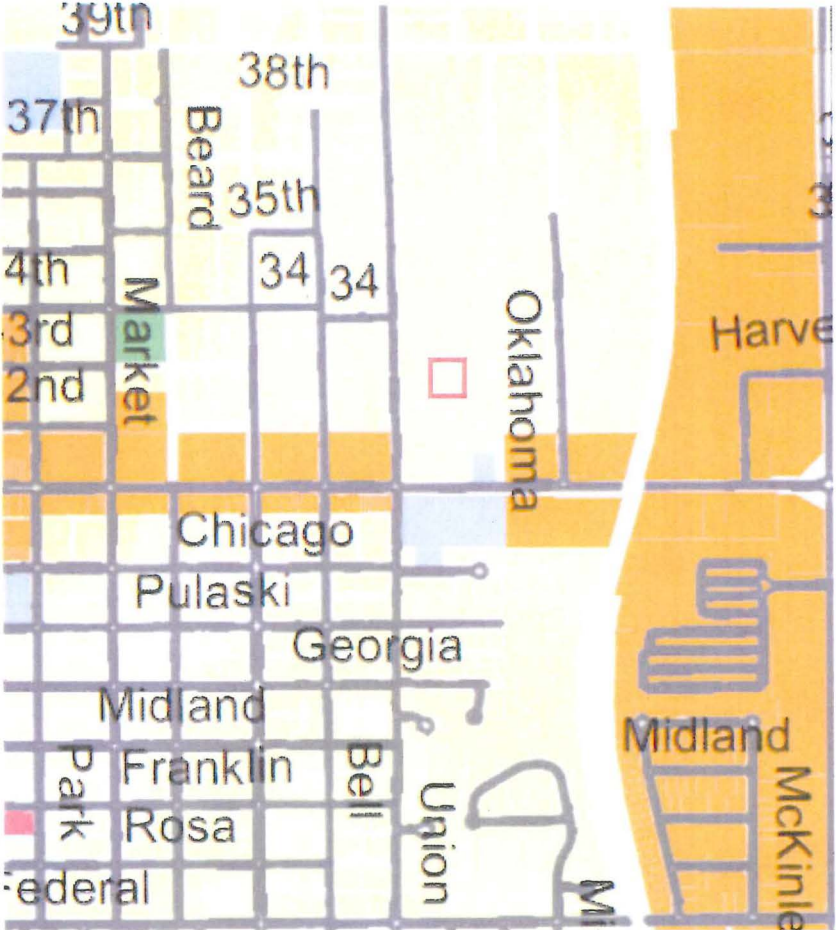


Figure 2: Future Land Use Map, with site outlined in red

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P16-12

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:

A tract of land described as beginning at the Northwest Corner of Lot Twenty-two (22), KELLY'S ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma; thence S88°57'23"E along the North line of said Lot 22 a distance of 320.00 feet to the point of beginning; thence continuing S88°57'23"E along the North line of Lot 22 a distance of 239.00 feet; thence S00°00'22"W a distance of 331.76 feet; thence N88°46'32"W along the South line of Lot 22 a distance of 397.00 feet; thence N00°00'00"E a distance of 194.51 feet; thence S88°57'23"E a distance of 158.01 feet; thence N00°00'00"E a distance of 136.00 feet to the point of beginning.

General Location Known As:	<u>3300 North Union</u>
Current Zoning Classification:	<u>R-1; Residential, Single Family Dwelling</u>
Requested Zoning Classification:	<u>R-3; Multi-Family Dwelling</u>
Proposed Use of Property:	<u>Combined Residential District</u>
Applicant:	<u>Mike Little Construction</u>

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

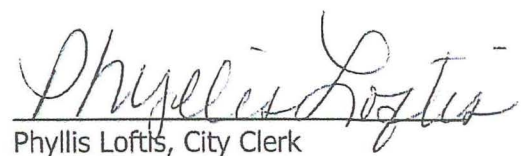
The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

October 03, 2012	AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
October 15, 2012	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 12 day of September, 2012.




Phyllis Loftis, City Clerk

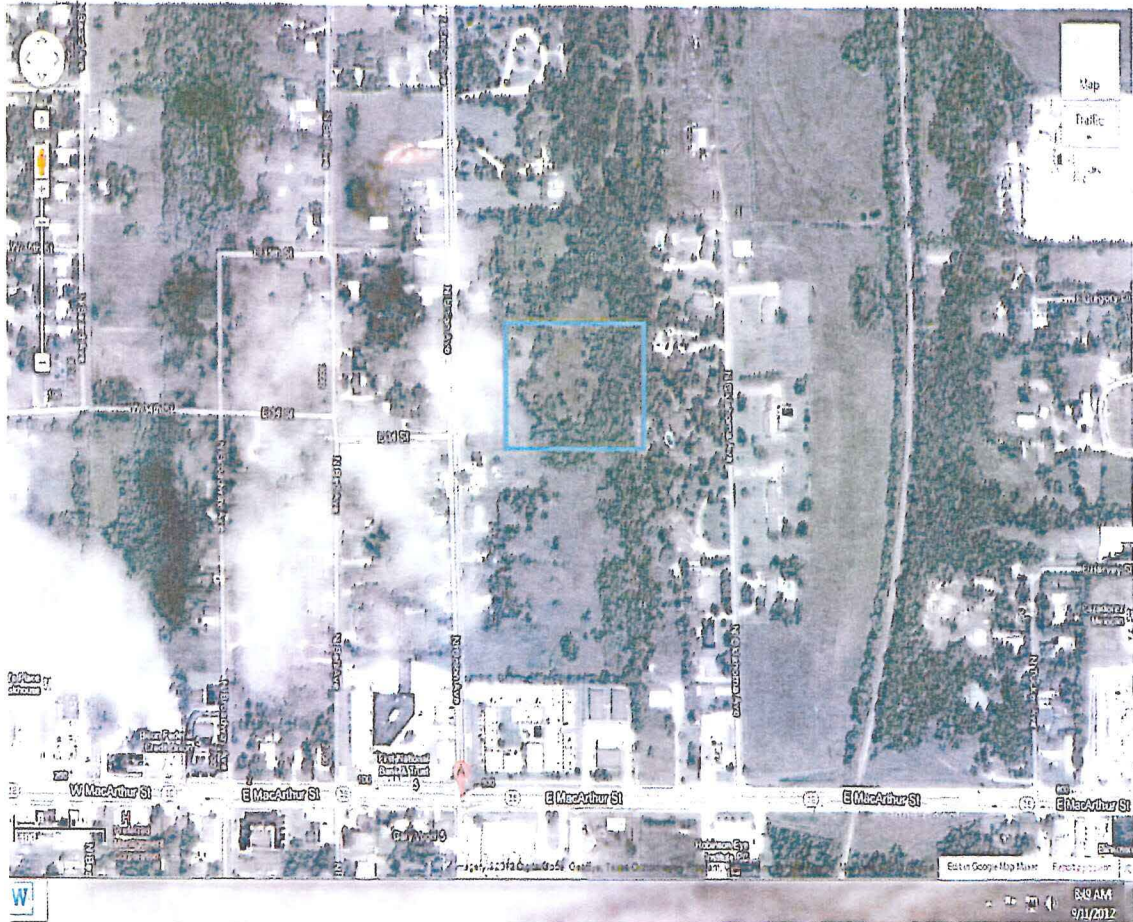
Zoning Map

Figure 1 – Zoning Map- Property in question is highlighted in blue.



Location Map

Figure 2 – Location Map- Property in question is highlighted in blue.



CITY OF SHAWNEE
222 N. BROADWAY
SHAWNEE, OK 74801

PLANNING DEPARTMENT
PHONE: (405) 878-1666
FAX: (405) 878-1587

PLANNING COMMISSION APPLICATION
PROJECT NO. 121052 CASE NO. P16-12

REQUEST:

Rezoning X 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 R-1 District to R-3 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 3300 block of north Union (east of houses on east side of Union)
3000 Wolf TRAIL

per Jennifer -
Emerg. Management

LEGAL DESCRIPTION: see Exhibit "A" attached (2 pages)

PROPERTY OWNER (S): LLL Properties

PROPERTY AGENT (APPLICANT): Mike Little Construction, Attention Bill Thurman

APPLICANT'S ADDRESS: 1901 N. Kickapoo

CITY: Shawnee STATE OK ZIP 74804

EMAIL ADDRESS: westchester.bill@att.net

TELEPHONE NUMBER: (405) 273-4471 CONTACT NUMBER: cell (405) 229-8958

DIMENSIONS OF PROPERTY: AREA _____ WIDTH _____

See Site Plan & Legal Attached LENGTH _____ FRONTAGE _____

CURRENT ZONING: R-1 CURRENT USE: Single Family Residential District

PROPOSED ZONING: R-3 PROPOSED USE: Combined Residential District

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.

[Signature]
SIGNATURE OF APPLICANT

(FOR STAFF USE ONLY)
Filed in the office of the Planning Department, 222 N. Broadway, this 6 day of, September 2012

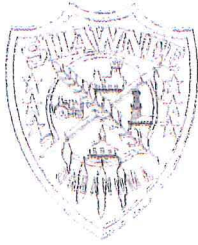
[Signature]
PLANNING COMMISSION SECRETARY

REZONING &/OR C.U.P FEE \$ 280.00
RECEIPT NO. 01376546

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
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

STAFF REPORT
Shawnee Medical Center
Case #S12-12

TO: Shawnee Planning Commission

AGENDA: November 7, 2012

RE: Shawnee Medical Center Replat

PROPOSAL

The applicant is requesting Final Plat approval for a replat that seeks to correct an error in previous survey data. The property is located in the vicinity of Kethley Road and MacArthur Street and is part of the Shawnee Medical Center (St. Anthony's) complex. The purpose of the replat is to correct deficiencies and dimensional errors in the previous two plats (Unity Medical Plaza – Addition 1, Surgery Center at Unity).

GENERAL INFORMATION

Applicant	Shawnee Real Estate Holdings LLC
Owners	Shawnee Real Estate Holdings LLC
Current Site Zoning	PUD: Planned Unit Development
Parcel Size	25.12 acres
Proposed Use	Commercial/Industrial
Comprehensive Plan Designation	Commercial/Industrial
Existing Land Use	Commercial
Surrounding Zoning	<u>North:</u> R-1 <u>South:</u> C-2 & I-2 <u>West:</u> I-2P <u>East:</u> C-2



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

STAFF REVIEW AND ANALYSIS

This area included within the plat has been approved for a final plat by the Planning Commission prior (as part of two plats). The applicant is seeking to correct an error made on the previous plats regarding the dedication of right of way. The amendment does not affect any of the lot sizes and is considered a minor change. All existing lots will meet all applicable zoning standards and public utilities will continue to be in public right-of-way and/or easements.

The City Engineer has reviewed the plans and has no concerns, provided the water line is contain within a noted easement. The 13.77-foot easement shall be clearly noted on the final plat.

STAFF RECOMMENDATION

Staff recommends **approval** of the Shawnee Medical Center replat.

Attachments

1. Final Plat

FINAL PLAT APPLICATION FOR THE CITY OF SHAWNEE

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 878-1665 with any questions.

APPLICANT Shawnee Real Estate Holdings LLC; Shawnee Pharmacy LLC; Shawnee Surgical Realty LLC; St. Anthony Shawnee Hospital Inc
APPLICANT ADDRESS c/o Smith Roberts Baldschwiler LLC
APPLICANT PHONE NUMBERS 100 NE 5th St. OKC 73104
405-840-7094
EMAIL ADDRESS joe.c@srbook.com

NAME OF PLAT SHAWNEE MEDICAL CENTER
LOCATION Part of SW/4 & SE/4 Sec 1 T00N R3E Keithley Road
& MacArthur St.
NUMBER OF ACRES 25.12 NUMBER OF LOTS 10

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS:

FEE: \$325.00

PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS _____

PLUS \$1.00 PER LOTS OVER FIFTY(50) LOTS NUMBER OF LOTS _____

TOTAL COST _____

FOR LESS THAN 2 ACRE LOTS:

FEE: \$325.00

PLUS \$2.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 10 20.00

PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____

TOTAL COST 345.00

OWNER/DEVELOPER INFORMATION:

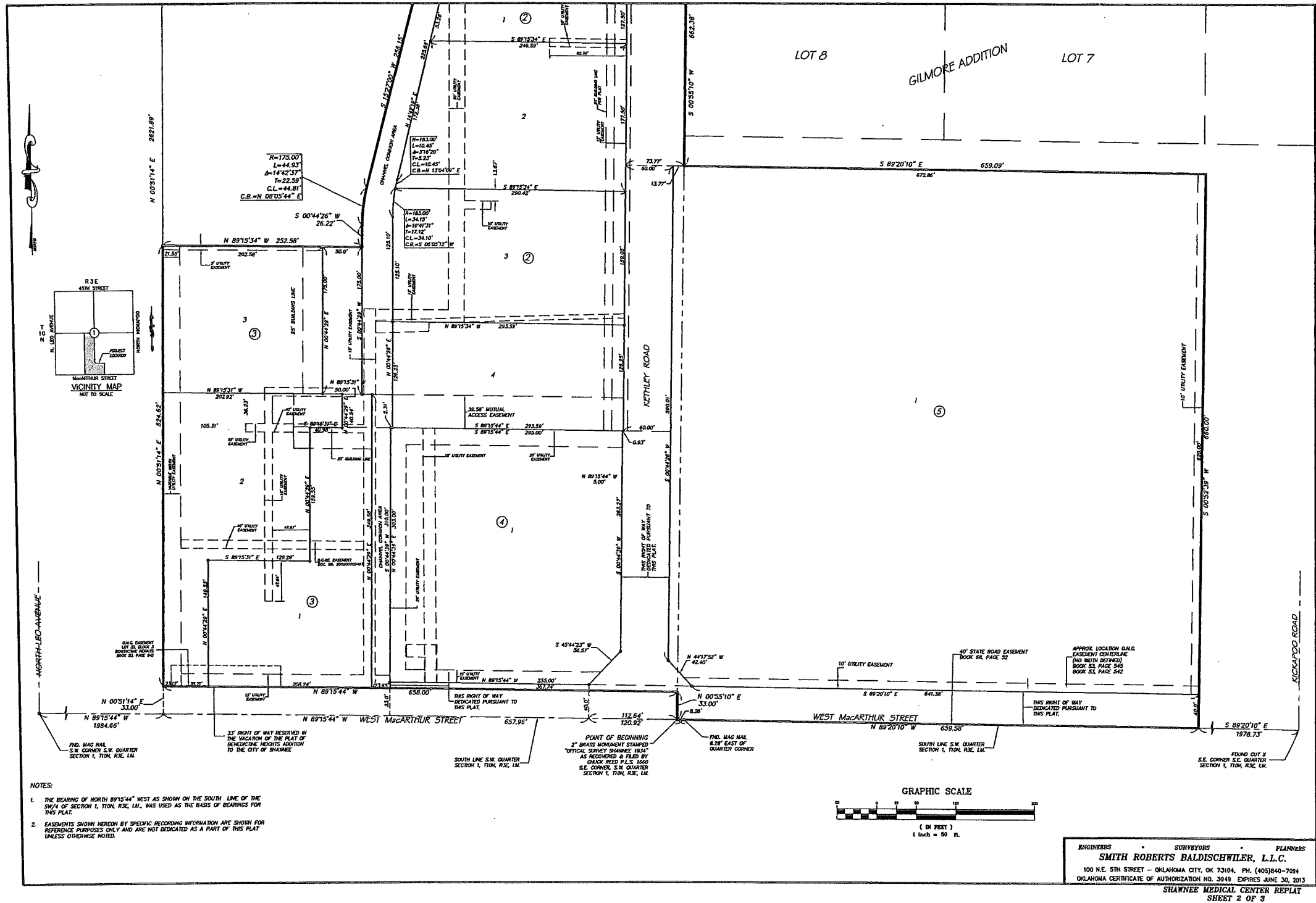
NAME Same as Applicant Above
ADDRESS c/o Smith Roberts Baldschwiler LLC
CONTACT NUMBERS 840-7094 Joe Corey PLS.
EMAIL ADDRESS joe.c@srbook.com

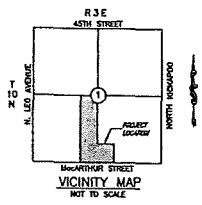
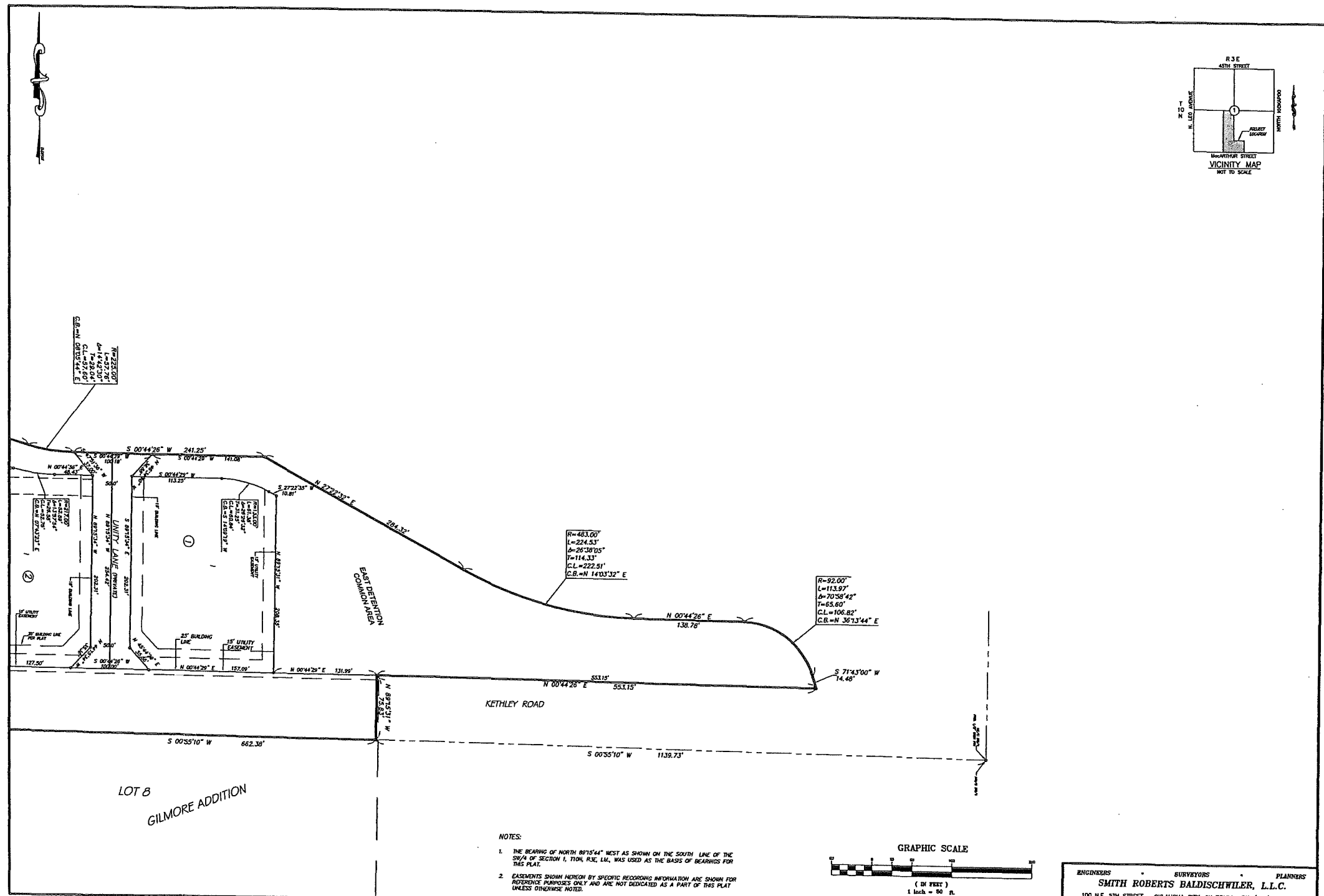
PROJECT ENGINEER INFORMATION:

NAME Smith Roberts Baldschwiler LLC
ADDRESS 100 NE 5th St OKC
CONTACT NUMBERS 405 840 7094
EMAIL ADDRESS glen@smith-roberts.com

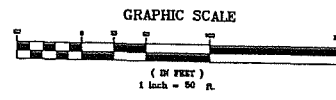
FOR STAFF USE ONLY

PROJECT NUMBER: 121132 CASE NUMBER: S12-12
DATE: 9-24-12 AMOUNT PAID: \$345.00 RECEIPT NO. 01383208





- NOTES:
1. THE BEARING OF NORTH 89°15'44" WEST AS SHOWN ON THE SOUTH LINE OF THE SW/4 OF SECTION 1, T10N, R3E, LM, WAS USED AS THE BASIS OF BEARINGS FOR THIS PLAT.
 2. EASEMENTS SHOWN HEREON BY SPECIFIC RECORDING INFORMATION ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE NOT DEDICATED AS A PART OF THIS PLAT UNLESS OTHERWISE NOTED.



ENGINEERS SURVEYORS PLANNERS
SMITH ROBERTS BALDISCHWILER, L.L.C.
100 N.E. 5TH STREET - OKLAHOMA CITY, OK 73104, PH. (405)840-7094
OKLAHOMA CERTIFICATE OF AUTHORIZATION NO. 3849 EXPIRES JUNE 30, 2013
SHAWNEE MEDICAL CENTER REPLAT
SHEET 3 OF 3

CASE # P16-12
3000 wolf trail
(3300 N Union)

STATE OF OKLAHOMA)
) SS:
POTTAWATOMIE COUNTY)

-: AFFIDAVIT OF BONDED ABTRACTOR :-

The undersigned Bonded Abtractor in and for the aforesaid County and State 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 lands:

A tract of land described as beginning at the Northwest Corner of Lot Twenty-two (22), KELLY'S ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma; thence S88°57'23"E along the North line of said Lot 22 a distance of 320.00 feet to the point of beginning; thence continuing S88°57'23"E along the North line of Lot 22 a distance of 239.00 feet; thence S00°00'22"W a distance of 331.76 feet; thence N88°46'32"W along the South line of Lot 22 a distance of 397.00 feet; thence N00°00'00"E a distance of 194.51 feet; thence S88°57'23"E a distance of 158.01 feet; thence N00°00'00"E a distance of 136.00 feet to the point of beginning.

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

The Abtractor makes no representation or warranty, either expressed or implied, regarding the accuracy of the information contained in this report. The Abtractor does not guarantee the validity of the title of such parties nor is this report intended to guarantee title thereof. The liability of the Abtractor shall be based solely on contract and shall be limited to the price paid for the report by the customer. The parties agree that the Abtractor shall not be liable for consequential damages. Acceptance of the instrument constitutes acceptance of this limitation on liability.

EXECUTED at Shawnee, Oklahoma, this 14th day of May, 2012.

FIRST AMERICAN TITLE AND TRUST COMPANY

By Teresa Southard
Teresa Southard, Licensed Abtractor #264

Order No. 1699741-SH99

Ownership List

Order No. 1699741-SH99

Date May 14, 2012

Page No. 1

OWNER

BRIEF LEGAL:

L.L.L. Properties – 1901 N. Kickapoo, Shawnee, OK 74804

Beg. 320' E NW/C of Lot 22, KELLY'S ADDITION to Shawnee; thence E 239'; thence S 331.76'; thence W 397'; thence N 194.51'; thence E 158.01'; thence N 136' to beg.

Rincap Housing, LLC – 3310 N. Oklahoma, Shawnee, OK 74804

Lot 23 & S 194' of W 320' & E 290' of Lot 22, LESS TRACTS, KELLY'S ADDITION to Shawnee

Margaret Manor Elderly Housing, Inc. – 8004 S. I-35 Service Road, Suite 103, Oklahoma City, OK 73149

Beg. 162' E NW/C Lot 23, KELLY'S ADDITION to Shawnee; thence E 397'; thence S 125.92'; thence E 76'; thence S 206.24'; thence W 635.01'; thence N 145'; thence E 162'; thence N 183.82' to beg.

Fred O. Turner – 3515 N. Union, Shawnee, OK 74804

Beg. NW/C Lot 21, KELLY'S ADDITION to Shawnee; thence E 300'; thence S 134'; thence W 300'; thence N 134' to beg.

Jeffrey Reed Parsons – 3320 N. Oklahoma, Shawnee, OK 74804

The W 25' of vacated Philadelphia St. adjacent to Lot 22 & thence E 25' running N 330', KELLY'S ADDITION to Shawnee

Kristi Budka and Michell Budka – 3313 N. Union, Shawnee, OK 74804

S 68' of N 136' of W 320' of Lot 22, KELLY'S ADDITION to Shawnee

Eric Mocabee – 3315 N. Union, Shawnee, OK 74804

N 68' of W 320' of Lot 22, KELLY'S ADDITION to Shawnee

PMS, LLC – P.O. Box 1321, Shawnee, OK 74802-1321

Beg. 300' E NW/C Lot 21, KELLY'S ADDITION to Shawnee; thence E 285'; thence S 330'; thence W 370'; thence N 100'; thence W 215'; thence N 96'; thence E 300'; thence N 134' to beg.

Raymond E. Krcha and Cynthia Ann Krcha – 545 S. Flood Ave., Norman, OK 73069

Beg. SW/C Lot 21, KELLY'S ADDITION to Shawnee; thence E 215'; thence N 100'; thence W 215'; thence S 100' to beg.

My Hometown, LLC – 3728 S. Elm Place #520, Broken Arrow, OK 74011

Lot 24, KELLY'S ADDITION to Shawnee

Charles A. Shults, Jr. – 3601 N. Union, Shawnee, OK 74804

Lot 20, KELLY'S ADDITION to Shawnee

Kenneth E. Stith, Jr. and Elaine S. Stith – 3330 N. Oklahoma, Shawnee, OK 74804

Beg. 39.15' N SE/C Lot 13, AMENDED PLAT LOTS 8 TO 15, KELLEY'S ADDITION to Shawnee; thence W 330'; thence S 179.15'; thence E 330'; thence N 179.15' to beg.

Ownership List

Order No. 1699741-SH99

Date May 14, 2012

Page No. 2

OWNER

BRIEF LEGAL:

Jeffrey Reed Parsons and Terri R. Parsons – 3320 N. Oklahoma, Shawnee, OK 74804
N 48' Lot 11 and S 190' Lot 12, AMENDED PLAT OF LOTS 8 TO 15, KELLEY'S ADDITION to Shawnee

Mark Cox – 304 E. MacArthur, Shawnee, OK 74804
S 205' of W/2 Lot 10 & W/2 Lot 9 & E 15' of W 180' of S 200' Lot 9, AMENDED PLAT OF LOTS 8 TO 15, KELLEY'S ADDITION to Shawnee

Eileen G. Williams – 3306 N. Oklahoma, Shawnee, OK 74804
Beg. 125' S NE/C Lot 10, AMENDED PLAT OF LOTS 8 TO 15, KELLEY'S ADDITION to Shawnee; thence W 165'; thence S 125'; thence E 165'; thence N 125' to beg.

John A. Robinson – 3310 N. Oklahoma, Shawnee, OK 74804
W 165' of N 125' Lot 10 & S 282' Lot 11, AMENDED PLAT OF LOTS 8 TO 15, KELLEY'S ADDITION to Shawnee

James Deason Cunningham and Donna Jean Cunningham – 3308 N. Oklahoma, Shawnee, OK 74804
Beg. NE/C Lot 10, AMENDED PLAT OF LOTS 8 TO 15, KELLEY'S ADDITION to Shawnee; thence W 165'; thence S 125'; thence E 165'; thence N 125' to beg.

Citizen Potawatomi Housing Authority – 1901 S. Gordon Cooper Dr., Shawnee, OK 74801
S 65' of Block 6, WYANT'S SECOND ADDITION to Shawnee

Walter Girty – 2814 N. Union, Shawnee, OK 74804
Beg. 195' S NE/C Block 6, WYANT'S SECOND ADDITION to Shawnee; thence W 202'; thence S 65'; thence E 202'; thence N 65' to beg.

John Paul Spear – 2824 N. Union, Shawnee, OK 74804
Beg. 65' S NE/C Block 6, WYANT'S SECOND ADDITION to Shawnee; thence W 202'; thence S 65'; thence E 202'; thence N 65' to beg.

Jerry D. Mizzelle and Evelyn R. Mizzelle – 2820 N. Union, Shawnee, OK 74804
Beg. 130' S NE/C Block 6, WYANT'S SECOND ADDITION to Shawnee; thence W 202'; thence S 65'; thence E 202'; thence N 65' to beg.

Preston L. Carder and Amy L. Carder – 2830 N. Union, Shawnee, OK 74804
Beg. NE/C Block 6, WYANT'S SECOND ADDITION to Shawnee; thence W 202'; thence S 65'; thence E 202'; thence N 65' to beg.

William Rinderer and Lois Rinderer – 6 Melanie Lane, Shawnee, OK 74804
Beg. 260' S NE/C Block 6, WYANT'S SECOND ADDITION to Shawnee; thence W 202'; thence S 65'; thence E 202'; thence N 65' to beg.

Ownership List

OWNER

BRIEF LEGAL:

Ronald G. Sexton and Paulette Sexton Newby – 3308 N. Union, Shawnee, OK 74804 Beg. SE/C Block 7, WYANT’S SECOND ADDITION to Shawnee; thence W 254’; thence N 114’; thence E 254’; thence S 114’ to beg.
George L. Mastick and Carolyn R. Mastick – 3310 N. Union, Shawnee, OK 74804 Beg. 114’ N SE/C Block 7, WYANT’S SECOND ADDITION to Shawnee; thence N 80’; thence W 254’; thence S 80’; thence E 254’ to beg.
Brandi D. Martinez – 3316 N. Union, Shawnee, OK 74804 Lot 1, Block 7, RE-PLAT OF BLOCK 8 AND THE NORTH 196 FEET OF BLOCK 7, WYANT’S SECOND ADDITION to Shawnee
Brent Bowlan and Susan R. Bowlan – 3502 N. Union, Shawnee, OK 74804 Lot 7, Block 8, RE-PLAT OF BLOCK 8 AND THE NORTH 196 FEET OF BLOCK 7, WYANT’S SECOND ADDITION to Shawnee

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, TO-WIT: A TRACT OF LAND DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF LOT TWENTY-TWO {22}, KELLY'S ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA; THENCE S88°57'23"E ALONG THE NORTH LINE OF SAID LOT 22 A DISTANCE OF 320.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S88°57'23"E ALONG THE NORTH LINE OF LOT 22 A DISTANCE OF 239.00 FEET; THENCE S00°00'22" W A DISTANCE OF 331.76 FEET; THENCE N88°46'32"W ALONG THE SOUTH LINE OF LOT 22 A DISTANCE OF 397.00 FEET; THENCE N00°00'00"E A DISTANCE OF 194.51 FEET; THENCE S88°57'23"E A DISTANCE OF 158.01 FEET; THENCE N00°00'00"E A DISTANCE OF 136.00 FEET TO THE POINT OF BEGINNING, ACCORDING TO THE RECORDED PLAT THEREOF, REZONING SAID PROPERTY FROM R-1 ; RESIDENTIAL, SINGLE FAMILY DWELLING TO R-3; MULTI-FAMILY DWELLING; 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 was conducted by the Board of Commissioners of the City of Shawnee, Oklahoma on the 19th day of November, 2012, upon an application to rezone property located in the City of Shawnee, Oklahoma to R-3; Multi-Family Dwelling.

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 property to be rezoned as considered.

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 described as beginning at the Northwest Corner of Lot Twenty-two (22), KELLY'S ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma; thence S88°57'23"E along the North line of said Lot 22 a distance of 320.00 feet to the point of beginning; thence continuing S88°57'23" E along the North line of Lot 22 a distance of 239.00 feet; thence S00°00'22" W a distance of 331.76 feet; thence N88°46'32"W along the South line of Lot 22 a distance of 397.00 feet; thence N00°00'00"E a distance of 194.51 feet; thence S88°57'23" E a distance of 158.01 feet; thence N00°00'00" E a distance of 136.0 feet to the point of beginning, according to the recorded plat thereof, be rezoned to R-3; Multi-Family Dwelling, and the official zoning map heretofore adopted is hereby amended as to include said property R-3; Multi-Family Dwelling.

PASSED AND APPROVED this 19th day of November, 2012.

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

7.

Meeting Date: 11/19/2012

Final Plat Shawnee Medical Center S12-12

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consideration of approval of a final plat for Shawnee Medical Center located at Kethley Road and MacArthur Street.

Case #S12-12 Applicant: Shawnee Real Estate Holdings, LLC

Deferred from the October 15, 2012 meeting.

Attachments

Final Plat S12-12

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Shawnee Real Estate Holdings, LLC

FOR: Final Plat

LOCATION: Kethley Road and MacArthur Street

PROJECT NUMBER 121132 CASE NUMBER S12-12

PLANNING COMMISSION MEETING DATE: November 7, 2012

PLANNING COMMISSION RECOMMENDATION: Approval

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 7

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN			X			
CARTER		X	X			
HOSTER			X			
TURNER (CHAIRMAN)			X			
SILVIA (VICE-CHAIRMAN)			X			
PRINCE	X		X			
SALTER			X			

RESPECTFULLY SUBMITTED,

Linda Burg

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

STAFF REPORT
Shawnee Medical Center
Case #S12-12

TO: Shawnee Planning Commission

AGENDA: October 3, 2012

RE: Shawnee Medical Center Part of SW/4 & SE/4 Sec 1 T I O N R3E

PROPOSAL

The applicant is requesting Final Plat approval for a replat that seeks to correct an error in previous survey data. The property is located in the vicinity of Kethley Road and MacArthur Street and is part of the Shawnee Medical Center (St. Anthony's) complex. The purpose of the replat is to correct deficiencies and dimensional errors in the previous two plats (Unity Medical Plaza – Addition 1, Surgery Center at Unity).

GENERAL INFORMATION

Applicant	Shawnee Real Estate Holdings LLC, etc
Owners	Shawnee Real Estate Holdings LLC, etc
Current Site Zoning	PUD, Planned Unit Development
Parcel Size	25.12 acres
Proposed Use	Commercial/Industrial
Comprehensive Plan Designation	Commercial/Industrial
Existing Land Use	Commercial
Surrounding Zoning	<u>North:</u> R-1 <u>South:</u> C-2 & I-2 <u>West:</u> I-2P <u>East:</u> C-2



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

STAFF REVIEW AND ANALYSIS

This area included within the plat has been approved for a final plat by the Planning Commission prior (as part of two plats). The applicant is seeking to correct a mistake made on the previous plat regarding the dedication of right of way. The amendment does not affect any of the lot sizes and is considered a minor change. All existing lots will meet all applicable zoning standards and public utilities will continue to be in public right-of-way and/or easements.

The City Engineer has reviewed the plans and has no concerns, provided the water line is contain within a noted easement. The 13.77-foot easement shall be clearly noted on the final plat.

STAFF RECOMMENDATION

Staff recommends **approval** of the Shawnee Medical Center replat.

Attachments

1. Final Plat

FINAL PLAT APPLICATION FOR THE CITY OF SHAWNEE

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 878-1665 with any questions.

APPLICANT Shawnee Real Estate Holdings LLC; Shawnee Pharmacy LLC; Shawnee Surgical Realty LLC, St. Anthony Shawnee Hospital In
APPLICANT ADDRESS c/o. Smith Roberts Baldischwiler LLC
APPLICANT PHONE NUMBERS 100 NE 5th St. OKC 73104
EMAIL ADDRESS joe.c @ srbok.com 405-840-7094

NAME OF PLAT SHAWNEE MEDICAL CENTER
LOCATION Part of SW/4 + SE/4 Sec 1 T00N R3E Keithley Road
+ MacArthur St.
NUMBER OF ACRES 25.12 NUMBER OF LOTS 10

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: FEE: \$325.00
PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS _____
PLUS \$1.00 PER LOTS OVER FIFTY(50) LOTS NUMBER OF LOTS _____
TOTAL COST _____

FOR LESS THAN 2 ACRE LOTS: FEE: \$325.00
PLUS \$2.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 10 20.00
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____
TOTAL COST 345.00

OWNER/DEVELOPER INFORMATION:

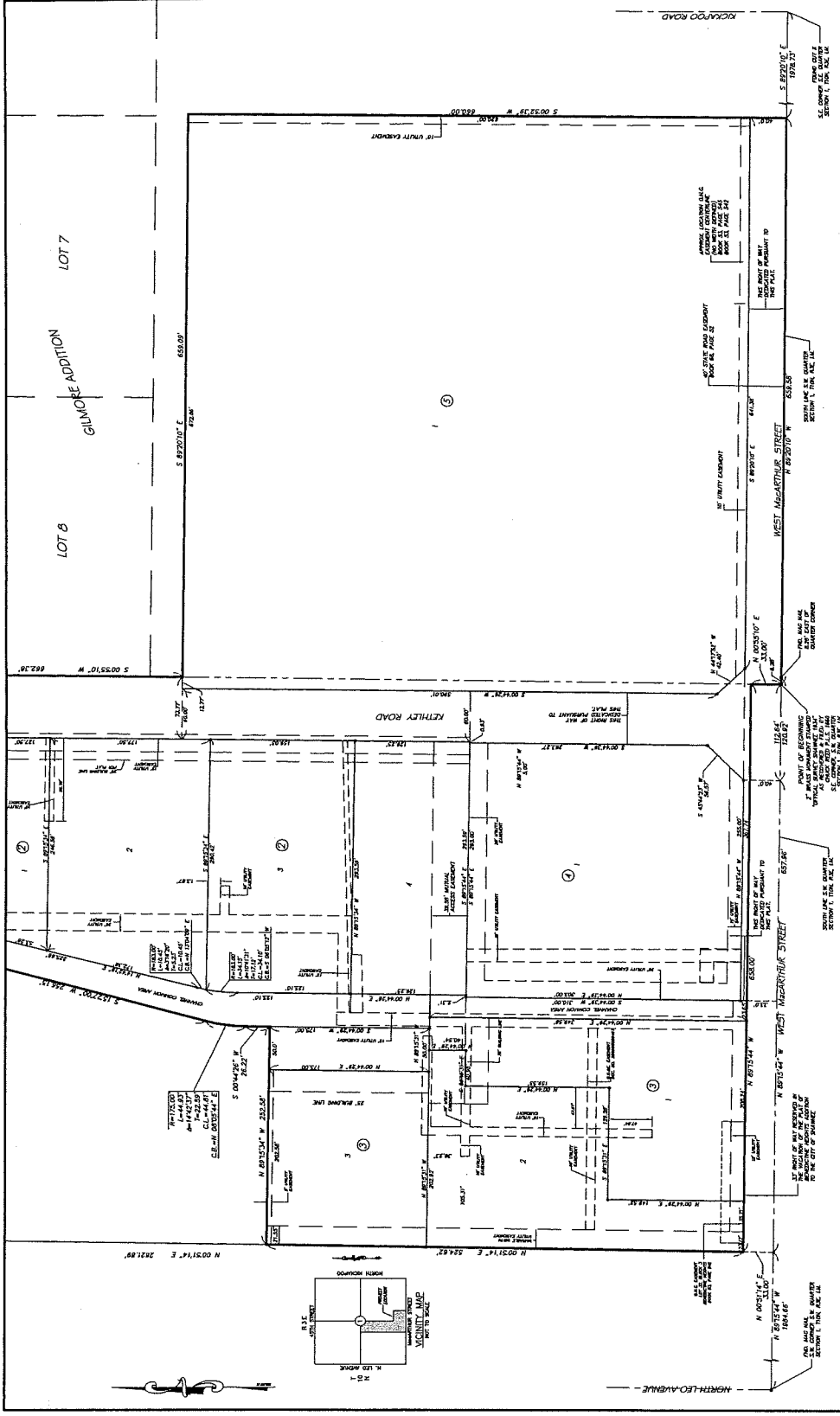
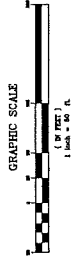
NAME Same as Applicant Above
ADDRESS c/o Smith Roberts Baldischwiler LLC
CONTACT NUMBERS 840-7094 Joe Corey PLS.
EMAIL ADDRESS joe.c @ srbok.com

PROJECT ENGINEER INFORMATION:

NAME Smith Roberts Baldischwiler LLC
ADDRESS 100 NE 5th St OKC
CONTACT NUMBERS 405 840 7094
EMAIL ADDRESS glen @ smith-roberts.com

FOR STAFF USE ONLY

PROJECT NUMBER: 121132 CASE NUMBER: S12-12
DATE: 9-24-12 AMOUNT PAID: \$345.00 RECEIPT NO. 01383208



- NOTES:
1. THE DRAWING OF NORTH MAIN STREET, WEST MAIN STREET, AND THE SOUTH LANE OF THE SHAWNEE MEDICAL CENTER, IS BASED ON THE RECORD OF SURVEY FOR THE SHAWNEE MEDICAL CENTER, DATED 1984, AND THE RECORD OF SURVEY FOR THE SHAWNEE MEDICAL CENTER, DATED 1985.
 2. EXISTING SHOWN EXCEPT WHERE SHOWN OTHERWISE. EXISTING SHOWN EXCEPT WHERE SHOWN OTHERWISE.

Regular Board of Commissioners

8.

Meeting Date: 11/19/2012

Rezoning CUP P18-12

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

A public hearing and consideration of approval of a Conditional Use Permit in C-3; Automotive, Commercial and Recreational district to allow the sale of beer and alcohol for on premise consumption and off premise consumption for property located at 4420 North Kickapoo.

Case #P18-12 Applicant: Dao and Cynthia Nguyen (Nelmon Brauning – Agent)

Attachments

P18-12 CUP

Ordinance P18-12

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Dao and Cynthia Nguyen
FOR: Conditional Use Permit
LOCATION: 4420 North Kickapoo
PROJECT#: 121104 Case# P18-12

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: C-3; Automotive, Commercial Recreation
REQUESTED CLASSIFICATION: Conditional Use Permit to allow for the sale of beer and alcohol for on-premise consumption and off-premise consumption
PROPOSED PROPERTY USE: Retail Center

PLANNING COMMISSION MEETING DATE: November 7, 2012

PLANNING COMMISSION RECOMMENDATION: Approval with the following conditions:

1. On-premise consumption of alcohol as part of an eating place or other permitted use.
2. Establishment of a liquor store and the sale of alcohol and beer for off-premise consumption.

VOTE OF THE PLANNING COMMISSION: *MEMBERS PRESENT:* 7

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN			X			
CARTER			X			
HOSTER			X			
TURNER (CHAIRMAN)			X			
SILVIA (VICE-CHAIRMAN)		X	X			
PRINCE	X		X			
SALTER			X			

RESPECTFULLY SUBMITTED,

Linda Burg

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

STAFF REPORT
DAO & CYNTHIA NGUYEN
CASE #P18-12

TO: Shawnee Planning Commission

AGENDA: November 7, 2012

RE: Dao & Cynthia Nguyen – CUP Request for Beer and Liquor Sales

PROPOSAL

The applicant requests approval of a Conditional Use Permit to allow for on-site consumption of beer and alcohol and for the sale of beer and alcohol for off-premise consumption as part of the establishment of a liquor store. The subject property is located at 4420 N. Kickapoo Ave. and is zoned C-3. The building is still in the pre-construction phase and all building plans have been approved by the City.

GENERAL INFORMATION

Applicant	Nelmon Brauning
Owner	Dao & Cynthia Nguyen
Site Location/Address	4420 N. Kickapoo Ave
Current Site Zoning	C-3
Proposed Use	To allow for on-site consumption of beer and alcohol and for the sale of beer and alcohol for off-premise consumption.
Comprehensive Plan Designation	Commercial/Residential
Existing Land Use	Commercial
Surrounding Zoning	North: C-3P

	South: C-1 West: R-1 East: C-1 & C3P
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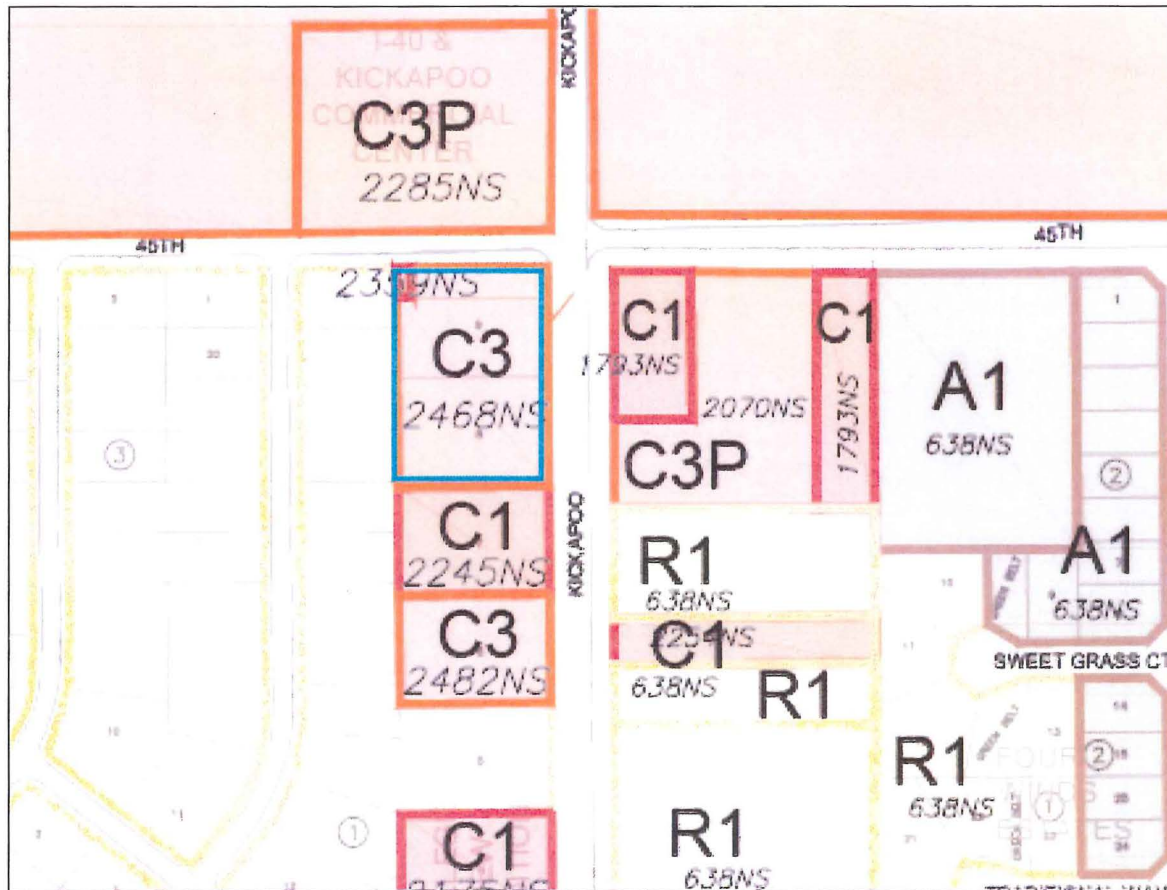


Figure 1: Zoning Map of site – approximate total area outlined in blue.

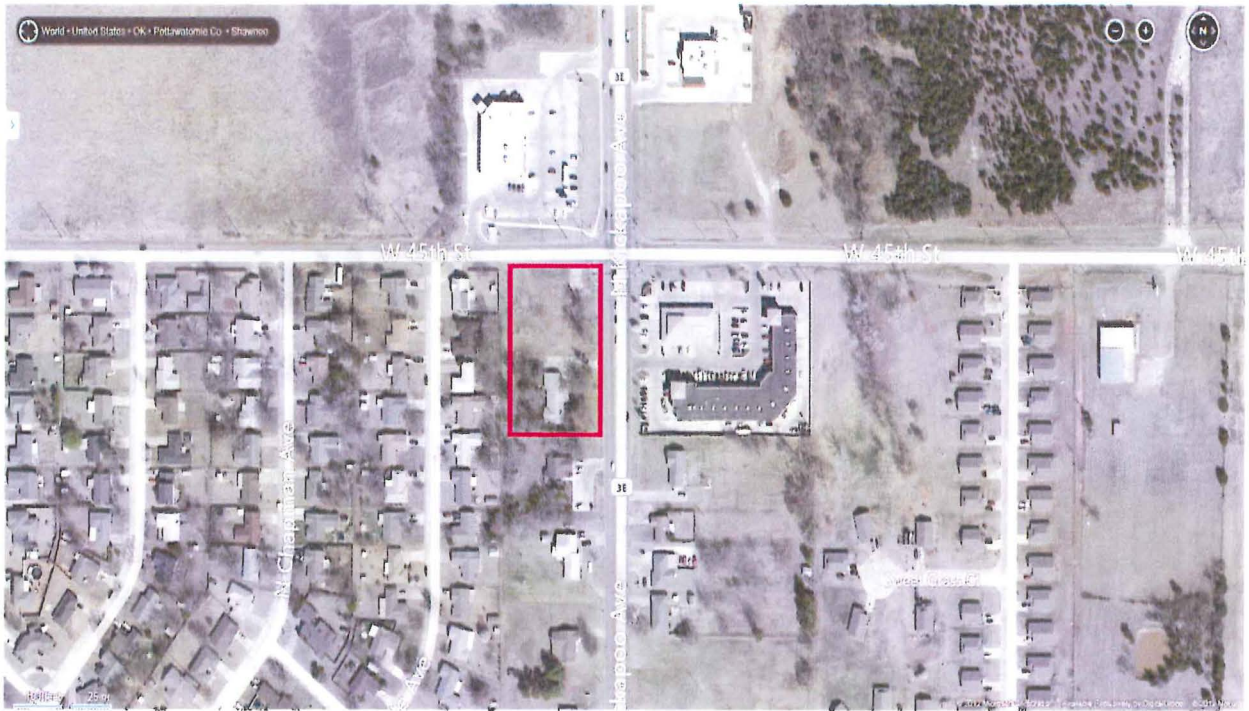


Figure 2: Aerial view of the site – approximate total area outlined in red.

STAFF REVIEW AND ANALYSIS

The property in question was rezoned C-3 on January 17, 2012 and the construction of a shopping center on the property is underway. The applicant is requesting a conditional use permit to allow for onsite consumption of alcohol and for the sale of alcohol for off-site consumption. The applicant is still in the process of filling store space and is requesting the conditional use based on businesses who have expressed an interest in opening at the location. Some of those businesses include a liquor and wine store, a nail salon who wishes to serve wine to clients and a restaurant that serves alcohol. Section 1401.10.C of the Shawnee Zoning Code states the Planning Commission shall consider the “effect of such proposed building or use upon the character of the neighborhood, traffic congestion, public utilities and other matters pertaining to the general welfare.”

The request to allow alcohol to be sold for on-premise consumption does not affect the character of the neighborhood, traffic congestion, or public utilities. Granting a permit to sell alcohol for on premise consumption would not change the general character of the neighborhood. Directly to the north and east of the site, previous conditional use permits have been granted for the sale of alcohol (for both on-premise and off-premise consumption). Allowing the restaurant to serve alcohol is consistent with other conditional use permits that have been approved for restaurants throughout the City and within close proximity of the subject site.

STAFF RECOMMENDATION

Staff recommends **approval** of the requested Conditional Use Permit at 4420 N. Kickapoo Ave. for the following uses:

1. On-premise consumption of alcohol as part of an eating place or other permitted use.
2. Establishment of a liquor store and the sale of alcohol and beer for off-premise consumption.

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P18-12

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on an application for a Conditional Use Permit on property located within the City of Shawnee.

The applicant requests a conditional use permit for the following described property:

Lots Eight (8) and Nine (9), Block Two (2), COLLEGE VIEW ADDITION to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof, LESS AND EXCEPT the North Forty (40) feet of the West Twenty (20) feet of Lot Nine (9).

General Location Known As:	<u>4420 North Kickapoo</u>
Current Zoning Classification:	<u>C-3; Automotive, Commercial and Recreation</u>
Requested Zoning Classification:	<u>Conditional Use Permit</u>
Proposed Use of Property	<u>To allow for the sale of beer and alcohol for on premise consumption and off premise consumption</u>
Applicant:	<u>Dao and Cynthia Nguyen</u>

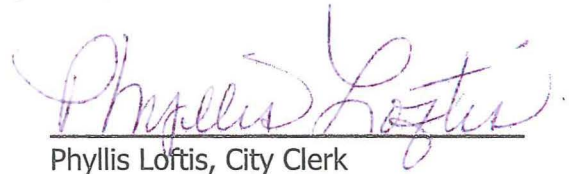
The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

November 07, 2012	AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
November 19, 2012	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 conditional use permit. The Commission reserves the right to limit discussion and debate on the proposed conditional use permit in the public hearing, in which event those persons appearing in support or opposition of the proposed conditional use permit will be allotted equal time. 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.

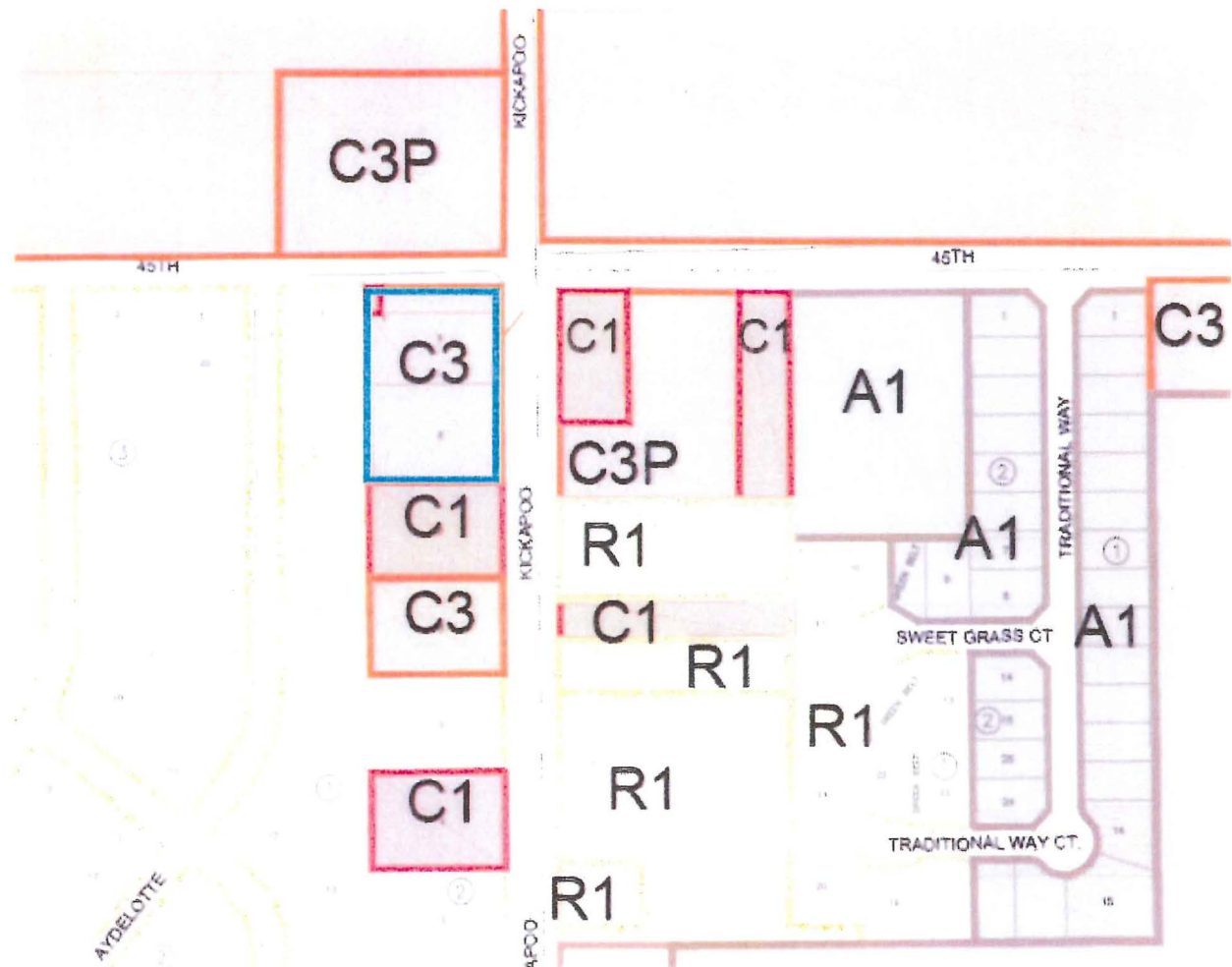
Witness my hand this 17 day of October, 2012.




Phyllis Loftis, City Clerk

Zoning Map

Figure 1 – Zoning Map- Property in question is highlighted in blue.



Location Map

Figure 2 – Location Map- Property in question is highlighted in blue.



CITY OF SHAWNEE
222 N. BROADWAY
SHAWNEE, OK 74801

PLANNING DEPARTMENT
PHONE: (405) 878-1666
FAX: (405) 878-1587

PLANNING COMMISSION APPLICATION
PROJECT NO. 121104 CASE NO. P18-12

REQUEST:

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

PROPERTY LOCATION (STREET ADDRESS): 4420 N. KICKAPOO AVE. SHAWNEE

LEGAL DESCRIPTION: lot 8 & 9 BL. 2 COLLEGE VIEW addition

PROPERTY OWNER (S): DAO & CYNTHIA NGUYEN

PROPERTY AGENT (APPLICANT): DAO & CYNTHIA NGUYEN & NELMON BRAUNING (C-21 Bob Crothers)

APPLICANT'S ADDRESS: 4404 Kent Road

CITY: Shawnee **STATE** OK **ZIP** 74804

EMAIL ADDRESS: cynnguyen@yahoo.com (cynthia) nbrauning@hotmail.com (nelmon)

TELEPHONE NUMBER: (405) 924-7758 **CONTACT NUMBER:** (405) 370-0394

DIMENSIONS OF PROPERTY: AREA _____ WIDTH _____
LENGTH _____ FRONTAGE _____

CURRENT ZONING: C-3 **CURRENT USE:** Retail-center

PROPOSED ZONING: _____ **PROPOSED USE:** Conditional Use permit to allow Alcohol Sales

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.

Nelmon Brauning
SIGNATURE OF APPLICANT

(FOR STAFF USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this _____ day of, _____ 20____

Sandra Burgin
PLANNING COMMISSION SECRETARY

REZONING &/OR C.U.P FEE \$ 280.00
RECEIPT NO. 01381555

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.:** _____

CASE P18-12
4420 N Kickapoo

STATE OF OKLAHOMA)
) SS:
COUNTY OF POTTAWATOMIE)

-: AFFIDAVIT OF BONDED ABTRACTOR :-

The undersigned Bonded Abstractor in and for the aforesaid County and State 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 lands:

Lots Eight (8) and Nine (9), Block Two (2), COLLEGE VIEW ADDITION to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof, LESS AND EXCEPT the North Forty (40) feet of the West Twenty (20) feet of Lot Nine (9).

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

The Abstractor makes no representation or warranty, either expressed or implied, regarding the accuracy of the information contained in this report. The Abstractor does not guarantee the validity of the title of such parties nor is this report intended to guarantee title thereof. The liability of the Abstractor shall be based solely on contract and shall be limited to the price paid for the report by the customer. The parties agree that the Abstractor shall not be liable for consequential damages. Acceptance of the instrument constitutes acceptance of this limitation on liability.

EXECUTED at Shawnee, Oklahoma, this 17th day of September, 2012.

FIRST AMERICAN TITLE AND TRUST COMPANY

BY Teresa Southard
Teresa Southard, Licensed Abstractor #264

Order No. 1746523-SH99

Ownership List

Order No. 1746523-SH99

Date September 17, 2011

Page No. 1

OWNER

BRIEF LEGAL:

Randy D. Edmondson – P.O. Box 3003, Shawnee, OK 74802-3003

Lot 5, Block 2, COLLEGE VIEW ADDITION to Shawnee

O'Reilly Automotive Stores, Inc. – P.O. Box 1156, Springfield, MO 65801

Lot 6, Block 2, COLLEGE VIEW ADDITION to Shawnee

D & G Properties, LLC – 4400 N. Kickapoo, Shawnee, OK 74804

Lot 7, Block 2, COLLEGE VIEW ADDITION to Shawnee

Lifestyle Plaza, LLC – 4404 Kent Rhoad, Shawnee, OK 74804

Lots 8 & 9, Block 2, COLLEGE VIEW ADDITION to Shawnee...LESS N 40' of W 20' Lot 9

City of Shawnee – P.O. Box 1448, Shawnee, OK 74802-1448

N 40' of W 20' Lot 9, Block 2, COLLEGE VIEW ADDITION to Shawnee

Cherie J. Buie Trust – 4411 N. Aydelotte, Shawnee, OK 74804

Lot 1, Block 1, BISON ADDITION to Shawnee

Marion O. Pinson Trust – 4409 N. Aydelotte, Shawnee, OK 74804

Lot 2 & N 10' Lot 3, Block 1, BISON ADDITION to Shawnee

Lara N. Bailey – 4407 N. Aydelotte, Shawnee, OK 74804

S 60' Lot 3, Block 1, BISON ADDITION to Shawnee

Saundra K. Reed – 4405 N. Aydelotte, Shawnee, OK 74804

Lot 4, Block 1, BISON ADDITION to Shawnee

Bobby A. Brown – 4403 N. Aydelotte, Shawnee, OK 74804

Lot 5, Block 1, BISON ADDITION to Shawnee

Jason Hickox – 4401 N. Aydelotte, Shawnee, OK 74804

Lot 6, Block 1, BISON ADDITION to Shawnee

Bill J. Fleming – 4311 N. Aydelotte, Shawnee, OK 74804

Lot 7, Block 1, BISON ADDITION to Shawnee

Anna L. Bolerjack – P.O. Box 3922, Shawnee, OK 74802-3922

Lot 8, Block 1, BISON ADDITION to Shawnee

Roger B. McMahan and Cormal K. McMahan – 4307 N. Aydelotte, Shawnee, OK 74804

Lot 9, Block 1, BISON ADDITION to Shawnee

William R. Bliss, Rose B. Bliss and Barbara Bliss-Walck – 4305 N. Aydelotte, Shawnee, OK 74804

Lot 10, Block 1, BISON ADDITION to Shawnee

Sharon Harjo – 4412 N. Aydelotte, Shawnee, OK 74804

Lot 1, Block 3, BISON ADDITION to Shawnee

Walter G. King and Carlene King – 4411 N. Chapman, Shawnee, OK 74804

Lot 2, Block 3, BISON ADDITION to Shawnee

Ownership List

Order No. 1746523-SH99

Date September 17, 2012

Page No. 2

OWNER

BRIEF LEGAL:

The Bish Family Trust – 400 N. Hill St., Hobart, OK 73651

Lot 3, Block 3, BISON ADDITION to Shawnee

Housing Authority of the Absentee – P.O. Box 425, Shawnee, OK 74802-0425

Lot 4, Block 3, BISON ADDITION to Shawnee

Bobby L. Kinnamon, Judy Kinnamon and Joel L. Kinnamon – 4405 N. Chapman, Shawnee, OK 74804

Lot 5, Block 3, BISON ADDITION to Shawnee

Robert E. Jones and Angela D. Jones – 4403 N. Chapman, Shawnee, OK 74804

Lot 6, Block 3, BISON ADDITION to Shawnee

John T. Blanton and Jean L. Blanton – 5 Concord Boulevard, Shawnee, OK 74804

N 65' Lot 13, Block 3, BISON ADDITION to Shawnee

Norma J. Edgmon – 4308 N. Aydelotte, Shawnee, OK 74804

Lot 14, Block 3, BISON ADDITION to Shawnee

Charles Story and Geraldine Story – 4310 N. Aydelotte, Shawnee, OK 74804

Lot 15, Block 3, BISON ADDITION to Shawnee

Richard B. Garren and Robin R. Garren – 4402 N. Aydelotte, Shawnee, OK 74804

Lot 16, Block 3, BISON ADDITION to Shawnee

Lorene A. Fields – 2 Springbrook Road, Shawnee, OK 74804

Lot 17, Block 3, BISON ADDITION to Shawnee

Charles Greening and Mary Jo Greening – 4406 N. Aydelotte, Shawnee, OK 74804

Lot 18, Block 3, BISON ADDITION to Shawnee

C. Leroy Jones Revocable Trust – 15 Juel Dr., Shawnee, OK 74804

Lot 19, Block 3, BISON ADDITION to Shawnee

Barbara J. Fields – 4410 N. Aydelotte, Shawnee, OK 74804

Lot 20, Block 3, BISON ADDITION to Shawnee

Commissioners of the Land Office – P.O. Box 26910, Oklahoma City, OK 73126

S/2 Section 36, Township 11 North, Range 3 East

Massey Investments Co. – P.O. Box 130, Durant, OK 74702

Beg. 200' S NW/C Section 6, Township 10 North, Range 4 East; thence S 133'; thence E 420'; thence N 333'; thence W 200.54'; thence S 200'; thence W 219.46' to beg.

First State Bank & Trust Co. – Attn: Wendi Vansickle – P.O. Box 130, Durant, OK 74702-0130

Beg. NW/C NW/4 Section 6, Township 10 North, Range 4 East; thence E 420'; thence S 333'; thence W 420'; thence N 333' to beg...LESS beg. 200' S NW/C; thence S 133'; thence E 420'; thence N 333'; thence W 200.54'; thence S 200'; thence W 219.46' to beg.

Ownership List

Order No. 1746523-SH99

Date September 17, 2012

Page No. 3

OWNER

BRIEF LEGAL:

Elbert J. Benton and Bette D. Benton – 719 W. Dewey, Shawnee, OK 74801

Beg. 333' S NW/C Lot 4, Section 6, Township 10 North, Range 4 East; thence S 134';
thence E 420'; thence N 134'; thence W 420' to beg.

Thomas Lowder and Chi Chi Lowder – P.O. Box 307, Shawnee, OK 74802-0307

Beg. 467' S NW/C Lot 4, Section 6, Township 10 North, Range 4 East; thence S 70';
thence E 420'; thence N 70'; thence W 420' to beg.

Charles E. Sales – 4331 N. Kickapoo, Shawnee, OK 74804

Beg. 612' S of NW/C Lot 4, Section 6, Township 10 North, Range 4 East; thence E 420';
thence N 75'; thence W 420'; thence S 75' to beg.

Intervest Development Limited – 132 W. Main, Purcell, OK 73080

Beg. SW/C SW/4 Section 31, Township 11 North, Range 4 East; thence N 285'; thence E
290'; thence S 285.07'; thence W 290' to beg.

Date 11-5-12 Time 10:15 Am

Date 11-5-12 Time 10:15 Am

The signatures below represent residents of North Aydelotte and adjacent who have objections to the approval of Case #P18-12(Nguyen) in changing the Zoning Classification at 4420 N. Kickapoo. Alcohol on this premise this close to residential homes would add to the maintenance problems we have already experienced with owners of this property and could lead to accohol related accidents and or incidents.

[illegible]

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, TO-WIT: LOTS EIGHT (8) AND NINE (9), BLOCK TWO (2), COLLEGE VIEW ADDITION TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, LESS AND EXCEPT THE NORTH FORTY (40) FEET OF THE WEST TWENTY (20) FEET OF LOT NINE (9), REZONING SAID PROPERTY FROM C-3 ; AUTOMOTIVE, COMMERCIAL AND RECREATIONAL TO C-3P; AUTOMOTIVE, COMMERCIAL & RECREATION DISTRICT WITH CONDITIONAL USE PERMIT; 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 was conducted by the Board of Commissioners of the City of Shawnee, Oklahoma on the 19th day of November, 2012, upon an application to grant a permissive use permit on property located in the City of Shawnee, Oklahoma to C-3P; Automotive, Commercial & Recreation District with a Conditional Use Permit.

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 property to be rezoned as considered.

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: Lots eight (8) and nine (9), block two (2), COLLEGE VIEW ADDITION to The City Of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof, less and except the north forty (40) feet of the west twenty (20) feet of lot nine (9), be rezoned C-3P; Automotive, Commercial & Recreation District with a Conditional Use Permit, and the official zoning map heretofore adopted is hereby amended as to include said property C-3P; Automotive, Commercial & Recreation District with a Conditional Use Permit.

PASSED AND APPROVED this 19th day of November, 2012.

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

9.

Meeting Date: 11/19/2012

Preliminary Plat G E Oil and Gas Addition S15-12

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consideration of approval of a preliminary plat for G. E. Oil and Gas
Addition located at 14311 Highway 177.

Case #S15-12 Applicant: Landes Engineering

Attachments

Prelim Plat S15-12

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Landes Engineering

FOR: Preliminary Plat

LOCATION: 14311 Highway 177

PROJECT NUMBER 121210 CASE NUMBER S15-12

PLANNING COMMISSION MEETING DATE: November 7, 2012

PLANNING COMMISSION RECOMMENDATION: Approval

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 7

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN			X			
CARTER			X			
HOSTER		X	X			
TURNER (CHAIRMAN)			X			
SILVIA (VICE-CHAIRMAN)	X		X			
PRINCE			X			
SALTER			X			

RESPECTFULLY SUBMITTED,

Linda Burg

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

Regular Board of Commissioners

10.

Meeting Date: 11/19/2012

Final Plat S16-12

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consideration of approval of a final plat for G.E. Oil and Gas Addition located at 14311 Highway 177.

Case #S16-12 Applicant: Landes Engineering

Attachments

Final Plat S16-12

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Landes Engineering
FOR: Final Plat
LOCATION: 14311 Highway 177
PROJECT NUMBER 121263 CASE NUMBER S16-12

PLANNING COMMISSION MEETING DATE:

November 7, 2012

PLANNING COMMISSION RECOMMENDATION:

Approval with the following conditions:

1.

Final infrastructure and construction plans (including an engineered drainage plan) shall be submitted by the applicant and approved by the City and the City Engineer prior to construction.
2.

A 20-foot utility easement shall be indicated on the final plat along with the Highway 177 frontage to incorporate the existing City waterline.
3.

Prior to filing the final plat, the applicant shall commence with making the required and proposed public site improvements in accordance with construction plans approved by the City Engineer or otherwise bond the project in accordance with City code.
4.

All other applicable City standards apply.

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 7

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN		X	X			
CARTER			X			
HOSTER			X			
TURNER (CHAIRMAN)			X			
SILVIA (VICE-CHAIRMAN)	X		X			
PRINCE			X			
SALTER			X			

RESPECTFULLY SUBMITTED,

Linda Burg

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____ DATE OF ACTION: _____

ADOPTED _____ DENIED _____



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

COMBINED STAFF REPORT
G.E. OIL AND GAS
Case # S15-12 Preliminary Plat, #S16-12 Final Plat

TO: Shawnee Planning Commission

AGENDA: November 7, 2012

RE: CASE #S15-12, #S16-12; G.E. Oil & Gas Addition

PROPOSAL

The applicant requests Preliminary and Final Plat approval of G.E. Oil & Gas Addition, located at 14311 Highway 177. The property is zoned I-2 and the proposed plat will facilitate an expansion plan at the plant. The property has not previously been platted.

GENERAL INFORMATION

Applicant	Landes Engineering
Developer	ERC Industries Inc
Site Location/Address	14311 Highway 177
Current Site Zoning	I-2, Light Industrial
Parcel Size	16.46 acres
Proposed Use	Industrial
Comprehensive Plan Designation	Industrial/Commercial
Existing Land Use	Industrial
Surrounding Land Use	<u>North</u> : Industrial <u>South</u> : Agricultural <u>West</u> : Industrial <u>East</u> : Industrial
Surrounding Zoning	<u>North</u> : I-2 <u>South</u> : Out of City Limits

	West: Out of City Limits
	East: I-2

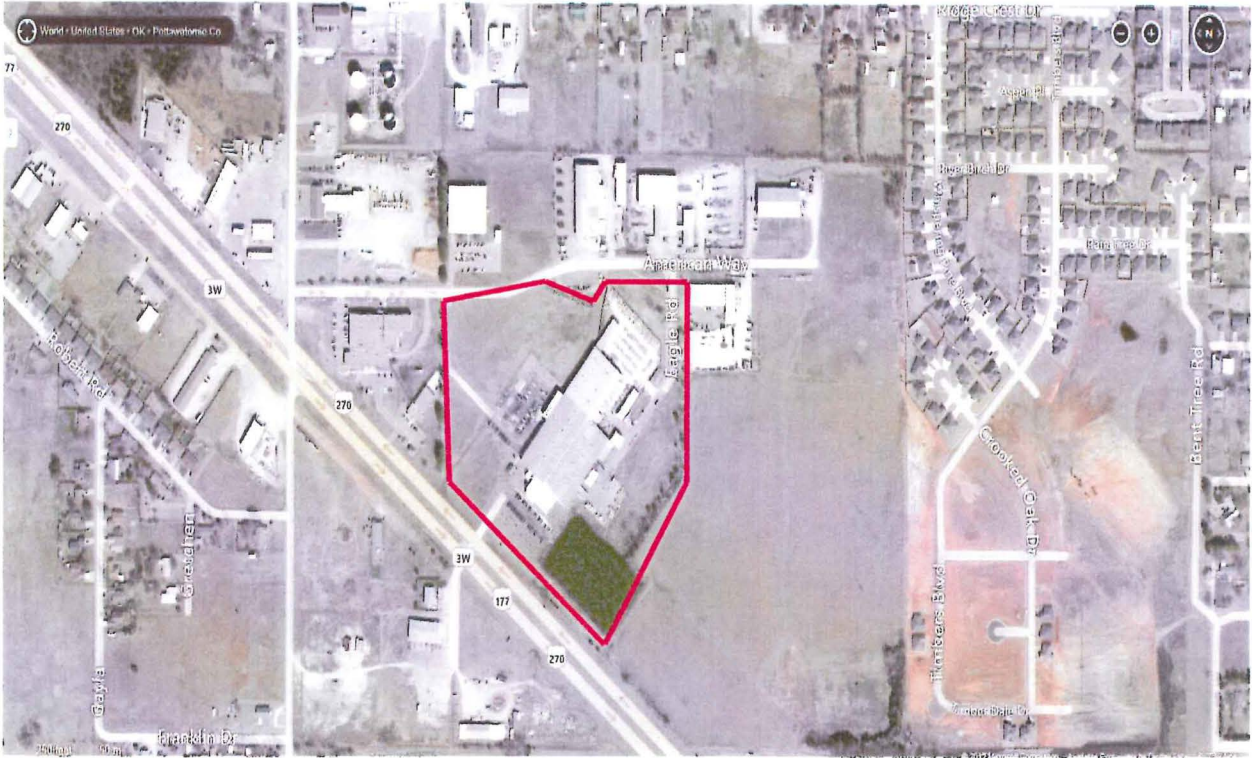


Figure 1: Vicinity map with the subject site outlined in red (approximate area).

STAFF ANALYSIS AND FINDINGS

The applicant is requesting preliminary and final plat approval for 16.46 acres located at 14311 Highway 177. The applicant is expanding the current facility with an additional 34,000+ square feet of warehousing and work space. The new site will also add an additional 56 parking spaces. The site is currently service by City water and City sewer. Utility extensions and fire protection (fire hydrants, etc.) are proposed as part of the site improvements.

The City Engineer has noted the applicant will have to show the existing utility easement on the south side of the property fronting Highway 177. This easement includes a City water line. Regarding the technical aspects of the plat, the City Engineer has reviewed the submitted plans and has no objection to final plat approval provided that all the easement issue is resolved prior to recording of the final plat and site construction. Addition engineering will occur as part of the building permit process.

RECOMMENDATION

Based on the analysis and findings above, Staff recommends **approval** of the applicant's request for Preliminary and Final Plat approval subject to the following conditions.

1. Final infrastructure and construction plans (including an engineered drainage plan) shall be submitted by the applicant and approved by the City and the City Engineer prior to construction.
2. A 20-foot utility easement shall be indicated on the final plat along the Highway 177 frontage to incorporate the existing City waterline.
3. Prior to filing the final plat, the applicant shall commence with making the required and proposed public site improvements in accordance with construction plans approved by the City Engineer or otherwise bond the project in accordance with City code.
4. All other applicable City standards apply.

Staff recommends that the Planning Commission forward these recommendations to the City Commission.

Attachments:

1. Preliminary Plat
2. Final Plat

PRELIMINARY PLAT APPLICATION FOR THE CITY OF SHAWNEE

Please provide a submittal letter, 6-24 X 36 maps, 1-8 1/2 x 14 map, 1 electronic map
(linda.burg@shawneeok.org) and filing fees upon submitting this application.

APPLICANT Landes Engineering
APPLICANT ADDRESS 903 E. 35th
APPLICANT PHONE NUMBERS (405) 275-5388
EMAIL ADDRESS landesengineering@landesengineering.net
NAME OF PLAT G.E Oil and Gas Addition
LOCATION 14311 Highway 177
NUMBER OF ACRES 16.46 NUMBER OF LOTS 1

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: FEE: \$225.00
PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 1 \$3.00
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS
TOTAL COST \$228.00

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 ERC Industries Inc.
ADDRESS 3250 Briarpark Dr., Houston, TX 77584
CONTACT NUMBERS
EMAIL ADDRESS

PROJECT ENGINEER INFORMATION:

NAME Richard Landes
ADDRESS 903 E. 35th, Shawnee, OK 74801
CONTACT NUMBERS (405) 275-5388
EMAIL ADDRESS landesengineering@landesengineering.net

FOR STAFF USE ONLY

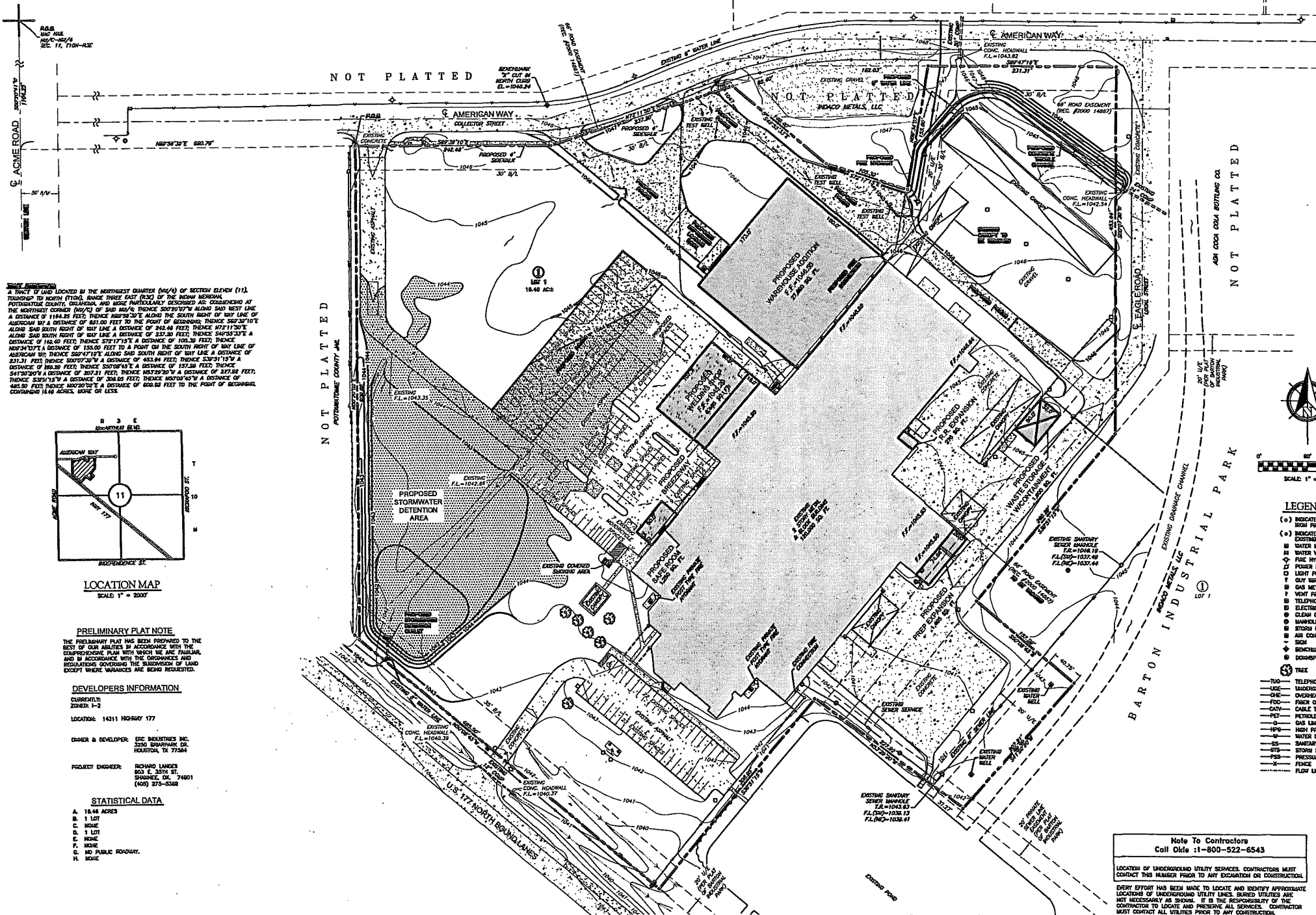
PROJECT NUMBER: 121210 CASE NUMBER: 315-12

DATE: 10/9/12 AMOUNT PAID: \$228.00 RECEIPT NO. 01388744

PRELIMINARY PLAT
G.E. OIL AND GAS ADDITION
A SUBDIVISION OF A PART OF THE NW/4 OF SECTION 11, TOWNSHIP 10 NORTH, RANGE 3 EAST, I.M.,
CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA

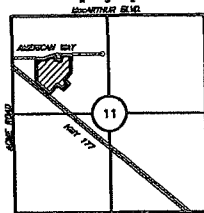
NOT PLATTED

NOT PLATTED



NOT PLATTED

A TRACT OF LAND LOCATED BY THE NORTHWEST CORNER (NW/4) OF SECTION ELEVEN (11), TOWNSHIP 10 NORTH (T10N), RANGE THREE EAST (R3E) OF THE BROWN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA, AND MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER (NW/4) OF SAID NW/4, THENCE S00°00'00"W ALONG SAID WEST LINE, A DISTANCE OF 1164.89 FEET, THENCE N00°00'00"E ALONG THE SOUTH RIGHT OF WAY LINE OF AMERICAN WAY A DISTANCE OF 611.00 FEET TO THE POINT OF BEGINNING, THENCE S00°00'00"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 243.46 FEET, THENCE N77°11'30"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 232.30 FEET, THENCE S45°00'00"E A DISTANCE OF 146.40 FEET, THENCE S71°17'15"E A DISTANCE OF 100.30 FEET, THENCE N00°00'00"E A DISTANCE OF 155.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF AMERICAN WAY, THENCE S00°00'00"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 231.31 FEET, THENCE S00°00'00"E A DISTANCE OF 453.84 FEET, THENCE S33°31'19"W A DISTANCE OF 800.30 FEET, THENCE S00°00'00"E A DISTANCE OF 157.50 FEET, THENCE S45°00'00"E A DISTANCE OF 202.17 FEET, THENCE N57°20'20"W A DISTANCE OF 277.08 FEET, THENCE S33°31'19"W A DISTANCE OF 304.80 FEET, THENCE N00°00'00"E A DISTANCE OF 465.50 FEET, THENCE N00°00'00"E A DISTANCE OF 606.50 FEET TO THE POINT OF BEGINNING, CONTAINING 18.48 ACRES, MORE OR LESS.



PRELIMINARY PLAT NOTE

THE PRELIMINARY PLAT HAS BEEN PREPARED TO THE BEST OF OUR ABILITIES IN ACCORDANCE WITH THE COMPREHENSIVE PLAN WITH WHICH WE ARE FAMILIAR, AND IN ACCORDANCE WITH THE ORDINANCES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND EXCEPT WHERE VARIANCES ARE BEING REQUESTED.

DEVELOPERS INFORMATION

CLIENT: ZONER 1-2
LOCATION: 14311 HIGHWAY 177

OWNER & DEVELOPER: ERIC BENTON INC.
3250 BROADWAY DR.
HOUSTON, TX 77064

PROJECT ENGINEER: RICHARD L. LANDES
803 E. 35TH ST.
SHAWNEE, OK 74801
(405) 275-5368

STATISTICAL DATA

- A. 18.48 ACRES
- B. 1 LOT
- C. NONE
- D. 1 LOT
- E. NONE
- F. NONE
- G. NO PUBLIC ROADWAY.
- H. NONE

- LEGEND**
- (○) INDICATES 3/4" IRON PDA, SET
 - (○) INDICATES EXISTING 8000 PSI
 - WATER METER
 - WATER VALVE
 - PURE HYDRANT
 - PURSE POLE
 - LIGHT POLE
 - GUY WIRE
 - GAS METER
 - VENT PIPE
 - TELEPHONE PEDESTAL
 - ELECTRIC BOX
 - CLEAN OUT
 - MANHOLE
 - STORM DRAIN
 - AIR CONDITIONER UNIT
 - SGH
 - BRANCHMARK
 - DOORPOUT
 - TREE
 - TELEPHONE UNDERGROUND
 - UNDERGROUND ELECTRIC
 - OVERHEAD ELECTRIC & CABLE TV
 - FIBER OPTIC CABLE
 - CABLE TV
 - PET
 - PETROLEUM LINE
 - GAS LINE
 - HIGH PRESSURE GAS LINE
 - WATER LINE
 - SANITARY SEWER LINE
 - STORM SEWER
 - PRESSURIZED SANITARY SEWER LINE
 - FENCE
 - FLOW LINE

Note To Contractors
Call Okla : 1-800-522-6543

LOCATION OF UNDERGROUND UTILITY SERVICES. CONTRACTORS MUST CONTACT THIS NUMBER PRIOR TO ANY EXCAVATION OR CONSTRUCTION.
EVERY EFFORT HAS BEEN MADE TO LOCATE AND IDENTIFY APPROXIMATE LOCATION OF UNDERGROUND UTILITY LINES. BURIED UTILITIES ARE NOT NECESSARILY AS SHOWN. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE AND PRESERVE ALL SERVICES. CONTRACTOR MUST CONTACT ALL UTILITIES PRIOR TO ANY CONSTRUCTION.



LANDES ENGINEERING L.L.C.
www.landesengineering.net
903 E. 35th Street • P.O. BOX 1032
Shawnee, OK 74802-1032
(405) 275-5755 • Fax: (405) 275-9047
CA # 2260 EXP. 6-30-13

REVISIONS

NO.	DATE	DESCRIPTION
1	09/14/2012	PP-1

Aztec Building Systems, Inc.
G.E. Shawnee Plant Expansion
G.E. Oil and Gas Addition Preliminary Plat
PP-1

FINAL PLAT APPLICATION FOR THE CITY OF SHAWNEE

Please provide a submittal letter, 6-24 X 36 maps, 1-8 1/2 x 14 map, 1 electronic map (linda.burg@shawneeok.org) and filing fees upon submitting this application.

APPLICANT Landes Engineering

APPLICANT ADDRESS 903 E. 35th St, Shawnee, OK 74802

APPLICANT PHONE NUMBERS (405)275-5388

EMAIL ADDRESS landesengineering@landesengineering.net

NAME OF PLAT G.E. Oil and Gas Addition

LOCATION 14311 Highway 177

NUMBER OF ACRES 16.46 NUMBER OF LOTS 1

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: COST IS \$325.00

PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 1 \$3.00

PLUS \$1.00 PER LOTS OVER FIFTY(50) LOTS NUMBER OF LOTS

TOTAL COST \$328.00

FOR LESS THAN 2 ACRE LOTS: COST IS \$325.00

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 ERC Industries Inc.

ADDRESS 3250 Briarpark Dr, Houston, TX 77584

CONTACT NUMBERS

EMAIL ADDRESS

PROJECT ENGINEER INFORMATION:

NAME Richard Landes

ADDRESS 903 E. 35th, Shawnee, OK 74802

CONTACT NUMBERS (405) 275-5388

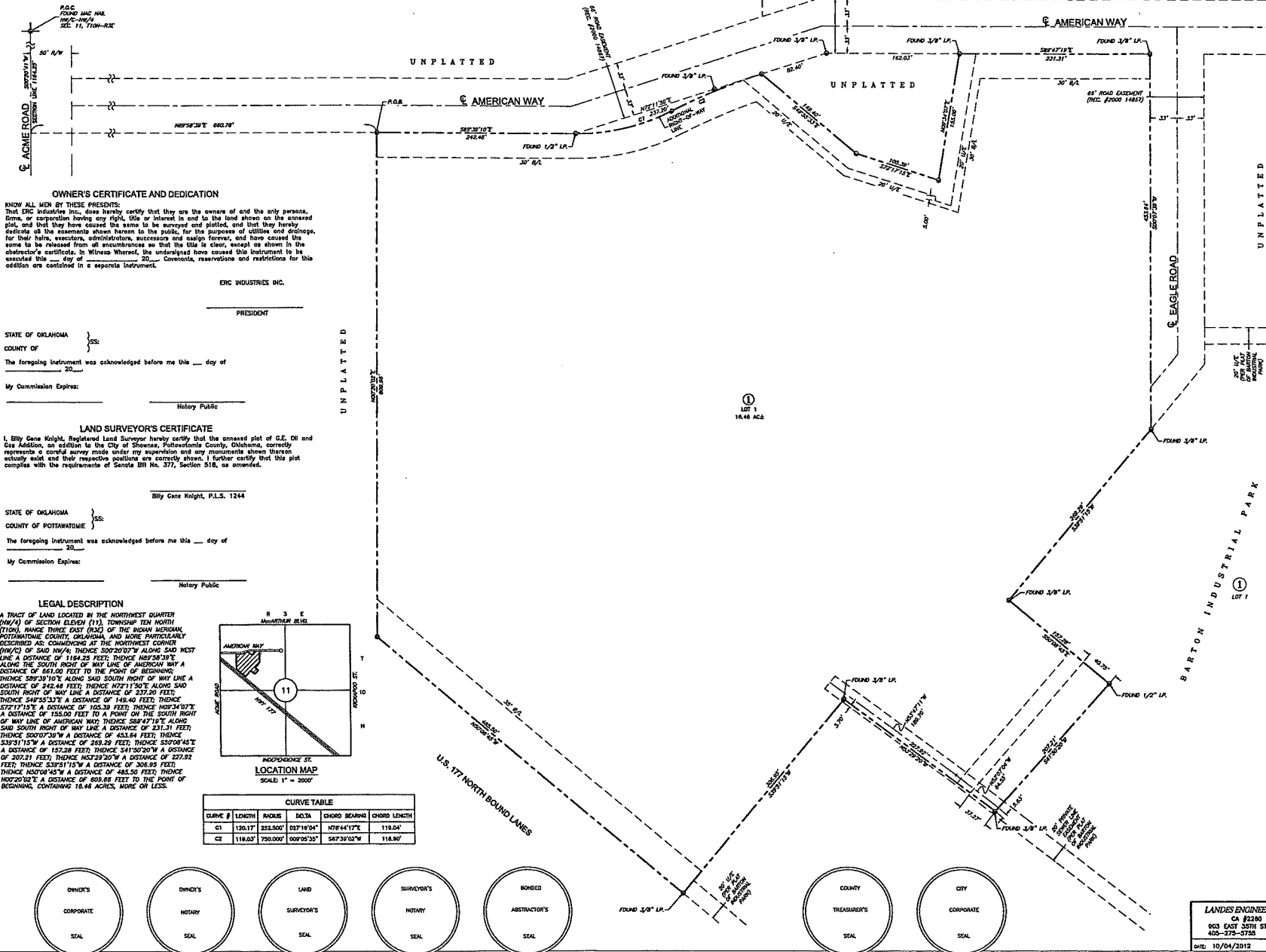
EMAIL ADDRESS landesengineering@landesengineering.net

Project No 121203

CASE NO 216-12

FINAL PLAT
G.E. OIL AND GAS ADDITION

A SUBDIVISION OF A PART OF THE NW/4 OF SECTION 11, TOWNSHIP 10 NORTH, RANGE 3 EAST, I.M.,
CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA



OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS:
That ERIC Industries Inc., does hereby certify that they are the owners of and the only persons, firm, or corporation having any right, title or interest in and to the land shown on the annexed plat, and that they have caused the same to be surveyed and platted, and that they hereby dedicate all the easements shown herein to the public, for the purpose of utility and drainage, for their heirs, executors, administrators, successors and assigns forever, and have caused the same to be released from all encumbrances so that the title is clear, except as shown in the abstractor's certificate. In Witness Whereof, the undersigned have caused this instrument to be executed this ____ day of ____, 20__.

ERIC INDUSTRIES INC.

PRESIDENT

STATE OF OKLAHOMA }
COUNTY OF _____ }

The foregoing instrument was acknowledged before me this ____ day of ____, 20__.

My Commission Expires: ____

Notary Public

LAND SURVEYOR'S CERTIFICATE

I, Billy Gene Knight, Registered Land Surveyor hereby certify that the annexed plat of G.E. Oil and Gas Addition, an addition to the City of Shawnee, Pottawatomie County, Oklahoma, correctly represents a careful survey made under my supervision and any monuments shown thereon actually exist and their respective positions are correctly shown. I further certify that this plat complies with the requirements of Senate Bill No. 377, Section 518, as amended.

Billy Gene Knight, P.L.S. 1244

STATE OF OKLAHOMA }
COUNTY OF POTTAWATOMIE }

The foregoing instrument was acknowledged before me this ____ day of ____, 20__.

My Commission Expires: ____

Notary Public

BONDED ABSTRACTOR'S CERTIFICATE

The undersigned, a duly qualified abstractor in and for Pottawatomie County, State of Oklahoma, hereby certifies that according to the records of said County, title to the land included in the annexed plat of G.E. Oil and Gas Addition, an Addition to the City of Shawnee, Pottawatomie County, Oklahoma, appears to be vested in ERIC Industries Inc. All lands described and referred to are unencumbered by pending actions, judgments, liens, mortgages, taxes and other encumbrances, EXCEPT oil, gas and other mineral leases and interests which have been previously conveyed and assessments and general mortgages of record.

EXECUTED AT City of Shawnee, Pottawatomie County, State of Oklahoma, on this ____ day of ____, 20__.

ATTEST: First American Title & Trust Co.

By: Asst. Secretary By: Vice-President

STATE OF OKLAHOMA }
COUNTY OF POTTAWATOMIE }

The foregoing instrument was acknowledged before me this ____ day of ____, 20__.

By: Vice-President of First American Title & Trust Co., an Oklahoma Corporation, on behalf of the Corporation.

My Commission Expires: ____

Notary Public

COUNTY TREASURER'S CERTIFICATE

I, _____, do hereby certify that I am the duly elected, qualified and acting County Treasurer of Pottawatomie County, State of Oklahoma, that the tax records of said County show all taxes are paid for the year 20__ and prior years on the land shown on the annexed plat, that the required ad valorem security has been deposited in the office of the County Treasurer, guaranteeing payment of the current years taxes. IN WITNESS WHEREOF, said County Treasurer has caused this instrument to be executed at the City of Shawnee, Oklahoma, this ____ day of ____, 20__.

County Treasurer

CITY PLANNING COMMISSION APPROVAL

I, _____, Chairman of the City Planning Commission for the City of Shawnee, State of Oklahoma, hereby certify that the said commission duly approved the annexed plat on the ____ day of ____, 20__.

10 Chairman

ACCEPTANCE OF DEDICATION OF CITY COMMISSION

BE IT RESOLVED by the Council of the City of Shawnee, Oklahoma, that the dedication shown on the annexed plat are hereby accepted. Adopted by the Council of the City of Shawnee, Oklahoma, this ____ day of ____, 20__.

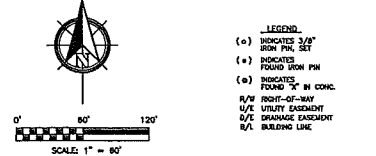
Attest: City of Shawnee, Oklahoma

City Clerk Mayor

CERTIFICATE OF CITY CLERK

I, _____, City Clerk of the City of Shawnee, State of Oklahoma, hereby certify that I have examined the records of said City and find that all deferred payments or unreturned installments upon special assessments have been paid in full and that there is no special assessment procedure now pending against the land shown on the annexed plat on this ____ day of ____, 20__.

City Clerk



OWNER'S CORPORATE SEAL

OWNER'S NOTARY SEAL

LAND SURVEYOR'S SEAL

SURVEYOR'S NOTARY SEAL

BONDED ABSTRACTOR'S SEAL

COUNTY TREASURER'S SEAL

CITY CORPORATE SEAL

LANDES ENGINEERING LLC & ASSOCIATES
CA #2280 EXP. 06/30/13
603 EAST 35TH STREET, SHAWNEE, OK 74804
405-273-2729 www.landesengineering.net

G.E. OIL AND GAS ADDITION
CITY OF SHAWNEE, OKLAHOMA

DRAWN BY: PDL
CHECKED BY: BCK

DATE: 10/04/2012
SHEET: 1 of 1

Regular Board of Commissioners

11.

Meeting Date: 11/19/2012

P19-12 CUP

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

A public hearing and consideration of an ordinance to approve a Conditional Use Permit to allow a mobile home for property located at 31909 Lake Road.

Case #P19-12 Applicant: Chelsey Beauchamp

Attachments

P19-12 CUP Lake Road

Ordinance P19-12

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Chelsey Beauchamp
FOR: Conditional Use Permit
LOCATION: 31909 Lake Road
PROJECT#: 121237 Case# P19-12

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION:

A-1; Agricultural

REQUESTED CLASSIFICATION:

Conditional Use Permit

PROPOSED PROPERTY USE:

To allow for the placement of a manufactured home on agriculturally-zoned property

PLANNING COMMISSION MEETING DATE: November 7, 2012

PLANNING COMMISSION RECOMMENDATION: Approval with the following conditions:

1.

The manufactured home must meet the zoning setback requirements for the A-1 Zone.
2.

The manufactured home must be no more than a 15 year old structure.
3.

The Conditional Use Permit is non-transferable.
4.

The structure must be attached with skirting allowing the home style to fit the neighborhood.

VOTE OF THE PLANNING COMMISSION: MEMBERS PRESENT: 7

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN			X			
CARTER			X			
HOSTER			X			
TURNER (CHAIRMAN)			X			
SILVIA (VICE-CHAIRMAN)		X	X			
PRINCE	X		X			
SALTER			X			

RESPECTFULLY SUBMITTED,

Linda Burg

SECRETARY, PLANNING COMMISSION

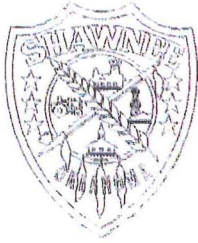
ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

ADOPTED _____ DENIED _____

DATE OF ACTION: _____

ORDINANCE NO. _____



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

COMBINED STAFF REPORT
CASE #P19-12 and #P20-12

TO: Shawnee Planning Commission

AGENDA: November 7, 2012

RE: CASE #P19-12: Consideration of a *Conditional Use Permit* to allow for the placement of a manufactured home on agriculturally-zoned property
CASE #P20-12: Consideration of a *Hardship Request* for temporary placement of a second mobile home

PROPOSAL

The applicant requests approval of a Conditional Use Permit to allow for the placement of a manufactured home on agriculturally-zoned property. Additionally, the applicant requests approval of a Hardship Request for the temporary placement of a second mobile home on the site for an ailing family member to live. The subject property is located at 16004 Patterson Road (31909 Lake Road) and is one-acre in size.

GENERAL INFORMATION

Property Owner	John and Deborah Wright
Agent/Applicant	Chelsey Beauchamp
Site Location/Address	31909 Lake Road (16004 Patterson Rd)
Current Site Zoning	Agricultural (A-1)
Parcel Size	1 acre
Proposed Zoning	A-1 (with CUP – A-1P)
Proposed Use	Rural residential
Comprehensive Plan Designation	Rural Development/Agricultural

Existing Land Use	Rural/Agricultural
Surrounding Land Use	<u>North:</u> Rural residential <u>South:</u> Rural residential <u>West:</u> Rural residential <u>East:</u> Rural residential
Surrounding Zoning	<u>North:</u> A-1 <u>South:</u> A-1 <u>West:</u> A-1 <u>East:</u> A-1

STAFF ANALYSIS AND FINDINGS

The subject property is surrounded by similar sized parcels and is in a rural residential setting. Section 1401.10 of the Shawnee Zoning Code (see Section C) details the Planning Commission's task in reviewing Conditional Use Permit requests. Considerations include the character of the neighborhood, traffic congestion, public utilities and other matters pertaining to the general welfare. The subject property is one acre in size, which does not meet the minimum lot size requirement in the A-1 Zone, but because this is a legal existing lot, it has been grandfathered as per Section 401.3.B which states "Where a lot has less area than required in this chapter and all the boundary lines of that lot touch lands on other ownership on the effective date of these regulations codified in this Code. That lot may be used for any of the uses permitted by this section". Staff traced a deed back to 1981 showing the property was a one acre tract at that time allowing for it to be treated as a grandfathered property. The proposed residence is not expected to impact the character of the surrounding area or be detrimental to public health, safety and welfare. As of November 1, 2012, Staff has not received any written comments concerning the subject proposal.

Figure 1 includes an aerial view of the site and surroundings, while Figure 2 is a parcel map of the subject and adjacent lots. As indicated, there is a one-acre lot immediately to west of the subject property and a one-acre lot to the northeast. In addition, there are many sub-five acre parcels to the west and east.

Hardship Request

As per City Ordinance, Chapter 18-Manufactured Homes, Article III-Special Permits, "The Planning Commission shall consider such application and review such matters as the nature of the applicant's special or hardship case and shall consider the proposed location of such mobile/manufactured home with regard to the type of buildings or proposed location of such mobile/manufactured home with regard to the type of buildings or dwellings within the general area of such proposed location and the relationship of such dwellings within the general area of such proposed location and the relationship of such mobile/manufactured homes to the neighborhood."

As part of the ordinance, the special permit must follow the following guidelines “A special permit issued under this article shall be personal and shall not be transferable. The special permit shall expire upon the termination of the special or hardship situation set forth in the application. The mobile/manufactured home under such special permit shall be used and occupied by the persons so authorized and shall not be transferred, rented or leased for use by any other person at such approved location. However, any mobile/manufactured home which has been located within the corporate limits under a special or hardship permit for a period of seven years or longer may remain at such location as a nonconforming use, which use shall be controlled by the provisions of the city zoning code relating to nonconformities, as amended from time to time, and after the period of seven years it will no longer be necessary to make annual reports to the city.” Additionally, the ordinance requires yearly reports to the City clerk showing the hardship or special situation still exists.

According to the applicant, the manufactured home will house her ailing grandmother. Staff has reviewed the applicant’s request for a hardship waiver to allow for a second mobile home to be placed on the property and has concerns about neighborhood impact. Because the lot is only one-acre in size and is legally-nonconforming, the placement of a second dwelling unit would result in a density of two units per acre, when one unit per five acres is what is normally permitted (or two units per five acres in the case of a hardship request). As noted in the application, the primary residence is proposed to be used temporarily, while the applicant constructs a site-built home. Having two manufactured/mobile homes on the property, while also having room to construct a site-built home would appear to be difficult especially considering area requirements for a septic system and water well.

As of November 1, 2012 Staff has not received any written comments concerning the subject proposal.

RECOMMENDATION

Staff recommends **approval** of the requested Conditional Use Permit to allow for the placement of a manufactured home on the subject property since the placement of the manufactured home does not change the character of the neighborhood, and does not significantly increase traffic congestion or the use of public utilities. Approval of this Conditional Use Permit should be subject to the following condition:

1. The manufactured home must meet the zoning setback requirements for the A-1 Zone.
2. The manufactured home must be the pictured 1995 structure or a similar manufactured home of better quality as determined by the Zoning Administrator.

Staff recommends **denial** of the requested Hardship Request to allow for the placement of a second manufactured home on the subject property due to the following:

1. The property is only one acre and placement of a second structure on the property would allow for a density considerably higher than the one dwelling unit per five acres that is allowed by the zoning code.
2. The applicant has not demonstrated sufficient need.



Figure 1: Aerial view of site and surrounding area (site outlined in red). The current photo does not show where the structures have been demolished and the site cleaned. The entire area is zoned Agricultural.

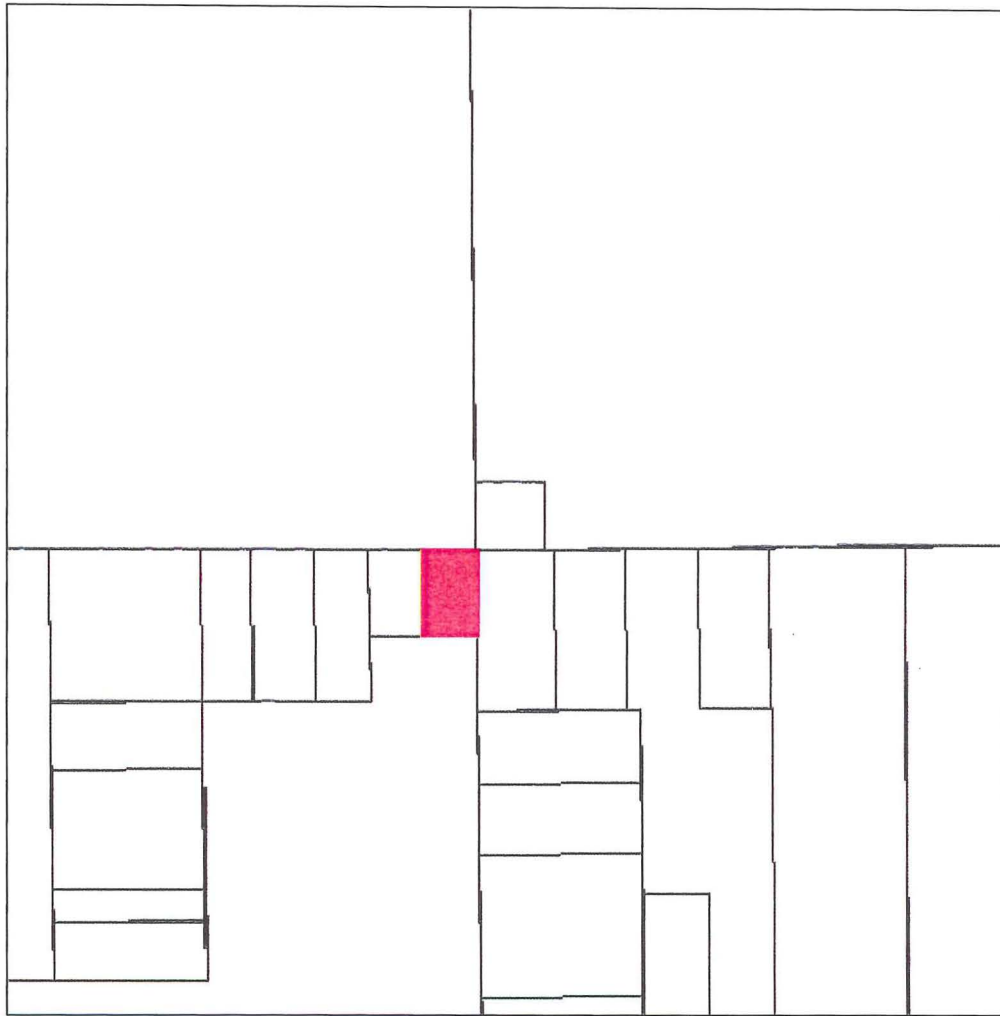


Figure 2: Parcel map, with subject lot noted in red.

ATTACHMENTS

1. Application
2. Homeowner-supplied photos of surrounding properties.

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #19-12 and Case #20-12

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on an application for a Conditional Use Permit on Case #19-12 and a Hardship Request on Case #20-12 on property located within the City of Shawnee.

The applicant requests a conditional use permit for the following described property:

A tract of land described as beginning at the Northeast Corner of the Northeast Quarter of Section Twenty-one (21), Township Ten (10) North, Range Two (2) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence West 165 feet; thence South 264 feet; thence East 165 feet; thence North 264 feet to the point of beginning.

General Location Known As:	<u>31909 Lake Road</u>
Current Zoning Classification:	<u>A-1; Agricultural</u>
Requested Zoning Classification:	<u>Conditional Use Permit and Hardship Request</u>
Proposed Use of Property	<u>Case #19-12 CUP for mobile home</u>
	<u>Case #20-12 Hardship Request for temporary</u>
	<u>placement of a mobile home</u>
Applicant:	<u>Chelsey Beauchamp</u>

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

November 7, 2012	AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
November 19, 2012	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 conditional use permit. The Commission reserves the right to limit discussion and debate on the proposed conditional use permit in the public hearing, in which event those persons appearing in support or opposition of the proposed conditional use permit will be allotted equal time. 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 17 day of October, 2012.




Phyllis Loftis, City Clerk

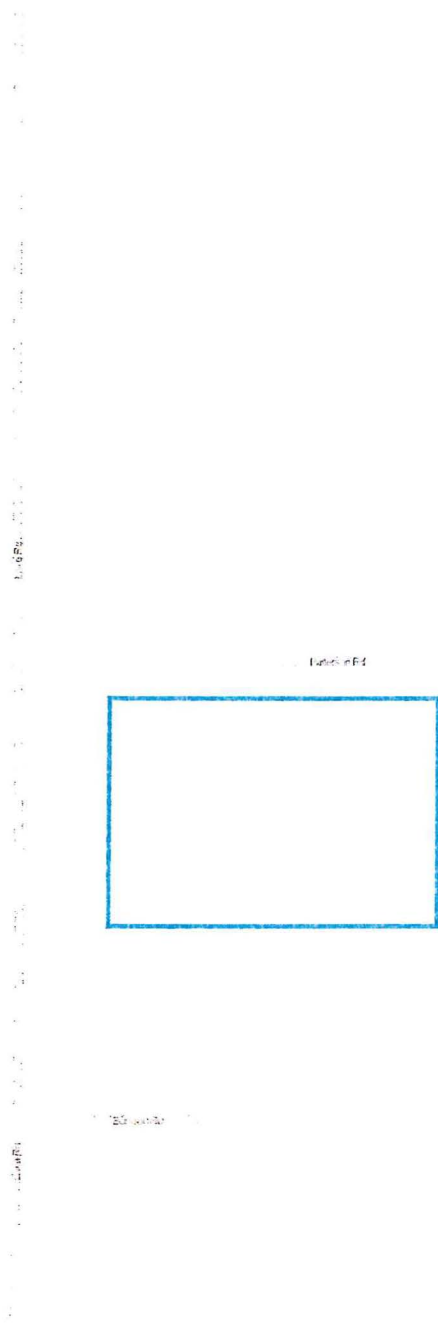
Zoning Map

Figure 1 – Zoning Map- Property in question is highlighted in blue.



Location Map

Figure 2 – Location Map- Property in question is highlighted in blue.



CITY OF SHAWNEE
222 N. BROADWAY
SHAWNEE, OK 74801

PLANNING DEPARTMENT
PHONE: (405) 878-1666
FAX: (405) 878-1587

PLANNING COMMISSION APPLICATION
PROJECT NO. 121237 CASE NO. P19-12 & P20-12

REQUEST:

Rezoning _____ Rezoning w/Conditional Use Permit _____ Conditional Use Permit X
Planned Unit Development _____ + Hardship 98

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

PROPERTY LOCATION (STREET ADDRESS): 31909 Lake Rd 16004 Patterson Rd

LEGAL DESCRIPTION: Reg NE 1/4 NE 1/4 165' S 264' E 165' N 264' POB

PROPERTY OWNER (S): John & Deborah Wright

PROPERTY AGENT (APPLICANT): Chelsey Beauchamp

APPLICANT'S ADDRESS: 16402 Gaddy Rd

CITY: Shawnee STATE OK ZIP 74801

EMAIL ADDRESS: cbeau32109@yahoo.com

TELEPHONE NUMBER: () _____ CONTACT NUMBER: (405)-708-2207

DIMENSIONS OF PROPERTY: AREA 43,560 sq ft WIDTH 165'
LENGTH 264' FRONTAGE corner lot

CURRENT ZONING: A-1 CURRENT USE: vacant lot

PROPOSED ZONING: _____ PROPOSED USE: occupied mobile home
(temporary)

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.

Chelsey Beauchamp
SIGNATURE OF APPLICANT

(FOR STAFF USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this _____ day of, _____ 20____

PLANNING COMMISSION SECRETARY

REZONING &/OR C.U.P FEE \$ 280.00
RECEIPT NO. 01391248

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.: _____

I am also requesting a hardship permit for another manufactured home for my grandmother who has vascular dementia.

Ms Julie Ackermans 1 acre property across the street from our property. Grass 5ft tall & 2 dilapidated buildings.



she has been the only one to personally express her protest to my family's plans.



This is the kind of mobile home we would like to get 80s/90s model vinyl siding landscaped mowed etc.
Depending upon what's available it may be meted



I believe this makes the neighborhood look worse than my family's plans will



metal siding (2 different kinds)
tarp on roof
falling apart



Not moved
Tires holding down tarp on roof



Falling apart
Permanent structure



Permanent structure
falling apart



No skirting
Metal siding

CASE P19-12
P20-12
31909 Lake Road

STATE OF OKLAHOMA)
) SS:
COUNTY OF POTTAWATOMIE)

-: AFFIDAVIT OF BONDED ABTRACTOR :-

The undersigned Bonded Abstractor in and for the aforesaid County and State does hereby certify that the foregoing 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 lands:

A tract of land described as beginning at the Northeast Corner of the Northeast Quarter of Section Twenty-one (21), Township Ten (10) North, Range Two (2) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence West 165 feet; thence South 264 feet; thence East 165 feet; thence North 264 feet to the point of beginning.

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

The Abstractor makes no representation or warranty, either expressed or implied, regarding the accuracy of the information contained in this report. The Abstractor does not guarantee the validity of the title of such parties nor is this report intended to guarantee title thereof. The liability of the Abstractor shall be based solely on contract and shall be limited to the price paid for the report by the customer. The parties agree that the Abstractor shall not be liable for consequential damages. Acceptance of the instrument constitutes acceptance of this limitation on liability.

EXECUTED at Shawnee, Oklahoma, this 25th day of September, 2012.

FIRST AMERICAN TITLE AND TRUST COMPANY

By 
Teresa Southard, Licensed Abstractor #264

Order No. 1749119-SH99

Ownership List

Order No. 1749119-SH99

Date September 25, 2012

Page No. 1

OWNER

BRIEF LEGAL:

Board of County Commissioners – 14101 Acme Road, Shawnee, OK 74804

Beg. NE/C NE/4 Section 21, Township 10 North, Range 2 East; thence W 165'; thence S 264'; thence E 165'; thence N 264' to beg.

David G. Cook and Teresa L. Cook – 31903 Lake Road, Shawnee, OK 74801

Beg. 165' W NE/C NE/4 Section 21, Township 10 North, Range 2 East; thence W 165'; thence S 264'; thence E 165'; thence N 264' to beg.

Vision Bank NA - 4301 N. Harrison, Shawnee, OK 74804

Beg. 330' W NE/C NE/4; thence S 466.69'; thence W 166.31'; thence N 466.69'; thence E 166.31' to beg. & Beg. 619.69' E NW/C NE/4 NE/4; thence E 102'; thence S 466.69'; thence W 102'; thence N 466.69' to beg. & Beg. 721.69' E NW/C NE/4 NE/4; thence E 102'; thence S 466.69'; thence W 102'; thence N 466.69' to beg. all in Section 21, Township 10 North, Range 2 East

Joe Crall and Laura Crall Trust – 16206 Patterson Road, Shawnee, OK 74801

E/2 NE/4...LESS 17.78 ACRES, Section 21, Township 10 North, Range 2 East

City Lake – City of Shawnee – 16 W. 9th, Shawnee, OK 74801

Balance of S/2 of Section 15, Township 10 North, Range 2 East

Charles B. Akerman and Julie A. Akerman – c/o Julie Akerman – 31950 Lake Road, Shawnee, OK 74801

Beg. SW/C SW/4 SW/4 Section 15, Township 10 North, Range 2 East; thence E 208.71'; thence N 208.71'; thence W 208.71'; thence S 208.71' to beg.

Commissioners of the Land Office – Paragon Building, Suite 200, 5801 N. Broadway Extension, Oklahoma City, OK 73118

All Section 16, Township 10 North, Range 2 East...LESS TRACTS

Dennis W. Smith and Sherida R. Smith Trust – 16105 Patterson Road, Shawnee, OK 74801

Beg. 495' S NW/C W/2 NW/4; thence E 495'; thence S 220'; thence W 495'; thence N 220' to beg. & Beg. NW/C; thence E 240'; thence S 495'; thence W 234'; thence N 495' to beg. all in Section 22, Township 10 North, Range 2 East

Marlene L. Wilson – 8400 Woodfield Avenue, Oklahoma City, OK 73149

Beg. 240' E NW/C W/2 NW/4 Section 22, Township 10 North, Range 2 East; thence E 220'; thence S 495'; thence W 220'; thence N 495' to beg.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, TO-WIT: A TRACT OF LAND DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION TWENTY-ONE (21), TOWNSHIP TEN (10) NORTH, RANGE TWO (2) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA; THENCE WEST 165 FEET; THENCE SOUTH 264 FEET; THENCE EAST 165 FEET; THENCE NORTH 264 FEET TO THE POINT OF BEGINNING; REZONING SAID PROPERTY FROM A-1; AGRICULTURAL TO A-1P AGRICULTURAL WITH CONDITIONAL USE PERMIT; 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 was conducted by the Board of Commissioners of the City of Shawnee, Oklahoma on the 19th day of November, 2012, upon an application to grant a conditional use permit on property located in the City of Shawnee, Oklahoma to A-1P; Agricultural with a Conditional Use Permit.

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 property to be rezoned as considered.

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 described as beginning at the Northeast corner of the Northeast quarter of Section Twenty-One (21), Township Ten (10) North, Range Two (2) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence west 165 feet; thence south 264 feet; thence east 165 feet; thence north 264 feet to the point of beginning; be rezoned A-1P; Agricultural with a Conditional Use Permit, and the official zoning map heretofore adopted is hereby amended as to include said property A-1P; Agricultural with a Conditional Use Permit.

PASSED AND APPROVED this 19th day of November, 2012.

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

12.

Meeting Date: 11/19/2012

P20-12 Hardship Request

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

A public hearing for consideration of approval of a Hardship Request for temporary placement of a mobile home on property located at 31909 Lake Road.

Case #P20-12 Applicant: Chelsey Beauchamp

Attachments

P20-12 Hardship Request

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Chelsey Beauchamp
FOR: Hardship Request
LOCATION: 31909 Lake Road
PROJECT#: 121237 Case# P20-12

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: A-1; Agricultural
REQUESTED CLASSIFICATION: Hardship Request
PROPOSED PROPERTY USE: For the temporary placement of a second mobile home

PLANNING COMMISSION MEETING DATE: November 7, 2012

PLANNING COMMISSION RECOMMENDATION: Denial

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 7

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN			X			
CARTER		X	X			
HOSTER			X			
TURNER (CHAIRMAN)			X			
SILVIA (VICE-CHAIRMAN)	X		X			
PRINCE				X		
SALTER			X			

RESPECTFULLY SUBMITTED,

Linda Burg

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____

Regular Board of Commissioners

13.

Meeting Date: 11/19/2012

Graystone Addition acceptance of easement and maintenance bonds in effect

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider acceptance of public easements and dedications associated with the Final Plat of Graystone Addition and authorizing recording of the final plat and obtainment of signatures and placing maintenance bonds into effect.

Attachments

Graystone Addition



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

MEMORANDUM

AGENDA: November 19, 2012

TO: Shawnee City Commission

FROM: Justin Erickson, Planning Director 

RE: Graystone Addition

Staff recommends acceptance of all public improvements related to Graystone Addition, an eight-lot single-family residential development located north of Highland Street and east of Cleveland Street. The Final Plat was approved on February 8, 2012 by the City Commission. All improvements have been installed and inspected. The City has received all required maintenance bonds associated with the water, sewer, stormwater and paving improvements. The Engineering Department has copies of the as-built drawings and has no objection to acceptance of the improvements.

Acceptance will authorize recording of the final plat and the obtainment of the Mayor's signature for filing.

Regular Board of Commissioners

14.

Meeting Date: 11/19/2012

Resolution on Moratorium

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discuss and consider a resolution establishing a moratorium on boarding or rooming houses in all zoning districts.

Attachments

Resolution on Moratorium

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING A MORATORIUM ON BOARDING OR ROOMING HOUSES IN ALL ZONING DISTRICTS.

WHEAREAS, the Shawnee Zoning Code allows for the establishment of a “Boarding or Rooming House” with an approved Conditional Use Permit in the C-2 and C-4 Zoning Districts;

WHEREAS, other than the Conditional Use Permit requirements, there are no other guidelines or specific standards that apply to boarding or rooming houses;

WHEREAS, public health, safety, and welfare will be benefited by the establishment of specific land use standards pertaining to boarding or rooming houses;

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

THAT, a moratorium shall be established preventing any applicant from requesting a Conditional Use Permit for a boarding or rooming house until such time as the City Commission, upon recommendation by the Planning Commission, has had an opportunity to adopt specific standards pertaining to said use;

BE IT FURTHER RESOLVED, that the Planning Commission shall have up to two (2) years to report back to the City Commission.

PASSED AND APPROVED this ____ day of _____, 2012.

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

15.

Meeting Date: 11/19/2012

Sales Tax

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Sales Tax report received November 2012.

Attachments

Sales Tax November

City of Shawnee Memorandum



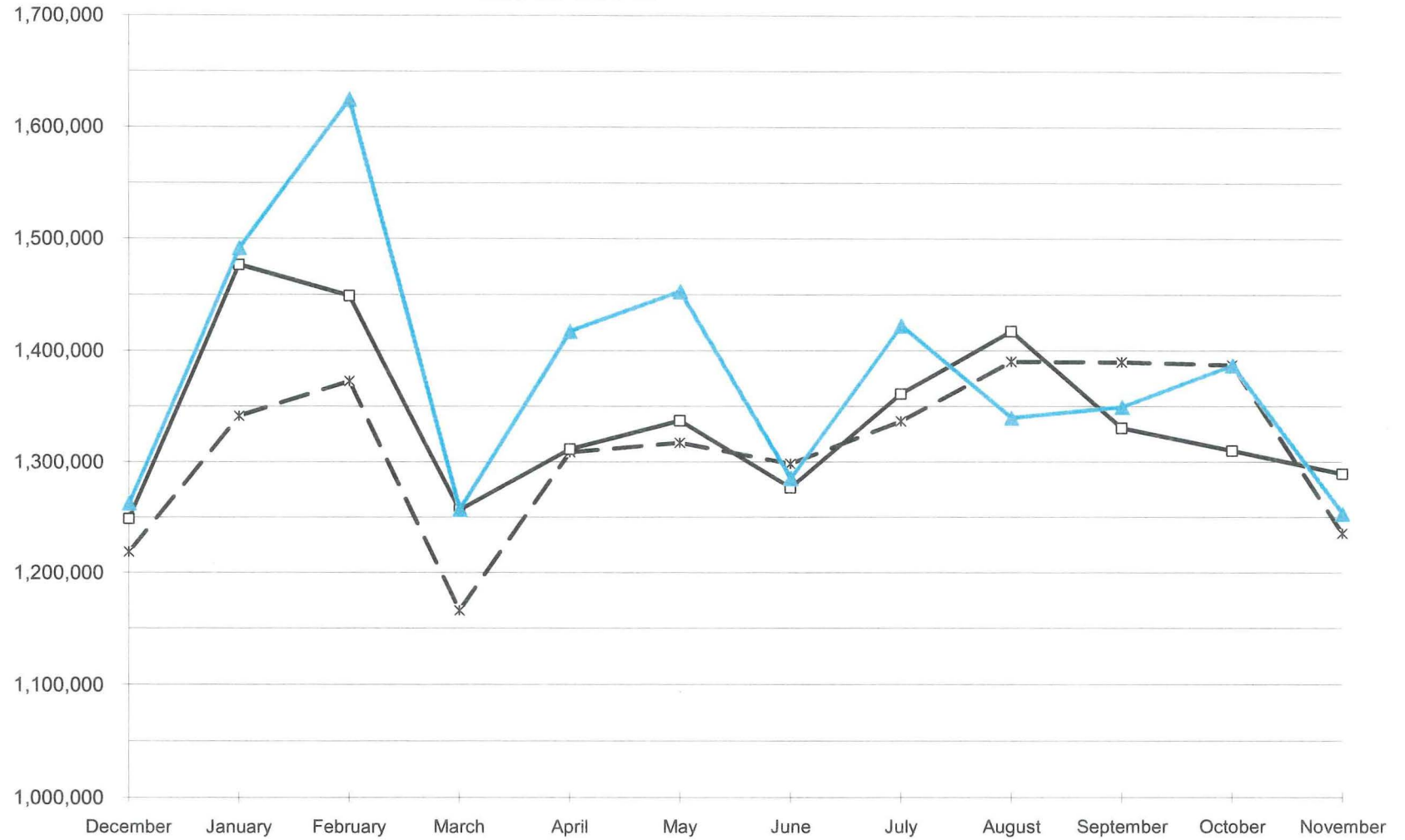
To: Mayor and City Commissioners
CC: Brian McDougal, City Manager
From: Cynthia R Sementelli, Finance Director
Date: November 9, 2012
Re: City Sales Tax Report

November Sales Tax receipts were down \$36,003 or 2.79% compared to last year receipts. The November Sales tax amount received plus interest was \$1,253,140 which accumulatively for the fiscal year we are down \$124,789 or 1.81%. Compared to November 2010 figures we were up \$17,750.00



	December 2009	December 2010	December 2011	Increase	(Decrease)
	through	through	through	Over Prior Year	
Month	November 2010	November 2011	November 2012	Amount	Percentage
December	1,218,404	1,248,649	1,262,401	13,752	1.10%
January	1,341,370	1,476,824	1,491,647	14,824	1.00%
February	1,372,608	1,448,966	1,624,568	175,602	12.12%
March	1,165,927	1,256,430	1,256,806	376	0.03%
April	1,308,463	1,311,387	1,417,533	106,146	8.09%
May	1,317,167	1,337,029	1,452,759	115,731	8.66%
June	1,298,026	1,276,542	1,284,872	8,330	0.65%
July	1,336,599	1,361,273	1,422,363	61,090	4.49%
August	1,390,086	1,417,308	1,339,539	(77,769)	(5.49%)
September	1,389,702	1,330,420	1,349,282	18,862	1.42%
October	1,386,987	1,309,924	1,386,657	76,733	5.86%
November	1,235,390	1,289,143	1,253,140	(36,003)	(2.79%)
Total	15,760,728	16,063,894	16,541,568	477,674	2.97%
		Prior Year	Current Year	Increase	(Decrease)
Period		Actual	Actual	Over Prior Year	
Fiscal Year to Date		6,708,069	6,750,981	\$42,912	0.64%
Fiscal Year to Date Budget based on last year actual plus 2.5%					
		Current Year	Current Year	Budget Variance	
Period		Budget	Actual	Favorable	(Unfavorable)
Fiscal Year to Date		6,875,771	6,750,981	(\$124,789)	(1.81%)

**CITY OF SHAWNEE
SALES TAX COLLECTIONS
Dec 09- Nov 12**



- x— December 2009 through November 2010
- December 2010 through November 2011
- ▲— December 2011 through November 2012

Regular Board of Commissioners

16. a.

Meeting Date: 11/19/2012

Bid Award

Submitted By: Donna Mayo, Administration

Department: Administration

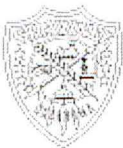
Information

Title of Item for Agenda

Airport Pedestrian Trail Contract COS-PW-12-01 (Award)

Attachments

Airport Trails Award

Mayor WES MAINORD 	The City of Shawnee PO Box 1448 Shawnee Oklahoma 74802-1448 (405) 273-1250 Fax (405) 878-1581 www.ShawneeOK.org	Commissioners PAM STEPHENS LINDA AGEE JAMES HARROD KEITH HALL JOHN WINTERRINGER STEVE SMITH
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M E M O R A N D U M

Date: November 15, 2012

To: Brian McDougal, City Manager

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



**Re: Award of Contract for Airport Pedestrian Trail Project
{Contract No. COS-PW-12-01}**

At the November 5, 2012 City Commission meeting we opened eight bids that were received for the Airport Pedestrian Trail Project. The bids have been tabulated and reviewed (see Attached Bid Tabs Contract No. COS-PW-12-01). The lowest and best bid received was from Bishop Paving in the amount of \$633,409.90, and staff would recommend awarding the Project to Bishop Paving in that amount.

We understand that \$400,000 was identified from the bond finance stuff towards the trail project, and the City has also received a \$10,000 grant that can also be used on the trails project, thus, there appears to be a \$223,409.90 shortfall.

At the last City Commission meeting, the City finalized and accepted the Expo Parking Lot Project and there was a \$51,218.07 savings on that project that could be used towards the trails project, thus, now we are needing to identify \$172,191.83 in additional funding. If there is not enough funds left from the projects identified with the bond finance stuff, I would propose taking the additional funding out of the 302 Street Fund, because there are some funds due the City that have not been budgeted or allocated, and then when we recover those funds owed the City of Shawnee from the Shawnee Animal Hospital Condemnation Case, that those funds be placed back into the 302 Street Fund.

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

COS-PW-12-01
AIRPORT PEDESTRIAN TRAIL PROJECT

ITEM NO.	Spec No.	DESCRIPTION	QNTY. NO.	UNIT	BISHOP PAVING UNIT PRICE	BISHOP PAVING TOTAL	ALL ROADS PAVING UNIT PRICE	ALL ROADS PAVING TOTAL	CGC, LLC UNIT PRICE	CGC, LLC TOTAL	RUDY CONSTRUCTION UNIT PRICE	RUDY CONSTRUCTION TOTAL
1.	202a	Unclassified Excavation	700.00	C.Y.	\$ 6.75	\$ 4,725.00	\$ 6.29	\$ 4,403.00	\$ 12.05	\$ 8,435.00	\$ 15.00	\$ 10,500.00
2.	202D	unclassified Borrow	700.00	C.Y.	\$ 6.75	\$ 4,725.00	\$ 8.10	\$ 5,670.00	\$ 7.15	\$ 5,005.00	\$ 20.00	\$ 14,000.00
3.	220	Erosion Control	1.00	L.S.	\$ 24,500.00	\$ 24,500.00	\$ 4,056.00	\$ 4,056.00	\$ 6,625.00	\$ 6,625.00	\$ 4,500.00	\$ 4,500.00
4.	230A	Solid Slab Sod	1.00	L.S.	\$ 24,500.00	\$ 24,500.00	\$ 7,150.00	\$ 7,150.00	\$ 6,125.60	\$ 6,125.60	\$ 25,000.00	\$ 25,000.00
5.	301	2" Crusher Run Backfill	1,100.00	S.Y.	\$ 7.50	\$ 8,250.00	\$ 3.21	\$ 3,531.00	\$ 14.00	\$ 15,400.00	\$ 3.00	\$ 3,300.00
6.	307B	6" CKD Stabilized Subgrade	29,270.00	S.Y.	\$ 3.65	\$ 106,835.50	\$ 4.16	\$ 121,763.20	\$ 5.25	\$ 153,667.50	\$ 4.25	\$ 124,397.50
7.	609B	6" Curb and Gutter	100.00	L.F.	\$ 16.35	\$ 1,635.00	\$ 23.88	\$ 2,388.00	\$ 25.00	\$ 2,500.00	\$ 20.00	\$ 2,000.00
8.	610	6" Concrete Pad	400.00	S.Y.	\$ 45.00	\$ 18,000.00	\$ 28.00	\$ 11,200.00	\$ 45.00	\$ 18,000.00	\$ 79.00	\$ 31,600.00
9.	610A	4" Concrete Sidewalk	180.00	S.Y.	\$ 34.95	\$ 6,291.00	\$ 33.03	\$ 5,945.40	\$ 48.00	\$ 8,640.00	\$ 35.00	\$ 6,300.00
10.	610A	Concrete Ramp (Trail)	17.00	EA.	\$ 895.00	\$ 15,215.00	\$ 473.20	\$ 8,044.40	\$ 1,300.00	\$ 22,100.00	\$ 700.00	\$ 11,900.00
11.	610A	Concrete Ramp (ALT.C)	1.00	EA.	\$ 1,075.00	\$ 1,075.00	\$ 608.00	\$ 608.40	\$ 3,250.00	\$ 3,250.00	\$ 700.00	\$ 700.00
12.	610B	6" Concrete Driveway	632.00	S.Y.	\$ 24.95	\$ 15,768.40	\$ 36.49	\$ 23,061.68	\$ 40.00	\$ 25,280.00	\$ 50.00	\$ 31,600.00
13.	610F	Asphalt Trail (4" Type B Asp)	21,150.00	S.Y.	\$ 13.50	\$ 285,525.00	\$ 16.09	\$ 340,303.50	\$ 13.55	\$ 286,582.50	\$ 16.00	\$ 338,400.00
14.	610I	Tactile Warning Device	120.00	S.F.	\$ 32.00	\$ 3,840.00	\$ 13.23	\$ 1,587.60	\$ 36.00	\$ 4,320.00	\$ 30.00	\$ 3,600.00
15.	612	Adjust to Grade Pull Box	1.00	EA.	\$ 250.00	\$ 250.00	\$ 390.00	\$ 390.00	\$ 187.50	\$ 187.50	\$ 350.00	\$ 350.00
16.	612	Remove and Reset Sign	3.00	EA.	\$ 200.00	\$ 600.00	\$ 279.50	\$ 838.50	\$ 125.00	\$ 375.00	\$ 100.00	\$ 300.00
17.	612	Remove and Reset Trash Can	1.00	EA.	\$ 200.00	\$ 200.00	\$ 325.00	\$ 325.00	\$ 187.50	\$ 187.50	\$ 125.00	\$ 125.00
18.	612A	Adjust to Grade Manhole	3.00	EA.	\$ 350.00	\$ 1,050.00	\$ 300.00	\$ 900.00	\$ 420.00	\$ 1,260.00	\$ 450.00	\$ 1,350.00
19.	619	Remove Concrete Sidewalk	300.00	S.Y.	\$ 9.00	\$ 2,700.00	\$ 6.58	\$ 1,974.00	\$ 8.00	\$ 2,400.00	\$ 6.00	\$ 1,800.00
20.	619	Remove Asphalt Sidewalk	16,600.00	S.Y.	\$ 2.50	\$ 41,500.00	\$ 2.57	\$ 42,622.00	\$ 2.25	\$ 37,350.00	\$ 3.75	\$ 62,250.00
21.	619	Remove Concrete Driveway	650.00	S.Y.	\$ 9.00	\$ 5,850.00	\$ 8.36	\$ 5,434.00	\$ 6.25	\$ 4,062.50	\$ 6.00	\$ 3,900.00
22.	619	Remove Asphalt Driveway	93.00	S.Y.	\$ 9.00	\$ 837.00	\$ 8.36	\$ 777.48	\$ 6.05	\$ 562.65	\$ 6.00	\$ 558.00
23.	619	Remove 6" Concrete Pad	320.00	S.Y.	\$ 9.00	\$ 2,880.00	\$ 8.36	\$ 2,675.20	\$ 7.85	\$ 2,512.00	\$ 6.00	\$ 1,920.00
24.	624E	6' Chainlink Fence w/3 Strand Wire	1,300.00	L.F.	\$ 21.00	\$ 27,300.00	\$ 15.36	\$ 19,968.00	\$ 21.00	\$ 27,300.00	\$ 22.00	\$ 28,600.00
25.	625	Remove 6' Chainlink Fence w/3 Strand Wire	1,300.00	L.F.	\$ 4.00	\$ 5,200.00	\$ 3.30	\$ 4,290.00	\$ 9.65	\$ 12,545.00	\$ 0.50	\$ 650.00
26.	641	Mobilization	1.00	L.S.	\$ 7,500.00	\$ 7,500.00	\$ 9,327.50	\$ 9,327.50	\$ 26,750.00	\$ 26,750.00	\$ 20,000.00	\$ 20,000.00
27.	642	Construction Staking	1.00	L.S.	\$ 7,500.00	\$ 7,500.00	\$ 1,743.50	\$ 1,743.50	\$ 4,500.00	\$ 4,500.00	\$ 20,000.00	\$ 20,000.00
28.	854A	Traffic Stripe (Paint)(24" Wide)(White)	96.00	L.F.	\$ 4.25	\$ 408.00	\$ 2.15	\$ 206.40	\$ 3.90	\$ 374.40	\$ 6.00	\$ 576.00
29.	854A	Traffic Stripe (Paint)(4" Wide)(Yellow)	5,000.00	L.F.	\$ 0.65	\$ 3,250.00	\$ 0.35	\$ 1,750.00	\$ 0.50	\$ 2,500.00	\$ 0.60	\$ 3,000.00
30.	880J	Traffic Control	1.00	L.S.	\$ 5,500.00	\$ 5,500.00	\$ 2,959.20	\$ 2,959.20	\$ 3,750.00	\$ 3,750.00	\$ 10,000.00	\$ 10,000.00
TOTAL AMOUNT OF BASE BID						\$ 633,409.90		\$ 635,892.96		\$ 692,547.15		\$ 763,176.50

OK. for 11/6/2012

COS-PW-12-01
AIRPORT PEDESTRIAN TRAIL PROJECT

ITEM NO.	Spec No.	DESCRIPTION	QNTY. NO.	UNIT	SHELL CONSTRUCTION		SHELL CONSTRUCTION		SAC SERVICES, INC		SAC SERVICES, INC		C-P INTEGRATED SERVICES		C-P INTEGRATED SERVICES		ORION CONSTRUCTION		ORION CONSTRUCTION	
					UNIT PRICE		TOTAL		UNIT PRICE		TOTAL		UNIT PRICE		TOTAL		UNIT PRICE		TOTAL	
1.	202a	Unclassified Excavation	700.00	C.Y.	\$ 15.00		\$ 10,500.00		\$ 15.00		\$ 10,500.00		\$ 9.45		\$ 6,615.00		\$ 34.28		\$ 23,996.00	
2.	202D	unclassified Borrow	700.00	C.Y.	\$ 25.00		\$ 17,500.00		\$ 25.00		\$ 17,500.00		\$ 15.71		\$ 10,997.00		\$ 23.00		\$ 16,100.00	
3.	220	Erosion Control	1.00	L.S.	\$ 15,000.00		\$ 15,000.00		\$ 7,550.00		\$ 7,550.00		\$ 8,890.65		\$ 8,890.65		\$ 9,200.00		\$ 9,200.00	
4.	230A	Solid Slab Sod	1.00	L.S.	\$ 28,000.00		\$ 28,000.00		\$ 12,675.00		\$ 12,675.00		\$ 26,361.35		\$ 26,361.35		\$ 62,928.00		\$ 62,928.00	
5.	301	2" Crusher Run Backfill	1,100.00	S.Y.	\$ 5.00		\$ 5,500.00		\$ 6.75		\$ 7,425.00		\$ 6.12		\$ 6,732.00		\$ 18.00		\$ 19,800.00	
6.	307B	6" CKD Stabilized Subgrade	29,270.00	S.Y.	\$ 5.00		\$ 146,350.00		\$ 6.50		\$ 190,255.00		\$ 9.06		\$ 265,186.20		\$ 11.24		\$ 328,994.80	
7.	609B	6" Curb and Gutter	100.00	L.F.	\$ 25.00		\$ 2,500.00		\$ 217.00		\$ 21,700.00		\$ 25.49		\$ 2,549.00		\$ 32.00		\$ 3,200.00	
8.	610	6" Concrete Pad	400.00	S.Y.	\$ 90.00		\$ 36,000.00		\$ 45.00		\$ 18,000.00		\$ 38.95		\$ 15,580.00		\$ 31.95		\$ 12,780.00	
9.	610A	4" Concrete Sidewalk	180.00	S.Y.	\$ 45.00		\$ 8,100.00		\$ 39.25		\$ 7,065.00		\$ 32.43		\$ 5,837.40		\$ 29.25		\$ 5,265.00	
10.	610A	Concrete Ramp (Trail)	17.00	EA.	\$ 1,000.00		\$ 17,000.00		\$ 425.00		\$ 7,225.00		\$ 841.18		\$ 14,300.06		\$ 300.00		\$ 5,100.00	
11.	610A	Concrete Ramp (ALT.C)	1.00	EA.	\$ 1,000.00		\$ 1,000.00		\$ 750.00		\$ 750.00		\$ 970.59		\$ 970.59		\$ 350.00		\$ 350.00	
12.	610B	6" Concrete Driveway	632.00	S.Y.	\$ 54.00		\$ 34,128.00		\$ 47.55		\$ 30,051.60		\$ 47.87		\$ 30,253.84		\$ 31.94		\$ 20,186.08	
13.	610F	Asphalt Trail (4" Type B Asp)	21,150.00	S.Y.	\$ 15.30		\$ 323,595.00		\$ 20.10		\$ 425,115.00		\$ 19.72		\$ 417,078.00		\$ 29.24		\$ 618,426.00	
14.	610I	Tactile Warning Device	120.00	S.F.	\$ 50.00		\$ 6,000.00		\$ 25.00		\$ 3,000.00		\$ 23.29		\$ 2,794.80		\$ 8.00		\$ 960.00	
15.	612	Adjust to Grade Pull Box	1.00	EA.	\$ 200.00		\$ 200.00		\$ 120.00		\$ 120.00		\$ 194.12		\$ 194.12		\$ 450.00		\$ 450.00	
16.	612	Remove and Reset Sign	3.00	EA.	\$ 100.00		\$ 300.00		\$ 150.00		\$ 450.00		\$ 122.94		\$ 368.82		\$ 100.00		\$ 300.00	
17.	612	Remove and Reset Trash Can	1.00	EA.	\$ 100.00		\$ 100.00		\$ 250.00		\$ 250.00		\$ 258.83		\$ 258.83		\$ 100.00		\$ 100.00	
18.	612A	Adjust to Grade Manhole	3.00	EA.	\$ 500.00		\$ 1,500.00		\$ 150.00		\$ 450.00		\$ 647.06		\$ 1,941.18		\$ 1,333.00		\$ 3,999.00	
19.	619	Remove Concrete Sidewalk	300.00	S.Y.	\$ 9.00		\$ 2,700.00		\$ 25.00		\$ 7,500.00		\$ 9.06		\$ 2,718.00		\$ 27.00		\$ 8,100.00	
20.	619	Remove Asphalt Sidewalk	16,600.00	S.Y.	\$ 3.00		\$ 49,800.00		\$ 5.75		\$ 95,450.00		\$ 2.85		\$ 47,310.00		\$ 2.20		\$ 36,520.00	
21.	619	Remove Concrete Driveway	650.00	S.Y.	\$ 9.00		\$ 5,850.00		\$ 12.50		\$ 8,125.00		\$ 10.75		\$ 6,987.50		\$ 13.29		\$ 8,638.50	
22.	619	Remove Asphalt Driveway	93.00	S.Y.	\$ 5.00		\$ 465.00		\$ 20.00		\$ 1,860.00		\$ 15.03		\$ 1,397.79		\$ 2.20		\$ 204.60	
23.	619	Remove 6" Concrete Pad	320.00	S.Y.	\$ 9.00		\$ 2,880.00		\$ 15.00		\$ 4,800.00		\$ 15.10		\$ 4,832.00		\$ 27.00		\$ 8,640.00	
24.	624E	6' Chainlink Fence w/3 Strand Wire	1,300.00	L.F.	\$ 20.00		\$ 26,000.00		\$ 25.00		\$ 32,500.00		\$ 18.70		\$ 24,310.00		\$ 10.00		\$ 13,000.00	
25.	625	Remove 6' Chainlink Fence w/3 Strand Wire	1,300.00	L.F.	\$ 2.50		\$ 3,250.00		\$ 5.00		\$ 6,500.00		\$ 4.34		\$ 5,642.00		\$ 3.00		\$ 3,900.00	
26.	641	Mobilization	1.00	L.S.	\$ 35,000.00		\$ 35,000.00		\$ 35,760.00		\$ 35,760.00		\$ 64,706.31		\$ 64,706.31		\$ 3,800.00		\$ 3,800.00	
27.	642	Construction Staking	1.00	L.S.	\$ 6,000.00		\$ 6,000.00		\$ 10,500.00		\$ 10,500.00		\$ 5,694.16		\$ 5,694.16		\$ 16,200.00		\$ 16,200.00	
28.	854A	Traffic Stripe (Paint)(24" Wide)(White)	96.00	L.F.	\$ 2.00		\$ 192.00		\$ 3.50		\$ 336.00		\$ 5.93		\$ 569.28		\$ 14.00		\$ 1,344.00	
29.	854A	Traffic Stripe (Paint)(4" Wide)(Yellow)	5,000.00	L.F.	\$ 0.40		\$ 2,000.00		\$ 0.62		\$ 3,100.00		\$ 0.41		\$ 2,050.00		\$ 1.65		\$ 8,250.00	
30.	880J	Traffic Control	1.00	L.S.	\$ 12,000.00		\$ 12,000.00		\$ 4,990.00		\$ 4,990.00		\$ 3,869.44		\$ 3,869.44		\$ 9,420.00		\$ 9,420.00	
TOTAL AMOUNT OF BASE BID							\$ 799,410.00				\$ 971,502.60				\$ 986,995.32				\$ 1,250,151.98	

NOTICE TO BIDDERS

Sealed bids will be received by the City of Shawnee, Oklahoma, City Hall, 16 West 9th – P.O. Box 1448, Shawnee, OK 74802-1448 up to 4:00 p.m., **Monday, November 5, 2012**, for:

BID: CONTRACT NO. COS-PW-12-01 **AIRPORT PEDESTRIAN TRAIL**

Bidding Documents, Plans and Specifications are available to qualified bidders at the office of City Engineer, 222 North Broadway, Shawnee, OK 74802-1448. The fee for Plans and Specifications is \$50.00 per contract set and is non-refundable. No documents will be mailed unless the request is accompanied by an additional \$5.00 per set to cover mailing cost. **A Pre-Bid Conference is scheduled for Wednesday, October 24, 2012, at 11:00 a.m. in the Engineering Conference Room, 222 North Broadway, Shawnee, OK.**

Each bid shall be filed in a sealed envelope. On the front of each envelope shall be written the following words to the left of the address:

BID: CONTRACT NO. COS-PW-12-01 **AIRPORT PEDESTRIAN TRAIL** **November 5, 2012**

This project shall include **the complete removal of an existing four mile eight foot wide asphalt trail, and reconstructing a ten foot wide asphalt trail in its place. Major quantities of work include the placement of 21,150 square yards of 4" asphalt pavement; 29,270 square yards of CKD stabilized sub-grade; misc. concrete driveway, concrete sidewalk, installation of traffic stripping, 1300 feet of 6' chain link fencing and other misc. items.** BIDDERS must obtain Bid Documents directly from the City of Shawnee in order for Bids to be acknowledged. The ORIGINAL COPY of each bid shall be filed with the City Clerk of the City of Shawnee, Oklahoma, together with a sworn anti-collusion affidavit in writing that the bidder has not entered into any agreement, expressed or implied, with any other bidder, or bidders, for the purpose of limiting the bid, or bidders, or parcel out to any bidder, or bidders or any other persons, any part of the contract or subject matter of the bid.

Each BIDDER shall attach to his/her BID filed with the City of Shawnee either a bidder's bond, a certified check, or a cashier's check made payable to the City of Shawnee, in an amount not less than five percent (5%) of the amount of bid as a guarantee of delivery of the service in full compliance with the specifications as issued by the City of Shawnee. Should the successful BIDDER fail to deliver the service in full compliance with the specifications within forty-five (45) days after acceptance of his/her bid, the bidder's bond, certified check or cashier's check deposited with his/her bid will be retained as and for liquidated damages. The deposit of each unsuccessful bidder will be returned when his/her bid is rejected.

The bids filed with the City Clerk will be opened and considered by the Board of Commissioners at a Public Meeting in the City Hall, Shawnee, Oklahoma, at 6:30 p.m., **Monday, November 5, 2012**. The City of Shawnee reserves the right to reject any and all bids.



CITY OF SHAWNEE, OKLAHOMA
a Municipal Corporation

BY: 
Brian E. McDougal, City Manager

CITY OF SHAWNEE
PLAN HOLDER'S LIST
CONTRACT NO. COS-PW-12-01
AIRPORT PEDESTRIAN TRAIL PROJECT

Business Name: Bishop Paving
Contact: Jason Bishop
Address: PO Box 1334 OKC, OK 73101

Telephone: 405-232-5531
Fax: 405-232-5537
Cell: 405-409-4327
E-Mail: brady@bishoppaving.com
Paid for & Picked Up Specs: 10/9/12 credit card

Business Name: Rudy Construction
Contact: Phil Pratt
Address: PO Box 14575 OKC, OK 73113

Telephone: 405-478-9900
Fax: 405-478-9901
Cell: 405-417-1753
E-Mail: pprat@rudyconstruction.com
Paid for & Picked Up Specs: 10/11/12 check #52404

Business Name: Howard Construction Company & General Contracting
Contact: Jonathan Howard
Address: 901 S. Spring Lane Blanchard, OK 730110

Telephone: 405-473-0422
Fax: 405-622-3873
Cell: 405-473-0422
E-Mail: howardjonathan@yahoo.com
Paid for & Picked Up Specs: 10/12/12 cash

Business Name: Howards Excavating & Paving

Contact: Howard Marquier

Address: 14000 S. Meridian Ave. Okc, OK 73173

Telephone: 405-692-5465

Fax: 405-692-5466

Cell: 405-615-8162

E-Mail: howard@howardspaving.com

Paid for & Picked Up Specs: 10/17/12 check # 020476

Business Name: CP3 Enterprises

Contact: Nick Peters

Address: 13112 NS 3500 Maud, Ok 74854

Telephone: 405-226-1495

Fax: 405-374-9013

Cell: 405-226-1495

E-Mail: cp3nick@yahoo.com

Paid for & Picked Up Specs: 10/24/12 ck# 2804

Business Name: All Roads Paving

Contact: Dave Barnett

Address: 10200 NW 10th OKC, OK 73127-7100

Telephone: 405-577-2944

Fax: 405-577-2942

Cell: 405-990-5255

E-Mail: allroadspaving@coxinet.net

Paid for & Picked Up Specs: 10/24/12 ck # 7012

Business Name: C-P Integrated
Contact: Steve Conley
Address: 3800 Beacon Dr. Okc, OK 73179

Telephone: 405-732-0532
Fax: 405-732-0502
Cell: 405-823-2147
E-Mail: steveconley@coxinet.net
Paid for & Picked Up Specs: credit card 10/24/12

Business Name: CGC, LLC
Contact: Jimmy Wright
Address: 101 W. 5th St. Edmond, OK 73003

Telephone: 405-285-8871
Fax: 405-285-8872
Cell: 405-520-0586
E-Mail: cgcllcok@yahoo.com
Paid for & Picked Up Specs: credit card 10/24/12

Business Name: SAC ServicesInc.
Contact: Joe Martinez
Address: 3600 S. Ross Ave. OKC,OK 73119

Telephone: 405-682-4948
Fax: 405-686-0882
Cell: 405-834-9092
E-Mail: sacservicemt看@yahoo.com
Paid for & Picked Up Specs: 10/24/12 ck# 35046

Business Name: Shell Construction Co. Inc
Contact: Donny Niebrugge
Address: 336 N. Falcon Dr. OKC, OK 73127

Telephone: 405-495-2063
Fax: 405-495-2446
Cell: 405-203-0359
E-Mail: drn1021@gmail.com
Paid for & Picked Up Specs: 10/24/12 ch# 3408

Business Name: Cove Creek Construction, Inc
Contact: Robert Jaymalin
Address: 912 East Main St. Claksville, Arkansas

Telephone: 479-705-0064
Fax: 479-705-0084
Cell: 479-518-0554
E-Mail: Robert@covecreekconstruction.com
Paid for & Picked Up Specs: 10/24/12 ck# 1553

Business Name: A-Tech Paving
Contact: Terry Kirk
Address: P.O Box 2865 Edmond, OK 73083

Telephone: 405-418-4741
Fax: 405-418-4743
Cell: 405-738-4776
E-Mail: jdoyle@atechpaving.com
Paid for & Picked Up Specs: 10/24/12 ck# 58413

Business Name: Time Striping Inc.

Contact: Brian Beckerr

Address: PO Box 1236

Telephone: 918-315-1120

Fax: 888-334-6459

Cell: _____

E-Mail: brian@timestriping.com

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