

NOTICE OF MEETING PLANNING COMMISSION

TYPE OF MEETING

REGULAR MEETING	(X)	RESCHEDULED REGULAR MEETING	()
SPECIAL MEETING	()	CONTINUED OR RECONVENED MEETING	()

DATE:

TIME:

PLACE OF MEETING:

11/03/2021

1:30 P.M.

Commission Chambers
City Hall, 9th & Broadway
Shawnee, OK 74802-1448

To be completed by person filing notice:

NAME: Rachel Clyne

TITLE: City Planner

ADDRESS: 222 N. Broadway Ave.
Shawnee, OK 74801

PHONE: (405) 878-1616

Filed in the office of the municipal clerk at 8:59 a.m. /p.m. on 10/29/2021

SIGNED:

Kelley Metcalf
City Clerk/Deputy Clerk

=====

FOR CITY CLERK'S OFFICE USE ONLY

DATE NOTICE RELEASED TO NEWS MEDIA: 10-29-2021

PERSON FILING NOTICE: /s/ Rachel Clyne

NOTICE VERIFIED BY: Kelley Metcalf

AGENDA
PLANNING COMMISSION of SHAWNEE, OK
Regular Meeting
November 3, 2021 at 1:30 P.M.
City Hall, 16 W. 9TH St. Shawnee, OK

1. Roll Call
2. Consideration of approval of the minutes from the regular meeting of the Shawnee Planning Commission on September 1, 2021.
3. **RZ07-21** - Public hearing and consideration of an application to rezone property located at 1404 E. 7th Street from R-1 (Single-Family Residential District) to R-2 (Medium Density Residential District) to allow construction of a duplex or triplex.

*Case No. **RZ07-21**, Applicant: Ethan Acock*
4. City Planner's Report
5. New Business
6. Commissioners' Comments
7. Adjournment

REGULAR PLANNING COMMISSION MINUTES

DATE: September 1, 2021

DRAFT minutes

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in person for a regular meeting on September 1, 2021, at 1:30 p.m., pursuant to notice duly posted as prescribed by law.

Item 1. Roll Call

The following Commissioners were present:

Present: Walker, Loftis-Walton, Johnson, Deem, Lester

Absent: Engles, Rowell

City Planner, Rachel Clyne, stated there was a quorum, and the meeting was called to order.

Item 2. Approval of Minutes

Consideration of approval of the minutes from the regular meeting of August 4, 2021.

Chair Deem asked the Planning Commissioners if there were questions or corrections to the minutes.

Commissioner Walker made a motion to **Approve** the minutes as presented, which was seconded by Commissioner Loftis-Walton.

Motion passed 5-0-0.

Aye: Walker, Loftis-Walton, Johnson, Deem, Lester

Nay: None

Abstain: None

Item 3. CUP03-21

CUP03-21 Public hearing and consideration of an application to rezone property located at 15413 Nickens Road, from A-1 (Rural Agricultural District) to A-1 (Rural Agricultural District) with LPZ (Lake Protection Zone) overlay and a CUP (Conditional Use Permit) for the purpose of operating a Bed & Breakfast/Airbnb (short-term rental).

Chairperson Deem asked for a staff report. Planner Clyne stated the application was for a Conditional Use Permit and to rezone property located at 15413 Nickens Road. Clyne explained that Shawnee's City Commission was currently working on understanding and determining policy for home sharing in the City. Staff recommended that the Planning Commission recommend deferring the public hearing for the application to the October 13, 2021 Planning Commission meeting.

Commissioner Walker made a motion to recommend **Deferral** of Case No. **CUP03-21** until the October 13, 2021 Planning Commission meeting, which was seconded by Commissioner Lester.

Following any discussion, the motion **passed 5-0-0**.

Aye: Walker, Loftis-Walton, Johnson, Deem, Lester

Nay: None
Abstain: None

It was announced the item would be heard at the September 20, 2021 City Commission meeting.

Item 4. PL05-21

PL05-21 Consideration of an application for a Final Plat for Trails End Phase I subdivision. The property is a part of the SW/4 of Section 30, Township 11North, Range 4East, I.M. Shawnee, Pottawatomie County, Oklahoma. A residential development of approximately 46.20 acres with 76 lots.

Chair Deem asked for a staff report. Planner Clyne stated the applicant was requesting approval of a Final Plat for Trails End Section 1 subdivision. Clyne advised the Commissioners had seen the Preliminary Plat in January of 2021 and voted unanimously to recommend conditional approval of the Preliminary Plat to the City Commission. On January 19, 2021, the Shawnee City Commission voted for conditional of the preliminary plat. The conditions were to address concerns that a significant portion of the ±80-acre parcel was in and near the 100-year floodplain.

Clyne continued and stated the applicant applied for a CLOMR-F (Conditional Letter of Map Removal based on Fill) with FEMA and approval was granted to most of the lots. To accommodate the floodplain issues, the applicant submitted a revision of the plat, Trails End Phase I. This project is now m/l 46.20-acres with 74 lots. The Phase I is approximately the north half of the original submission.

In addition to reducing the size of the project, the common area(s) and stormwater detention were designed to address the floodplain concerns. City Engineer, Seth Barkhimer, reviewed the Trails End Phase I and found it sufficient. Staff recommended the Planning Commission recommend **Approval of PL05-21**.

Chair Deem asked if the applicant was present, and Joel Harrison, PE, representing Craton Tull, was available for any questions.

Commissioner Loftis-Walton made a motion to recommend Approval of **PL05-21** as presented, which was seconded by Commissioner Johnson.

Following any discussion, the **motion passed 5-0-0**.

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

It was announced the item would be heard at the September 20, 2021 City Commission meeting.

Item 5. PUD01-21

PUD01-21 – Public hearing and consideration of an application for a Planned Unit Development (PUD) for use as a mixed-use development to be located southwest of the intersection of N. Kickapoo Avenue and E. Highland Street.

Chair Deem asked for a staff report. Planner Clyne stated the application was before the Planning Commission via a conditional approval from the Zoning Board of Adjustment. In October 2020, Case No. ZBOA07-20 was a request for a zoning variance to allow a medical marijuana dispensary to

operate in C-1 zoning (Neighborhood Commercial District) instead of C-3 zoning (Highway Commercial District).

Clyne continued stating the ZBOA voted for Conditional Approval that would require the applicant to present a plan for the area surrounding and including the subject property by July 2021. The applicant and representatives were present at the Zoning Board of Adjustment scheduled for July 15, 2021. Without a quorum, the item could not be heard. The intent of the meeting was satisfied. The submittal of a PUD application for review by the Planning Commission was made on August 4, 2021.

The requested Planned Unit Development (PUD) is on land located southwest of the intersection of N. Kickapoo Ave. and E. Highland St. more specifically known as Lots 1-16; Lots 23-28; and Lots 31-32, all in Block One (1) of the Fairgrounds Addition subdivision.

Clyne stated the Statement and Plan Map were included after this report. Additionally, a graphic of the proposed driveway entrance on N. Kickapoo Avenue was included. Seth Barkhimer, PE, City Engineer, was working with TAP Architecture to address traffic challenges associated with the site.

Clyne concluded by stating the applicant sought to design and build a Mixed Use development (commercial and residential) on approximately 2-acres located atop a portion of the existing Fairgrounds Addition plat. She then recommended that the Planning Commission recommend the **APPROVAL** of **PUD01-21** to the City Commission.

Chair Deem asked if the applicant was present, and Anthony McDermid with TAP was available for any questions. Chair Deem then opened the public hearing for the item. With no comments, the public hearing was closed.

The Commissioners discussed the right-turn only onto Kickapoo Avenue, the required parking located behind the buildings, and the use of the alley for exiting to the north and south.

Commissioner Walker made a motion to recommend **Approval** of **PUD01-21** as presented, which was seconded by Commissioner Johnson.

Following any discussion, the **motion passed 5-0-0**.

Aye: Walker, Loftis-Walton, Johnson, Deem, Lester

Nay: None

Abstain: None

It was announced the item would be heard at the September 20, 2021 City Commission meeting.

Item 6. Planning Department's Report

City Planner Clyne advised she had been appointed to the Lake Advisory Committee and reported the first meeting was held that Monday. She stated there was excitement surrounding the committee and promised more information to come. Clyne also reminded the Commissioners the October Planning Commission meeting was scheduled for the second Wednesday of the month.

Item 7. New Business

There was no new business.

Item 8. Commissioners Comments

Chair Deem inquired if the demolition of a house on Center St was done by the City or property owner.

Commissioner Lester advised he anticipates moving outside of city limits soon. Once finalized, he will submit a written resignation.

Item 9. Adjournment

Meeting was adjourned at 1:45 p.m. by the power of the Chair.

Chair/Vice-Chair

/s/ Rachel Clyne
City Planner



Planning Commission Regular Meeting – 11.03.2021 – City of Shawnee, Oklahoma

Staff Report – RZ07-21 – Rezoning Request (R-1 to R-2) – 144 E. 7th Street

To: Shawnee Planning Commission

From: Planning Department

Date: October 28, 2021

Subject: RZ07-21 – Public hearing and consideration of an application to rezone property located at 1404 E. 7th Street from R-1 (Single-Family Residential District) to R-2 (Medium Density Residential District).

=====

Background

The subject property is located at 1404 E. 7th Street and is a vacant lot. The applicant requests to rezone the property from R-1 (Single-Family Residential District) to R-2 (Medium Density Residential District) with the intent to construct a duplex or triplex.

Discussion

Referencing the City of Shawnee Zoning Code (Code) DIVISION 14. – Administration. Sec. 22-646. - Application for amendment. *“An owner, or his duly authorized representative, may make application for the amendment of the zoning restrictions applicable to his property by filing with the planning commission a written application...”*

In the Code, Section 22-292. – Classification of zones. Zoning district R-2 is discussed. *“This is a residential district to provide for a slightly higher population density but with basic restrictions similar to the R-1 district. The principal use of land is for medium density and related recreational, religious and educational facilities normally required to provide a balanced and attractive residential area.”*

The subject property is zoned R-1 (Single-Family Residential District). To the east properties are zoned R-1. To the south, across Walnut Street properties are zoned both R-1 and R-2 (Medium Density Residential District). To the west, crossing Pesotum Avenue, the properties are zoned R-3 (Multifamily Residential District). To the north, across Main Street, the zoning districts include R-1, R-2, and C-1 (Neighborhood Commercial District).

Zoning exists to avoid adjacent placement of incompatible uses. The stepping down concept is used to separate the most intense zoning district with the next less intense district. Many communities recognize the standard step down of districts as Industrial, Commercial, Residential, and Agricultural. One example is that Commercial Districts act as a “buffer” for Residential Districts from the more intense uses associated with Industrial Districts.

When dealing with zoning districts within the same overall use, a similar idea is good practice for land use. In Shawnee, there are four (4) residential zoning districts. Differences in residential uses often consider the density (opposed to intensity) of a district when utilizing the step down concept. For example, the most dense Residential district in Shawnee is R-3 (Multifamily), followed by R-2, R-1, and ending with RE (Residential Estate District).

RE lots require a minimum of one-acre of land to be buildable. The street frontage is the longest width, and the building setbacks are the most restrictive. On the opposite end, an R-3 lot can be smaller, require less street frontage, and have building setbacks that allow buildings constructed more closely together. The subject property is adjacent to R-3 on one side (west) and R-1 on the other side (east). The rezoning of the lot in between the two districts to R-2 is a logical conclusion using best planning practices. The subject property meets the dimension standards for R-2 District and is an appropriate buffer between the two residential districts.

Recommendation

Staff recommends that the Planning Commission recommend to the City Commission **APPROVAL** of **RZ07-21**, which is to rezone property located at 1404 E. 7th Street from R-1 (Single-Family Residential District) to R-2 (Medium Density Residential District).

PLANNING COMMISSION APPLICATION



City of Shawnee Planning Department

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

For Office Use Only

Case Number: _____

Project Number: _____

Date Filed: _____

Planning Commission Secretary

REQUEST:

☒ Rezoning
☐ Conditional Use Permit

☐ Rezoning w/Conditional Use Permit
☐ Planned Unit Development

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from R1 District to R2 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 1404 E 7th Shawnee, OK 74801

LEGAL DESCRIPTION: Cowell's Blk 4 Lots 4 thru 6

PROPERTY OWNER (S): Acock Properties, LLC

PROPERTY AGENT (APPLICANT): Ethan Acock

APPLICANT'S ADDRESS: PO BOX 426 Shawnee, OK 74802

CITY: Shawnee STATE: OK ZIP: 74802

EMAIL ADDRESS: Ethan.Acock@gmail.com

TELEPHONE NUMBER: (405) 694-6075 CONTACT NUMBER: (SAME)

DIMENSIONS OF PROPERTY: AREA: 14,027 WIDTH: 100 ft
LENGTH: 140 ft FRONTAGE: 100 ft

CURRENT ZONING: R1 CURRENT USE: Vacant Lot

PROPOSED ZONING: R2 PROPOSED USE: multi family

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.

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

Ethan Acock
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

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

RECEIPT NO. _____

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

NOTIFICATION SIGN \$ 50.00

PLANNING COMMISSION ACTION: _____

DATE: _____

CITY COMMISSION ACTION: _____

DATE: _____

PLACE ON ZONING MAP: _____

ORDINANCE NO.: _____



First American Title Insurance Company

133 NW 8th Street
Oklahoma City, OK 73102
Phone: (405)236-2861 / Fax: (866)535-3211

PR: SOCENT

Ofc: 2499 (607)

Final Invoice

To: Etan Acock
1404 E 7TH
SHAWNEE, OK 74801

Invoice No.: 607 - 2499160947

Date: 10/05/2021

Our File No.: 2679594-OK99

Title Officer:

Escrow Officer:

Customer ID: AD5474521

Liability Amounts

Attention:

Your Ref.:

RE: Property:
1404 E 7TH, SHAWNEE, OK 74801

Buyers: Etan Acock, Acock

Sellers:

Description of Charge	Invoice Amount
Ownership Report	\$350.00

INVOICE TOTAL **\$350.00**

Comments:

Thank you for your business!

To assure proper credit, please send a copy of this Invoice and Payment to:
Attention: Accounts Receivable Department
PO Box 776119
Chicago, IL 60677-6119

CERTIFICATE OF BONDED ABTRACTOR

(300 FEET RADIUS REPORT)

STATE OF OKLAHOMA)
COUNTY OF POTTAWATOMIE) §:

The undersigned bonded abstractor in and for Pottawatomie County, State of Oklahoma, does hereby certify that the following Ownership is true and correct according to the current year's tax rolls in the office of the County Treasurer of Pottawatomie County, Oklahoma, as updated by the records of the County Clerk of Pottawatomie County, Oklahoma; that the owners, as reflected by said records, are based on the last conveyance or final decree of record of certain properties located within 300 feet in all directions of the following described land:

Lots Four (4), Five (5) and Six (6), Block Four (4), COLWELL ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

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

NOTICE TO CUSTOMERS: This report is released with the understanding that the information is strictly confidential. This report contains information from public land records only and is not to be construed as an abstract of title, opinion of title, title commitment, title insurance policy, or environmental research report. As used herein, the term "public land records" means those land records which under the recording laws of the applicable state, impart constructive notice to the third parties with respect to recorded, unreleased or record instruments memorializing legal interests in real estate. The company suggests that you contact your attorney for matters of a legal nature or legal opinion. We have exercised due care and diligence in preparing this report, however, the Abstractor does not guarantee validity of the title and acceptance of this report by the Company or person(s) for whom this report is made, constitutes agreement and confirmation of the limitation of this report.

Dated: SEPTEMBER 22, 2021 at 7:30 AM

First American Title Insurance Company

By: Julio Indan

By: Julie Jordan
Abstractor License No. 4071
OAB Certificate of Authority # 017
File No. 2679594-OK99

OWNERSHIP LIST

ORDER NO 2679594-SH99

DATE PREPARED: October 5, 2021

EFFECTIVE DATE: September 22, 2021 at 7:30 am

OWNER	LOT	BLK	ADDITION
ACOCK PROPERTIES LLC P O BOX 426 SHAWNEE, OK 74802-0000	4 THRU 6	4	COLWELL'S
BYRD DAVID 910 SW 6TH ST MOORE, OK 73160-0000	1 THRU 3	4	COLWELL'S
DAY DONALD EDWARD & WILMA JEAN 1411 E 7TH SHAWNEE, OK 74801-0000	1 THRU 6	3	COLWELL'S
COLE LARRY W 1406 E WALNUT SHAWNEE, OK 74801-0000	7 &; 8 &; W5' 9	3	COLWELL'S
WEST TERRY 1410 E WALNUT TECUMSEH, OK 74873-	E20' 9 & ALL 10 THRU 12	3	COLWELL'S
GRIFFIN MICHAEL 153 S LINDALE SHAWNEE, OK 74801-0000	12 THRU 16	2	COLWELL'S
PADILLA THERESE PO BOX 3133 SHAWNEE, OK 74802-0000	W5' 9 & ALL 10 & 11	2	COLWELL'S
PADILLA THERESE 403 S LOUISA SHAWNEE, OK 74801-0000	8 & E25' 9	2	COLWELL'S
GRIMES DAVID & KRISTIN 1421 E 7TH SHAWNEE, OK 74801-0000	W37 1/2' 7	2	COLWELL'S
PHILLIPS CLAYTON & CASSIE .5 VIVIAN TERR 'SHAWNEE, OK 74804-	W1/2 6 & E12 1/2' 7	2	COLWELL'S
VAN WINKLE RANDY 1503 E 7TH SHAWNEE, OK 74801-0000	W25' 5 & E1/2 6	2	COLWELL'S
BARR JOHN E 1421 E WALNUT SHAWNEE, OK 74801-0000	11 &; 12 & W5' 13	1	COLWELL'S

BARLOW ROGER 301 S DIXON AVE SHAWNEE, OK 74801-8074	E25' 13 & W25' 14	1	COLWELL'S
BOARD OF COUNTY COMMISSIONERS 14101 ACME RD SHAWNEE, OK 74804-0000	E5' 14 & ALL 15	1	COLWELL'S
VANWINKLE RANDY C & DONNA K 1503 E 7TH SHAWNEE, OK 74801-0000	16	1	COLWELL'S
VANWINKLE RANDY C & DONNA K 1503 E 7TH SHAWNEE, OK 74801-0000	17	1	COLWELL'S
ALEXANDER JAMES & VIRGINIA 1509 E MAIN SHAWNEE, OK 74801-0000	5	1	COLWELL'S
BRICKELL MONA L 1505 E MAIN SHAWNEE, OK 74801-0000	6, 7 & 8	1	COLWELL'S
PATRIOT INTERNATIONAL LP 670 PLEASANT STREET LAKE HELEN, FL 32744-0000	9 & 10	1	COLWELL'S
BROWN EARNIE GENE JR & SUSAN E 1405 E MAIN ST SHAWNEE, OK 74801-0000			BEG 660'N &; 105'E SW/C NE S119' E20' S20' E55' N137' W75' POB. (20-10N-4E)
FITZGERALD STANLEY G PO BOX 8553 EDMOND, OK 73083-0000			BEG 30'E &; 521'N SW/C NE N139' E75' S139' W75' POB (20-10N-4E)
WELCOME HOME RENTALS LLC P O BOX 3861 SHAWNEE, OK 74802-0000	1 & E5' 2	1	BROWN'S
BALVANEDA NAHUM JAZIEL 402 S MARKET AVE SHAWNEE, OK 74801	2 & ALL 3	1	BROWN'S
BOARD OF COUNTY COMMISSIONERS 14101 ACME RD SHAWNEE, OK 74804-0000	4 & 5	1	BROWN'S
ROBBINS KIMBERLY 115 S OSAGE SHAWNEE, OK 74801-0000	6 & 7	1	BROWN'S
MILLS DONNA 117 S OSAGE SHAWNEE, OK 74801-0000	8 & N20' 9	1	BROWN'S
HEATLEY ROY 119 S OSAGE SHAWNEE, OK 74801-0000	9 & ALL 10 & 11	1	BROWN'S
HUGHES ARTHUR & REGINA 135 S OSAGE SHAWNEE, OK 74801-0000	12 & 13	1	BROWN'S
PAINTER LINDA G 137 S OSAGE AVENUE SHAWNEE, OK 74801-0000	14 THRU 17	1	BROWN'S

SEYMOUR JUDITH J 139 S OSAGE SHAWNEE, OK 74801-0000	18 & 19	1	BROWN'S
COLE LARRY W 1406 E WALNUT SHAWNEE, OK 74801-0000	20 & 21	1	BROWN'S
HENRY DEWAYNE L 147 S OSAGE SHAWNEE, OK 74801-0000	22 & 23	1	BROWN'S
GENTRY SHELLY L 1317 E MAIN ST SHAWNEE, OK 74801-0000	1 THRU 3 & E11 1/2' 4	2	BROWN'S
WILKINS SOLON & MEGAN 116 S OSAGE SHAWNEE, OK 74801-0000	49 & 50	2	BROWN'S
FRY LEWIS PRESTON & REBECCA RAE 1923 N OKLA SHAWNEE, OK 74804-0000	47 & 48	2	BROWN'S
GDB REVOCABLE TRUST P O BOX 3103 SHAWNEE, OK 74802-0000	45 & 46	2	BROWN'S
ALLEN MANAGEMENT LLC 18 GLEN ROCK DR AUSTIN, TX 78738-0000	43 & 44	2	BROWN'S
HENSON JUSTIN & CHRISTINA 136 S OSAGE SHAWNEE, OK 74801-0000	39 THRU 42	2	BROWN'S
ALLEN MANAGEMENT LLC 18 GLEN ROCK DR AUSTIN, TX 78738-0000	37 & 38	2	BROWN'S

NOTICE OF A PUBLIC HEARING
City Of Shawnee, Oklahoma
Case #RZ07-21

In accordance with 11 O.S. 43-106 and City of Shawnee Zoning Code Sec. 22-645, requests for rezoning, conditional use permits (CUP), planned unit developments (PUD), and variances require notification of a PUBLIC HEARING.

Case number **RZ07-21** is for a rezoning.
The property is located at **1404 E. 7th St.**
Current zoning is **R-1 (Single-Family Residential District)**.
Proposed zoning is **R-2 (Medium Density Residential District)**.
Applicant is **Ethan Acock**.

The public hearings for **RZ07-21** will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

November 3, 2021	at 1:30 p.m.	City of Shawnee Planning Commission meeting
November 15, 2021	at 6:00 p.m.	City of Shawnee City Commission meeting

Attendance at the public hearing is not mandatory but all interested parties are encouraged to attend. Questions about the application may be directed to the City of Shawnee Planning Department at 405-878-1616. A copy of the application is available for public inspection during normal working hours in the Planning Office/Annex Building located at 222 N. Broadway.

Presented for post and publication on October 12, 2021, by Rachel Clyne, City Planner.

Map for **1404 E 7th St, Shawnee, OK, 74801, USA**

