

**AGENDA
CITY OF SHAWNEE
PLANNING COMMISSION
NOVEMBER 1ST, 2017 AT 1:30 P.M.
COMMISSION CHAMBERS
CITY HALL, 16 W 9TH ST**

- 1)** Roll Call
- 2)** Consideration of approval of the minutes from the October 4th, 2017 Planning Commission meeting
- 3)** Swearing in of Cody Deem to the Planning Commission
- 4)** Swearing in of Daniel Matthews to the Planning Commission
- 5)** Citizens' Participation
(A three minute limit per person)
(A twelve minute limit per topic)
- 6)** Case #S06-17 – Consideration of approval of a Preliminary Plat for Chicken Express Addition, located near the intersection of North Harrison Ave. and 45th Street, Shawnee, OK
Applicant: Amy Landry
- 7)** Consideration and appropriate action to approve a resolution of the Shawnee Planning Commission determining that the Amended and Restated Shawnee Downtown Revitalization Project Plan is in conformance with the City of Shawnee Comprehensive Plan and to recommend that the Shawnee City Commission approve and adopt the Amended and Restated Shawnee Downtown Revitalization Project Plan
- 8)** Discussion regarding the City of Shawnee Sign Code as it relates to flag poles
- 9)** Discussion regarding changes to the City of Shawnee Sign Code as it relates to Downtown Shawnee
- 10)** Planning Director's Report
- 11)** Commissioners Comments and/or New Business
- 12)** Adjournment

PLANNING COMMISSION MINUTES

DATE: OCTOBER 4TH, 2017

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 4th, 2017 at 1:30 p.m., pursuant to notice duly posted as prescribed by law.

AGENDA ITEM NO.1: **Roll Call**

Upon roll call the following members were present:

Present: Walker, Bergsten, Cowen, Kienzle, Rowell

Absent:

Meeting was called to Order.

AGENDA ITEM NO. 2: **Consideration of approval of the minutes from the September 6th, 2017 Planning Commission Meeting**

Chairman Bergsten asked if there were any questions, comments or if anyone would like to entertain a motion. Commissioner Kienzle made a motion to approve, seconded by Commissioner Walker.

Motion passed:

AYE: Walker, Cowen, Kienzle, Rowell

NAY:

ABSTAIN: Bergsten

AGENDA ITEM NO. 3: **Citizen's Participation**

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

AGENDA ITEM NO. 4: **Consideration of approval of the 2018 Schedule of Regular Meetings for the Planning Commission**

Chairman Bergsten asked if there were any questions or comments. Justin Debruin informed the board that there was one date that may be a little difficult with our meeting in July falling on July 4th so it was pushed to the following Thursday. Mr. Debruin offered the possibility of keeping or changing the date of the meeting or waiting until it gets closer to July and reschedule if needed. Commissioner Walker made a motion to approve, seconded by Commissioner Kienzle.

Motion passed:

AYE: Walker, Bergsten, Cowen, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO. 5:

Case #P11-17 - A public hearing for consideration of approval of a Rezone with Conditional Use Permit from C-1; Neighborhood Commercial District to C-3; Highway Commercial District w/ CUP, located at 4400 N. Kickapoo Street, Shawnee, OK

Applicant: Dennis Morris

Chairman Bergsten asked for the staff report. Justin Debruin presented staff report and informed the board the case was for a rezone from C-1; Neighborhood Commercial District to C-3; Highway Commercial District located south of 45th Street, west of Kickapoo Street and is in line with many rezones that have come before the Planning Commission recently. Mr. Debruin discussed that currently they do not allow by right any residential use within a commercial structure, only by Conditional Use Permit. The applicant requests commercial on bottom and residential on top of a two story structure. Justin Debruin explained there are stringent building code requirements but combination of uses is acceptable to staff. There is enough room for all parking needs and landscaping and facade requirements will be included. Staff does recommend approval. Commissioner Walker asked how appropriate off street parking was different given the mixed uses of this property versus strictly commercial. Justin Debruin stated there was no difference and explained it was merely reassuring some concerns with residential use attempts for on street parking being accounted for. Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward to speak in favor. Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Vice-Chairman Cowen made a motion to approve, seconded by Commissioner Rowell.

Motion passed:

AYE: Walker, Bergsten, Cowen, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO. 6:

Case #P12-17 - A public hearing for consideration of approval of a Rezone from RE; Residential Estates District to C-3; Highway Commercial District, located at 39110 W. MacArthur Street, Shawnee, OK

Applicant: Nelmon Brauning

Chairman Bergsten asked for the staff report. Justin Debruin presented staff report and mentioned this was a fairly straight forward rezone located at 39110 W. MacArthur Street, east of Acme Road, containing around five acres and is unique in shape at 200 feet wide by about 1100 feet, similar to surrounding properties. Mr. Debruin stated there are currently two structures on site, one being the primary residential structure that is vacant and went on to inform the commissioners of the surrounding property zoning classifications. Justin Debruin informed the board that staff does recommend approval based on location of arterial road, general conformance with zoning in area, and comprehensive plan matching use for area. The applicant does not have a particular use at this time. Mr. Debruin stated he would be happy to answer any questions. There were no questions and Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward to speak in favor. Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Commissioner Walker made a motion to approve, seconded by Commissioner Kienzle.

Motion passed:

AYE: Walker, Bergsten, Cowen, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO. 7:

Case #P13-17 - A public hearing for consideration of approval for the Workman's Plaza Planned Unit Development located at 4830 N. Harrison Avenue, Shawnee, OK

Applicant: Landes Engineering, LLC

Chairman Bergsten asked for the staff report. Justin Debruin presented staff report and stated he would be presenting a joint report for Agenda Items 7 & 8, PUD and Preliminary Plat. Mr. Debruin informed the Board that the property is 22 acres in size, located at the southwest corner of I-40 and Harrison. Property has been vacant for quite some time; former use was for a restaurant. Justin Debruin stated floodplain covers about half of the property, which will have to be remedied. The property is being rezoned from a scattering of uses including: C-3; Highway Commercial, R-3; Multi-Family Residential and A-1; Rural Agricultural to make it a C-3; Highway Commercial underlining district and proposed use is for a transportation facility over two lots, separated by a creek and channel area. Mr. Debruin explained applicant has reserved some space on northern part for a potential service road incorporated into PUD. Justin Debruin discussed the one requested variance for 120' sign on two locations and after comparison to the largest allowances previously accepted, has recommended approval for 70' signs. Mr. Debruin mentioned two drives are requested along Harrison Street and all requirements for commercial districts will apply. Staff recommends approval for PUD with three conditions and five conditions for Preliminary Plat. Chairman Bergsten asked if there were any questions. Commissioner Kienzle asked what kind of traffic analysis would be done and is concerned about westbound traffic. Justin Debruin informed her that is something they would look into and will also look at the larger truck traffic. Commissioner Bergsten asked if there were any plans for the west end of the lot. Mr. Debruin stated lot one is where they will build, out lot represented storm water channelization and the reserved six acres are for a potential service road. Vice-Chairman Cowen asked if service road goes in, would they need to do something with the median on Harrison. Justin Debruin agreed. There were no additional questions and Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and Chairman Bergsten asked if anyone in favor would like to come forward. Skip Landes came forward and discussed the floodplain plans, signalization, access points and other items pertaining to request. Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Vice-Chairman Cowen made a motion to approve with conditions set forth by staff, seconded by Commissioner Rowell.

Motion passed:

AYE: Walker, Bergsten, Cowen, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO. 8:

Case #S05-17 – Consideration of approval of a Preliminary Plat for Workman's Plaza, located at 4830 N. Harrison Avenue, Shawnee, OK

Applicant: Landes Engineering, LLC

Joint staff report with case #P13-17. Chairman Bergsten opened the public portion of the meeting and asked if anyone in opposition to the case would like to come forward to speak. No one came forward and

Chairman Bergsten asked if anyone in favor would like to come forward. No one came forward and Chairman Bergsten closed the public portion of the meeting and asked if there were any comments, questions or a motion from the Commissioners. Commissioner Walker made a motion to approve with conditions set forth by staff, seconded by Commissioner Kienzle.

Motion passed:

AYE: Walker, Bergsten, Cowen, Kienzle, Rowell

NAY:

ABSTAIN:

AGENDA ITEM NO. 9:

Planning Director's Report

Justin Debruin discussed the \$10,000.00 AARP grant for the mini circle located at Chapman and Burns that will begin construction on Monday. Harbor Freight would like to open Black Friday. Discount Tire has been issued building permit. There are 300 acres being negotiated with the Commissioners of the Land Office west of the Shawnee Marketplace. Domino Plaza has projected opening date of Black Friday. Lifechurch is coming along. Schlotzsky's should have temporary CO soon. Shawnee Park was given temporary CO. Shawnee Historical Museum is being constructed. Tax Increment Finance District documents will be handed out prior to meeting. The Zoning Board of Adjustment asked for Joe Cooper's 100' flagpole variance request to come before the Planning Commission for discussion regarding the current sign height allowance. Mr. Debruin would like to put on agenda next month. Chairman Bergsten asked if there were plans for the old Joe Cooper dealership location. Justin Debruin mentioned he has been in contact with a company that is interested in developing lot. Chairman Bergsten asked about Phase two for Shawnee Marketplace. Mr. Debruin stated the City has been in contact with Commissioners of the Land Office for future development and would let the board know more when he has confirmation. Chairman Bergsten asked about the previous discussion regarding the potential road for land behind McAlister's Deli going out to 45th Street. Justin Debruin stated there has not been any additional discussion but it may be looked into soon with the recent surrounding development. Commissioner Walker asked for an update regarding the Cinderella Motel mentioning the fence was gone. Mr. Debruin discussed the property was sold at an auction and they are currently attempting to locate the correct property owner in order to get the fence back up.

AGENDA ITEM NO. 10:

Commissioners Comments and/or New Business

There were no comments or new business.

AGENDA ITEM NO. 11:

Adjournment

Meeting was adjourned.

Chairman/Vice-Chairman

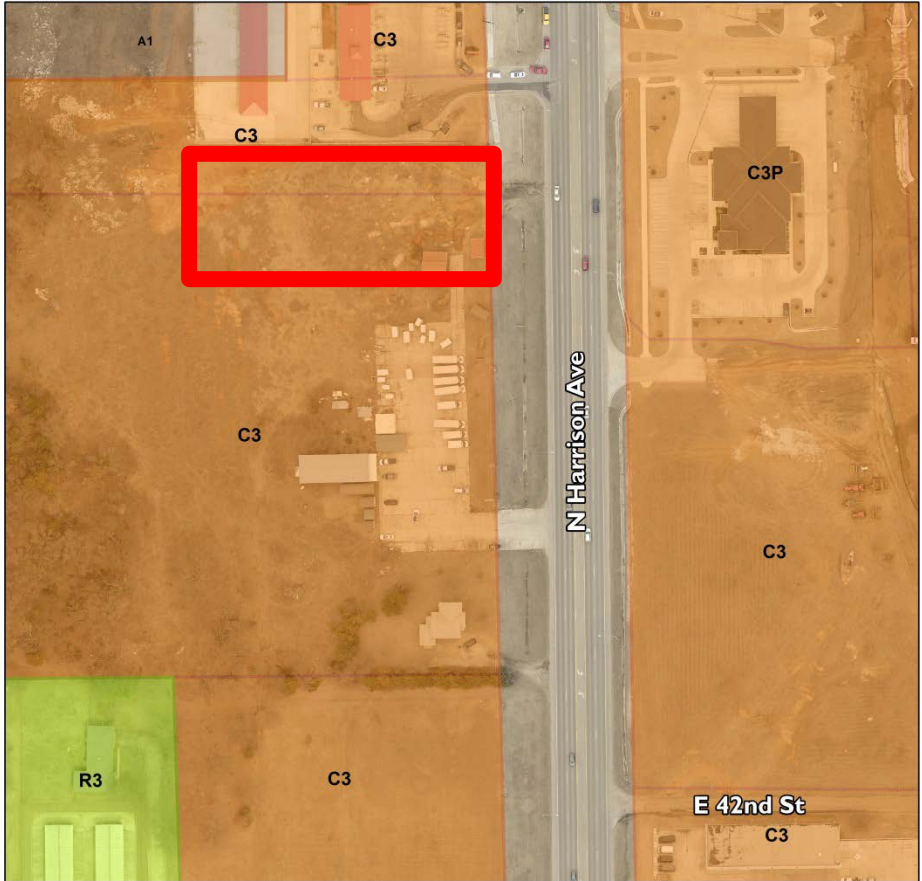
Cheyenne Pettigrew

Planning Commission Secretary

City of Shawnee Planning Department 222. N. Broadway Shawnee, OK 74801 (405) 878-1616 Fax: (405) 878-1587 www.ShawneeOK.org		CASE # S06-17 PUBLIC HEARING DATE: November 1, 2017 CITY COMMISSION DATE: November 6, 2017
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APPLICANT: Amy Landry	3202 Avenue N Galveston, TX 77550	(817)-851-5414
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PROPERTY ADDRESS/LOCATION: Near Intersection of N. Harrison St. and 45th St.

SUMMARY OF REQUEST: The applicant has requested preliminary plat approval for a tract of land located south of 45 th Street on the west side of Harrison Avenue and is approximately 1.16 acres in size. The site is zoned C-3: Highway Commercial and the intent is to construct an eating establishment with a drive through.	
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EXISTING ZONING: C3	EXISTING LAND USE: Vacant	SURROUNDING ZONING & LAND USE: C-3 (Highway Commercial)	Number of Lots: 1	PROPERTY SIZE: 1.16 ac.
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STAFF REVIEW AND ANALYSIS

Staff has reviewed the Chicken Express Preliminary Plat (Exhibit 1) and find it in general conformance with the Shawnee Zoning Code, Subdivision Regulations, and Comprehensive Plan. Minor corrections will be necessary prior to final plat approval.

A 10" public sewer main exists approximately 175' west of the property, requiring extension of the public main to the property and the recording of a public easement on the adjacent property. The City's 8" public water main is on the east side of Harrison Ave. Storm water detention is shown on-site and will be required to maintain runoff based on pre-development calculations. As Harrison Ave. is a major arterial, a six (6') foot sidewalk shall be provided along the frontage.

Upon review, staff finds no major concerns during the preliminary platting stage. The technical aspects of the Preliminary Plat have been reviewed by the City Engineer and other appropriate staff.

Staff Recommends approval of the Chicken Express Preliminary Plat with the following conditions:

- 1. The proposed “outlot”, located at the property’s north-east corner, shall be corrected and shown as an easement rather than a lot.
- 2. Per Section 60.9.3 of the Subdivision Regulations, no portion of a building shall be located more than 300’ from a fire hydrant.
- 3. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
- 4. Necessary drainage plans must be approved by the City Engineer concurrent with Final Plat approval.
- 5. All other applicable City standards apply

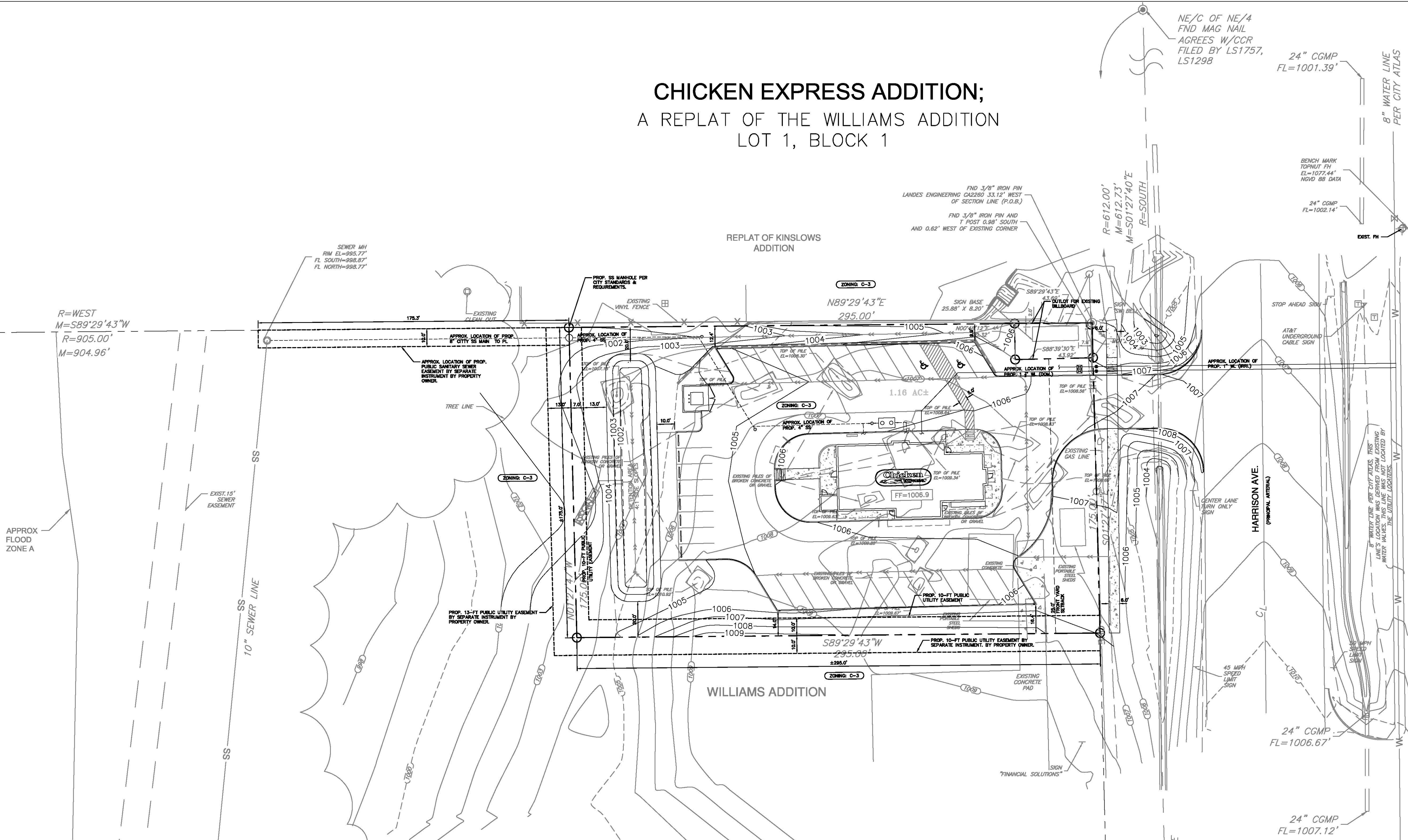
APPROVE	APPROVE WITH CONDITIONS	DENY
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ATTACHMENTS: (CIRCLE)	SUBMITTED PLANS	PUBLIC HEARING PETITION/ APPLICATION FORM	LEGAL NOTICE	LEGAL DESCRIPTION
PUBLIC COMMENTS	AGENCY COMMENTS	RESPONSE TO STANDARDS		

Attachments:

Exhibit 1: Chicken Express Preliminary Plat

CHICKEN EXPRESS ADDITION;
A REPLAT OF THE WILLIAMS ADDITION
LOT 1, BLOCK 1

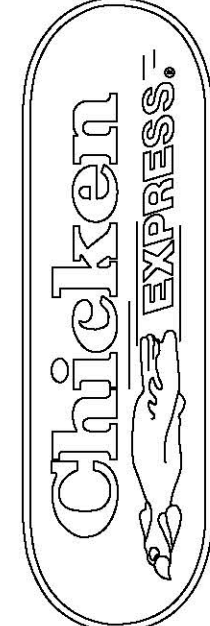


DRAWING LEGEND	
	PROPERTY LINE
	ADJOINING PROPERTY LINE
	PROP. EDGE OF PAVEMENT
	CURB LINE
	EASEMENT/SETBACK LINES
	EXIST. CONTOUR LINE
	PROP. CONTOUR LINE
	BREAKLINE/RIDGE
	SWALE
	PROP. WATER LINE
	PROP. SS LINE
	PROP. CLEANOUT
	SAN. SEWER
	WATER LINE
	DOMESTIC WATER
	IRRIGATION

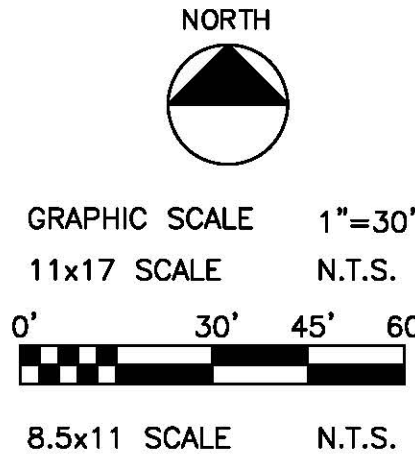
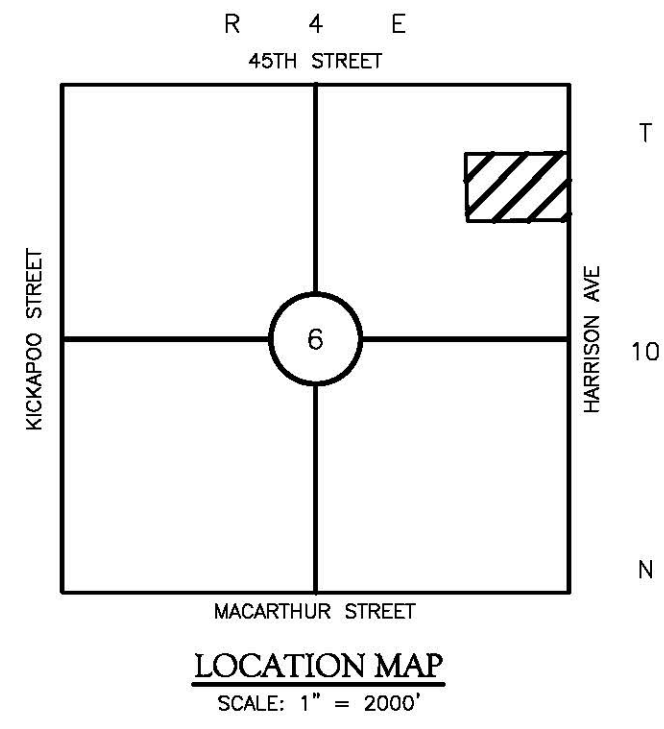
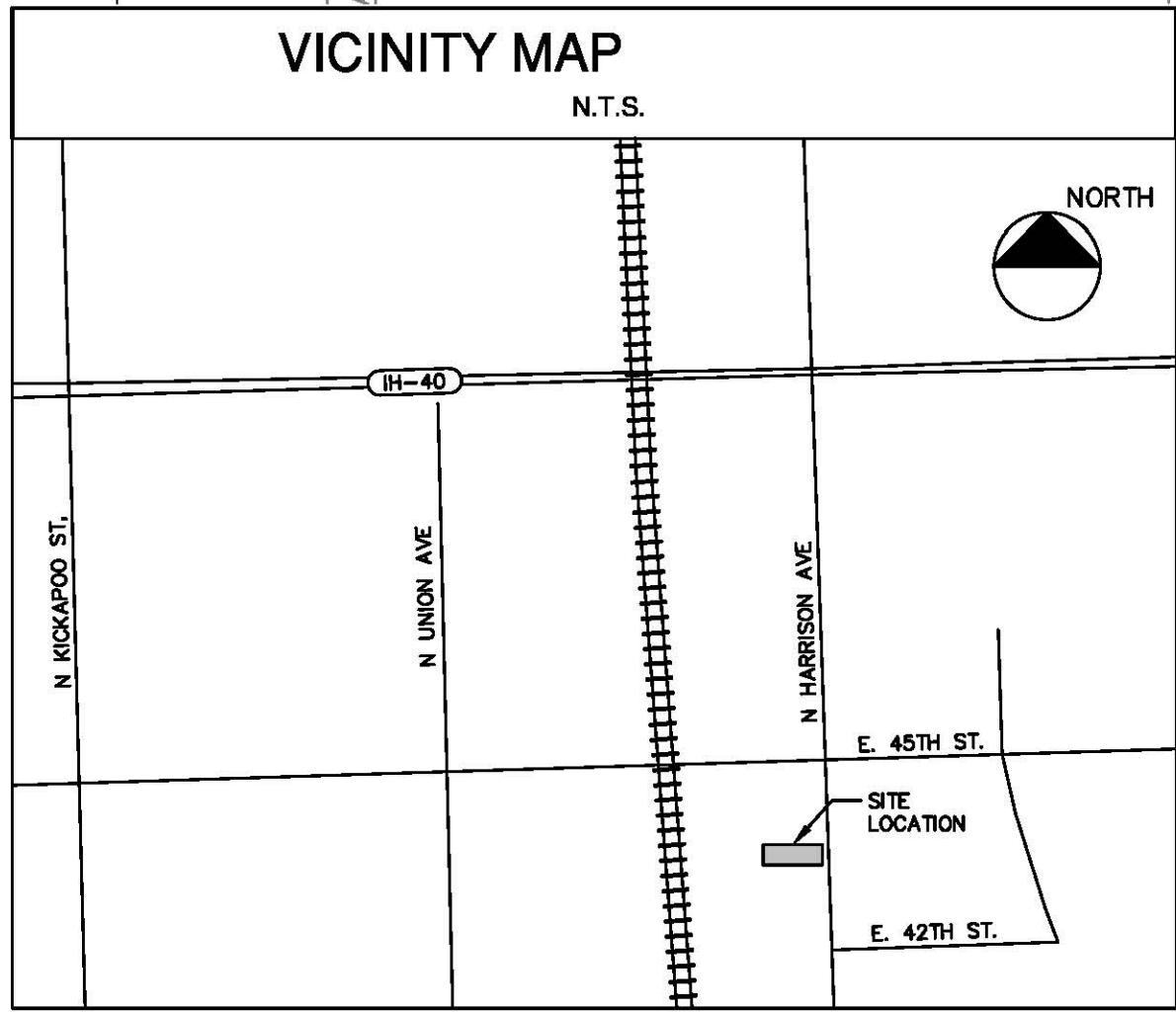
PRELIMINARY
THIS DOCUMENT IS
PRELIMINARY IN NATURE AND IS
NOT A FINAL, SIGNED AND SEALED
DOCUMENT.
JUSTIN S. DRAHMER, P.E.
LICENSE NO. 27181
DATE: OCTOBER 20, 2017

JAMES W.P. HOWARD
ARCHITECT
N.C.A.R.B. A.I.A.
2416 STAGECOACH STREET
FORT WORTH, TEXAS 76133
(817) 377-3477

NEAR INTERSECTION OF N. HARRISON ST. AND E. 45TH ST.
SHAWNEE, OKLAHOMA 74804



LEGAL DESCRIPTION:
BEING PART OF LOT TWO (2) IN THE WILLIAMS ADDITION IN THE CITY OF SHAWNEE,
OKLAHOMA, BEING OTHERWISE DESCRIBED AS FOLLOWS: A PARCEL OF LAND LYING AND
SITUATE IN THE NORTHEAST QUARTER (NE/4) OF SECTION SIX (6), TOWNSHIP TEN (10)
NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY,
OKLAHOMA, DESCRIBED AS FOLLOWS: COMMENCING AT A MAG NAIL BEING LOCATED AT
THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE/4) OF SECTION SIX
(6); THENCE S01°27'40"E FOR A DISTANCE OF 612.75 FEET ALONG THE EAST LINE OF
THE NORTHEAST QUARTER (NE/4); THENCE S89°29'43"W FOR A DISTANCE OF 33.13
FEET TO AN EXISTING 3/8" IRON PIN WITH A CA2260 CAP BEING LOCATED ON THE
STATUTORY RIGHT OF WAY ALSO BEING THE POINT OF BEGINNING; THENCE
S89°29'43"W FOR A DISTANCE OF 295.00 FEET; THENCE S01°27'47"E FOR A DISTANCE
OF 175.00 FEET; THENCE N89°29'43"E FOR A DISTANCE OF 295.00 FEET TO A POINT
ON SAID RIGHT OF WAY; THENCE N01°27'47"W FOR A DISTANCE OF 175.00 FEET TO
THE POINT OF BEGINNING. LESS AND EXCEPT A TRACT OF LAND COMMENCING AT A
MAG NAIL BEING LOCATED AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER
OF SECTION SIX (6) (NE/4) OF SECTION SIX (6); THENCE S01°27'40"E FOR A DISTANCE OF 612.75
FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER (NE/4); THENCE
S89°29'43"W FOR A DISTANCE OF 33.13 FEET TO AN EXISTING 3/8" IRON PIN WITH A
CA2260 CAP BEING LOCATED ON THE STATUTORY RIGHT OF WAY AND BEING THE
POINT OF BEGINNING OF THIS TRACT; THENCE S89°29'43"W FOR A DISTANCE OF 43.69
FEET; THENCE S00°48'12"E FOR A DISTANCE OF 20.32 FEET; THENCE N88°39'30"E FOR
A DISTANCE OF 43.92 FEET TO A POINT OF THE SAID RIGHT OF WAY; THENCE
N01°27'47"W FOR A DISTANCE OF 19.69 FEET TO THE POINT OF BEGINNING. LESS AND
EXCEPT ALL INTEREST IN AND TO THE OIL, GAS AND MINERAL RIGHTS THEREIN AND
THEREUNDER. THIS DEED HAS A BEARING OF BASIS OF S01°27'40"E ALONG THE EAST
LINE OF THE NORTHEAST QUARTER (NE/4) AND CONTAINS 1.16 ACRES MORE OR LESS.
THIS DEED WAS PREPARED BY CHRIS D'AMICO (LS1945) ON AUGUST 25, 2017.



NOTE TO CONTRACTOR
CALL 811 AND ANY OTHER APPLICABLE UTILITY LOCATING SERVICES 48
HOURS PRIOR TO CONSTRUCTION ACTIVITY. LOBSINGER & POTTS STRUCTURAL
ENGINEERING, INC IS NOT RESPONSIBLE FOR KNOWING THE LOCATION OF ALL
EXISTING UTILITIES OR DEPICTING EXACT LOCATIONS ON ALL DRAWINGS. THE
LOCATION OF EXIST. UTILITIES ARE SHOWN AS APPROXIMATE ONLY. THE
CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES AS
A RESULT OF FAILURE TO LOCATE AND PRESERVE EXIST. UTILITIES.

OWNER OF RECORD/SUBDIVIDER:
WILMA J. SMITH 2009 REVOCABLE TRUST
18 CEDAR CREEK DRIVE
SHAWNEE, OK 74804

SURVEYOR:
LANDES ENGINEERING LLC & ASSOCIATES
905 E. 35TH STREET
SHAWNEE, OK 74802
(405) 275-5388

PREPARED BY:
LPSE
Lobsinger & Potts Structural Engineering, Inc
1723 E. Southlake Blvd., Suite 200 Southlake, Texas 76092
817.851.5414 Fax 817.488.9937 Firm Reg. # 7290

BENCHMARK
1. BENCHMARK TOPNUT FH, LOCATED
ON EAST SIDE OF HARRISON AVE.
ELEVATION= 1077.44', NGVD 88 DATA
SEE SURVEY.

PROJECT:
DATE: 10-20-17
DRAWN BY: L.P.S.E.
CHECKED BY:
FILE:
REVISIONS

SHEET TITLE
PRELIMINARY
PLAT

SHEET
C-2.1

PRELIMINARY PLAT APPLICATION



City of Shawnee Planning Department

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

For Office Use Only

Case Number: 506-17
Project Number: 171030
Date Filed: 10-2-2017
Amount Paid: \$227.00
Receipt No.: 02089640

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

APPLICANT Amy Landry
APPLICANT ADDRESS 3202 Avenue N, Galveston, TX 77550
APPLICANT PHONE NUMBERS 817-851-5414
EMAIL ADDRESS AMY@LPSE.NET
NAME OF PLAT CHICKEN EXPRESS
LOCATION Near intersection of N Harrison St. and 45th St.
NUMBER OF ACRES +/- 1.16 ac. NUMBER OF LOTS 1 Lot (REPLAT OF WILLIAMS ADDITION)

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: FEE: \$225.00
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: \$225.00
PLUS \$2.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 1 2.00
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____
TOTAL COST \$227.00

OWNER/DEVELOPER INFORMATION:

NAME PAUL POGUE 2009 TRUST, CONTACT: RICK BROWN
ADDRESS 316 BAILEY AVENUE, FORT WORTH, TX 76107
CONTACT NUMBERS 972-333-8115
EMAIL ADDRESS cerbrown@yahoo.com

PROJECT ENGINEER INFORMATION:

NAME Same as applicant, Amy Landry (above)
ADDRESS _____
CONTACT NUMBERS _____
EMAIL ADDRESS _____

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



Date: October 26, 2017

To: City of Shawnee Planning Commission

From: Justin DeBruin, Community Development Director

RE: Downtown Tax Increment Financing (TIF) District

"Tax Increment Financing (TIF) is a public tool for supporting development or redevelopment in certain, limited areas of a city. TIF works by apportioning an increment of local taxes to fund eligible project costs. When a TIF district is established, a baseline is set; then, when the project generates tax revenues above the baseline, those new revenues are allocated to the project to help pay the costs of generating the new development" (Center for Economic Development Law).

In August of 2003, the City of Shawnee adopted by ordinance a TIF district in downtown Shawnee with an effective life of fifteen (15) years, which is due to expire in 2018. As of June 30th, 2017, approximately \$600,000 of property tax increment has been collected, most of which was used to supplement public costs for the newly completed downtown streetscape.

With the looming expiration in 2018, the City contracted services with the Center for Economic Development Law in July of this year to begin preparations for an amended TIF project plan. Because an increment district may last up to 25 years, the primary goal has been to extend the life of the original increment district (TIF #1) for an additional ten (10) years and create a new, expanded district with a 25 year active life (TIF #2).

A project review committee was formed primarily of members representing affected taxing jurisdictions and an additional three (3) at-large members. The review committee was charged with making findings as to the eligibility of the proposed project area and increment districts, findings as to financial impacts of proposed increment districts on

taxing jurisdictions and business activities, and providing a recommendation to the City regarding approval of the proposed project plan.

After three review committee meetings hosted between September and October, the general recommendation was to extend TIF #1 (Exhibit 1) for an additional 10 years, while remitting the property tax increment gained from the Aldridge Hotel back to all affected taxing jurisdictions. Additionally, a second district, TIF #2 (Exhibit 1), shall be formed incorporating a larger area for proposed improvements. Specific to TIF #2, 5% of the increment earned will be remitted to the Shawnee Public Schools (SPS). The property tax increment accrued from both districts will be reserved for the following purposes, outlined in greater detail in the Amended and Revised Project Plan:

1. Public infrastructure, facilities, and improvements
2. Assistance in development financing
3. Aldridge Hotel Payments
4. Implementation and Administration

The Planning Commission is tasked with reviewing the Amended and Restated Shawnee Downtown Revitalization Project Plan to determine conformance with the City of Shawnee Comprehensive Plan. If the plan is deemed appropriate, it is suggested that the Planning Commission approve a resolution recommending that the City Commission approve and adopt the subject plan.

Attachments:

1. Exhibit 1: Downtown TIF District Map: TIF Boundaries
2. Exhibit 2: Downtown TIF District Map: Proposed Improvements
3. Exhibit 3: Downtown TIF District Map: Land Use
4. Amended & Restated Shawnee Downtown Revitalization Project Plan
5. Financial Impact Report
6. Eligibility Report
7. Findings and Recommendation of the Review Committee
8. Resolution determining conformance with Comprehensive Plan

DOWNTOWN TIF DISTRICT MAP: TIF BOUNDARIES

EXHIBIT

1

TIF #1

TIF #2

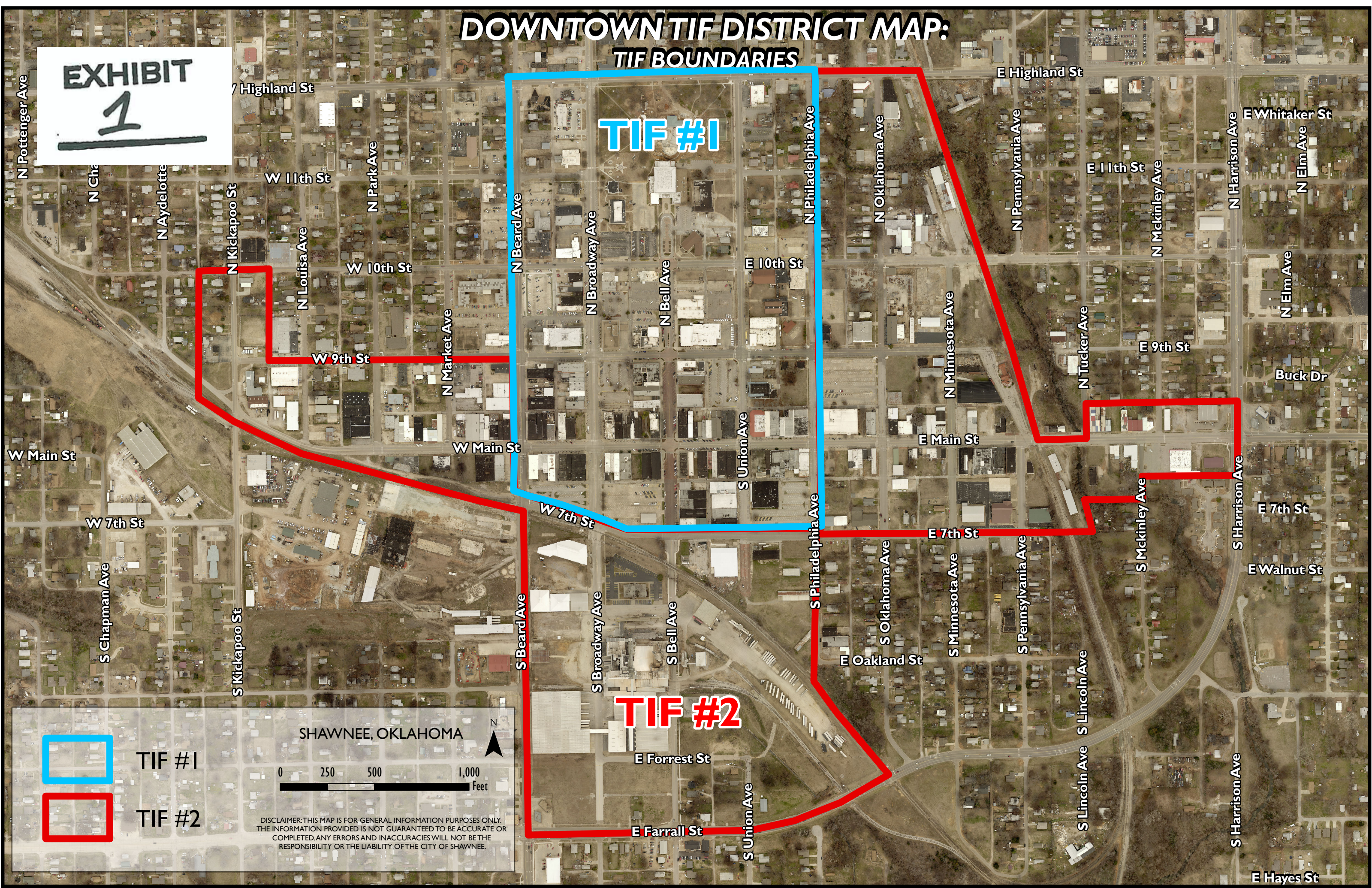
TIF #1

TIF #2

SHAWNEE, OKLAHOMA

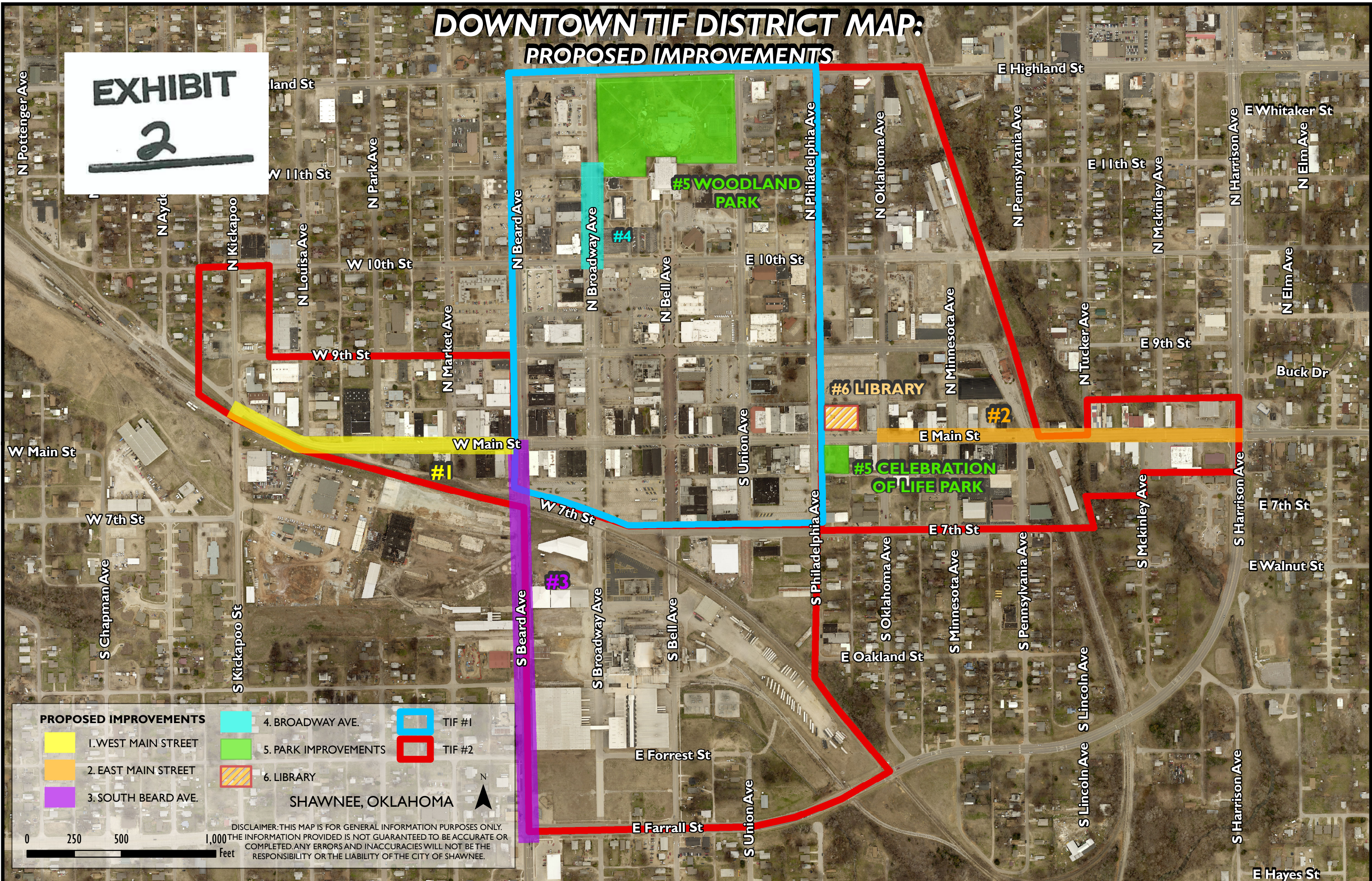
0 250 500 1,000 Feet

DISCLAIMER: THIS MAP IS FOR GENERAL INFORMATION PURPOSES ONLY. THE INFORMATION PROVIDED IS NOT GUARANTEED TO BE ACCURATE OR COMPLETED. ANY ERRORS AND INACCURACIES WILL NOT BE THE RESPONSIBILITY OR THE LIABILITY OF THE CITY OF SHAWNEE.



DOWNTOWN TIF DISTRICT MAP: PROPOSED IMPROVEMENTS

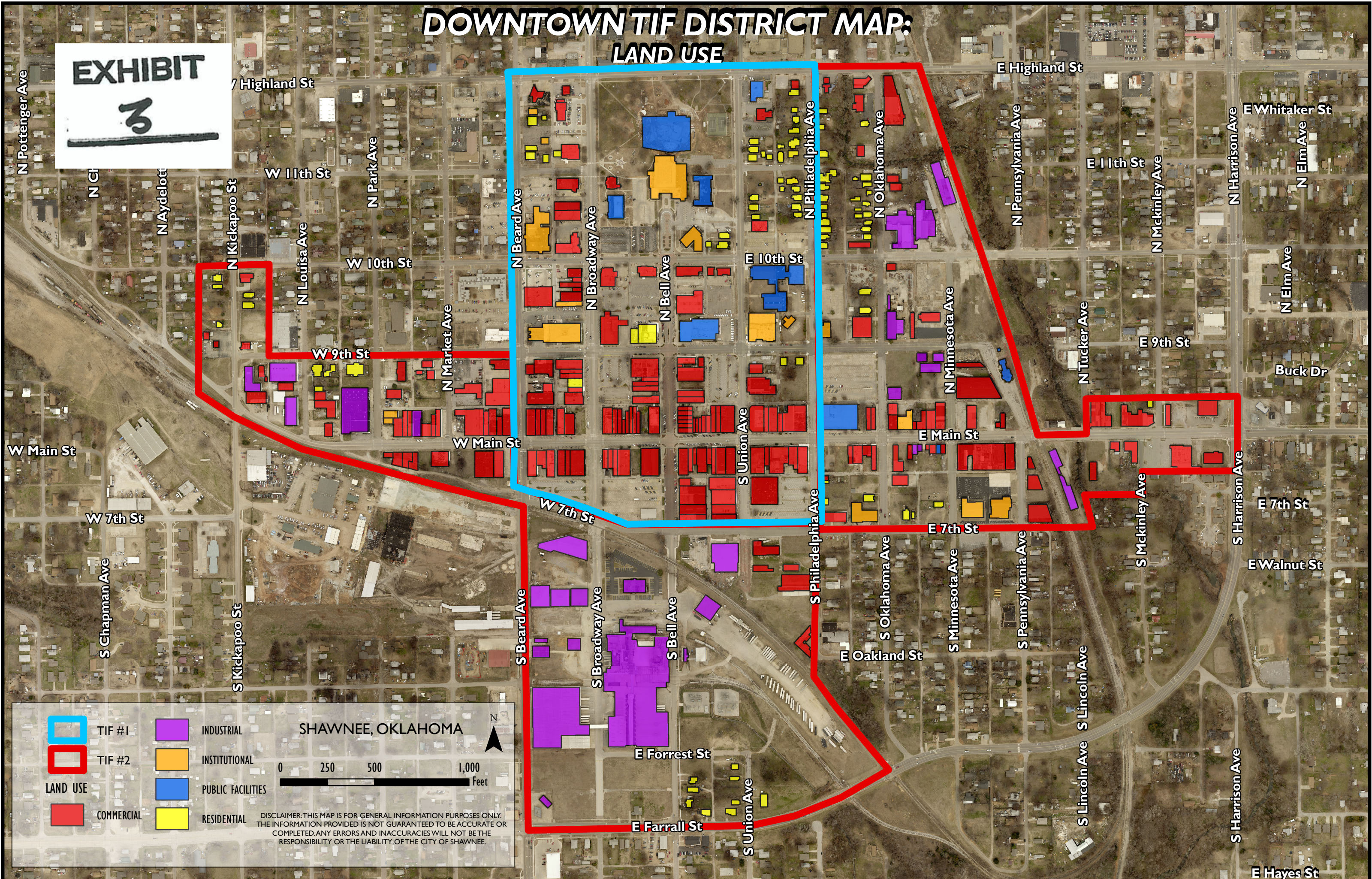
EXHIBIT
2



DOWNTOWN TIF DISTRICT MAP: LAND USE

EXHIBIT

3





Amended and Restated Shawnee Downtown Revitalization Project Plan

Prepared by:

The City of Shawnee, Oklahoma

Richard Finley, Mayor

Board of Commissioners:

Dub Bushong	Ward 1
Ron Gillham	Ward 2
James Harrod	Ward 3
Darren Rutherford	Ward 4
Lesa Shaw	Ward 5
Ben Salter	Ward 6

Justin Erickson, City Manager

Justin DeBruin, AICP, Community Development / Planning Director

Joseph Vorndran, City Attorney

with the assistance of:



CENTER FOR ECONOMIC
DEVELOPMENT LAW

301 North Harvey, Suite 100
Oklahoma City, Oklahoma 73102
(405) 232-4606 | www.econlaw.com

Amended and Restated Shawnee Downtown Revitalization Project Plan

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Amended and Restated Shawnee Downtown Revitalization Project Plan

This Amended and Restated Shawnee Downtown Revitalization Project Plan (“Project Plan”) amends and completely restates the Shawnee Downtown Revitalization Project Plan originally approved by the Shawnee City Commission by the adoption of Ordinance No. 2098NS on August 4, 2003. All previous budgeted Project Costs should be treated as paid, with the Project Costs described in Section VIII of this Project Plan prospectively becoming effective as the date this Project Plan is approved and adopted.

I. Description of Project

Downtown Shawnee has seen incremental growth from private development and major public investment over the last 14 years since Increment District No. 1, City of Shawnee was established. Redevelopment of the Aldridge Hotel has been the largest singular private investment, while many other smaller-scale investments have been made. With regard to public improvements, the City of Shawnee (“City”) has spent approximately \$8 million total on the “Shawnee Splash” aquatic center at Woodland Park and on the Downtown Streetscape Project.

The streetscape project was completed in early-2017 and included the complete reconstruction of a five-block area along Main Street from Beard Street to Oklahoma Street. This transformative project has resulted in new private investment, many buildings changing hands, and new excitement for downtown from the community at large. The aquatics center was completed in 2015 and brings hundreds of kids and families to downtown every day during the summer. Together, these projects have set the stage for continued growth and prosperity at a time when favorable local and regional trends indicate more interest in downtown as a place to live, work and play.

In addition to major public construction projects, the City has also sponsored efforts such as façade grants and made key changes to development ordinances and the zoning code to facilitate new development. Partnerships with local organizations, entities, and foundations has helped to further much of this work.

In 2012, a document entitled “Reimagine Downtown – Transforming Downtown Shawnee” was completed by the University of Oklahoma, Institute for Quality Communities. This document has helped focus attention to administrative, legislative and programmatic changes that facilitate downtown enhancement. A new organization was also formed to help lead these efforts called the Historic Shawnee Alliance (HSA). The HSA is a non-profit organization formed to assist downtown building owners preserve and improve their historic structures, attract new business, encourage downtown living, promote arts and entertainment, and make area improvements that will enhance the quality of life for Shawnee citizens.

The Project Plan is considered to be a critical element in fostering a public-private partnership to create a continuing stimulus for revitalization. The establishment of these increment districts will provide critical funding for public improvements and help induce private investment through the establishment of an active incentivization program focused on retail, office and residential growth. Public projects will also stimulate private investment in the area in the form of the renovation and restoration of existing buildings and façades.

This Project Plan and Increment Districts described in it are estimated to provide funding through a combination of apportioned tax increments, City funding, procurement of grants and other funding for major redevelopment efforts estimates at \$12,110,000 in public streetscape, park improvements, public facility renovations, and developer incentives over the life of the project. At the same time, increments are also being

apportioned as specific revenue sources for Shawnee Public Schools, Gordon Cooper Technology Center, Pottawatomie County, the Pottawatomie County Health Department, and Pioneer Library System.

This Project Plan is also aspirational as there are many unknowns related to exactly how Downtown Shawnee will develop or precisely when various public and private improvements will occur. However, through committed adherence to this Plan and related efforts and the deliberate application of resources, continual progress towards a more livable Shawnee – a city with a thriving downtown as the very heart of the community – is achievable.

II. Boundaries of Project Area and Increment Districts

The Project Area is identical to the boundaries of both Increment Districts, as shown on the illustration in the attached Exhibit A, “TIF District Boundaries.” The Project Area is generally bound by West 9th Street, North Beard Avenue, West Highland Street, the BNSF rail line, East Main Street (including the parcels immediately adjacent) from the BNSF rail line to Harrison Avenue, East 7th Street, South Philadelphia Avenue, the Union Pacific rail line east of South Philadelphia to East Farrall Street, East Farrall Street, South Beard Avenue, the Union Pacific rail line west of South Beard Avenue to North Kickapoo Street, and the portion of North Kickapoo Street (and the parcels immediately adjacent) from the Union Pacific rail line to West 10th Street.

The Increment Districts are the areas in which the increments will be generated. Increment District No. 1, City of Shawnee (“Increment District No. 1”) is illustrated by the blue line on Exhibit A. Increment District No. 2, City of Shawnee (“Increment District No. 2”) is illustrated by the red line on Exhibit A. Legal descriptions for both Increment Districts are provided in the attached Exhibit B, “TIF District Legal Descriptions.”

III. Eligibility of Project Area and Increment District

The Project Area and both Increment Districts qualify as an enterprise area, as defined by 62 O.S. § 853(6), because they lie within an enterprise zone designated by the Oklahoma Department of Commerce.

IV. Objectives

The three principal objectives of this Project Plan are:

- A. To support the continued revitalization of Downtown Shawnee.
- B. To enhance the tax base and make possible investment, development, and economic growth that would otherwise be difficult or impossible.
- C. To provide funding through apportioned tax increments and other sources to provide streetscape and beautification improvements to the Project Area.
- D. To focus revitalization and development efforts on a combination of office, retail, and residential opportunities in the project area.

V. Statement of Principal Actions

Implementation actions for the Project, including all necessary, appropriate and supportive steps will consist principally of the following:

- A. Project planning, design, and approval.
- B. Public infrastructure improvements.
- C. Development and rehabilitation of retail, office, residential, and mixed-use projects.
- D. Enhancement of existing businesses and encouragement of new businesses.

VI. Establishment of Increment Districts

- A. Increment District No. 1, an ad valorem increment district, has existed since the adoption of Ordinance 2098NS on August 4, 2003. This Project Plan creates Increment District No. 2, an ad valorem increment district. Increment District No. 2 will be effective immediately as of the adoption of this Project Plan.
- B. The increment of ad valorem taxes from Increment District No. 1 in excess of the base assessed value of Increment District No. 1 shall be apportioned to pay Project Costs (as defined in Section VIII of this Project Plan) for a period not to exceed twenty-five (25) fiscal years from the date Increment District No. 1 was first created, or the period required for the payment of such authorized Project Costs, whichever is less.¹
- C. The Increment of ad valorem taxes from Increment District No. 2 in excess of the based assessed value of Increment District No. 2 shall be apportioned to pay Project Costs (as defined in Section VIII of this Project Plan) for a period not to exceed twenty-five (25) fiscal years from the effective indicated above, or the period required for payment of such authorized Project Costs, whichever is less.
- D. During the period of apportionment, the apportionment fund:
 - 1. Shall be available to pay Project Costs under Section VIII;
 - 2. Shall constitute special funds of the City, or at the direction of the City, the Shawnee Municipal Authority, a public trust, or another public entity designated by the City; and
 - 3. Shall not be subject to annual appropriation as a part of the general fund of the City.

VII. Project and Increment District Authorizations

- A. The City is designated and authorized as the principal public entity to carry out and administer the provisions of this Project Plan and to exercise all powers necessary or appropriate thereto as provided in 62 O.S. § 854.
- B. The Shawnee Municipal Authority ("SMA"), or another public entity designated by the City pursuant to Section VI, is authorized and designated to carry out implementation actions for the project, including all necessary, appropriate, and supportive steps pursuant to development agreements with private developers. Such public entity is also authorized and designated to carry out those provisions

¹ This paragraph extends the effective life of Increment District No. 1 from its original fifteen (15) years to twenty-five (25) fiscal years.

of the project related to issuance of bonds or notes as provided in 62 O.S. §§ 854(B) and 863, subject to approval of the governing body of the City of any specific notes or bonds. SMA is authorized to assist in carrying out this Project Plan and to exercise all powers necessary or appropriate thereto pursuant to 62 O.S. § 854, except for approval of this Project Plan and those powers enumerated in 62 O.S. § 854, paragraphs 1, 2, 3, 4, 7, 13, and 16. As a public entity designated by the City, SMA or another public entity designated by the City is authorized to: (1) issue tax apportionment bonds or notes, or both; (2) pledge revenues from current and future fiscal years to repayment; (3) incur Project Costs pursuant to Section VIII of this Project Plan; (4) provide funds to or reimburse the City for the payment of Project Costs and other costs incurred in support of the implementation of the project; and (5) incur the cost of issuance of bonds for payment of such costs and to accumulate appropriate reserves, if any, in connection with them. Project Costs shall mean (a) the public costs authorized to be paid pursuant to Section VIII of this Project Plan, and (b) costs necessary or appropriate to implement this Project Plan other than costs authorized by Section VIII, which may be authorized without amendment to this Project Plan.

- C. The City Manager, Justin Erickson, his successor in office, or his designee shall be the person in charge of implementation of the Project Plan in accordance with the provisions, authorizations, and respective delegations of responsibilities contained in this Project Plan. The City Manager, his successor in office, or his designee is authorized to empower one or more designees to exercise responsibilities in connection with Project implementation.

VIII. Budget of Estimated Project Costs

- A. Project Costs shall mean the public costs authorized to be paid by apportioned tax increments pursuant to this Section VIII. Any and all Project Costs will be financed by the apportionment of tax increments from Increment District No. 1 and/or Increment District No. 2. The Project Cost categories are:

PROJECT COSTS:

Public Infrastructure, Facilities, and Improvements	\$ 7,810,000
<i>Includes:</i>	
• <i>Public streetscape improvements</i>	
• <i>Park improvements</i>	
• <i>Library building renovations</i>	
• <i>Courthouse right-of-way improvements</i>	
Assistance in Development Financing	\$ 3,750,000
Aldridge Hotel Payments	\$ 250,000
Implementation and Administration	\$ 200,000
Contingency	\$ <u>100,000</u>
Total Project Costs:	\$ 12,110,000

Plus any financing costs, costs of issuance, necessary or appropriate reserves, and interest on repayment of Project Costs. Project Costs do not include the specific revenue source for Shawnee Public Schools described in Section VIII.B. below.

The Aldridge Hotel Payments are intended to reimburse affected ad valorem taxing jurisdictions for the revenues derived from the increased value attributable to the Aldridge Hotel redevelopment project as of the end of fiscal year ending 2018. Such payments are intended to be distributed to those taxing entities as specific revenue sources authorized by Article X, § 6C of the Oklahoma Constitution and 62 O.S. § 853(9), in proportion to each taxing entity's operational mill levy.

- B. Five percent (5%) of the increment from Increment District No. 2 shall be apportioned to Shawnee Public Schools on an ongoing basis as a specific revenue source for a public entity in the area in accordance with Article X, § 6C of the Oklahoma Constitution and 62 O.S. § 853(9) of the Act to be utilized to enhance its programs, mission, and services.
- C. Additional costs necessary or appropriate to implement this Project Plan that are to be financed by other than apportioned tax increments may be approved by the City at any time. The provisions of this Section VIII are not a limitation on Project Costs to be financed by other than apportioned tax increments.
- D. Assistance in Development Financing will be provided only for projects that are determined, in the City's and/or SMA's discretion: (1) to meet the City's approved development goals and objectives for the Project Area, as expressed from time to time in the City's plans and policies, and (2) to provide adequate consideration and public benefit in return for the public investment.

IX. Financing Plan and Revenue Sources

A. Financing Plan.

The authorized public costs of the Project will be funded by the increment generated from the development of private residential and private commercial property within the Increment Districts.

B. Financing Authorizations.

The implementation of the Project Plan shall be financed in accordance with financial authorizations, including both fund and asset transfers, authorized from time to time by the City and/or SMA.

C. Financing Revenue Sources.

The revenue sources expected to finance Project Costs authorized by Section VIII are the portion of the increments attributable to investment and development within the Increment Districts. Project Costs will be paid by the City and/or SMA.

D. Financial Reports and Audits.

The development activities undertaken by the City and SMA pursuant to this Project Plan shall be accounted for and reported by the appropriate and necessary annual fiscal year audits and reports.

E. Other Necessary and Supporting Costs.

The City, SMA, or another public entity designated by the City pursuant to Section VI, is authorized to issue bonds and notes and to apply for and obtain grants from other sources for costs incurred or to be incurred in connection with the project and the construction of improvements in addition to Project Costs to be financed pursuant to Section VIII.

X. Private and Public Investments Expected for the Project

A. Projected Public and Private Investment

The total estimated private investment is expected to be approximately \$37 million, in addition to the estimated \$12 million in public investment. Private investment in the area is expected to consist of commercial, industrial, residential, and mixed-use development, redevelopment, and rehabilitation. Public investment will include the infrastructure improvements, parks improvements, and development financing assistance on appropriate private projects.

B. Projected Public Revenues

The estimated incremental increases in tax revenue, which will serve as the revenue source for financing the Project Costs authorized by Section VIII, is the public revenue directly attributable to the project described herein. Both the City and the State will experience increases in tax revenues that are not a part of the Increment Districts. Ad valorem taxing entities will experience additional revenues from increasing values within the surrounding area but outside of the Increment Districts.

Incremental ad valorem revenues from Increment District No. 1 are estimated to range between \$48,000 and \$210,000 annually for the duration of its effective life. Total incremental revenues estimated to generated over the ten years remaining in the lifespan of Increment District No. 1 range between \$1.7 million and \$2.0 million.

Increment ad valorem revenues from Increment District No. 2 are estimated to range between \$84,000 and \$700,000 annually. Total incremental revenues estimated to be generated over the 25-year lifespan of Increment District No. 2 range between \$10 million and \$12 million.

The developments anticipated by the Project will not result in a measurable increase in demand for services by or in costs to the affected taxing entities. The economic benefits of the project for the affected taxing jurisdictions indicate positive financial impacts for the entire community. The aggregate impacts from implementation of the Project Plan are positive and include the achievement of the objectives set forth in Section IV.

XI. Land Use

Existing uses and conditions of real property in the Project Area are shown on the map attached as Exhibit C, "Land Use." The proposed improvements to and the proposed uses of the real property in the Project Area are shown on Exhibit D, "Proposed Improvements." No changes in zoning are required to accommodate this Project.

Exhibit A: TIF District Boundaries

[See following page]

Exhibit B: TIF District Legal Descriptions

Shawnee, OK TIF District #1 Legal Description:

An area lying within Section 19, Township 10 North, Range 4 East, City of Shawnee, Pottawatomie County, State of Oklahoma, being further described as follows:

All of Blocks One (1), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Twenty-four (24), Twenty-five (25), Twenty-six (26), Twenty-seven (27), Twenty-eight (28) and Twenty-nine (29), of the Amended Plat of the NW Quarter of the City of Shawnee; and

All of Blocks Five (5), Six (6), Fifteen (15), Sixteen (16), and Twenty-five (25), of Choctaw Addition to the City of Shawnee;

Including all of the streets, their rights-of-way and intersections lying inside the boundaries of the described area.

Shawnee, OK TIF District #2 Legal Description:

An area lying within Section 19 and Section 24, Township 10 North, Range 4 East, City of Shawnee, Pottawatomie County, State of Oklahoma, being further described as:

Lots seventeen (17) thru thirty-two (32) of Block Nineteen (19) of the Amended Plat of the NW Quarter Shawnee Addition;

All of Blocks One (1), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Twenty-one (21), Twenty-two (22), Twenty-Three (23) Twenty-four (24), Twenty-five (25), Twenty-six (26), Twenty-seven (27), Thirty-eight (38), Thirty-nine (39), of the Amended Plat of the NW Quarter of the City of Shawnee; and

Blocks Twenty (20), Twenty-eight (28) and Twenty-nine (29), Thirty (30), and Thirty-one (31) North of the center line of the Rail Road Tracks of the Chicago, Rock Island and Pacific Railway of the Amended Plat of the NW Quarter of the City of Shawnee

All of Block Fourteen (14) A.P. Choctaw Addition; and

All of Blocks Four (4), Five (5), Six (6), Seven (7), Thirteen (13), Fifteen (15), Sixteen (16), Seventeen (17) Eighteen (18), Twenty-Two (22) Twenty-three (23), Twenty-four (24) and Twenty-Five (25), of Choctaw Addition to the City of Shawnee; and

All parts of Blocks Three (3), Eight (8), Nine (9), Twelve (12), Nineteen (19), Twenty-one (21) West of the center line of the Railroad tracks of the Atchison, Topeka, and Santa Fe Railway

All of Block Two (2) of Amended Plat of Block "14" and a Part of Block "C" Beards Addition to the City of Shawnee; and

Lots One (1) thru (6) Block (1) Lots One (1) thru Six (6) Block Three (3) and Lots One (1) thru Six (6) Block Four (4) of Amended Plat of Block "14" and a Part of Block "C" Beards Addition to the City of Shawnee; and

Block Eleven (11) Lots Six (6) thru Eleven (11) and Block Twelve (12) Lots Six (6) thru Eleven (11) of Beard Addition; and

The North One/Third (1/3) of Block B of Beards Addition; and

All of Blocks Seventy-Five (75), Seventy-Six (76), Seventy-seven (77), Ninety-two (92), Ninety-three (93), Ninety-four (94), One hundred Three (103), One hundred Four (104), One Hundred Five (105), One hundred Twenty (120), One hundred Twenty-one (121), and One hundred Twenty-two (122) of the Amended Plat of the SW Quarter Shawnee Addition; and

Block eight (8) Lots one (1) thru Twenty (20) of the Fair Grounds Addition

Including all of the streets, their rights-of-ways, and intersections lying inside the boundaries of the described areas.

Exhibit C: Land Use

[See following page]

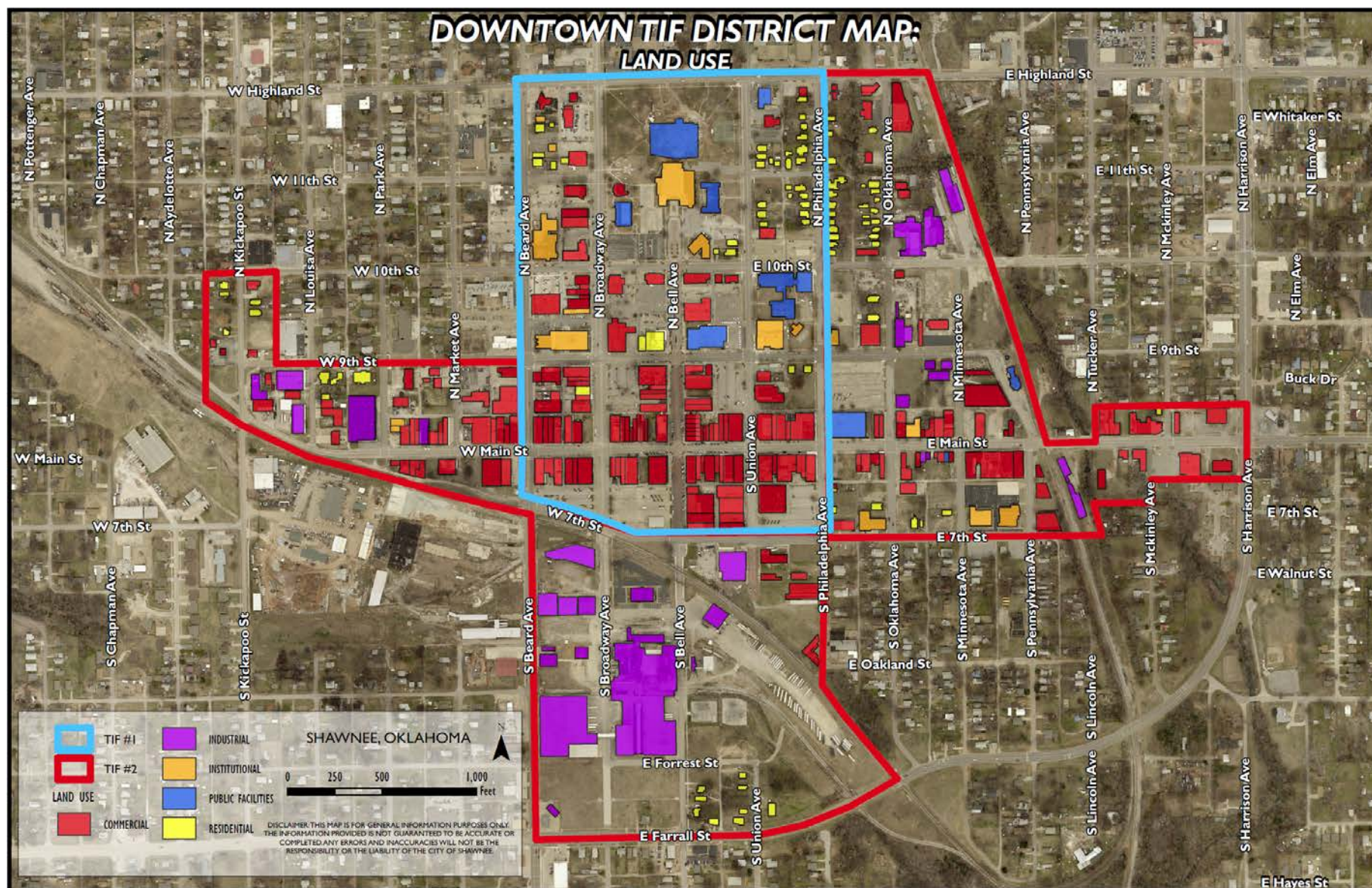
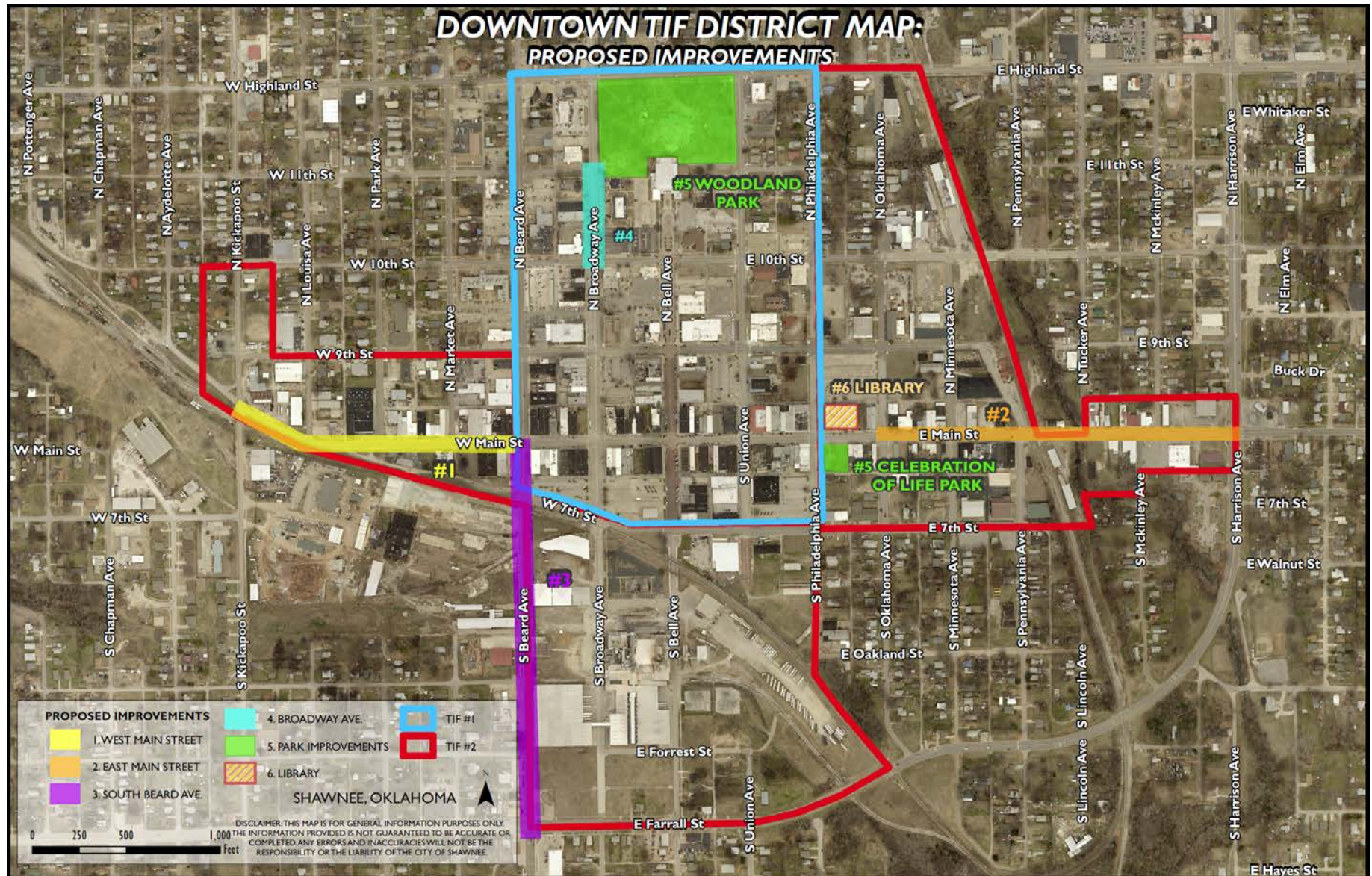


Exhibit D: Proposed Improvements

[See following page]





Amended and Restated Shawnee Downtown Revitalization Project Plan

Financial Impacts Report

Prepared by:

The City of Shawnee, Oklahoma

Richard Finley, Mayor

Board of Commissioners:

Dub Bushong	Ward 1
Ron Gillham	Ward 2
James Harrod	Ward 3
Darren Rutherford	Ward 4
Lesa Shaw	Ward 5
Ben Salter	Ward 6

Justin Erickson, City Manager

Justin DeBruin, AICP, Community Development / Planning Director

Joseph Vorndran, City Attorney

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Amended and Restated Shawnee Downtown Revitalization Project Plan Financial Impacts Report

I. How Tax Increment Financing Works

Under the mechanism of tax increment financing, two geographic areas are defined. The first is the project area. This is the area in which project expenditures may be made. The second geographic area is the increment district. This is the area from which the tax increment will be generated. The project area and increment district may or may not be co-extensive. The value of property within the increment district is determined upon approval of the project plan. This becomes the base assessed value of all taxable property within the increment district. The ad valorem tax revenue generated from this base assessed value of property within the increment district is distributed to the taxing jurisdictions according to each jurisdiction's levy. Throughout the life of the project, the base revenue will continue to flow to the taxing jurisdictions. In the event of a general reassessment of property values within the increment district, the ad valorem tax revenue received by the taxing jurisdictions will be proportionately adjusted. To this extent, the taxing jurisdictions are not affected by the implementation of tax increment financing through ad valorem apportionment.

Once development of the property within the increment district occurs, the market value increases, and so the assessed value of that property also increases. The difference between the ad valorem tax revenue produced by this increased value and that produced by the base assessed value—the incremental increase or increment—is apportioned (i.e. allotted) to an apportionment fund that is used to pay the eligible public costs of the project either directly or through the issuance of bonds. This apportionment of ad valorem tax increments will continue for the lesser of a period of 25 fiscal years from the date of approval or until all eligible public costs are paid. Once the tax apportionment period expires, the revenue from the increased assessed value of property within the increment district will be divided among the taxing jurisdictions, in addition to the revenue from the base assessed value that these entities will have continued to receive.

II. The Proposed Project

Downtown Shawnee has seen incremental growth from private development and major public investment over the last 14 years since Increment District No. 1, City of Shawnee was established. Redevelopment of the Aldridge Hotel has been the largest singular private investment, while many other smaller-scale investments have been made. With regard to public improvements, the City of Shawnee ("City") has spent approximately \$8 million total on the "Shawnee Splash" aquatic center at Woodland Park and on the Downtown Streetscape Project.

The streetscape project was completed in early-2017 and included the complete reconstruction of a five-block area along Main Street from Beard Street to Oklahoma Street. This transformative project has resulted in new private investment, many buildings changing hands, and new excitement for downtown from the community at large. The aquatics center was completed in 2015 and brings hundreds of kids and families to downtown every day during the summer. Together, these projects have set the stage for continued growth and prosperity at a time when favorable local and regional trends indicate more interest in downtown as a place to live, work and play.

In addition to major public construction projects, the City has also sponsored efforts such as façade grants and made key changes to development ordinances and the zoning code to facilitate new development. Partnerships with local organizations, entities, and foundations has helped to further much of this work.

In 2012, a document entitled “Reimagine Downtown – Transforming Downtown Shawnee” was completed by the University of Oklahoma, Institute for Quality Communities. This document has helped focus attention to administrative, legislative and programmatic changes that facilitate downtown enhancement. A new organization was also formed to help lead these efforts called the Historic Shawnee Alliance (HSA). The HSA is a non-profit organization formed to assist downtown building owners preserve and improve their historic structures, attract new business, encourage downtown living, promote arts and entertainment, and make area improvements that will enhance the quality of life for Shawnee citizens.

The Amended and Restated Shawnee Downtown Revitalization Project Plan (“Project Plan”) is considered to be a critical element in fostering a public-private partnership to create a continuing stimulus for revitalization. The establishment of these increment districts will provide critical funding for public improvements and help induce private investment through the establishment of an active incentivization program focused on retail, office and residential growth. Public projects will also stimulate private investment in the area in the form of the renovation and restoration of existing buildings and façades.

The Project Plan anticipates private investment in the Project Area to exceed \$37 million over a period of 25 years. Development would consist of a range of commercial, residential, mixed-use, and industrial development, the combination of which will result in annual ad valorem increment revenues of approximately \$133,000 in the near term and \$600,000 over the long term. The projections are based on the impacts of \$37 million in private taxable investment—consisting of primarily of the redevelopment of approximately 18 potential redevelopment sites over an 8-year period, with the impacts of new growth leading to stabilized 3% annual property value growth within the Project Area within 10 years.

The Project Plan and Increment Districts described in it are estimated to provide funding through a combination of apportioned tax increments, City funding, procurement of grants and other funding for major redevelopment efforts estimates at \$12,110,000 in public streetscape, park improvements, public facilities renovation, and developer incentives over the life of the project. At the same time, increments are also being apportioned as specific revenue sources for Shawnee Public Schools, Gordon Cooper Technology Center, Pottawatomie County, the Pottawatomie County Health Department, and Pioneer Library System.

The Project Plan is also aspirational as there are many unknowns related to exactly how Downtown Shawnee will develop or precisely when various public and private improvements will occur. However, through committed adherence to this Plan and related efforts and the deliberate application of resources, continual progress towards a more livable Shawnee – a city with a thriving downtown as the very heart of the community – is achievable.

III. Boundaries of Project Area and Increment Districts

The Project Area is identical to the boundaries of both Increment Districts, as shown on the illustration in the exhibit attached to the Project Plan titled, “Exhibit A: TIF District Boundaries.” The Project Area is generally bound by West 9th Street, North Beard Avenue, West Highland Street, the BNSF rail line, East Main Street (including the parcels immediately adjacent) from the BNSF rail line to Harrison Avenue, East 7th Street, South Philadelphia Avenue, the Union Pacific rail line east of South Philadelphia to East Farrall Street, East Farrall Street, South Beard Avenue, the Union Pacific rail line west of South Beard Avenue to North Kickapoo Street,

and the portion of North Kickapoo Street (and the parcels immediately adjacent) from the Union Pacific rail line to West 10th Street. Legal descriptions for both Increment Districts are provided in the exhibit attached to the Project Plan titled “Exhibit B: TIF District Legal Descriptions.”

IV. Impacts and Effects on Taxing Jurisdictions

A. Overall Financial Impacts on Affected Taxing Jurisdictions

Under the Project Plan, all incremental revenues will be apportioned to the apportionment fund for use by the City of Shawnee, the Shawnee Municipal Authority, or another public entity designated by the City, to pay for authorized project costs. Once the Increment Districts terminate, the increments shall be distributed pursuant to ad valorem statutes.

The benefits of projected development under this project will be significant for the affected taxing jurisdictions and for the greater community. The actual increase in demand for services, if any, will be limited for those taxing jurisdictions, with potential increases in demand discussed in Section IV.B herein.

The Increment Districts at present contain a number of vacant, underperforming, or tax-exempt parcels that generate very little or no ad valorem revenues. The base assessed value for Increment District No. 1 will continue as the basis for allocating tax revenue to taxing jurisdictions through the end of Increment District No. 1’s effective life. Similarly, the current assessed value within Increment District No. 2 at the time of project approval will continue as the basis for allocating the tax revenue to the taxing jurisdictions during the full 25-year life of Increment District No. 2. Since funding rates for bonded indebtedness are calculated using the base assessed value within each Increment Districts, repayment of bonded indebtedness will not be affected.

Concentrated and continuous stimulation of the development of the area, as contemplated by the Project Plan, will result in a greatly-enhanced ad valorem tax base, from which all of the affected taxing jurisdictions will benefit. In addition, the benefits of new employment in the community will result in benefits to the affected taxing jurisdictions. Finally, the generation of sales taxes in this underperforming area will benefit the City.

B. Specific Effects from the \$37 Million in Private Growth

1. Shawnee Public Schools

Shawnee Public Schools will experience little to no measurable negative impact as a result of the project because much of the development will be stimulated by public assistance and investment in the area (e.g., the construction and development of new adjacent public or private infrastructure, and the provision of development financing assistance as prescribed in the Project Plan). Shawnee Public Schools has several facilities in the Project Area that improved public infrastructure will enhance. The value of property owned by Shawnee Public Schools will increase due to development throughout the Project Area.

The residential portion of development may generate, over time, a small increase in demand for services from Shawnee Public Schools, although the type of residential development will likely be more in demand by non-child households. Residential

development in a mixed-use, medium density environment often appeals to a younger and near-retirement demographic.

Shawnee Public Schools will experience a positive fiscal impact from the project. Currently, Shawnee Public Schools is collecting an estimated \$19,600 in operational ad valorem revenues each year from within the Increment Districts—approximately \$9,600 from Increment District No. 1 and \$10,000 from Increment District No. 2, when accounting for state school aid offsets.

Upon termination of Increment District No. 1 in 2029, Shawnee Public Schools should experience an increase in ad valorem revenue of approximately \$13,000 annually, generated by the increased development due to the project, based on current millage rates and accounting for state school aid offsets. In the interim, beginning in 2019, the Project Plan proposes to distribute an annual amount to each taxing jurisdiction as a specific revenue source, based on the increased value of the Aldridge Hotel and the proportional operational millage rates currently in place. It is estimated that Shawnee Public Schools may experience additional revenue totaling \$135,000 between 2019 and 2028 (approximately \$13,000 per year, on average) from these Aldridge Hotel payments.

Additionally, five percent (5%) of the increment revenue generated within Increment District No. 2 is proposed to be allocated to Shawnee Public Schools as a specific revenue source to further its educational operations, services, and mission. This 5% specific revenue stream is estimated to bring approximately \$596,000 additional revenue not subject to state school aid offset to Shawnee Public Schools over the life of Increment District No. 2—averaging approximately \$5,000 annually in the near term and \$30,000 annually in the long-term.

Shawnee Public Schools should also experience an additional increase in ad valorem revenue (based on current millage rates and accounting for state school aid offsets) of approximately \$43,000 annually when Increment District No. 2 terminates in 2043.

2. Pottawatomie County

No specific measurable demand for increased services upon Pottawatomie County is anticipated to result from this project, and the public infrastructure Project Cost category includes in its calculation a \$500,000 allocation for improvements to the public right-of-way on Broadway Avenue immediately adjacent to the Pottawatomie County Courthouse. Pottawatomie County currently receives approximately \$15,600 from the area within Increment District No. 1, and \$16,000 from the area within Increment District No. 2. The County should anticipate an estimated \$31,000 of additional revenues between 2019 and 2028 from the increased value of the Aldridge Hotel project, as well as an increase of approximately \$21,000 per year in ad valorem revenue beginning when Increment District No. 1 terminates in 2029 and approximately \$70,000 per year when Increment District No. 2 terminates in 2043.

3. Pottawatomie County Health Department

The Pottawatomie County Health Department is positively affected by new employment that the project will generate. The promotion of the Project Area as a highly walkable district will

support public health initiatives. It is estimated that the Health Department should receive approximately \$7,700 from the Aldridge Hotel project between 2019 and 2028. When Increment District No. 1 terminates in 2029, the Health Department is anticipated to experience a modest, \$5,000 annual increase in ad valorem revenue. In 2043, the Health Department should anticipate an additional annual increase in ad valorem revenue of approximately \$17,500.

4. Pioneer Library System

The Pioneer Library System serves the entire City, as well as the rest of Pottawatomie County, including a branch in the Project Area. \$500,000 is included in the public infrastructure improvements Project Cost category for renovations to the Shawnee library building, and the additional public improvements in the surrounding area will positively affect the branch. Also, due to its location within the Project Area, new residential and mixed-use development will contribute to the immediate, day-to-day clientele for this facility. Commercial and industrial development should not affect this facility outside of increased exposure. The Library should anticipate receiving an estimated \$18,000 between 2019 and 2028 from the Aldridge Hotel project, an annual ad valorem revenue increase of \$12,500 in 2029 after Increment District No. 1 terminates, and an additional annual ad valorem revenue increase of approximately \$41,000 in 2043 upon termination of Increment District No. 2.

5. Gordon-Cooper Technology Center

Gordon-Cooper Technology Center has a branch in Shawnee, but the campus is not adjacent to the Project Area. Therefore, the development should have minimal impact on demand for services, although complementary job training opportunities, including, but not limited to, culinary arts training in restaurants and industrial programs in the industrial development at the mill, may be utilized. Gordon-Cooper should anticipate receiving an estimated \$46,000 additional revenue from 2018 and 2029 from the Aldridge Hotel project value increase, as well as additional ad valorem revenue of approximately \$31,000 per year starting in 2029 when Increment District No. 1 terminates, and an additional \$105,000 per year starting in 2043 when Increment District No. 2 terminates.

6. City of Shawnee

The stimulation of additional development in the Increment Districts will generate new sales taxes for the City. The proposed developments are not expected to significantly pull sales away from existing retailers within the City outside of the Increment Districts because they will occupy different positions within the marketplace, including boutique shops and restaurants that do not currently exist within the City. Also, the project will generate significant development and investment in an underserved and underdeveloped part of the City, thus having additional desired and positive impacts on the City.

V. Impacts on Business Activities

Isolating the specific impacts of the Increment Districts on the greater community is difficult, but through correlation of demands for residential and commercial space within the Increment District, a meaningful calculation of effects on business activities is possible. Residential and commercial developments reflect corresponding growth in economic demands for a spectrum of business activities in the retail, commercial,

office and industrial categories. The following analysis is based on a projected private investment of \$37 million, and does not include indirectly stimulated economic impacts.

As public and private development occurs, construction will result in temporary jobs and completion of development projects will result in permanent jobs, particularly in commercial, industrial and mixed-used developments.

	<u>Projected Development</u>	<u>Temporary Jobs Supported¹</u>	<u>Temporary Payroll Supported²</u>
<i>Residential</i>	\$12,000,000	180	\$6,300,000
<i>Commercial/Industrial</i>	\$25,000,000	375	\$13,125,000
TOTALS	\$37,000,000	555	\$19,425,000

The development of an estimated 114 new units in the Project Area³ will result in additional household income of \$4,711,848.⁴ The increased presence of individuals living and working in the Project Area will further stimulate demand for development, establishing a well-rounded mixed-use district. Further, the increased presence of individuals will increase the opportunity of potential customers for new and existing businesses in the Project Area.

VI. Conclusion

The projected project will have a positive long-term financial benefit for the Shawnee community, affected taxing jurisdictions, and business activities. Correspondingly, no appreciable adverse impact is likely to result from the project for the taxing jurisdictions or business activities within the Project Area. The impact of anticipated development on the provision of governmental services is balanced by the public improvements and infrastructure component in the Project Plan, which addresses public costs associated with the project and minimizes the burden of providing additional government services.

¹ 100 FTEs / \$10 million; 1.5 Impact Multiplier.

² Average wage of supported job: \$35,000.

³ 1 resident/\$50,000 residential investment; 1.75 residents/unit.

⁴ Median household income = \$41,332.



Amended and Restated Shawnee Downtown Revitalization Project Plan

Eligibility Report

Prepared by:

The City of Shawnee, Oklahoma

Richard Finley, Mayor

Board of Commissioners:

Dub Bushong	Ward 1
Ron Gillham	Ward 2
James Harrod	Ward 3
Darren Rutherford	Ward 4
Lesa Shaw	Ward 5
Ben Salter	Ward 6

Justin Erickson, City Manager

Justin DeBruin, AICP, Community Development / Planning Director

Joseph Vorndran, City Attorney

with the assistance of:



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Amended and Restated Shawnee Downtown Revitalization Project Plan Eligibility Report

I. Description of Project

Downtown Shawnee has seen incremental growth from private development and major public investment over the last 14 years since Increment District No. 1, City of Shawnee was established. Redevelopment of the Aldridge Hotel has been the largest singular private investment, while many other smaller-scale investments have been made. With regard to public improvements, the City of Shawnee (“City”) has spent approximately \$8 million total on the “Shawnee Splash” aquatic center at Woodland Park and on the Downtown Streetscape Project.

The streetscape project was completed in early-2017 and included the complete reconstruction of a five-block area along Main Street from Beard Street to Oklahoma Street. This transformative project has resulted in new private investment, many buildings changing hands, and new excitement for downtown from the community at large. The aquatics center was completed in 2015 and brings hundreds of kids and families to downtown every day during the summer. Together, these projects have set the stage for continued growth and prosperity at a time when favorable local and regional trends indicate more interest in downtown as a place to live, work and play.

In addition to major public construction projects, the City has also sponsored efforts such as façade grants and made key changes to development ordinances and the zoning code to facilitate new development. Partnerships with local organizations, entities, and foundations has helped to further much of this work.

In 2012, a document entitled “Reimagine Downtown – Transforming Downtown Shawnee” was completed by the University of Oklahoma, Institute for Quality Communities. This document has helped focus attention to administrative, legislative and programmatic changes that facilitate downtown enhancement. A new organization was also formed to help lead these efforts called the Historic Shawnee Alliance (HSA). The HSA is a non-profit organization formed to assist downtown building owners preserve and improve their historic structures, attract new business, encourage downtown living, promote arts and entertainment, and make area improvements that will enhance the quality of life for Shawnee citizens.

The Amended and Restated Shawnee Downtown Revitalization Project Plan (“Project Plan”) is considered to be a critical element in fostering a public-private partnership to create a continuing stimulus for revitalization. The establishment of these increment districts will provide critical funding for public improvements and help induce private investment through the establishment of an active incentivization program focused on retail, office and residential growth. Public projects will also stimulate private investment in the area in the form of the renovation and restoration of existing buildings and façades.

The Project Plan and the Increment Districts described in it are estimated to provide funding through a combination of apportioned tax increments, City funding, procurement of grants and other funding for major redevelopment efforts estimates at \$12,110,000 in public streetscape, park improvements, public facilities renovation, and developer incentives over the life of the project. At the same time, increments are also being apportioned as specific revenue sources for Shawnee Public Schools, Gordon Cooper Technology Center, Pottawatomie County, the Pottawatomie County Health Department, and Pioneer Library System.

The Project Plan is also aspirational as there are many unknowns related to exactly how Downtown Shawnee will develop or precisely when various public and private improvements will occur. However, through

committed adherence to the Project Plan and related efforts and the deliberate application of resources, continual progress towards a more livable Shawnee – a city with a thriving downtown as the very heart of the community – is achievable.

II. Boundaries of Project Area and Increment Districts

The Project Area is identical to the boundaries of both Increment Districts, as shown on the illustration in the Exhibit A of the Project Plan, “TIF District Boundaries.” The Project Area is generally bound by West 9th Street, North Beard Avenue, West Highland Street, the BNSF rail line, East Main Street (including the parcels immediately adjacent) from the BNSF rail line to Harrison Avenue, East 7th Street, South Philadelphia Avenue, the Union Pacific rail line east of South Philadelphia to East Farrall Street, East Farrall Street, South Beard Avenue, the Union Pacific rail line west of South Beard Avenue to North Kickapoo Street, and the portion of North Kickapoo Street (and the parcels immediately adjacent) from the Union Pacific rail line to West 10th Street.

The Increment Districts are the areas in which the increments will be generated. Increment District No. 1, City of Shawnee (“Increment District No. 1”) is illustrated by the blue line on Exhibit A of the Project Plan. Increment District No. 2, City of Shawnee (“Increment District No. 2”) is illustrated by the red line on Exhibit A of the Project Plan. Legal descriptions for both Increment Districts are provided in Exhibit B of the Project Plan, “TIF District Legal Descriptions.”

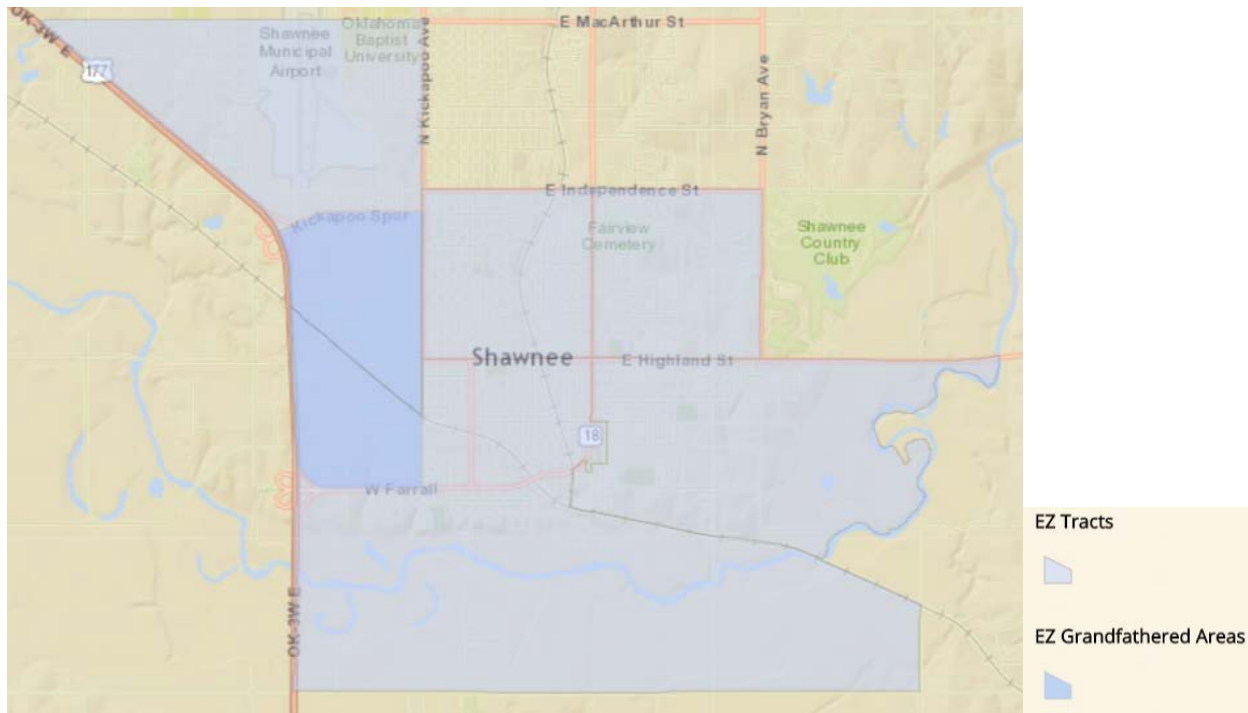
III. Statutory Requirements

In order to establish a tax increment district, the Local Development Act requires the City of Shawnee (“City”) adopt an ordinance that contains a finding that the proposed Project Area or Increment Districts meets one of the following criteria:

- (1) Is a reinvestment area.
- (2) Is a historic preservation area.
- (3) Is an enterprise area, or
- (4) Is a combination of the areas specified in divisions (1), (2) and (3) of this subparagraph.

62 O.S. §856(B)(4)(a).

The Project Area qualifies as an enterprise area. An “enterprise area” means any area within a designated state or federal enterprise zone. An “enterprise zone” is an enterprise zone designated by the Oklahoma Department of Commerce pursuant to 62 O.S. § 690.3, or as designated by the federal government. The Oklahoma Department of Commerce maintains a map of all current designated enterprise zones on its webpage. The Project Area lies partially within a currently designated enterprise zone and partially within a grandfathered enterprise zone, as shown on the map below.



Oklahoma Department of Commerce Enterprise Zone Map, 2017.

IV. Conclusion

Based upon the analysis above, the proposed Project Area and Increment Districts meet the Local Development Act's requirement that they are an enterprise area within the meaning of the statute.

**FINDINGS AND RECOMMENDATION OF THE
SHAWNEE DOWNTOWN REVITALIZATION PROJECT AMENDMENT
REVIEW COMMITTEE**

After review of the proposed Amended and Restated Shawnee Downtown Revitalization Project Plan ("Project Plan"), the proposed extension of ad valorem Increment District No. 1, City of Shawnee, the proposed establishment of ad valorem Increment District No. 2, City of Shawnee, and such other information as deemed relevant, the Shawnee Downtown Revitalization Project Amendment Review Committee ("Review Committee") makes the following findings and recommendation:

A. Findings Regarding Eligibility of the Proposed Project Area and Increment District

1. The proposed Project Area the existing Increment District No. 1, City of Shawnee ("Increment District No. 1"), and the proposed Increment District No. 2, City of Shawnee ("Increment District No. 2") (Increment District No. 1 and Increment District No. 2, collectively, "Increment Districts"), are wholly within a state-designated enterprise zone and therefore meet the definition of an "enterprise area" under the Local Development Act (62 O.S. § 853(5)).
2. The level of investment, development, and economic growth desired by the City of Shawnee is difficult, but possible, within the proposed Project Area and Increment Districts if the provisions of the Local Development Act are utilized.
3. Tax increment financing is a necessary component in stimulating reinvestment in the proposed Project Area and Increment District.
4. Tax increment financing will be used to supplement and not supplant or replace normal public functions and services in the proposed Project Area and Increment Districts.
5. Tax increment financing will be used in conjunction with existing programs and efforts and other locally implemented economic development efforts.
6. The Project Plan emphasizes conservation, preservation, and rehabilitation.

B. Findings Regarding Financial Impact on the Affected Taxing Jurisdictions and Business Activities Within the Proposed Project Area and Increment District

1. As described in Section X of the Project Plan, the anticipated private development will generate tax increments sufficient to pay a substantial portion of the authorized project costs of the project proposed by the Project Plan. Without the Project Plan and Increment Districts, the development described in the Project Plan and the resulting increases in tax revenues would not occur.

2. The development anticipated by the project will not result in a measurable increase in demand for services by or in costs to the affected taxing jurisdictions.
3. The public revenue anticipated to result from the development described in the Project Plan includes increased tax revenue beyond the revenues being apportioned to pay project costs authorized by the Project Plan.
4. The economic benefits of the Project Plan for the affected taxing jurisdictions and the community as a whole offset the adverse financial impacts, if any, of the Project Plan on the affected taxing jurisdictions.
5. The aggregate impacts on the affected taxing jurisdictions and on business activities from implementation of the Project Plan are positive and include the achievement of the objectives set forth in Section IV of the Project Plan.

Resolution Recommending Approval

NOW, WHEREAS, the Review Committee has reviewed the proposed Project Plan and Increment Districts; and

WHEREAS, the findings of the Review Committee demonstrate that the proposed Project Area and Increment Districts meet the conditions for eligibility; and

WHEREAS, the findings of the Review Committee demonstrate that the financial impacts on the affected taxing jurisdictions and business activities from implementation of the Project Plan are positive; and

WHEREAS, the findings of the Review Committee demonstrate that approval of the Project Plan by the City of Shawnee is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Shawnee Downtown Revitalization Project Amendment Review Committee that approval of the proposed Amended and Restated Shawnee Downtown Revitalization Project Plan, including extension of the ad valorem Increment District No. 1, City of Shawnee, and the creation of ad valorem Increment District No. 2, City of Shawnee, is hereby recommended.

ADOPTED by the Shawnee Downtown Revitalization Project Amendment Review Committee this ____ day of October, 2017, and **SIGNED** by its Chair.

APPROVED:


 CHAIR

I, Lisa Lasyone, Acting Secretary of the Shawnee Downtown Revitalization Project Amendment Review Committee, certify that the foregoing resolution was duly adopted at a special meeting of the Shawnee Downtown Revitalization Project Amendment Review Committee, held in the Board Room of the Greater Shawnee Chamber of Commerce, 231 North Bell Avenue in Shawnee, Oklahoma, on the 24th day of October, 2017; that said meeting was held in accordance with the Open Meeting Act of the State of Oklahoma; that any notice required to be given of such meeting was properly given; that a quorum was present at all times during such meeting; and that said resolution was adopted by a majority of those present.



Lisa Lasyone
ACTING SECRETARY

RESOLUTION NO. _____

RESOLUTION DETERMINING THAT THE AMENDED AND RESTATED SHAWNEE DOWNTOWN REVITALIZATION PROJECT PLAN IS IN CONFORMANCE WITH THE CITY OF SHAWNEE COMPREHENSIVE PLAN AND RECOMMENDING THAT THE CITY COMMISSION APPROVE AND ADOPT THE AMENDED AND RESTATED SHAWNEE DOWNTOWN REVITALIZATION PROJECT PLAN

WHEREAS, it is an objective of the City of Shawnee, Oklahoma (“City”), to promote economic development within its boundaries in order to attract investment, enhance the tax base, stimulate economic growth, and improve the quality of life in and around the City; and

WHEREAS, the City envisions the continued development of its central business district and surrounding neighborhoods as a new destination area within the City, consisting of infill development with commercial, residential, office, industrial, and mixed-use components, as well as improved streetscapes and pedestrian accessibility (“Project”); and

WHEREAS, the Project will promote the public good, general welfare, economic security, and prosperity of the City and its inhabitants; and

WHEREAS, the Amended and Restated Shawnee Downtown Revitalization Project Plan (“Project Plan”) is a project plan as defined under the Oklahoma Local Development Act, 62 O.S. § 850, *et seq.* (“Act”); and

WHEREAS, the provisions of the Act lay out procedures for approval of a project plan to develop qualified project areas; and

WHEREAS, the Shawnee Downtown Revitalization Project Amendment Review Committee, including a representative of the Shawnee Planning Commission, has recommended the approval of the Project Plan after finding the project eligible and determining that the Project Plan will make a positive impact on affected taxing jurisdictions and business activities within the increment districts; and

WHEREAS, the Shawnee Planning Commission has reviewed the City of Shawnee Comprehensive Plan and the Project Plan; and

WHEREAS, the Project Plan is appropriate and desirable in order to support efforts to achieve the objectives of the City of Shawnee Comprehensive Plan; and

WHEREAS, the Shawnee Planning Commission finds it appropriate and desirable to recommend to the City Commission that it approve and adopt the Project Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SHAWNEE, OKLAHOMA:

SECTION 1: The Amended and Restated Shawnee Downtown Revitalization Project Plan is hereby declared to be in conformance with the City of Shawnee Comprehensive Plan.

SECTION 2: The Amended and Restated Shawnee Downtown Revitalization Project Plan is determined to be desirable.

SECTION 3: Recommendation is hereby made to the Shawnee City Commission that it approve and adopt the Amended and Restated Shawnee Downtown Revitalization Project Plan.

PASSED AND APPROVED this _____ day of _____, 2017.

Chairman

ATTEST:

Secretary



Date: October 26, 2017

To: City of Shawnee Planning Commission

From: Justin DeBruin, Community Development Director

RE: Discuss a need for changes to Flag Pole requirements

Case #Z03-17 was considered by the City of Shawnee Zoning Board of Adjustment (ZBOA) regarding a variance to the City's code concerning height of signs, but more specifically a flag pole in this case. If a property is within one-quarter (1/4) mile of Interstate-40, sign height shall not exceed forty (40') foot. The applicant requested a variance to allow for a 100' flagpole for a Chevy Dealership located at 4920 Auto Mall Drive.

Per the recommendation provided by Staff (attached), the ZBOA denied the requested variance. The board had two major findings in regard to this case:

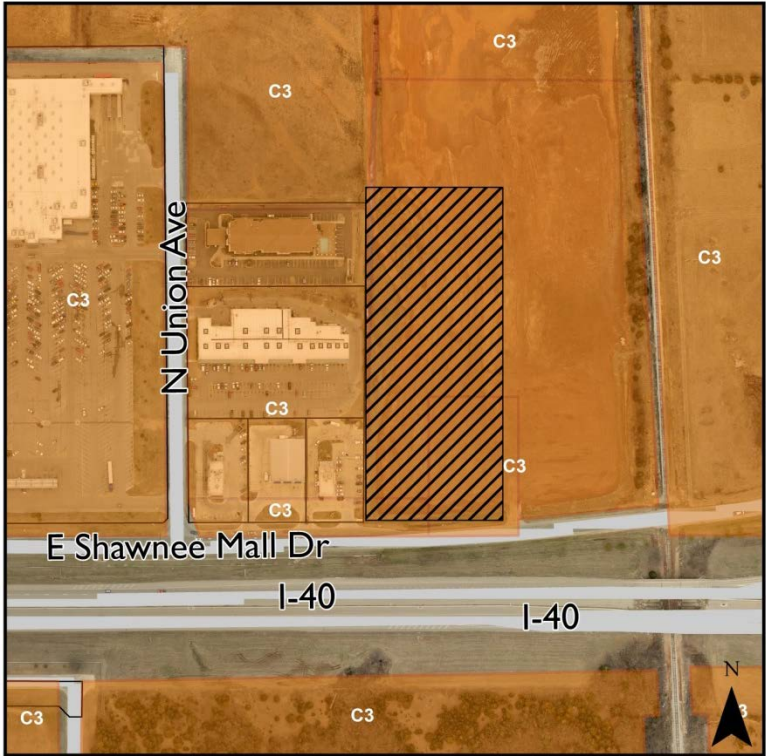
1. Due to the consistency in regulating signs, billboards, and structures adjacent to Interstate-40, such a request would be inconsistent with the precedents in place.
2. The request does not qualify as a variance, based on the requirements listed in Section 22-200.7. "A variance from the terms of the Code may be granted, as provided in this Section, only upon finding by the Board of Adjustment that:
 - a. The application of the Code to the particular piece of property would create an unnecessary hardship;
 - b. Such conditions are peculiar to the particular piece of property involved;
 - c. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Code or the Comprehensive Plan; and
 - d. The variance, if granted, would be minimum necessary to alleviate the unnecessary hardship.

It was noted that finding #2 is the primary reason for the recommendation to deny. Because the request does not qualify for a variance, it was deemed more appropriate that the situation be discussed by Planning Commission and the City's code be amended if deemed appropriate. It was asked that Staff add an item on an upcoming Planning Commission agenda to discuss whether flag poles should be treated separate from signage in the City of Shawnee Sign Code.

Staff maintains the recommendation that forty (40') feet is a generous allowance, in accordance with other cities, and appropriate for the I-40 corridor.

Attachment

1. Case #Z03-17 Staff Report

City of Shawnee Planning Department 222. N. Broadway Shawnee, OK 74801 (405) 878-1616 Fax: (405) 878-1587 www.ShawneeOK.org		CASE # Z03-17 PUBLIC HEARING DATE: September 21, 2017	
APPLICANT: Vital Signs of Oklahoma	3728 E. 2nd St., Ste A Edmond OK 73034	405-348-7227	
PROPERTY ADDRESS/LOCATION: 4920 Auto Mall Drive Shawnee, OK 74801			
BRIEF SUMMARY OF REQUEST: The applicant, Vital Signs of Oklahoma, has submitted a request to exceed the maximum sign height established for the C-3 (Highway Commercial) zoning district. The intent is to install one (1) 100' Flag pole to be placed on the Chevy Dealership located at 4920 Auto Mall Drive. Per the City of Shawnee Sign Code, within ¼ mile of Interstate – 40, sign height allowance shall not exceed forty (40') feet. Elsewhere, sign height is restricted to twenty (20') feet.			
EXISTING ZONING: C3	EXISTING LAND USE: Vacant	SURROUNDING ZONING & LAND USE: C-3 (Highway Commercial) PUD (Planned Unit Development)	PROPERTY SIZE: 2.6 Acres
STAFF ANALYSIS			
After reviewing City code and comparing with multiple municipalities in Oklahoma (Exhibit 2), Staff has determined that a flag pole shall conform to the advertising and signage regulations of the City of Shawnee (Shawnee Municipal Code, Chapter 3). Per Section 3-190(e)(1)(b), maximum sign height shall not exceed forty (40') feet where abutting Interstate-40. To provide a better understanding of this decision, I would like to provide three definitions, per Section 3-1 of the Sign Code :			

1. *Banner* means any pennant, streamer, flag, sign, picture, figure or other object, regardless of the materials of which it is made, which is suspended or otherwise designed for decoration or advertisement or to attract the attention of passersby; excepting, however, official warning devices, public service facilities, streetlights and similar safety devices. (Section 3-1).
2. *Sign* means any structure or part thereof or any device permanently or temporarily attached to, painted on, supported by or represented on a building, fence, post or other structure, which is used or intended to be used to attract attention. The term "sign" does not include a flag, pennant or insignia of any nation, association of nations, state, city or other political unit.
3. *Decorations, insignias and flags.* . Decorations, insignias and flags shall be exempt from this chapter in accordance with the following:
 - a. *Seasonal decorations.* Decorations pertaining to recognized national, state and local holidays and observances, provided that such decorations shall not be erected earlier than six weeks prior to the holiday or observance, and the decorations shall be removed no later than two weeks after the holiday.
 - b. *Insignias and flags.* Such insignias, flags and emblems of the United States, the state and municipal and other bodies of established government or flags which display the recognized symbol of a nonprofit and/or noncommercial organization.

It is important to differentiate between the structural component (pole) and the United States flag, which is exempt from the Sign Code. The pole itself is regulated as a structure, but a physical flag is exempt from the size restrictions placed on other signs. After reviewing a variety of municipal codes in Oklahoma, flag poles are most commonly restricted by building height allowance within the associated zoning district – thirty-five (35') feet being the most common. In some cases, particularly around a highway, a conditional use permit process is available to request increased height.

Staff has reviewed this request with great caution, as the City of Shawnee has a history of preserving the highway visual corridor, particularly by regulating sign height, building height, billboards and other advertising. For the purposes of continuity, it must be added that current structures and signs along I-40 have been held to the forty (40') foot height standard. A one-hundred (100') foot flag pole would be double the height of existing structures. Though this is a large flag, as pointed out in the definition of a banner, the intent of such flags can be deemed as advertising, attracting the attention of passer-by's.

Staff finds that an allowance up to forty (40') feet is generous, in accordance with other cities, and appropriate for the I-40 corridor.

APPROVE	APPROVE WITH CONDITIONS	DENY
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Staff has received no letters of protest from surrounding property owners.				
ATTACHMENTS: Exhibit 1 Exhibit 2	SUBMITTED PLANS	PUBLIC HEARING PETITION/ APPLICATION FORM	LEGAL NOTICE	LEGAL DESCRIPTION
PUBLIC COMMENTS	AGENCY COMMENTS		RESPONSE TO STANDARDS	

Municipal Comparison of Flag Pole Regulations

Edmond, Oklahoma: Flags are viewed as accessory structures. Twenty (25') feet maximum height.

Owasso, Oklahoma: Flags are not regulated by a permit, but shall not exceed thirty-five (35') feet.

Muskogee, Oklahoma: Not to exceed ten (10') feet above the maximum permitted height in the zoning district.

Ada, Oklahoma: Poles may exceed building height when approved by the Community Development Director and certified by a professional engineer.

Chickasha, Oklahoma: Chimneys, elevators, poles, spires, tanks, towers and other projections not used for human occupancy may extend above the building height limit provided a zoning special exception permit is obtained.

Lawton, Oklahoma: General regulations state a maximum height of fifty (50') feet.

Mustang, Oklahoma: Chimneys, elevators, poles, spires, tanks, towers and other projections not used for human occupancy may extend above the building height limit.

Yukon, Oklahoma: Maximum height along I-40 corridor is thirty-five (35') feet unless approved by a conditional use permit.

Leavensworth, Washington: Flags are viewed as accessory structures. No higher than the maximum building height requirement for the associated zoning district.

Chesapeake, Virginia: Thirty (35') feet maximum height and requires a building permit.

Orem, Utah: Flag shall be no higher than the maximum building height allowance for that district.