

NOTICE OF MEETING ZONING BOARD OF ADJUSTMENT

TYPE OF MEETING

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

DATE:	TIME:	PLACE OF MEETING:
<u>10.15.2020</u>	<u>2:30 P.M.</u>	<u>Commission Chambers</u>
		<u>City Hall, 9th & Broadway</u>
		<u>Shawnee, OK 74802-1448</u>

To be completed by person filing notice:

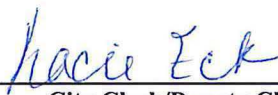
NAME: Rebecca Blaine

TITLE: Planning Director

ADDRESS: P. O. Box 1448
Shawnee, OK 74802-1448

PHONE: (405) 878-1616

Filed in the office of the municipal clerk at 12:27 a.m./p.m. on 10.14.2020

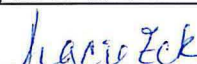
SIGNED: 
City Clerk/Deputy Clerk

=====

FOR CITY CLERK'S OFFICE USE ONLY

DATE NOTICE RELEASED TO NEWS MEDIA: 10/14/2020

PERSON FILING NOTICE: Rebecca Blaine

NOTICE VERIFIED BY: 

**AGENDA
CITY OF SHAWNEE
ZONING BOARD OF ADJUSTMENT
OCTOBER 15TH, 2020 AT 2:30 P.M.
COMMISSION CHAMBERS
CITY HALL, 16 W 9TH ST**

- 1)** Roll Call
- 2)** Consideration of approval of the minutes from the regular meeting of the Zoning Board of Adjustment on September 17th, 2020.
- 3)** Case #ZBOA05-20 – Public hearing and consideration of approval of a variance request for a 1.5’ setback of an accessory structure located at 626 W. Wallace.
Applicant: Dream Housing, LLC
- 4)** Case#ZBOA06-20 -Public hearing and consideration of approval of a variance request for use of a shipping container for the purpose of permanent restrooms located at 6-20 W. MacArthur Street.
Applicant: GCR Sunset Enterprises, LLC
- 5)** Case#ZBOA07-20- Public hearing and consideration of approval of a variance to allow a medical marijuana dispensary to operate in C-1 (Neighborhood Commercial) Zoning District instead of C-3 (Highway Commercial) Zoning District as required by ordinance.
Applicant: Michael San Padro, on behalf of Roots Dispensary, LLC
- 6)** Case#ZBOA09-20 – Public hearing and consideration of approval of a variance to allow a mobile home on a one-acre property instead of a minimum five-acre property located at 2124 W. Benedict Street.
(Applicant requested deferment to a future meeting date.)
Applicant: Executive Home Rentals, LLC
- 7)** New Business
- 8)** Commissioners’ Comments
- 9)** Adjournment

ZONING BOARD OF ADJUSTMENT

DATE: September 17th, 2020

The Zoning Board of Adjustment met at a regularly scheduled meeting on Thursday, September 17th, 2020 at 2:30 p.m. in the Commission Chambers at City Hall, Shawnee, Oklahoma, Pottawatomie County, pursuant to notice duly posted as prescribed by law.

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

Upon roll call the following members were present: Tim Burg, Mark Cannon, and Holly Gordon.

A quorum was declared present.

NOTE: Mark Cannon and Crystal Richardson were absent.

AGENDA ITEM NO. 2: **Consideration of approval of the minutes from the regular meeting of the Zoning Board of Adjustment of August 20th, 2020.**

Chairwoman Gordon asked for a motion. Commissioner Burg made a motion to approve both sets of minutes to form which was seconded by Commissioner Cannon. The motion passed 3-0.

Motion passed:

AYE: Burg, Cannon, Gordon

NAY: None

ABSTAIN: None

AGENDA ITEM NO. 3: **Case #ZBOA04-20 – Public hearing and consideration of approval of a variance request for a 33’ setback from the north property line for a communications tower from the north property line located at 815 N. Harrison Avenue.**

Applicant: Troy Williams, Branch Communications, on behalf of AT&T

Planning Director Rebecca Blaine presented staff report. She stated the applicant was requesting a setback variance from the north property line. She stated the current zoning of S&S Auto Salvage is currently in a nonconforming zoning district, as the frontage on Harrison Avenue is currently zoned C-1 (Neighborhood Commercial) and the back is currently zoned R-1 (Single-Family Residential). She mentioned a rezoning has been requested to go to C-3 (Highway Commercial) with a CUP (Conditional Use Permit) which is required for any new communication towers, which will bring the auto salvage business use into conformity by right. The Zoning Code which sets the parameters for communications towers is thirty years old, and engineering standards have changed drastically since then. Whereas thirty years ago, a communications tower would require an 80% of total height fall radius buffer for a tower that might fall over due to a natural disaster or some other act, engineered towers now have the ability to self-collapse within a compound. In other words, they would fall straight down. This advancement in engineering and design eliminates the need for the 80% setback. This tower is 110’ tall, which would require an 88’ setback. The applicant has a potential placement of 55’ off the property line, which would require the 33’ setback variance.

Chairwoman Gordon asked if any of the commissioners had questions for Director Blaine. No questions were had.

No citizens were present or came forward for the public hearing portion of this item. The public hearing portion of the meeting was closed.

Commissioner Burg made a motion to approve the variance as requested, which was seconded by Commissioner Cannon. The motion passed 3-0.

Motion passed:
AYE: Burg, Cannon, Gordon
NAY: None
ABSTAIN: None

AGENDA ITEM NO. 4:

New Business

None.

AGENDA ITEM NO. 5:

Commissioners' Comments

None.

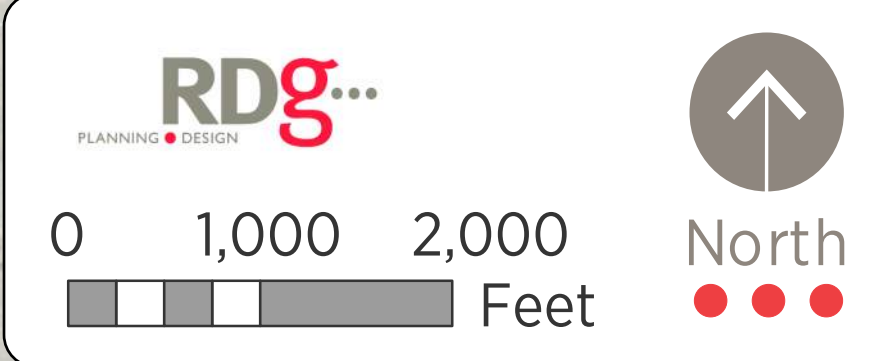
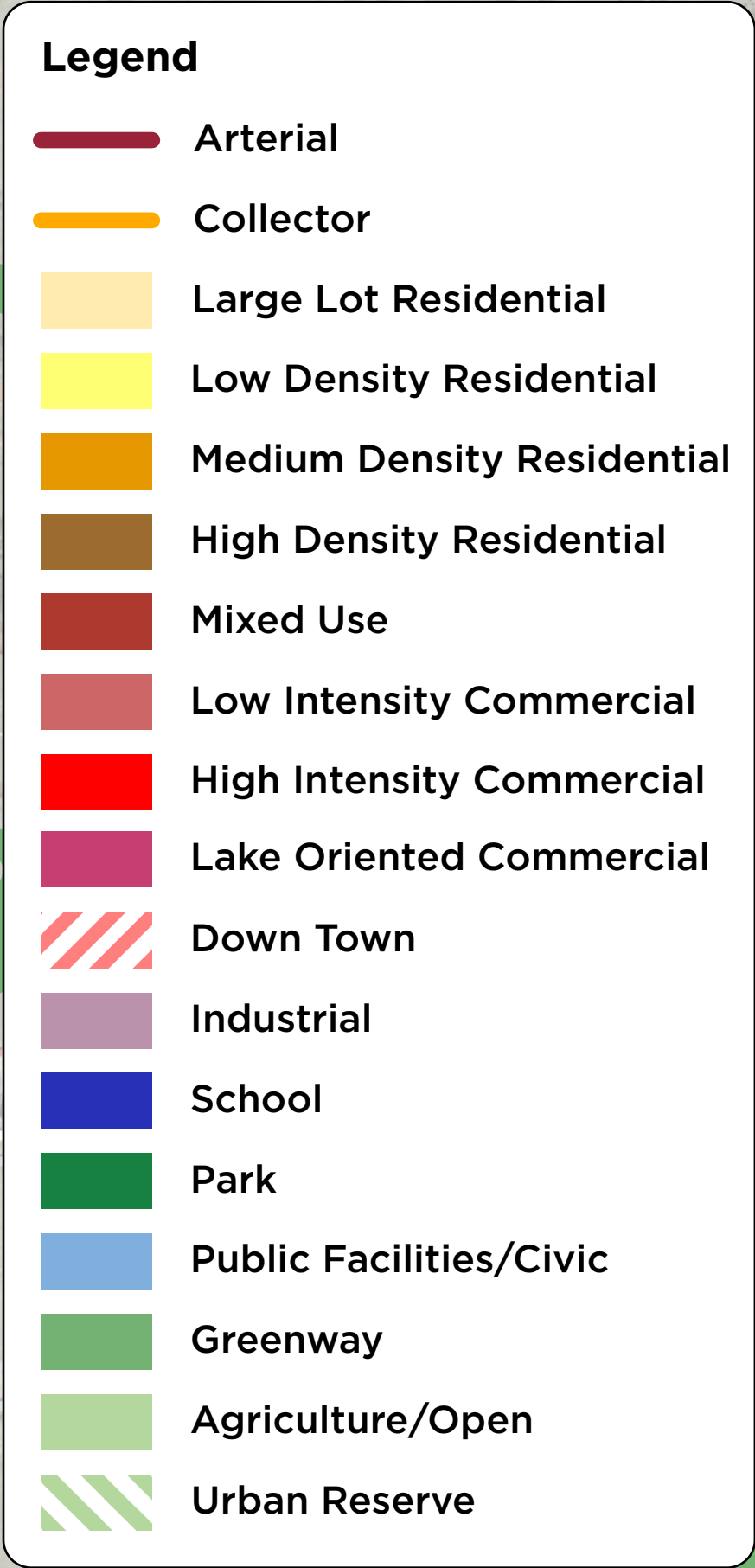
AGENDA ITEM NO. 6:

Adjournment

The meeting was adjourned at 2:34 p.m.

Chairwoman/Vice-Chairman

Rebecca Blaine_____
Planning Director



City of Shawnee Planning Department 222. N. Broadway Shawnee, OK 74801 (405) 878-1616 Fax: (405) 878-1587 www.ShawneeOK.org	 City of Shawnee OKLAHOMA		CASE # ZBOA05-20 PUBLIC HEARING DATE: October 15th, 2020		
APPLICANT: Dream Housing, LLC					
PROPERTY ADDRESS/LOCATION: 0.16 acres located at 626 W. Wallace Street					
The applicant, Dream Housing, LLC, is requesting a variance for 1.5' for an accessory structure from the west side yard property line.	 W Ford Street N Pottenger Ave N Chapman Ave W Wallace Street ↑ N				
EXISTING ZONING: R-1 (Single-Family Residential)	EXISTING LAND USE: Single Family Home	SURROUNDING ZONING & LAND USE: R-1 (Single Family Residential)	SUBDIVISION: Hillcrest 2nd Addition	PROPERTY SIZE: 0.16 acres	

STAFF RECOMMENDATION

The applicant has requested a deviation from the Zoning Code to allow for a variance of a side yard of 1.5' on the west side for a pre-existing detached accessory structure. Please note under Section 22-293 Dimension Standards, a 5' setback is required, hence a variance of 1.5' would need to be granted to gain legal, nonconforming status.

The applicant has plans (see attached) to remodel and add-on to the existing primary structure which will include attaching to the existing detached garage so an interior door can be added to access the garage from the house.

Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Zoning Code or the 2040 Comprehensive Plan, in the opinion of Staff.

Please note one letter (attached) was received in opposition to this request.

Staff hereby recommends the Zoning Board of Adjustment grant the requested variance for a 1.5' setback on the west side yard for a detached, pre-existing accessory structure.

APPROVE

APPROVE WITH CONDITIONS

DENY

ATTACHMENTS:
(CIRCLE)

SUBMITTED PLANS

PUBLIC HEARING
PETITION/
APPLICATION FORM

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

PLANNING DEPARTMENT
222 N. BROADWAY
SHAWNEE, OK 74801



PHONE: (405) 878-1616
FAX: (405) 878-1587

ZBOA05-20
OCT 15TH

ZONING BOARD OF ADJUSTMENT
PROJECT NO. 200963 CASE NO. _____

NAME OF PROPERTY OWNER: DREAM HOUSING LLC

ADDRESS: P.O. BOX 721260

CITY: Oklahoma City, STATE: Oklahoma ZIP CODE: 73172

TELEPHONE: (405)283-1695 ext 0

APPLICANT'S NAME: DREAM HOUSING LLC

APPLICANT'S RELATIONSHIP TO OWNER (S): [CHECK ONE] SAME ☒ AGENT ☐

APPLICANT'S ADDRESS: SAME

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE: ()

(PLEASE COMPLETE FOR THE PROPERTY THAT THE VARIANCE IS REQUESTED FOR.)

PROPERTY LOCATION (ADDRESS): 626 W. Wallace Shawnee, OK 74801

LEGAL DESCRIPTION: Hillcrest 2nd Block: 9 Lots: 26 & 27

(DIMENSIONS OF PROPERTY) AREA: 7000 sqft WIDTH: 50 ft

LENGTH: 140 ft FRONTAGE: 50 ft

CURRENT ZONING: Residential -single family CURRENT USE: Residential -single family

VARIANCE REQUESTED: Original single car garage built to close to property line. We wish to attach new addition on the house to the garage as well.

1.5' VARIANCE OFF WEST SETBACK DETACHED GARAGE.

APPLICATION, OWNERSHIP LISTING AND PAYMENT
MUST BE RECEIVED 30 DAYS PRIOR TO MEETING

[Signature]
APPLICANT'S SIGNATURE

(OFFICE USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this 11 day of, Sept. 2020.

FILING FEE: \$90.00

RECEIPT NO: _____

ZONING BOARD OF ADJUSTMENT SECRETARY

ZBOA DECISION: _____

**2020 CALENDAR YEAR
SCHEDULE OF REGULAR MEETINGS
ZONING BOARD OF ADJUSTMENT**

<u>DATE</u>	<u>TIME</u>	<u>PLACE OF MEETING</u>
<u>1-16-20</u>	<u>2:30 P.M.</u>	<u>Commission Chambers-City Hall</u>
<u>2-20-20</u>	<u>2:30 P.M.</u>	<u>Commission Chambers-City Hall</u>
<u>3-19-20</u>	<u>2:30 P.M.</u>	<u>Commission Chambers-City Hall</u>
<u>4-16-20</u>	<u>2:30 P.M.</u>	<u>Commission Chambers-City Hall</u>
<u>5-21-20</u>	<u>2:30 P.M.</u>	<u>Commission Chambers-City Hall</u>
<u>6-18-20</u>	<u>2:30 P.M.</u>	<u>Commission Chambers-City Hall</u>
<u>7-16-20</u>	<u>2:30 P.M.</u>	<u>Commission Chambers-City Hall</u>
<u>8-20-20</u>	<u>2:30 P.M.</u>	<u>Commission Chambers-City Hall</u>
<u>9-17-20</u>	<u>2:30 P.M.</u>	<u>Commission Chambers-City Hall</u>
<u>10-15-20</u>	<u>2:30 P.M.</u>	<u>Commission Chambers-City Hall</u>
<u>11-19-20</u>	<u>2:30 P.M.</u>	<u>Commission Chambers-City Hall</u>
<u>12-17-20</u>	<u>2:30 P.M.</u>	<u>Commission Chambers-City Hall</u>

PERSON FILING NOTICE:

NAME JOSEPH BARKER
TITLE ASSISTANT CITY PLANNER
ADDRESS 222 N. BROADWAY
SHAWNEE, OK 74801
PHONE NUMBER (405) 878-1616

Filed in the office of the Municipal Clerk on the ____ day of November, 2019
at ____ a.m. p.m.

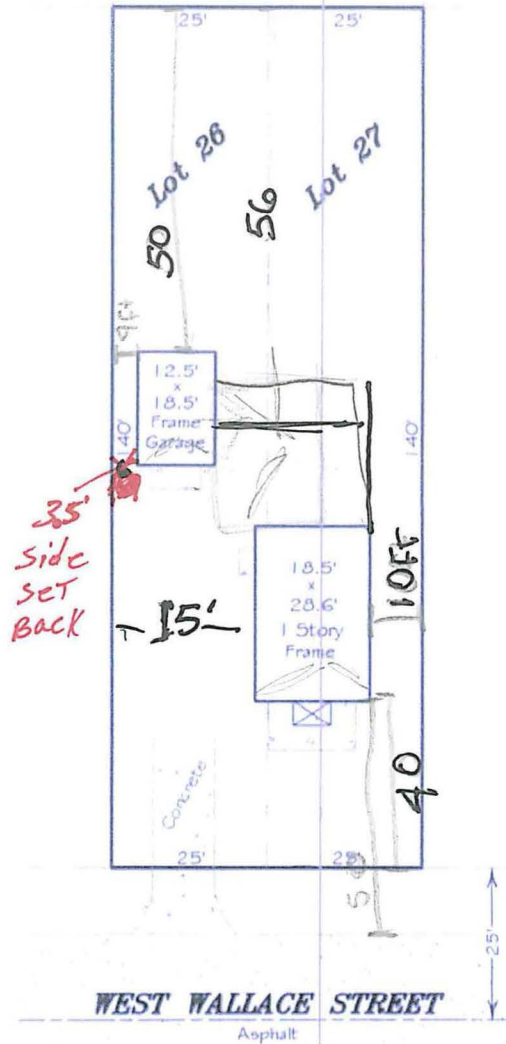
SIGNED _____
CITY CLERK/DEPUTY CITY CLERK

*****MUST BE FILED PRIOR TO DECEMBER 15****



LEGENDS

- Property Line
- - - Platted Lot Line
- - - Road Centerline



LEGAL DESCRIPTION

This Mortgage Inspection Report was prepared for FIRST AMERICAN TITLE. It is not a land or boundary survey plat, and it is not to be relied upon for the establishment of fences, buildings or other further improvement lines. The accompanying sketch is a true representation of the conditions that were found at the time of this inspection, and the linear and angular values shown on this sketch, if any, are based on recorded plat or deed information and have not been verified unless noted.

Lots Twenty-six (26) and Twenty-seven (27), Block Nine (9), HILLCREST SECOND ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

FLOOD INFORMATION

The property shown above is located in Zone X as indicated by the Flood Insurance Rate Map, Panel 208 of 550, Map Number 40125C0208 J with an effective date of May 16, 2019.

SURVEYORS NOTES:

Property has direct access to West Wallace Street.

Buyer: Dream Housing, LLC
 Address: 626 West Wallace
 Shawnee, Ok 74801
 File No. 2430891-SH01



FAX COVER SHEET

TO

COMPANY

FAXNUMBER 14058781587

FROM Dream Housing LLC

DATE 2020-09-08 17:43:59 GMT

RE HILLCREST 2ND BLK 9 LOTS 26 & 27

COVER MESSAGE

FAX COVER SHEET

TO	
COMPANY	
FAX NUMBER	14058781587
FROM	Dream Housing LLC
DATE	2020-09-11 14:29:26 GMT
RE	Address-626 W. Wallace

COVER MESSAGE

From: Kacey Rogers <krogers@firstam.com>
Sent: Friday, September 11, 2020 8:12:08 AM
To: dreamhousing@outlook.com <dreamhousing@outlook.com>
Subject: File Number-2550034-Address-626 W. Wallace (Email Ref=1824241993)

Here is the ownership report you requested. Have a great weekend!

From: juljordan@firstam.com <juljordan@firstam.com>
Sent: Thursday, September 10, 2020 5:47 PM
To: Kacey Rogers <krogers@firstam.com>
Subject: File Number-2550034-Address-626 W. Wallace (Email Ref=1824241993)

File No.: 2550034 SH99

Seller: Dream Housing, LLC

Property Address: 626 W. Wallace, Shawnee, OK

You can download Acrobat Reader at
<http://www.adobe.com/products/acrobat/readstep2.html>

Julie Jordan
Title Assistant
First American Title Insurance Company
Phone: 405-552-7763 Ext.
Fax: 866-883-1085 Ext.

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If you received this email as a commercial message and would like to opt out of future commercial messages, please let us know and we will remove you from our distribution list.

Thank you.~

FAFLD



First American Title Insurance Company
123 West Highland
Shawnee, OK 74801
Phone: (405)275-0266 / Fax: (866)721-6216

PR: SOCENT

Ofc: 2199 (542)

Final Invoice

To: Dream Housing, LLC
P.O. Box 721260
Oklahoma City, OK 73172

Invoice No.: 542 - 219954559
Date: 09/10/2020

Our File No.: 2550034-SH99
Title Officer:
Escrow Officer:

Customer ID: 5231287

Liability Amounts

Attention: La Shawn Edwards-Ashley
Your Ref.:

RE: Property:
626 W. Wallace, Shawnee, OK

Buyers:
Sellers: Dream Housing, LLC

Description of Charge	Invoice Amount
Ownership Report	\$550.00

INVOICE TOTAL **\$550.00**

Comments:

Thank you for your business!

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

Julie Jordan
 Abstractor License No. 4071
 OAB Certificate of Authority # 017
 File No. 2550034-SH99

ZBOA 05-20
53OWNERSHIP LIST

ORDER NO 2550034-SH99

DATE PREPARED: September 10, 2020

EFFECTIVE DATE: August 28, 2020 at 7:30 am

OWNER	LOT	BLK	ADDITION
DREAM HOUSING LLC P O BOX 721260 OKC, OK 73172	26-27	9	HILLCREST 2ND
HARLIN L GWENDOLYN TRUST 630 W WALLACE SHAWNEE, OK 74801	22-23	9	HILLCREST 2ND
SPC LLC P O BOX 624 SHAWNEE, OK 74802	24-25	9	HILLCREST 2ND
WEATHERLEY FRANKLIN A 622 W WALLACE SHAWNEE, OK 74801	28,29 & 30	9	HILLCREST 2ND
RILEY JACOB M 616 W WALLACE SHAWNEE, OK 74801	31-32	9	HILLCREST 2ND
ANDERSON JOSEPH B 104808 S 3390 RD MEEKER, OK 74855	33-34	9	HILLCREST 2ND
THORPE JAMES & PATRICIA 612 W WALLACE SHAWNEE, OK 74804	35-36	9	HILLCREST 2ND
ALDERMAN DAVID 608 W WALLACE SHAWNEE, OK 74801	37-38	9	HILLCREST 2ND
CUSHMAN MALCOLM & SONDR 604 W WALLACE AVE SHAWNEE, OK 74801	39-40	9	HILLCREST 2ND
STEWART VICTORIA & JEREMY 21 VALLEY VIEW BLVD SHAWNEE, OK 74801	4-5	9	HILLCREST 2ND
BRADY ALAN S & RONDA G 2697 SOMERSET DR SHAWNEE, OK 74804	6-7	9	HILLCREST 2ND
MULL PROPERTIES LLC 7201 N CLASSEN BLVD SUITE 100 OKLA CITY, OK 73116	8-9	9	HILLCREST 2ND
BOWDEN MARK & DIANE 611 W FORD SHAWNEE, OK 74801	10-11	9	HILLCREST 2ND

JOHNSON CHARLES L 37703 WESTECH RD SHAWNEE, OK 74804	12-13	9	HILLCREST 2ND
WATTS SHERIDAN & WILMA P O BOX 249 PADEN, OK 74860	14-15	9	HILLCREST 2ND
JERRY MATTHEWS RENTAL PROPERTIES LLC 617 E MAIN SHAWNEE, OK 74801	16-17	9	HILLCREST 2ND
REUBEN PELTIER PROPERTIES LLC P O BOX 3071 SHAWNEE, OK 74802	18-19	9	HILLCREST 2ND
BAILEY TOMMY E 637 W FORD	20-21	9	HILLCREST 2ND
WALLACE AVE BAPTIST CHURCH WALLACE & CHAPMAN 601 W WALLACE ST SHAWNEE OK 74801	1-5	10	HILLCREST 2ND
WALLACE AVE BAPTIST CHURCH WALLACE & CHAPMAN 601 W WALLACE ST SHAWNEE OK 74801	6-7	10	HILLCREST 2ND
BROOKING DOYLE G 607 W WALLACE SHAWNEE, OK 74801	8-9	10	HILLCREST 2ND
LOCKNER MARK T & WILMA 609 W WALLACE SHAWNEE, OK 74801	10 & E 20' 11	10	HILLCREST 2ND
HERLACHER MARK A PO BOX 144 MEEKER, OK 74855	12 & 13 & W5'OF 11	10	HILLCREST 2ND
PITTS ANN E 623 W WALLACE SHAWNEE OK 74801	14-15	10	HILLCREST 2ND
MAGEE GLENDA G 230 N KIMBERLY SHAWNEE, OK 74801	16-17	10	HILLCREST 2ND
AUTREY S A 2901 FRANKLIN DR SHAWNEE, OK 74804	18-19	10	HILLCREST 2ND
CANNON MARK & MARY REVOC TRUST 5 CREEK DR SHAWNEE, OK 74801	N 1/2 20 & 21	10	HILLCREST 2ND
BENTON ELBERT J JR 37002 45TH ST SHAWNEE, OK 74804	S 1/2 20 & 21	10	HILLCREST 2ND
BAYS FLOYD E 718 N POTTENGER SHAWNEE, OK 74801	1	11	HILLCREST 3RD

BREM MICHAEL & CRYSTAL 802 N POTTENGER SHAWNEE, OK 74801	2-3	11	HILLCREST 3RD
KUYKENDALL HAROLD K & DEBRA K P O BOX 3605 SHAWNEE, OK 74802	4	11	HILLCREST 3RD
THOMPSON JULIE A & RONALD D 812 N POTTENGER SHAWNEE, OK 74801	5	11	HILLCREST 3RD
SAUNDERS ROBERT D 814 N POTTENGER SHAWNEE, OK 74801	S 40' of E124' 6	11	HILLCREST 3RD
E & D PROPERTIES LLC 37207 DANCE CREEK LANE TECUMSEH, OK 74873	N40' OF E124' 6	11	HILLCREST 3RD
THOMPSON RONALD D & JULIE 721 W FORD SHAWNEE, OK 74801	BEG. 80'E NW/C 6 S80' E60' N80' W60' POB	11	HILLCREST 3RD
SHEARER MICHAEL R & CAROL S 618 W WOOD ST SHAWNEE, OK 74801	8 & E1/2 9	4	HILLCREST 1ST
MADDEN KARA D 620 W WOOD SHAWNEE, OK 74801	W1/2 9 ALL 10	4	HILLCREST 1ST
CODIAK INVESTMENTS INC 34208 CLEAR POND RD SHAWNEE, OK 74801	11 & E1/2 12	4	HILLCREST 1ST
MATTHEWS JOANI C 624 W WOOD SHAWNEE, OK 74801	W1/2 12 & 13	4	HILLCREST 1ST
BOLLING JAMES M & JANIE M 626 W WOOD SHAWNEE, OK 74801	14-15	4	HILLCREST 1ST
CELLARS GARY W & CONNIE MARIE HUTTON 628 W WOOD SHAWNEE, OK 74801	16 & E1/2 17	4	HILLCREST 1ST
GIBSON EDWARD A & THELMA J 630 W WOOD SHAWNEE, OK 74801	W1/2 17 & 18	4	HILLCREST 1ST
WOOD LEONA P O BOX 420 WELLSTON, OK 74881	19 & E1/2 20	4	HILLCREST 1ST
BELYEU DEBRA K 634 W WOOD SHAWNEE, OK 74801 DOUGLAS LAVERNE 700 W WOOD ST SHAWNEE, OK 74801	W1/2 20 & ALL 21	4	HILLCREST 1 ST
DOUGLAS LAVERNE 700 W WOOD ST	1	2	DORRS

SHAWNEE, OK 74801			
RASURE JOSEFINA A 616 W FORD SHAWNEE, OK 74801	4	2	FORDS
BERRY-ROCK HOLDINGS LLC 6915 N CLASSEN BLVD STE C OKC, OK 73116	5	2	FORDS
NICHOLS LINDA TRUST 620 W FORD SHAWNEE, OK 74804	6	2	FORDS
WUSHUR HAZARETALI C/O WUSHUR BAK 1705 BRIARCREEK DR NORMAN, OK 73071	7	2	FORDS
GLASGOW ROBIN 57 E. DURANT CANADIAN, OK 74425	8	2	FORDS
CONWAY JEREMIAH 634 W FORD SHAWNEE, OK 74801	9	2	FORDS
LANDWERT LESLIE & DOUGLAS 642 W FORD SHAWNEE, OK 74801	10	2	FORDS
CHANEY ALEXANDER & ASHLEY SANTINO 818 N POTTENGER SHAWNEE, OK 74801	1	1	FORDS 2ND



DATE: October 5th, 2020

FROM: Rebecca Blaine, Planning Director

RE: 1.5' variance request for side yard property line setback for an accessory structure on a residential lot

October 15th, 2020 Zoning Board of Adjustment Meeting

The applicant, Dream Housing, LLC, is requesting a variance for a property located at 626 W. Wallace, legally described as:

LOTS TWENTY-SIX (26) AND TWENTY-SEVEN (27), BLOCK NINE (9), HILLCREST SECOND ADDITION, TO THE CITY OF SHAWNEE, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

You are receiving this letter because you own property that is within three hundred (300) feet of where this request is being proposed.

The Zoning Board of Adjustment will consider *a variance request for a side yard property line setback for an accessory structure on a residential lot on Thursday, October 15th, 2020 at 2:30 p.m.* at their regularly scheduled meeting located in the City Commission Chambers inside of City Hall at 16 W. 9th Street. At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to be heard regarding the variance. The Board reserves the right to limit discussion and debate on the proposed variance in the public hearing, in which event those persons speaking in support or opposition of the proposed variance will be allotted equal time. Any formal protest must be filed in writing with the City Clerk during normal working hours before 5:00 p.m. a minimum of three (3) business days prior to the hearing. If there are any questions about the proposal, or you need additional information prior to the public hearing, please contact the Planning Department at 405-878-1616. A copy of the application is available for public inspection during normal working hours and can be accessed from the Planning Office at 405-878-1616 or by e-mailing rebecca.blaine@shawneeok.org.

Please see the backside of this letter for a location map.

October 12, 2020

Rebecca Blaine
City of Shawnee
Planning Department

Re: Oct. 15, 2020 Zoning Board Meeting – Property Variance at 626 W. Wallace

Dear Miss Blaine,

I would like to strongly encourage the Planning and Development Department to deny the variance request for a side yard property line setback for an accessory structure. As the owner of the property closest to 626 W. Wallace, I would like to provide my perspective on the matter.

The failed building project has been disastrous to the neighborhood. The property's condition has been made much worse by the poorly planned, designed, and implemented endeavor of the owners of 626 W. Wallace. The execution of this project caused damage to my property value, both monetarily and in its normal usage, and I fear I am not alone in this injury. No one can enjoy looking out his or her kitchen window daily to see a dilapidated, uninhabitable structure. Thus, the project in question has come at a cost to the entire 600 block of W. Wallace.

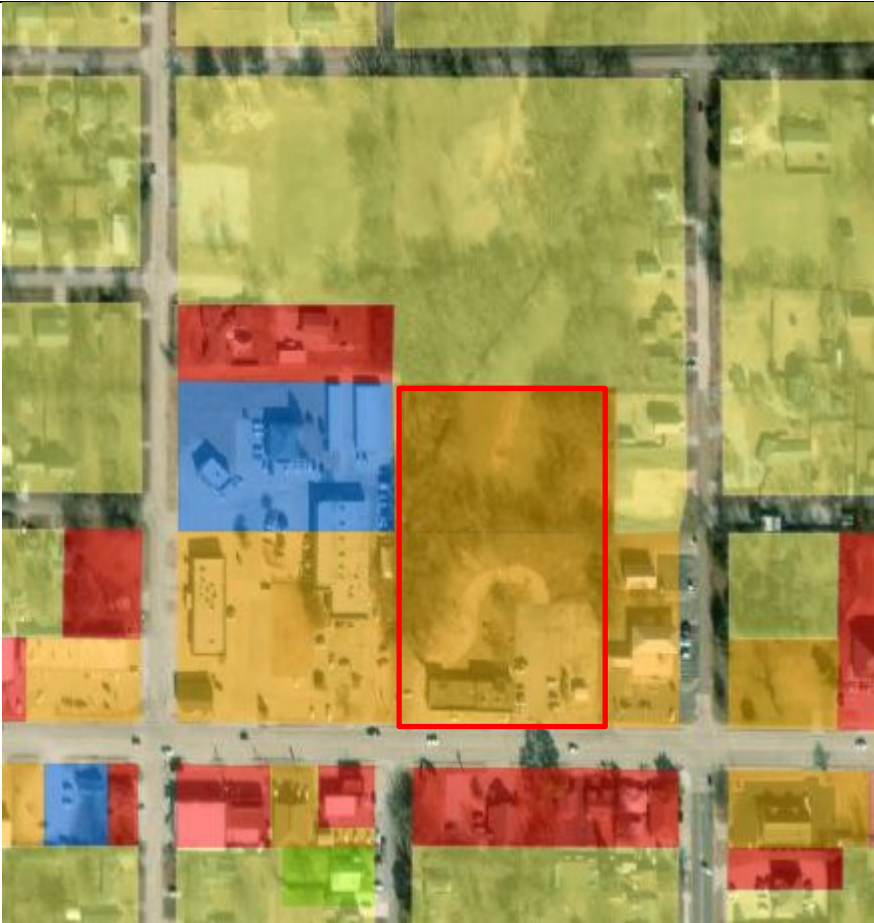
It is my understanding that no permit was issued before the project began. If the City had been able to discuss building standards with the property owner prior to the commencement of work, I don't believe the project would have ever been undertaken. Now, after the fact, a variance request is being made for special treatment. To my understanding, if this request is granted, then the dilapidated, detached garage (with a caved-in roof) would then be connected to the abandoned, poorly constructed house (that sits on the ground with no crawl space room). The entire structure would be just inches away from the West fence adjoining 628 W. Wallace, of which I hold ownership, harming my property's value.

Please do not grant the request for a side yard property setback for an accessory structure. Instead, enforce the building standards, already set forth by the City of Shawnee, upon this disastrous project.

Sincerely,

A handwritten signature in blue ink that reads "Shaun Paul Callahan". The signature is written in a cursive, flowing style.

Shaun Paul Callahan
Owner/Operator
SPC, LLC

City of Shawnee Planning Department 222. N. Broadway Shawnee, OK 74801 (405) 878-1616 Fax: (405) 878-1587 www.ShawneeOK.org	 City of Shawnee OKLAHOMA		CASE # ZBOA06-20 PUBLIC HEARING DATE: October 15th, 2020	
APPLICANT: 6-20 W. MacArthur				
PROPERTY ADDRESS/LOCATION: 2.06 acres MOL located at 6-20 W. MacArthur Street				
The applicant, GCR Sunset Enterprises, LLC, is requesting a variance for use of a shipping container as permanent restrooms for their CUP (Conditional Use Permit modelled after Bleu Garten in OKC) concept instead of traditional construction.	 N ↑			
EXISTING ZONING: C-3 (Highway Commercial) CUP request pending conceptual and site plan submittal and review	EXISTING LAND USE: Vacant proepty behind commercial retail strip center	SURROUNDING ZONING & LAND USE: R-1 (Single Family Residential) C-3 (Highway Commercial) C-5 (General Commercial District)	SUBDIVISION: Wyant’s First Addition	PROPERTY SIZE: 2.06 acres

STAFF RECOMMENDATION

The applicant has requested a deviation from the Zoning Code to allow for a variance to use a shipping container to as permanent restrooms instead of traditional construction.

Conditions for approve include:

- Matte black exterior coating buffered from MacArthur Street and adjacent residential zoning area by landscaping; or, commission an artist to create a mural on the exterior walls of the shipping container
- Shipping container must be designed, stamped and signed off on by an engineer to ensure it is designed for a habitable structure and meets 2015 IBC minimum standards.
- Structure and pathways from other areas of the concept must meet ADA (Americans Disability Act) standards (such as but not limited to food truck spaces, eating areas, parking areas)

Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Zoning Code or the 2040 Comprehensive Plan, in the opinion of Staff.

A working draft of the CUP document is attached for your review.

Staff hereby recommends the Zoning Board of Adjustment grant the requested variance for the use of a shipping container to house permanent restroom facilities for the owner/developer's Bleu Garten CUP concept.

APPROVE

APPROVE WITH CONDITIONS

DENY

ATTACHMENTS:
(CIRCLE)

SUBMITTED PLANS

PUBLIC HEARING
PETITION/
APPLICATION FORM

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

PLANNING DEPARTMENT
222 N. BROADWAY
SHAWNEE, OK 74801



RECEIVED ^{SB}
SEP 14 2020
PHONE: (405) 878-1616
FAX: (405) 878-1587

ZONING BOARD OF ADJUSTMENT
PROJECT NO. 200968 CASE NO. ZBOA 06-20 (OCT 15TH)

PLANNING / CODE

NAME OF PROPERTY OWNER: GCR Sunset Enterprises LLC

ADDRESS: 32 W. MacArthur St.

CITY: Shawnee STATE: OK ZIP CODE: 74804

TELEPHONE: (405) 388-6864

APPLICANT'S NAME: GCR

APPLICANT'S RELATIONSHIP TO OWNER (S): [CHECK ONE] **SAME** ☒ **AGENT** ☐

APPLICANT'S ADDRESS: Same

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE: (____) _____

(PLEASE COMPLETE FOR THE PROPERTY THAT THE VARIANCE IS REQUESTED FOR.)

PROPERTY LOCATION (ADDRESS): 20 + 1/2 W. MacArthur St.

LEGAL DESCRIPTION: Block 3 Wyants Subdivision

(DIMENSIONS OF PROPERTY) AREA: 320 A WIDTH: 8'

LENGTH: 40' FRONTAGE: 8'

CURRENT ZONING: C3 CURRENT USE: _____

VARIANCE REQUESTED: Dark Gray Shipping Container used for ADA restrooms, landscaping used in the of a brick facade.

APPLICATION, OWNERSHIP LISTING AND PAYMENT
MUST BE RECEIVED 30 DAYS PRIOR TO MEETING

Charlotte Brown
APPLICANT'S SIGNATURE

(OFFICE USE ONLY)

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

FILING FEE: \$90.00

RECEIPT NO: _____

ZBOA DECISION: _____

ZONING BOARD OF ADJUSTMENT SECRETARY



SMITH BROTHERS

ABSTRACT

118 N. Broadway Avenue

Shawnee, OK 74801

Phone: (405)273-9820 Fax: (405)273-9813

State of Oklahoma
County of Pottawatomie

} SS

SPECIAL CERTIFICATE

IN RE: The East 112 feet of the West 300 feet of Block Three (3), WYANT'S ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

AND

The West 188 feet of the West 300 feet of Block Three (3), WYANT'S ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof. LESS AND EXCEPT a tract of land described as beginning at the Southwest Corner of said Block 3; thence Northerly along the West Lot line of said Block 3 a distance of 7.0 feet to Point of Beginning; thence continuing Northerly along the said West Lot line a distance of 15.0 feet; thence Southeasterly on a 45° angle a distance of 21.21 feet to a point; thence westerly, parallel to the South line of said Block 3, a distance of 15.0 feet to the Point of Beginning.

The undersigned a duly bonded and qualified abstract company within and for Pottawatomie County, Oklahoma, hereby certifies that the current year's tax rolls in the office of the Pottawatomie County Treasurer shows the names and addresses of the owners of the property abutting and within 300 feet in any direction of the before described real estate as follows, to-wit:

NAME AND ADDRESS

LEGAL DESCRIPTION

Bison Federal Credit Union
2 W. MacArthur
Shawnee, OK 74801

WYANT'S FIRST E124' BLK 3

Jeffrey Sutton and Angela Sutton
45802 River Rd.
Shawnee, OK 74801

WYANT'S FIRST BEG SW/C BLK 4 N102' E100' S102'
W100' POB

The Primax Group, Inc.
120 W. MacArthur, Suite 121
Shawnee, OK 74804

MACARTHUR PARK ADDITION BLK 1 LOT 1
and
MACARTHUR PARK ADDITION BLK 1 LOT 2

Mark W. Acock and Malinda S. Acock
2026 N. Beard Ave
Shawnee, OK 74804

MACARTHUR PARK ADDITION BLK 1 LOT 3

David E. Bade
2821 N. Market
Shawnee, OK 74804

WYANT'S 2ND N100' BLK 3

Kevin Kalies
13204 Coker Rd.
Shawnee, OK 74801

WYANT'S 2ND ALL BLK 4 & THE N/2 OF VACATED
32ND STREET & ALL 33RD STREET BETWEEN
BROADWAY STREET & BEARD STREET & THAT
PART OF THE E/2 OF BEARD STREET LYING WEST
OF & ADJACENT TO BLOCK 11 LESS N225' OF E142'
& LESS THE EAST 208' OF THE SOUTH 75' OF
BLOCK 4 & THE NORTH 30' OF THE EAST 208' OF
VACATED N/2 OF 32SN STREET
and
WYANT'S 2ND BEG NE/C BLK 4 S75' W142' N75' E142'
POB

Kalies Properties, LLC
13204 Coker Rd
Shawnee, OK 74804

WYANT'S 2ND BEG 75'S NE/C BLK 4 E & W 142' X N &
S 50'

Deborah Haffey and Todd & Shawna Rigney
2804 N. Broadway
Shawnee, OK 74804

WYANT'S 2ND BEG 125'S NE/C BLK 4 W142' S100'
E142' N100' POB

Jimmy R VanAntwerp and Kimi R VanAntwerp
1206 Cambridge Dr
Shawnee, OK 74804

WYANT'S 2ND THE EAST 208' OF THE SOUTH 75' OF
BLOCK 4 & THE NORTH 30' OF THE EAST 208' OF
VACATED N/2 OF 32SN STREET

Karen S Meshew
2803 N. Broadway
Shawnee, OK 74804

WYANT'S 2ND PART OF THE W1/2 BLK 5 BEG SW/C
BLK 5 N147.86' E217' S147.73' W217' PON

Richard A Palomares and Joy K Palomares
2804 N. Broadway
Shawnee, OK 74804

WYANT'S 2ND PART OF BLK 5 BEG NW/C BLK 5
E180' S151.48' E37' S61.27' W217' N212.73' POB

Jerry Donal Newsom and Virginia Diane Newsom
2824 N Bell
Shawnee, OK 74804

WYANT'S 2ND BEG NE/C BLK 5 S121' W180' N121'
E180' POB & S30' VAC 33RD ST ADJ PROP ON
NORTH

Joyce Mae Wood
2808 N. Bell Ave
Shawnee, OK 74804

WYANT'S 2ND BEG 121'S NE/C OF VAC BLK 5 S85'
W143' N85' E143' POB

Susan McGowan
800 E. Dimond Boulevard, #193-501
Anchorage, AK 99515

WYANT'S 2ND BEG 206'S NE/C VAC BLK 5 S124' TO
CENTER OF VAC 32ND ST W ALG CENTER LINE OF
STREET 143' N124' E143' POB

Lighthouse Commercial I, LLC
1710 W. Wilow, Suite 200
Enid, OK 73703

XPRESS ADDITION LOT 1
and
XPRESS ADDITION LOT 2

Valentine Real Estate, LLC
6 E. MacArthur
Shawnee, OK 74804

WYANT'S FIRST W1/2 S1/2 BLK 2 LESS S7' OF W75'
TO CITY & LESS S7' OF E100' TO CITY

Sharon Sue & Charlotte Louise Boone and Andrew &
Linda Belford
16 Cedar Creek Dr
Shawnee, OK 74804

WYANT'S FIRST W1/2 OF N1/2 BLK 2

Thompson Legacy, LLC
3 E. MacArthur
Shawnee, OK 74804

ROSE GARDEN BLK 2 LOTS 6 THRU 14

CT Commercial Properties, LLC
2621 N. Broadway
Shawnee, OK 74804

ROSE GARDEN BLK 2 LOTS 15 THRU 18

Michael B Lawson and Cheryl Ann Lawson
2618 N. Broadway
Shawnee, OK 74804

ROSE GARDEN BLK 3 LOTS 1 & 2 & VAC ALLEY
and
GARDEN BLK 3 LOTS 1 & 2 & VAC ALLEY
and
ROSE GARDEN BLK 3 LOTS 36 & 37
and
ROSE GARDEN BLK 3 LOTS 38 & 39

DBZ Properteis, Inc.
25 W. MacArthur St.
Shawnee, OK 74804

ROSE GARDEN BLK 3 LOTS 5 & 6

Pottawatomie County Investment Properties, LLC
25 W. MacArthur
Shawnee, OK 74804

ROSE GARDEN BLK 3 LOT 7
and
ROSE GARDEN BLK 3 LOT 8

Hinson Property Investments
PO Box 960
Ada, OK 74821

ROSE GARDEN BLK 3 LOTS 9 THRU 15

Oklahoma Land Co., LLC
5101 S. Shields Boulevard
Oklahoma City, OK 73129

ROSE GARDEN BLK 3 LOTS 16 & 17

Rudy I. Harvey
2615 N. Beard
Shawnee, OK 74804

ROSE GARDEN BLK 3 LOT 18 THRU 22

Brandy Martin
802 S. Broadway Ave
Shawnee, OK 74801

ROSE GARDEN BLK 3 LOTS 23 THRU 25

Virginia L. Floyd
2606 N. Broadway
Shawnee, OK 74804

ROSE GARDEN BLK 3 N1/2 LOT 33 & ALL LOTS 34 &
35

Lloyd Dean Yell and Rhonda Gail Yell
7301 N Leo
Shawnee, OK 74804

ROSE GARDEN BLK 4 LOTS 1 THRU 4 LESS N107'
LOT 5 & LESS N107' OF E9' & ALL LOT 6 & E19' LOT 7

MacArthur 66, Inc.
101 W. MacArthur
Shawnee, OK 74804

ROSE GARDEN BLK 4 N107' LOTS 1 THRU 4 & N107'
OF E9' OF LOT 5

Rick D Thompson and Becky G Thompson
PO Box 1486
Shawnee, OK 74802

ROSE GARDEN BLK 4 LOT 7 W6' & ALL LOTS 8-10

Jeffrey S Dunn and Heather R Dunn
349600 E 970 Rd
Sparks, OK 74869

ROSE GARDEN BLK 4 LOTS 11 THRU 13

June E Snodgrass
2619 N Market
Shawnee, OK 74804

ROSE GARDEN BLK 4 LOTS 14 & 15

Dorcie A Bryce, Jr and Nancy K Bryce
2626 N. Beard
Shawnee, OK 74804

ROSE GARDEN BLK 4 LOTS 29 THRU 33

William A Warren and Jane C Warren
401 E. Georgia
Shawnee, OK 74804

ROSE GARDEN BLK 4 LOTS 34 & 35

IN WITNESS WHEREOF, We have hereunto set our hand and seal at office in the City of Shawnee, Oklahoma,
this 30th day of July, 2020 at 07:00 AM.

ATTEST:

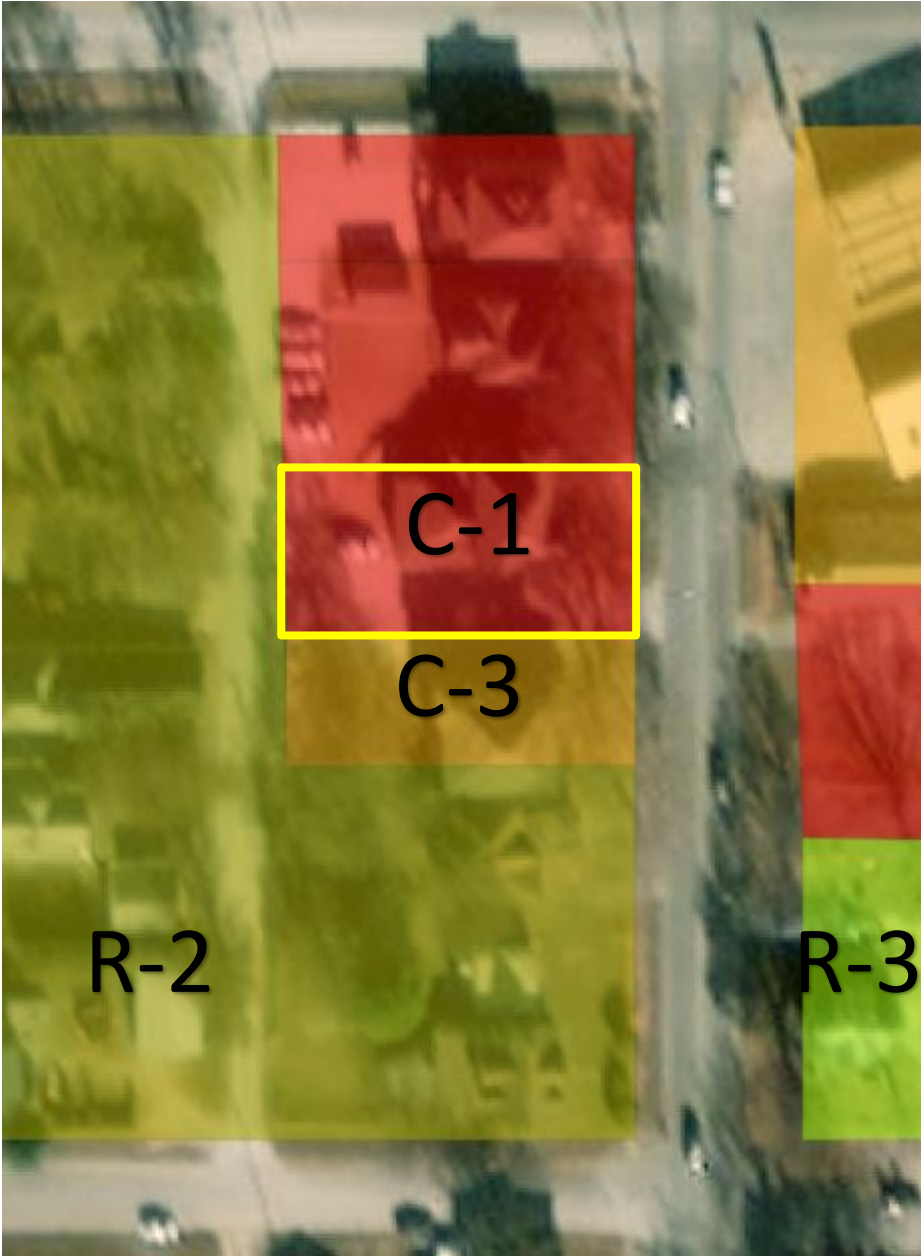
Smith Brothers Abstract & Title Co., LLC



David Thrailkill,
Abstractor License No.: 3211



President
Abstractor License No.: 1725

City of Shawnee Planning Department 222. N. Broadway Shawnee, OK 74801 (405) 878-1616 Fax: (405) 878-1587 www.ShawneeOK.org		CASE # ZBOA07-20 PUBLIC HEARING DATE: October 15th, 2020
APPLICANT: Michael San Pedro, on behalf of Roots Dispensary, LLC		
PROPERTY ADDRESS/LOCATION: 420 N. Kickapoo		
The applicant, Michael San Pedro, on behalf of Roots Dispensary, LLC, is requesting a variance to operate a medical marijuana dispensary in C-1 (Neighborhood Commercial) Zoning District instead of a minimum zoning of C-3 (Highway Commercial) Zoning District.		

EXISTING ZONING: C-1 (Neighborhood Commercial)	EXISTING LAND USE: Medical Marijuana Dispensary (Illegal, nonconforming)	SURROUNDING ZONING & LAND USE: R-2 (Combined Residential) R-3 (Multifamily Residential) C-1 (Neighborhood Commercial) C-3 (Highway Commercial)	SUBDIVISION: Fairgrounds Addition	PROPERTY SIZE: 0.27 acre
STAFF RECOMMENDATION				
This medical marijuana dispensary started business operation prior to getting zoning conforming or a business license with the City of Shawnee. By ordinance, medical marijuana dispensaries are permitted in the C-3 (Highway Commercial) Zoning District and heavier commercial and industrial zoning classifications. The governing state entity, OMMA, requires the local municipality to sign off for approval on this annual form regarding zoning and subdivision regulation compliance, building codes, and fire codes. This is year two of operation for this business, and the City of Shawnee has yet to sign off on their OMMA form. The request to rezone to C-3 does NOT align with the 2040 Comprehensive Plan that shows this area as Mixed Use. C-3 lots also require a 100' lot width and 100' of street frontage which this lot falls short of with only 85'. There are plenty of other properties within proximity that already have adequate zoning for this type of business, including the entire Central Business District (Downtown Shawnee). Several letters in opposition to this request are attached for your review. Staff hereby recommends the Zoning Board of Adjustment <u>deny</u> the requested variance for the operation of a medical marijuana dispensary to operate in a C-1 (Neighborhood Commercial District).				
APPROVE		APPROVE WITH CONDITIONS		DENY
ATTACHMENTS: (CIRCLE)	SUBMITTED PLANS	PUBLIC HEARING PETITION/ APPLICATION FORM	LEGAL NOTICE	LEGAL DESCRIPTION
PUBLIC COMMENTS		AGENCY COMMENTS		RESPONSE TO STANDARDS

RECEIVED ^{SB}

SEP 14 2020

PLANNING / CODE

PLANNING DEPARTMENT
222 N. BROADWAY
SHAWNEE, OK 74801



PHONE: (405) 878-1616
FAX: (405) 878-1587

ZONING BOARD OF ADJUSTMENT
PROJECT NO. 200913 CASE NO. ZBOA07-20 (Oct 15TH)

NAME OF PROPERTY OWNER: Michael D. San Pedro

ADDRESS: 720 W Johnson St

CITY: Meeker STATE: OK ZIP CODE: 74855

TELEPHONE: (425) 218-0226

APPLICANT'S NAME: _____

APPLICANT'S RELATIONSHIP TO OWNER (S): [CHECK ONE] SAME ☒ AGENT ☐

APPLICANT'S ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE: ()

(PLEASE COMPLETE FOR THE PROPERTY THAT THE VARIANCE IS REQUESTED FOR.)

PROPERTY LOCATION (ADDRESS): 420 N. Kickapoo Ave, Shawnee OK 74801

LEGAL DESCRIPTION: FAIRGROUNDS BLK 1 S10' LOT 5 ALL 6 THRU 8 LESS STRIP TO CITY CITY OF SHAWNEE 2020-2253

(DIMENSIONS OF PROPERTY) AREA: SEE ATTACHED SURVEY WIDTH: _____

LENGTH: _____ FRONTAGE: _____

CURRENT ZONING: C1 CURRENT USE: Medical Marijuana Dispensary

VARIANCE REQUESTED: C3

APPLICATION, OWNERSHIP LISTING AND PAYMENT
MUST BE RECEIVED 30 DAYS PRIOR TO MEETING

Michael San Pedro
APPLICANT'S SIGNATURE

(OFFICE USE ONLY)

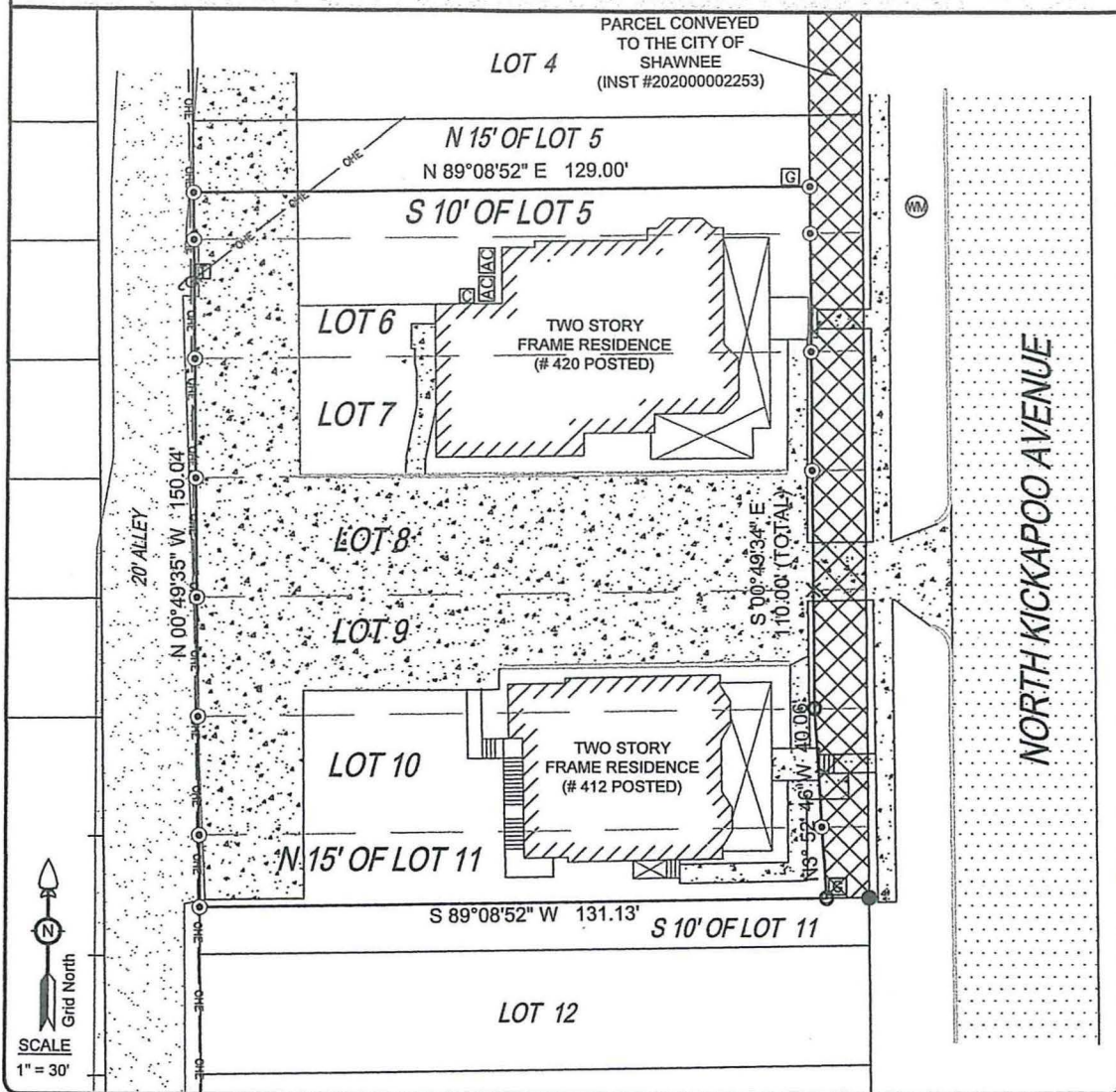
Filed in the office of the Planning Department, 222 N. Broadway, this ____ day of, _____ 20____.

FILING FEE: \$90.00
RECEIPT NO: _____

ZBOA DECISION: _____

ZONING BOARD OF ADJUSTMENT SECRETARY

BOUNDARY SURVEY PLAT



LEGAL DESCRIPTION

The South Ten (10) feet of Lot Five (5), all of Lots Six (6), Seven (7), Eight (8), Nine (9), and Ten (10) and the North Fifteen (15) feet of Lot Eleven (11), Block One (1), Fairground Addition to the City of Shawnee, Pottawatomie County, State of Oklahoma, according to the Recorded Plat thereof.

LINE AND SYMBOL LEGEND

⊙ 1/2" Iron Rod Set, CA 7652	Property Line
● 1" Iron Rod Found	— OHE — OHE —
⌘ A/C Unit	Overhead Electric
⌘ Power Pole	Easement
⌘ Water Meter	
⌘ Telephone Pedestal	
⌘ Cable Pedestal	
⌘ Gas Meter	
Gravel	Concrete
	Asphalt

GENERAL NOTES

- Current Owner: BD Properties, LLC (Deed Book 2016, Page 4347)
- No title report furnished. Easements, rights of way, or other encumbrances other than those shown hereon may exist.
- Property subject to all covenants, easements, restrictions, reservations, conditions, and rights of way of public record.
- The basis of bearings is Grid North (Oklahoma State Plane, Zone North), NAD83 (2011).
- The captioned property appears to lie within FEMA defined Flood Zone X (Area of Minimal Flood Hazard) according to Flood Insurance Rate Map No. 40125C0208J, dated May 16, 2019.
- Total Area: 19,392 sf (Surveyed)

SURVEYOR'S CERTIFICATE

I, Jason R. Lilly, a Registered Professional Land Surveyor of the State of Oklahoma, do hereby certify that I or others under my direct supervision have made a careful survey of the property shown hereon. I further certify that this Plat of Survey meets the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.



FORESIGHT LAND SURVEYING, LLC

318 WEST MAIN STREET
HENRYETTA, OK 74437
918-268-2502
OFFICE@FORESIGHTSURVEYING.NET
WWW.FORESIGHTSURVEYING.NET
CA #7652

SHEET: 1 OF 1
Date: 6/04/2020
Drawn by: JSB
Checked by: JRL
Client: San Pedro
Per: 2016/4347
Project No. 20-0115



SMITH BROTHERS

ABSTRACT

118 N. Broadway Avenue

Shawnee, OK 74801

Phone: (405)273-9820 Fax: (405)273-9813

State of Oklahoma
County of Pottawatomie

} SS

SPECIAL CERTIFICATE

IN RE: The South 10 feet of Lot Five (5), All of Lots Six (6), Seven (7), Eight (8), Nine (9), and Ten (10), and the North 15 feet of Lot Eleven (11), Block One (1), FAIRGROUND ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

The undersigned a duly bonded and qualified abstract company within and for Pottawatomie County, Oklahoma, hereby certifies that the current year's tax rolls in the office of the Pottawatomie County Treasurer shows the names and addresses of the owners of the property abutting and within 300 feet in any direction of the before described real estate as follows, to-wit:

NAME AND ADDRESS

LEGAL DESCRIPTION

Arnold E. Gaddy
PO Box 1625
Shawnee, OK 74802

HOFFMANS BLK 28 LOTS 15 & 16
and
FAIRGROUNDS BLK 7 LOTS 2 & 3

Jennifer Renee Nolan
332 N Kickapoo
Shawnee, OK 74801

FAIRGROUNDS BLK 7 LOT 1

Leverage Properties, LLC
301 N Oklahoma
Shawnee, OK 74801

FAIRGROUNDS BLK 1 LOTS 15 & 16
and
FAIRGROUNDS BLK 1 LOTS 13 & 14

Mearl L. and Patricia A. Patterson
400 N Broadway
Shawnee, OK 74801

FAIRGROUNDS BLK 7 LOTS 31 & 32

Perry Wayne and Patricia S. Inman
415 N Aydelotte
Shawnee, OK 74801

FAIRGROUNDS BLK 1 LOTS 20 THRU 22

Larry Keith and Charlene Cecilia Kreaflle Bias
429 N Aydelotte
Shawnee, OK 74801

FAIRGROUNDS BLK 1 LOTS 29 & 30

Board of County Commissioners
325 N Broadway
Shawnee, OK 74801

FAIRGROUNDS BLK 1 LOTS 27 & 28
and
FAIRGROUNDS BLK 1 LOTS 31 & 32

Devin Reyesvera
330 N Aydelotte Ave
Shawnee, OK 74801

FAIRGROUNDS BLK 6 LOTS 1 & 2

Jo Ann Mayes
400 N Aydelotte
Shawnee, OK 74801

FAIRGROUNDS BLK 2 LOTS 15 & 16

Kevin J. Mathews
410 N Aydelotte
Shawnee, OK 74801

FAIRGROUNDS BLK 2 LOTS 13 & 14

D & K Housing, LLC
439 E. Wallace
Shawnee, OK 74801

FAIRGROUNDS BLK 2 LOTS 11 & 12

Henry Everett Poe
420 N Aydelotte
Shawnee, OK 74801

FAIRGROUNDS BLK 2 LOTS 9 & 10

Carrow Properties, LLC
PO Box 3487
Shawnee, OK 74801

FAIRGROUNDS BLK 2 LOTS 7 & 8

Delta Jean Foor
24 Twilight Ln
Shawnee, OK 74801

FAIRGROUNDS BLK 2 LOTS 5 & 6

Barbara Been
420 N Aydelotte
Shawnee, OK 74801

FAIRGROUNDS BLK 2 LOTS 3 & 4

Charles Lynn Knox
401 N Aydelotte
Shawnee, OK 74801

FAIRGROUNDS BLK 2 LOTS 1 & 2

Cha Investments, LLC
700 Gregory Ln
Shawnee, OK 74801

HOFFMANS BLK 27 LOTS 11 & 12
and
HOFFMANS BLK 28 W78' LOTS 13 & 14

Laree Armstrong
506 N Aydelotte
Shawnee, OK 74801

HOFFMANS BLK 27 LOTS 8 THRU 10

Cajun Group Investments, LLC
4601 Morningstar Dr
Flower Mound, TX 75028

HOFFMANS BLK 28 LOTS 19 & 20
and
HOFFMANS BLK 28 LOTS 17 & 18

Jennifer A. Gaines
2555 Arcadia Ave
Lemon Grove, CA 91945

HOFFMANS BLK 28 E62' OF LOTS 13 & 14

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

HOFFMANS BLK 28 LOTS 5 & 6 & N17' LOT 7
and
FRUITS BLK 1 LOTS 1 THRU 3

Erin D Jones
105590 S 3380 Rd
McCloud, OK 74851

HOFFMANS BLK 28 LOTS 8 & 9 & S8' LOT 7
and
HOFFMANS BLK 28 LOTS 10 THRU 12

Brandon Properties, LLC
4020 S. Douglas Ave
Oklahoma City, OK 73109

In Yong and Yon Kun Kim
501 N Kickapoo
Shawnee, OK 74801

Sparkman Brothers, Inc
PO Box 218
Shawnee, OK 74801

Robert M and Jerry L Jones
PO Box 3466
Shawnee, OK 74801

Chris and Terre Burrows & Henry B and Betty Ann Bird
10602 E Aspen Dr
Claremore, OK 74017

Donald D and Carmen L Moseley
655 N Market
Shawnee, OK 74801

Shelia Whitfield
418 W 11th
Shawnee, OK 74801

Cavan B and Erika H Jones
PO Box 1471
Shawnee, OK 74802

Dennis W and Leda K Glenn
412 W 11th
Shawnee, OK 74801

Misty D Maston
331 N Kickapoo
Shawnee, OK 74801

FRUITS BLK 1 LOTS 41 & 42 QCD 5-13-85 NSS 1174
31 LESS TR parking lot
and
FRUITS BLK 1 LOTS 43 AND 44 AND PT LOT 45

FRUITS BLK 1 BEG SE/C OF LOT 48 W48.36'
(W48.33' OF RECORD) N93.19' (N93.16' OF RECORD)
E.71' N7.56' (N7.67' OF RECORD) E 20.84' (E20.78' OF
RECORD) E27.28' S.62' TO THE NE/C LOT 45 S100.16'
POB
and
FRUITS BLK 1 S10' LOT 45 ALL LOTS 46, 47, & 48
KICKAPOO MART CONVENIENCE STORE LESS TR
DES AS BEG SE/C LOT 48 THW48.33' TH N93.16' E.71'
N7.67' E20.78' N99.49' E27.52' S200' POB
and
FRUITS BLK 1 BEG SE/C OF LOT 48 W48.36'
(W48.33' OF RECORD) N93.19' (N93.16' OF RECORD)
E.71' N7.56' (N7.67' OF RECORD) E 20.84' (E20.78' OF
RECORD) E27.28' S.62' TO THE NE/C LOT 45 S100.16'
POB

AP BLK 5 LOT 5 & 6 KWICK STOP #29

AP BLK 5 LOT 2

AP BLK 5 LOT 3
and
AP BLK 5 LOT 4

AP BLK 5 LOTS 7 & 8

AP BLK 5 LOT 10 BO PEEP DAY CARE
and
AP BLK 5 LOT 9

AP BLK 5 N50' LOT 12

AP BLK 5 LOT 11
and
AP BLK 5 BEG 165'E SW/C BLK 5 N120' E50' S120'
W50'

AP BLK 6 LOTS 31 & 32

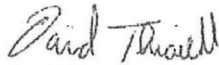
Darrin Doyle Skaggs
327 N Kickapoo
Shawnee, OK 74801

AP BLK 6 LOTS 29 & 30

IN WITNESS WHEREOF, We have hereunto set our hand and seal at office in the City of Shawnee, Oklahoma,
this 26th day of August, 2020 at 07:00 AM.

ATTEST:

Smith Brothers Abstract & Title Co., LLC



David Thrailkill,
Abstractor License No.: 3211



President
Abstractor License No.: 1725

Shelia's Little Angels
418 W. 11th Street
Shawnee, Oklahoma 74801

DATE: October 12, 2020

TO: City of Shawnee

FROM: Shelia Whitfield
(Owner of Shelia's Little Angels Childcare)

Re: Michael San Padro/Roots Dispensary Variance Request - #ZBOA07-20

I am the owner of Shelia's Little Angels Childcare located at 418 W. 11th St., Shawnee, Oklahoma 74801. I am opposed to this variance request being approved.

First of all, this dispensary was opened in my neighborhood without any notification prior to opening. Since it is right across the street from my daycare, I feel I should have been notified. This location has already created a great nuisance.

Due to the fact that this dispensary is directly across from my daycare it presents a hazardous environment for my children. The dispensary has created a high traffic area, groups of people walking up and down the street, and talking to my children through the fence. At one point, I had to call the police because a lady stopped by and sat on the ground while trying to engage in conversation with my children. Another time I ask a lady to leave the children alone or I would call the police, she started cursing and finally walked away.

Out of respect for my children and my daycare being located here for many years, I feel it is inappropriate for a marijuana dispensary to be located in the vicinity of my daycare. I strive daily to maintain caring and safe surroundings for my children.

Again, I respectfully submit a denial for Michael San Padro variance request.

Sincerely,

Shelia Whitfield

Shelia Whitfield

... whom it may concern,

I am a parent of a child who attends Sheila's Little Angels, Childcare facility. I feel dispensaries should not open within at least 3000' of a School or childcare facility. Patrons close to a childcare facility has increased foot traffic near the facility & children. Please consider the parents when allowing or disallowing Medical Marijuana Dispensaries near childcare facilities. The laws are changing everyday & while these stores may only be for medical purposes, this can change in the near future to recreational use. I don't feel that is safe for our children to be around adult individuals that may or may not be under the influence when going to or from these dispensaries.

Thank you,

Sheila's Hendrix

Shawnee,

I am writing this concerning the roots dispensary being extremely close to where my children go to daycare. It has caused a significant increase in traffic since a proven dispensary. My children play outside at the daycare on a regular basis and I do believe that it is, and should not be legal to literally be able to see the roots "Potshop" from the play area. The roots Kickapoo location is extremely unsafe to my children and others at Shelia's Little Angels and should be moved. Again, if you cannot place a school within close proximity to a "Potshop" then same should go for a daycare.

Thank you for reading,

Jayla enunox

10/12/20

City of Shawnee,

10.12.20

My child attends Shelias Little Angels daycare which is directly across Kickapoo Street from Root Dispensary. Since the dispensary has opened there has been a major increase of traffic and people in the area. I am not comfortable with the dispensary being so close to the daycare. If you cannot put a dispensary next door to a public school I do not believe you should be able to put one right across the street from a daycare where there are children. I think the dispensary should have to move their location.

Thank you
Linda Bates

DATE: October 12, 2020

TO: City of Shawnee

FROM: Misty Nagle

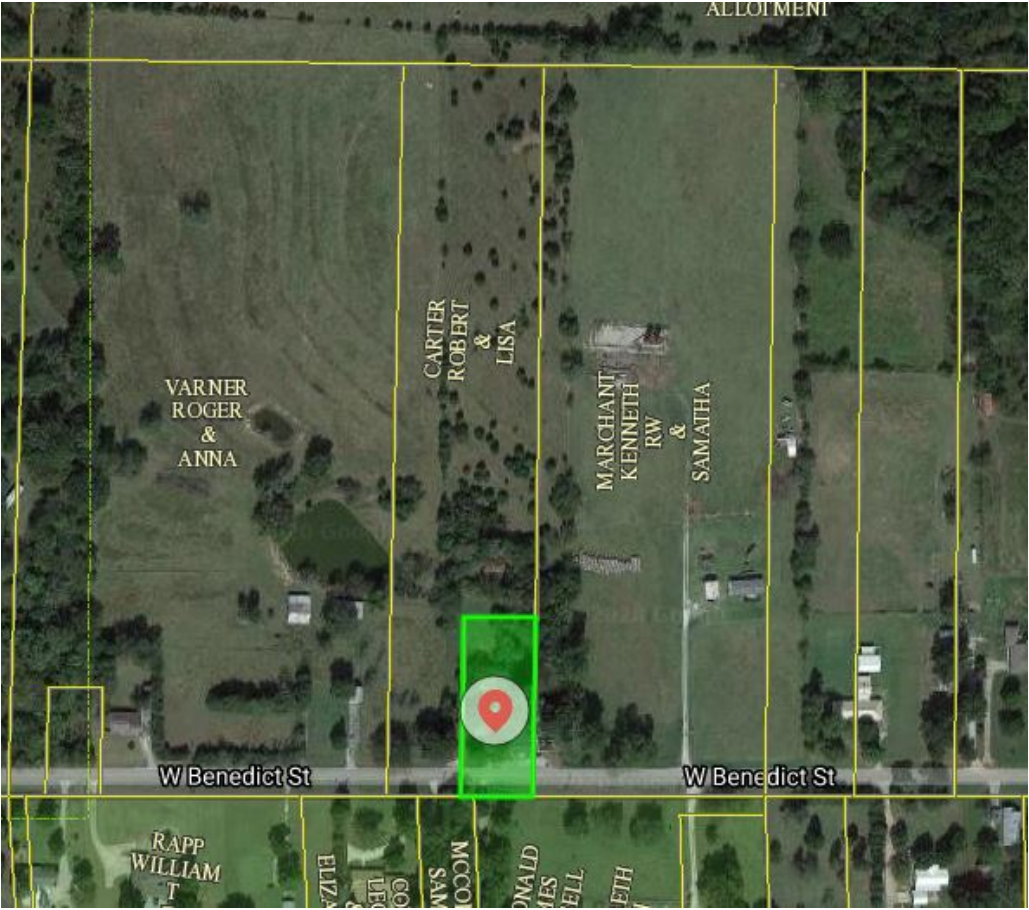
RE: Roots Dispensary Variance Request #ZBOA07-20

I used to work at a daycare which is less than a block away from a dispensary. It is classified as an educational facility. I worked there for just under 7 years and we teach the children a wide array of topics to help them grow. We would also let them go outside and play to help them learn coordination. I have visited the daycare a number of times because I have good relations with the owner and also drive by when needing to go downtown. I personally have seen a large number of individuals that I would deem shady and deplorable. The playground is within view of the dispensary and I have advised the owner to be wary of the shop goers when she takes the kids outside. That place is not only inviting the characters you wouldn't want near a daycare, but bringing foot traffic of individuals you would not want your kid imitating or feel safe with. We would not allow this establishment near schools where the children are starting to understand what's right and wrong. Why would we allow this near a daycare where they are just shaping their minds and easily influenced?

Sincerely,

Misty Nagle

A handwritten signature in blue ink, appearing to read "Misty Nagle", followed by a long horizontal flourish.

City of Shawnee Planning Department 222. N. Broadway Shawnee, OK 74801 (405) 878-1616 Fax: (405) 878-1587 www.ShawneeOK.org			CASE # ZBOA09-20 PUBLIC HEARING DATE: October 15th, 2020		
APPLICANT: Executive Home Rentals, LLC					
PROPERTY ADDRESS/LOCATION: 1 acre located at 2124 W. Benedict Street					
The applicant, Executive Home Rentals, LLC, is requesting a variance for permission to locate a mobile home on a one-acre lot located at 2124 W. Benedict Street.					
EXISTING ZONING: Illegal, nonconforming A-1 (Rural Agricultural) District	EXISTING LAND USE: Vacant building and burned single-family home	SURROUNDING ZONING & LAND USE: A-1 (Rural Agricultural) R-1 (Combined Residential) C-1 (Neighborhood Commercial)	SUBDIVISION: N/A	PROPERTY SIZE: 1.00 acre	

STAFF RECOMMENDATION



The applicant has requested a deviation from the Zoning Code to allow for a variance to locate a mobile home on the property. Outside a mobile home park, mobile homes are only permitted on A-1 zoned property with a minimum of five acres per CUP (Conditional Use Permit) approval or in R-3 (Multifamily Residential) by CUP (Conditional Use Approval). This one-acre tract was split off a larger 7.2-acre tract in 2006 without proper city approval. The zoning is still reflected as A-1 (which requires a minimum of five acres) because it was never brought to the attention through application and review process for the lot split. A one-acre tract such as this, would default to R-E, Residential Estates District. The R-E district does not have a mechanism for approving a mobile home.

The single-family home on this property had an extensive house fire in January 2019. They also were cited for a dead tree to be cleared from the property on 07.02.2019. This violation was resolved. They pulled a demolition permit on 09.18.2019 for the burned house. The house was demolished. They also were cited for tall grass and weeds on 06.25.2020, which was resolved. There is a nonconforming building on this property that historically was used as a bait shop. It is currently in disrepair. It fails to meet front setback from the road which requires 50' for A-1 and 40' for R-E, but only is 30' from the road. The 2040 Comprehensive Plan designates this area as agricultural/greenspace. The default to R-E would not violate the density target of the Comp Plan; however, staff would recommend that the property owner build a traditional construction home on the property to satisfy their income property goal. The accessory building should be addressed which is in significant disrepair. Staff would recommend demolition of this building as the previous rezoning application from A-1 to C-3 was denied.

The granting of this variance would set precedence in the community for non-eligible areas to request and potentially be granted permission by variance to locate a mobile home on their property.

The applicant currently does not have a specific make, model and photographs of desired mobile home. Applicant has requested this item be deferred to a future meeting date.

Staff hereby recommends the Zoning Board of Adjustment deny the requested variance for the request for a mobile home on this one-acre property.

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