

AMENDED AGENDA
BOARD OF CITY COMMISSIONERS
October 15, 2012 AT 6:30 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

FLAG SALUTE

1. Consider approval of Agenda:
2. Consider approval of Consent Agenda:
 - a. Minutes from the October 1, 2012 regular meeting.
 - b. Acknowledge the following minutes and reports:
 - Planning Commission minutes from July 5, 2012 and September 5, 2012
 - Project Payment Report for September 2012
 - License Payment Report for September 2012
 - c. Acknowledge Oklahoma Municipal Retirement Fund Normal Retirement for David Pat Cope.
 - d. Acknowledge Oklahoma Municipal Retirement Fund Normal Retirement for William (Bill) Jones.
 - e. Acknowledge receipt of 6 Motorola 800 MHz radios from the Oklahoma Department of Emergency Management.
 - f. Mayor's Appointments:

Planning Commission

David Bergsten – 1st Partial Term Expires 6-01-14
Replaces Carl Holt – Resigned

Airport Advisory Board

Bert Humphrey – 1st Partial Term Expires 7-01-14
Replaces Mike Langley – Termed out
 - g. Acceptance of Airport Lift Rehab project and placing maintenance bonds into effect.

- h. Acceptance of the Lakeview Estates water line replacement project and placing maintenance bonds into effect.
 - i. Acknowledge audit from Pioneer Library System for fiscal year ending June 30, 2012.
3. Citizens Participation
- (A three minute limit per person)
(A twelve minute limit per topic)
4. Mayor's Proclamation:
- "Family Promise Week"
October 14-20, 2012
- "No Texting While Driving Day"
October 16, 2012
5. City Manager's presentation of Employee of the Month to Lisa Lasyone, Deputy City Clerk.
6. Public hearing and consider an ordinance to rezone property at 400 West MacArthur from C-1; Neighborhood to C-3; Automotive, Commercial and Recreation.
Case No. P14-12 Applicant: Ron Degraffenreid
7. Public hearing and consider an ordinance to rezone property at 8331 North Harrison from A-1; Agricultural to I-2; Light Industrial.
Case No. P15-12 Applicant: Clayton Eads
8. Consideration of approval of preliminary plat for North Harrison Street Business Park located at NE Corner of Highway 18 and Wolverine Road. Case No. S11-12 Applicant: Landes Engineering
9. Public hearing and consideration of an ordinance to rezone property at 3300 North Union from R-1; Residential, Single Family Dwelling to R-3; Multi-Family Dwelling .
Case No. P16-12 Applicant: Mike Little Construction
Deferred to November 2012 Planning Commission Meeting at request of applicant.
10. Public hearing and consideration of an ordinance to rezone property at 906 East Independence C-1; Neighborhood Commercial to C-3; Automotive, Commercial and Recreation.
Case No. P17-12 Applicant: O'Reilly Automotive Stores
11. Consideration of approval of final plat for Shawnee Medical Center located at Kethley Road and MacArthur Street.
Case No. S12-12 Applicant: Shawnee Real Estate Holdings LLC
Deferred to November 2012 Planning Commission Meeting at request of applicant.
12. Consideration of approval of preliminary plat for Belmont Park Addition located at Acme Road and MacArthur Street.
Case No. S13-12 Applicant: J. Bentley Development LLC
13. Consideration of approval of final plat for Belmont Park Addition located at Acme Road and MacArthur Street.
Case No. S14-12 Applicant: J Bentley Development LLC

14. Consider a resolution in support of passage of State Question 764 addressing Oklahoma's water infrastructure needs.
15. Acknowledge Sales Tax report received October, 2012.
16. Consider Bids:
 - a. Proposal to replace City Hall Phone System (Award)
Request to defer to 2nd meeting in January, 2013
17. New Business
(Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)
18. Administrative Reports
19. Commissioners Comments
20. Consider an Executive Session to discuss potential claims, litigation or other options regarding encroachment into City's utility service area by other entities as authorized by 25 O.S. §307(B)(4).
21. Consideration and possible action on matters discussed in Executive Session regarding potential claims, litigation or other options regarding encroachment into City's utility service area by other entities as authorized by 25 O.S. §307(B)(4).
22. Adjournment

Respectfully submitted

Phyllis Loftis, CMC, City Clerk

The City of Shawnee encourages participation from its citizens in public meetings. If participation is not possible due to a disability, notify the City Clerk, in writing, at least forty-eight hours prior to the scheduled meeting and necessary accommodations will be made. (ADA 28 CFR/36)

Regular Board of Commissioners

2. a.

Meeting Date: 10/15/2012

Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Minutes from the October 1, 2012 regular meeting.

Attachments

Minutes 10-01-12

BOARD OF CITY COMMISSIONERS PROCEEDINGS
OCTOBER 1, 2012 AT 6:30 P.M.

The Board of City Commissioners of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in Regular Session in the Commission Chambers at City Hall, 9th and Broadway, Shawnee, Oklahoma, Monday, October 1, 2012 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Mayor Mainord presided and called the meeting to order. Upon roll call, the following members were in attendance.

Wes Mainord

Mayor

Pam Stephens

Commissioner Ward 1

Linda Agee

Commissioner Ward 2

James Harrod

Commissioner Ward 3-Vice Mayor

Keith Hall

Commissioner Ward 4

John Winterringer

Commissioner Ward 5

Absent

Commissioner Ward 6

ABSENT: Steve Smith

INVOCATION

The Lord's Prayer

FLAG SALUTE

Lead by Commissioner John
Winterringer

AGENDA ITEM NO. 1:

Consider approval of Agenda.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Hall, to approve the Agenda. Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 2:

Consider approval of Consent Agenda:

- a. Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids/proposals as set forth in Shawnee Municipal Authority Agenda Item No. 2.
- b. Minutes from the September 17, 2012 regular meeting.
- c. Acknowledge the following minutes:
 - Shawnee Civic and Cultural Development Authority minutes from June 21, 2012, July 19, 2012 and August 16, 2012
- d. Authorize staff to advertise for bids on Airport Pedestrian Trail Project.
- e. Mayor's appointments:

Shawnee Airport Advisory Committee

Ron Davis – 1st Partial Term Expires 7-01-14
Replaces Mike Langley termed out

Oklahoma Baptist University Authority

Will Smallwood – 1st Full Term Expires 8-01-18
Replaces Tom Terry termed out

Todd Fisher – 1st Full Term Expires 8-01-18
Replaces Max Brattin

Shawnee Economic Development Foundation

Linda Agee – Commissioner – No expiration

James Harrod – Vice Mayor – No expiration

Vice Mayor Harrod requested that Consent Agenda Item No. 2d be pulled for separate consideration.

Mayor Mainord announced that Ron Davis has withdrawn from consideration on the Shawnee Airport Advisory Committee due to a conflict of interest.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to approve the Consent Agenda Items a-e, less d. Motion carried 6-0.

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

NAY: None

Regarding Consent Agenda Item No. 2d, Vice Mayor Harrod requested City Engineer John Krywicki give a report on the airport walking trail. Mr. Krywicki advised that the entire airport pedestrian trail should be reconstructed. Estimated cost is approximately \$690,000.00, although money could be saved on some items. The plans call for the trail to be increased from 8 feet to 10 feet in width and would also require some new fencing. A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to approve Consent Agenda Item 2d. Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 3:

Citizens Participation

(A three minute limit per person)

(A twelve minute limit per topic)

There was no Citizens Participation.

AGENDA ITEM NO. 4:

Mayor's Proclamation:

"Fire Prevention Week"

October 7-13, 2012

Fire Chief David Short accepted the Mayor's Proclamation for "Fire Prevention Week" presented by Mayor Mainord.

AGENDA ITEM NO. 5:

Consider Bids/Proposals:

- a. Removal of Snow and Ice from streets (Award)

Emergency Management Director Don Lynch announced that one bid was received and after review and consideration it was staff's recommendation to award the bid to BDC Homes, LLC of Shawnee, Oklahoma in the amounts as follows: (1) \$140.00 per hour 8am-5pm Mon-Fri; (2) \$140.00 per hour 5pm-8am Mon-Fri; (3) \$140.00 per hour Saturday and Sunday; and (4) \$160.00 per hour Holidays.

A motion was made by Commissioner Agee, seconded by Commissioner Winterringer, to accept staff's recommendation and award the bid to BDC Homes, LLC. Motion carried 6-0.

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

AGENDA ITEM NO. 6: New Business (Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)

There was no New Business.

AGENDA ITEM NO. 7: Administrative Reports

City Engineer John Krywicki gave a report on the current status of the 45th Street paving project. Mr. Krywicki noted that the finished street appeared to be rougher than it should have been so a testing facility was contacted to review the street and the work performed by Nash Construction. Using a laser sensor and computer program it was determined that the street was not in compliance in several areas. Mr. Krywicki notified the contractor who is has agreed to correct the problem within the next two weeks. Nash Construction Co. was scheduled to begin other asphaltting projects for the City, however, as noted by Mr. Krywicki, 45th Street will need to be acceptable before the construction company is allowed to move on to other street projects.

Utility Director Jim Bied spoke of the new sludge truck, which was parked outside City Hall for inspection by the Commissioners and public. Mr. Bied noted that the truck costs \$304,000.00 and replaces two pieces of equipment.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR
TO CONVENE THE SHAWNEE MUNICIPAL AUTHORITY AND SHAWNEE
AIRPORT AUTHORITY AT 6:56 P.M.

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE
CHAIR AT 7:01 P.M.

AGENDA ITEM NO. 8:

Commissioners Comments

Vice Mayor Harrod noted that he had seen the City's patch truck on Kickapoo Street and asked City Engineer Krywicki about the status of the Kickapoo Street Project. Mr. Krywicki stated that bid opening for the project would be November 15, 2012.

AGENDA ITEM NO. 9:

Consider an Executive Session for discussion and possible action on litigation pending against the City of Shawnee by Anthony J. Grasso (Case No. 2009-08537A) (CJ-2010-243) and by Patricia Swinney (Case No. 2009-10858K) (Case No. CJ-10-721) as authorized by 25 O. S. §307 (B)(4) on the recommendation of counsel that public discussion would impair the ability of the City Attorney to adequately defend the City.

A motion was made by Commissioner Winterringer, seconded by Commissioner Hall, to enter into Executive Session to discuss and possible action on litigation pending against the City of Shawnee by Anthony J. Grasso (Case No. 2009-08537A) (CJ-2010-243) and by Patricia Swinney (Case No. 2009-10858K) (Case No. CJ-10-721) as authorized by 25 O. S. §307 (B)(4) on the recommendation of counsel that public discussion would impair the ability of the City Attorney to adequately defend the City. Motion carried 6-0.

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

NAY: None

COMMISSION ENTERS EXECUTIVE SESSION AT 7:04 P.M.

COMMISSION RETURNS FROM EXECUTIVE SESSION WITH ALL

COMMISSIONERS PRESENT AT 8:01 P.M.

AGENDA ITEM NO. 10:

Consideration and possible action on matters discussed in Executive Session regarding litigation pending against the City of Shawnee by Anthony J. Grasso (Case No. 2009-08537A) (CJ-2010-243) and Patricia Swinney (Case No. 2009-10858K) (CJ-10-721) as authorized by 25 O. S. §307 (B)(4) on the recommendation of counsel that public discussion would impair the ability of the City Attorney to adequately defend the City.

Regarding Anthony J. Grasso, a motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to accept the mediation recommendation on the Anthony J. Grasso case (Case No. 2009-08537A) (CJ-2010-243). Motion carried 6-0.

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

NAY: None

Regarding Patricia Swinney, a motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to settle the civil and workers compensation cases as discussed in Executive Session. Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 11

Adjournment

There being no further business to be considered, a motion was made by Commissioner Winterringer, seconded by Commissioner Hall, that the meeting be adjourned. Motion carried 6-0. (8:30 p.m.)

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

NAY: None

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

2. b.

Meeting Date: 10/15/2012

Board and Committee Minutes and Report

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge the following minutes and reports:

- Planning Commission minutes from July 5, 2012 and September 5, 2012
- Project Payment Report for September 2012
- License Payment Report for September 2012

Attachments

Planning Commission 7-5-12

Planning Commission 9-5-12

Project Payment Sept 2012

License Payment Sept 2012

PLANNING COMMISSION MINUTES

DATE: July 5, 2012

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in Commission Chambers, at City Hall, 9th and Broadway, on Thursday, July 5, 2012 at 1:30 p.m., pursuant to notice duly posted as prescribed by law. Justin Erickson, Planning Director for the City of Shawnee, presented the staff reports along with Assistant Planner Stephanie Clary. Staff reports are available upon request.

AGENDA ITEM NO.1: Roll Call

Upon roll call the following members were present:

Brad Carter, Chris Silvia, Taylor Prince, Ben Salter

Not Present: Kirk Hoster, Shawna Turner

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

AGENDA ITEM NO. 2: Approval of the minutes from the June 6, 2012 Planning Commission Meeting.

Vice-Chairman Chris Silvia asked for a motion to defer minutes, Commissioner Prince made a motion seconded by Commissioner Salter to defer the June 6, 2012 minutes.

Motion passed:

AYE: Prince, Salter, Carter, Silvia,

NAY:

ABSTAIN:

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

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

AGENDA ITEM NO. 4:

**Case # P10-12- A Public Hearing for consideration of a Conditional Use Permit in C-3; Automotive, Commercial & Recreation district to allow for the sale of 3.2 beer for on premise consumption for property located at 924 N. Harrison
Applicant: Don Ciros Tacos**

Vice-Chairman Silvia asked for the staff report. Stephanie Clary presented the staff report and recommended approval of the Conditional Use Permit to allow for the sale of 3.2 beer for on premise consumption.

Vice-Chairman Silvia opened the public hearing asking if anyone was for the proposal. Chandra Carreon, representative for Don Ciros Tacos came forward to answer any questions the Commission might have. There were no questions.

Vice-Chairman Silvia asked if anyone was against the proposal. No one came forward.

Vice-Chairman Silvia asked for a motion, Commissioner Carter made a motion, seconded by Commissioner Prince to approve rezoning with conditional use permit for 924 N. Harrison to C-3, Automotive, Commercial & Recreation.

Motion carried:

AYE: Carter, Prince, Silvia, Salter

NAY:

ABSTAIN:

AGENDA ITEM NO. 5:

**Case # P11-12 - A public hearing for consideration of approval of a One Operator Beauty Parlor in R-1 zoning for property located at 1415 N. Union
Applicant: Jennifer Pelletier**

Vice-Chairman Silvia asked for the staff report. Stephanie Clary presented the staff report. Staff recommended denial based on information presented to staff when the reports were issued, however, staff received additional information prior to the meeting allowing for the recommendations of approval based on changes in the parking plan and additional conditions noted in the staff report. The conditions are as follows:

1. The signage for the business must follow the current sign regulations where the applicant is permitted one non lighted sign no larger than two square feet to be affixed to the structure.
2. The hours of operation shall be 1pm to 9pm.
3. The operator must be a resident of the home.
4. Only one chair is permitted.
5. Parking must be off the street and a turnaround must be provided behind fenced gate so vehicles are not backing into the public streets and into the right of way.

Vice-Chairman Silvia asked if anyone was present that would like to speak in favor of the proposal. Jennifer Pelletier came forward for the proposal and answered questions from the Commission. Ms. Pelletier presented pictures to the Commission showing improvements to the property. Commissioners voiced concerns about hours of operation, public safety, traffic and parking issues.

Vice-Chairman Silvia asked if anyone was against the proposal. No one came forward.

Vice-Chairman Silvia asked for a motion, Commissioner Prince made a motion, seconded by Commissioner Carter to approve the rezoning with conditions as outlined by staff.

Motion carried:

AYE: Prince, Carter, Silvia, Salter

NAY:

ABSTAIN:

AGENDA ITEM NO. 6:

**Case # P12-12 – A public hearing for consideration of approval to rezone property located at 4030 N. Kickapoo from R-1; Single Family Residential to C-3; Automotive, Commercial & Recreation.
Applicant: O'Reilly Automotive Stores, Inc.**

Vice-Chairman Silvia asked for the staff report. Justin Erickson presented the staff report and recommended approval to rezone.

Mr. Erickson answered questions from the Commission.

Vice-Chairman Silvia opened the public hearing and asked if anyone was in favor of the proposal. Alan Riddle representing O'Reilly's Automotive Stores came forward. Mr. Riddle stated this is the second store opening in Shawnee and answered questions from the Commission.

Mr. Roger McMahan, a resident located behind this proposed O'Reilly property site, asked about property easement and privacy fencing.

No one came forward against this proposal.

Vice-Chairman Silvia asked for a motion, Commissioner Prince made a motion, seconded by Commissioner Carter to approve the rezoning 4030 N. Kickapoo from R-1; Single Family Residential to C-3; Automotive, Commercial & Recreation.

Motion carried:

AYE: Prince, Carter, Silvia, Salter

NAY:

ABSTAIN:

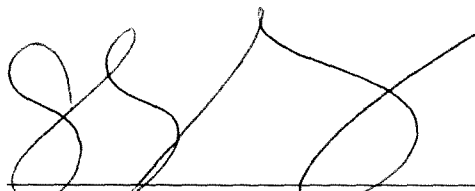
AGENDA ITEM NO. 7: **Planning Director's Report**

Justin Erickson reported on the new statewide code changes that will go into effect by the end of the year. Residential permits have been down the first part of the year, but expects this to pick up as contractors finish plans under the old codes.

AGENDA ITEM NO. 8: **New Business/Commissioner Comments**

AGENDA ITEM NO. 9: **Adjournment**

Meeting was adjourned.


Chairman/Vice-Chairman

Linda Burg
Linda Burg, Planning Commission Secretary

PLANNING COMMISSION MINUTES

DATE: September 5, 2012

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in Commission Chambers, at City Hall, 9th and Broadway, on Wednesday, September 5, 2012 at 1:30 p.m., pursuant to notice duly posted as prescribed by law. Justin Erickson, Planning Director for the City of Shawnee, presented the staff reports. Staff reports are available upon request.

AGENDA ITEM NO.1: Roll Call

Upon roll call the following members were present:

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

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

AGENDA ITEM NO. 2: Approval of the minutes from the June 6, 2012 Planning Commission Meeting.

Chairman Shawna Turner asked for a motion. Commissioner Hoster made a motion seconded by Commissioner Prince to approve the June 6, 2012 minutes.

Motion passed:

AYE: Hoster, Prince, Carter, Turner,

NAY:

ABSTAIN: Salter, Silvia

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

Chairman Shawna Turner asked for changes or corrections to minutes. Commissioner Salter asked for corrections to Item No. 4, Item No. 5, and Item No. 6. Salter then made a motion with a second from Carter to approve the minutes from the July 5, 2012 meeting with changes.

Motion passed:

AYE: Salter, Carter, Silvia, Prince

NAY:

ABSTAIN: Hoster, Turner

AGENDA ITEM NO. 4:

Citizens' Participation

(A three minute limit per person)

(A twelve minute limit per topic)

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

AGENDA ITEM NO. 5:

Case # P13-12 – A Public Hearing for consideration of approval to rezone property from C-3; Automotive, Commercial and Recreation to C-4; Central Business with a conditional use permit for a Boarding House or Rooming House (Homeless Shelter) (34 beds, plus three family units), food pantry, dining hall (soup kitchen), office, other services for property located at 204 North Louisa.

Applicant: Mike Little Construction

Chairman Turner asked for the staff report. Justin Erickson presented the staff report and recommendations. Staff identified five specific concerns:

1. Demonstration of need.
2. Neighborhood impact.
3. Staffing levels.
4. Duplication of services.
5. Phasing schedule of physical improvements and operational aspects.

Justin Erickson recommended the Planning Commission continue the public hearing to clarify concerns and questions expressed by staff.

Chairman Turner asked the applicant to come forward to answer any questions the Commission might have. Bill Thurman, representative for Mike Little Construction answered questions pertaining to construction of the project.

Chairman Turner requested Tom Jones, President CEO of City Rescue Mission in Oklahoma City to come forward and address the operational systems of the Shawnee Rescue Mission. Mr. Jones spoke on behalf of the Rescue Mission addressing goals of the City Rescue Mission in Oklahoma City and how they would coordinate to achieve the same goals in Shawnee.

Chairman Turner opened the public hearing portion and asked if anyone who was for or against the proposal to come forward. A total of 19 citizens spoke before the commission. Of the 14 participants speaking in favor of the Rescue Mission, they had been helped personally by the Rescue Mission or saw a need for such an organization in the community. The five who spoke against the Rescue Mission were concerned with property values, safety, neighborhood quality of life, shelter management, and rising crime.

Chairman Turner closed the public comment section and thanked all the participants for their comments.

Chairman Prince asked about the financial operations. He was assured that a recent audit was just completed with good results and the organization would be willing to submit annual reports to the City.

Chairman Silvia explained the role of the Planning Commission was to read zoning laws and building codes, make sure they are being met and if the changes being requested fall within city guidelines. He voiced his concern for Shawnee and its citizens regarding the rezoning and how it would affect the area.

Chairman Turner requested Shawnee Rescue Mission address the five specific concerns mentioned in the staff report. In addition:

- A report from Police Chief Russell Frantz regarding activity in the area and the number of reports made to his department.
- A request for Mr. and Mrs. Blankenship to speak before the Commission addressing concerns mentioned during the meeting including security issues on the property.
- Information regarding group homes in the area and how they are affected by the issues mentioned from concerned citizens.

Chairman Turner asked for a motion, Commissioner Prince made a motion, seconded by Commissioner Silvia to continue discussion to the special called meeting October 10, 2012.

Motion carried:

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

NAY:

ABSTAIN:

AGENDA ITEM NO. 6: **PLANNING DIRECTOR'S REPORT**

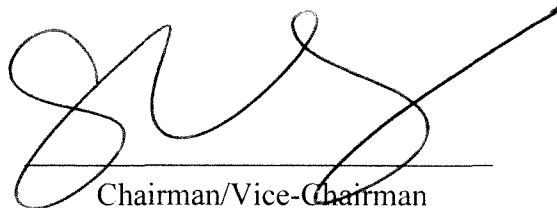
No report at this time.

AGENDA ITEM NO. 7: **New Business/Commissioner Comments**

Chairman Turner would like to prepare a proposal for a request to the City Commission to stripe a bike lane on Bryan Road from Highland to MacArthur. This is an area that is heavily used to exercise and without sidewalks.

Justin Erickson reported the code revision is still in progress.

AGENDA ITEM NO. 8: **Adjournment**
Meeting was adjourned.



Chairman/Vice-Chairman

Linda Burg
Linda Burg, Planning Commission Secretary

10/04/2012 3:57 PM
STATUS: ALL
SEGMENT CODES: All
FEE CODES: All

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

PAGE: 6
PROJECTS: THRU ZZZZZZZZZZ
PAYMENT DATES: 9/01/2012 TO 9/30/2012
SORTED BY: PROJECT

** GENERAL LEDGER DISTRIBUTION **

FUND G/L ACCOUNT	ACCOUNT NAME	AMOUNT
001-2133	UBCC FEE PAYABLE	359.55CR
001-4202	BUILDING PERMITS	6,211.94CR
001-4203	PLUMBING PERMITS	1,400.00CR
001-4204	ELECTRICAL PERMITS	220.00CR
001-4205	ZONING PERMITS & APPLICATIONS	1,747.00CR
001-4206	HEATING & A/C PERMITS	1,010.00CR
001-4249	OTHER PERMITS	335.00CR
001-4822	OTHER MISC. REVENUE	45.00CR
101-4249	OTHER PERMITS	45.00CR
501-4510	WATER TAPS	900.00CR
799-1023	BANCFIRST GENERAL	12,273.49

10/04/2012 3:57 PM
STATUS: ALL
SEGMENT CODES: All
FEE CODES: All

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

PAGE: 4
PROJECTS: THRU ZZZZZZZZZZ
PAYMENT DATES: 9/01/2012 TO 9/30/2012
SORTED BY: PROJECT

** SEGMENT CODE TOTALS **

SEGMENT CODE	DESCRIPTION	TOTAL PAID
B1-NEW	BUILDING CONSTRUCTION NEW	5,889.86CR
B2-ADD	BUILDING CONSTRUCTION ADD	84.30CR
B3-REMODEL	BUILDING CONSTRUCTION REM	929.13CR
B4-OTHER	BUILDING CAPORT/SHELTER	659.65CR
E3-REMODEL	ELECTRICAL REMODEL/REPAIR	265.00CR
M3-REMODEL	MECHANICAL REMODEL/REPAIR	1,091.00CR
P2-ADD	PLUMBING ADDITION	24.50CR
P3-REMODEL	PLUMBING REMODEL	1,109.55CR
P4-WELL	WELL PERMIT	100.00CR
X-CURBCUT	CURBCUT/DRIVEWAY/SIDEWALK	29.50CR
X-DEMO	DEMOLITION PERMIT	100.00CR
X-PLATFIN	PLAT REVIEW FINAL	673.00CR
X-PLATREV	PLAT REVIEW PRELIM	234.00CR
X-SIGN	SIGN PERMIT	100.00CR
X-SWIMPOOL	SWIMMING POOL PERMIT	69.00CR
Z-CONDUSE	CONDITIONAL USE PERMIT	280.00CR
Z-OCCUP	OCCUPANCY PERMIT	75.00CR
Z-REZONING	REZONING REQUEST	560.00CR
TOTAL		12,273.49CR

10/03/2012 8:47 AM
LICENSES: THRU ZZZZZZZZZZ

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

PAGE:
PAYMENT DATES: 9/01/2012 TO 9/30/2012

*** FEE CODE TOTALS ***

FEE CODE	DESCRIPTION		FEE	=====	PAYMENT DISTRIBUTION	=====	TOTAL PAI
				PENALTY	TAX	INTEREST	
ALARM	BURGLAR/FIRE ALARM LICENSE	7	175.00CR				175.00
ALARMRENEW	BURGLAR/FIRE ALARM RENEW	3	45.00CR				45.00
BEER1	BEER CONSUMPTION ON PREMISE	1	20.00CR				20.00
BOATREG	BOAT REGULAR PERMIT	3	78.00CR				78.00
ELEC1	ELECTRICAL CONTRACTOR INITIAL	3	300.00CR				300.00
ELEC2	ELECTRICAL CONTRACTOR RENEW	7	575.00CR				575.00
EXT	EXTERMINATOR LICENSE FEE	1	25.00CR				25.00
FISHANNUAL	FISHING ANNUAL FEE	3	45.00CR				45.00
HUNT2	MIGRATORY FOWL	3	24.00CR				24.00
LAKE-IN	LAKE LEASE CITY RESIDENT	4	800.00CR				800.00
LAKE-OUT	LAKE LEASE NON RESIDENT	4	1,600.00CR				1,600.00
LAKEINSP	LAKE LEASE INSPECTION	4	300.00CR				300.00
LAKELEASE	LAKE LEASE	3	1,872.00CR				1,872.00
MECH1	MECHANICAL CONTRACTOR INTIAL	3	300.00CR				300.00
MECH2	MECHANICAL CONTRACTOR RENEW	3	225.00CR				225.00
MIXVET	MIXED BEVERAGE VETERAN	1	500.00CR				500.00
PLUM1	PLUMBING CONTRACTOR INITIAL	4	400.00CR				400.00
PLUM2	PLUMBING CONTRACTOR RENEW	7	525.00CR				525.00
RESAL	RESIDENTIAL SALE	104	1,040.00CR				1,040.00
TREE	TREE TRIMMING LICENSE FEE	1	25.00CR				25.00
TOTAL			8,874.00CR				8,874.00

Regular Board of Commissioners

2. c.

Meeting Date: 10/15/2012

Acknowledge Retirement Cope

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund Normal Retirement for David Pat Cope.

Regular Board of Commissioners

2. d.

Meeting Date: 10/15/2012

Acknowledge Retirement Jones

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund Normal Retirement for William (Bill) Jones.

Regular Board of Commissioners

2. e.

Meeting Date: 10/15/2012

Radio Donation

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge receipt of 6 Motorola 800 MHz radios from the Oklahoma Department of Emergency Management.

Attachments

Radio Donation

City of Shawnee Memorandum

To: Honorable Mayor and City Commissioners
CC: Brian McDougal, City Manager
From: Donald D. Lynch, Emergency Management Director
Date: October 10, 2012
Re: Radio Donation from State Emergency Management



Our department has received a donation of six Motorola XTL-1500 Mobile 800 MHz radios from the Oklahoma Department of Emergency Management for use in our Emergency Operations Center and other operations.

These radios have a value of \$18,000.00

Regular Board of Commissioners

2. f.

Meeting Date: 10/15/2012

Mayor Appointments

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Mayor's Appointments:

Planning Commission

David Bergsten – 1st Partial Term Expires 6-01-14

Replaces Carl Holt – Resigned

Airport Advisory Board

Bert Humphrey – 1st Partial Term Expires 7-01-14

Replaces Mike Langley – Termed out

Regular Board of Commissioners

2. g.

Meeting Date: 10/15/2012

Accept Project and Place Maint Bonds Airport Lift

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acceptance of Airport Lift Rehab project and placing maintenance bonds into effect.

Attachments

Accept Project Airport Lift Rehad

Jim Bierd
Director

Lyndsay Pickens
Administrative Assistant
Phone: 405-273-1960
Fax: 405-878-1550



Randy Brock
Operations Manager
405-878-1723

Greg Price
Special Projects Manager
405-878-1662

111 S. Kickapoo, Shawnee, OK 74801

MEMORANDUM

To: City Commission
From: Jim Bierd, Utility Director
CC: Brian McDougal, City Manager
Date: October 9, 2012
Re: Airport Lift Rehab Project

Staff recommends acceptance of the Airport Lift Rehab project and placing maintenance bonds into effect.

Regular Board of Commissioners

2. h.

Meeting Date: 10/15/2012

Accept Project and Place Maint Bonds Lakeview Estates

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acceptance of the Lakeview Estates water line replacement project
and placing maintenance bonds into effect.

Attachments

Accept Project Lakeview Estates

Jim Bierd
Director

Lyndsay Pickens
Administrative Assistant
Phone: 405-273-1960
Fax: 405-878-1550



Randy Brock
Operations Manager
405-878-1723

Greg Price
Special Projects Manager
405-878-1662

111 S. Kickapoo, Shawnee, OK 74801

MEMORANDUM

To: City Commission
From: Jim Bierd, Utility Director
CC: Brian McDougal, City Manager
Date: October 9, 2012
Re: Lakeview Water Line Replacement Project

Staff recommends acceptance of the Lakeview Estates water line replacement project and placing maintenance bonds into effect.

Regular Board of Commissioners

2. i.

Meeting Date: 10/15/2012

Library Audit

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge audit from Pioneer Library System for fiscal year ending June 30, 2012.

Attachments

Pioneer Library Audit



Financial Statements

For the Year Ended June 30, 2012

PIONEER LIBRARY SYSTEM

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June 30, 2012

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Gray, Blodgett & Company, PLLC

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INDEPENDENT AUDITORS' REPORT

RODNEY GRAY, CPA, CVA
JANICE L. GRAY, CPA, CVA
TED BLODGETT, CPA, CVA
C. JANESE SHEPARD, CPA
ANN M. ALBERTSON, CPA
WILLIAM R. SOUTH, CPA
BOBBY COCKERHAM, CPA
ROSS H. ROYE, CPA
LYNNE YEAGER, CPA
SHELLEY WALTON, CPA

September 19, 2012

To the Board of Directors of
Pioneer Library System
Norman, Oklahoma

We have audited the accompanying statements of financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of Pioneer Library System (the Library) as of and for the year ended June 30, 2012, which collectively comprise the Library's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the Library's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the governmental activities, each major fund, and the aggregate remaining fund information of Pioneer Library System, as of June 30, 2012, and the respective changes in financial position thereof, for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated September 19, 2012, on our consideration of Pioneer Library System's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audits.

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information on pages 4 through 10 and 28 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

GRAY, BLODGETT & COMPANY, PLLC

Gray, Blodgett & Company, PLLC



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AMERICAN INSTITUTE OF
CERTIFIED PUBLIC ACCOUNTANTS
PRIVATE COMPANIES PRACTICE SECTION

principa|alliance
MEMBER



Pioneer Library System Management's Discussion and Analysis for the Fiscal year Ended June 30, 2012

This discussion and analysis of the financial performance of Pioneer Library System provides an overall review of the System's financial condition and results of operations for the fiscal year ended June 30, 2012. Readers should read this information in conjunction with the System's financial statements.

Pioneer Library System implemented Governmental Accounting Standards Board (GASB) statement 34 in 2004.

Financial Highlights

For fiscal year 2011-2012, the Library's general fund reported an ending balance of \$5,447,930 versus \$6,743,816 for the fiscal year 2010-2011. Of the 2011-12 year end-total, \$213,318 is reserved for outstanding encumbrances and \$718,996 is designated for service upgrades and improvements of library services at current and future libraries within the system. Although the remaining balance of \$4,515,616 is unrestricted, the Library administration, with the Board of Trustee's approval, plans to use some of these funds to help fund the remodeling of the building that the Library purchased last year. The building will house administrative offices of the Library System and a branch library leased by the City of Norman. The remainder of the money in these funds will be prudently used or committed to alleviate summer/fall cash flow problems and other emergencies that might arise.

The Pioneer Library System's operating revenue increased by 2.6% this year. This increase, along with the use of fund balance reserve funds, allowed the library system to undertake numerous projects throughout the system. The Library System purchased the old Borders Book Store building. The Library System plans to use the building to house the administrative offices of the Library System and a new branch library leased by the City of Norman. The total cost associated with this project in 2011-2012 was \$1,683,714. The Southwest Oklahoma City library opened in March and the Library System spent \$491,784 in the areas of materials, equipment, and technology during 2011-2012 for this project. The Purcell Library was remodeled at a cost of \$23,205 to the Library System.

The Pioneer Library System Foundation completed its second year of operation as of June 30, 2012. The Foundation was organized for the purpose of supporting, promoting and improving the programs, collections, facilities and services of the Pioneer Library System. The Foundation has been included as a component unit of the Library System and the Foundation has issued its own financial statements, available from the Library Foundation administrative office.

Grant highlights for FY12 included the following: The computer lab at the Shawnee Library was completed. This project was funded by a \$65,000.00 grant from the Oklahoma Department of Libraries which was made during the previous fiscal year along with funds from the Library System. The Norman Arts Council awarded the Library System a \$4,588 Readers and Writers Workshop grant. The Oklahoma Humanities Council awarded the Purcell Library a grant to help fund their Key Ingredients event which included a traveling exhibit from the Smithsonian Institution.

The general fund balance decreased by \$1,295,886 or 19.3% from fiscal year 2011 due to the purchase of the old Borders Book Store building and the completion of the Southwest Oklahoma City Library project.

Overview of the Financial Statement

The Pioneer Library System's basic financial statements consist of fund financial statements, notes to financial statements, and required supplementary information.

Government-Wide Financial Statements

The government-wide financial statements are designed to provide readers with a broad overview of the Library's finances, in a manner similar to a private-sector business.

The statement of net assets represents information on all of the Library's assets and liabilities, with the difference between assets and liabilities reported as net assets. Over time, increases or decreases in net assets may serve as a useful indicator of whether the financial position of the Library is improving or deteriorating.

The statement of activities presents information showing how the Library's net assets changed during the most recent fiscal year. All changes in net assets are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows.

Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future periods (e.g. uncollected taxes and earned but unused vacation leave).

The government-wide financial statements can be found on pages 11 and 12 of this report.

Fund Financial Statements

The Library System has two kinds of funds – Governmental Funds and Fiduciary Funds:

Governmental Funds encompass two types: General Fund and Other Governmental Funds:

General Fund represents unrestricted resources that are available for on-going general library operations. This is the Library System's primary operating fund.

Other Governmental Funds include Gift/Grant Funds.

Gifts/Grant Funds include funds provided by intergovernmental grants and other third parties' gifts and grants. All those funds are generally restricted as to use. Therefore, each fund accounts for its receipts and disbursements of the restricted functions.

Fiduciary Funds are reported in the fiduciary fund financial statements but are excluded from government-wide reporting. They include the Pioneer Library System Pension Plan. Fiduciary fund financial statements report resources that are not available to fund Library System general operations.

Notes to the Financial Statements

The accompanying notes to the financial statements provide information essential to a full understanding of the Library System's fund financial statements.

Supplemental Information

In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information, such as comparative statement between budget and actual expenditures, and combined financial statements for other governmental funds.

Financial Analysis of Library System's Funds

As financial information is accumulated on a continuous and consistent basis, financial statements and expenditure reports for governmental funds are presented to the Pioneer Library System Board of Trustees.

For fiscal year 2011-12 governmental fund balances changed as follows:

	General Fund Funds	Other Governmental Funds	Total Governmental Funds
Revenues	\$ 14,088,150	\$ 187,999	\$14,276,149
Expenditures	\$ 15,384,036	\$ 255,292	\$15,639,328
Net Decrease	\$ (1,295,886)	\$ (67,293)	\$ (1,363,179)

For fiscal year 2010-11 governmental fund balances changed as follows:

	General Fund Funds	Other Governmental Funds	Total Governmental Funds
Revenues	\$ 13,731,457	\$ 326,346	\$14,057,803
Expenditures	\$ 12,799,835	\$ 298,165	\$13,098,000
Net Increase	\$ 931,622	\$ 28,181	\$ 959,803

General Fund:

The Library System is primarily (or 96%) funded by Ad Valorem (property) tax. For the 2011-12 financial year the tax rates were; a 6.06 mill Ad Valorem (property) tax in Pottawatomie County, a 6.11 mill Ad Valorem (property) tax in McClain County and a 6.11 mill Ad Valorem (property) tax in Cleveland County. For fiscal year 2011-12, the Counties' assessed property value had an increase of 3.8% versus 4.4% for 2010-11. Actual tax collections increased by 3.3% versus 5% for the prior year. The smaller increase was due to the slowed growth of the economy. Fine and other charges for services revenue for 2011-12 increased by \$17,484 from 2010-11. This increase was due to an increase in the number of customers and the increased size of the collection with the opening of the new Southwest Oklahoma City Library. State Aid decreased by \$31,648 over the prior year. This decrease was caused by state budget cuts due to the economy. Interest income decreased by \$25,079 over the prior year. This decrease is attributed to lower interest rates caused by the downturn in the economy and less funds being held in reserve.

The Expense category Personnel Services increased from 2011 to 2012 due to a large increase in hospitalization expense, the 2.5% graduated COLA that was given to the staff, the addition of staff for the Southwest Oklahoma City branch, an increase in workers compensation insurance, an increase in group term life and disability insurance, an increase in unemployment, and an increase in retirement costs. The Expense category of Materials was decreased because a majority of the costs of the opening day collection for the Southwest Oklahoma City library were paid out of last year's budget and therefore weren't spent out of this year's budget. The Technology and Automation category was higher in 2012 than 2011 due to the purchase of the equipment for the Southwest Oklahoma City library.

The System Services and General and Administrative expense categories were different in 2012 than in 2011 because of the following:

- The increase in attorney fees was due to the negotiation of several contracts including the purchase of a building, revisions in the retirement plans, and revisions in the personnel policy.

- The decrease in literacy expense was due to the fact that the Prime Time family literacy program wasn't held this year.
- The increase in system signage supported phase two of an ongoing project to install new interior signage throughout the system.
- The decrease in equipment is due to the fact that most of the equipment purchases for the Southwest Oklahoma City Library were purchased last year and there weren't as many equipment requests made from the branches this year.
- The Outreach expense category increased because a customer survey was conducted for Norman residents to determine the needs and wants of the library customers.
- The Public Information expenses increased to pay for additional advertising and promotion for the system and for business services materials.
- The Reprographics expenses increased because the PIO department created more in house materials this year than last year and a new copier was added with the opening of the Southwest Oklahoma City Library.
- The Continuing Education expenses increased in order to provide system-wide program coverage and to provide interactive training for new staff, especially at the Southwest Oklahoma City Library. In addition, several staff members were sent to the Public Library Association Conference.
- Supplies increased because additional supplies were purchased due to the addition of the Southwest Oklahoma City Library.
- System facilities increased because of the purchase of a building and addition of the Southwest Oklahoma City Library location.
- Insurance increased because additional coverage was needed to insure the building that was purchased and a law enforcement legal liability policy was added to cover the Libraries security officers.
- Postage costs increased because postage rates were increased.
- Travel costs increased due to the fact that the Library System paid for the travel expenses for Amy Tan to speak at the Big Read Event, and the opening of a new branch added new staff.
- Vehicle costs increased because two vans that were ordered last year weren't paid for until the current year.
- Data processing cost increased because the cost of processing payroll increased.
- Revaluation costs increased because the cost of the service increased.
- Programming costs increased in order to provide business service programming.

Other Governmental Funds:

Gifts/Grants Funds – In FY12, Pioneer Library System received \$183,590 in gifts and grants.

Outright gifts to PLS totaled \$88,834, almost half of which was provided by Friends groups throughout the library system (\$43,675). This past year, Pioneer Library System received \$94,756 in grants. In addition to the grants mentioned in the financial highlights section there were several other grants received this year. A \$54,971 award was granted by the Oklahoma Department of Libraries for Pottawatomie County's ongoing TANF program. With a combined gift of \$12,002, the Oklahoma Department of Libraries continued to support adult literacy in all three counties. The Oklahoma Department of Libraries also provided continuing education grants to the library system for \$1,961. The Oklahoma Department of Libraries awarded an early literacy book giveaway for \$2,500 to the library system. The Mom's Club of Norman donated \$4,090 to fund the Touch a Truck program for the Norman Public Library's Children's Department. Hastings Entertainment donated \$1,138 to help fund literacy programs within the Pioneer Library System. All of the grantors and donors have not only provided financial support but have also been active partners providing excellent library services to the community.

Fiduciary Funds:

The investments of the System Pension Plan decreased due to the decrease in the stock market. The Pioneer Library System Board of Trustees froze the defined benefit pension plan as of December 31, 2008 and instituted a defined contribution retirement plan.

The Library System as a Whole

	<u>2011-12</u>	<u>2010-11</u>
Assets		
Current and Other Assets	6,233,785	7,682,125
Capital Assets	<u>8,038,345</u>	<u>5,985,690</u>
Total Assets	14,272,130	13,667,815
Liabilities		
Accounts Payable and Accrued Expenses	55,357	81,495
Other Liabilities	<u>303,641</u>	<u>279,582</u>
Total Liabilities	358,998	361,077
Net Assets		
Invested in Capital Assets	8,038,345	5,985,690
Unreserved/Unrestricted Net Assets	5,607,298	6,986,266
Restricted Net Assets	<u>267,489</u>	<u>334,782</u>
Total Net Assets	<u>13,913,132</u>	<u>13,306,738</u>
Change in Net Assets:		
Beginning Net Assets	13,306,737	11,603,849
Revenues		
Property Taxes	13,418,882	12,921,337
Charges for Services	410,276	391,578
Operating Grants	183,590	322,148
Capital Grants	11,520	28,925
State Aid	154,385	186,033
Investment Earnings	25,934	50,801
Loss on Disposal	<u>(6,631)</u>	<u>(2,095)</u>
Total Revenues	<u>14,197,956</u>	<u>13,898,727</u>
Expenses		
Public Library Services	9,924,894	8,407,166
Administrative Services	2,198,142	1,937,689
Depreciation – unallocated	<u>2,168,525</u>	<u>1,850,983</u>
Total Expenses	13,591,561	12,195,838
Increase in Net Assets	<u>606,395</u>	<u>1,702,889</u>
Ending Net Assets	<u>13,913,132</u>	<u>13,306,738</u>

General Fund Budgetary Highlights

The General Fund budget for fiscal year 2011-12 was \$15,825,495. This was a 6.4% increase over the previous year. The highlights of the budget include:

- A 2.5% cost of living increase averaged over the pay grades was awarded to all staff.
- The Materials budget shows a decrease because a majority of the Southwest Oklahoma City Library opening day collections were purchased during the prior year.
- Health insurance cost increased 34%.
- The Continuing Education budget was increased by \$15,000 to provide system-wide program coverage and innovative, interactive training for new staff.
- Supplies were increased \$13,000 in response to the addition of two locations.

- Contract Labor was increased by \$20,000 to cover branch re-design projects in Purcell and Tecumseh, phase three of the pay compensation study including performance evaluation revisions, service contracts for system video surveillance, and other outsourced projects.
- Vehicles were decreased by \$25,000 to cover the replacement cost of only one vehicle.
- Audit expenses were increased \$7,000 to cover the new contract price and the audit needed for the operation of the Pioneer Library System Foundation.
- Reprographics was increased by \$7,000 to cover the increased amount of in-house generated public information items and for the addition of services at the Gray Street and Southwest Oklahoma City locations.
- Fine Collection was decreased \$5,000 to reflect actual expenses.
- Revaluation was increased by \$5,000 to reflect actual and estimated costs.
- The Technology budget was decreased because the purchase of technology for the Southwest Oklahoma City Library was mostly completed last year.
- The System Services budget was increased to cover the costs of standardizing branch signage, to cover Business Services programs and marketing and publicity, and to reflect the costs of leasing and operating two facilities and the purchase of the old Borders Book Store building.
- Fund Balance Reserved For Encumbrances is a new line item which reflects outstanding purchase orders at year end.
- The Designated Fund Balance was decreased because the fund balance designated for the Southwest Oklahoma City Library project was released once the project was complete.
- The Library Automation Services Agreement with the Norman Public Schools was renewed and the funds received were classified as general funds.

Capital Asset and Long-Term Debt

The Library System's investment in capital assets, net of accumulated depreciation, as of June 30, 2012 was \$8,038,345 and on June 30, 2011 was \$5,985,690. Of the total depreciable capital assets, net of accumulated depreciation, on June 30, 2012, 13% are furniture, equipment and vehicles; 21% are building and property; and the remaining 66% are books and materials. Of the total depreciable capital assets, net of accumulated depreciation, on June 30, 2011 14% are furniture, equipment, and vehicles; 0 % are building and property; and the remaining 86% are books and materials.

The Library System has no long-term liabilities. The Board limits borrowing to short-term, usually in the fall in anticipation of ad valorem receipts beginning in December. The note is usually paid off in mid-January. This year the library system didn't need to borrow any money. The investment policy that the board of trustee's adopted this year was a major factor in the library system not having to borrow money during the year.

Economic Environment and Next Year's Budget

The Library System's primary revenue is Ad Valorem (property) tax. The annual growth in the Cleveland, McClain and Pottawatomie County's property value is the most important factor for the Library System's revenue outlook. For the most recent fiscal year the System collected 6.11, 6.11 and 6.06 mills of the assessed property value from the respective counties. The voters in all three counties approved a two mill increase in May of 2008 that went into effect for the previous budget year. The millage increase was much needed, especially since there had been no increase in millage since the voters approved the 4 mill increase in 1990 for Cleveland County and in 1992 for the other two counties. The fractional part of the millage is due to the abolishment of the personal property tax in two of the counties. The system is now at the millage cap allowed by state law.

The presence of interstate traffic in all three counties has accounted for some of the continued growth as well as being in the middle of the State and near the State Capitol. The dramatic growth in facilities and related commercial services emanating from the University of Oklahoma has made a favorable climate around the Norman area. Moore has grown dramatically as more shopping centers along I-35 have been and continue to be developed. This growth continues in Norman as well with the implementation of a TIF district along I-35. The growth did continue this past year but at a slower rate than previous years due to the downturn in the economy.

In general, the Library System still expects a continued growth in the tax revenue for the next year. The Cleveland County Assessor has certified a 2.17% growth in property value for 2012; the Pottawatomie County Assessor has certified a 2.49% growth and the McClain County Assessor has certified a 5.70% growth.

For fiscal year 2012-13, the Library Board approved a general fund budget of \$14,142,084 versus \$15,825,495 for 2011-12.

- A 2.5% cost of living increased averaged over the pay grades will be awarded to all staff.
- Health insurance costs increased 13% this year.
- Contract labor was decreased \$33,000. There were several projects that were completed last year.
- Workers compensation insurance was increased by \$5,200.
- The Materials budget was decreased by \$455,000. \$200,000 of this decrease was placed into designated fund balance and \$255,000 of the decrease reflects the fact that last year's budget included amounts for the Southwest OKC branch collection.
- Continuing Education was decreased \$9,300.
- Equipment was decreased by \$60,000. This amount will be increased when the budget is revised in January to account for the equipment for the Pioneer building project.
- Vehicles was increased \$30,000 to cover the cost of the purchase of an additional box delivery vehicle. The new vehicle will be a CNG vehicle.
- Insurance was increased \$23,500 to cover the new insurance policy on our security officers and to cover the increased cost associated with the purchase of the Pioneer building. This amount may be adjusted \$2,000 in the January Revised Budget to reflect coverage of the 24/7 library which will be an additional service outlet that will be located in East Norman.
- Revaluation was increased by \$8,000 to reflect actual and estimated costs.
- The Technology budget was decreased by \$100,000. This decrease reflects the fact that last year's budget included amounts for the opening of the Southwest Oklahoma City branch. This item will be increased when the budget is revised in January for the Pioneer building project.
- Virtual Library was decreased by \$10,000.
- Construction Project Norman Center Court is a new line item in the budget to reflect the costs associated with the remodeling of the Pioneer building. This amount will be revised when the budget is revised in January.
- Development was decreased by \$5,000.
- Public Information was increased \$5,000.
- System Facilities was decreased to reflect the fact that last year's budget included the cost of purchasing the Pioneer building.
- Fund Balance Designated Current Year is a new line item that reflects the amount of the current year income that is being budgeted to fund balance reserves from the materials budget: \$150,000 will be designated for Cleveland County materials and \$25,000 each for materials for McClain and Pottawatomie Counties.
- Designated Fund Balance reflects several items: Cleveland County, \$495,000; McClain County, \$173,996; and Pottawatomie County, \$50,000.

Contacting the Library System's Financial Management

This financial report is designed to provide a general overview of the Pioneer Library System, comply with finance-related laws and regulations, and demonstrate the Library System's commitment to public accountability. If you have any questions about this report or would like to request additional information, contact the Library System's Business Office at 225 North Webster, Norman, OK 73069.

PIONEER LIBRARY SYSTEM

Statement of Net Assets

June 30, 2012

	Primary Government Governmental Activities	Component Unit Library Foundation
Assets		
Cash and Cash Equivalents	\$ 5,633,999	\$ 75,957
Ad Valorem Tax Receivable, net of Allowance for Uncollectible Taxes	252,748	--
Pledges Receivable	--	150
Accrued Interest Receivable	1,690	21
Other Current Assets	319,797	7,900
Note Receivable	92,581	--
Depreciable Capital Assets, Net	8,038,345	--
Total Assets	<u>\$ 14,339,160</u>	<u>\$ 84,028</u>
Liabilities		
Accounts Payable and Accrued Expenses	\$ 122,387	\$ 3,200
Compensated Absences Payable	303,641	--
Total Liabilities	<u>\$ 426,028</u>	<u>\$ 3,200</u>
Net Assets		
Invested in Capital Assets	\$ 8,038,345	\$ -
Unrestricted Net Assets	5,607,298	30,813
Restricted Net Assets	267,489	50,015
Total Net Assets	<u>\$ 13,913,132</u>	<u>\$ 80,828</u>

See Accompanying Notes to Financial Statements

PIONEER LIBRARY SYSTEM
Statement of Activities
For the Year Ended June 30, 2012

	Program Revenues				Net (Expense)	(Expense)
					Revenue and	Revenue and
					Changes in	Changes in
					Net Assets	Net Assets
					Primary	Component
Functions/Programs	Expenses	Charges for	Operating	Capital	Government	Unit
		Services	Grants and	Grants and	Governmental	Library
			Contributions	Contributions	Activities	Foundation
Governmental Activities:						
Public Library Services	\$ 9,224,894	\$ 410,276	\$ 183,590	\$ 11,520	\$ (8,619,508)	
Administrative Services	2,198,142	-	-	-	(2,198,142)	
Depreciation - unallocated	2,168,525	-	-	-	(2,168,525)	
Total Primary Government	<u>\$ 13,591,561</u>	<u>\$ 410,276</u>	<u>\$ 183,590</u>	<u>\$ 11,520</u>	<u>\$ (12,986,175)</u>	
Component Unit						
Library Foundation	<u>\$ 91,871</u>	<u>\$ --</u>	<u>\$ 128,934</u>	<u>--</u>		<u>\$ 37,063</u>
General Revenues:						
Property taxes, levied for general purposes					\$ 13,418,882	\$ -
State Aid					154,385	-
Book Sales					-	536
Investment earnings					25,934	145
Loss on Disposals					(6,631)	-
Total General Revenues					<u>\$ 13,592,570</u>	<u>\$ 681</u>
Change in net assets					\$ 606,395	\$ 37,744
Net assets - beginning					13,306,737	43,084
Net assets - ending					<u>\$ 13,913,132</u>	<u>\$ 80,828</u>

See Accompanying Notes to Financial Statements

PIONEER LIBRARY SYSTEM
Balance Sheet
Governmental Funds
June 30, 2012

ASSETS	General Fund	Gifts and Grants Fund	Total Governmental Funds
Cash	\$ 5,523,766	\$ 101,033	\$ 5,624,799
Receivable from General Fund	—	65,203	65,203
Ad Valorem Tax Receivable	252,748	—	252,748
Accrued Interest Receivable	1,690	—	1,690
Grants Receivable	—	8,422	8,422
Note Receivable	—	92,581	92,581
Foundation Receivable	3,704	250	3,954
Deposit	9,200	—	9,200
Other Receivable	1,821	—	1,821
Prepaid Expenses	305,600	—	305,600
Total Assets	\$ 6,098,529	\$ 267,489	\$ 6,366,018
LIABILITIES AND FUND BALANCES			
Liabilities			
Accounts Payable	\$ 69,825	\$ —	\$ 69,825
Accrued Salaries and Employee Benefits	52,562	—	52,562
Compensated Absences Payable	303,641	—	303,641
Payable to Special Revenue	65,203	—	65,203
Deferred Revenue	159,368	—	159,368
Total Liabilities	\$ 650,599	\$ —	\$ 650,599
Fund Balances			
Reserved for Encumbrances	\$ 213,318	\$ —	\$ 213,318
Designated for Service Upgrades/Improvements For			
Cleveland County Libraries	495,000	—	495,000
McClain County Libraries	173,996	—	173,996
Pottawatomie County Libraries	50,000	—	50,000
South OKC Libraries	—	—	—
Undesignated reported in :			
General Fund	4,515,616	—	4,515,616
Special Revenue Funds	—	267,489	267,489
Fund Balances, End of Year	\$ 5,447,930	\$ 267,489	\$ 5,715,419
Total Liabilities and Fund Balances	\$ 6,098,529	\$ 267,489	
Amounts reported for governmental activities in the statement of net assets are different because:			
Capital assets used in governmental activities are not financial resources and therefore are not reported as assets in governmental funds. The cost of the assets is \$17,865,447 and the accumulated depreciation is \$9,827,102.			8,038,345
Property taxes receivable will be collected this year, but are not available soon enough to pay for the current period's expenditures, and therefore are deferred in the funds			159,368
Total Net Assets - Governmental Activities			\$ 13,913,132

See Accompanying Notes to Financial Statements

PIONEER LIBRARY SYSTEM
Statement of Revenues, Expenditures, and Changes in Fund Balances
Governmental Funds
For the Year Ended June 30, 2012

	General Fund	Gifts and Grants Fund	Total Governmental Funds
Revenues:			
Property Taxes	\$ 13,501,964	\$ —	\$ 13,501,964
Collections on Book Fines and Copy Services	382,060	—	382,060
Gifts and Grants	—	183,590	183,590
State Revenue	154,385	—	154,385
Other Contracts	28,216	—	28,216
Interest	21,525	4,409	25,934
Total Revenues	<u>\$ 14,088,150</u>	<u>\$ 187,999</u>	<u>\$ 14,276,149</u>
Expenditures			
Personal Services	\$ 8,668,944	\$ —	\$ 8,668,944
Materials	2,482,045	255,292	2,737,337
General and Administrative	975,030	—	975,030
Technology and Automation	1,284,207	—	1,284,207
System Services	1,973,810	—	1,973,810
Total Expenditures	<u>\$ 15,384,036</u>	<u>\$ 255,292</u>	<u>\$ 15,639,328</u>
Net Change in Fund Balance	\$ (1,295,886)	\$ (67,293)	\$ (1,363,179)
Beginning Fund Balance	<u>6,743,816</u>	<u>334,782</u>	<u>7,078,598</u>
Ending Fund Balances	<u>\$ 5,447,930</u>	<u>\$ 267,489</u>	<u>\$ 5,715,419</u>
Total net changes in fund balances - governmental funds			\$ (1,363,179)

The change in net assets reported in the statement of activities is different because:

Capital outlays to purchase or build capital assets are reported in governmental funds as expenditures. However, for governmental activities those costs are shown in the statement allocated over their estimated useful lives as annual depreciation expenses in the statement of activities. This is the amount by which capital outlays exceeds depreciation during the period.

Depreciation Expense	\$ (2,168,525)	
Capital Outlay	<u>4,227,811</u>	2,059,286

Because some property taxes will not be collected for several months after the Library's fiscal year ends, they are not considered as "available" revenues in the governmental funds and are, instead counted as deferred revenues. They are however, recorded as revenues in the statement of activities.

(83,081)

Disposals of capital assets are not considered to be expenditures in the governmental funds. They are however, recorded as a loss in the statement of activities.

(6,631)

Change in net assets of governmental activities

\$ 606,395

See Accompanying Notes to Financial Statements

PIONEER LIBRARY SYSTEM
Statement of Fiduciary Net Assets
Fiduciary Fund

	Pension Fund
	<u> </u>
ASSETS	
Current Assets	
Cash	\$ 53,504
Receivables	3,349
Investments	3,006,204
Payable	<u> </u> -
Total Assets	<u> \$ 3,063,057 </u>

NET ASSETS	
Net Assets	
Held in Trust for Pension	
Benefits and Other Purposes	<u> \$ 3,063,057 </u>

See Accompanying Notes to Financial Statements

PIONEER LIBRARY SYSTEM
Statement of Changes in Fiduciary Net Assets
Fiduciary Fund
For the Year Ended June 30, 2012

	<u>Pension Fund</u>
Additions	
Contributions	
Employer	\$ 161,500
Interest and Dividend Income	85,978
Net Increase in the Fair Value of Investments	-
Realized Gain	<u>58,260</u>
Total Additions	<u>\$ 305,738</u>
Deductions	
Benefits Paid	\$ 167,619
Trustee and Management Fees	15,959
Net Decrease in the Fair Value of Investments	<u>125,566</u>
Total Deductions	<u>\$ 309,144</u>
Net Increase	\$ (3,406)
Net Assets, Beginning of Year	<u>3,066,463</u>
Net Assets, End of Year	<u><u>\$ 3,063,057</u></u>

See Accompanying Notes to Financial Statements

PIONEER LIBRARY SYSTEM
Notes to Financial Statements
June 30, 2012

Note 1 – Summary of Significant Accounting Policies

The Reporting Entity – Pioneer Library System (The Library) is a corporate body for public purposes created under Title 65 of the Oklahoma Statutes and accordingly is a separate entity for operating and financial reporting purposes.

The Library is governed by trustees composed of 16 voting members. The Library operations are conducted by a librarian appointed by the trustees. Trustees include voting members who are appointees of the various cities in which the Library has locations.

The Library's financial statements are prepared in accordance with generally accepted accounting principles in the United States of America (U.S. GAAP). The Library's reporting entity applies all relevant Governmental Accounting Standards Board (GASB) pronouncements and applicable Financial Accounting Standards Board (FASB) pronouncements and Accounting Principles Board (APB) opinions issued on or before November 30, 1989, unless they conflict with GASB pronouncements. The Library's reporting entity does not apply FASB pronouncements or APB opinions issued after November 30, 1989.

Financial Statement Presentation – The financial statements are presented in accordance with Financial Accounting Standards Board Accounting Standards Codification 958 (FASB ASC 958), formerly Statement of Financial Accounting Standards No. 117, Financial Statements of Not-for-Profit Organizations, which requires the Organization to report net assets based on the existence or absence of donor-imposed restrictions.

In evaluating how to define the Library, for financial reporting purposes, management has considered all potential component units. The decision to include a potential component unit in the reporting entity was made by applying the criteria established by the Governmental Accounting Standards Board (GASB). The basic -- but not the only -- criterion for including a potential component unit within the reporting entity is the governing body's ability to exercise oversight responsibility. The most significant manifestation of this ability is financial interdependency. Other manifestations of the ability to exercise responsibility include, but are not limited to, the selection of governing authority, the designation of management, the ability to significantly influence operations, and accountability for fiscal matters. A second criterion used in evaluating potential component units is the scope of public service. Application of this criterion involves considering whether the activity benefits the Library and/or its citizens, or whether the activity is conducted within the geographic boundaries of the Library and is generally available to its patrons. A third criterion used to evaluate potential component units for inclusion or exclusion from the reporting entity is the existence of special financing relationships, regardless of whether the Library is able to exercise oversight responsibilities. Based upon the application of these criteria, the Pioneer Library System Foundation meets the criteria which require a component unit to be presented discretely and including in the Library System's reporting entity.

Complete financial statements for the Foundation are available from the Foundation administrative office.

Basic Financial Statements – Government-Wide Statements

The Library's basic financial statements include both government-wide (reporting the Library as a whole) and fund financial statements (reporting the Library's major funds). Both the government-wide and fund financial statements categorize primary activities as either governmental or business type. The Library

PIONEER LIBRARY SYSTEM
Notes to Financial Statements
June 30, 2012

Note 1 – Summary of Significant Accounting Policies (continued)

does not have any activities classified as business-type activities. Internal service fund activity is eliminated to avoid “doubling up” revenues and expenses. Fiduciary funds are excluded.

In the government-wide Statement of Net Assets, the Library’s governmental activities are reported using the accrual basis of accounting. The Library’s net assets are reported in three parts – invested in capital assets, net of related debt; restricted net assets; and unrestricted net assets. Revenues are recognized when earned and expenses are recognized when incurred.

The government-wide Statement of Activities reports both the gross and net cost of each of the Library’s programs and functions. The functions are also supported by general government revenues. The Statement of Activities reduces gross expenses (including depreciation) by related program revenues, operating and capital grants. Program revenues must be directly associated with the function. Operating grants include operating-specific and discretionary (either operating or capital) grants while the capital grants column reflects capital-specific grants.

The pension trust fund recognizes employer and participant contributions in the period in which contributions are due and the Library has made a formal commitment to provide the contributions. Retirement benefits and refunds are recognized when due and payable in accordance with the terms of the Plan. See Note 9.

The net costs are normally covered by general revenue (property taxes, State aid, other taxes etc.).

The government-wide focus is more on the sustainability of the Library as an entity and the change in the Library’s net assets resulting from the current year’s activities.

Basic Financial Statements – Fund Financial Statements

Fund financial statements report detailed information about the Library. The focus of governmental fund financial statements is on major funds rather than reporting funds by type. Nonmajor funds are aggregated and presented in a single column.

All governmental funds are accounted for using the current financial resources measurement focus and the modified accrual basis of accounting. Under this basis revenues are recorded when susceptible to accrual; i.e. both measurable and available. “Available” means collectible within the current period or within 60 days after year end. Expenditures are generally recognized under the modified accrual basis of accounting when the related liability is incurred. The exception to this general rule is that principal and interest on general obligation long-term debt, if any, is recognized when due.

The Library reports the following major governmental funds:

General Fund is the primary operating fund of the Library. It is used to account for all financial resources except those required to be accounted for in another fund.

Gifts and Grants Fund is used to account for all gifts and grants made to the Library, which are to be used for specific purposes. In accordance with FASB ASC 958, formerly SFAS No. 116, Accounting for Contributions Received and Contributions Made, contributions, including unconditional promised to give, are recorded as made.

PIONEER LIBRARY SYSTEM
Notes to Financial Statements
June 30, 2012

Note 1 – Summary of Significant Accounting Policies (continued)

Basis of Accounting - Basis of accounting refers to when revenues and expenditures are recognized in the accounts and reported in the financial statements. It relates to the timing of the measurements made regardless of the measurement focus applied.

Capital Assets: Capital assets purchased or acquired with an original cost of \$1,000 or more are reported at historical cost or estimated historical cost. Additions, improvements and other capital outlays that significantly extend the useful life of an asset are capitalized. Other costs incurred for repairs and maintenance are expensed as incurred. Depreciation on all assets is provided on the straight-line basis over the following estimated useful lives:

Furniture and Fixtures	7 years
Computer Equipment	4 years
Vehicles	5 years
Books and Materials	5 years

Compensated Absences: The Library accrues accumulated unpaid annual leave when earned by the employee. Generally, annual leave must be taken during the calendar year earned. Eligible employees who end their employment with the Library are reimbursed for each day of accumulated annual leave.

Budgets and Budgetary Accounting - The Library is required by state law to prepare an annual budget. The various County Excise Boards formally approve an annual budget for the general fund.

Budgets generally assume the expenditure of all available resources. Therefore, when the legal budget is prepared, it is assumed these funds will not have a carryover balance to a subsequent year. Program revenue received but not spent is restricted and deferred to the subsequent fiscal year. Amounts reported as program revenue includes (1) charges to customers, (2) operating grants and contributions, and (3) capital grants and contributions.

Encumbrances - Encumbrances represent commitments related to unperformed contracts for goods or services. Encumbrance accounting, under which purchase orders, contracts, and other commitments for the expenditures of resources are recorded as expenditures of the applicable funds, is used. This is an extension of the formal budgetary integration in the general fund. Encumbrances outstanding at year-end are reported as reservations of fund balances since they do not constitute expenditures or liabilities.

Cash and Cash Equivalents - The Library considers all cash on hand, demand deposits, money market checking and certificates of deposit, held at an individual bank which are subject to early withdrawal penalties no matter what the maturity period, to be cash. All short-term cash surpluses are maintained in a cash pool, the earnings from which are allocated to each fund based on month-end deposit balances.

Receivables – All taxes receivable are expected to be collected in one year.

Property Tax Revenues - The Library is authorized by state law to levy property taxes which consist of ad valorem taxes on real and personal property within the County. The County Assessor, upon receipt of the certification of tax levies from the county excise board, extends the tax levies on the tax roll for submission to the county treasurer prior to October 1. The county treasurer must commence tax collection

PIONEER LIBRARY SYSTEM
Notes to Financial Statements
June 30, 2012

Note 1 – Summary of Significant Accounting Policies (continued)

within fifteen days of receipt of the tax rolls. The first half of the taxes is due prior to January 1. The second half is due prior to April 1.

If the first payment is not made timely, the entire tax becomes due and payable on January 1. Second half taxes become delinquent on April 1 of the year following the year of assessment. If not paid by the following October 1, the property is offered for sale for the amount of taxes due. The owner has two years to redeem the property by paying the taxes and penalty owed. If at the end of two years the owner has not Done so, the purchaser is issued a deed to the property. The Offices of Cleveland, McClain and Pottawatomie Counties bill and collect the property taxes and remit its share to the Library.

Property taxes receivable by the Library include uncollected taxes assessed as of October 1, 2005 and earlier. Provision for uncollectible taxes of \$4,850 has been recorded. No provision has been made in the other funds for uncollectible amounts. All property taxes earned at year-end but not yet received are included in receivables reported on the government-wide statements. In the fund financial statements, property taxes are recorded as revenue in the period levied to the extent they are collected within 60 days of year-end. Any remaining property taxes due are deferred until they become available.

State Revenues - The Library receives revenue from the state to administer certain categorical library programs. The board of trustees has designated these funds to be used in technology.

Interfund Balances - During the course of normal operations, the Library has transactions between funds including expenditures and transfers of resources to provide services, purchase assets and service debt. Transactions that are normal and recurring between funds are recorded as operating transfers.

Contributed Facilities and Services - The Library operates several branches located in government-owned buildings and receives certain services without charge. The estimated fair rental value of the premises and service is not reported in the accompanying statement of revenues, expenditures, and changes in fund balance.

Grants - The Library records income from grants in the period received or to the extent of expenses paid prior to reimbursement by a grant.

Income Taxes - The Library was established under the provisions of the Oklahoma Constitution and as such is exempt from income taxes under the Internal Revenue Code as a unit of government. The Library is exempt from income taxes under Section 501(c)(3) of the Internal Revenue Code. The Library has also been classified as an entity that is not a private foundation within the meaning of Section 509(a) and qualifies for deductible contributions. No provision for federal or state income taxes has been recorded. There was no interest or penalties to the Internal Revenue Service included in these financial statements. The 2009, 2010, and 2011 tax years remain open and are subject to examination by the Internal Revenue Service and the State of Oklahoma.

Prepaid Expenses - The Library records prepaid insurance, subscriptions and maintenance agreements for that portion of payments which have not been used at year-end for government-wide financial statement purposes. Prepaid expense is included in other current assets in the statement of net assets.

Restricted Resources - The Library records gifts and grants as restricted when the donor specifies a restriction on the timing or use of the gift or grant. Expenses are allocated first to the restricted resource.

PIONEER LIBRARY SYSTEM
Notes to Financial Statements
June 30, 2012

Note 1 – Summary of Significant Accounting Policies (continued)

If additional expense is incurred, the expense is allocated to unrestricted funds when the restriction has been depleted.

Use of Estimates - The preparation of financial statements requires management to make estimates and assumptions that affect the reported amount of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Note 2 – Cash and Investments

The Library's investment policies are governed by state statute. Permissible investments include direct obligations of the United States Government and Agencies; certificates of deposit of savings and loan associations and bank and trust companies; and savings accounts or savings certificates of savings and loan associations and trust companies. A certification of deposit in the amount of \$9,200 is pledged on a letter of credit for a security deposit.

Custodial Credit Risk - Deposits – Custodial credit risk is the risk that in the event of a bank failure, the Library's deposits may not be returned to it. At June 30, 2012, none of the Library's bank balance of \$5,555,108 was exposed to custodial credit risk because it was all insured and collateralized. The balance is collateralized with securities held by First Fidelity Bank in the Library's name. The market value of these securities as of June 30, 2012 was \$9,741,665.

Investment Interest Rate Risk - The investments of the Pension Plan (see also Note 9) are invested in various mutual funds with the Bank of Oklahoma, and may be used only for the payment of benefits to the members of the Plan. The composition of the pension trust fund at fair value is shown in the following table.

	Market Value	Credit Exposure as a Percentage of Total Investments
Pension Fund		
Pooled Equity Funds	\$ 1,563,979	51.10%
Pooled Fixed Income Funds	1,305,190	42.60%
Alternative Investments	<u>190,540</u>	<u>6.30%</u>
Total Pension Fund Investments	<u>\$ 3,059,709</u>	<u>100.00%</u>

Pension Fund Policy

The Pioneer Library System Pension Plan and Trust provides for investment managers who have full discretion of assets allocated to them subject to the overall investment guidelines set out in the policy. Manager performance is reviewed by a consultant who provides reports to the newly established retirement plans investment and administrative committee and to the board. Any changes in the investment management firm must be reported as they occur. Overall investment guidelines provide for diversification and allow investment in domestic and international common stocks, fixed income securities, cash equivalents, index funds, collective trust funds and mutual funds. The Plan addresses custodial credit risk with policy providing for the engagement of a custodian who accepts possession of securities for safekeeping; collects and disburses income; collects principal of sold, matured, or called

PIONEER LIBRARY SYSTEM
Notes to Financial Statements
June 30, 2012

items; and provides periodic accounting to the board. The pension trust fund holds \$3,006,205 in investments. This amount is held by the investment counterparty, not in the name of the pension fund or the Library.

Pension Trust investing is restricted by Oklahoma Statutes to the Prudent Investor Rule.

Note 3 – Note Receivable

The Library received a note receivable included in the settlement of an estate during the year ended June 30, 2005. The original note is \$100,000 at zero interest, and is due in 2014. The note has been discounted to \$92,580.80 to report it at its fair market value at June 30, 2012.

Note 4 – Collections

The Library has not capitalized existing inexhaustible collections, including research books, because the values are not readily determinable.

Note 5 – Short-Term Borrowing

On an annual basis, the Library utilizes short-term unsecured promissory notes in anticipation of the collection of ad valorem taxes. In accordance with Title 65 Section 4-105 of the Oklahoma Statutes, the term of the loan may not exceed one year. As of June 30, 2012, no balance was owed. No interest expense was paid or incurred during the year ended June 30, 2012.

Note 6 – Long-term Liabilities

The long-term liability balance and activity for the year were as follows:

	<u>Beginning Balance</u>	<u>Additions</u>	<u>Reductions</u>	<u>Ending Balance</u>	<u>Amounts Due Within One Year</u>
Compensated Absences	\$ 279,582	419,996	395,937	\$ 303,641	\$ 303,641

The general fund will be used to settle the compensated absences liability.

Note 7 – Operating Lease Commitments

The Library leases a building for the service center, a building for the development office, telephone equipment, a postage machine and copiers for its branch facilities and for administration under operating leases. The copier leases expire in March 2013. The other leases are renewed on an annual basis. Lease expense under these leases for 2012 was \$164,748.52. Future minimum annual lease expense for these lease are as follows:

2013	\$ 25,630
2014	6,600
2015	6,300
2016	5,640
2017	1,665
Thereafter	<u>0</u>
	<u>\$ 45,945</u>

PIONEER LIBRARY SYSTEM
Notes to Financial Statements
June 30, 2012

Note 8 – Capital Assets

Capital assets of the Library at June 30, 2012 are as follows:

	<u>Beginning</u> <u>Balances</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending</u> <u>Balances</u>
Depreciable Capital Assets:				
Library Books	\$ 11,297,293	\$ 1,967,168	\$ 672,412	\$ 12,592,049
Building	-	1,683,714.00	-	1,683,714.00
Furniture and Fixtures	991,124.00	44,981.00	-	1,036,105.00
Computer Equipment	1,965,307.00	488,756.00	63,910.00	2,390,153.00
Vehicles	<u>138,260.00</u>	<u>43,192.00</u>	<u>18,026.00</u>	<u>163,426.00</u>
Total Capital Assets	<u>14,391,984.00</u>	<u>4,227,811.00</u>	<u>754,348.00</u>	<u>17,865,447.00</u>
Less Accumulated				
Depreciation for:				
Library Books	6,159,174.00	1,813,962.00	672,409.00	7,300,727.00
Building	-	-	-	-
Furniture and Fixtures	604,815.00	86,595.00	-	691,410.00
Computer Equipment	1,563,022.00	246,526.00	63,291.00	1,746,257.00
Vehicles	<u>79,283</u>	<u>21,442</u>	<u>12,017</u>	<u>88,708</u>
Total Accumulated				
Depreciation	<u>8,406,294.00</u>	<u>2,168,525.00</u>	<u>747,717.00</u>	<u>9,827,102.00</u>
Total Depreciable Capital				
Assets, Net	<u>\$ 5,985,690</u>	<u>\$ 2,059,286</u>	<u>\$ 6,631</u>	<u>\$ 8,038,345</u>

Note 9 – Defined Benefit Retirement Plan

Plan Description - The Pioneer Library System Pension Plan and Trust (The Plan) is a single-employer public employees retirement system (PERS) plan that covers all full-time employees of the Library. This plan was frozen as of December 31, 2008. Retirement benefits are based on length of service and salary. Normal retirement for the new plan is 65 years of age. Death and deferred vested benefits are also available under the plan. All benefits vest after 10 years of credited service. Pioneer employees who retire after age sixty-five with more than four years of credited service are entitled to an annual retirement benefit, payable monthly, in an amount equal to one percent of their averages salary based on their highest five consecutive years within 10 years of retirement. If an employee has less than 10 years of vesting service, the amount of the benefit is reduced by 1/10th for each vesting year of service fewer than ten. Actuarial valuations are performed annually on January 1.

Funding Policy - Employees of the library are not required to contribute to the plan. The library is required to make annual contributions based on an actuarially computed percentage of covered wages in amounts sufficient to cover normal cost of benefits and amortize the prior service liabilities. The Pioneer Library System Board of Trustees has the authority to establish and or amend the funding policy of the plan. Contributions for the year ending June 30, 2012 to the defined benefit plan were \$161,500.

PIONEER LIBRARY SYSTEM
Notes to Financial Statements
June 30, 2012

Net Pension Obligation and Annual Pension Cost – The required contribution was determined as part of the January 1, 2012 actuarial valuation using the aggregate salary method, which does not identify and separately amortize unfunded actuarial liabilities. The amortization method used was the level percent of compensation method. The most recent actuarial valuation was for the calendar year 2012 and the period is closed. The actuarial assumptions included

- (a) 6% investment rate of return,
- (b) projected salary increases of 5% and
- (c) post-retirement increases of 5%.

Note 10 – Retirement Plan

The annual net pension obligation and annual pension cost for the current year were as follows:

Net Pension Obligation, Beginning of Year	\$ 1,281,993
Earning from Investments	85,978
Unrealized Depreciation	(125,566)
Contribution	161,500
Distributions	(167,619)
Fees and Commissions	(15,959)
Change in Valuation	288,702
Net Pension Obligation, End of Year	<u>\$ 1,509,029</u>
Present Value of Future Benefits	\$ 4,572,086
Valuation of Assets	<u>3,063,057</u>
Net Pension Obligation	<u>\$ 1,509,029</u>
Components of Annual Pension Cost:	
Normal Cost	\$ 187,365
Interest at 6%	<u>10,305</u>
Annual Contribution Necessary to Avoid a Funding Deficiency	<u>\$ 197,670</u>

Three year trend information is as follows:

<u>Three-Year Trend Information</u>				
Fiscal Year <u>Ending</u>	Annual Pension Cost (APC)	Percentage of APC <u>Contributed</u>	Net Pension <u>Obligation</u>	Actual Contrib
6/30/2010	\$ 163,645	109.5%	\$1,546,991	\$179,130
6/30/2011	\$ 150,252	103.7%	\$1,281,993	\$155,750
6/30/2012	\$ 197,670	81.7%	\$1,509,029	\$161,500

PIONEER LIBRARY SYSTEM
Notes to Financial Statements
June 30, 2012

Note 10 – Retirement Plan (continued)

Multi-year trend information for the plan is as follows:

Schedule of Funding Progress for Pioneer Library System Pension Plan and Trust						
Actuarial Valuation Date	Actuarial Value of Assets (a)	Actuarial Accrued Liability (AAL) Entry Age (b)	Unfunded AAL (UAAL) (b-a)	Funded Ratio (a/b)	Covered Payroll (c)	UAAL as a Percentage of Covered Payroll [(b-a)/c]
6/30/2010	\$2,565,420	\$4,112,411	\$1,546,991	62.4%	\$ -	N/A
6/30/2011	\$3,066,463	\$4,348,456	\$1,281,993	70.5%	\$ -	N/A
6/30/2012	\$3,063,057	\$4,572,086	\$1,509,029	67.0%	\$ -	N/A

The Plan's annual financial report is available from the Business Office of the Pioneer Library System, 225 North Webster, Norman, Oklahoma 73069.

Note 11 – Defined Contribution Retirement Plan

Plan Description - On January 1, 2009 the library implemented this plan. Normal retirement age for this plan is 65 years of age. Death and deferred vested benefits are also available under this plan. All benefits vest after 5 years of credited service. Employees who retire after age sixty-five will receive their vested benefits in one of the following manners out of the amount accumulated in their accounts: (i) by lump sum payments, or (ii) in equal monthly, quarterly, semi-annual or annual installment payments; provided an installment election must be for a period less than their life expectancy or the life expectancy of their beneficiaries.

Funding Policy - Employees of the library are not required to contribute to the plan. The library makes an annual contribution based on a percentage of an employee's salary. The Pioneer Library System Board of Trustees has the authority to establish and or amend the funding policy of the plan. Benefits paid for 2012 to the plan were \$356,781.86.

Note 12 – Endowment Fund

The library is the beneficiary of investment income on three endowment funds that are under the control of the Communities Foundation of Oklahoma. The value of the funds as of June 30, 2012 was \$299,652.

Note 13 – Risk Management

The Library is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions and natural disasters for which the Library carries commercial insurance. There have been no significant reductions in coverage from the prior year and settlements have not exceeded coverage in the past three years.

PIONEER LIBRARY SYSTEM
Notes to Financial Statements
June 30, 2012

Note 14 – Commitments

In the year ended June 30, 2005, the Library received a distribution from an estate that was to be used for the Noble Public Library. Construction commenced on an addition to the Noble library building in 2006. During 2007 construction was completed. Costs incurred during the year ended June 30, 2007 were approximately \$639,000, for a total of \$1,096,000. These costs have been expensed since the building will be owned by the City of Noble. As of June 30, 2012, the City of Noble has not signed the Inter-local agreement taking ownership of the building.

Note 15 – Subsequent Events

The Pioneer Library System purchased the old Borders building in Norman in December 2011 with plans to remodel the building and house all of the administrative staff of the Pioneer Library System and a west side Norman branch library in the building. In July of 2012 the Pioneer Library System Board of Trustees approved a preliminary budget and the conceptual design package for the remodeling project. The projected completion date of the remodeling project is June of 2013.

In July 2012 The Pioneer Library System, the City of Norman, and the Norman Public Schools entered into an agreement to provide a 24-hour library service machine located at 125 Vicksburg Avenue in Norman Oklahoma. The machine should be installed and operational by December of 2012.

Subsequent events have been evaluated through the issuance date of this report and no significant events were noted, except those mentioned above.

PIONEER LIBRARY SYSTEM
Budgetary Comparison Schedule – General Fund (Unaudited)
For the Year Ended June 30, 2012

	Budgeted Amounts Original	Budgeted Amounts Final	Actual Amounts GAAP Basis	Budget to GAAP Differences Over(Under)	Actual Amounts Budgetary Basis	Variance with Final Budget Positive (Negative)
Resources (inflows)						
Property Taxes	\$ 12,739,633	\$ 13,217,349	\$ 13,501,964	\$ (13,500)	\$ 13,515,464	\$ 298,115
State Revenue	166,291	149,662	154,385	-	154,385	4,723
Interest	-	-	21,525	(1,587)	23,112	23,112
Other	383,400	399,616	410,276	146	410,130	10,514
Use of Designated Fund Balance	<u>955,684</u>	<u>2,058,868</u>	<u>-</u>	<u>-</u>	<u>1,296,121</u>	<u>(762,747)</u>
Amounts Available for Appropriation	<u>14,245,008</u>	<u>15,825,495</u>	<u>14,088,150</u>	<u>(14,941)</u>	<u>15,399,212</u>	<u>(426,283)</u>
Charges to Appropriations (outflows)						
Personnel Services	8,344,683	9,168,115	8,668,944	(67,047)	8,601,897	566,218
Personnel Services SOKC	625,000	-	-	-	-	-
Materials	2,180,000	2,435,000	2,482,045	41,788	2,523,833	(88,833)
Materials-SOKC	600,000	-	-	-	-	-
General and Administrative	896,325	907,825	975,030	(100,916)	874,114	33,711
Technology	825,000	925,000	1,117,795	(7,028)	1,110,767	(185,767)
Technology-SOKC	150,000	-	-	-	-	-
Virtual Library	200,000	200,000	166,412	(8,674)	157,738	42,262
System Services	<u>424,000</u>	<u>2,189,555</u>	<u>1,973,810</u>	<u>157,053</u>	<u>2,130,863</u>	<u>58,692</u>
Total Charges to Appropriations	<u>14,245,008</u>	<u>15,825,495</u>	<u>15,384,036</u>	<u>15,176</u>	<u>15,399,212</u>	<u>426,283</u>
Change in Net Assets	-	-	(1,295,886)	(30,117)	-	-
Beginning Fund Balance	<u>5,133,260</u>	<u>5,133,260</u>	<u>6,743,816</u>	<u>1,610,556</u>	<u>5,133,260</u>	<u>-</u>
Ending Fund Balance	<u>\$ 5,133,260</u>	<u>\$ 5,133,260</u>	<u>\$ 5,447,930</u>	<u>\$ 1,580,439</u>	<u>\$ 5,133,260</u>	<u>\$ -</u>

Budget to Actual Reconciliation:

Revenues on a budgetary basis are based on cash received rather than the modified accrual basis used for financial reporting

\$ (14,941)

Encumbrances for supplies and equipment ordered but not received are reported in the year the order is placed for budgetary purposes but in the year the supplies are received for financial reporting

(15,176)

The amount reported as "fund balance" on the budgetary basis of accounting derives from the basis of accounting used in preparing the District's budget. This amount differs from the fund balance reported in the statement of revenues, expenditures and changes in fund balances because of the cumulative effect of transactions such as those described above.

1,610,556
\$ 1,580,439

PIONEER LIBRARY SYSTEM
Budgetary Comparison Schedule – General Fund (Unaudited)
For the Year Ended June 30, 2012

Notes to required Supplementary Information

Note Budgeting and Budgetary Control

Oklahoma Statute requires the Library to prepare an annual budget. The various excise County Excise Boards formally approve the annual budget for the general fund. The Library adopts its budget at the fund level.

Budgetary Basis of Accounting

Under the budgetary basis of accounting revenues are recognized when they are received rather than earned. Purchases of materials, outside services and capital outlay are recognized as expenditures when the commitment to purchase is made (encumbered).



Gray, Blodgett & Company, PLLC

CERTIFIED PUBLIC ACCOUNTANTS
BUSINESS ADVISORS

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ANN M. ALBERTSON, CPA
WILLIAM R. SOUTH, CPA
BOBBY COCKERHAM, CPA
ROSS H. ROYE, CPA
LYNNE YEAGER, CPA
SHELLEY WALTON, CPA

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

September 19, 2012

To the Board of Directors
Pioneer Library System

We have audited the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of Pioneer Library System as of and for the year ended June 30, 2012, which collectively comprise the Library's basic financial statements and have issued our report thereon dated September 19, 2012. We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control over Financial Reporting

In planning and performing our audits, we considered Pioneer Library System's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Pioneer Library System's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Library's internal control over financial reporting.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies, or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Pioneer Library System's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

This report is intended for the information of the Board of Directors, management, and federal and state awarding agencies and pass-through entities, and is not intended to be and should not be used by anyone other than these specified parties.



America Counts on CPAs

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PUBLIC ACCOUNTANTS
AMERICAN INSTITUTE OF
CERTIFIED PUBLIC ACCOUNTANTS
PRIVATE COMPANIES PRACTICE SECTION

GRAY, BLODGETT & COMPANY, PLLC

Gray, Blodgett & Company, PLLC

principia|alliance
MEMBER

Regular Board of Commissioners

4.

Meeting Date: 10/15/2012

Mayor Proclamations

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Mayor's Proclamation:

"Family Promise Week"

October 14-20, 2012

"No Texting While Driving Day"

October 16, 2012

Attachments

Family Promise Week

No texting While Driving Day

City of Shawnee



Proclamation

On behalf of the citizens of Shawnee, Oklahoma, I, Mayor Wes Mainord, do hereby proclaim the week of October 14 – 20, 2012, as

"FAMILY PROMISE OF SHAWNEE WEEK"

Whereas, homelessness can and does affect entire families in any community; and

Whereas, Family Promise of Shawnee offers help and hope to regain their self-sufficiency to homeless families with children and homeless pregnant women through the cooperative efforts of the local congregations, businesses, social service programs, educational institutions, and individual efforts; and

Whereas, the volunteers of Family Promise of Shawnee dedicate themselves to this program by offering hope when all is lost, dignity when others look away, and recognition for the value of the human spirit; and

Whereas, the purpose of Family Promise of Shawnee Week 2012 is to inspire others to recognize the innate need of dignity and hope for all human beings. All citizens of Shawnee are encouraged to be involved with Family Promise of Shawnee.

Now Therefore, I, Wes Mainord, Mayor of the City of Shawnee, Oklahoma, by the authority vested in me do hereby proclaim the week of October 14 – 20, 2012, as

"FAMILY PROMISE OF SHAWNEE WEEK"

In the City of Shawnee, Oklahoma
Dated this 15th day of October, 2012

Wes Mainord, Mayor



ATTEST:

Phyllis Loftis, CMC, City Clerk



Family Promise®

Building communities, strengthening lives.



City of Shawnee



Proclamation

On behalf of the citizens of Shawnee, Oklahoma, I, Mayor Wes Mainord, do hereby proclaim Tuesday, October 16, 2012, as

"No Texting While Driving Day"

Whereas, the City of Shawnee holds the health and safety of its citizens as a primary concern; and

Whereas, text messaging is the main mode of communication for most American teenagers with half of all teens sending between 21 and 70 texts a day and expecting a reply within the next five minutes; and

Whereas, texting while driving takes one's eyes off the road for an average of five seconds; and

Whereas, according to an AT&T survey, 43% of American teenage drivers admitted to texting while driving even though 97% know it is dangerous, and 77% of the teenagers surveyed reported observing their parents texting while driving; and

Whereas, a recent university study showed those who send text messages while driving are 23 times more likely to crash; and

Whereas, a driver that sends a text message while driving not only jeopardizes his or her safety, but also the safety of passengers, pedestrians, and other drivers.

Now Therefore, I, Wes Mainord, Mayor of the City of Shawnee, Oklahoma, by the authority vested in me do hereby proclaim Tuesday, October 16, 2012, as

"No Texting While Driving Day"

In the City of Shawnee, Oklahoma
Dated this 15th day of October, 2012

Wes Mainord, Mayor



ATTEST:

Phyllis Loftis, CMC, City Clerk



Regular Board of Commissioners

5.

Meeting Date: 10/15/2012

Employee of the Month

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

City Manager's presentation of Employee of the Month to Lisa Lasyone, Deputy City Clerk.

Regular Board of Commissioners

6.

Meeting Date: 10/15/2012

Rezone P14-12

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Public hearing and consider an ordinance to rezone property at 400 West MacArthur from C-1; Neighborhood to C-3; Automotive, Commercial and Recreation.

Case No. P14-12 Applicant: Ron Degraffenreid

Attachments

Rezone P14-12

Ordinance Rezone 400 West MacArthur

RECOMMENDATION TO:

MAYOR

BOARD OF CITY COMMISSIONERS

CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE

PLANNING COMMISSION

SUBJECT:

APPLICANT: Ron Degraffenreid

FOR: Rezone

LOCATION: 400 West MacArthur

PROJECT#: 120897 Case# P14-12

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: C-1; Neighborhood Commercial

REQUESTED CLASSIFICATION: C-3: Automotive, Commercial and Recreation

PROPOSED PROPERTY USE: Resturant

PLANNING COMMISSION MEETING DATE: October 3, 2012

PLANNING COMMISSION RECOMMENDATION: Approval

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 6

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

RESPECTFULLY SUBMITTED,

Linda Burg

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____



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

STAFF REPORT
REZONE REQUEST
Case #P14-12

TO: Shawnee Planning Commission

AGENDA: October 3, 2012

RE: CASE #P14-12; 400 West MacArthur – Boomerang Diner

PROPOSAL

The applicant is requesting to rezone property located at 400 West MacArthur St from C-1- Neighborhood Commercial to C-3- Automotive, Commercial & Recreation. The applicant wishes to redevelop the site for a restaurant with the demolition and reconstruction of the current structure on site. The size of the lot is 31,500 square feet and there is one existing residential structure on the lot which will be removed.

GENERAL INFORMATION

Applicant	Ron Degraffenreid, Boomerang Diner
Owners	Lee Walkup
Site Location/Address	<i>See Figure 1</i>
Current Site Zoning	C-1, Neighborhood Commercial District
Parcel Size	.45 acres
Proposed Use	Commercial- Restaurant
Comprehensive Plan Designation	Commercial/Residential
Existing Land Use	Commercial
Surrounding Proposed Land Use	<u>North</u> : Commercial/Residential <u>South</u> : Commercial/Residential <u>West</u> : Commercial/Residential <u>East</u> : Commercial/Residential

Surrounding Zoning	<u>North:</u> C-1 <u>South:</u> C-1 <u>West:</u> C-5 <u>East:</u> C-1P
---------------------------	---

STAFF ANALYSIS AND FINDINGS

This property at 400 N. MacArthur is currently zoned C-1. The request before the Commission is to change the zoning from C-1 to C-3. The future use of the site is commercial and the applicant proposes the remodeling and addition to the current structure for a proposed Boomerang restaurant. The applicant has submitted a preliminary site plan of the property showing the location of the building and the proposed parking.

The proposed site plan for the property shows a 991 square foot building with 17 parking spaces. The parking lot will be positioned to the rear of the building as the building will face MacArthur Street and have access on Park Street. The proposed site is surrounded by commercially zoned properties and will not adversely impact any residential structures. The site will have to be reviewed by the Building Department prior to construction to ensure the proposed site meets all current site development regulations. There is an existing sidewalk along MacArthur Street.

The application meets all of the requirements for a zone change, and it is in Staff's opinion that the proposed change does conform to the Comprehensive Plan (Figure 2), which recommends that the area be used for Commercial uses. The site was previously used as commercial business while zoned as C-1 and it is Staff's opinion that C-3 will not cause any additional hardship on neighborhood.

RECOMMENDATION

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

Attachments

1. Figure 1-Zoning Map
2. Figure 2-Land Use Map
3. Site Plan
4. Façade Plans

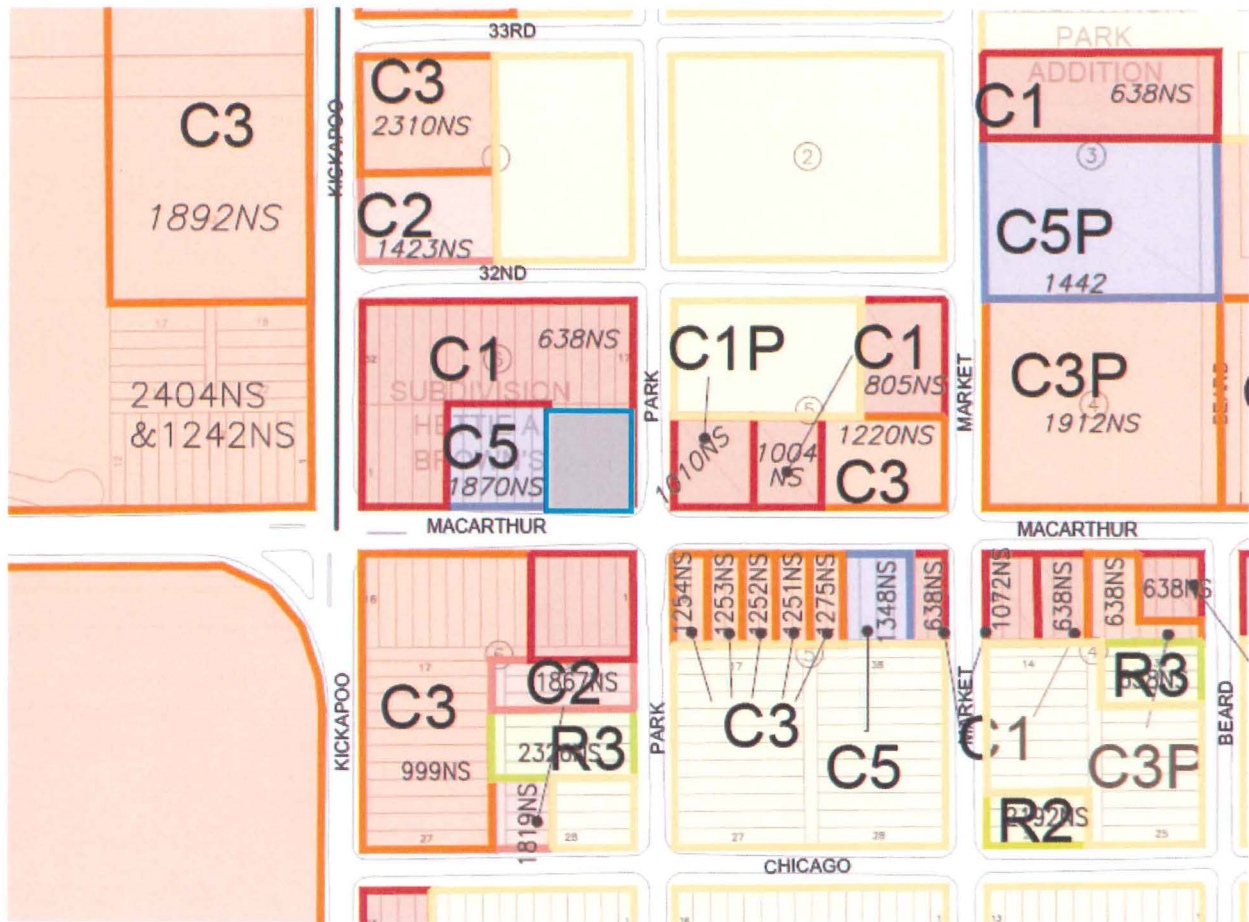


Figure 1: Zoning map, with site outlined in blue and filled in gray

FUTURE LAND USE

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

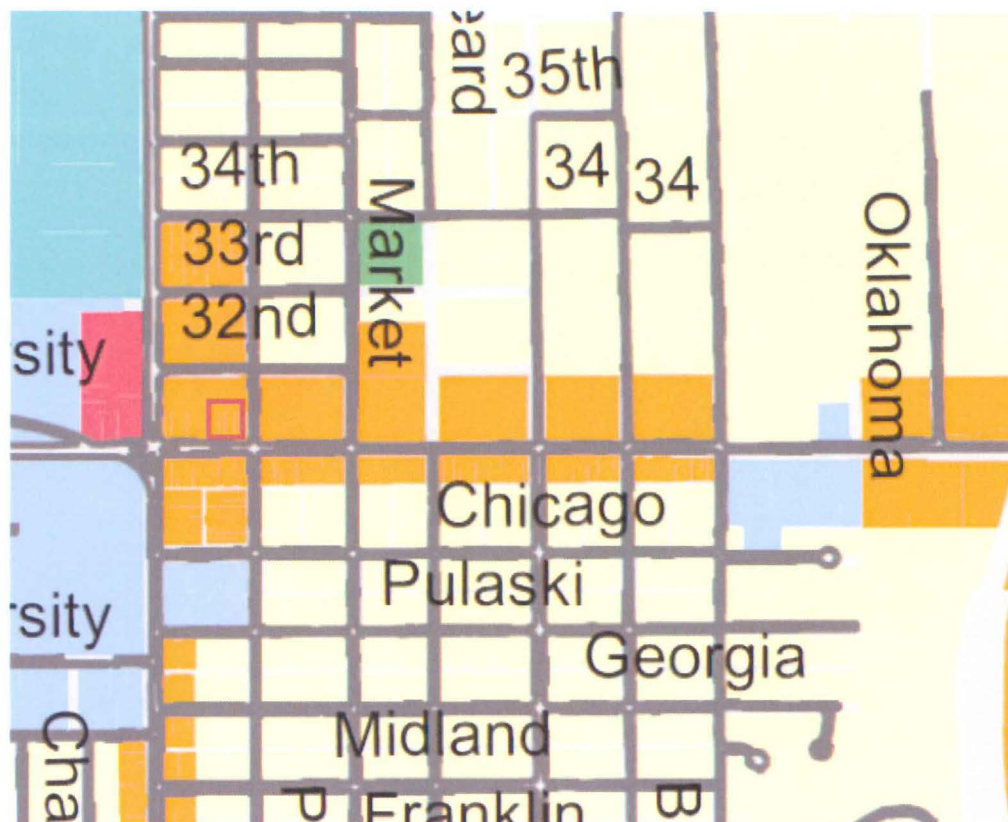
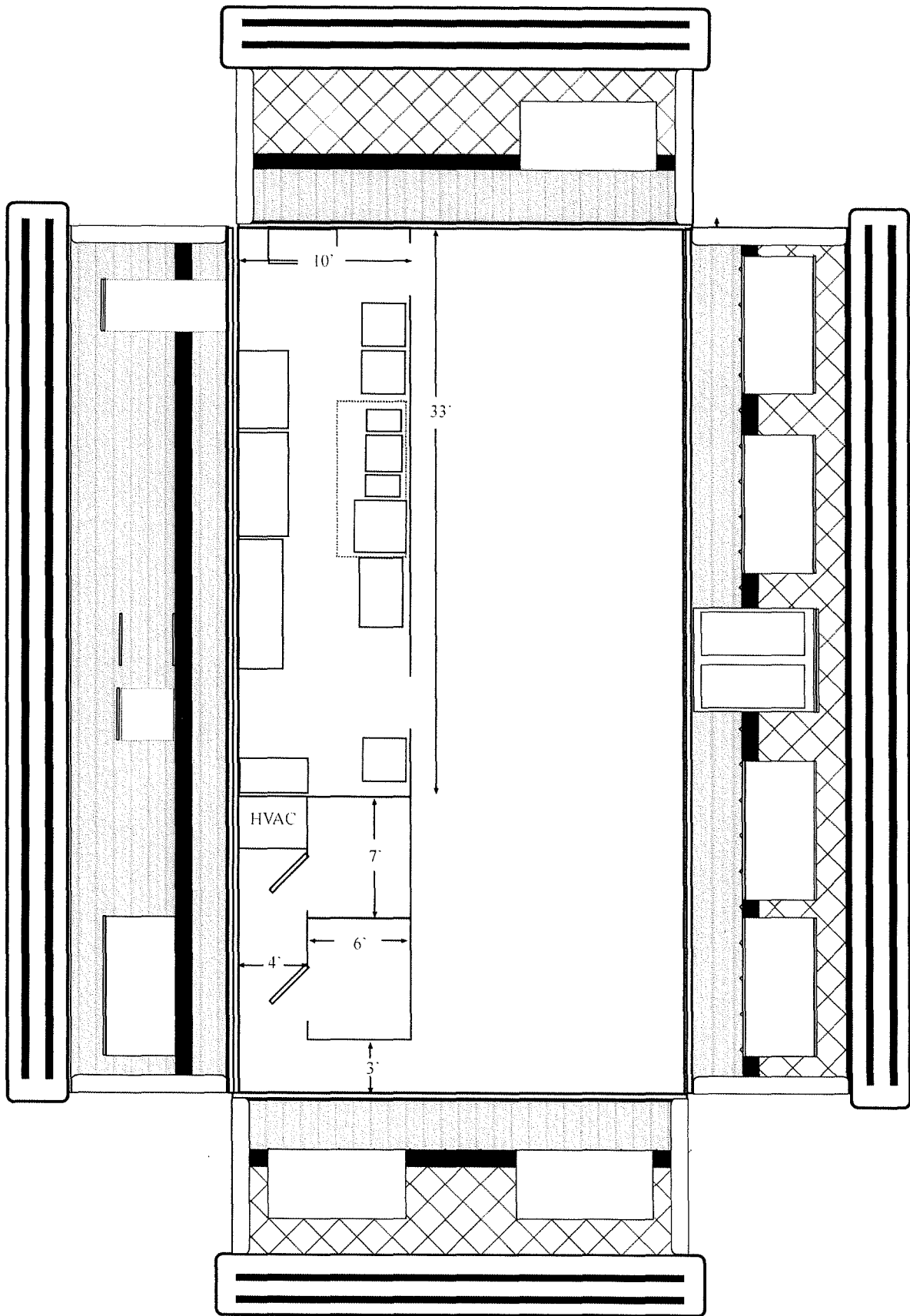


Figure 2: Future Land Use Map, with site outlined in red



CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE # P14-12

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on a proposed Rezone of property located within the City of Shawnee.

The property requesting rezoning is described as follows:

Lots Fifteen (15) and Sixteen(16), Block Six (6), HETTIE A. BROWN'S SUBDIVISION OF BLOCK SIX (6), WYANT'S ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

General Location Known As:	<u>400 West MacArthur</u>
Current Zoning Classification:	<u>C-1; Neighborhood Commercial</u>
Requested Zoning Classification:	<u>C-3; Automotive, Commercial and Recreation</u>
Proposed Use of Property:	<u>Restaurant</u>
Applicant:	<u>Ron Degraffenreid</u>

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

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

October 03, 2012	AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
October 15, 2012	AT 6:30 P.M.:	CITY OF SHAWNEE CITY COMMISSION

At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the rezone. The Commission reserves the right to limit discussion and debate on the proposed rezone in the public hearing, in which event those persons appearing in support or opposition of the proposed rezone will be allotted equal time. Any formal protest must be filed in writing with the City Clerk during normal working hours before 5:00 p.m. a minimum of three (3) days prior to the hearing. If there are any questions about the proposal, or you need additional information prior to the public hearing, please contact the Planning Department at 878-1616. A copy of the application is available for public inspection during normal working hours in the Planning Secretary's office at 222 N. Broadway.

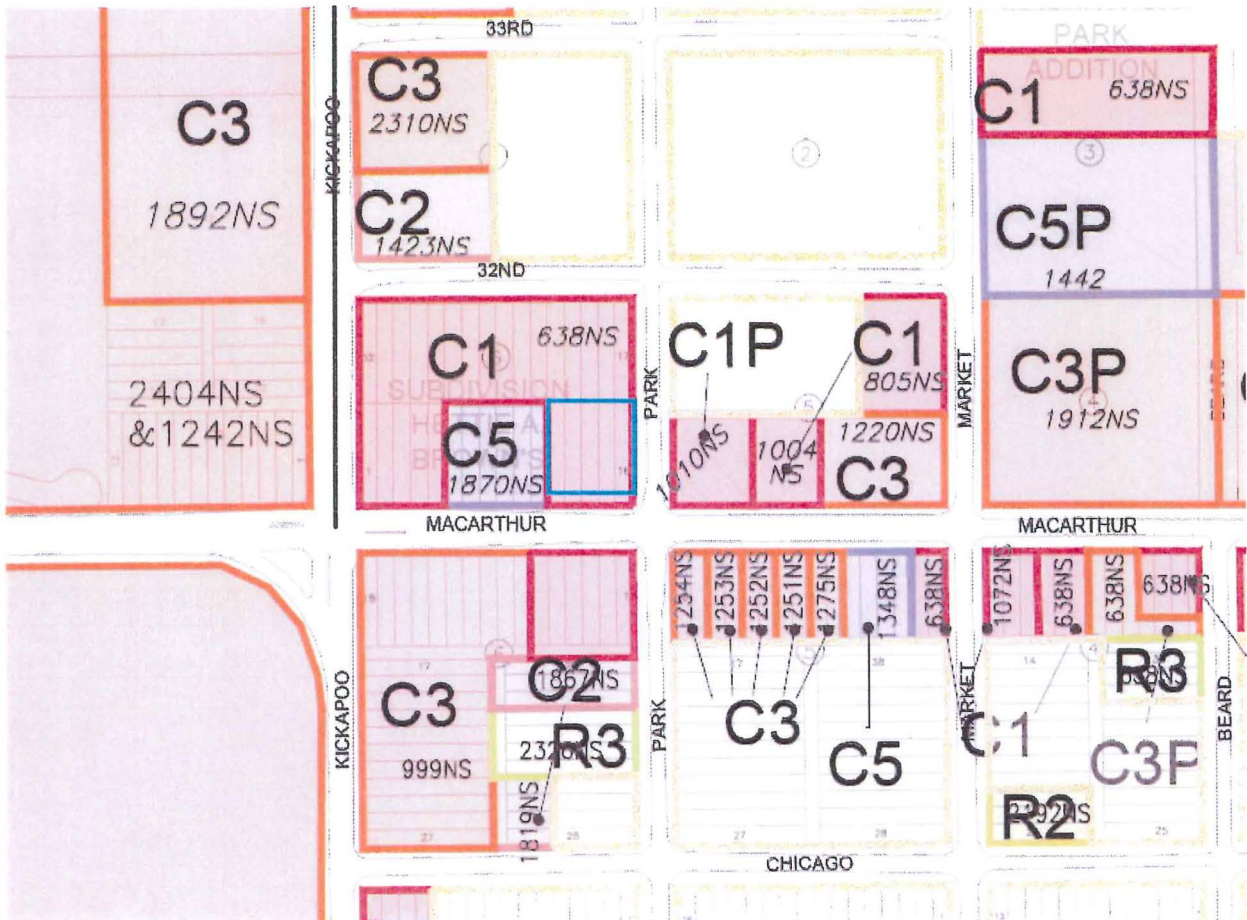
Witness my hand this 12 day of September, 2012.




Phyllis Loftis, City Clerk

Zoning Map

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



Location Map

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



CITY OF SHAWNEE
222 N. BROADWAY
SHAWNEE, OK 74801

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

PLANNING COMMISSION APPLICATION
PROJECT NO. 120897 CASE NO. P14-12

REQUEST:

Rezoning X Rezoning w/Conditional Use Permit _____ Conditional Use Permit _____
Planned Unit Development _____

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from C-1 District to C-3 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 400 W MacArthur

LEGAL DESCRIPTION: _____

PROPERTY OWNER (S): Lee Walkup

PROPERTY AGENT (APPLICANT): Ron Degraffenreid

APPLICANT'S ADDRESS: 6073 Bethel Rd

CITY: Shawnee STATE OK ZIP 74804

EMAIL ADDRESS: Ron@boomarangdiner.com

TELEPHONE NUMBER: (405) 388-1375 CONTACT NUMBER: (405) 388-1375

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

CURRENT ZONING: C-1 **CURRENT USE:** office

PROPOSED ZONING: C-3 .. **PROPOSED USE:** Boomarang Diner

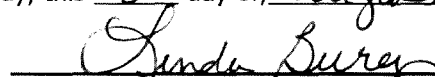
With the filing of this application, I acknowledge that I have been informed of off-street parking, fencing and paving requirements in regard to the zoning I have requested as witnessed by my signature.



SIGNATURE OF APPLICANT

(FOR STAFF USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this 8 day of, August 2012



PLANNING COMMISSION SECRETARY

REZONING &/OR C.U.P FEE \$ 280.00
RECEIPT NO. 01364111

PLANNED UNIT DEVELOPMENT FEE \$ 550.00
SIGN DEPOSIT \$ 50.00

(Refundable if Applicant returns 48 hrs. after City Commission Meeting)

PLANNING COMMISSION ACTION: _____ **DATE:** _____
CITY COMMISSION ACTION: _____ **DATE:** _____
PLACE ON ZONING MAP: _____ **ORDINANCE NO.:** _____

GENERAL NOTES:

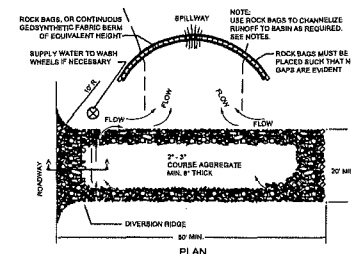
- PRIOR TO STARTING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING SURE THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED AND THOROUGHLY REVIEWED ALL PLANS AND OTHER DOCUMENTS APPROVED BY ALL OF THE PERMITTING AUTHORITIES.
- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND THE REQUIREMENTS AND STANDARDS OF THE LOCAL GOVERNING AUTHORITY. THE RESPONSIBILITY OF OBTAINING THE SERVICES OF A SOILS ENGINEER SHALL BE BY OTHERS. VERIFY EXISTING CONDITIONS AND RECOMMENDATIONS FOR EXCAVATION AND FILL.
- ALL DIMENSIONS AT CURBS ARE TO FACE OF CURBS UNLESS OTHERWISE NOTED.
- THE CONTRACTOR SHALL COORDINATE WITH ALL LOCAL UTILITY COMPANIES TO DETERMINE EXACT POINT OF SERVICE CONNECTION FOR EXISTING UTILITIES. REFER TO THE BUILDING ELECTRICAL AND PLUMBING DRAWINGS AND VERIFY ON SITE UTILITY SERVICE ENTRANCE LOCATIONS, SIZES, AND CIRCUITING.
- ALL CONCRETE SHALL BE CLASS A, 3,500 PSI AT 28 DAYS COMPRESSIVE STRENGTH WITH A MAXIMUM BUMP OF 4" UNLESS NOTED OTHERWISE. ALL EXPOSED CONCRETE TO HAVE A FINE BROOM FINISH. SIDEWALKS AND OTHER NON-STRUCTURAL CONCRETE SHALL BE CLASS A, 3,000 PSI CONCRETE WITH A FINE BROOM FINISH.
- ALL MATERIALS SHALL BE NEW UNLESS USED OR SALVAGED MATERIALS ARE AUTHORIZED BY THE OWNER.
- NECESSARY BARRICADES, SUFFICIENT LIGHTS, SIGNS AND OTHER TRAFFIC CONTROL METHODS AS MAY BE NECESSARY FOR THE PROTECTION AND SAFETY OF THE PUBLIC, SHALL BE PROVIDED AND MAINTAINED THROUGHOUT THE CONSTRUCTION.
- THE CONTRACTOR SHALL MAINTAIN ACCESS FOR EMERGENCY VEHICLES AROUND AND TO ALL BUILDINGS NEAR CONSTRUCTION. I.E. IN TIMES OF RAIN OR ROAD, ROADS SHALL BE ABLE TO CARRY A FIRE TRUCK BY BEING PAVED OR HAVING A CRUSHED STONE BASE, ETC. WITH A MINIMUM WIDTH OF 20 FEET. THIS ACCESS TO BUILDINGS THAT HAVE SPRINKLER OR STANDPIPE SYSTEMS SHALL BE TO WITHIN 40 FEET OF THE FIRE DEPARTMENT CONNECTOR (NFPA 1141 3-1).
- THE CONTRACTOR SHALL CONTACT UTILITIES PROTECTION CENTER (OKIE) PRIOR TO ANY EXCAVATION.
- LANDSCAPE CONSERVATION NOTE: ALL AREAS DISTURBED BY GRADING SHALL HAVE TEMPORARY VEGETATIVE COVER PROVIDED. (SUCH COVER SHALL CONSIST OF ANNUAL GRASSES OR SMALL GRAINS) SLOPES EXCEEDING 4:1 SHALL HAVE ADDITIONAL PROTECTION OF MULCHING TO PREVENT EROSION.
- MANHOLE COVERS SHALL NOT BE COVERED BY GRADING, SODDING, OR ANY OTHER CONSTRUCTION OPERATION.
- CONTRACTOR TO OBTAIN NOT PRIOR TO BEGINNING CONSTRUCTION.

SILT FENCE NOTES

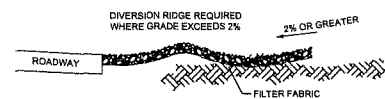
- SILT FENCING IS TO BE USED AROUND PERIMETER OF PROPERTY UNLESS PRELIMINARY GRADING IS COMPLETED TO ENSURE CONTROLLED DISCHARGE OFF PROPERTY.
- SILT FENCE WILL BE REQUIRED IN ANY AREA WHERE RUNOFF COULD ADVERSELY AFFECT CONSTRUCTION.
- MUST BE INSTALLED PROPERLY TO AVOID NOTICE OF VIOLATION.
- SILT FENCE SHALL BE PLACED ON SLOPE CONTOURS TO MAXIMIZE PONDING EFFICIENCY.
- INSPECT AND REPAIR FENCE AFTER EACH STORM EVENT AND REMOVE SEDIMENT WHEN NECESSARY. 8" MAXIMUM RECOMMENDED STORAGE HEIGHT.
- REMOVED SEDIMENT SHALL BE DEPOSITED TO AN AREA THAT WILL NOT CONTRIBUTE TO SEDIMENT OFF-SITE AND CAN BE PERMANENTLY STABILIZED.

TEMPORARY CONSTRUCTION ENTRANCE NOTES

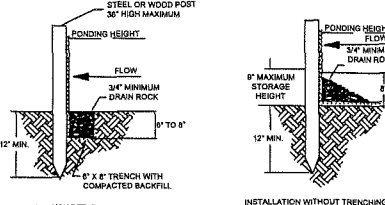
- THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE TOP DRESSING, REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT.
- WHEN NECESSARY, WHEELS SHALL BE CLEANED PRIOR TO ENTRANCE ONTO PUBLIC RIGHT-OF-WAY.
- WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH CRUSHED STONE THAT DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN.
- ROCK BAGS OR SANDBAGS SHALL BE PLACED SUCH THAT NO GAPS ARE EVIDENT.



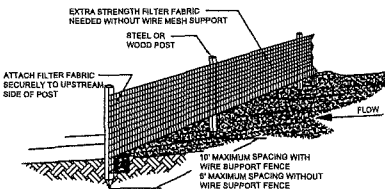
TEMPORARY GRAVEL CONSTRUCTION ENTRANCE / EXIT



SECTION A -- A

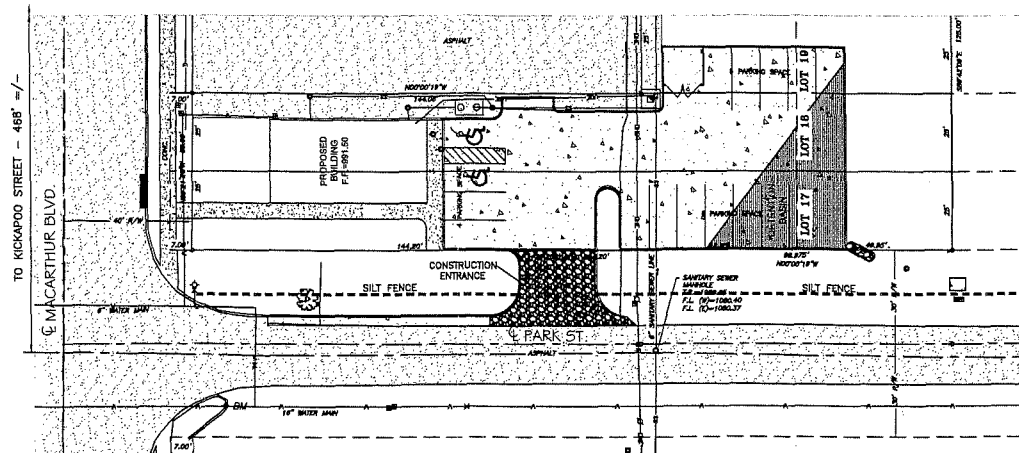


INSTALLATION WITHOUT TRENCHING

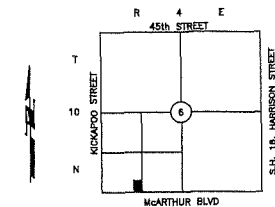


SITE PLAN BOOM-A-RANG

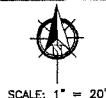
2722 N. PARK ST.
SHAWNEE, OKLAHOMA



BENCHMARK
2" CW CURB
EL. = 7089.03



LOCATION MAP
SCALE: 1" = 2000'



SCALE: 1" = 20'

LEGEND

- INDICATES 3/8" IRON PIN SET
- INDICATES EXISTING IRON PIN
- WATER METER
- WATER METER
- FIRE HYDRANT
- POWER POLE
- LIGHT POLE
- GUY WIRE
- VENT PIPE
- TELEPHONE PEDESTAL
- ELECTRIC BOX
- CLEAN OUT
- MANHOLE
- STORM DRAIN
- TREE
- TUG - TELEPHONE UNDERGROUND
- USE - UNDERGROUND ELECTRIC
- OHE - OVERHEAD ELECTRIC & CABLE TV
- FOC - FIBER OPTIC CABLE
- CATV - CABLE TV
- PCL - PETROLEUM LINE
- G - GAS LINE
- HPG - HIGH PRESSURE GAS LINE
- W - WATER LINE
- SS - SANITARY SEWER LINE
- STS - STORM SEWER
- PSS - PRESSURIZED SANITARY SEWER LINE
- X - FENCE
- FLOW LINE

INDEX OF SHEETS

SHEET NO.	DESCRIPTION
1	TITLE, EROSION CONTROL, PLAN, EROSION, & GRADING
2	PRE & POST DETENTION
3	

UTILITY LOCATION NUMBER

Contact these numbers and others specified in the plan prior to any and all excavations.



840-5032
1-800-522-6543

This number is for information on the location of most underground utilities.

PREPARED BY: THE LANDRUN GROUP, LLC
LandRun Engineering, LLC

P.O. BOX 1584 Shawnee, OK 74802-1584
116 North Broadway Shawnee, OK 74801
(405) 273-4222 CA# 6182 Exp. 6-30-2013
E-mail: slandes@landrungle.com



STEPHEN T. LANDES P.E. #19539 Date

BOOM-A-RANG
BOOM-A-RANG - 2722 N. PARK, SHAWNEE

TITLE SHEET & EROSION CONTROL

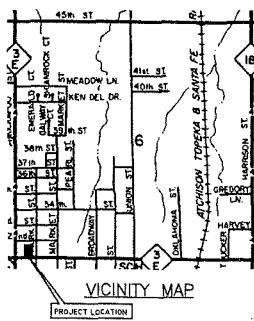
LEGAL DESCRIPTION

LOT FIFTEEN (15) AND SIXTEEN (16), LESS THE SOUTH 7 FEET THEREOF, METTIE A. BROWN SUBDIVISION TO BLOCK SIX (6), WYANTS FIRST ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF.

THE SOUTH 50.00 FEET OF LOTS SEVENTEEN (17), EIGHTEEN (18), NINETEEN (19), TWENTY (20) AND TWENTY-ONE (21), OF HETTIE A. BROWN SUBDIVISION TO BLOCK SIX (6), WYANTS FIRST ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF.

THE NORTH 50.00 FEET OF THE SOUTH 100.00 FEET OF LOTS SEVENTEEN (17), EIGHTEEN (18), NINETEEN (19), TWENTY (20) AND TWENTY-ONE (21), OF HETTIE A. BROWN SUBDIVISION TO BLOCK SIX (6), WYANTS FIRST ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF. NOTE: THIS TRACT IS IN THE PROCESS OF BEING PURCHASED.

CONTAINING A TOTAL OF 0.45 ACRES MORE OR LESS AND SUBJECT TO ALL RECORDED EASEMENTS AND EAST LINE OF SAID BLOCK 6.



VICINITY MAP
PROJECT LOCATION

STATE OF OKLAHOMA)
) SS:
COUNTY OF POTTAWATOMIE)

-: AFFIDAVIT OF BONDED ABTRACTOR :-

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

Lots Fifteen (15) and Sixteen(16), Block Six (6), HETTIE A. BROWN'S SUBDIVISION OF BLOCK SIX (6), WYANT'S ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

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

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

EXECUTED at Shawnee, Oklahoma, this 6th day of July, 2012.

FIRST AMERICAN TITLE AND TRUST COMPANY

By Teresa Southard
Teresa Southard, Licensed Abstractor #264

Order No. 1722119-SH99

Ownership List

Order No. 1722119-SH99

Date July 6, 2012

Page No. 1

OWNER

BRIEF LEGAL:

R & F LLC – 913 N. Broadway, Oklahoma City, OK 73102

Lots 1 thru 4, Block 6, HETTIE A. BROWN'S SUBDIVISION, to Shawnee

Anthony E. Knox and Elva Jean Knox – 45801 A. Garrett's Lake Road, Shawnee, OK 74804

Lots 5 & 6 & W 8' Lot 7, Block 6, HETTIE A. BROWN'S SUBDIVISION, to Shawnee

Steven L. Matthews – P.O. Box 3225, Shawnee, OK 74802-3225

E 17' Lot 7 & All Lot 8 thru 14, Block 6, HETTIE A. BROWN'S SUBDIVISION to Shawnee

Eugene A. Estep and Robin D. Estep – 23 E. 9th, Suite 229, Shawnee, OK 74801

Lots 15 & 16, Block 6, HETTIE A. BROWN'S SUBDIVISION to Shawnee...LESS S 7'

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

S 7' Lots 15 & 16, Block 6, HETTIE A. BROWN'S SUBDIVISION & N 7' of Lots 1 thru 6,
Block 6, ROSE GARDEN ADDITION to Shawnee

Don C. Ealey and Mary L. Ealey – 39801 Garretts Lake Road, Shawnee, OK 74804

N 51.25' Lots 17 thru 21, Block 6, HETTIE A. BROWN'S SUBDIVISION to Shawnee

Leon Wesley Kaskuske, Jr. – 20323 W. 57th St., Tulsa, OK 74107

N 50' of S 100' Lots 17 thru 21, Block 6, HETTIE A. BROWN'S SUBDIVISION to Shawnee

Scot Shadid and Nanay L. Shadid – 3 E. MacArthur, Shawnee, OK 74804

S 50' of Lots 17 thru 21, Block 6, HETTIE A. BROWN'S SUBDIVISION to Shawnee

Sparkman Bros., Inc. – KMFM#33, Box 218, Shawnee, OK 74802-0218

Lots 22 thru 32, Block 6, HETTIE A. BROWN'S SUBDIVISION to Shawnee

Gary C. Hobbs and Cathy G. Hobbs Trust – 40 Granada, Shawnee, OK 74804

Lots 5 thru 8, Block 5, ROSE GARDEN ADDITION to Shawnee

Cynthia A. Hardin & Betty Oliver – 311 W. MacArthur, Shawnee, OK 74804

Lots 9 thru 12, Block 5, ROSE GARDEN ADDITION to Shawnee

Dennis R. Hardin and Cynthia O. Hardin – 315 W. MacArthur, Shawnee, OK 74804

Lots 13 & 14, Block 5, ROSE GARDEN ADDITION to Shawnee

Dennis Hardin – 315 W. MacArthur, Shawnee, OK 74804

Lots 15 & 16, Block 5, ROSE GARDEN ADDITION to Shawnee

Rosie Mae Simon, Alvin Dale Simon and Gary Lee Simon – 2611 N. Park, Shawnee, OK 74804

Lots 17 & 18, Block 5, ROSE GARDEN ADDITION to Shawnee

Richard L. Medley and Julie M. Medley – 1135 A. Fontes Lane, Salinas, CA 93907

Lots 19 & 20, Block 5, ROSE GARDEN ADDITION to Shawnee

Vicki Lofton and Larry D. Lofton – 2607 N. Park, Shawnee, OK 74804

Lots 21 & 22, Block 5, ROSE GARDEN ADDITION to Shawnee

Ownership List

Order No. 1722119-SH99

Date July 6, 2012

Page No. 2

OWNER

BRIEF LEGAL:

Gloria Anderson – 2610 N. Market, Shawnee, OK 74804

Lots 36 thru 38, Block 5, ROSE GARDEN ADDITION to Shawnee

Coetta Helton – c/o The Book Barns of Okla. – 413 W. MacArthur, Shawnee, OK 74804

Lot 1 thru 4, Block 6, ROSE GARDEN ADDITION to Shawnee

John D. Stobbe and Barbara K. Stobbe Trust – 2616 N. Park, Shawnee, OK 74804

Lots 5 & 6, Block 6, ROSE GARDEN ADDITION to Shawnee

George Defenbaugh and Dorothy Defenbaugh Trust – P.O. Box 9856, The Woodlands, TX 77387

Lots 7 thru 27, Block 6, ROSE GARDEN ADDITION to Shawnee

Joe's Rentals, LLC – 2616 N. Park, Shawnee, OK 74804

Lots 32 thru 35, Block 6, ROSE GARDEN ADDITION to Shawnee

Stobbe Partners, LLC – 15 E. Independence, Shawnee, OK 74804

Lots 36 thru 38, Block 6, ROSE GARDEN ADDITION to Shawnee

Vikhoon Somvongsiri – 1500 NW 19th, Oklahoma City, OK 73106-4012

Beg. SW/C Block 5, WYANT'S ADDITION to Shawnee; thence E 100'; thence N 151';
thence W 100'; thence S 151' to beg.

James E. Smith and Josephine S. Smith, Trustees – 1400 E. Bradley, Shawnee, OK 74804-4222

S/2 W/2 E/2 Block 5, WYANT'S ADDITION to Shawnee

Two Brothers Properties, LLC – 33 N. Meridian, Oklahoma City, OK 73107

E/2 W/2, Block 5, WYANT'S ADDITION to Shawnee

L. D. Wortham and Roberta Wortham – 1804 Henson Court, Shawnee, OK 74804

W/2 N/2 W/2 E/2 Block 5, WYANT'S ADDITION to Shawnee

Franklin D. Wilson – 31902 West Lake Road, Shawnee, OK 74801

E/2 N/2 W/2 E/2 Block 5, WYANT'S ADDITION to Shawnee

Bernard B. Lewis, Jr. Trust – 2403 Libra Lane, Shawnee, OK 74804

Beg. NW/C Block 5, WYANT'S ADDITION to Shawnee; thence E 100'; thence S 76.5';
thence W 100'; thence N 76.5' to beg.

Robert F. Woodmore and Alethia M. Woodmore – 1301 Manchester Dr., Shawnee, OK 74804

Beg. 76.5' S NW/C Block 5, WYANT'S ADDITION to Shawnee; thence E 100' thence S 75';
thence W 100'; thence N 75' to beg.

Janell J. James, Trustee of Janell James Revocable Trust – 3005 N. Bell, Shawnee, OK 74804

W 200' of S 90' & E 200' of S 150' & N 60' of S 150' of W 200' Block 1, WYANT'S 2ND
ADDITION to Shawnee

David E. Kingsley and Kellianne Kingsley – 318 W. 32nd, Shawnee, OK 74804

Beg. 75' E SW/C Block 2, WYANT'S 2ND ADDITION to Shawnee; thence N 150'; thence E
125'; thence S 150'; thence W 125' to beg.

Ownership List

Order No. 1722119-SH99

Date July 6, 2012

Page No. 3

OWNER

BRIEF LEGAL:

Donald E. Grove and Catherine E. Grove – 11 W. Midland, Shawnee, OK 74804

Beg. SW/C Block 2, WYANT'S 2ND ADDITION to Shawnee; thence N 150'; thence E 75';
thence S 150'; thence W 75' to beg.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, TO-WIT LOTS FIFTEEN (15) AND SIXTEEN (16), BLOCK SIX (6), HETTIE A. BROWN'S SUBDIVISION OF BLOCK SIX (6), WYANT'S ADDITION TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, REZONING SAID PROPERTY FROM C-1 ; NEIGHBORHOOD COMMERCIAL TO C-3; AUTOMOTIVE, COMMERCIAL & RECREATION DISTRICT; AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

WHEREAS, pursuant to notice duly given as required by law, a public hearing was conducted by the Board of Commissioners of the City of Shawnee, Oklahoma on the 15th day of October, 2012, upon an application to rezone property located in the City of Shawnee, Oklahoma to C-3; Automotive, Commercial & Recreation.

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

WHEREAS, it appears to be in the best interest of the City of Shawnee and the inhabitants thereof for said property to be rezoned as considered.

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

Section 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit: LOTS FIFTEEN (15) AND SIXTEEN (16), BLOCK SIX (6), HETTIE A. BROWN'S SUBDIVISION OF BLOCK SIX (6), WYANT'S ADDITION to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof, be rezoned C-3; Automotive, Commercial & Recreation District, and the official zoning map heretofore adopted is hereby amended as to include said property C-3; Automotive, Commercial & Recreation.

PASSED AND APPROVED this 15th day of October, 2012.

WES MAINORD, MAYOR

(SEAL)

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

7.

Meeting Date: 10/15/2012

Rezone P15-12

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Public hearing and consider an ordinance to rezone property at 8331 North Harrison from A-1; Agricultural to I-2; Light Industrial.

Case No. P15-12 Applicant: Clayton Eads

Attachments

Rezone P15-12

Ordinance Rezone 8331 N Harrison

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Clayton Eads
FOR: Rezone
LOCATION: 8331 North Harrison
PROJECT#: 121025 Case# P15-12

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: A-1; Agricultural
REQUESTED CLASSIFICATION: I-2; Light Industrial
PROPOSED PROPERTY USE: Storage Buildings

PLANNING COMMISSION MEETING DATE: October 3, 2012

PLANNING COMMISSION RECOMMENDATION: Approval

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 6

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

RESPECTFULLY SUBMITTED,

Linda Burg

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____



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

STAFF REPORT
REZONE REQUEST
Case #P15-12

TO: Shawnee Planning Commission

AGENDA: October 3, 2012

RE: CASE #P15-12; 8331 North Harrison

PROPOSAL

The applicant is requesting to rezone property located at 8331 North Harrison from A-1, Agricultural to I-2, Light Industrial. The applicant plans to build commercial storage buildings on a portion of the property (see Case #S11-12) and develop the rest of it at a future date.

GENERAL INFORMATION

Applicant	Redbud Development LLC
Owners	Clayton Eads
Site Location/Address	<i>See Figure 1</i>
Current Site Zoning	A-1, Agricultural
Parcel Size	17 acres
Proposed Use	Commercial/Industrial
Comprehensive Plan Designation	Commercial/Industrial
Existing Land Use	Agricultural
Surrounding Proposed Land Use	<u>North</u> : Commercial/Residential <u>South</u> : Commercial/Residential <u>West</u> : Commercial/Residential <u>East</u> : Commercial/Residential
Surrounding Zoning	<u>North</u> : I-2

	<u>South:</u> A-1 <u>West:</u> A-1 <u>East:</u> Out of City Limits
--	--

STAFF ANALYSIS AND FINDINGS

The applicant is requesting approval to change the current zoning of 17 acres from Agricultural to I-2, Light Industrial to allow for the construction of self-storage buildings on the property. The applicant has proposed three buildings with the option to construct 11 more on the site at a later date. There is floodplain that runs through the property and the applicant is working with FEMA to insure all requirements regarding floodplain are met.

The application meets all of the requirements for a zone change, and it is in Staff's opinion that the proposed change does conform to the Comprehensive Plan (Figure 2), which recommends that the area be used for Commercial and Industrial uses. The property is currently zoned I-2 to the North and I-2 to the Southwest. With the requested zone change, the property could develop with industrial uses along the North Harrison industrial corridor which conforms to the Comprehensive Plan.

RECOMMENDATION

Based on the analysis and findings above, Staff recommends **approval** of the applicant's request to rezone the subject property to I-2. The proposal conforms to the Shawnee Comprehensive Plan and the proposed uses are allowable under the proposed zoning. Staff recommends that the Planning Commission forward this recommendation to the City Commission.

Attachments

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



Figure 1: Zoning map, with site outlined in blue and filled in gray

FUTURE LAND USE

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

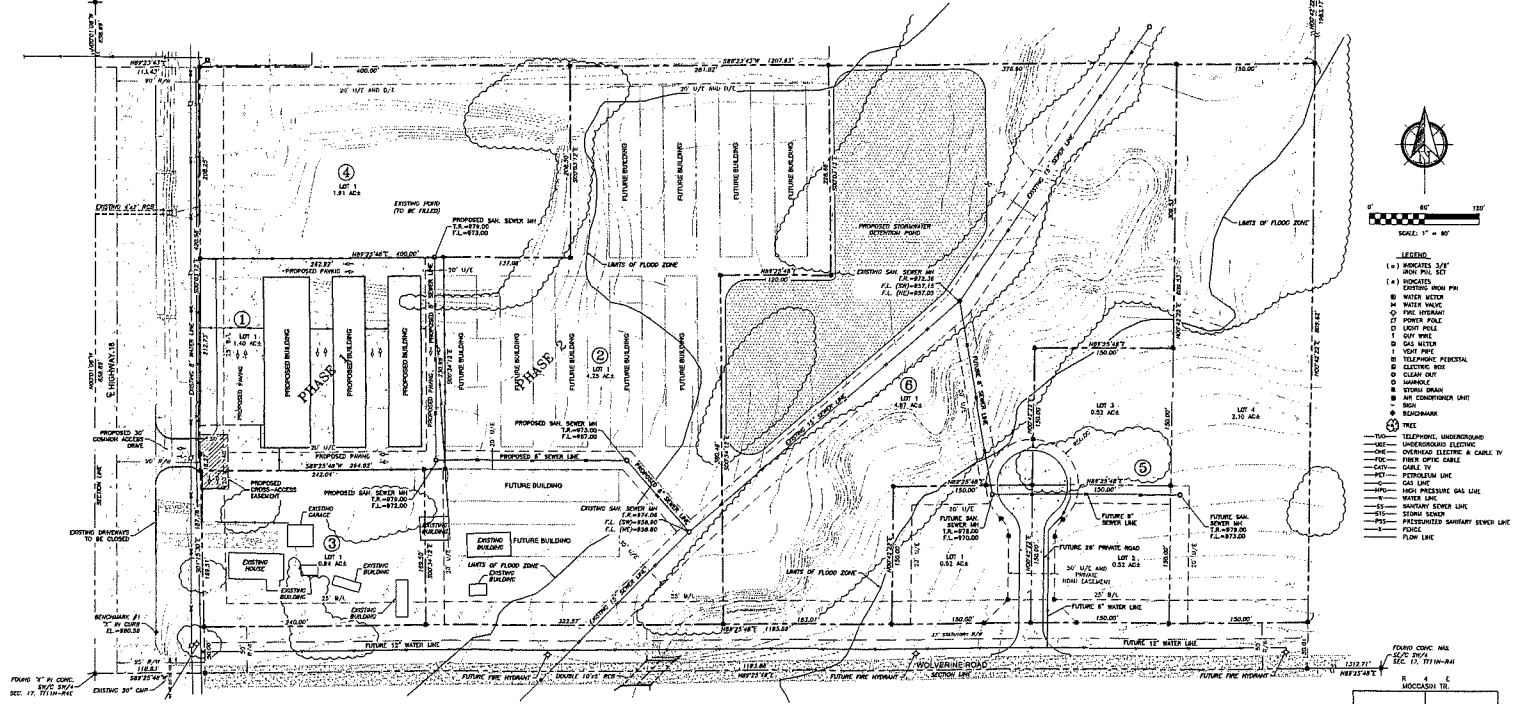


Figure 2: Future Land Use Map, with site outlined in Blue.

A PART OF THE S/2 SW/4 SW/4
OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 4 EAST OF THE 1.M.,
CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA.

FOUND 3/8" LF.
NW/4 SW/4
SEC. 17, T11N-R4E

FOUND 2"x1/2" PL
HC/TC HWH/4 SW/4
SEC. 17, T11101-24



LEGEND

(=) INDICATES 3/4" NIPPLE SIZE

(A) INDICATES EXISTING FROM PPH

— WATER METER

— WATER VALVE

○ FIRE HYDRANT

— POWER POLE

○ LIGHT POLE

— VOLT WIRE

— GAS METER

— VOLT POLE

— TELEPHONE PEDESTAL

— ELECTRIC BOX

— CLEAN OUT

○ MANHOLE

— STORM DRAIN

— AIR CONDITIONER UNIT

— SIGN

— BACKSPLANK

☼ TREE

— TELEPHONE UNDERGROUND

— OVERHEAD ELECTRIC

— OVERHEAD ELECTRIC & CABLE TV

— CABLE TV

— CABLE TV

— PETROLEUM LINE

— GAS LINE

— HIGH PRESSURE GAS LINE

— SEWER

— SANITARY SEWER LINE

— SEWAGE SEWER

— PRESSURIZED SANITARY SEWER LINE

— FENCE

— DUNE LINE

LANDES ENGINEERING L.L.C.
www.landesengineering.net
 903 E. 35th Street • P.O. BOX 1032
 Shawnee, OK 74802-1032
 (405) 275-5755 • Fax (405) 275-5047
 CA # 2280 EXP. 6-30-13



DEVELOPERS INFORMATION

LOCATION: NORTHEAST CORNER OF THE INTERSECTION
OF HIGHWAY 18 AND WOLVERINE ROAD.

OWNER & DEVELOPER: NESBUD DEVELOPMENT, LLC
106 MOUNTAINVIEW CT.
SHANNEX, OK 74801
(405) 740-2880

PROJECT ENGINEER: RICHARD L. LANGES
803 E. 35TH ST.
SHANNEX, OK. 74801
(405) 278-5308

STATISTICAL DATA

STATISTICAL DATA

A. 18.19 ACRES
B. 9 LOTS
C. HOME
D. 8 LOTS
BLOCK 1 - 22,320 SQ. FT. COMMERCIAL STORAGE
BLOCK 2 - 71,810 SQ. FT. COMMERCIAL STORAGE
E. HOME
F. HOME
G. NO PUBLIC ROADWAY.
H. HOME

STORMWATER FLOW

THE PROPERTY IS TO BE GRADED AND
STORMWATER RUNOFF IS TO BE DIRECTED
TOWARDS THE PROPOSED DETENTION POND.
THE STORMWATER IS TO BE DETAINED IN THE
PROPOSED DETENTION POND AND DISCHARGED
INTO THE EXISTING DRAINAGE CHANNEL AT A
RATE NOT TO EXCEED PRE-DEVELOPMENT

LEGAL DESCRIPTION

THE SOUTH WALL OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER
S/4, T/4, R/4 OF SECTION SEVENTEEN (17), TOWNSHIP 66N, R/1E, NORTH
DAKOTA (4) EAST OF THE INTERSECTION, MT. PATERSON, COUNTY,
DOKLAHMA, LESS AND EXCEPT A TRACT OF LAND BEGINNING AT THE SOUTHWEST
CORNER OF S4D SOUTHWEST QUARTER (SW/4, S/4, T/4); THENCE N00D01W
ALONG THE WEST LINE OF S4D S/4, A DISTANCE OF 438.89 FEET; THENCE
S02W173E, A DISTANCE OF 112.43 FEET; THENCE S00D01W1/2E, A DISTANCE OF
426.92 FEET; THENCE S01D150E, A DISTANCE OF 337.79 FEET TO A POINT ON
THE SOUTH LINE OF S4S S/4, T/4; S4S1/4W, ALONG S4D SOUTH LINE A
DISTANCE OF 118.63 FEET TO THE POINT OF BEGINNING.

PRELIMINARY PLAT NOTE

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

Note To Contractors
 D-11, 211-1-1, 222-522-55

LOCATION OF UNDERGROUND UTILITY SERVICES. CONTRACTORS MUST CONTACT THIS NUMBER PRIOR TO ANY EXCAVATION OR CONSTRUCTION.

EVERY EFFORT HAS BEEN MADE TO LOCATE AND IDENTIFY APPROXIMATE LOCATIONS OF UNDERGROUND UTILITY LINES. BURIED UTILITIES ARE NOT NECESSARILY AS SHOWN. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO EXCAVATION.



Revisions

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P15-12

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on a proposed Rezone of property located within the City of Shawnee.

The property requesting rezoning is described as follows:

The South Half of the Southwest Quarter of the Southwest Quarter (S/2 SW/4 SW/4) of Section Seventeen (17), Township Eleven (11) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma, less and except a tract of land described as beginning at the Southwest Corner of said Southwest Quarter (SW/4); thence N00°01'06"W along the West line of said SW/4 a distance of 658.69 feet; thence N89°24'13"E a distance of 113.43 feet; thence S00°03'12"E a distance of 420.96 feet; thence S01°15'30"E a distance of 237.77 feet to a point on the South line of said SW/4; thence S89°25'18"W along said South line a distance of 118.83 feet to the point of beginning and less and except a tract 150 feet by 150 feet in the Southwest Corner of said tract.

General Location Known As:	<u>8331 North Harrison</u>
Current Zoning Classification:	<u>A-1; Agricultural</u>
Requested Zoning Classification:	<u>I-2; Light Industrial</u>
Proposed Use of Property:	<u>Storage Buildings</u>
Applicant:	<u>Clayton H Eads</u>

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

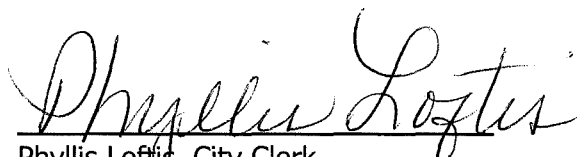
The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

October 03, 2012	AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
October 15, 2012	AT 6:30 P.M.:	CITY OF SHAWNEE CITY COMMISSION

At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the rezone. The Commission reserves the right to limit discussion and debate on the proposed rezone in the public hearing, in which event those persons appearing in support or opposition of the proposed rezone will be allotted equal time. Any formal protest must be filed in writing with the City Clerk during normal working hours before 5:00 p.m. a minimum of three (3) days prior to the hearing. If there are any questions about the proposal, or you need additional information prior to the public hearing, please contact the Planning Department at 878-1616. A copy of the application is available for public inspection during normal working hours in the Planning Secretary's office at 222 N. Broadway.

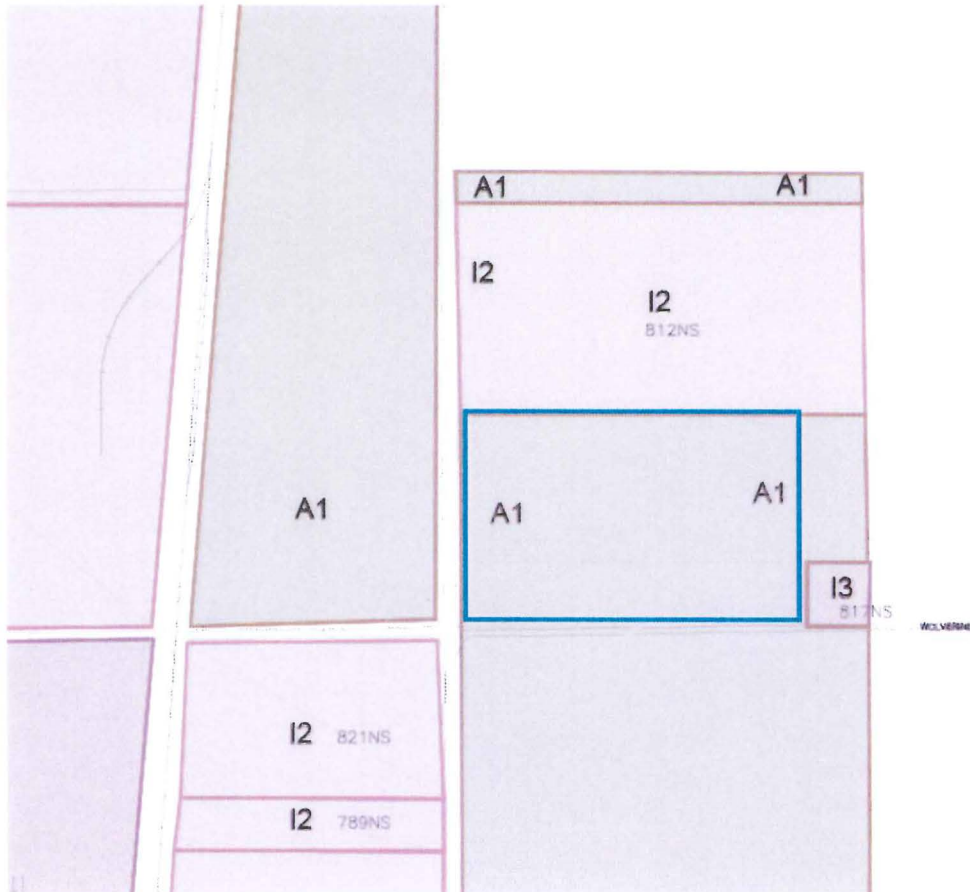
Witness my hand this 12 day of September, 2012.




Phyllis Loftis, City Clerk

Zoning Map

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



Location Map

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



PLANNING COMMISSION APPLICATION
PROJECT NO. 121025 CASE NO. P15-12

REQUEST:

Rezoning X Rezoning w/Conditional Use Permit _____ Conditional Use Permit _____
Planned Unit Development _____

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

PROPERTY LOCATION (STREET ADDRESS): 8331 8201 N HARRISON

Per Jennifer D. Emery Manager

LEGAL DESCRIPTION: ATTACHED

PROPERTY OWNER (S): RED BUD DEVELOPMENT LLC

PROPERTY AGENT (APPLICANT): CLAYTON H EADS

APPLICANT'S ADDRESS: 106 HUNTINGTON COURT

CITY: SHAWNEE **STATE:** OK **ZIP:** 74801

EMAIL ADDRESS: Chef@paul.com

TELEPHONE NUMBER: (405) 760-2880 **CONTACT NUMBER:** () 546

DIMENSIONS OF PROPERTY: AREA 17⁺ Acres WIDTH 660'
LENGTH 1200' FRONTAGE 660'

CURRENT ZONING: A1 **CURRENT USE:** HOUSE & VACANT LAND

PROPOSED ZONING: I2 **PROPOSED USE:** STORAGE YARDS

With the filing of this application, I acknowledge that I have been informed of off-street parking, fencing and paving requirements in regard to the zoning I have requested as witnessed by my signature.

[Signature]
SIGNATURE OF APPLICANT

(FOR STAFF USE ONLY)

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

PLANNING COMMISSION SECRETARY

REZONING &/OR C.U.P FEE \$ 280.00
RECEIPT NO. 01373277

PLANNED UNIT DEVELOPMENT FEE \$ 550.00
SIGN DEPOSIT \$ 50.00

(Refundable if Applicant returns 48 hrs. after City Commission Meeting)

PLANNING COMMISSION ACTION: _____ **DATE:** _____
CITY COMMISSION ACTION: _____ **DATE:** _____
PLACE ON ZONING MAP: _____ **ORDINANCE NO.:** _____

STATE OF OKLAHOMA)
) SS:
COUNTY OF POTTAWATOMIE)

-: AFFIDAVIT OF BONDED ABTRACTOR :-

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

The South Half of the Southwest Quarter of the Southwest Quarter (S/2 SW/4 SW/4) of Section Seventeen (17), Township Eleven (11) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma, less and except a tract of land described as beginning at the Southwest Corner of said Southwest Quarter (SW/4); thence N00°01'06"W along the West line of said SW/4 a distance of 658.69 feet; thence N89°24'13"E a distance of 113.43 feet; thence S00°03'12"E a distance of 420.96 feet; thence S01°15'30"E a distance of 237.77 feet to a point on the South line of said SW/4; thence S89°25'18"W along said South line a distance of 118.83 feet to the point of beginning and less and except a tract 150 feet by 150 feet in the Southwest Corner of said tract.

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

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

EXECUTED at Shawnee, Oklahoma, this 2nd day of July, 2012.

FIRST AMERICAN TITLE AND TRUST COMPANY

By 
Teresa Southard, Licensed Abstractor #264

Order No. 1717993-SH99

Ownership List

Order No. 1717993-SH99

Date July 2, 2012

Page No. 1

OWNER

BRIEF LEGAL:

State Department of Transportation – 200 NW 21st, Oklahoma City, OK 73105

Beg. SW/C SW/4 Section 17, Township 11 North, Range 4 East; thence N 658.69'; thence E 113.43'; thence S 420.96'; thence S1°E 237.77'; thence W 118.83' to beg. & Beg. SE/C SE/4 Section 18, Township 11 North, Range 4 East; thence N 2634.77'; thence W 67.83'; thence S 645.31'; thence S1°W 150.08'; thence S 500'; thence S2°E 100.12'; thence S 200'; thence S8°W 101.12'; thence S 939.62'; thence E 81.18' to beg. & Beg. NW/C NW/4 Section 20, Township 11 North, Range 4 East; thence S 2648.24'; thence E 96.59'; thence N 497.14'; thence N0°3'W 388.55'; thence N2°E 100' to beg.

Redbud Development, LLC – 106 Huntington Court, Shawnee, OK 74801

S2/ SW/4 SW/4 Section 17, Township 11 North, Range 4 East...LESS 1.75 acres

R.E. Grace and Robert Dean Grace, Trustees of the R. E. & Virginia Grace 2007 Revocable Trust – P.O. Box 3579, Shawnee, OK 74802-3579

W/2 E/2 SW/4 Section 17, Township 11 North, Range 4 East

Eaton Hydraulics, Inc. – 1111 Superior Ave., Cleveland, OH 44114-2584

N/2 SW/4 SW/4 & 3 Acres in NW/4 SW/4 Section 17, Township 11 North, Range 4 East...LESS .66 Acres to State

Raidash, LLC – c/o Dr. Obhrai – 2801 N. Saratoga, Shawnee, OK 74804

Beg. SE/C SE/4 Section 18, Township 11 North, Range 4 East; thence W 786.25' to point on E Right-of-Way line of Railroad; thence N04°15'03"E along Right of Way 2,646.11'; thence E 588.32'; thence S 2,636.25' to beg.

Modern Oil Co., Inc. – P.O. Box 218, Shawnee, OK 74802-0218

Beg. 26' W NE/C NE/4 Section 19, Township 11 North, Range 4 East; thence S along W Right of Way Highway #18 409.14'; thence W 220.07'; thence N 406.84'; thence E 220.07' to beg.

Danny D. Thompson and Becky S. Thompson – 42209 Wolverine Road, Shawnee, OK 74804

Beg. NW/C W/2 E/2 NW/4; thence S 518'; thence E 168'; thence N 518'; thence W 168' to beg. Section 20, Township 11 North, Range 4 East

Karl A. Kozel and Valdene M. Kozel (Sestak) Revocable Trust – 7108 N. Harrison, Shawnee, OK 74804

W/2 NW/4 Section 20, Township 11 North, Range 4 East...LESS 5.94 Acres

Bert H. Baird, Jr. – P.O. Box 485, Shawnee, OK 74802-0485

W/2 E/2 NW/4 Section 20, Township 11 North, Range 4 East...LESS Beg. NW/C W/2 E/2 NW/4; thence S 518'; thence E 168'; thence N 518'; thence W 168' to beg.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, TO-WIT: THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (S/2 SW/4 SW/4) OF SECTION SEVENTEEN (17), TOWNSHIP ELEVEN (11) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTAWATOMIE COUNTY, OKLAHOMA, LESS AND EXCEPT A TRACT OF LAND DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW/4); THENCE N00°01'06" ALONG THE WEST LINE OF SAID SW/4 A DISTANCE OF 658.69 FEET; THENCE N89°24'13" E A DISTANCE OF 113.43 FEET; THENCE S00°03'12" E A DISTANCE OF 420.96 FEET; THENCE S01°15'30" E A DISTANCE OF 237.77 FEET TO A POINT ON THE SOUTH LINE OF SAID SW/4; THENCE S89°25'18" W ALONG SAID SOUTH LINE A DISTANCE OF 118.83 FEET TO THE POINT OF BEGINNING AND LESS AND EXCEPT A TRACT 150 FEET BY 150 FEET IN THE SOUTHWEST CORNER OF SAID TRACT, ACCORDING TO THE RECORDED PLAT THEREOF, REZONING SAID PROPERTY FROM A-1 ; AGRICULTURAL TO I-2; LIGHT INDUSTRIAL; AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

WHEREAS, pursuant to notice duly given as required by law, a public hearing was conducted by the Board of Commissioners of the City of Shawnee, Oklahoma on the 15th day of October, 2012, upon an application to rezone property located in the City of Shawnee, Oklahoma to I-2; Light Industrial.

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

WHEREAS, it appears to be in the best interest of the City of Shawnee and the inhabitants thereof for said property to be rezoned as considered.

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

Section 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit: The South Half Of The Southwest Quarter Of The Southwest Quarter (S/2 Sw/4 Sw/4) Of Section Seventeen (17), Township Eleven (11) North, Range Four (4) East Of The Indian Meridian, Potawatomie County, Oklahoma, Less And Except A Tract Of Land Described As Beginning At The Southwest Corner Of Said Southwest Quarter (Sw/4); Thence N00°01'06" Along The West Line Of Said Sw/4 A Distance Of 658.69 Feet; Thence N89°24'13" E A Distance Of 113.43 Feet; Thence S00°03'12" E A Distance Of 420.96 Feet; Thence S01°15'30" E A Distance Of 237.77 Feet To A Point On The South Line Of Said Sw/4; Thence S89°25'18" W Along Said South Line A Distance Of 118.83 Feet To The Point Of Beginning And Less And Except A Tract 150 Feet By 150 Feet In The Southwest Corner Of Said Tract, according to the recorded plat thereof, be rezoned I-2; Light Industrial, and the official zoning map heretofore adopted is hereby amended as to include said property I-2; Light Industrial.

PASSED AND APPROVED this 15th day of October, 2012.

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

8.

Meeting Date: 10/15/2012

Prelim Plat S11-12

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consideration of approval of preliminary plat for North Harrison Street Business Park located at NE Corner of Highway 18 and Wolverine Road. Case No. S11-12 Applicant: Landes Engineering

Attachments

Prelim Plat Hwy 18 and Wolverine Rd

RECOMMENDATION TO:

MAYOR

BOARD OF CITY COMMISSIONERS

CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE

PLANNING COMMISSION

SUBJECT:APPLICANT: Landes Engineering, LLCFOR: North Harrison Street Business Park-Preliminary PlatLOCATION: NE Corner Hwy 18 and Wolverine RoadPROJECT NUMBER 121012 CASE NUMBER S11-12**PLANNING COMMISSION MEETING DATE:**October 3, 2012**PLANNING COMMISSION RECOMMENDATION:**Approval of Preliminary Plat Phase 1, Lots 1, 3 and 4subject to the following conditions:

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

VOTE OF THE PLANNING COMMISSION:**MEMBERS PRESENT:** 6

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

RESPECTFULLY SUBMITTED,

Linda Burg

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____



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

STAFF REPORT
North Harrison Street Business Park, Preliminary Plat
Case #S11-12

TO: Shawnee Planning Commission

AGENDA: October 3, 2012

RE: 8331 North Harrison Street Business Park, Preliminary Plat

PROPOSAL

The applicant is requesting Preliminary Plat approval for 9 Lots on 18.19 acres to facilitate of storage buildings on some of the proposed lots. The property is located at 8331 North Harrison St, at the northeast corner of North Harrison and Wolverine Rd. A rezone is also pending (Case P#15-12). A single-family residence is located on the property.

GENERAL INFORMATION

Applicant	Redbud Development LLC
Owners	Clayton Eads
Site Location/Address	<i>See Figure 1</i>
Current Site Zoning	A-1, Agricultural
Parcel Size	18.19 acres
Proposed Use	Commercial/Industrial
Comprehensive Plan Designation	Commercial/Industrial
Existing Land Use	Agricultural
Surrounding Proposed Land Use	<u>North</u> : Commercial/Residential <u>South</u> : Commercial/Residential <u>West</u> : Commercial/Residential

	<u>East:</u> Commercial/Residential
Surrounding Zoning	<u>North:</u> I-2 <u>South:</u> A-1 <u>West:</u> A-1 <u>East:</u> A-1 and I-3



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

STAFF REVIEW AND ANALYSIS

The intended use of the property is for construction of a storage facility and adjoining buildings to be built in additional phases. A cul-de-sac and additional lots are planned off of Wolverine Road. Staff has reviewed the preliminary plat request and notes that some changes will have to be made to the plat before final platting occurs.

The applicant has noted the floodplain on the preliminary plat and pursuant to City of Shawnee regulations, no platting can occur in the FEMA-designated floodplain. It is Staff's understanding, that Landes Engineering will be working on a flood map revision to FEMA that could facilitate additional development on the site.

In the near term, the applicant wishes to final plat Phase 1 of the project (see preliminary plat), which is in conformance with City regulations because it lies outside of the regulated floodplain. The site will be developed as storage units.

Because of the existing floodplain, Staff cannot recommend approval of the preliminary plat as presented. Therefore, Staff only recommends preliminary plat approval for Lots 1, 3 and 4 of Phase 1 until the applicant is able to fully address the floodplain issues with FEMA.

With respect to utilities, the site has access to sewer with a 15 inch line running through the middle of the property and has access to an 8 inch line fronting on Harrison. Utilities will be extended to the proposed lots on site in accordance with City requirements. Because this is a preliminary plat, the technical aspects of the submitted preliminary plat have yet to be reviewed by the City Engineer who would have to approve the final plat and improvement plans before it returns to the Planning Commission for final plat approval.

The City Engineer has noted significant changes that would need to be made to the drainage and floodplain location and other changes may become necessary after review of the drainage report and review of the final plat.

Staff also notes that the applicant would be required to construct sidewalks along Harrison as per the sidewalk ordinance.

STAFF RECOMMENDATION

Staff recommends **approval** of the North Harrison Street Business Park, Preliminary Plat, Phase 1, Lots 1, 3 and 4 subject to the following conditions:

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

Attachments

1. Preliminary Plat

PRELIMINARY PLAT APPLICATION FOR THE CITY OF SHAWNEE

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

APPLICANT Landes Engineering, LLC
APPLICANT ADDRESS 903 E. 35th St., Shawnee, OK 74801
APPLICANT PHONE NUMBERS (405) 275-5388
EMAIL ADDRESS landesengineering@landesengineering.net
NAME OF PLAT North Harrison Street Business Park
LOCATION Northeast corner of the intersection of Highway 18 and Wolverine Rd.
NUMBER OF ACRES 18.19 NUMBER OF LOTS 9

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: FEE: \$225.00
PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 9 \$27.00
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____
TOTAL COST \$252.00

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

OWNER/DEVELOPER INFORMATION:

NAME Redbud Development LLC
ADDRESS 106 Huntington Ct., Shawnee, OK 74801
CONTACT NUMBERS (405) 760-2880
EMAIL ADDRESS _____

PROJECT ENGINEER INFORMATION:

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

FOR STAFF USE ONLY

PROJECT NUMBER: 121012 CASE NUMBER: S 11-12

DATE: 6-28-12 AMOUNT PAID: \$252.00 RECEIPT NO. 01372913

Regular Board of Commissioners

9.

Meeting Date: 10/15/2012

Rezone P16-12

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

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

Case No. P16-12 Applicant: Mike Little Construction

Deferred to November 2012 Planning Commission Meeting at request of applicant.

Attachments

Rezone P16-12

Ordinance Rezone 3300 N Union

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Mike Little Construction
FOR: Rezone
LOCATION: 3300 North Union
PROJECT#: 121052 Case# P16-12

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: R-1: Residential
REQUESTED CLASSIFICATION: R-3: Multi-Family Dwelling
PROPOSED PROPERTY USE: Combined Residential District

PLANNING COMMISSION MEETING DATE: October 3, 2012

PLANNING COMMISSION RECOMMENDATION: Applicant requests this case be deferred to November 7, 2012
Planning Commission Meeting

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 6

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

RESPECTFULLY SUBMITTED,

Linda Burg

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____



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

STAFF REPORT
REZONE REQUEST
Case #P16-12

TO: Shawnee Planning Commission

AGENDA: October 3, 2012

RE: CASE #P16-12; 3000 Wolf Trail AKA 3300 Block of North Union (East of houses on East side of Union)

PROPOSAL

The applicant requests this case be deferred to the November 7, 2012 Planning Commission Meeting.

GENERAL INFORMATION

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

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

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P16-12

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on a proposed Rezone of property located within the City of Shawnee.

The property requesting rezoning is described as follows:

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

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

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

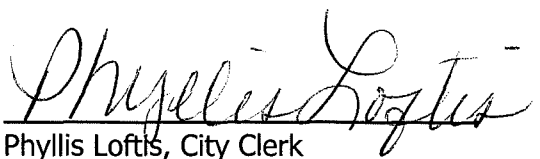
The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

October 03, 2012	AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
October 15, 2012	AT 6:30 P.M.:	CITY OF SHAWNEE CITY COMMISSION

At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the rezone. The Commission reserves the right to limit discussion and debate on the proposed rezone in the public hearing, in which event those persons appearing in support or opposition of the proposed rezone will be allotted equal time. Any formal protest must be filed in writing with the City Clerk during normal working hours before 5:00 p.m. a minimum of three (3) days prior to the hearing. If there are any questions about the proposal, or you need additional information prior to the public hearing, please contact the Planning Department at 878-1616. A copy of the application is available for public inspection during normal working hours in the Planning Secretary's office at 222 N. Broadway.

Witness my hand this 12 day of September, 2012.




Phyllis Loftis, City Clerk

Zoning Map

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



Location Map

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



CITY OF SHAWNEE
222 N. BROADWAY
SHAWNEE, OK 74801

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

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

REQUEST:

Rezoning **X** Rezoning w/Conditional Use Permit _____ Conditional Use Permit _____
Planned Unit Development _____

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from **R-1** District to **R-3** District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): **3300 block of north Union (east of houses on east side of Union)** **3000 Wolf TRAIL** *per Jennifer - Emerg. Management*

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

PROPERTY OWNER (S): **LLL Properties**

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

APPLICANT'S ADDRESS: **1901 N. Kickapoo**

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

EMAIL ADDRESS: **westchester.bill@att.net**

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

DIMENSIONS OF PROPERTY: AREA _____ WIDTH _____

See Site Plan & Legal Attached LENGTH _____ FRONTAGE _____

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

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

With the filing of this application, I acknowledge that I have been informed of off-street parking, fencing and paving requirements in regard to the zoning I have requested as witnessed by my signature.

W. Thurman
SIGNATURE OF APPLICANT

(FOR STAFF USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this **6** day of, **September** 20**12**

Linda Burg
PLANNING COMMISSION SECRETARY

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

RECEIPT NO. **01376546**

PLANNED UNIT DEVELOPMENT FEE \$ **550.00**

SIGN DEPOSIT \$ **50.00**

(Refundable if Applicant returns 48 hrs. after City Commission Meeting)

PLANNING COMMISSION ACTION: _____ **DATE:** _____

CITY COMMISSION ACTION: _____ **DATE:** _____

PLACE ON ZONING MAP: _____ **ORDINANCE NO.:** _____

STATE OF OKLAHOMA)
) SS:
POTTAWATOMIE COUNTY)

-: AFFIDAVIT OF BONDED ABTRACTOR :-

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

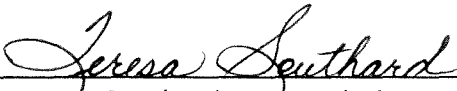
A tract of land described as beginning at the Northwest Corner of Lot Twenty-two (22), KELLY'S ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma; thence S88°57'23"E along the North line of said Lot 22 a distance of 320.00 feet to the point of beginning; thence continuing S88°57'23"E along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

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

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

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

FIRST AMERICAN TITLE AND TRUST COMPANY

By 
Teresa Southard, Licensed Abstractor #264

Order No. 1699741-SH99

Ownership List

Order No. 1699741-SH99

Date May 14, 2012

Page No. 1

OWNER

BRIEF LEGAL:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Lot 24, KELLY'S ADDITION to Shawnee

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

Lot 20, KELLY'S ADDITION to Shawnee

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

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

Ownership List

Order No. 1699741-SH99

Date May 14, 2012

Page No. 2

OWNER

BRIEF LEGAL:

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

N 48' Lot 11 and S 190' Lot 12, AMENDED PLAT OF LOTS 8 TO 15, KELLEY'S ADDITION to Shawnee

Mark Cox – 304 E. MacArthur, Shawnee, OK 74804

S 205' of W/2 Lot 10 & W/2 Lot 9 & E 15' of W 180' of S 200' Lot 9, AMENDED PLAT OF LOTS 8 TO 15, KELLEY'S ADDITION to Shawnee

Eileen G. Williams – 3306 N. Oklahoma, Shawnee, OK 74804

Beg. 125' S NE/C Lot 10, AMENDED PLAT OF LOTS 8 TO 15, KELLEY'S ADDITION to Shawnee; thence W 165'; thence S 125'; thence E 165'; thence N 125' to beg.

John A. Robinson – 3310 N. Oklahoma, Shawnee, OK 74804

W 165' of N 125' Lot 10 & S 282' Lot 11, AMENDED PLAT OF LOTS 8 TO 15, KELLEY'S ADDITION to Shawnee

James Deason Cunningham and Donna Jean Cunningham – 3308 N. Oklahoma, Shawnee, OK 74804

Beg. NE/C Lot 10, AMENDED PLAT OF LOTS 8 TO 15, KELLEY'S ADDITION to Shawnee; thence W 165'; thence S 125'; thence E 165'; thence N 125' to beg.

Citizen Potawatomi Housing Authority – 1901 S. Gordon Cooper Dr., Shawnee, OK 74801

S 65' of Block 6, WYANT'S SECOND ADDITION to Shawnee

Walter Girty – 2814 N. Union, Shawnee, OK 74804

Beg. 195' S NE/C Block 6, WYANT'S SECOND ADDITION to Shawnee; thence W 202'; thence S 65'; thence E 202'; thence N 65' to beg.

John Paul Spear – 2824 N. Union, Shawnee, OK 74804

Beg. 65' S NE/C Block 6, WYANT'S SECOND ADDITION to Shawnee; thence W 202'; thence S 65'; thence E 202'; thence N 65' to beg.

Jerry D. Mizzelle and Evelyn R. Mizzelle – 2820 N. Union, Shawnee, OK 74804

Beg. 130' S NE/C Block 6, WYANT'S SECOND ADDITION to Shawnee; thence W 202'; thence S 65'; thence E 202'; thence N 65' to beg.

Preston L. Carder and Amy L. Carder – 2830 N. Union, Shawnee, OK 74804

Beg. NE/C Block 6, WYANT'S SECOND ADDITION to Shawnee; thence W 202'; thence S 65'; thence E 202'; thence N 65' to beg.

William Rinderer and Lois Rinderer – 6 Melanie Lane, Shawnee, OK 74804

Beg. 260' S NE/C Block 6, WYANT'S SECOND ADDITION to Shawnee; thence W 202'; thence S 65'; thence E 202'; thence N 65' to beg.

Ownership List

Order No. 1699741-SH99

Date May 14, 2012

Page No. 3

OWNER

BRIEF LEGAL:

Ronald G. Sexton and Paulette Sexton Newby – 3308 N. Union, Shawnee, OK 74804

Beg. SE/C Block 7, WYANT'S SECOND ADDITION to Shawnee; thence W 254'; thence N 114'; thence E 254'; thence S 114' to beg.

George L. Mastick and Carolyn R. Mastick – 3310 N. Union, Shawnee, OK 74804

Beg. 114' N SE/C Block 7, WYANT'S SECOND ADDITION to Shawnee; thence N 80'; thence W 254'; thence S 80'; thence E 254' to beg.

Brandi D. Martinez – 3316 N. Union, Shawnee, OK 74804

Lot 1, Block 7, RE-PLAT OF BLOCK 8 AND THE NORTH 196 FEET OF BLOCK 7, WYANT'S SECOND ADDITION to Shawnee

Brent Bowlan and Susan R. Bowlan – 3502 N. Union, Shawnee, OK 74804

Lot 7, Block 8, RE-PLAT OF BLOCK 8 AND THE NORTH 196 FEET OF BLOCK 7, WYANT'S SECOND ADDITION to Shawnee

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, TO-WIT: A TRACT OF LAND DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF LOT TWENTY-TWO (22), KELLY'S ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA; THENCE S88°57'23"E ALONG THE NORTH LINE OF SAID LOT 22 A DISTANCE OF 320.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S88°57'23" E ALONG THE NORTH LINE OF LOT 22 A DISTANCE OF 239.00 FEET; THENCE S00°00'22" W A DISTANCE OF 331.76 FEET; THENCE N88°46'32"W ALONG THE SOUTH LINE OF LOT 22 A DISTANCE OF 397.00 FEET; THENCE N00°00'00"E A DISTANCE OF 194.51 FEET; THENCE S88°57'23" E A DISTANCE OF 158.01 FEET; THENCE N00°00'00" E A DISTANCE OF 136.0 FEET TO THE POINT OF BEGINNING, ACCORDING TO THE RECORDED PLAT THEREOF, REZONING SAID PROPERTY FROM R-2 ; RESIDENTIAL, SINGLE FAMILY DWELLING TO R-3; MULTI-FAMILY DWELLING; AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

WHEREAS, pursuant to notice duly given as required by law, a public hearing was conducted by the Board of Commissioners of the City of Shawnee, Oklahoma on the 15th day of October, 2012, upon an application to rezone property located in the City of Shawnee, Oklahoma to R-3; Multi-Family Dwelling.

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

WHEREAS, it appears to be in the best interest of the City of Shawnee and the inhabitants thereof for said property to be rezoned as considered.

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

Section 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit: A tract of land described as beginning at the Northwest Corner of Lot Twenty-two (22), KELLY'S ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma; thence S88°57'23"E along the North line of said Lot 22 a distance of 320.00 feet to the point of beginning; thence continuing S88°57'23" E along the North line of Lot 22 a distance of 239.00 feet; thence S00°00'22" W a distance of 331.76 feet; thence N88°46'32"W along the South line of Lot 22 a distance of 397.00 feet; thence N00°00'00"E a distance of 194.51 feet; thence S88°57'23" E a distance of 158.01 feet; thence N00°00'00" E a distance of 136.0 feet to the point of beginning, according to the recorded plat thereof, be rezoned to R-3; Multi-Family Dwelling, and the official zoning map heretofore adopted is hereby amended as to include said property R-3; Multi-Family Dwelling.

PASSED AND APPROVED this 15th day of October, 2012.

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

10.

Meeting Date: 10/15/2012

Rezone P17-12

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Public hearing and consideration of an ordinance to rezone property at 906 East Independence C-1; Neighborhood Commercial to C-3; Automotive, Commercial and Recreation.

Case No. P17-12 Applicant: O'Reilly Automotive Stores

Attachments

Rezone P17-12

Ordinance Rezone 906 E Independence

RECOMMENDATION TO:

MAYOR

BOARD OF CITY COMMISSIONERS

CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE

PLANNING COMMISSION

SUBJECT:

APPLICANT: O'Reilly Automotive Stores Inc

FOR: Rezone

LOCATION: 906 East Independence

PROJECT#: 121063 Case# P17-12

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION:

C-1; Neighborhood Commercial

REQUESTED CLASSIFICATION:

C-3; Automotive, Commercial and Recreation

PROPOSED PROPERTY USE:

Building/Parking additions to current O'Reilly Store

PLANNING COMMISSION MEETING DATE: October 3, 2012

PLANNING COMMISSION RECOMMENDATION: Approval

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 6

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

RESPECTFULLY SUBMITTED,

Linda Burg

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____



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

STAFF REPORT
REZONE REQUEST
Case #P17-12

TO: Shawnee Planning Commission

AGENDA: October 3, 2012

RE: CASE #P17-12; 906 East Independence

PROPOSAL

The applicant is requesting to rezone property located at 906 East Independence from C-1, Neighborhood Commercial to C-3, Automotive and Commercial Recreation. The applicant wishes to use the property for an addition to the structure and additional parking for the current store located at 1501 E. Harrison Street.

GENERAL INFORMATION

Applicant	O'Reilly Automotive Stores, Inc.
Owners	William Austin and Virginia Austin Revocable Trust
Site Location/Address	<i>See Figure 1</i>
Current Site Zoning	C-1
Parcel Size	14,520 sq ft
Proposed Use	Commercial – Parking Lot
Comprehensive Plan Designation	Commercial/Residential
Existing Land Use	Commercial
Surrounding Proposed Land Use	<u>North</u> : Commercial/Residential <u>South</u> : Commercial/Residential <u>West</u> : Commercial/Residential <u>East</u> : Commercial/Residential
Surrounding Zoning	<u>North</u> : R-1

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

STAFF ANALYSIS AND FINDINGS

The applicant is requesting approval to rezone the property located at 906 E. Independence from C-1 to C-3 to allow for an addition and construction of a parking lot to accompany the current store located at 1501 E. Harrison. With approval of the zone change, the applicant plans on combining the two properties to allow for the building addition and additional parking. The size of the new addition will be 2,409 square feet with five additional parking spaces created.

The application meets all of the requirements for a zone change, and it is in Staff's opinion that the proposed change does conform to the Comprehensive Plan (Figure 2), which recommends that the area be used for Commercial uses. Since the property is surrounded by commercial uses, allowing the rezoning to occur would not cause any changes to the current neighborhood. With the new building addition, the site would have to conform to the city's sidewalk requirements with a new sidewalk required on Harrison and East Independence.

RECOMMENDATION

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

Attachments

1. Figure 1-Zoning Map
2. Figure 2-Land Use Map
3. Site Plan

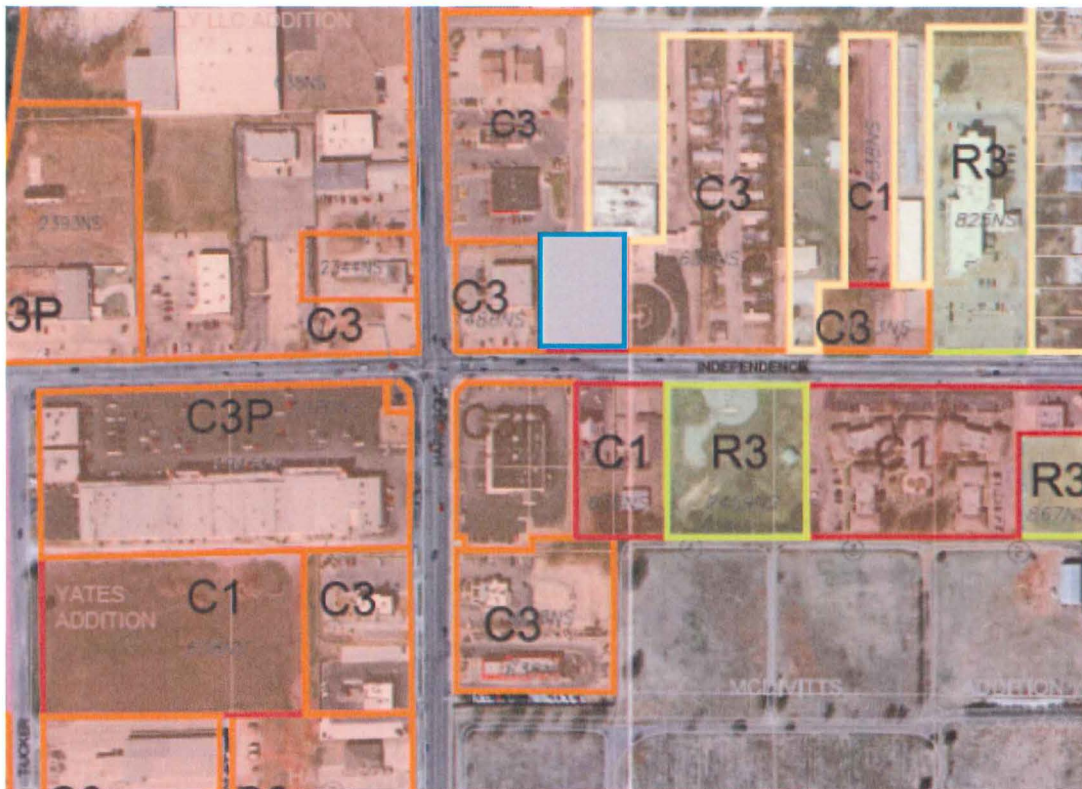


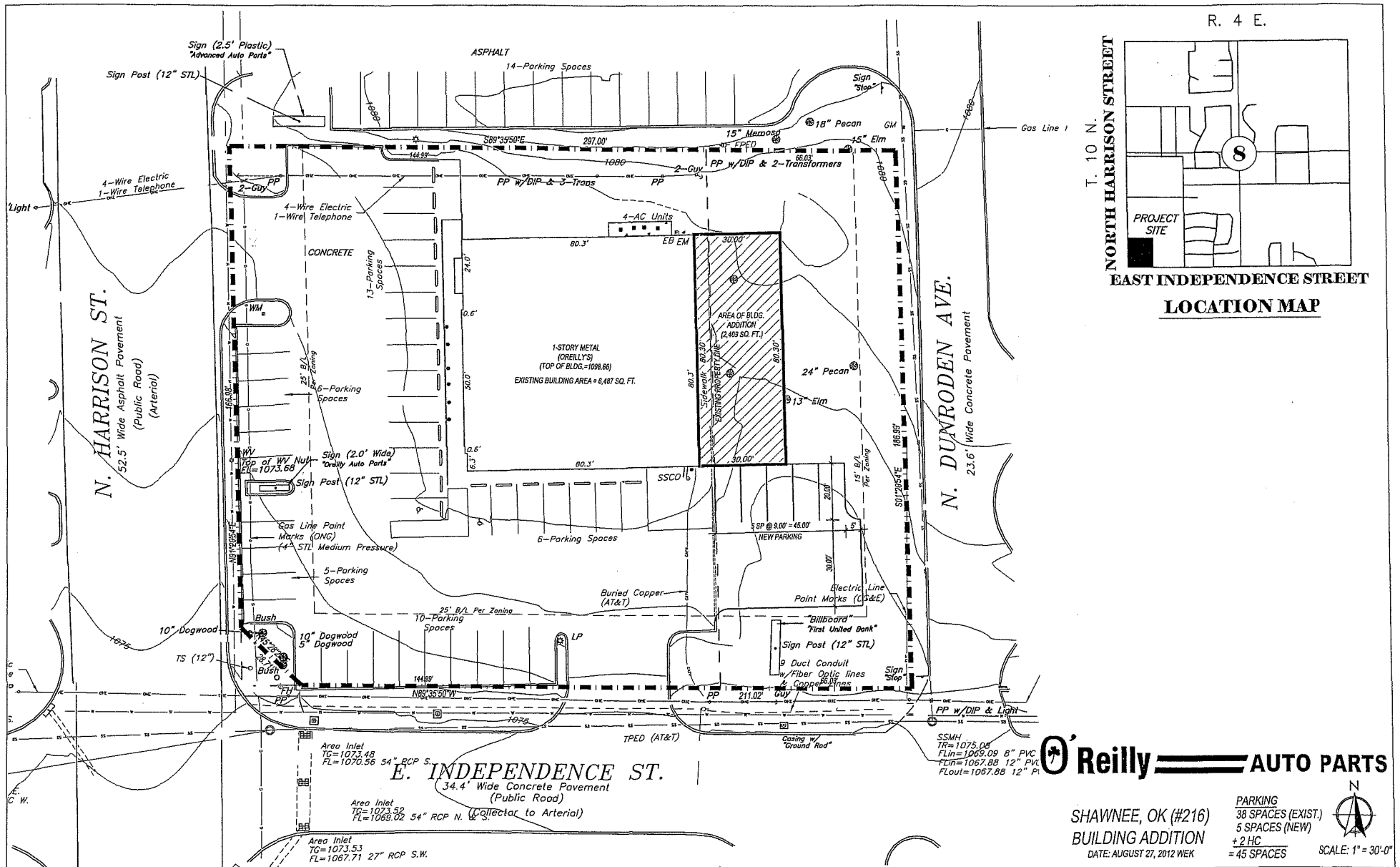
Figure 1: Zoning map, with site outlined in blue and filled in gray

FUTURE LAND USE

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



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



CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE # P17-12

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on a proposed Rezone of property located within the City of Shawnee.

The property requesting rezoning is described as follows:

A tract of land described as beginning at a point 198 feet East of the Southwest Corner of the Southwest Quarter (SW/4) of Section Eight (8), Township Ten (10) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence North 220 feet; thence East 66 feet; thence South 200 feet; thence West 66 feet to the point of beginning.

General Location Known As:	<u>906 East Independence</u>
Current Zoning Classification:	<u>C-1; Neighborhood Commercial</u>
Requested Zoning Classification:	<u>C-3; Automotive, Commercial and Recreation</u>
Proposed Use of Property:	<u>Building/parking additions to current O'Reilly Store located at 1501 East Harrison</u>
Applicant:	<u>O'Reilly Automotive Stores</u>

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

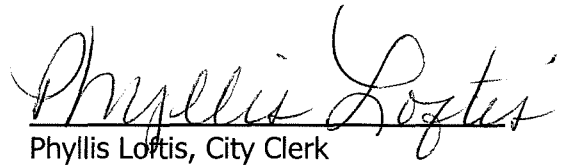
The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

October 03, 2012	AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
October 15, 2012	AT 6:30 P.M.:	CITY OF SHAWNEE CITY COMMISSION

At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the rezone. The Commission reserves the right to limit discussion and debate on the proposed rezone in the public hearing, in which event those persons appearing in support or opposition of the proposed rezone will be allotted equal time. Any formal protest must be filed in writing with the City Clerk during normal working hours before 5:00 p.m. a minimum of three (3) days prior to the hearing. If there are any questions about the proposal, or you need additional information prior to the public hearing, please contact the Planning Department at 878-1616. A copy of the application is available for public inspection during normal working hours in the Planning Secretary's office at 222 N. Broadway.

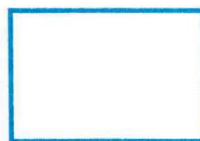
Witness my hand this 12 day of September, 2012.




Phyllis Loftis, City Clerk

Location Map

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



CITY OF SHAWNEE
222 N. BROADWAY
SHAWNEE, OK 74801

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

PLANNING COMMISSION APPLICATION
PROJECT NO. 121063 CASE NO. P17-12

REQUEST:

Rezoning X Rezoning w/Conditional Use Permit _____ Conditional Use Permit _____
Planned Unit Development _____

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from C-1 District to C-3 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 906 E. Independence Street, Shawnee, OK

LEGAL DESCRIPTION: SEE ATTACHED SHEET.

PROPERTY OWNER (S): William R. Austin and Virginia M. Austin, Trustees of the William R. Austin and Virginia M. Austin Revocable Trust, Dated February 26, 2004

PROPERTY AGENT (APPLICANT): O'Reilly Automotive Stores, Inc., a Missouri corporation

Attn: Becky Piland, Real Estate
APPLICANT'S ADDRESS: 233 S. Patterson

CITY: Springfield STATE MO ZIP 65802

EMAIL ADDRESS: bpiland@oreillyauto.com

TELEPHONE NUMBER: (417) 862-2674 X-8677 CONTACT NUMBER: () SAME

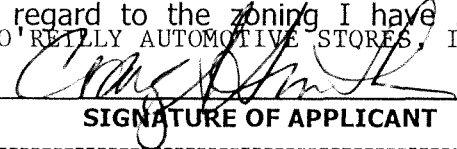
DIMENSIONS OF PROPERTY: AREA 14,520 sf WIDTH 66'
LENGTH 220' FRONTAGE 220'

CURRENT ZONING: C-1 **CURRENT USE:** Vacant

PROPOSED ZONING: C-3 **PROPOSED USE:** Building/parking additions to current O'Reilly Store #216 at 1501 E. Harrison

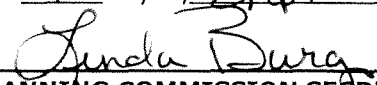
With the filing of this application, I acknowledge that I have been informed of off-street parking, fencing and paving requirements in regard to the zoning I have requested as witnessed by my signature.

BY:


SIGNATURE OF APPLICANT

(FOR STAFF USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this 1 day of Sept 2012


PLANNING COMMISSION SECRETARY

REZONING &/OR C.U.P FEE \$ 280.00
RECEIPT NO. 01376654

PLANNED UNIT DEVELOPMENT FEE \$ 550.00
SIGN DEPOSIT \$ 50.00

(Refundable if Applicant returns 48 hrs. after City Commission Meeting)

PLANNING COMMISSION ACTION: _____ **DATE:** _____
CITY COMMISSION ACTION: _____ **DATE:** _____
PLACE ON ZONING MAP: _____ **ORDINANCE NO.:** _____

STATE OF OKLAHOMA)
) SS:
COUNTY OF POTTAWATOMIE)

-: AFFIDAVIT OF BONDED ABTRACTOR :-

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

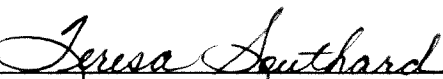
A tract of land described as beginning at a point 198 feet East of the Southwest Corner of the Southwest Quarter (SW/4) of Section Eight (8), Township Ten (10) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence North 220 feet; thence East 66 feet; thence South 200 feet; thence West 66 feet to the point of beginning.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from One (1) to Two (2), both inclusive.

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

EXECUTED at Shawnee, Oklahoma, this 6th day of August, 2012.

FIRST AMERICAN TITLE AND TRUST COMPANY

By 
Teresa Southard, Licensed Abstractor #264

Order No. 1733043-SH99

Ownership List

Order No. 1733043-SH99

Date August 6, 2012

Page No. 1

OWNER

BRIEF LEGAL:

William R. Austin and Virginia M. Austin Trust – P.O. Box 998, Shawnee, OK 74802-0998

Beg. 198' E SW/C SW/4 Section 8, Township 10 North, Range 4 East; thence N 220';
thence E 66'; thence S 220'; thence W 66' to beg.

Robert L. Davis Investment Co. – 4923 E. 49th, Tulsa, OK 74135-7099

Beg. 385' N SW/C SW/4 Section 8, Township 10 North, Range 4 East; thence E 264';
thence N 120'; thence W 264'; thence S 120' to beg.

O'Reilly Automotive, Inc. – c/o Thomson Reuters Pts – P.O. Box 06116, Chicago, IL 60606-0116

Beg. SW/C SW/4 Section 8, Township 10 North, Range 4 East; thence N 220'; thence E
198'; thence S 220'; thence W 198' to beg.

George D. Williamson, MD – 5087 E. Highway #22, Hamilton, TX 76531

Beg. 505' N SW/C SW/4 Section 8, Township 10 North, Range 4 East; thence E 264';
thence N 155'; thence W 264'; thence S 155' to beg.

Canady Properties, LLC – 5 Dogwood Court, Foxfire Village, NC 27281

Beg. 220' N SW/C SW/4 Section 8, Township 10 North, Range 4 East; thence E 264';
thence N 165'; thence W 264'; thence S 165' to beg.

Mark H. Cannon and Mary Jane Cannon Trust – 5 Creek Dr., Shawnee, OK 74801

Beg. 516' E SW/C SW/4 Section 8, Township 10 North, Range 4 East; thence N 292.16';
thence N30°W 45.88'; thence N 212.80'; thence E 153.08'; thence S 548.39'; thence W 144' to
beg.

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

Beg. 264' E SW/C SW/4 Section 8, Township 10 North, Range 4 East; thence N 660';
thence E 243'; thence S 660'; thence W 243' to beg.

Kenneth W. Stuteville and Melissa Stuteville – 44406 Moccasin Trail, Meeker, OK 74855

Beg. 137' N SE/C SE/4; thence W 200'; thence S 137'; thence W 28'; thence N 300';
thence E 28'; thence S 100'; thence E 200'; thence S 63' to beg. & Beg. 200' N SE/C SE/4; thence
W 200'; thence N 100'; thence E 200'; thence S 100' to beg. Section 7, Township 10 North,
Range 4 East

Still Ville Properties Corp. – 601 S. Washington, Stillwater, OK 74074

Beg. 500' N SE/C SE/4 Section 7, Township 10 North, Range 4 East; thence S 100'; thence
W 228'; thence N 100'; thence E 228' to beg.

Kenneth W. Stuteville and Melissa A. Stuteville – 44406 Moccasin Trail, Meeker, OK 74855

Beg. 300' N SE/C SE/4 Section 7, Township 10 North, Range 4 East; thence W 228';
thence N 100'; thence E 228'; thence S 100' to beg.

Greenfield Environmental Multistate Trust LLC – 44 Shattuck Road, Watertown, MS -2472

Beg. SE/C SE/4 Section 7, Township 10 North, Range 4 East; thence N 137'; thence W
200'; thence S 137'; thence E 200' to beg.

Ownership List

Order No. 1733043-SH99

Date August 6, 2012

Page No. 2

OWNER

BRIEF LEGAL:

Tobi N. Fried and David Nicklas – 753 E. Independence, Shawnee, OK 74801

Beg. 33' S & 33' W NE/C YATES ADDITION to Shawnee; thence S 125'; thence W 75';
thence N 125'; thence E 75' to beg.

Del Plaza Operating Co., Inc. – c/o Midland Loan Servicing – P.O. Box 25965, Shawnee Mission,
KS 66225-5965

Blocks 1 & 8, YATES ADDITION to Shawnee...LESS Tract in NE/C Block 1

USA Trust for Sac & Fox Nation – Route 2, Box 246, Stroud, OK 74079

Beg. NE/C Block 5, McDIVITT'S ADDITION to Shawnee; thence S 150'; thence W 70';
thence N 150'; thence E 70' to beg.

Newport – Independence, LLC – c/o Walgreens Store #4269 – P.O. Box 901, Deerfield, IL 60015

Beg. 20' S NW/C Block 5, McDIVITT'S ADDITION to Shawnee; thence S 277.16'; thence W
17'; thence S 28.84'; thence E 133'; thence N 26'; thence E 85'; thence N 300'; thence W 215';
thence S45°W 28.15' to beg.

Newport Companies, LLC – 1000 W. Wilshire, Suite 206, Oklahoma City, OK 73116

Beg. 150' S NE/C Block 5, McDIVITT'S ADDITION to Shawnee; thence S 150'; thence W
80.875'; thence N 150'; thence E 80.875' to beg.

Kaye Steele Harrod Family Trust – 1303 W. Farrall, Shawnee, OK 74801

E 211.85' N/2 Block 4 & W 63.175' N/2 Block 3, McDIVITT'S ADDITION to Shawnee

Rick D. Thompson and Becky G. Thompson – P.O. Box 1486, Shawnee, OK 74802-1486

W 104.05' of N/2 Block 4, McDIVITT'S ADDITION to Shawnee

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, TO-WIT: A TRACT OF LAND DESCRIBED AS BEGINNING AT A POINT 198 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF SECTION EIGHT (8), TOWNSHIP TEN (10) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA; THENCE NORTH 220 FEET; THENCE EAST 66 FEET; THENCE SOUTH 200 FEET; THENCE WEST 66 FEET TO THE POINT OF BEGINNING, ACCORDING TO THE RECORDED PLAT THEREOF, REZONING SAID PROPERTY FROM C-2; NEIGHBORHOOD COMMERCIAL TO C-3; AUTOMOTIVE, COMMERCIAL AND RECREATION; AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

WHEREAS, pursuant to notice duly given as required by law, a public hearing was conducted by the Board of Commissioners of the City of Shawnee, Oklahoma on the 15th day of October, 2012, upon an application to rezone property located in the City of Shawnee, Oklahoma to C-3; Automotive, Commercial and Recreation.

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

WHEREAS, it appears to be in the best interest of the City of Shawnee and the inhabitants thereof for said property to be rezoned as considered.

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

Section 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit: : A tract of land described as beginning at a point 198 feet East of the Southwest Corner of the Southwest Quarter (SW/4) of Section Eight (8), Township Ten (10) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence North 220 feet; thence East 66 feet; thence South 200 feet; thence West 66 feet to the point of beginning, according to the recorded plat thereof, be rezoned to C-3; Automotive, Commercial and Recreation, and the official zoning map heretofore adopted is hereby amended as to include said property C-3; Automotive, Commercial and Recreation.

PASSED AND APPROVED this 15th day of October, 2012.

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

11.

Meeting Date: 10/15/2012

Final Plat S12-12

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

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

Case No. S12-12 Applicant: Shawnee Real Estate Holdings LLC

Deferred to November 2012 Planning Commission Meeting at request of applicant.

Attachments

Final Plat S12-12 Kethley Rd and MacArthur St

RECOMMENDATION TO:

MAYOR

BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE**RECOMMENDATION FROM:**CITY OF SHAWNEE
PLANNING COMMISSION**SUBJECT:**APPLICANT: Shawnee Real Estate Holdings, LLCFOR: Shawnee Medical Center Final PlatLOCATION: Keithley Road and MacArthurPROJECT NUMBER 121132 CASE NUMBER S12-12

PLANNING COMMISSION MEETING DATE:

October 3, 2012

PLANNING COMMISSION RECOMMENDATION:

Applicant requests this case be deferred toNovember 7, 2012 Planning Commission Meeting**VOTE OF THE PLANNING COMMISSION:****MEMBERS PRESENT:** 6

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

RESPECTFULLY SUBMITTED,

Linda Burg

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____



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

STAFF REPORT
Shawnee Medical Center
Case #S12-12

TO: Shawnee Planning Commission

AGENDA: October 3, 2012

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

PROPOSAL

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

GENERAL INFORMATION

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



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

STAFF REVIEW AND ANALYSIS

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

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

STAFF RECOMMENDATION

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

Attachments

1. Final Plat

FINAL PLAT APPLICATION FOR THE CITY OF SHAWNEE

Please provide a submittal letter, 6-24 X 36 maps, 1-8 1/2 x 14 map, 1 electronic map and filing fees upon submitting this application. Please call 878-1665 with any questions.

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

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

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

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

OWNER/DEVELOPER INFORMATION:

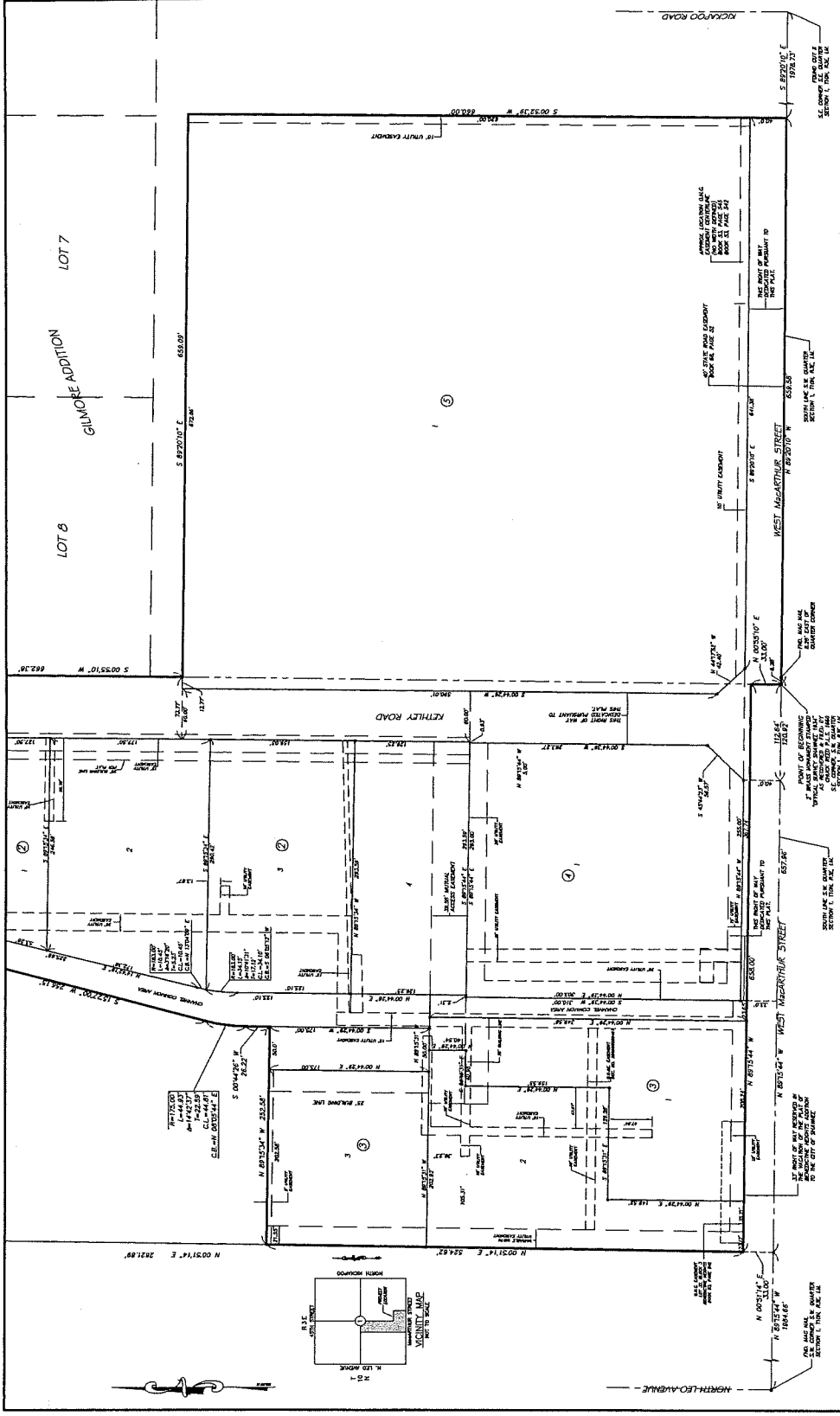
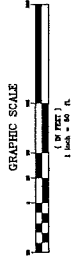
NAME Same as Applicant Above
ADDRESS c/o Smith Roberts Baldischwiler LLC
CONTACT NUMBERS 840-7094 Joe Corey PLS.
EMAIL ADDRESS joe.c @ srbok.com

PROJECT ENGINEER INFORMATION:

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

FOR STAFF USE ONLY

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



- NOTES:
1. THE DRAWING OF NORTH MAIN STREET, WEST MAIN STREET, AND SOUTH MAIN STREET IS SHOWN AS THE BASIS OF RECORD FOR THIS PLAT.
 2. EXISTING SHOWN EXCEPT WHERE SHOWN OTHERWISE ARE SHOWN FOR UNLESS OTHERWISE NOTED.

Regular Board of Commissioners

12.

Meeting Date: 10/15/2012

Prelim Plat S13-12

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consideration of approval of preliminary plat for Belmont Park Addition located at Acme Road and MacArthur Street.

Case No. S13-12 Applicant: J. Bentley Development LLC

Attachments

Prelim Plat Belmont Park Addition

RECOMMENDATION TO:

MAYOR

BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE**RECOMMENDATION FROM:**CITY OF SHAWNEE
PLANNING COMMISSION**SUBJECT:**APPLICANT: J Bentley, LLCFOR: Belmont Park Preliminary PlatLOCATION: Belmont Park Addition Preliminary PlatPROJECT NUMBER 121146 CASE NUMBER S13-12

PLANNING COMMISSION MEETING DATE:

October 3, 2012

PLANNING COMMISSION RECOMMENDATION:

Approval subject to the following conditions:

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

VOTE OF THE PLANNING COMMISSION:**MEMBERS PRESENT: 6**

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

RESPECTFULLY SUBMITTED,

Linda Burg

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____



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

COMBINED STAFF REPORT
Belmont Park Addition
Case #S13-12, #S14-12

TO: Shawnee Planning Commission

AGENDA: October 3, 2012

RE: Belmont Park Addition, Preliminary and Final Plat

PROPOSAL

The applicant is requesting Preliminary Plat approval (Case #S13-12) of 12 acres to facilitate construction of a multi-family housing complex and two additional lots for future development. Concurrently, the applicant is requesting Final Plat approval (Case #S14-12) for Lot 1. A rezone on the subject property (A-1 to C-3 and R-3) was approved by the City Commission in March 2012 (Case #P07-12). The proposed development on Lot 1 includes 25 units of townhome-style residences.

GENERAL INFORMATION

Applicant	J Bentley, LLC- Justin Ramer
Owners	J. Bentley, LLC- Justin Ramer
Site Location/Address	NE intersection of Acme Road and MacArthur St
Current Site Zoning	C-3 and R-3
Parcel Size	12.3 Acres, Three Lots Proposed
Proposed Use	Residential and Commercial
Comprehensive Plan Designation	Rural/Agricultural
Existing Land Use	Agricultural/Vacant

With respect to utilities, there is an existing sewer pump station currently on site and a new 8 inch sewer line will be installed. Utilities will be extended to the site in accordance with City requirements. The applicant has also submitted a drainage report detailing how drainage will be handled on the site. Recording of the final plat will also result in the dedication of additional right-of-way as required by code.

Regarding the technical aspects of the submitted plat, the City Engineer has reviewed the submitted plans and engineering documents and has no objection to preliminary and final plat approval provided the conditions recommended below are adopted.

STAFF RECOMMENDATION

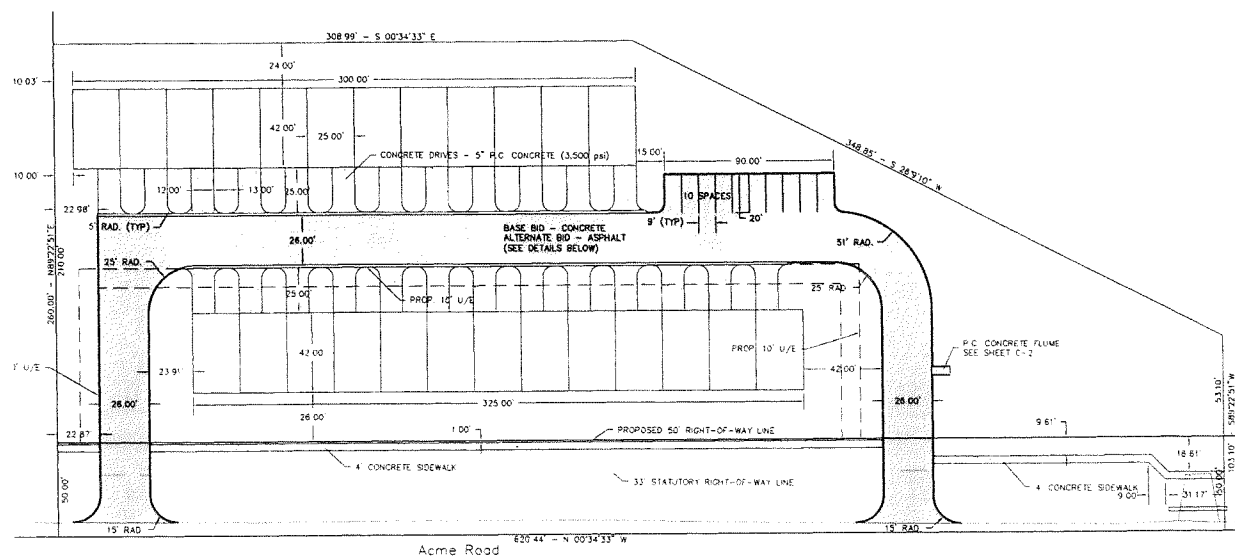
Staff recommends **approval** of the Belmont Park Addition, Preliminary and Final plats, subject to the following conditions:

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

Attachments

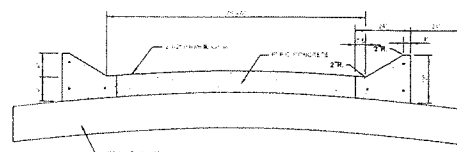
1. Preliminary Plat
2. Final Plat
3. Site Plan

**BELMONT PARK ADDITION
PHASE 1 APARTMENTS
SHAWNEE, OK**

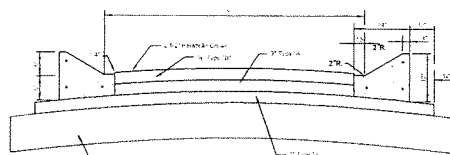


SCALE
1" = 30'

1 SITE PLAN
C-1 1" = 20'



2 TYPICAL SECTION - BASE BID
C-1 26' P.C. CONCRETE PAVING WITH MOUNTABLE CURB
NTS



3 TYPICAL SECTION - ALTERNATE BID
C-1 26' ASPHALTIC CONCRETE PAVING WITH MOUNTABLE CURB
NTS

GENERAL CONSTRUCTION NOTES:

1. ALL FILLS TO BE COMPACTED TO 95% STANDARD PROCTOR DENSITY.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF ALL UTILITIES EITHER PUBLIC OR PRIVATE.
3. ALL DIMENSIONS ARE TO FACE OF CURB, FACE OF BUILDING OR CENTERLINE OF STRIPE UNLESS NOTED OTHERWISE.



Project # 11015
Date 09/25/12
Scale 1" = 30'

C-1

THIS PLAN SET IS COPYRIGHTED BY JTK ENGINEERING COMPANY. A LICENSE IS HEREBY GRANTED TO REGULATORY AGENCIES FOR UNRESTRICTED USE. A LICENSE WILL BE GRANTED TO PROJECT OWNER AND CONTRACTOR(S) UPON PAYMENTS OF ENGINEERING AND DRAFTING FEES.

PRELIMINARY PLAT APPLICATION FOR THE CITY OF SHAWNEE

Please provide a submittal letter, 6-24 X 36 maps, 1-8 1/2 x 14 map, 1 electronic map and filing fees upon submitting this application. Please call 878-1665 with any questions.

APPLICANT J. Belley, LLC - Justin Rame
APPLICANT ADDRESS 20 E. 9th, Suite 130, Shawnee OK 74801
APPLICANT PHONE NUMBERS 405-878-0100
EMAIL ADDRESS jramer27@gmail.com
NAME OF PLAT Belmont Park Addition
LOCATION Acme + MacArthur
NUMBER OF ACRES 12.3 NUMBER OF LOTS 3

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: FEE: \$225.00
PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 3 9
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____
TOTAL COST \$234.00

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

OWNER/DEVELOPER INFORMATION:

NAME Same
ADDRESS _____
CONTACT NUMBERS _____
EMAIL ADDRESS _____

PROJECT ENGINEER INFORMATION:

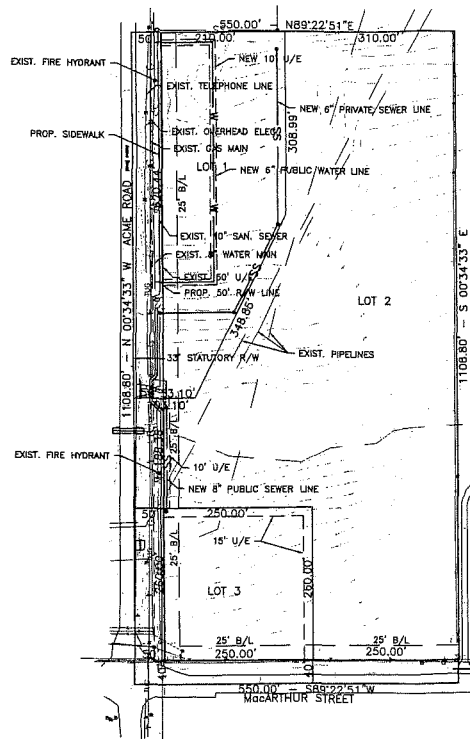
NAME JTK Engineering Co - Keith Cook, P.E.
ADDRESS 37906 NW 1st Ave Ed Shawnee OK 74801
CONTACT NUMBERS ~~405-878-0715~~ 405-878-0715
EMAIL ADDRESS Keith.Cook@jtkengineering.com

FOR STAFF USE ONLY

PROJECT NUMBER: 121146 CASE NUMBER: S13-12

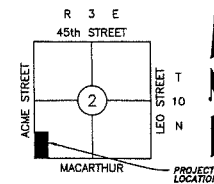
DATE: 9-25-12 AMOUNT PAID: \$234.00 RECEIPT NO. 01353651

PRELIMINARY PLAT
OF
BELMONT PARK ADDITION
BEING A PART OF THE SW/4
SECTION 2, T-10-N, R-3-E, I.M.
SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA



LEGAL DESCRIPTION:

A TRACT LYING IN THE SOUTHWEST QUARTER (SW/4) OF SECTION TWO (2), TOWNSHIP TEN (10) NORTH, RANGE THREE (3) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA AND FURTHER DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF SAID SW/4; THENCE N00°34'33"W A DISTANCE OF 1108.80 FEET; THENCE N89°22'51"E A DISTANCE OF 550.00 FEET; THENCE S00°34'33"E A DISTANCE OF 1108.80 FEET; THENCE S89°22'51"W A DISTANCE OF 550.00 FEET TO THE POINT OF BEGINNING.



LOCATION MAP
NOT TO SCALE

SCALE:
1"=100'

OWNER/DEVELOPER
J. Bentley Development

LEGEND

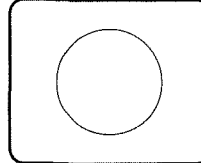
- CS — Sewer Line
- W — Water Line
- F — Fence Line
- D — Overhead Electric
- G — Gas Line
- M — Meter Line
- TLO — Underground Telephone
- P — Pipeline
- Alter Hole
- Telephone Pedestal
- Power Pole
- ⊕ Fire Hydrant
- ⊗ Meter
- ⊙ Meter Valve
- ⊕ Sign
- ⊕ Dead Man
- ⊕ Gas Meter
- ⊕ Gas Meter
- ⊕ 3/8" Iron Pipe

No.	Revision/Issue	Date

JTK Engineering Co.
37908 Wolverine Road
Shawnee, OK 74804
(405) 878-0715
CA #4186
Expires _____

**BELMONT
PARK
ADDITION**

**PRELIMINARY
PLAT**



Project #	11015	Sheet	PP-1
Date	09/25/12		
Scale	1" = 100'		

Regular Board of Commissioners

13.

Meeting Date: 10/15/2012

Final Plat S14-12

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consideration of approval of final plat for Belmont Park Addition located at Acme Road and MacArthur Street.

Case No. S14-12 Applicant: J Bentley Development LLC

Attachments

Final Plat S14-12 Belmont Park Addition

RECOMMENDATION TO:

MAYOR

BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE**RECOMMENDATION FROM:**CITY OF SHAWNEE
PLANNING COMMISSION**SUBJECT:**APPLICANT: J. Bentley, LLCFOR: Belmont Park Final Addition, Final PlatLOCATION: Acme and MacArthurPROJECT NUMBER 121147 CASE NUMBER S14-12

PLANNING COMMISSION MEETING DATE:

October 3, 2012

PLANNING COMMISSION RECOMMENDATION:

Approval subject to the following conditions:

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

VOTE OF THE PLANNING COMMISSION:**MEMBERS PRESENT:** 6

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

RESPECTFULLY SUBMITTED,

Linda Burg

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____



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

COMBINED STAFF REPORT
Belmont Park Addition
Case #S13-12, #S14-12

TO: Shawnee Planning Commission

AGENDA: October 3, 2012

RE: Belmont Park Addition, Preliminary and Final Plat

PROPOSAL

The applicant is requesting Preliminary Plat approval (Case #S13-12) of 12 acres to facilitate construction of a multi-family housing complex and two additional lots for future development. Concurrently, the applicant is requesting Final Plat approval (Case #S14-12) for Lot 1. A rezone on the subject property (A-1 to C-3 and R-3) was approved by the City Commission in March 2012 (Case #P07-12). The proposed development on Lot 1 includes 25 units of townhome-style residences.

GENERAL INFORMATION

Applicant	J Bentley, LLC- Justin Ramer
Owners	J. Bentley, LLC- Justin Ramer
Site Location/Address	NE intersection of Acme Road and MacArthur St
Current Site Zoning	C-3 and R-3
Parcel Size	12.3 Acres, Three Lots Proposed
Proposed Use	Residential and Commercial
Comprehensive Plan Designation	Rural/Agricultural
Existing Land Use	Agricultural/Vacant

With respect to utilities, there is an existing sewer pump station currently on site and a new 8 inch sewer line will be installed. Utilities will be extended to the site in accordance with City requirements. The applicant has also submitted a drainage report detailing how drainage will be handled on the site. Recording of the final plat will also result in the dedication of additional right-of-way as required by code.

Regarding the technical aspects of the submitted plat, the City Engineer has reviewed the submitted plans and engineering documents and has no objection to preliminary and final plat approval provided the conditions recommended below are adopted.

STAFF RECOMMENDATION

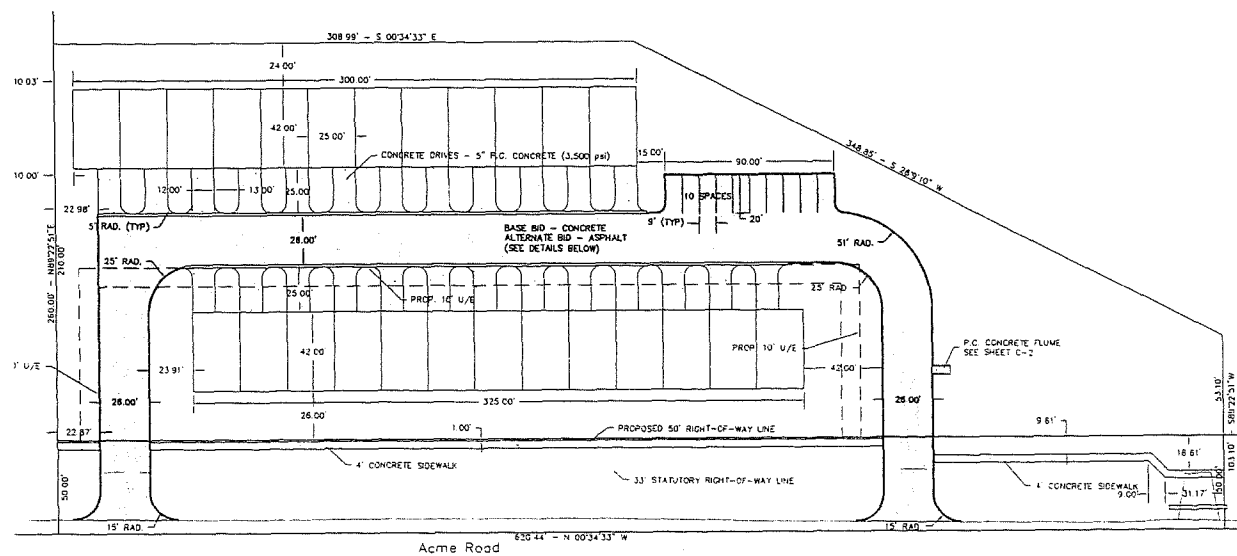
Staff recommends **approval** of the Belmont Park Addition, Preliminary and Final plats, subject to the following conditions:

1. Final improvements plans shall be approved by the City Engineer prior to construction.
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Attachments

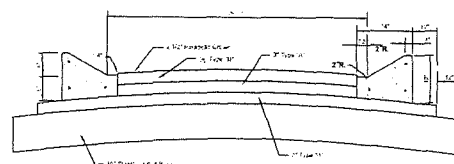
1. Preliminary Plat
2. Final Plat
3. Site Plan

**BELMONT PARK ADDITION
PHASE 1 APARTMENTS
SHAWNEE, OK**

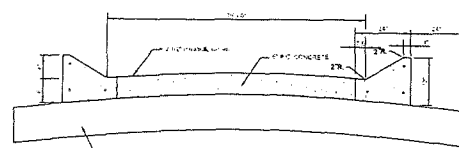


SCALE
1" = 30'

1 SITE PLAN
1" = 20'



2 TYPICAL SECTION - BASE BID
26' P.C. CONCRETE PAVING WITH MOUNTABLE CURB
N.T.S.



3 TYPICAL SECTION - ALTERNATE BID
26' ASPHALTIC CONCRETE PAVING WITH MOUNTABLE CURB
N.T.S.

- GENERAL CONSTRUCTION NOTES:**
1. ALL FILLS TO BE COMPACTED TO 95% STANDARD PROCTOR DENSITY.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF ALL UTILITIES EITHER PUBLIC OR PRIVATE.
 3. ALL DIMENSIONS ARE TO FACE OF CURB, FACE OF BUILDING OR CENTERLINE OF STRIPE UNLESS NOTED OTHERWISE.

No.	Revision/Issue	Date

JTK Engineering Co.
37906 Wolverine Road
Shawnee, OK 74804
(405) 878-0715
CA #4186
Renewal Date: 6/30/2013

SITE
PLAN



Project #	11015	Sheet	C-1
Date	09/25/12		
Scale	1" = 30'		

THIS PLAN SET IS COPYRIGHTED BY JTK ENGINEERING COMPANY. A LICENSE IS HEREBY GRANTED TO REGULATORY AGENCIES FOR UNRESTRICTED USE. A LICENSE WILL BE GRANTED TO PROJECT OWNER AND CONTRACTOR(S) UPON PAYMENTS OF ENGINEERING AND DRAFTING FEES.

FINAL PLAT APPLICATION FOR THE CITY OF SHAWNEE

Please provide a submittal letter, 6-24 X 36 maps, 1-8 1/2 x 14 map, 1 electronic map and filing fees upon submitting this application. Please call 878-1665 with any questions.

APPLICANT J. Bentley LLC - Justm Ramer
APPLICANT ADDRESS 20 E. 9th, Suite 130 Shawnee OK 74801
APPLICANT PHONE NUMBERS 405-878-0100
EMAIL ADDRESS jramer27@gmail.com
NAME OF PLAT Belmont Park Addition
LOCATION Aene & Mac Arthur
NUMBER OF ACRES 2.33 NUMBER OF LOTS 1

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS:

FEE: \$325.00

PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 1 3.00
PLUS \$1.00 PER LOTS OVER FIFTY(50) LOTS NUMBER OF LOTS _____
TOTAL COST \$328.00

FOR LESS THAN 2 ACRE LOTS:

FEE: \$325.00

PLUS \$2.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS _____
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____
TOTAL COST _____

OWNER/DEVELOPER INFORMATION:

NAME Same as above
ADDRESS _____
CONTACT NUMBERS _____
EMAIL ADDRESS _____

PROJECT ENGINEER INFORMATION:

NAME JTK Engineering Co - Keith Cook, P.E.
ADDRESS 37906 Wolverine Rd Shawnee, OK 74804
CONTACT NUMBERS 405-878-0715
EMAIL ADDRESS keith.cook@jtkengineering.com

FOR STAFF USE ONLY

PROJECT NUMBER: 121147 CASE NUMBER: S 14-12
DATE: 9-25-12 AMOUNT PAID: \$328.00 RECEIPT NO. 01383672

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT J. BENTLEY DEVELOPMENT, AN OKLAHOMA CORPORATION, DOES HEREBY CERTIFY THAT WE ARE THE OWNERS OF AND THE ONLY PERSONS OR ENTITY HAVING ANY RIGHT, TITLE, OR INTEREST IN AND TO THE LAND CONTAINED IN THE ANNEXED PLAT OF BELMONT PARK ADDITION, AND THAT THE PLAT REPRESENTS A CORRECT SURVEY OF THE ABOVE DESCRIBED PROPERTY MADE WITH OUR CONSENT THAT THE EASEMENTS AS SHOWN ON THIS ANNEXED PLAT ARE CREATED FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES; THAT WE HEREBY GUARANTEE A CLEAR TITLE TO ALL LANDS SO DEDICATED FROM OURSELVES, OUR HEIRS OR ASSIGNS FOREVER AND HAVE CAUSED THE SAME TO BE RELEASED FROM ALL ENCUMBRANCES SO THAT THE TITLE IS CLEAR, EXCEPT AS SHOWN IN THE ABSTRACTER'S CERTIFICATE.

WE FURTHER CERTIFY THAT THE PROPERTY COVERED BY SAID PLAT AND DEDICATION IS COVERED BY CERTAIN RESTRICTIONS, RESERVATIONS AND COVENANTS IN A SEPARATE INSTRUMENT WHICH WILL BE FILED SUBSEQUENT TO THE FILING OF SAID PLAT AND DEDICATIONS.

IN WITNESS WHEREOF, THE UNDERSIGNED HAVE EXECUTED THIS INSTRUMENT

THIS DAY OF 20

STATE OF OKLAHOMA S.S.

COUNTY OF POTTAWATOMIE

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JUSTIN RAMER TO ME KNOWN TO BE THE IDENTICAL PERSON WHO EXECUTED THE ABOVE INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED ON THE

DAY OF 20

MY COMMISSION EXPIRES:

NOTARY PUBLIC

BONDED ABSTRACTER'S CERTIFICATE

THE UNDERSIGNED DULY QUALIFIED AND LAWFULLY BONDED ABSTRACTOR OF TITLES IN AND FOR THE COUNTY OF POTTAWATOMIE, STATE OF OKLAHOMA, HEREBY CERTIFIES THAT THE RECORDS OF SAID COUNTY AND STATE SHOW THAT TITLE TO THE LAND SHOWN ON THE ANNEXED PLAT OF BELMONT PARK ADDITION, AN ADDITION TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, APPEARS TO BE VESTED IN J. BENTLEY DEVELOPMENT, ON THE DAY OF 20. THERE WERE NO ACTIONS, PERSONAL OR ADJUDICATED OF ANY NATURE IN ANY COURT, OR ON FILE WITH ANY CLERK OF ANY COURT IN SAID COUNTY AND STATE AGAINST SAID LAND OR THE OWNERS THEREOF, AND THAT THE TAXES ARE PAID FOR 20, AND PRIOR YEARS, AND THAT THERE ARE NO OUTSTANDING TAX SALES CERTIFICATES, TAX DEEDS OUTSIDE THE CHAIN OF TITLE RELED ON AND IS SUBJECT TO MORTGAGES, EASEMENTS, RIGHTS-OF-WAY, OIL AND GAS LEASES AND MINERAL CONVEYANCES OF RECORD.

FIRST AMERICAN TITLE & TRUST CO.

ATTEST:

SECRETARY

PRESIDENT

STATE OF OKLAHOMA S.S.

COUNTY OF POTTAWATOMIE

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TO ME KNOWN TO BE THE IDENTICAL PERSON WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN SET FORTH ON THE DAY OF 20.

MY COMMISSION EXPIRES:

NOTARY PUBLIC

CERTIFICATE OF SURVEYOR

I, BILL KNIGHT, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN AND FOR THE STATE OF OKLAHOMA, AND THAT THE FINAL PLAT OF BELMONT PARK ADDITION, AN ADDITION TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, CONSISTING OF ONE SHEET, REPRESENTS A SURVEY MADE UNDER MY SUPERVISION AND THAT ALL MONUMENTS SHOWN THEREON ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN, THAT THIS SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS, AND THAT SAID FINAL PLAT COMPLETS WITH THE REQUIREMENTS OF TITLE 11 SECTION 41-108 OF THE OKLAHOMA STATE STATUTES.

BILL KNIGHT, REGISTERED LAND SURVEYOR #

STATE OF OKLAHOMA S.S.

COUNTY OF POTTAWATOMIE

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED CHARLES REED TO ME KNOWN TO BE THE IDENTICAL PERSON WHO EXECUTED THE ABOVE INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED ON THE

DAY OF 20

MY COMMISSION EXPIRES:

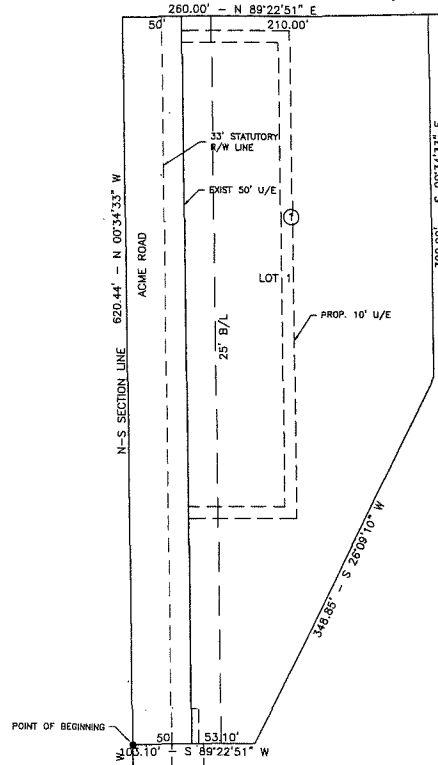
NOTARY PUBLIC

LEGEND:

- B/L - BUILDING LIMIT LINE
- U/E - UTILITY EASEMENT
- D/E - DRAINAGE EASEMENT
- DAU/E - DRAINAGE AND UTILITY EASEMENT
- L.N.A. - LIMITS OF NO ACCESS
- RAD. - RADIUS
- o - INDICATES 3/8" IRON PIN (SET)

FINAL PLAT OF BELMONT PARK ADDITION

BEING A PART OF THE SW/4
SECTION 2, T-10-N, R-3-E, I.M.
SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA



LEGAL DESCRIPTION:

A TRACT LYING IN THE SOUTHWEST QUARTER (SW/4) OF SECTION TWO (2), TOWNSHIP TEN (10) NORTH, RANGE THREE (3) EAST OF THE IRON MIDDLEMAN, POTTAWATOMIE COUNTY, OKLAHOMA AND FURTHER DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID SW/4; THENCE N00°34'33"W A DISTANCE OF 488.36 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N00°34'33"W A DISTANCE OF 488.44 FEET; THENCE N89°22'51"E A DISTANCE OF 280.00 FEET; THENCE S00°34'33"E A DISTANCE OF 308.99 FEET; THENCE S26°09'10"W A DISTANCE OF 348.85 FEET; THENCE S89°22'51"W A DISTANCE OF 103.10 FEET TO THE POINT OF BEGINNING.

CERTIFICATE OF COUNTY TREASURER

I, ROBERT SCOTTY, THAT I AM THE DULY ELECTED, QUALIFIED AND ACTING COUNTY TREASURER OF POTTAWATOMIE COUNTY, STATE OF OKLAHOMA, THAT THE TAX RECORDS OF SAID COUNTY SHOW ALL TAXES PAID FOR THE YEAR 20, AND ALL PRIOR YEARS ON THE LAND SHOWN ON THE ANNEXED PLAT OF BELMONT PARK ADDITION, AN ADDITION TO THE CITY OF SHAWNEE, OKLAHOMA COUNTY, OKLAHOMA.

IN WITNESS WHEREOF, SAID COUNTY TREASURER HAS CAUSED THIS INSTRUMENT TO BE EXECUTED THIS DAY OF 20

BY COUNTY TREASURER

CERTIFICATE OF CITY CLERK

I, CITY CLERK OF THE CITY OF SHAWNEE, OKLAHOMA, HEREBY CERTIFY THAT I HAVE EXAMINED THE RECORDS OF SAID CITY AND FIND ALL DEFERRED PAYMENTS OR UNMATURED INSTALLMENTS UPON SPECIAL ASSESSMENTS HAVE BEEN PAID IN FULL AND THAT THERE IS NO SPECIAL ASSESSMENT PROCEDURE NOW PENDING AGAINST THE LAND SHOWN ON THE ANNEXED PLAT OF BELMONT PARK ADDITION.

THIS DAY OF 20

CITY PLANNING COMMISSION APPROVAL

CHAIRMAN OF THE PLANNING COMMISSION OF THE CITY OF SHAWNEE, OKLAHOMA, DO HEREBY CERTIFY THAT THE SAID PLANNING COMMISSION DULY APPROVED THE ANNEXED PLAT OF BELMONT PARK ADDITION, AN ADDITION TO THE CITY OF SHAWNEE, OKLAHOMA, AT A MEETING HELD ON

THE DAY OF 20

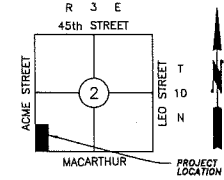
ATTEST: SECRETARY

CHAIRMAN

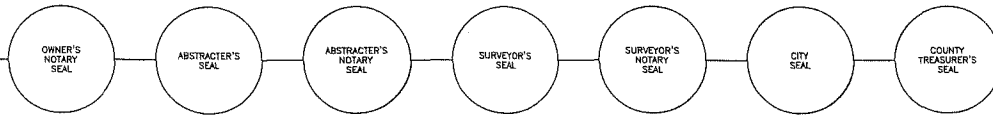
ACCEPTANCE OF DEDICATION BY THE CITY COMMISSION

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF SHAWNEE, OKLAHOMA, THAT THE DEDICATION SHOWN ON THE ANNEXED PLAT OF BELMONT PARK ADDITION, IS HEREBY ACCEPTED.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHAWNEE, OKLAHOMA, THIS DAY OF 20



LOCATION MAP NOT TO SCALE



FINAL PLAT: BELMONT PARK ADDITION
KNIGHT LAND SURVEYING

JTK ENGINEERING CO
37908 Wolverine Road
Shawnee, OK 74804
(405) 878-0715
CA #4186
Expires 6/30/09

Regular Board of Commissioners

14.

Meeting Date: 10/15/2012

Resolution State Question 764

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider a resolution in support of passage of State Question 764 addressing Oklahoma's water infrastructure needs.

Attachments

Resolution SQ 764

RESOLUTION NO.

SUPPORTING PASSAGE OF STATE QUESTION 764 TO ADDRESS OKLAHOMA’S WATER INFRASTRUCTURE NEEDS

WHEREAS providing infrastructure for reliable drinking water and wastewater needs is essential for the economic development and growth of our great state.

WHEREAS the Oklahoma Water Resources Board’s 2012 Update of the Oklahoma Comprehensive Water Plan determined that over the next fifty years, the need for updating and expanding the state’s drinking water and wastewater infrastructure needs will be significant – totaling over 80 billion dollars;

WHEREAS a recent study by the American Water Works Association predicts the cost of delivering water to nearly triple the size of a typical family’s water bills;

WHEREAS our state’s smaller, rural communities may be hardest hit because there are fewer people to share the expense of water needs;

WHEREAS State Question 764 creates a funding mechanism to leverage available funding for water resource and sewage treatment financial assistance programs for municipalities, rural water districts and other public entities in Oklahoma;

WHEREAS the Oklahoma Water Resources Board has prudently and successfully managed over 2.5 billion dollars in drinking water and wastewater loans since 1985, saving Oklahoma communities over 900 million dollars;

WHEREAS the City of Shawnee, Oklahoma, has benefited from over twenty-five million dollars in funding assistance for drinking water and wastewater infrastructure projects, resulting in a savings over two million dollars;

WHEREAS Oklahomans have made significant investments based on the principle that Oklahoma’s water resources are to be beneficially developed, used and enjoyed;

NOW THEREFORE BE IT RESOLVED THAT the Board of Commissioners of the City of Shawnee, Oklahoma, strongly supports the passage of State Question 764, which creates the Water Infrastructure Credit Enhancement Reserve Fund, enhancing and increasing the Oklahoma Water Resources Board’s ability to issue bonds to fund drinking water and wastewater infrastructure.

NOW THEREFORE BE IT RESOLVED THAT the City of Shawnee encourages all citizens of this great State of Oklahoma, City of Shawnee, to vote “YES” on State Question 764 on November 6, 2012 and to actively work to pass this proposal.

Passed and approved by the Board of Commissioners, City of Shawnee, Oklahoma on this _____ day of _____, 2012.

Wes Mainord
Mayor

ATTEST:

Phyllis Loftis, CMC
City Clerk

Regular Board of Commissioners

15.

Meeting Date: 10/15/2012

Sales Tax

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Sales Tax report received October, 2012.

Attachments

Sales Tax Report

City of Shawnee Memorandum

To: Mayor and City Commissioners
CC: Brian McDougal, City Manager
From: Cynthia R Sementelli, Finance Director
Date: October 10, 2012
Re: City Sales Tax Report

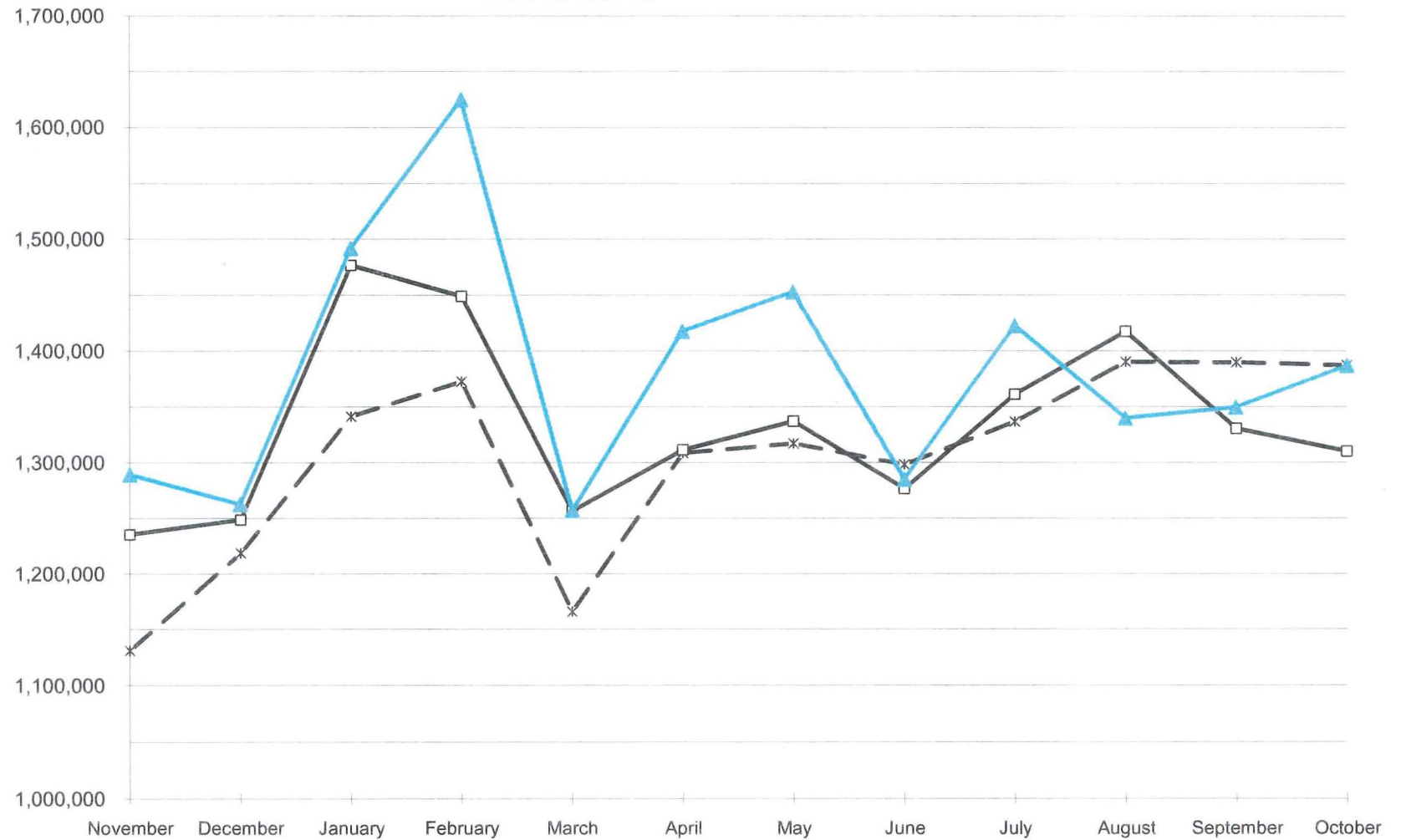


October Sales Tax receipts were up \$76,733 or 5.86% compared to last year receipts. The October Sales tax amount received plus interest was \$1,386,657 which accumulatively for the fiscal year we are down \$56,558 or 1.02%. Compared to November 2010 figures we were down by \$327.



	November 2009	November 2010	November 2011	Increase	(Decrease)
	through	through	through	Over Prior Year	
Month	October 2010	October 2011	October 2012	Amount	Percentage
November	1,130,651	1,235,390	1,289,143	53,754	4.35%
December	1,218,404	1,248,649	1,262,401	13,752	1.10%
January	1,341,370	1,476,824	1,491,647	14,824	1.00%
February	1,372,608	1,448,966	1,624,568	175,602	12.12%
March	1,165,927	1,256,430	1,256,806	376	0.03%
April	1,308,463	1,311,387	1,417,533	106,146	8.09%
May	1,317,167	1,337,029	1,452,759	115,731	8.66%
June	1,298,026	1,276,542	1,284,872	8,330	0.65%
July	1,336,599	1,361,273	1,422,363	61,090	4.49%
August	1,390,086	1,417,308	1,339,539	(77,769)	(5.49%)
September	1,389,702	1,330,420	1,349,282	18,862	1.42%
October	1,386,987	1,309,924	1,386,657	76,733	5.86%
Total	14,269,002	14,700,216	15,190,914	490,698	3.34%
		Prior Year	Current Year	Increase	(Decrease)
Period		Actual	Actual	Over Prior Year	
Fiscal Year to Date		5,418,926	5,497,841	\$78,915	1.46%
Fiscal Year to Date Budget based on last year actual plus 2.5%					
		Current Year	Current Year	Budget Variance	
Period		Budget	Actual	Favorable	(Unfavorable)
Fiscal Year to Date		5,554,399	5,497,841	(\$56,558)	(1.02%)

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



- x— November 2009 through October 2010
- November 2010 through October 2011
- △— November 2011 through October 2012

Regular Board of Commissioners

16. a.

Meeting Date: 10/15/2012

Telephone System

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Proposal to replace City Hall Phone System (Award)

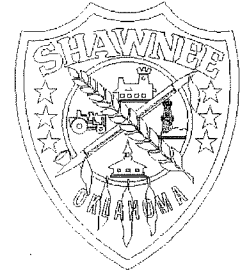
Request to defer to 2nd meeting in January, 2013

Attachments

Telephone System

City of Shawnee Memorandum

To: Honorable Mayor and City Commissioners
CC: Brian McDougal, City Manager
From: Donald D. Lynch, Emergency Management Director
Date: October 10, 2012
Re: Request to Defer Action on Phone System Proposals



An internal staff working group consisting of the Emergency Management Department staff and the Chief Information Officer have reviewed the proposals submitted and have selected the bottom four proposals in terms of cost for further review.

It is our desire to further study these proposals, contact the references given to verify the level of quality of the vendors, if necessary and possible actually travel to an installation location to observe the work performed, and to review the proposals and scope of work with the proposers themselves prior to making a recommendation to you.

Therefore, we are requesting that you defer action on this item until the 2nd meeting in January, 2013. With the upcoming holidays, this should give us enough time to accomplish the tasks described.

Thank you for your favorable attention to this request.

Regular Board of Commissioners

20.

Meeting Date: 10/15/2012

Executive Session - Encroachment

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consider an Executive Session to discuss potential claims, litigation or other options regarding encroachment into City's utility service area by other entities as authorized by 25 O.S. §307(B)(4).

Regular Board of Commissioners

21.

Meeting Date: 10/15/2012

Consider Executive Session - Encroachment

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consideration and possible action on matters discussed in Executive Session regarding potential claims, litigation or other options regarding encroachment into City's utility service area by other entities as authorized by 25 O.S. §307(B)(4).
