

AGENDA
BOARD OF CITY COMMISSIONERS
May 18, 2015 AT 6:30 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

FLAG SALUTE

All motions will be made in the affirmative. The fact that a commissioner makes or offers a second to a motion does not mean that the commissioner must vote in favor of passage.

1. Consider approval of Consent Agenda:
 - a. Minutes from the May 4, 2015 regular meeting.
 - b. Acknowledge the following reports and minutes:
 - License Payment Report for April 2015
 - Project Payment Report for April 2015
 - Shawnee Urban Renewal Authority Minutes from April 7, 2015
 - Planning Commission Minutes from March 4, 2015 and April 1, 2015
 - Contract Review Committee minutes from May 28, 2014 meeting and April 14, 2014 meeting *(April 14, 2015 draft only not yet approved – for information only)*
 - c. Approve Community Service Contract Review Committee Recommendations for Fiscal Year 2015-2016:
 - (1) Consider renewal of the YMCA contract for the management and operation of the Community Center for FY 2015-16.

RECOMMENDATION: To renew contract for FY 2015-16 in the amount of \$36,000. (No change from FY 2014-15 contract).
 - (2) Consider renewal of the contract with Senior Citizens Center, Inc. for operation of the Municipal Auditorium for FY 2015-16.

RECOMMENDATION: To renew contract for FY 2015-16 in the amount of \$100,000. (FY 2014-15 contract amount was \$90,994.00).
 - (3) Consider renewal of contract with Shawnee Economic Development Foundation for FY 2015-16.

RECOMMENDATION: To renew contract for FY 2015-16 in the amount of \$231,000. (No change from FY 2014-15 contract).

(4) Discuss and consider renewal of contract with Safe Events for Families for FY 2015-16.

RECOMMENDATION: To renew contract for FY 2015-16 to reimburse expenses for events up to \$15,000. (FY 2014-15 contract amount was \$12,000).

d. Mayor's Appointments:

Planning Commission

Michael Affentranger Term to Expire 06/01/2018 1st Full Term

Replaces Chris Silvia – Termed Out

e. Grant an easement to Oklahoma Gas and Electric Company to provide street/safety lighting at the public works facility.

f. Authorization for Commissioner Linda Agee to attend the Oklahoma Statewide Preservation Conference June 3-5, 2015 in Bartlesville, Oklahoma.

g. Acknowledge award of 2015 Local Edward Byrne Memorial Grant (\$19,690.00 split with Pottawatomie County Sheriff's office).

h. Ratify Interim City Manager's Declaration of State of Emergency dated May 6, 2015 and authorize staff to sign request for public assistance.

2. Citizens Participation

(A three minute limit per person)

(A twelve minute limit per topic)

3. Mayor's Proclamations:

"Community Action Month"

May 2015

4. Discussion, consideration and possible action to appoint a City Commissioner to the Ward 1 position to fill the open position left by Gary Vogel until the next regular City Commissioner election in 2016. *(Continued from May 4, 2015 City Commission Meeting.)*

5. Swearing in of Ward I Commissioner. *(This item only occurs if a Commissioner for Ward 1 is appointed during Agenda Item No. 3.)*

6. A public hearing and consideration of approving an ordinance to rezone with a Conditional Use Permit for property located at 731 E. Independence from C-3; Highway Commercial to C-3; Highway Commercial with a Conditional Use Permit. Case #P03-15 Applicant: Lottie Coody *(Planning Commission deferred item until the June 3, 2015 meeting.)*

7. A public hearing and consideration of approving an ordinance to rezone with a Conditional Use Permit for property located at 126 S Center Avenue from R-3; Multi-Family Residential District to C-1P; Neighborhood Commercial with a Conditional Use Permit. Case #P05-15 Applicant: Phil Fitzgerald and/or Rodney Bivens

8. A public hearing and consideration of approval of an ordinance to rezone property located at 602 E. Highland Street from C-1; Neighborhood Commercial to C-3; Highway Commercial. Case #P06-15 Applicant: Scott Timmons

9. A public hearing and consideration of approving an ordinance to rezone with a Conditional Use Permit for property located at 302 S Beard Street from I-2; Light Industrial District to I-3; Heavy Industrial District with a Conditional Use Permit. Case #P07-15 Applicant: Michael S. Kline
(Application withdrawn prior to Planning Commission May 4, 2015 meeting.)
10. A public hearing and consideration of an ordinance to rezone the property located on Highland and Kimberly Street from R-2; Combined Residential and R-3; Multi-Family Residential to PUD; Planned Unit Development. Case #P08-15; Applicant: Sac & Fox Housing Authority
11. A public hearing and consideration of approval of an ordinance to rezone property located at Harrison Street, North of Wolverine Road, from A-1; Rural Agricultural to I-3; Heavy Industrial. Case #P09-15 Applicant: The Landrun Group, LLC
12. Consideration of approval of a Preliminary Plat for North Harrison Industrial Park located at Harrison Street, North of Wolverine Road. Case #S05-15 Applicant: The Landrun Group, LLC
13. A public hearing and consideration of an ordinance to rezone the property located on Kickapoo Street, North of MacArthur Street, from PUD; Planned Unit Development to PUD; Planned Unit Development. Case #P10-15; Applicant: The Landrun Group, LLC
14. Consideration of approval of a Preliminary Plat for Kickapoo Plaza located on Kickapoo Street, North of MacArthur Street. Case #S06-15 Applicant: The Landrun Group, LLC
15. Discussion, consideration and possible action to approve an ordinance to adopt the Downtown Property Maintenance Code.
16. Discussion, consideration and possible action on renewal of a nonexclusive permit to Vyve Broadband A, LLC to maintain a cable communication system in the City of Shawnee.
17. Discussion, consideration and possible action to determine selection process for Municipal Judge.
18. Acknowledge Sales Tax Report received May 2015.
19. City Manager Report
20. Consider Bids:
 - a. Boy Scout Restroom Project (Award)
21. New Business

(Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)
22. Commissioners Comments
23. Discussion, consideration and possible action to enter into executive session for the purpose of reviewing information on candidates related to the hiring of a city manager pursuant to 25 O.S. §307(B)1 "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee".

24. Consideration and possible action on matters discussed in executive session for the purpose of reviewing information on candidates related to the hiring of a city manager pursuant to 25 O.S. §307(B)1 “Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee”.
25. 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

1. a.

Meeting Date: 05/18/2015

CC Minutes 05-04-2015

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Minutes from the May 4, 2015 regular meeting.

Attachments

CC Minutes 05-04-2015

BOARD OF CITY COMMISSIONERS PROCEEDINGS
MAY 4, 2015 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, May 4, 2015 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

Vacant

Commissioner Ward 1

Linda Agee

Commissioner Ward 2

James Harrod

Commissioner Ward 3-Vice Mayor

Keith Hall

Commissioner Ward 4

Lesa Shaw

Commissioner Ward 5

Micheal Dykstra

Commissioner Ward 6

ABSENT: None

INVOCATION

The Lord's Prayer

FLAG SALUTE

Led by Commissioner Hall

AGENDA ITEM NO. 1:

Consider approval of Consent Agenda:

- a. Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids as set forth in Agenda Item No. 6.
- b. Minutes from the April 20, 2015 regular meeting.
- c. Acknowledge the following reports and minutes:
 - Shawnee Civic and Cultural Development minutes from March 19, 2015.
- d. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Reed Factor.

- e. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Michael Hillary.
- f. Acknowledge termination of lease with the Shawnee Economic Development Foundation (SEDF) for the North Airport Property.
- g. Approve Change Order No. 3 for Dispatch Center City of Shawnee Project.
- h. Lake Lease Renewals/Transfers:

RENEWALS:

- Lot 12 Belcher Tract, 33112 Post Office Neck
Lessees: Dee Ann Lowery and Michael Lowery

TRANSFERS:

- Lot 13 Belcher Tract, 33114 Post Office Neck
From: William Lowery, Jr.
To: Dee Ann Lowery

Commissioner Shaw asked that Agenda Item No. 1(g) be pulled for separate consideration.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Hall, to approve the Consent Agenda Item Nos.1(a-h), less item No.1(g). Motion carried 6-0.

AYE: Harrod, Mainord, Hall, Shaw, Dykstra, Agee

NAY: None

Regarding Agenda Item No. 1(g), Commissioner Shaw asked for additional information on the Police Dispatch Center Change Order. Police Chief Russell Frantz responded to Commissioner Shaw's questions.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Hall, to approve Consent Agenda Items No. 1(g). Motion carried 5-1.

AYE: Harrod, Mainord, Hall, Dykstra, Agee

NAY: Shaw

AGENDA ITEM NO. 2:

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

Mr. John Winterringer expressed concerns about the on-going construction on Kickapoo Street and the negative affect it is having on businesses in that vicinity.

At the request of the Commission, City Engineer John Krywicki answered questions relating to the project delays. He further stated that the estimated completion date for the Kickapoo Street project is October, 2015.

Mr. Tom Smith urged the Commissioners to fill the Ward 1 Commission seat with someone he will be able to talk to.

AGENDA ITEM NO. 3:

Presentation by Interim City Manager to Employee of the Month, Daniel Murrell, Street Department.

Daniel Murrell was not present to accept the Employee of the Month award. Interim City Manager Justin Erickson will see that Mr. Murrell receives it.

AGENDA ITEM NO. 4:

Consideration of waiving City nuisance Lien Nos. L-12-185 and L-14-308 associated with property located at 11 E. Hayes Street.

Ms. Reujena Winrow, sister to Danny Winrow and the owner of the above referenced property, was present to answer questions.

After discussion, a motion was made by Commissioner Shaw, seconded by Vice Mayor Harrod, to approve waiving the administrative fees in the amount of \$200.00 associated with City nuisance Lien Nos. L-12-185 and L-14-308 on property located at 11 E. Hayes Street. Motion carried 5-1.

AYE: Shaw, Dykstra, Agee, Harrod, Hall

NAY: Mainord

AGENDA ITEM NO. 5:

Consider a resolution authorizing Wes Mainord, Mayor, to cast ballot for

Oklahoma Municipal Assurance Group
(OMAG) election of two trustees.

Resolution No. 6491 was introduced.

A RESOLUTION AUTHORIZING AND DIRECTING WES MAINORD, MAYOR AND AUTHORIZED AGENT OF THE CITY OF SHAWNEE, OKLAHOMA, TO CAST VOTES FOR TRUSTEES OF THE OKLAHOMA MUNICIPAL ASSURANCE GROUP TO FILL EXPIRING TERMS OF TRUSTEES.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Agee, to approve a resolution authorizing Wes Mainord, Mayor, to cast ballot for Oklahoma Municipal Assurance Group (OMAG) election of two trustees. Motion carried 4-1-1.

AYE: Harrod, Hall, Dykstra, Agee

NAY: Shaw

ABSTAIN: Mainord

AGENDA ITEM NO. 6:

Consider Bids:

- a. Operations of the Shawnee Water Park Concession Stand (Open)
(*Extended from April 20, 2015 City Commission meeting.*)

BIDDER

AMOUNT

Honey's Snacks & Snowcones

No Amount at this time.

Director of Operations, James Bryce, read the bid into the record. Mr. Bryce asked for the authority to proceed with this vendor to review his operation of business, menu items, etc.; in the event the review is favorable, Mr. Bryce asked for the authority to award the bid at that time.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Dykstra, to grant James Bryce with the authority to award the bid after further review of the vendor. Motion carried 6-0.

AYE: Harrod, Mainord, Hall, Shaw, Dykstra, Agee

NAY: None

b. Boy Scout Restroom Project (Open)

<u>BIDDER</u>	<u>AMOUNT</u>
Oklahoma Construction & Remodeling LLC Shawnee, OK	\$110,000.00
Craig Contractors, LLC Tecumseh, OK	\$98,522.00
Sagemill Construction Meeker, OK	\$134,404.00

Director of Operations, James Bryce, read the bids into the record and requested that the bid award be deferred to the next meeting to allow staff to review and check references.

A motion was made by Commissioner Dykstra, seconded by Commissioner Hall, to defer the bid award to the May 18, 2015 City Commission meeting. Motion carried 6-0.

AYE: Dykstra, Agee, Harrod, Mainord, Hall, Shaw
NAY: None

AGENDA ITEM NO. 7: Conduct interviews of City Commissioner Ward 1 applicants:

- a. Dell Kerbs – Mr. Kerbs was present and answered questions posed by the Commissioners.
- b. John Winterringer – Mr. Winterringer was present and answered questions posed by the Commissioners.
- c. William D. Kirkland – Mr. Kirkland was present and answered questions posed by the Commissioners.
- d. Regena Morton – Ms. Morton was present and answered questions posed by the Commissioners.

AGENDA ITEM NO. 8: Discussion, consideration and possible action to appoint a City Commissioner to

the Ward 1 position to fill the open position left by Gary Vogel until the next regular City Commissioner election in 2016.

A motion was made by Commissioner Hall, seconded by Vice Mayor Harrod, to appoint John Winterringer as Ward 1 City Commissioner until the next regular City Commission election in 2016.

Before the vote could be called, the Commission discussed the voting process and alternate ways to proceed with the selection.

After the vote was called the motion failed 3-3.

AYE: Hall, Harrod, Mainord

NAY: Agee, Shaw, Dykstra

A motion was made by Commissioner Agee, seconded by Vice Mayor Harrod, to appoint Dell Kerbs as Ward 1 City Commissioner until the next regular City Commissioner election in 2016. Motion failed 3-2-1.

AYE: Agee, Mainord, Dykstra

NAY: Hall, Harrod

ABSTAIN: Shaw

A motion was made by Vice Mayor Harrod, seconded by Mayor Mainord, to appoint Regena Morton as Ward 1 City Commissioner until the next regular City Commissioner election in 2016. Motion failed 3-2-1.

AYE: Harrod, Mainord, Hall

NAY: Agee, Shaw

ABSTAIN: Dykstra

After discussion on whether to continue the item to the next meeting or to keep trying to reach a majority vote, candidates Kerbs and Morton were each asked additional questions. Another attempt was then made to fill the vacancy on the Commission.

A motion was made by Commissioner Hall, seconded by Vice Mayor Harrod, to appoint Regena Morton as Ward 1 City Commissioner until the next regular City Commissioner election in 2016. Motion failed 3-3.

AYE: Hall, Harrod, Mainord

NAY: Agee, Shaw, Dykstra

A motion was then made by Commissioner Agee, seconded by Commissioner Dykstra, to appoint Dell Kerbs as Ward 1 City Commissioner until the next regular City Commissioner election in 2016. Motion failed 3-2-1.

AYE: Agee, Mainord, Dykstra

NAY: Hall, Harrod

ABSTAIN: Shaw

A motion was made by Commissioner Shaw, seconded by Commissioner Dykstra, to approve the continuation of the process for appointment by the Commission of an individual to fill the vacancy in Ward 1 to the May 18, 2015 City Commission meeting. Motion carried 5-1.

AYE: Shaw, Dykstra, Harrod, Mainord, Hall

NAY: Agee

AGENDA ITEM NO. 9:

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. 10:

Administrative Reports, including, but not limited to:

- a. Bike Patrol – Russell Frantz, Police Chief
Russell Frantz reported that the bike patrol has more personal and more equipment than previous years.
- b. Municipal Pool – Kerri Foster, Aquatics Manager
Kerri Foster provided an update on the municipal pool and discussed the schedule of activities planned for the pool. She reminded

everyone that Health Week is May 23-30th and the pool grand opening is scheduled for May 23rd.

AGENDA ITEM NO. 11: Commissioners Comments

Vice Mayor Harrod and Commissioner Dykstra thanked all the applicants that applied for the Ward 1 Commissioner seat.

Commissioner Shaw commented on receiving a copy of the Oath of Office from Vice Mayor Harrod. She stated she felt it was a form of harassment and wants it stopped.

Commissioner Agee reported that there is a Downtown insert in the newspaper informing citizens about the activities going on in the downtown area.

Mayor Mainord expressed the importance of selecting an individual to fill the Ward 1 vacancy.

Commissioner Dykstra announced that the Ada Air Expo is May 6-7, 2015.

AGENDA ITEM NO. 12: Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (9:23 p.m.)

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

1. b.

Meeting Date: 05/18/2015

Acknowledge Reports & Minutes

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Acknowledge the following reports and minutes:

- License Payment Report for April 2015
 - Project Payment Report for April 2015
 - Shawnee Urban Renewal Authority Minutes from April 7, 2015
 - Planning Commission Minutes from March 4, 2015 and April 1, 2015
 - Contract Review Committee minutes from May 28, 2014 meeting and April 14, 2014 meeting (*April 14, 2015 draft only not yet approved – for information only*)
-

Attachments

License Rpt

Project Rpt

SURA Minutes 04-07-2015

Planning Minutes 03-04-2015

Planning Minutes 04-01-2015

Contract Rev Minutes 05-28-2014

Contract Rev Minutes 04-14-2015

** FEE CODE TOTALS **

FEE CODE	DESCRIPTION	FEE	PAYMENT DISTRIBUTION			TOTAL PAI
			PENALTY	TAX	INTEREST	
ALARM	BURGLAR/FIRE ALARM LICENSE	4	100.00CR			100.00
ALARMRENEW	BURGLAR/FIRE ALARM RENEW	20	300.00CR			300.00
BEER2	BEER PACKAGE FEE	2	20.00CR			20.00
BOATREG	BOAT REGULAR PERMIT	27	702.00CR			702.00
ELEC1	ELECTRICAL CONTRACTOR INITIAL	4	400.00CR			400.00
ELEC2	ELECTRICAL CONTRACTOR RENEW	9	675.00CR			675.00
EXT	EXTERMINATOR LICENSE FEE	2	50.00CR			50.00
FISHANNUAL	FISHING ANNUAL FEE	24	360.00CR			360.00
IMERC	ITINERANT MERCHANT FEE	6	300.00CR			300.00
LAKEINSP	LAKE LEASE INSPECTION	3	225.00CR			225.00
LAKELEASE	LAKE LEASE	13	8,094.00CR			8,094.00
LAKEXFER	LAKE LEASE TRANSFER FEE	1	1,000.00CR			1,000.00
MECH1	MECHANICAL CONTRACTOR INTIAL	2	200.00CR			200.00
MECH2	MECHANICAL CONTRACTOR RENEW	11	825.00CR			825.00
MIXER	MIXED BEVERAGE RENEWAL	1	900.00CR			900.00
PLUM2	PLUMBING CONTRACTOR RENEW	10	750.00CR			750.00
RESAL	RESIDENTIAL SALE	89	890.00CR			890.00
SIGN	SIGN HANGERS LICENSE FEE	1	75.00CR			75.00
SNOWC	SNOW CONE STAND LICENSE FEE	2	50.00CR			50.00
SOLIC	SOLICITOR ANNUAL LICENSE	1	50.00CR			50.00
SOLID	SOLICITOR DAILY LICENSE	6	18.00CR			18.00
STORM	STORM CELLAR LICENSE FEE	1	75.00CR			75.00
TOTAL			16,059.00CR			16,059.00

STATUS: ALL

SEGMENT CODES: All

FEE CODES: All

 PROJECTS: THRU ZZZZZZZZZZ
 PAYMENT DATES: 4/01/2015 TO 4/30/2015
 SORTED BY: PROJECT

** SEGMENT CODE TOTALS **

SEGMENT CODE	DESCRIPTION	TOTAL PAID
B1-NEW	BUILDING CONSTRUCTION NEW	1,633.53CR
B2-ADD	BUILDING CONSTRUCTION ADD	147.75CR
B3-REMODEL	BUILDING CONSTRUCTION REM	29.50CR
B4-CARPORT	BUILDING CARPORT	29.50CR
B4-SHELTER	BUILDING SHELTER	383.50CR
B4-STORAGE	BUILDING STORAGE SHED	414.85CR
E3-REMODEL	ELECTRICAL REMODEL/REPAIR	374.00CR
M3-REMODEL	MECHANICAL REMODEL/REPAIR	1,244.00CR
P3-REMODEL	PLUMBING REMODEL	514.50CR
X-BORE/CUT	BORING & PAVING CUT PERMI	100.00CR
X-CURBCUT	CURBCUT/DRIVEWAY/SIDEWALK	175.00CR
X-DEMO	DEMOLITION PERMIT	150.00CR
X-PLATFIN	PLAT REVIEW FINAL	999.00CR
X-PLATREV	PLAT REVIEW PRELIM	702.00CR
X-SIGN	SIGN PERMIT	150.00CR
X-SWIMPOOL	SWIMMING POOL PERMIT	103.50CR
Z-OCCUP	OCCUPANCY PERMIT	150.00CR
Z-REZONCUP	REZONE W/ C U P	560.00CR
Z-REZONING	REZONING REQUEST	1,660.00CR
TOTAL		9,520.63CR

STATUS: ALL

SEGMENT CODES: All

FEE CODES: All

PROJECTS: THRU ZZZZZZZZZZ

PAYMENT DATES: 4/01/2015 TO 4/30/2015

SORTED BY: PROJECT

** GENERAL LEDGER DISTRIBUTION **

FUND G/L ACCOUNT	ACCOUNT NAME	AMOUNT
001-2133	UBCC FEE PAYABLE	292.00CR
001-4202	BUILDING PERMITS	1,876.13CR
001-4203	PLUMBING PERMITS	620.00CR
001-4204	ELECTRICAL PERMITS	320.00CR
001-4205	ZONING PERMITS & APPLICATIONS	3,921.00CR
001-4206	HEATING & A/C PERMITS	1,190.00CR
001-4249	OTHER PERMITS	540.00CR
001-4822	OTHER MISC. REVENUE	36.50CR
101-4249	OTHER PERMITS	275.00CR
501-4510	WATER TAPS	450.00CR
799-1023	BANCFIRST GENERAL	9,520.63

**SHAWNEE URBAN RENEWAL AUTHORITY
MINUTES OF APRIL 7, 2015**

The Board of Commissioners of the *Shawnee Urban Renewal Authority* met for a regular meeting Tuesday, April 7, 2015 at 9:00 a.m. in the 4th Floor Conference Room, Masonic Building, 23 E. 9th, Room 440, Shawnee, Oklahoma.

Chairman Ron Henderson called the meeting to order at 9:05 a.m.

AGENDA ITEM NO. 2

ROLL CALL:

Roll call was taken showing the following members present:

Chairman	Ron Henderson
Commissioner	Monte Cockings
Commissioner	Larry Gill

Absent:	Commissioner	Tiffany Barrett
	Commissioner	Wayne Jackson

Also present:

Bryan Logan, CDBG Coordinator/Rehab Specialist, SURA

Elaine Shrum, Administrative Specialist, SURA

Karen Drain, Secretary, SURA

A quorum was declared.

AGENDA ITEM NO. 3

APPROVAL OF MINUTES:

A motion to approve the minutes of March 10, 2015 was made by **Commissioner Cockings**, seconded by **Commissioner Gill**. Motion carried with no abstentions.

VOTING YES: Henderson, Cockings, and Gill

VOTING NO: None

AGENDA ITEM NO. 4

APPROVAL OF CLAIMS:

A motion to approve claims totaling \$ 28,812.51 was made by **Commissioner Cockings**, seconded by **Commissioner Gill**. Motion carried with no abstentions.

VOTING YES: Henderson, Cockings and Gill

VOTING NO: None

AGENDA ITEM NO. 5
REQUEST FOR ASSISTANCE:

Bryan Logan, CDBG Coordinator/Rehab Specialist reported on the following requests for assistance:

- a) Emergency Assistance: Carl Corrick, 920 E. 11

Mr. Corrick is 67 years old, owned and lived in his home 61 years, and is income qualified. His home needs a new roof.

A motion to approve the request for assistance was made by **Commissioner Cockings**, seconded by **Commissioner Gill**. Motion carried with no abstentions

VOTING YES: Henderson, Cockings and Gill
VOTING NO: None

- b) Emergency Assistance: Aaron & Sarita Hayes, 304 S. Eden

Mr. & Mrs. Hayes are 24 and 22 years old, owned their home 3 years, and are income qualified. Their home needs a new roof.

A motion to approve the request for assistance was made by **Commissioner Gill**, seconded by **Commissioner Cockings**. Motion carried with no abstentions

VOTING YES: Henderson, Cockings and Gill
VOTING NO: None

- c) Emergency Assistance: Cruzita Hernandez, 214 S. Minnesota

Mrs. Hernandez is 70 years old, owned her home 15 years, and is income qualified. Her home has a water leak under the house.

A motion to approve the request for assistance was made by **Commissioner Cockings**, seconded by **Commissioner Gill**. Motion carried with no abstentions

VOTING YES: Henderson, Cockings and Gill
VOTING NO: None

d) Emergency Assistance: Shane & Leslie Wright, 1013 Jefferson Pl.

Mr. & Mrs. Wright are 41 and 43 years old, owned their home 7 years, and are income qualified. Their home needs to have central heat and air replaced.

A motion to approve the request for assistance was made by **Commissioner Cockings**, seconded by **Commissioner Gill**. Motion carried with no abstentions

VOTING YES: Henderson, Cockings and Gill
VOTING NO: None

**AGENDA ITEM NO. 6
UPDATE ON BID OPENINGS:**

Bryan Logan, CDBG Coordinator/Rehab Specialist addressed the following results:

a) Emergency Assistance: Audrey Hollingsworth, 209 S. Ruth
3 bids received:

	<u>Bid Amount</u>
LG Construction	\$ 10,307.00
Kingworks, LLC	7,800.00
Unlimited Design	5,280.00

Bid Awarded to: Unlimited Design Custom Homes

b) Emergency Assistance: Chris & Monique Radford, 827 S. Bell
3 bids received:

	<u>Bid Amount</u>
LG Construction	\$ 24,635.00
Kingworks, LLC	22,660.00
Unlimited Design	21,500.00

Bid Awarded to: Unlimited Design Custom Homes

**AGENDA ITEM NO. 7
OLD BUSINESS:**

There was no Old Business.

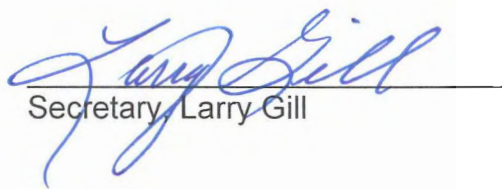
**AGENDA ITEM NO. 8
NEW BUSINESS:**

There was no New Business.

**AGENDA ITEM NO. 9
ADJOURNMENT**

There being no further business to come before the Board at this time, a motion to adjourn at 9:25 a.m. was made by **Commissioner Cockings**, seconded by **Commissioner Gill**. Motion carried with no abstentions.

VOTING YES: Henderson, Cockings, and Gill
VOTING NO: None



Secretary Larry Gill



Chairman, Ron Henderson

PLANNING COMMISSION MINUTES

DATE: MARCH 4TH, 2015

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in the Commission Chambers, at City Hall, 9th and Broadway, on Wednesday, March 4th, 2015 at 1:30 p.m., pursuant to notice duly posted as prescribed by law.

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

Upon roll call the following members were present:

Present: Bergsten, Clinard, Kerbs, Salter, Cowen, Kienzle

Absent: Silvia

The meeting was called to order.

AGENDA ITEM NO. 2: **Consideration of Approval of the minutes from the
February 4th, 2015 Planning Commission Meeting**

Vice-Chairman Salter asked if the Board had time to review or if there were any changes they would like to make. Commissioner Bergsten made a motion to approve, seconded by Commissioner Kienzle.

Motion passed:

AYE: Bergsten, Clinard, Kerbs, Salter, Cowen, Kienzle

NAY:

ABSTAIN:

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

(A three minute limit per person)

(A twelve minute limit per topic)

Vice-Chairman Salter opened the public portion and announced that it is an open time for discussion for those with questions on topics not on the Agenda and such individuals are welcome to address the Board. Vice-Chairman Salter asked if anyone would like to come forward and speak. No one came forward and Vice-Chairman Salter closed the public portion of the meeting.

AGENDA ITEM NO. 4:

Case #P01-15- A public hearing for consideration of approval of a Rezone for property located North of Wal-Mart on Union Street from A-1; Rural Agricultural to C-3; Highway Commercial, Shawnee, OK

Applicant: Nelmon Brauning

Vice-Chairman Salter asked for the staff report. Justin Debruin presented the Staff report. Mr. Debruin explained the location of the property and detailed there is a total of fifty five and a half acres. Justin Debruin stated that he had spoken with the applicant and that there was no definitive answer on what would be going in at the location except a possible marketplace type business. Mr. Debruin went on to describe that based on the comprehensive plan for the area, the City did not object to the rezone but recalled the issue of not knowing what exactly would be going in at the site. Vice-Chairman Salter asked if the applicant was not present and Justin Debruin stated he did not believe they were. Stan Brown came forward to let the Commission know he was there for the applicant. Vice-Chairman Salter asked if the Commission had any questions for Staff. Commissioner Kienzle asked if there were any potential with the rezone for noise disturbances in the evening for citizens staying in the hotels. Justin Erickson came forward to explain that typically the loud noise comes from Industrial zoned areas. Commissioner Kienzle asked if there were anything he might think of coming from Commercial and Mr. Erickson informed her he didn't know of anything that could cause a noise disturbance other than the existing highway and Justin Debruin agreed. Vice-Chairman Salter relayed to the Commission that in the past he had reservations about approving a C-3 zoning without knowing what would go there but with the location of this rezone, he doesn't feel he has a problem with it. Commissioner Kerbs asked if there was an easement on the northern side. Justin Debruin stated he did not believe there was. Commissioner Cowen expressed how he believed C-3 would be the best use of the property in question with surrounding businesses. Mr. Debruin informed Commissioners that the Preliminary and Final Plats would come before the Commission for approval as well. There were no more questions for Staff and Skip Landes with Landes Engineering LLC came forward to speak for applicant. Skip described the ideas to extend Union Street and provide a second access off Westech Road. The intent would be to open Westech off Harrison for traffic to come through. Mr. Landes stated he would be happy to answer any questions. Commissioner Kerbs confirmed that Skip Landes stated he was working on the Shawnee Auto Mall as well and Mr. Landes agreed. Commissioner Kerbs went on to address the concerns for any possible drainage issues for the area. Skip Landes

expressed his opinion to have a central storm water detention basin put in but is not up for consideration at this point. Mr. Landes stated for this project they would follow natural drainage. Vice-Chairman Salter opened for public hearing and asked that anyone in favor of the project to come forward. Vice-Chairman Salter asked if anyone against the project would like to come forward. No one came forward and Vice-Chairman Salter closed the public portion. Vice-Chairman Salter asked for a motion. Commissioner Cowen made a motion to approve as Staff recommends, seconded by Commissioner Kerbs.

Motion carries:

AYE: Bergsten, Clinard, Kerbs, Salter, Cowen,
Kienzle

NAY:

ABSTAIN:

AGENDA ITEM NO. 5:

Case #S02-15 - Consideration of approval of a Final Plat for Golden Acres Cottages II, located on West MacArthur Street between Leo Street and Ellis Drive, Shawnee, OK

Applicant: The Landrun Group LLC

Vice-Chairman Salter asked for the Staff report. Justin Debruin presented the Staff report. Mr. Debruin stated the Preliminary Plat for Golden Acres Cottages II was approved February 17th, 2015. The site is around 1.67 acres in size, on MacArthur Street that would be next to the Golden Acres Cottages already in existence. Mr. Debruin detailed some of the highlights included picnic tables, walkway to existing Golden Acres Cottages, splash pad and open space. Justin Debruin informed the Commissioners that there would be 13 off-street parking spaces along with two-car garages with each unit. Mr. Debruin stated there would be a Property Association to maintain the dwellings. Justin Debruin explained that with notes from the City Engineer and Staff, they do recommend approval with some conditions including Final drainage plans, public improvements and construction documents. Vice-Chairman Salter asked if there were any questions for Staff. There were none and Vice-Chairman Salter opened for public hearing to anyone in favor or against the proposal. There were none and Vice-Chairman Salter called for a motion. Commissioner Kerbs made a motion to approve, seconded by Commissioner Cowen.

Motion carries with staff conditions:

AYE: Bergsten, Clinard, Kerbs, Salter, Cowen,
Kienzle

NAY:

ABSTAIN:

AGENDA ITEM NO. 6:

Case #S03-15 – Consideration of approval of a Preliminary Plat for Shawnee Auto Mall, located North of Shawnee Mall Drive, Shawnee, OK

Applicant: Landes Engineering LLC

Vice-Chairman Salter asked for the Staff report. Justin Debruin presented the Staff report. Justin Debruin stated the Plat is just East of Wal-Mart, West of the rail road tracks and currently zoned C-3. Mr. Debruin went on to explain the property is roughly twenty one acres in size. Justin Debruin informed the Commissioners that the proposal is for four structures on the lot for car dealerships and that there would be one private access drive going down the middle with parking around each dealership. Mr. Debruin mentioned there is a detention pond for storm water on the northern side of property and a six foot sidewalk would be required along mall drive. Justin Debruin discussed a Final Plat would be required and a landscape plan with building permit. Mr. Debruin explained that the applicant would have to submit proof of an easement for the plat with previous records not showing the easement in question. Justin Debruin also mentioned that the comprehensive plan for the site is Commercial and Staff has no objection but recommendations include approval by the City Engineer among additional requirements. Vice-Chairman Salter noted the extensive requirements from the City Engineer and asked if there were any other questions. Commissioner Clinard asked how the standing water on the site would affect the surrounding properties. Justin Debruin replied stating that Skip Landes would be able to answer but that he believed a concrete retention pond would be there. Commissioner Kerbs asked what kind of easement was on Mall Drive for expansion purposes. Justin Erickson informed Commissioner Kerbs that issue was on the City Engineer's notes and will be addressed concurrent with Final Plat approval. Vice-Chairman Salter asked about the two north structures listed on Staff report not being allowed and whether that would be met for the Final Plat. Mr. Erickson confirmed that they would work through that for Final Plat if needed, if deviation is needed at that time. Vice-Chairman Salter asked if there were any other questions for Staff. There were none and Vice-Chairman Salter opened for public hearing. Skip Landes came forward to speak in favor of the Plat and discussed their proposals. Mr. Landes mentioned water lines and two different options for placement and also discussed hydrology uses. Skip went on to inform the Commission that they would use pre post for detention if possible. Mr. Landes stated he would be happy to answer any questions and Commissioner Bergsten asked if the Plat would come in two phases and he agreed. Commissioner Kienzle asked Skip Landes for his opinion on a Master Plan and who pays for that. Mr. Landes informed her that some communities pay for them but that storm water is difficult. Commissioner Kienzle commented that she believed it would have been a good idea for the applicant to come before the city in this regard and Skip Landes stated that he had asked for them but City was unable to assist at the time. Commissioner Kerbs asked about the turn out lanes on Plat. Skip Landes informed him that it is primarily a

parking lot and stated he may be back with modifications concerning Plat. Commissioner Kerbs went on to ask if there was room for expansion on the north side of property and Skip Landes informed there were none at this time. Vice-Chairman Salter asked if there were any who would like to speak against the item. There were none and Vice-Chairman Salter closed public hearing. Vice-Chairman Salter asked if there were any other questions for Staff or if they would like to entertain a motion. Commissioner Clinard made a motion to approve, seconded by Commissioner Bergsten.

Motion carries:

AYE: Bergsten, Clinard, Kerbs, Salter, Cowen,
Kienzle

NAY:

ABSTAIN:

AGENDA ITEM NO. 7:

Case #P04-15 - A public hearing for consideration of approval of a Rezone for property located at 1500 E. Independence Street from A-1; Rural Agricultural to R-1; Single-Family Residential, Shawnee, OK

Applicant: Landes Engineering LLC

Vice-Chairman Salter asked for the Staff Report. Justin Debruin presented the Staff Report and mentioned it would be a joint Staff Report for this case and the following one. Mr. Debruin informed the Commissioners that the site was located at the NE corner of Independence and Elm Street, approximately twelve acres in size. Justin Debruin also mentioned that the comprehensive plan is concurrent with zoning and the Preliminary Plat shows forty two residential lots coming in two phases. Mr. Debruin stated the homes would be around fifteen hundred square feet and that a six foot sidewalk would be required as a minor arterial, as well as curb and gutter and minor road improvements. Justin Debruin mentioned the detention areas on the northern side of the property and went on to inform the Commissioners that Staff listed six conditions for the Preliminary Plat but does recommend approval. Mr. Debruin also wanted to mention that they did receive a complaint letter but the City Engineer met homeowner on site and does not believe it will be an issue. Commissioner Kerbs asked if the sidewalk was only for Independence and that there would be no secondary sidewalk on Elm Street. Justin Debruin agreed. Vice-Chairman Salter asked for confirmation that the list from the City Engineer would be taken care of prior to Final Plat approval and Mr. Debruin agreed. Commissioner Bergsten mentioned the creek running through area and possibility of causing drainage and storm water issues. Commissioner Kienzle asked if Justin Debruin could explain where the gate access is. Mr. Debruin agreed and stated positions for the gated community and also informed Commissioners that he

believed part of the area would be elderly homes. Commissioner Kerbs asked if water detention would be completed. Justin Debruin confirmed. Vice-Chairman Salter described his belief on storm water runoff. Justin Erickson stated they would regulate the storm water created by new addition. Vice-Chairman Salter opened the public hearing and asked if anyone who would like to speak in favor of project come forward. Skip Landes came forward and described work to be completed. Mr. Landes also mentioned that other than elderly living, there would be starter homes available close to the schools in area. Vice-Chairman Salter asked if there was anyone who would like to speak against the project. There were none and Vice-Chairman Salter closed the public portion. Vice-Chairman Salter asked if the owner decides not to develop the housing addition, they are still covered with the rezoning process for in the future. Justin Debruin agreed. Vice-Chairman stated there would be separate votes for each item on agenda. Commissioner Bergsten made a motion to approve, seconded by Commissioner Kienzle.

Motion carries:

AYE: Bergsten, Clinard, Kerbs, Salter, Cowen,
Kienzle

NAY:

ABSTAIN:

AGENDA ITEM NO. 8:

Case #S04-15 - Consideration of approval of a Preliminary Plat for Tamarack the Village, located at 1500 E. Independence Street, Shawnee, OK

Applicant: Landes Engineering LLC

Combined Staff Report. Commissioner Cowen made a motion to approve, seconded by Commissioner Bergsten.

Motion carries with staff conditions:

AYE: Bergsten, Clinard, Kerbs, Salter, Cowen,
Kienzle

NAY:

ABSTAIN:

AGENDA ITEM NO. 9:

Planning Director's Report

Justin Erickson presented Planning Director's Report. Mr. Erickson stated there were twenty storm shelter permits issued in February, with a few new home permits issued as

well. Hobby Lobby opened last week. New traffic signal was delayed but should be completed by early next week. The City Commission accepted a proposal from OG&E for lighting at the Airport Trail that should be in place by the Fall. The City received a grant from the Avedis Foundation as well. Mr. Erickson asked if there were any questions. Commissioner Bergsten asked about the timeline for Shawnee Marketplace. Justin Erickson stated Phase 1 should be completed in May and that there is no word on Phase 2 as of yet.

AGENDA ITEM NO. 10: Commissioners Comments and/or New Business

Commissioner Kerbs mentioned the Downtown Streetscape presentation from last week and the resulting good turnout. Mr. Kerbs also went over parking comparisons. Vice-Chairman Salter discussed the Streetscape project.

AGENDA ITEM NO. 11: Adjournment

Meeting was adjourned.



Chairman/Vice-Chairman

Cheyenne Lincoln
Planning Commission Secretary

PLANNING COMMISSION MINUTES

DATE: APRIL 1ST, 2015

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in the Commission Chambers, at City Hall, 9th and Broadway, on Wednesday, April 1st, 2015 at 1:30 p.m., pursuant to notice duly posted as prescribed by law.

AGENDA ITEM NO.1: Roll Call

Upon roll call the following members were present:

Present: Bergsten, Clinard, Kerbs, Silvia, Salter, Cowen

Absent: Kienzle


The meeting was called to order.

AGENDA ITEM NO. 2: Workshop to discuss the draft version of the Downtown Shawnee Property Maintenance Code.

Justin Erickson came forward to go over a presentation regarding the draft version of the Downtown Shawnee Property Maintenance Code. Mr. Erickson stated the focus of this draft was only for the Downtown properties zoned C-4 and briefly discussed the boundary lines. Justin Erickson described the maintenance upkeep for all downtown buildings to include the interior and exterior grounds and also mentioned the enforcement process for the proposed Code. The Commissioners had comments and suggestions for Staff to review in order to make certain revisions to the proposed Code.

AGENDA ITEM NO. 3: Adjournment

Meeting was adjourned.



Chairman/Vice-Chairman

Cheyenne Lincoln
Planning Commission Secretary

COMMUNITY SERVICE CONTRACTS REVIEW
MEETING MINUTES
MAY 28, 2014

COMMITTEE MEMBERS
IN ATTENDANCE:

Wes Mainord
Mary Ann Karns
Matthew Griffith
Cindy Sementelli
James Harrod

COMMITTEE MEMBERS ABSENT:

Marta Land

OTHERS IN ATTENDANCE:

Phyllis Loftis, City Clerk
Brian McDougal, City Manager

Chairman Mainord called the meeting to order at 9:00 a.m. with five committee members in attendance.

Agenda Item No. 1: Approval of minutes from the May 9, 2014 meeting.

A motion was made by Griffith, seconded by Sementelli, to approve the minutes from the May 9, 2014 meeting. Motion carried 5-0.

Agenda Item No. 2: Reconsideration of contract with Central Oklahoma Community Action Agency/Central Oklahoma Transit (COCAA/COTS) and review of documents provided by COCAA on May 20, 2014.

City of Shawnee Finance Director Cindy Sementelli stated that the city's auditors have concerns regarding the financial history of this organization. It was their opinion that the city should not fund this organization until all financial issues have been addressed. After further discussion among committee members, the following statement and motion was made by Griffith, seconded by Harrod; While the Community Service Contract Review Committee recognizes that transportation is important to our community, the Committee still has concerns regarding the provision of public funds to this

organization. There are ongoing issues that have been present for several years, however, this Committee hopes to find a resolution that is in the best interest of the community. It is our recommendation that COCAA/COTS provide the City of Shawnee with a midyear audit review prepared by their auditors to determine if their findings from the 2013 audit are being addressed. We further recommend that the City not foreclose on any funding option, which could include funding this organization for the entire fiscal year, a partial fiscal year or not funding at all. It is further recommended that the funding request from COCAA/COTS be reviewed again in January, 2015.

Agenda Item No. 3: Adjournment

With no other business coming before the Committee, the meeting was adjourned by the power of the chair at 9:31 a.m.

Wes Mainord, Chairman

Attest:

Phyllis Loftis, City Clerk

COMMUNITY SERVICE CONTRACTS REVIEW
MEETING MINUTES
APRIL 14, 2015
2:00 P.M.

COMMITTEE MEMBERS
IN ATTENDANCE:

Wes Mainord
Mary Ann Karns
Cindy Sementelli
Ken McDowell

COMMITTEE MEMBERS ABSENT:

Matthew Griffith
James Harrod

OTHERS IN ATTENDANCE:

Justin Erickson, Interim City Manager
Phyllis Loftis, City Clerk
Lisa Lasyone, Deputy City Clerk
James Bryce, Director of Operations

Chairman Mainord called the meeting to order at 2:03 p.m. with four committee members in attendance.

Agenda Item No. 1: Approval of minutes from the May 28, 2014 meeting.

A motion was made by Karns, seconded by Sementelli, to approve the minutes from the May 28, 2014 meeting. Motion carried 4-0.

AYE: Karns, Sementelli, McDowell, Mainord

NAY: None

Agenda Item No. 2: Discuss and consider renewal of the YMCA contract for the management and operation of the Community Center for FY 2015-16.

The Board noted that the YMCA is not requesting any additional funds over the FY 2014-15 request.

A motion was made by Karns, seconded by Sementelli, to renew the YMCA contract for FY 2015-16 in the amount of \$36,000. Motion carried 4-0.

AYE: Karns, Sementelli, McDowell, Mainord

NAY: None

BY POWER OF THE CHAIR, THE BOARD WILL DISCUSS AGENDA ITEM NO. 5 PRIOR TO AGENDA ITEM NO. 3.

Agenda Item No. 4: Discuss and consider renewal of contract with Shawnee Economic Development Foundation for FY 2015-16.

The Board noted that the Shawnee Economic Development Foundation is not requesting any additional funds over the FY 2014-15 request.

A motion was made by Karns, seconded by Sementelli, to renew the Shawnee Economic Development Foundation contract for FY 2015-16 in the amount of \$231,000.00. Motion carried 4-0.

AYE: Karns, Sementelli, McDowell, Mainord

NAY: None

Agenda Item No. 5: Discuss and consider renewal of contract with Safe Events for Families for FY 2015-16.

HARROD ARRIVED AT 2:09 P.M.

It was noted that Safe Events for Families (SEFF) is requesting \$19,000.00 for events and \$15,000.00 for fireworks. Staff recommended to not give funds for the fireworks and to increase the funding from \$12,000.00 to \$15,000.00.

A motion was made by Sementelli, seconded by McDowell, to renew contract for FY 2015-16 to reimburse expenses for events up to \$15,000.00. Motion carried 5-0.

AYE: Sementelli, McDowell, Mainord, Karns, Harrod

NAY: None

Agenda Item No. 3: Discuss and consider renewal of the contract with Senior Citizens Center, Inc. for operation of the Municipal Auditorium for FY 2015-16.

Sementelli stated that she has looked at the City taking over the personnel of the Senior Citizens Center but will have to check legalities before the City can accomplish that. She stated that the Senior Citizens are requesting \$121,000.00 for FY2015-16, up from the \$90,994.00 for FY2014-15. After reviewing the request, Sementelli recommends funding a total of \$100,000.00 for FY2015-16.

A motion was made by Harrod, seconded by Sementelli, to renew contract for FY 2015-16 in the amount of \$100,000.00. Motion carried 5-0.

AYE: Harrod, Sementelli, McDowell, Mainord, Karns
NAY: None

Agenda Item No. 6: Adjournment

With no other business coming before the Committee, a motion was made by Harrod, seconded by Sementelli, adjourn at 2:40 p.m. Motion carried 5-0.

AYE: Harrod, Sementelli, McDowell, Mainord, Karns
NAY: None

Wes Mainord, Chairman

Attest:

Phyllis Loftis, CMC, City Clerk

Regular Board of Commissioners

1. c.

Meeting Date: 05/18/2015

Contract Rev Recommendations

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Approve Community Service Contract Review Committee Recommendations for Fiscal Year 2015-2016:

(1) Consider renewal of the YMCA contract for the management and operation of the Community Center for FY 2015-16.

RECOMMENDATION: To renew contract for FY 2015-16 in the amount of \$36,000. (No change from FY 2014-15 contract).

(2) Consider renewal of the contract with Senior Citizens Center, Inc. for operation of the Municipal Auditorium for FY 2015-16.

RECOMMENDATION: To renew contract for FY 2015-16 in the amount of \$100,000. (FY 2014-15 contract amount was \$90,994.00).

(3) Consider renewal of contract with Shawnee Economic Development Foundation for FY 2015-16.

RECOMMENDATION: To renew contract for FY 2015-16 in the amount of \$231,000. (No change from FY 2014-15 contract).

(4) Discuss and consider renewal of contract with Safe Events for Families for FY 2015-16.

RECOMMENDATION: To renew contract for FY 2015-16 to reimburse expenses for events up to \$15,000. (FY 2014-15 contract amount was \$12,000).

Attachments

Contract Rev Recomm

YMCA Contract

Senior Citizens Contract

SEDF Contract

SEFF Contract

RECOMMENDATIONS
COMMUNITY SERVICE CONTRACT REVIEW COMMITTEE
FROM THE APRIL 14, 2015 MEETING

1. Consider renewal of the YMCA contract for the management and operation of the Community Center for FY 2015-16.

RECOMMENDATION: To renew contract for FY 2015-16 in the amount of \$36,000. (No change from FY 2014-15 contract).

2. Consider renewal of the contract with Senior Citizens Center, Inc. for operation of the Municipal Auditorium for FY 2015-16.

RECOMMENDATION: To renew contract for FY 2015-16 in the amount of \$100,000. (FY 2014-15 contract amount was \$90,994.00).

3. Consider renewal of contract with Shawnee Economic Development Foundation for FY 2015-16.

RECOMMENDATION: To renew contract for FY 2015-16 in the amount of \$231,000. (No change from FY 2014-15 contract).

4. Discuss and consider renewal of contract with Safe Events for Families for FY 2015-16.

RECOMMENDATION: To renew contract for FY 2015-16 to reimburse expenses for events up to \$15,000. (FY 2014-15 contract amount was \$12,000).

AGREEMENT

This Agreement entered into this 1st day of July, 2015, by and between the City of Shawnee, Oklahoma, hereinafter the "City", and the Shawnee YMCA, a 501(C)(3) United Way Partner Agency, hereinafter called "YMCA".

WITNESSETH

WHEREAS, the City and YMCA both acknowledge that recreation plays an important role in our society and the development of mankind; and

WHEREAS, the City and YMCA are both desirous of providing recreational and leisure programs for the benefit of both adults and children to help improve the quality of life in Shawnee; and

WHEREAS, the City owns a certain facility known as the Shawnee Community Center which lends itself to recreational, social and educational purposes, and

WHEREAS, YMCA has the personnel, experience and clerical support necessary to provide scheduling and operation of the Shawnee Community Center, and

WHEREAS, the City and YMCA are both desirous of providing opportunities for the fulfillment of the need for the operational management of the Shawnee Community Center for social, educational and recreational programs which play an important role in our society and development of mankind.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, it is agreed by and between the parties that:

1. The City shall designate the scheduling of social, educational and recreational events at the Shawnee Community Center to be managed by persons designated by YMCA beginning July 1, 2015.

2. The City shall also provide for the maintenance of the building of the Shawnee Community Center as may be appropriate. Cleaning and maintenance supplies shall be supplied by the City to the YMCA requisitioning said supplies as necessary.

3. YMCA personnel shall supervise and manage the Shawnee Community Center in accordance with the policy and procedure set forth by the YMCA Director.

4. YMCA personnel shall be responsible for securing the Shawnee Community Center and turning off lights at the close of activities each day.

5. YMCA will be responsible for scheduling social, educational and recreational programs such as may be requested by families and organizations. All programs requiring financial assistance from the City must be approved by the City prior to the program going into effect. Groups using the Shawnee Community Center shall provide adequate supervision and security for the event. First priority shall be given to non-profit groups and organizations. Charges for use of the space shall be determined by the YMCA with oversight of City of Shawnee.

6. Community Center's activities and recreation program for groups and organizations will occur between the hours of 6:00 o'clock a.m. to 10:00 o'clock p.m. Monday through Sunday for the duration of this agreement.

7. YMCA will require a deposit for clean-up from each group or organization taking part in a program at the Shawnee Community Center. This fee shall be refundable upon adequate clean-up as designated by YMCA personnel inspection. The deposit shall be determined by the YMCA with City of Shawnee oversight.

8. In exchange for the provision of operational management, program supplies and financial assistance for the Shawnee Community Center, and for assuming custodial/janitorial services at the Community Center, the City agrees to pay to YMCA the sum of Thirty-six Thousand, and No/100 Dollars (\$36,000.00) to be paid in monthly installments of Three Thousand Dollars (\$3,000.00). Program sustaining funds will have the ability to be accrued from month-to-month dependent upon program planning and budget projections. A full accounting of financials will be reviewed monthly by the Subcommittee and approved by the YMCA Board of Directors.

9. The City shall not be liable to any third party for any responsibility of YMCA pursuant to this agreement, and YMCA hereby agrees to indemnify the City for any damages or costs, including reasonable attorney's fees, incurred as a result of the recreation programs being conducted at the Shawnee Community Center.

10. YMCA agrees to furnish to the City such invoices and other documents that the City requires in connection with payment procedure prior to receiving each monthly payment. YMCA understands and agrees that the City requires YMCA to segregate its funds received from the City for auditing purposes. YMCA agrees to furnish monthly financial statements conducted by a CPA to the City, as well as its annual audit.

11. Both parties agree that YMCA is an independent contractor for purposes of this contract and is not an employee of the City. YMCA will be responsible for its own insurance, payroll taxes and setting of salaries within the amounts paid by the City. Nothing in this contract establishes an agency relationship or any other legal relationship between YMCA and City, other than the provisions stated in this contract.

12. This agreement comprises all the terms agreed to by the parties, and any modification, amendment or alteration of this agreement must be in writing and executed by both parties.

13. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

14. This agreement shall expire on June 30, 2016. This agreement may be renewed or extended by agreement of both parties thereafter.

15. This agreement may be terminated by either party without cause upon sixty (60) days written notice directed to the other party. For purposes of this paragraph, the notice shall be sent to either the City Manager of the City of Shawnee or the Chief Executive Officer of the Shawnee YMCA.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

THE CITY OF SHAWNEE
A Municipal Corporation

By: _____
JUSTIN ERICKSON, INTERIM CITY MANAGER

ATTEST:

PHYLLIS LOFTIS, CMC. CITY CLERK

SHAWNEE FAMILY YMCA
A 501 (c) (3) non-profit organization

By: _____
PRESIDENT
YMCA BOARD OF DIRECTORS

APPROVED AS TO FORM AND LEGALITY:

MARY ANN KARNS, CITY ATTORNEY

CONTRACT AGREEMENT

This Agreement made and entered into as the 1st day of July, 2015, by and between the Senior Citizens of Shawnee, Inc., a non-profit corporation, organized and existing under and by virtue of the laws of the State of Oklahoma, Pottawatomie County, Oklahoma, hereinafter referred to as "SCSI", and the City of Shawnee, Oklahoma, a municipal corporation, hereinafter referred to as "City".

WITNESSETH:

WHEREAS, SCSI IS incorporated for the purpose of fostering and conducting programs for the benefit of older persons in the City of Shawnee and the mobilization of those persons to benefit others in the area of information and referral advocacy, volunteerism, socialization, nutrition, financial guidance, legal services, transportation and employment, and

WHEREAS, SCSI is also incorporated for the purpose of managing and directing the program of the Senior Center of Shawnee and to enter into contracts, hire and supervise employees, coordinate the various facets of the programs and to evaluate program effectiveness, and

WHEREAS, the City is the owner of a certain building generally known as the Municipal Auditorium located at 400 North Bell Street, in the City of Shawnee, Oklahoma, as well as a certain addition thereto to house senior citizens' activities, which addition carries the street address of 401 N. Bell Street, and

WHEREAS, the parties desire to enter into an agreement pursuant to which said facilities constructed by the City for the benefit of senior citizens may be effectively operated for the benefit of the senior citizens of Shawnee, and

WHEREAS SCSI has the personnel and support staff necessary to provide maintenance and custodial services for the Shawnee Municipal Auditorium, and

WHEREAS, the City and SCSI are both desirous of providing recreational opportunities for persons of all ages at the municipal auditorium, and

WHEREAS, SCSI appears to be the most appropriate entity to operate the senior citizens' center and municipal auditorium.

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter set forth, it is hereby agreed by and between the parties hereto that:

1. The City hereby agrees to authorize SCSI to operate the senior citizens program in the above described facility located at 401 North Bell, Shawnee, Oklahoma until this agreement is terminated by either party by written notices.

2. The City hereby agrees to authorize SCSI to use that portion of 401 North Bell, more commonly known as the Municipal Auditorium (gym area and restroom area) for walking

and senior citizens programs as long as it does not interfere with programs approved by the City of Shawnee. Their annual functions such as town hall type meetings will be allowed. All other activities conducted within the above mentioned facility will be considered and approved under the discretion of the City of Shawnee. All special functions approved by the City of Shawnee that require additional restroom space due to the number of participants shall have access to restroom in the Senior Citizens Center.

3. SCSI agrees to develop, supervise and manage programs for senior citizens in Shawnee, Oklahoma, and for the purpose of this agreement, a senior citizens is defined as any person fifty years of age or older.

4. SCSI agrees to employ a Center Director, who will be responsible for the overall management of the programs. Said Director will have offices in the facility at 401 North Bell, Shawnee, Oklahoma. Said director shall be responsible for coordinating specific Senior Center programs with the City and its programs in the community.

5. SCSI agrees to administer contracts that furnish senior citizen services that the City enters into with other entities. SCSI agrees to keep reasonable and necessary records, make reports to the City and to schedule programs and activities in the facility at 401 North Bell, Shawnee, Oklahoma.

6. It is understood and agreed by the parties, SCSI shall have responsibilities and privileges pursuant to the terms of this agreement at the facility located at 401 North Bell, Shawnee, Oklahoma, but at no other location or address where senior citizens activities are conducted by the City.

7. SCSI agrees to be responsible for booking meetings in the facility to other senior citizen groups.

8. SCSI agrees to exercise reasonable care for all properties owned by the City, including office equipment and supplies, and to maintain an ongoing inventory of all property, equipment and supplies, which inventory shall be available to the City at all reasonable times.

9. The City agrees to provide the building facility with furniture, fixtures and equipment calculated to reasonably serve the needs of SCSI in administering its duties as provided herein.

10. The City will allow SCSI to coordinate activities and the recreation program at the Municipal Auditorium at 400 North Bell Street in Shawnee. This will include a recreation program for groups and organizations of all ages. Any group or organization using the facility must provide adequate supervision and security.

11. SCSI's activities and recreation programs for groups and organizations will occur between the hours of 6:00 a.m. to 12: a.m. Monday through Sunday for the duration of this agreement.

12. SCSI will require a deposit for clean up from each group or organization taking part in a program at the Municipal Auditorium. SCSI will also require a fee from each group or organization participating in the evening program. This fee will be refundable to any non-profit organization. This deposit and fee shall be determined by the Community Service Contract Committee and a representative of SCSI to be designated by SCSI.

13. SCSI assumes responsibilities for securing the auditorium and turning off lights at the end of the day.

14. All custodial responsibilities for the municipal auditorium will be assumed by SCSI.

15. The City agrees to pay to SCSI the sum of One Hundred Thousand Dollars (\$100,000.00) at the rate of Eight Thousand Three Hundred Thirty Three and 33/100 Dollars (\$8,333.33) per month during the term of this agreement payable in advance on the third Wednesday of each month. This sum will be full payment for all operational, maintenance and custodial services to be provided by SCSI for the benefit of the Senior Citizen Center and Municipal Auditorium.

16. SCSI agrees to file a proper claim with the City for each payment.

17. SCSI agrees to pay from the monies paid to it by the City all salaries of its employees and for janitorial services.

18. Upon submitting each payment claim, SCSI agrees to supply the City with documentation and accounting for the expenditure of the funds from the previous payment, as well as specific projections as to how the funds for the next requested payment will be spent. Should the City determine there is insufficient accounting of the City's funds by SCSI, the City can withhold payment of the next installment and terminate the balance of the contract without further notice and without further liability. SCSI understands the City requires SCSI to segregate funds received from the City for auditing purposes. SCSI agrees to furnish the City with its annual audit or an agreed-upon procedures engagement conducted by a CPA. SCSI further agrees to furnish monthly reports to the City containing its revenues, expenditures, assets, liabilities, grants and activities.

19. The City agrees to provide telephone service, water service, electricity and natural gas to the facility located at 401 North Bell, Shawnee, Oklahoma.

20. The City acknowledges that SCSI receives funds from the rental of the Senior Citizen Center as well as occasional fundraising activities participated in by SCSI. The City agrees to establish a special revenue fund for deposit of money from the occasional fundraising activities and that the monies contained in the special fund are to be used only for those purposes requested by SCSI.

21. SCSI agrees to furnish the City with copies of all minutes of SCSI's meetings.

22. It is understood and agreed that this agreement may be terminated for no cause by either party upon thirty days written notice to the other party.

23. This Agreement terminates automatically on June 30, 2015. This agreement may be renewed or extended by agreement of both parties any time prior to that date.

24. It is further understood and agreed by the parties that the City shall have the right to appoint a member of the Board of Directors of SCSI by and through its Mayor and confirmed by the City's Board of Commissioners.

EXECUTED BY:

The City of Shawnee, Oklahoma, this _____ day of _____, 2015

Senior Citizens of Shawnee, Inc., this _____ day of _____, 2015

THE CITY OF SHAWNEE, OKLAHOMA
A Municipal Corporation

BY: _____
JUSTIN ERICKSON,
INTERIM CITY MANAGER

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

SENIOR CITIZENS OF SHAWNEE, INC.

BY: _____
PRESIDENT

ATTEST:

SECRETARY

Approved as to form and legality this _____ day of _____, 2015

MARY ANN KARNs, CITY ATTORNEY

**AGREEMENT FOR OPERATION OF THE
SHAWNEE ECONOMIC DEVELOPMENT FOUNDATION**

This Agreement made and entered into this ____ day of _____, 2015, is between the City of Shawnee, a municipal corporation ("CITY"), and the Shawnee Economic Development Foundation ("SEDF").

I. DUTIES AND RESPONSIBILITIES OF SEDF

A. Services Provided by SEDF. The purpose of this engagement is for the CITY to strive toward the fulfillment of both the long range strategic plan for economic and industrial development for the CITY and the present economic development goals and priorities of the Mayor and Board of City Commissioners and as such plan, goals and priorities may be hereinafter amended from time to time. For purpose of this contract said plan, goals and priorities are here adopted and incorporated herein by reference. SEDF shall use its good faith and best effort to fulfill as much of the plan, goals and priorities as possible within the limitation of its budget. Such scope for work includes but is not limited to SEDF using its best efforts to accomplish the following general objectives:

1. Expanding the economic base of the CITY and Pottawatomie County by seeking diversification of employment opportunities to balance the area's dependency on petroleum-based industry and agriculture.
2. Encouraging and assisting resident industry to maintain and expand employment opportunities.
3. Implementing a comprehensive and aggressive marketing program to attract new industrial manufacturing jobs to CITY.
4. Providing materials including graphics and photos where appropriate to those individuals or companies evaluating the CITY for industrial and commercial investments.
5. Creating a variety of marketable industry facilities by making best use of existing industrial potential and the development of new facilities where required.
6. Providing additional employment opportunities.
7. Encouraging and assisting state installations and federal installations in CITY to maintain employment and seek way to expand those facilities and attract new facilities.

8. SEDF shall use its best efforts to prepare and develop industrial team visits, travel to various meetings, to encourage industrial prospect visits, state sponsored industrial team and international trade team visits and to train personnel, both professional and lay, to fulfill the purposes of job creation and job retention in the CITY as provided for by the budget in this Agreement.

9. SEDF shall have full responsibility for the filing of any tax documents necessary, keeping of records and detailed statements, keeping a detailed activity report, records for expenditures for training, travel and development account, and any other necessary record documentation.

10. The SEDF shall undertake retail recruitment and attraction on behalf of the City. These duties shall include but not be limited to: development of marketing materials tied to the development of retail and commercial sites, to be used in recruitment or attraction of retailers, interaction with retailers, retail brokers, retail site selectors and developers, retail consultants, and City staff, and additionally develop and maintain a database of available properties, (land and buildings), suitable for retail development. The SEDF staff shall, as deemed necessary or appropriate, and within the constraints of its budget, actively participate at the professional retail trade shows and become a member of the ICSC.

B. CITY Representation on SEDF Board of Trustees. At least three (3) CITY Representatives, (Mayor and two Commissioners), shall serve as Trustees of SEDF. No member of the Board of Commissioners shall hold any employment with SEDF or receive compensation for services rendered with SEDF.

C. Incentive Program. SEDF, in conjunction with the CITY, shall prepare an incentive program for the retention, recruitment and expansion of businesses within the CITY.

D. Employees. SEDF agrees to provide a qualified and competent staff to carry out a program of work that will meet the goals and objectives set out by the SEDF and the CITY. All employees carrying out tasks pursuant to this Agreement are employees of the SEDF and are not employees of the CITY.

E. Expenses of Operation. SEDF agrees to maintain office and work space suitable for its operation, and shall be responsible for all expenses relating thereto.

F. Records and Reporting.

1. **Reports.** SEDF will provide a written monthly report of its activities to the CITY. SEDF will also provide quarterly report in an appearance before the CITY Commission. The report will include a financial report as well as accomplishments in the previous quarter and plans for the upcoming quarter.

2. **Inspection and Audit.** SEDF agrees to keep its books and records pertaining to its operation open during regular business hours for inspection by the CITY's Director of Finance, any designee, or persons designated by CITY to perform audits. SEDF agrees to include the funds paid to it pursuant to this Agreement in its annual audit and to provide a copy of that audit to CITY no later than September of each year. Copies of books and records shall be furnished to CITY, its staff, auditors, and elected officials at no additional charge.

3. **Compliance with Open Meeting and Open Records Laws.** All meetings of the SEDF shall be subject to the provisions of the Open Meeting Law (25 O.S. §§ 301-314). The records of the SEDF relating to its operation shall be subject to the provisions of the Open Records Law (51 O.S. §§ 24A 1-29 *et seq.*). SEDF staff shall post agendas for its meetings on the CITY's website. Copies of records shall be provided to CITY and its staff and elected officials without charge. Nothing in this Agreement shall require the disclosure of confidential or propriety information submitted by any person or firm submitted in connection with the expansion, relocation, incentives or other support from SEDF.

G. Budget. SEDF will submit its request for funding each year to the CITY's Contract Review Committee, which shall review the request in accordance with its procedures and make its recommendation to the Mayor and CITY Commission. The submission is due April 1 and, as part of its submission to the Contract Review Committee, SEDF shall submit a clean, unqualified audit of its financials and be prepared to substantiate the annual services rendered and discuss general operations items of the previous year. The Contract Review Committee shall forward a recommendation to the CITY Commissioners for its consideration. CITY agrees its Contract Review Committee will meet in a timely fashion so as not to delay recommendation for budget and renewal.

III. TERM OF AGREEMENT, NO TRANSFER OR ASSIGNMENT

A. Effective Date. This Agreement shall take effect on July 1, 2015, and shall remain in effect until June 30, 2016. All modifications to this Agreement must be in writing and approved by SEDF and by the CITY. The Agreement will be reviewed annually in conformance with the budget request and

appropriation as set out above. Approval of a budget and appropriation of funds shall be deemed to be a one-year renewal of the Agreement.

B. Transfer of Rights and Responsibilities. No party to this agreement can transfer or assign its rights and responsibilities without approval of the other parties.

C. Payment from the CITY to SEDF. The CITY will pay to SEDF on a monthly or quarterly basis a sum certain as specified in accordance hereunder to fund the marketing program and activities as SEDF in carrying out its duties on behalf of the CITY during the operation of the program. The CITY will provide the sum of \$231,000 annually, and SEDF will actively pursue raising similar funds from the private sector.

III. NON-DISCRIMINATION

A. Non-Discrimination Agreement. SEDF agrees not to discriminate against any employee, applicant for employment, or party seeking the services of SEDF because of race, creed, color, national origin, gender, ancestry, disability, or SEDF membership. SEDF shall take affirmative action to insure that employees are provided equal opportunity in employment, promotion, demotion, transfer, or termination, rates or pay, or other forms of compensation, and selection for training.

IV. WAIVER

The waiver by any part of any breach of any term, condition, or covenant herein contained shall not be deemed a waiver of any subsequent breach of the same, or any other term, condition, or covenant.

V. BREACH OF AGREEMENT

If either party to this Agreement fails, refuses, or neglects to abide by its duties and responsibilities hereunder, the other party may give notice of such breach. The breaching party shall be notified, in writing, of its alleged breach and shall be given ninety (90) days (unless such time is extended by the non-breaching party) to cure the breach. If the breach is due to violation of law or mismanagement or embezzlement of funds by the SEDF, the Agreement shall terminate immediately. If the breach is not remedied, the other party may terminate the Agreement. The notice period shall not operate to extend the Agreement beyond its current term.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2015.

Shawnee Economic Development Foundation

BY: _____
CHAIRMAN OF THE BOARD

ATTEST:

SECRETARY

APPROVED by the Mayor and the City Commissioners of the City of Shawnee this ___ day of _____, 2015.

THE CITY OF SHAWNEE, OKLAHOMA
A MUNICIPAL CORPORATION

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CITY CLERK

APPROVED as to form and legality _____ day of _____, 2015.

MARY ANN KARNS, CITY ATTORNEY

AGREEMENT

This Agreement is entered into this 1st day of July, 2015, by and between the City of Shawnee, Oklahoma, hereinafter the "CITY", and Safe Events for Families, hereinafter called "SEFF".

WITNESSETH

WHEREAS, the CITY is in need of certain goods and services, and

WHEREAS, SEFF has represented that it possesses the skills and abilities to provide such goods and services.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties hereby agree as follows:

1. SEFF agrees to provide and furnish such goods and services, to wit: the development of family oriented events providing a safe and entertaining community atmosphere. Those events shall be limited to Shawnee Trail Days, Boo on Bell Street, and the Downtown Christmas Parade.

2. SEFF agrees to provide and furnish such goods and services to commence on 1st day of July, 2015, and to continue until the 30th day of June, 2016.

3. The CITY agrees to fund SEFF's events as follows:

(a) The CITY will pay to SEFF up to \$15,000 in invoiced expenditures within the agreed fiscal year.

(b) The CITY will require SEFF to provide those invoices to the city for direct payment. Payments will be submitted to the accounting department of the City of Shawnee.

3. SEFF agrees to furnish to the CITY copies of all minutes of SEFF meetings.

4. SEFF and CITY acknowledge and agree that mutual cooperation is necessary for the success of this contractual arrangement. To that end SEFF agrees to meet and consult with the City Manager's office concerning all events and activities that SEFF will sponsor at least 60 days prior to the date of said event or activity and complete the event permitting process.

5. CITY acknowledges that it cannot bind future commissions to a financial decision beyond the present fiscal year .

6. This agreement may be terminated by either party upon thirty (30) days written notice prior to the end of the contract period.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

THE CITY OF SHAWNEE, OKLAHOMA
A Municipal Corporation

BY: _____
JUSTIN ERICKSON,
INTERIM CITY MANAGER

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

SAFE EVENTS FOR FAMILIES

BY: _____
PRESIDENT

ATTEST:

SECRETARY

Approved as to form and legality this __ day of _____, 2015

MARY ANN KARNS, CITY ATTORNEY

Regular Board of Commissioners

1. d.

Meeting Date: 05/18/2015

Mayors Appts

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Mayor's Appointments:

Planning Commission

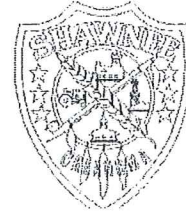
Michael Affentranger Term to Expire 06/01/2018 1st Full Term

Replaces Chris Silvia – Termed Out

Attachments

Affentranger Appl

CITY OF SHAWNEE



APPLICATION TO SERVE

Boards, Committees, and Commissions

Name: <u>Michael Affentranger</u>	Application Date: <u>4-27-15</u>
Address: <u>4709 Grace Lane, Shawnee, OK 74804</u>	
Mailing Address: <u>Same</u>	
Daytime Phone: <u>405-640-4602</u> Fax: <u>405-878-7236</u> Email: <u>maffentranger@banfirst.com</u>	
Profession: <u>Banker</u>	
Business Name: <u>Bank First</u>	
Business Address: <u>1939 N. Harrison St., Shawnee, OK 74804</u>	
Business Phone: <u>405-878-7209</u> Fax: <u>405-878-7236</u> Email: <u>same</u>	

Do you live within the City Limits of the City of Shawnee? Yes or No (please circle)

Do you currently serve on a City board or committee? Yes or No (please circle)

How many years have you lived in Shawnee? 7.5

Select the Board/Committee/Commission you are interested in serving on: (please check)

<input type="radio"/> Airport Advisory Board <input type="radio"/> Beautification Committee <input type="radio"/> Board of Adjustment (Zoning) <input type="radio"/> Cable TV Advisory Committee <input type="radio"/> Civic and Cultural Development Authority <input type="radio"/> Community Service Contracts Review Committee <input type="radio"/> Economic Development Foundation, Inc. Board of Trustees <input type="radio"/> Housing Authority	<input type="radio"/> Library Board <input type="radio"/> Oklahoma Baptist University Trust Authority <input checked="" type="radio"/> <u>Planning Commission</u> <input type="radio"/> Regional Park Oversight Committee <input type="radio"/> Shawnee Hospital Authority <input type="radio"/> Shawnee Urban Renewal Authority <input type="radio"/> Tourism Advisory Committee <input type="radio"/> Traffic Commission <input type="radio"/> Building Code Board of Appeals <input type="radio"/> Other:
---	---

Why are you interested in serving on the Board/Committee/Commission selected above?

My family and I feel strongly engrained in this community and have no plans of leaving anytime. I have a strong interest in the future of Shawnee and desire to foster the continued forward progress the community is currently on.

What will make you a good board member and what skills or knowledge do you have that would be relevant to this board/committee/commission?

Current Board Chair of Absentee Shawnee Housing Authority, Past President of United Way of Pott. County & Shawnee Lions Club. Past Treasurer of the Shawnee

Next Page...

Family YMCA & Youth & Family Services.

What civic or volunteer activities (if any) are you currently involved in?

Lions Club membership chair, YMCA Finance Committee, Praise Assembly of God Advisory Board, Absentee Shawnee Housing Auth. Board Chair

List education, including degree(s) earned:

B.S. Political Science, Oklahoma Baptist University, May 2001

Have you ever served on a City-appointed board/committee/commission before? If so, which ones and for how long did you serve?

None

Please include up to three personal or professional references:

Name	Relationship	Phone Number
Casey Bell	coworker	405-878-7205
Kevin Jennings	Pastor	405-412-4128
Mike Shaw	friend	405-201-1162

PLEASE READ CAREFULLY:

Appointment by the Commission is for one term and individuals may not serve more than two consecutive full terms. Appointment to a second term remains at the discretion of the City Commission.

My signature affirms that all information contained herein is true to the best of my knowledge, and that I understand that any misstatement of fact or misrepresentation of credentials may result in disqualification from further consideration.

Signature  Date 4-27-15

Applications are retained on file for one (1) year. Applicants are encouraged to include a letter of interest with this application. Thank you for your interest in serving Shawnee.

Send application form to:

Shawnee City Clerk
PO Box 1448
Shawnee, OK 74802
878-1605 (phone)
878-1581 (fax)
llasyone@ShawneeOK.org

Regular Board of Commissioners

1. e.

Meeting Date: 05/18/2015

OG&E Easement

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Grant an easement to Oklahoma Gas and Electric Company to provide street/safety lighting at the public works facility.

Attachments

OG&E Easement

AFTER RECORDING RETURN TO:
OGE ELECTRIC SERVICES
RIGHT-OF-WAY AGENT
SHAWN DAVIS
PO BOX 321 M/C CS70
OKLAHOMA CITY OK 73101-0321

EASEMENT

Work Order #7362824

KNOW ALL MEN BY THESE PRESENTS: THAT **City of Shawnee**, Grantor, in consideration of the sum of Ten or more dollars in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby grant and warrant unto **OKLAHOMA GAS AND ELECTRIC COMPANY**, an Oklahoma corporation, Grantee, its successors and assigns, the right, privilege and authority to enter upon and install, erect, construct, operate, maintain, and reconstruct underground and/or above ground a system of poles, anchors, guy wires, conduits, wires, cables, vaults, junction boxes, switches, fuses, transformers, service connection boxes and other fixtures for the transmission and distribution of electrical current and communication messages, including the right of ingress and egress to and from said system across adjoining lands of Grantor, together with the authority to cut down, control the growth of, or trim and keep trimmed any trees that may in the judgment of the Grantee interfere with or endanger said line or its maintenance and operation.

The real property covered by this easement is situated in **Pottawatomie** County, State of Oklahoma, and is described as follows:

A tract of land in the AMENDED PLAT of SHAWNEE, O.T. a recorded plat of the Northwest Quarter Section 19, Township 10 North, Range 4 East of the Indian Meridian, Shawnee, Pottawatomie County, Oklahoma, being more particularly described in Exhibit "A" and shown in Exhibit "B", attached hereto and hereby made a part of this easement.

Grantor further covenants agrees that no building or other structure shall ever be erected nor shall any excavation or other removal of soil, so as to change the grade of terrain, be accomplished by Grantor, its heirs or assigns, within the above described easement area unless the written consent of the Grantee is first obtained. Grantor further acknowledges the requirements of 63 Oklahoma Statutes (1991) Section 142.1, et. seq. (One-call statute).

Grantor hereby consents to permit Grantee to trim and keep trimmed any trees and foliage on Grantor's property immediately adjacent to the easement granted herein to insure the health of the trees involved, and Grantee shall have the right to enter upon Grantor's property for this purpose.

The rights and privileges above granted to continue so long as same are used or needed for the transmission and distribution of electric current or communication messages; but should the Grantee remove its property from the premises and abandon the right of way herein granted, then the rights granted in this easement shall terminate.

Signed and delivered this _____ day of _____, 2015.

City of Shawnee

City Manager:

Justin Erickson

ACKNOWLEDGMENT

STATE OF OKLAHOMA, COUNTY OF _____, SS;
Before me, a Notary Public, within and for said County and State, on this _____ day of _____, 2015, personally appeared **Justin Erickson**, 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 set forth.

Witness my hand and seal the day and year last above written.

My Commission Expires: _____

Commission # _____

Notary Public

EXHIBIT "A"

EASEMENT - 2

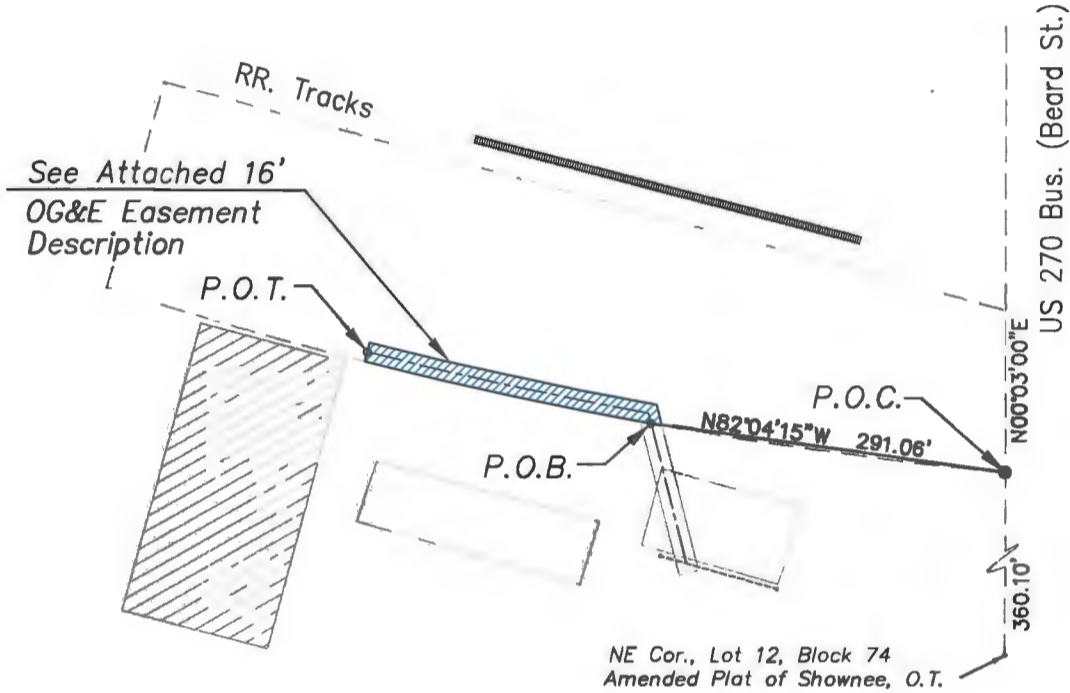
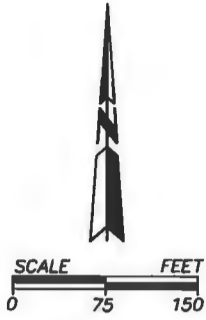
A tract of land in the **AMENDED PLAT of SHAWNEE, O.T.** a recorded plat of the Northwest Quarter Section 19, Township 10 North, Range 4 East of the Indian Meridian, Shawnee, Pottawatomie County, Oklahoma, being 16.00 feet in width and lying 8.00 feet both sides of the following described centerline:

COMMENCING at a point N00°03'00"W a distance of 360.10 feet from the Northeast Corner of Lot 12, Block 74 said **AMENDED PLAT of SHAWNEE, O.T.**; Thence N82°04'15"W a distance of 291.06 feet to a point on the north line of the S&S Milling Company property and the **POINT OF BEGINNING**;
Thence N13°56'43"W a distance of 8.78 feet;

Thence on a curve to the right having a tangent bearing and distance of N77°43'33"W; 233.60 feet; said curve being 8.00 feet north of and parallel to said north line of the S&S Milling Company; an arc distance of 233.64 feet to the **POINT OF TERMINUS**.

EXHIBIT "B"

EASEMENT SKETCH - 2



I, Timothy G. Pollard, a Professional Land Surveyor, hereby certify that the attached drawing is a true and accurate representation of the attached easement description and is subject to all notes and qualifying statements.

Timothy G. Pollard

Timothy G. Pollard, PLS 1474

Dated: April 23, 2015



OKLAHOMA GAS AND ELECTRIC COMPANY

POLLARD & WHITED SURVEYING INC. 2514 TEE DRIVE, NORMAN, OKLAHOMA 73069 CA#2380 EXP 06-30-15 405-366-0001	OG&E EASEMENT SKETCH WO# 7362824 A part of the AMENDED PLAT OF SHAWNEE, O.T. A part of the NW/4 Sec. 19-10N-4E, I.M. SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA	REVISIONS:
DRAWN BY: T. POLLARD DATE: April 23, 2015	FILE #: 7362824.ASC DATE: April 23, 2015	SCALE: 1" = 150'
APPROVED BY: D. MEEKS DATE:	DRWG #: 7362824.DGN DATE: April 23, 2015	SHEET 1 OF 1

Regular Board of Commissioners

1. f.

Meeting Date: 05/18/2015

Agee Conf

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Authorization for Commissioner Linda Agee to attend the Oklahoma Statewide Preservation Conference June 3-5, 2015 in Bartlesville, Oklahoma.

Attachments

[Agee Conf Brochure](#)

[Agee Conf Outline](#)

TRADITION AND TRANSITION



Oklahoma's 27th Annual Statewide Preservation Conference
June 3-5, 2015 Bartlesville, Oklahoma



Oklahoma's 27th Annual
Statewide Preservation Conference

June 3 - 5, 2015
Bartlesville, Oklahoma



TRADITION AND TRANSITION

Downtown Bartlesville, Inc.
401 South Dewey Avenue, Suite 812
Bartlesville, OK 74003

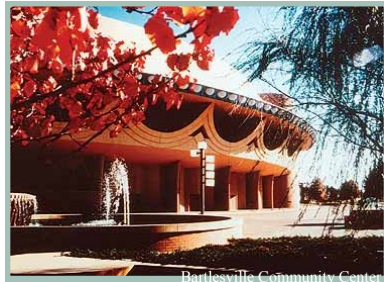
TRADITION AND TRANSITION

Oklahoma's 27th Annual Statewide Preservation Conference

DATES: June 3-5, 2015

LOCATION:
Bartlesville, Oklahoma

Bartlesville Community Center
300 SE Adams Boulevard
Bartlesville, OK 74003



PARKING: Onsite parking is available in front of the Bartlesville Community Center in the facilities lot, and designated parking for persons with disabilities is located near the front door. Additional public parking is available in designated lots across East 6th Street from the Center and in surrounding lots. Long-term on-street parking is available only with a parking pass that is available with your registration on-site.

Bartlesville is a city rich in history and loaded with big city amenities and events! From its humble beginnings on the banks of the Caney River, to the discovery of oil, to the annual International OK Mozart Festival, to impressive Modern architecture, Bartlesville has much to offer. The Bartlesville Community Center was designed by William Wesley Peters, chief architect of Taliesin Associated Architects, The Frank Lloyd Wright Foundation. Its smooth curves and rounded lines make an architectural statement in the downtown. Its ideal location is within walking distance of the famous Price Tower and downtown shopping, dining, recreational, lodging, museums and other entertainment facilities. OK Mozart International Music Festival (June 6-13) sponsors the conference's use of the center. Consider extending your stay in Bartlesville and enjoy the festival (<http://www.okmozart.com>).

REGISTRATION: \$40

Deadline for registration (at the \$40 rate):
May 23, 2015

See registration form in this brochure, or register online at <http://downtownbartlesvilleinc.org>. Payment for online registration can be made only with a credit card (Visa, MC, Disc., AmEx) via PayPal (PayPal account not required). For questions about online registration, contact Carol Ervin at 918/214-8500 or capitolhill.tif2@gmail.com.

QUESTIONS?

Contact **Melvina Heisch**, Deputy State Historic Preservation Officer, at 405/522-4484 or mheisch@okhistory.org or
or
Chris Wilson, Director, Downtown Bartlesville, Inc. at 918/766-4847 or cwilson@DowntownBartlesvilleInc.org
Also, see the conference blog at <http://okpreservationconference.wordpress.com>.

CONFERENCE COSPONSORS:

Oklahoma Historical Society, State Historic Preservation Office; Oklahoma Dept. of Commerce, Oklahoma Main Street Center; Preservation Oklahoma, Inc.; Downtown Bartlesville, Inc.; Bartlesville Area History Museum; Bartlesville Chamber of Commerce; Bartlesville Convention & Visitors Bureau; Bartlesville Redevelopment Trust Authority; City of Bartlesville; Price Tower Arts Center; and Washington County Historical Society

NOTE TO DESIGN PROFESSIONALS:

Conference sessions qualify for HSW hours needed to fulfill requirements of the State of Oklahoma's Board of Governors of Licensed Architects, Landscape Architects, and Interior Designers. Simply register for the conference and sign in at the SHPO's table when you arrive at the Bartlesville Community Center. There are no additional fees for this service. The SHPO will provide a certificate of attendance after the conference. Self report your attendance to the board.

REGISTRATION FORM

Deadline for Registration at \$40 rate: May 23, 2015. No refunds will be possible if requested after the registration deadline.

Online registration available at: <http://www.downtownbartlesvilleinc.org>.

Name _____
Organization/Firm _____
Address _____
City/State/Zip _____
Telephone _____
E-mail _____

CONFERENCE REGISTRATION FEE (Required):

\$ _____ \$40.00 per person if postmarked by May 23, 2015
\$ _____ \$50.00 per person if postmarked after May 23, 2015 (or paid at the door)

OPTIONAL ACTIVITIES (Fee Required) (See Special Events and Tours)

\$ _____ \$35.00 / Awards Banquet (June 4)
\$ _____ \$15.00 / POK Conference Mixer (June 4)
\$ _____ \$25.00 / POK Annual Meeting and Luncheon (June 5)
\$ _____ \$35.00 / Tour #1: **Design for the Continuous Present: Frank Lloyd Wright & Bruce Goff in Bartlesville (June 3)**
\$ _____ \$25.00 / Tour #2: **History Among the Headstones: White Rose Cemetery & Mausoleum (June 4)**
\$ _____ \$25.00 / Tour #3: **Living History: Bartlesville Heritage Trail (June 4)**
\$ _____ \$25.00 / Tour #4: **Into the 20th Century: Bartlesville's Modern Architecture (June 5)**
\$ _____ \$25.00 / Tour #5: **Bartlesville's Oily Past: From Oil Wells to Automobiles (June 5)**

\$ _____ **TOTAL** (Registration Fee + Optional Activities)

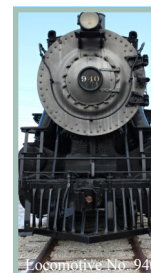
OPTIONAL ACTIVITIES (No fees, just need to know how many.) (See Special Events)

_____ Opening Reception (June 3)
_____ Eggs & Architects, separate checks (June 4)
_____ Archeologists' Luncheon, separate checks (June 4)
_____ Architectural Historians' Luncheon, separate checks (June 4)

NOTE: Conference facilities are accessible to persons with disabilities. If you require special accommodations, contact Melvena Heisch at 405/522-4484 or mheisch@okhistory.org by 12:00 noon, May 22, 2015.

METHOD OF PAYMENT (Sorry, no credit cards accepted unless you register online.)

_____ Check enclosed, made payable to BCF-DBI.
_____ Purchase Requisition # _____ (Attach copy of PR to this form. PRs cannot be accepted through online registration.)



**RETURN REGISTRATION FORM WITH CHECK
OR PURCHASE REQUISITION TO:
Downtown Bartlesville, Inc.
401 South Dewey Avenue, Suite 812
Bartlesville, OK 74033**

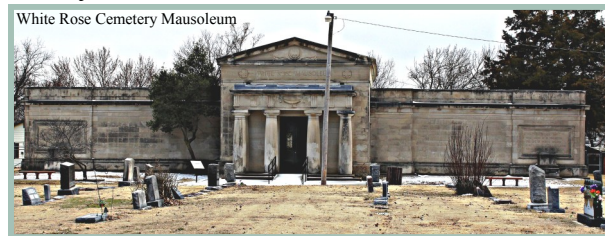


TOURS

Tours with Lunch/Thursday, June 4

Tour #2: History Among the Headstones: White Rose Cemetery & Mausoleum (Bus Tour):

White Rose Cemetery, established in 1899, is the final resting place for many of Bartlesville's pioneers as well as a few renegades. The guided tour will focus on the cemetery's headstones and their symbols and on those interred. Participants will visit the 1923 Neoclassical Revival style mausoleum which features ornamental



lead glass windows, bronze doors and imported white marble. Enjoy a box lunch in the shade of the gazebo as you learn about headstone restoration efforts at the cemetery. Wear comfortable shoes.

Tour #3: Living History: Bartlesville Heritage Trail (Walking tour): Listed on the National Register of Historic Places in 1991, the Bartlesville Downtown Historic District is a treasure trove for preservation professionals, architectural enthusiasts and history buffs alike. This walking tour leads you through a downtown that cherishes its historic traditions while embracing its transition to the future. You will learn about Bartlesville's past and also explore the exciting changes that are moving these traditional buildings into modern uses. The tour features the interiors of several buildings. Each tour participant will receive a complimentary copy of the Bartlesville Heritage Trail booklet, a 2010 recipient of the SHPO's Citation of Merit. Wear comfortable shoes and dress for the elements.

Tours with Lunch/Friday, June 5

Tour #4: Into the 20th Century: Bartlesville's Modern Architecture (Bus Tour): Bartlesville, founded just before the turn of the 20th Century, soon became one of the most prosperous oil producing regions in the world. Explore the East Coast taste for classical buildings developed into Art Deco and the explosion of mid-century modernism by Frank Lloyd Wright, Taliesin Associated Architecture, Clifford May, Hellmuth, Obata and Kassabaum, and Thomas McCory. Trace the development of 20th Century

Architecture from classical to organic.

Tour #5: Bartlesville's Oily Past: From Oil Wells to Automobiles (Bus Tour, limited walking):

Bartlesville traces its past to oil, starting with the Nellie Johnstone #1, the first commercial oil well in Oklahoma, to the rise of the automobile and its dependence on gasoline. Phillips Petroleum Company, founded in 1917, imprints the city with its presence – from the original buildings that housed its humble beginnings to the current sprawling corporate complex in downtown. You will start your tour with a reenactment of the Nellie Johnstone's big blowout, and end with a tour of the Frank Phillips Home. In between you will view numerous architectural treasures that housed Bartlesville's "oily" past.

Self-guided Tours/Thurs., June 4 and Friday, June 5

Not interested in an organized tour with lunch? Then, you may want to explore Bartlesville through a self-guided tour with lunch on your own. Tour brochures will be provided when you arrive at the Bartlesville Community Center, and your choices include (Tours coded T require personal transportation. Tours coded W are walking tours. Admission fees are noted.):

- W - Cherokee Avenue Historic Homes Tour, Free, 1 hr
- W/T- Frank Phillips Home, \$5, Guided, 90 min
- W - Bartlesville Area History Museum, Free, 90 min
- W- Phillips Petroleum Company Museum, Free, 90 min
- W - Price Tower Tour, \$12, Guided, 2 hrs
- T - Woolaroc, Bartlesville, OK, \$10, 2-4 hrs
- T - La Quinta Mansion, Bartlesville, OK, Free, 60 min
- T - Dewey Hotel Museum, Dewey, OK, \$3, 2 hrs
- T - Tom Mix Museum, Dewey, OK, Free, 2 hrs



SPECIAL GUEST SPEAKERS AND THEIR PRESENTATIONS

- **Antonio Aguilar**, Technical Preservation Svcs. Branch, National Park Service, U. S. Dept. of the Interior, Washington, DC, with Harry Simms of the SHPO, presents a step-by-step guide to the certification process for historic building rehabilitation tax credits. **(June 4)**
- **James Bird**, Chief, Tribal Preservation Program, National Park Service, U. S. Department of the Interior, Washington, DC, joins **Joe Watkins** (see Special Events, *Tribal Preservation Programs*).
- **Julie Fitzpatrick**, Assistant Director/Special Projects Coordinator, Pennsylvania Downtown Center, Harrisburg, Pennsylvania (see Special Events, *Elm Street: It's Not Just Main Street for Neighborhoods*).
- **Valerie Hauser**, Director, Office of Native American Affairs, Advisory Council on Historic Preservation, Washington, DC, discusses the U.N. Declaration on the Rights of Indigenous Peoples (see Special Events, *Protecting Our World Heritage*) and explains how the ACHP works with tribes (see Special Events, *Tribal Preservation Programs*).
- **Susan Allen Kline**, Independent Historic Preservation Consultant, Fort Worth, Texas, in a session about the houses that oil built, discusses *Documenting Wichita Falls' Perkins House: A*

Historian's Dream. (June 4)

- **Stephanie K. Meeks**, President, National Trust for Historic Preservation, Washington, DC, presents the plenary address, *The Future of the Past: Reconceiving Historic Preservation for the 21st Century* (see Special Events, *Plenary Session #1*).
- **George C. Papagiannis**, External Relations and Information, UNESCO, New York, New York, highlights the work of UNESCO and the importance of the World Heritage List (see Special Events, *Protecting Our World Heritage*).
- **Scott W. Perkins**, Director of Preservation, Western Pennsylvania Conservancy, Mill Run, Pennsylvania, is the featured speaker for the SHPO's annual awards banquet (See Special Events, *Pre-Banquet Reception/SHPO Annual Awards Banquet*).
- **Tim Samuelson**, Cultural Historian, City of Chicago, Cultural Affairs & Special Events, Chicago, Illinois, presents the Plenary Address, *Thinking in Three Dimensions* (see Special Events, *Plenary Session #2*).
- **Joe Watkins**, Supervisory Anthropologist and Chief, Tribal Relations and American Cultures, National Park Service, U. S. Department of the Interior, Washington, DC, joins **James Bird** (see Special Events, *Tribal Preservation Programs*).

LODGING

Make reservations by May 23, 2015, to receive the group rate. Reference "Conference Code 27A".

Highway 75/Washington Blvd. Locations:

Candlewood Suites

3812 SE Washington Place, Bartlesville, OK 74006
(3.3 mi. from Bartlesville Community Center)
918/766-0044

King/Double Double/Double Queen, \$94.00 plus 13% tax
(includes \$10/day in Candlewood Cupboard Bucks and free downtown YMCA access)

Fairfield Inn and Suites

2107 SE Washington Blvd., Bartlesville, OK 74006
(4 mi. from Bartlesville Community Center)
918/331-2100

King/Double Double/Double Queen, \$94.00 plus 13% tax
(includes breakfast)

Holiday Inn Express and Suites

4016 SE Price Road, Bartlesville, OK 74006
(4.6 mi. from Bartlesville Community Center)

918/766-0020

King/Double Double/Double Queen, \$94.00 plus 13% tax
(Includes breakfast)

Downtown Bartlesville Locations:

Inn at Price Tower

510 South Dewey Avenue, Bartlesville, OK 74003
(Across Street from Bartlesville Community Center)
918/336-4949

King/Double Double/Double Queen, \$114.00 plus 13% tax
(includes breakfast, reservation must be for a minimum of two nights)

Hilton Garden Inn

205 SW Frank Phillips Blvd., Bartlesville, OK 74003
(6 blks from Bartlesville Community Center)
918/336-0808

King/Double Double/Double Queen, \$134.00 plus 13% tax
(includes made-to-order breakfast)

SCHEDULE AT A GLANCE

WEDNESDAY, JUNE 3

10:00am-12:30pm

Pre-Conference Tour

Design for the Continuous Present: Frank Lloyd Wright & Bruce Goff in Bartlesville (Tour #1, See **Tours**)

1:45pm-3:15pm

TRACK A: Our Architectural Legacy

- Price Tower, Bartlesville, *Scott Ambler, Amy Haley*

TRACK B: Preservation Challenges and Opportunities in the 21st Century

Protecting Our World Heritage

- UNESCO, the US and World Heritage, *George C. Papagiannis*
- U.N. Declaration on the Rights of Indigenous Peoples and How it Relates to Historic Preservation, *Valerie Hauser*

TRACK C: Main Streets and Neighborhoods

Bartlesville: Settlement, Development, and Preservation

- The Founding of Bartlesville, *Barbara Garrison, Vicki Stewart*
- Adaptive Reuse at Work in Downtown Bartlesville, *Chris Wilson*

3:15pm-3:30pm BREAK

3:30pm-5:00pm

PLENARY SESSION #1

The Future of the Past: Reconceiving Historic Preservation for the 21st Century, *Stephanie K. Meeks* (See **Special Events**)

5:30pm-7:00pm

Opening Reception (See **Special Events**)

THURSDAY, JUNE 4

7:00am-8:15am

Eggs and Architects 2015, *Ron Frantz, Organizer* (See **Special Events**)

8:30am-10:00am

TRACK A: Our Architectural Legacy

The Phillips Legacy

- Frank and Jane Phillips Home Restorations, *Jim L. Goss*
- Woolaroc: A National Treasure, *Bob Fraser*
- Waite and Genevieve, Tulsa's Phillips Family, *S. Michelle Place*

TRACK B: Preservation Challenges and Opportunities in the 21st Century

Tribal Historic Preservation Offices and Tribal Governments as Preservation Partners: Federal and Tribal Preservation Partnerships, *James Bird, Joe Watkins*

TRACK C: Main Streets and Neighborhoods

Public Finance + City Planning = Stimulating Private Development & Preservation (Using TIF Districts, CDBG, HTCs, etc.), *Julie Miner*

10:00am-10:15am BREAK

Registration:

Bartlesville Community Center,
Main Lobby
300 SE Adams Blvd.

Opens at 12:00 noon, Wed.,
June 3, and runs throughout the
conference.



architectural historians and preservationists for an informal, separate checks lunch at a most appropriate place for such a group (you will not be disappointed). Enjoy the food and ambience as we chat about preservation matters and historic places. For more information, contact Cindy Savage at archconsulting.savage@yahoo.com. (**Separate Checks but Reservations Requested**)

Pre-Banquet Reception/SHPO's Annual Awards

Banquet: The State Historic Preservation Office invites you to mingle with award recipients and your fellow preservationists as we recognize preservation accomplishments across the state. Festivities begin with a special reception. The celebration continues with the banquet and the SHPO's presentation of certificates for recent Oklahoma listings in the National Register of Historic Places and the 2015 Citations of Merit.

Banquet guests will hear **Scott W. Perkins**, Director of Preservation for Fallingwater and former curator of the Price Tower, discuss what a UNESCO World Heritage List inscription means for Bartlesville, Oklahoma, and the United States and how the nomination was initiated in *Price Tower: Oklahoma Landmark to World Heritage Nominee*.

St. Luke's Episcopal Church is the location for the reception and banquet. With its design influenced by the Gothic Revival style, the beautiful limestone church was constructed in 1956, and an addition for classrooms,



SPECIAL EVENTS

office space and parish hall, was finished in 1983. Sponsored by Sikes Abernathie Architects. (**Reservations Required**)

POK Conference Mixer: Preservation Oklahoma, Inc. invites you to join them after the SHPO's awards banquet to unwind with fellow preservationists in an extremely special space (you will not be disappointed). (**Reservations Required**)

SPECIAL EVENTS/Friday, June 5

Preservation Oklahoma, Inc.'s Annual Meeting and Luncheon: POK, Oklahoma's only statewide historic preservation nonprofit organization, invites you to join them for their annual meeting and luncheon. Come learn more about the organization through a review of its activities and achievements and presentation of its annual awards. Members and nonmembers are welcome to attend. (**Reservations Required**)

Plenary Session #2: The closing plenary session will feature **Tim Samuelson**, Cultural Historian, City of Chicago, Cultural Affairs & Special Events. Tim is an authority on the works of Frank Lloyd Wright and Bruce Goff, as well as other Modern style buildings. He will present *Thinking in Three Dimensions*. Tim's goal is to get people excited about history especially those who never imagined they would be.

Tim has been instrumental in celebrating and protecting Chicago's past for more than twenty-five years. He is highly regarded for his stewardship of the cultural and architectural history of the city at the Commission on Chicago Landmarks and the Chicago Historical Society.

TOURS

(NOTE: All tours return to the Bartlesville Community Center in time for afternoon sessions, include lunch, require reservations, and are limited to 40 participants.)

Wednesday, June 3

Tour #1: Design for the Continuous Present: Frank Lloyd Wright & Bruce Goff in Bartlesville

Bartlesville has the unique legacy of two of America's foremost modern architects, Frank Lloyd Wright and Bruce Goff. Explore how Wright came to Oklahoma. See the private areas of the Price Tower and the creative reuse as a hotel and Arts Center. Wright's legacy

continues with the Bartlesville Community Center designed by Taliesen Associated Architecture. Continue exploring this remarkable legacy with the work of Bruce Goff. You will see the exteriors of several homes, visit Holy Redeemer Church, and enjoy a picnic lunch in the shadow of Goff's newly restored Play Tower in Sooner Park. Sponsored by Price Connors and Marty Smith. (**Assemble at Bartlesville Community Center by 10:00am to board the bus**)

SPECIAL EVENTS

Opening Reception: Before dinner at a restaurant in downtown Bartlesville, join colleagues for conversation, music, wine, local craft beer, and appetizers at the historic Atchison, Topeka & Santa Fe MKT Railroad Depot, the offices of the Bartlesville Regional Chamber of Commerce and Bartlesville Convention & Visitors Bureau.



The original brick building was completed in 1909, and stucco was applied during the 1940s rehabilitation. The locomotive No. 940, the sole survivor of 3-3-2 steam locomotives built for the Atchison, Topeka & Santa Fe Railway is on display at the depot, along with a century-old oil tank car and caboose. Continue your evening with a stroll through historic downtown Bartlesville. Event sponsored by New Leaf Development and the Ross Group. **(No Fee but Reservations Requested)**

SPECIAL EVENTS/Thursday, June 4

Eggs & Architects 2015: Eggs and Architects is an annual gathering of old building enthusiasts during the Statewide Preservation Conference. You don't have to be an architect. You don't have to order eggs! There is no formal presentation. We simply gather to discuss all things about old buildings. Come join fellow architects, landscape architects, planners, building owners, and visiting speakers. The topics are sure to be as hot as the coffee; the architectural opinions, at least as strong. For more information, contact Ron Frantz at rfrantz@ou.edu. **(Separate Checks but Reservations Requested)**

Tribal Preservation Programs: Many tribal governments have established historic preservation programs, and some have assumed State Historic Preservation Office responsibilities for historic properties on their tribal lands as provided in the National Historic Preservation Act.

On Thursday morning, **James Bird**, Chief, Tribal Preservation Program, and **Joe Watkins**, Supervisory Anthropologist and Chief, Tribal Relations and American Cultures, both with the National Park Service, U. S. Department of the Interior, will discuss federal and tribal preservation partnerships. **Valerie Hauser**, Director, Office of Native American Affairs,

Advisory Council on Historic Preservation, will explain how the ACHP, the independent federal agency that administers the review of federal undertakings per the NHPA, works with tribes.

In the afternoon representatives of several Oklahoma tribes will talk about the challenges they face in protecting the places of special importance to them. They will also share their many successes and detail the programs they have initiated to document and preserve tribal heritage. These sessions offer an opportunity for Oklahoma's preservation community to learn about tribal concerns and to find ways to increase collaboration among all of the state's preservation partners.

Elm Street: It's Not Just Main Street for Neighborhoods: As we watch Main Street succeed in historic commercial district revitalization in dozens of Oklahoma towns and in hundreds of communities nationwide, local leaders wonder how to achieve similar results in residential areas. Too many of the nation's urban neighborhoods have fallen into disrepair. Disinvestment, outmigration and aftershocks of urban renewal have left many of these history-rich communities battling for survival. **Julie Fitzpatrick**, Assistant Director/Special Projects Coordinator, Pennsylvania Downtown Center (PDC), will discuss her agency's Elm Street Program, initiated in 2004 to address these issues.

The PDC recognized that these "core communities" are a major untapped asset, and with help from an Elm Street program, these historic, authentic and unique neighborhoods can once again thrive, supporting the downtowns and commercial districts that they surround. Similar to the Four Point Main Street approach, the five point Elm Street approach includes safe, clean and green; neighbors and economy; design; image and identity; and sustainable organization (read more at <http://www.padowntown.org>).

Archeologists' Luncheon: Professional archeologists and others interested in the study of Oklahoma's distant past are welcome to join an informal, separate checks lunch and discussion at a local restaurant. Talk about current research projects and the challenges for preservation of archeological resources. For more information, contact Cate Wood at cwood@okhistory.org. **(Separate Checks but Reservations Requested)**

Architectural Historians' Luncheon: Join other

SCHEDULE AT A GLANCE

10:15am-11:45am

TRACK A: Our Architectural Legacy

Certified Rehabilitation: The Application Process Step-by-Step, *Antonio Aguilar, Harry Simms*

TRACK B: Preservation Challenges and Opportunities in the 21st Century

Tribal Historic Preservation Offices and Tribal Governments as Preservation Partners (Cont'd)
Advisory Council on Historic Preservation and Its Tribal Program, *Valerie Hauser*

TRACK C: Main Streets and Neighborhoods

Elm Street: It's Not Just Main Street for Neighborhoods, *Julie Fitzpatrick*

11:45am-1:45pm

(See **Tours** for the following)

- **Tours with Lunch**

History among the Headstones: White Rose Cemetery & Mausoleum (Tour #2)
Or

Living History: Bartlesville Heritage Trail (Tour #3)

- Self-Guided Tours with Lunch on Your Own
- Archeologists' Lunch, *Catharine M. Wood, Organizer*
- Architectural Historians' Lunch, *Cynthia Savage, Organizer*

1:45pm-3:15pm

TRACK A: Our Architectural Legacy

Rehabilitation Roundtables

- Bartlesville's Arvest Bank, *Scott Ambler*
- Washington County Hospital, *Mark Larson*
- Bartlesville's McCoy Building/Yale Theater, *Dayna McCoy*
- Oklahoma City's Rock Island Plow Building, *Timothy Neville-Lee*

TRACK B: Preservation Challenges and Opportunities in the 21st Century

Oklahoma THPOs and Tribal Preservation Programs

- Using GIS to Protect Choctaw Historic and Sacred Sites, *Ryan L. Spring*
- Eastern Shawnee Tribe of Oklahoma's Preservation Programs, *Robin Dushane*

TRACK C: Main Streets and Neighborhoods

Neighborhoods and Preservation

- Muskogee's Historic Neighborhoods and Their Preservation, *Jonita Mullins*
- Oklahoma City's Miller Neighborhood, *Katie Friddle, Bruce Hall, Cynthia Savage*

3:15pm-3:30pm BREAK

3:30pm-5:00pm

TRACK A: Our Architectural Legacy

Rehabilitation Roundtable (Cont'd)

(Features Certified Rehabs of All Sizes for Tax Credits)

- The Tower Theatre, Main Street Arcade, and Townhouse Hotel, *David Wanzer*
- Rehabilitation in Tulsa's Brady District, *Chris Lilly*
- Rehabilitation of 536 Osage, Pawhuska, *Bruce E. Smith*
- Okmulgee's *Bringing Back The Mac*: Completing the HPCA, Part 1, *Margaret Hess*

THURSDAY

SCHEDULE AT A GLANCE

TRACK B: Preservation Challenges and Opportunities in the 21st Century

Oklahoma THPOs and Tribal Programs (Cont'd)

- Miami Tribe of Oklahoma's Preservation Programs, *Diane Hunter, George Strack*
- Cherokee Nation's Preservation Programs, *Roy Hamilton*
- Muscogee (Creek) Nation's Preservation Programs, *Melissa Harjo-Moffer, Johnnie Jacobs*

TRACK C: Main Streets and Neighborhoods

Houses and Neighborhoods that Oil Built

- Documenting Wichita Falls' Perkins House: A Historian's Dream, *Susan Allen Kline*
- Tulsa Neighborhoods that Oil Built, *Amanda DeCort*

6:15pm/7:00pm

Pre-banquet Reception/SHPO Awards Banquet, Special guest speaker, *Scott W. Perkins*

(See Special Events)

9:00pm-10:00pm

Preservation Oklahoma, Inc.'s Conference Mixer (See Special Events)

FRIDAY, JUNE 5

8:30am-10:00am

TRACK A: Our Architectural Legacy

Preservation Advocacy and Recent Past Resources

- The Gold Dome and Stage Center: When Advocacy Works and When It Doesn't, *David Pettyjohn*
- Documentation as a Preservation Tool: Stage Center Case Study, *Cynthia Savage*

TRACK B: Preservation Challenges and Opportunities in the 21st Century

Landmark Buildings and Their Preservation

- The Skirvin Hotel: The City of Oklahoma City's Role in Its Preservation, *Katie Friddle*
- St. Gregory's: Recovering from an Earthquake, *Rick Lueb*

TRACK C: Main Streets and Neighborhoods

Four Points, Thirty Years: Oklahoma Main Street Program, 1985-2015

- Establishment and Development of the Oklahoma Main Street Program, *Susie Clinard, Ron Frantz, Melody Kellogg*
- Today's Oklahoma Main Street Program, *Linda Barnett, Larry Lucas, Jeremy Zeller*

10:00am-10:15am BREAK

10:15am-11:45am

TRACK A: Our Architectural Legacy

Oklahoma's Recent Past

- Identifying and Evaluating Resources of the Recent Past: SHPO's Mid-Century Modern Architectural Survey of Oklahoma City & Historic Context for Mid-Century Housing, *Allison Archambo, Lynda Ozan*
- Recent Past Research Collections of the Oklahoma Historical Society, *Rachel Mosman, Chad Williams*

TRACK B: Preservation Challenges and Opportunities in the 21st Century

Federal Agencies and Oklahoma's Archeology

- The Bureau of Land Management in Oklahoma and its Role in Public Archaeology Outreach and Education, *Richard Fields, Ryan Howell*
- Bureau of Reclamation, *Kate Ellison*
- Corps of Engineers, *Michelle Horn, Ken Shingleton*

SCHEDULE AT A GLANCE

TRACK C: Main Streets and Neighborhoods

How Main Street Works in Cities of All Sizes

- The Urban Experience and Main Street, *Ed Sharrer*
- Mid-sized Towns and Main Street, *Kelly Tompkins*
- Small Towns and Main Street, *Karen Dye*
- Ready or Not, Main Street, Here We Come!, *Pam Shelton*

11:45am-1:30pm

(See Special Events and Tours for the following.)

- **Preservation Oklahoma, Inc.'s Annual Meeting and Luncheon**
- **Tours with Lunch**
Into the 20th Century: Bartlesville's Modern Architecture (Tour #4)
Or
Bartlesville's Oily Past: From Oil Wells to Automobiles (Tour #5)
- Self-Guided Tours with Lunch on Your Own

2:00pm-3:30pm

PLENARY SESSION

Thinking in Three Dimensions, *Tim Samuelson* (See Special Events)



FRIDAY

SPECIAL EVENTS

SPECIAL EVENTS/Wednesday, June 3

Protecting Our World Heritage: With Modern architecture and international preservation issues featured in the conference program, a recent U. S. Department of the Interior announcement came at the perfect time. The United States is nominating *Key Works of Modern Architecture* by Frank Lloyd Wright to the World Heritage List (WHL). The group consists of ten buildings from seven states, including Bartlesville's Price Tower. The UNESCO World Heritage Committee will consider the nomination in the summer of 2016.

First, **George C. Papagiannis**, External Relations and Information, UNESCO, will highlight the work of the international organization and the importance of the WHL in "UNESCO, the U. S. and World Heritage." George handles external relations for UNESCO in the United States, raising awareness and advocating for the organization, as well as providing a point of contact to the U.S. Government, civil society organizations and other interested parties working on issues of interest to UNESCO, including the protection of cultural and natural sites around the globe and the designation of World Heritage Sites.

Then, **Valerie Hauser**, Director, Office of Native American Affairs, Advisory Council on Historic Preservation, will discuss the United Nations Declaration on the Rights of Indigenous Peoples (also

see Tribal Preservation Programs below). She advises ACHP leadership on policy matters and historic preservation issues affecting Indian Tribes and Native Hawaiian organizations and provides technical expertise to federal agencies regarding tribal and native Hawaiian consultation. Valerie also represents the ACHP on government-wide initiatives involving indigenous issues.

Plenary Session #1: Conference participants come together for a special welcome to Bartlesville and to hear from one of the nation's leading preservationists, **Stephanie K. Meeks**, President of the National Trust for Historic Preservation. She will present *The Future of the Past: Reconceiving Historic Preservation for the 21st Century*. Stephanie has been the president and chief executive officer of the NTHP since July 2010. Under her leadership, the organization has developed an ambitious strategic plan designed to refocus direct action on saving imperiled places, engage new audiences in preservation, and increase the organization's impact by a factor of ten. The NTHP is working to bring a more diverse and younger group of Americans into the preservation movement, and support their efforts in their communities and across the nation. It has also launched an effort to highlight the critical connection between older buildings and vibrant cities, and spearheaded research reflecting the benefits of historic preservation in today's urban areas.

THURSDAY

FRIDAY

WEDNESDAY, JUNE 3

10:00am-12:30pm. Pre-Conference Tour.

1:45pm-3:30pm. Seminar Sessions.

3:30pm-5:00pm. PLENARY SESSION #1. The Future of the Past: Reconceiving Historic Preservation for the 21st Century, Stephanie K. Meeks.

5:30pm-7:30pm. Opening Reception

THURSDAY, JUNE 4

7:00am-8:15am. Eggs and Architects 2015, Ron Frantz, Organizer.

8:30am-11:45am. Seminar Sessions.

11:45am-1:45pm. Special Events and Tours.

1:45pm-3:15pm. Seminar Sessions.

6:15pm/7:00pm. Pre-banquet Reception/SHPO Awards Banquet, Special guest speaker, Scott W. Perkins.

9:00pm-10:00pm. Preservation Oklahoma, Inc.'s Conference Mixer.

FRIDAY, JUNE 5

8:30am-11:45am. Seminar Sessions.

11:45am-1:30pm. Special Events and Tours.

2:00pm-3:30pm. PLENARY SESSION #2. Thinking in Three Dimensions, Tim Samuelson.

TRACK C: Main Streets and Neighborhoods - Celebrating the Oklahoma Main Street Program's 30th anniversary with a look back at its accomplishments and a look ahead to the challenges and opportunities for downtown redevelopment. Additionally, sessions focus on financial and other tools for revitalizing historic neighborhoods.

CONFERENCE FEE: \$40

Pre-Conference Tour (\$35)

Two-Night Hotel Stay @ \$125 per night = \$250 + 13% tax = \$282.50

Regular Board of Commissioners

1. g.

Meeting Date: 05/18/2015

Byrne Grant Award

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Acknowledge award of 2015 Local Edward Byrne Memorial Grant (\$19,690.00 split with Pottawatomie County Sheriff's office).

Regular Board of Commissioners

1. h.

Meeting Date: 05/18/2015

Dec of Emergency

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Ratify Interim City Manager's Declaration of State of Emergency dated May 6, 2015 and authorize staff to sign request for public assistance.

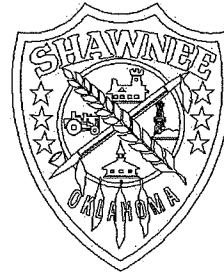
Attachments

Disaster Proc Memo

Disaster Proc

City of Shawnee Memorandum

To: Honorable Mayor and City Commissioners
Through: Justin Erickson, Interim City Manager *D.L.*
From: Donald D. Lynch, Emergency Management Director
Date: May 14, 2015
Re: State of Emergency Declaration Ratification



I am writing to ask for your ratification of the attached State of Emergency Declaration signed by Interim City Manager Justin Erickson for the severe weather beginning on May 6 and continuing, and for you to authorize staff to submit a Request for Public Assistance should a Presidential Disaster Declaration be issued.

These actions are the first steps in securing reimbursement for the cost of emergency work and permanent restorative work for damage incurred by the City during the severe weather.

We have been asked by the State Emergency Management department to submit a list of damage that has occurred. The State Emergency Management department will be preparing a letter for the Governor to send to FEMA requesting the Presidential Disaster Declaration. The State and FEMA will then conduct a joint Preliminary Assessment to review the damage for Pottawatomie County and determine if a declaration is warranted.

Therefore, having these documents ready will help the State know that we are interested in applying for assistance for the public sector damage we have incurred and will help justify the Governor's request..

Thank you for your favorable action on these items.

PROCLAMATION

WHEREAS, during the period beginning on May 6, 2015, and continuing, severe thunderstorms, flooding, flash flooding, and tornadoes affected portions of the City of Shawnee, Oklahoma, which caused, or has a high potential to cause, widespread and severe damage, injury, and loss of life and property, and;

WHEREAS, the event is consistent with the definition of “*disaster*” as defined by Section 683.3 of the Oklahoma Emergency Management Act of 2003, as amended, and;

WHEREAS, the event is consistent with the definition of “disaster” as defined in Section 11-23 (d) of Chapter 11 of the Code of the City Of Shawnee, and;

WHEREAS, Section 683.3 states that a “*state of emergency* shall be deemed to exist whenever, by reason of a disaster, such state of emergency is legally proclaimed by proper authority as provided in this article and that “such state of emergency shall continue [in the affected areas] until terminated by proclamation of proper authority as provided in this article,” and;

WHEREAS, Section 11-29 (a) of Chapter 11 of the Code of the City of Shawnee provides that the Mayor after finding that an emergency exists which affects life, health, property or the public peace, may proclaim a state of emergency in the area affected, and;

WHEREAS, Section 11-29 (a) of Chapter 11 of the Code of the City of Shawnee provides that in the absence of the Mayor, the City Manager shall carry out the duties of the Mayor under that division, and;

WHEREAS, Section 11-29 of Chapter 11 of the Code of the City of Shawnee provides for the powers of the Mayor and City Manager in the interest of public safety during the existence of a state of emergency, and;

WHEREAS, at this time, I, Justin Erickson, Interim City Manager of the City of Shawnee do hereby desire to exercise the authority vested in me by the above-cited sections of the law and to proclaim a state of emergency to exist in the areas within the City of Shawnee:

NOW, THEREFORE, I, Justin Erickson, Interim City Manager of the City of Shawnee, Oklahoma, do hereby proclaim a state of emergency to exist within the city, and;

I HEREBY DIRECT that the City Emergency Operations Plan be implemented, and;

I DO FURTHER DIRECT that public notice of this proclamation and state of emergency shall be given by the City Clerk and to as many local news media outlets as may be practical.

I DO HEREBY FURHER DIRECT that this State of Emergency shall expire at 6:30 P.M. on May 22, 2015.

ADOPTED and **SIGNED** this 6th day of May, 2015 at 6:30 P.M.

BY:



Justin Eubank

Title: Interim City Manager

Shirley Loftis

City Clerk

APPROVED AS TO FORM AND LEGALITY BY:

Mary Ann Kain

City Attorney

Regular Board of Commissioners

3.

Meeting Date: 05/18/2015

Mayors Proc

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Mayor's Proclamations:

"Community Action Month"

May 2015

Attachments

Comm Act Proc

City of Shawnee



Proclamation

"Community Action Month"

Whereas, Community Action Agencies were created when the Economic Opportunity Act of 1964 was signed into law; and

Whereas, Community Action Agencies have a 51 year history of promoting self-sufficiency for those with limited income; and

Whereas, the Central Oklahoma Community Action Agency is a member of a nationwide network of 1,100 Community Action Agencies, and one of 19 agencies in Oklahoma. Central Oklahoma Community Action Agency serves six counties in central Oklahoma: Cleveland, Lincoln, Payne, Logan, Pottawatomie, and Seminole; and

Whereas, the Central Oklahoma Community Action Agency continues to lead the effort to eradicate poverty by assisting families through a variety of programs and services that include transportation, prescription assistance, housing, utilities assistance, senior programs, home weatherization, and many others; and

Whereas, Community Action Agencies help people and change lives, embody a spirit of hope and make Oklahoma and America a better place to live, work, and play; and

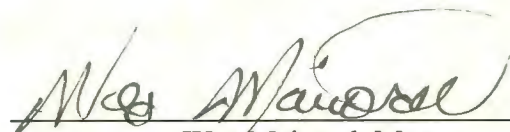
Whereas, Shawnee joins the national effort to designate May "**Community Action Month**" to celebrate the success stories and honor the dedication of volunteers and the personal achievements of individuals who have benefited from the diverse programs of Community Action.

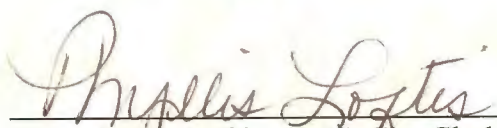
Now, Therefore, I, Wes Mainord, Mayor of the City of Shawnee, Oklahoma by the authority vested in me, do hereby proclaim the month of May 2015 as

"Community Action Month"

In the city of Shawnee, Oklahoma
Dated this 18th day of May, 2015




Wes Mainord, Mayor


Phyllis Loftis, CMC, City Clerk



"Helping People ~ Changing Lives ~ Building Communities"

Regular Board of Commissioners

4.

Meeting Date: 05/18/2015

Ward 1 Appt

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Discussion, consideration and possible action to appoint a City Commissioner to the Ward 1 position to fill the open position left by Gary Vogel until the next regular City Commissioner election in 2016.

(Continued from May 4, 2015 City Commission Meeting.)

Regular Board of Commissioners

5.

Meeting Date: 05/18/2015

Ward 1 Swearing In

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Swearing in of Ward I Commissioner. *(This item only occurs if a Commissioner for Ward 1 is appointed during Agenda Item No. 3.)*

Regular Board of Commissioners

6.

Meeting Date: 05/18/2015

P03-15 Rezoning w/CP

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

A public hearing and consideration of approving an ordinance to rezone with a Conditional Use Permit for property located at 731 E. Independence from C-3; Highway Commercial to C-3; Highway Commercial with a Conditional Use Permit. Case #P03-15 Applicant: Lottie Coody (*Planning Commission deferred item until the June 3, 2015 meeting.*)

Attachments

P03-15 Rec

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Lottie Coody
FOR: Conditional Use Permit for sale of alcohol
LOCATION: 731 E. Independence, Shawnee, OK
PROJECT#: 150096 Case# P03-15

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION:

C-3; Highway Commercial

REQUESTED CLASSIFICATION:

C-3; Highway Commercial w/Conditional Use Permit

PROPOSED PROPERTY USE:

Liquor Store

PLANNING COMMISSION MEETING DATE: May 6th, 2015

PLANNING COMMISSION RECOMMENDATION: Deferred until June 3rd, 2015 Planning Commission Meeting

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 6

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN						ABSENT
CLINARD			X			
KERBS		X	X			
SILVIA (CHAIRMAN)				X		
SALTER (VICE-CHAIRMAN)	X		X			
COWEN					X	
KIENZLE			X			

RESPECTFULLY SUBMITTED,

Cheyenne Lincoln

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P03-15

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

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

A tract of land lying in the Northeast Quarter (NE/4) of Section Eighteen (18), Township Ten (10) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma and being a part of Lot 1 and all of Lot 8 of YATES ADDITION to the City of Shawnee, being described by metes and bounds as follows:

Commencing at the Northeast corner of said Section Eighteen (18); thence South 0°43'38" West, along the East line of said Section 18, a distance of 158.02 feet; thence North 90°00'00" West a distance of 33.02 feet to the Point of Beginning, said point being on the East line of said Lot One (1); thence South 01°43'38" West, along said East line, a distance of 198.60 feet, to the Southeast corner of said Lot One (1); Thence North 90°00'00" West, along the South line of Lot One (1) and Eight (8), a distance of 747.90 feet, to the Southwest corner of said Lot Eight (8); thence North 01°05'24" East, along the West line 323.51 feet, to the Northwest corner of said Lot Eight (8); thence North 90°00'00" East, along the North line of Lot One (1) and Eight (8), a distance of 676.50 feet; thence South 0°43'38" West, and parallel with the East line of said Lot One (1), a distance of 125.00 feet; thence North 90°00'00" East, and parallel with the North line of said Lot One (1), a distance of 75.00 feet to the Point of Beginning.

General Location Known As:	<u>731 E. Independence</u>
Current Zoning Classification:	<u>C-3; Highway Commercial District</u>
Requested Zoning Classification:	<u>C-3; Highway Commercial District w/</u> <u>Conditional Use Permit</u>
Proposed Use of Property	<u>Liquor Store</u>
Applicant:	<u>Lottie Coody</u>

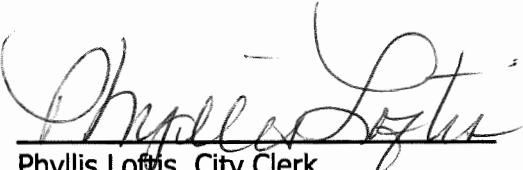
The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

May 6th, 2015 AT 1:30 P.M.: CITY OF SHAWNEE PLANNING COMMISSION
May 18th, 2015 AT 6:30 P.M.: CITY OF SHAWNEE CITY COMMISSION

At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the conditional use permit. The Commission reserves the right to limit discussion and debate on the proposed conditional use permit in the public hearing, in which event those persons appearing in support or opposition of the proposed conditional use permit will be allotted equal time. If there are any questions about the proposal, or you need additional information prior to the public hearing, please contact the Planning Department at 878-1616. A copy of the application is available for public inspection during normal working hours in the Planning Secretary's office at 222 N. Broadway.

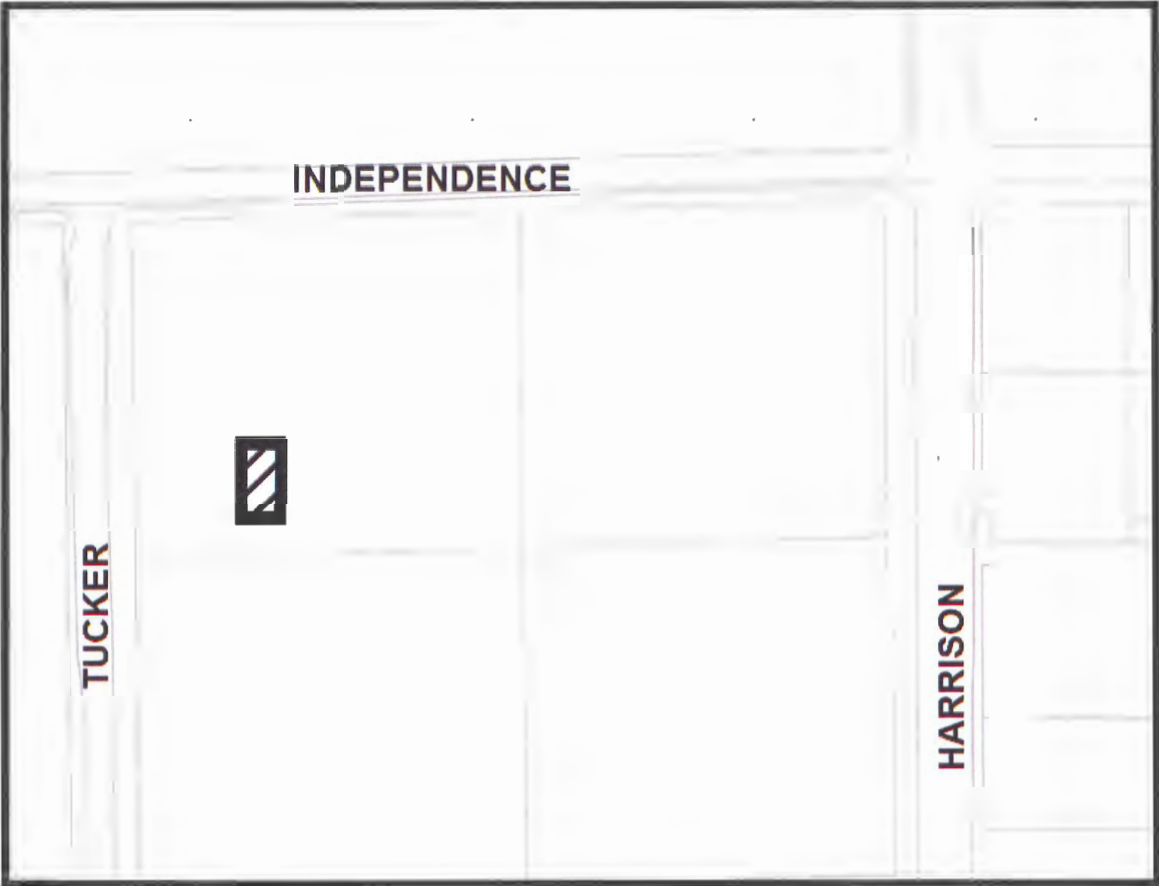
Witness my hand this 14th day of April, 2015.




Phyllis Loftis, City Clerk

Location Map

Case #P03-15



Regular Board of Commissioners

7.

Meeting Date: 05/18/2015

P05-15 Rezoning w/CP

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

A public hearing and consideration of approving an ordinance to rezone with a Conditional Use Permit for property located at 126 S Center Avenue from R-3; Multi-Family Residential District to C-1P; Neighborhood Commercial with a Conditional Use Permit. Case #P05-15 Applicant: Phil Fitzgerald and/or Rodney Bivens

Attachments

P05-15 Rec

P05-15 Ord

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Phil Fitzgerald and/or Rodney Bivens
FOR: Rezone w/ Conditional Use Permit
LOCATION: 126 S. Center Avenue, Shawnee, OK
PROJECT#: 150311 Case# P05-15

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION:

R-3; Multi-Family Residential

REQUESTED CLASSIFICATION:

C-1; Neighborhood Commercial w/ Conditional Use Permit

PROPOSED PROPERTY USE:

Food Resource Center

PLANNING COMMISSION MEETING DATE: May 6th, 2015

PLANNING COMMISSION RECOMMENDATION: Approval w/ following conditions:

1. A landscaping plan meeting code requirements (Section 22.180) shall be submitted concurrent with building permit submittal.
2. A copy of the cross-access agreement providing for sufficient parking, loading/unloading, and site circulation shall be submitted concurrent with the building permit application.
3. Outdoor lighting of the planned building and of the site shall be installed and oriented in a way that does not impact adjacent residential properties (Section 22-175.4).

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 6

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN						ABSENT
CLINARD	X		X			
KERBS			X			
SILVIA (CHAIRMAN)			X			
SALTER (VICE-CHAIRMAN)			X			
COWEN			X			
KIENZLE		X	X			

RESPECTFULLY SUBMITTED,

Cheyenne Lincoln

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
Community Market of Pottawatomie County
Food Resource Center

TO: Shawnee Planning Commission
AGENDA: May 6, 2015
RE: Rezone w/Conditional Use Permit – Case #P05-15

I. SUMMARY OF PROPOSAL

The applicants desire to construct a 10,000 square-foot building (approximate) to be utilized for various community purposes with the primary use being a Food Resources Center. The existing vacant residential structure on the property will be demolished. The proposed building and use will utilize existing driveway and parking areas associated with the Mission Shawnee campus. A rezone request to C-1 is proposed and the applicant is simultaneously requesting a Conditional Use Permit for a social service/charitable service.

II. BASIC SITE INFORMATION

Property Owner	Mission Shawnee
Applicant(s)	Phil Fitzgerald, Fitzgerald & Associates Rodney Bivens, Regional Food Bank of Oklahoma
Site Location/Address	126 S. Center Street (see Figure 1) (the proposed Food Resource Center will face E. Main)
Current Site Zoning	R-3 (Multi-Family Residential) (see Figure 2)
Parcel Size	1.20 acres (approximately)
Proposed Zoning	C-1 (Neighborhood Commercial) with a Conditional Use Permit (CUP) for a charitable service use
Proposed Use	Food Resource Center
Comprehensive Plan Designation	Residential

Existing Land Use	The property is utilized for religious and charitable services (Mission Shawnee), existing house (vacant), adjacent to Fresh Fire Church and affiliated community building
Surrounding Land Use	The surrounding land use is predominately low-density residential. The immediate surrounding area includes a church (Fresh Fire) and an affiliated community building
Surrounding Zoning	The surrounding property is all zoned R-3.

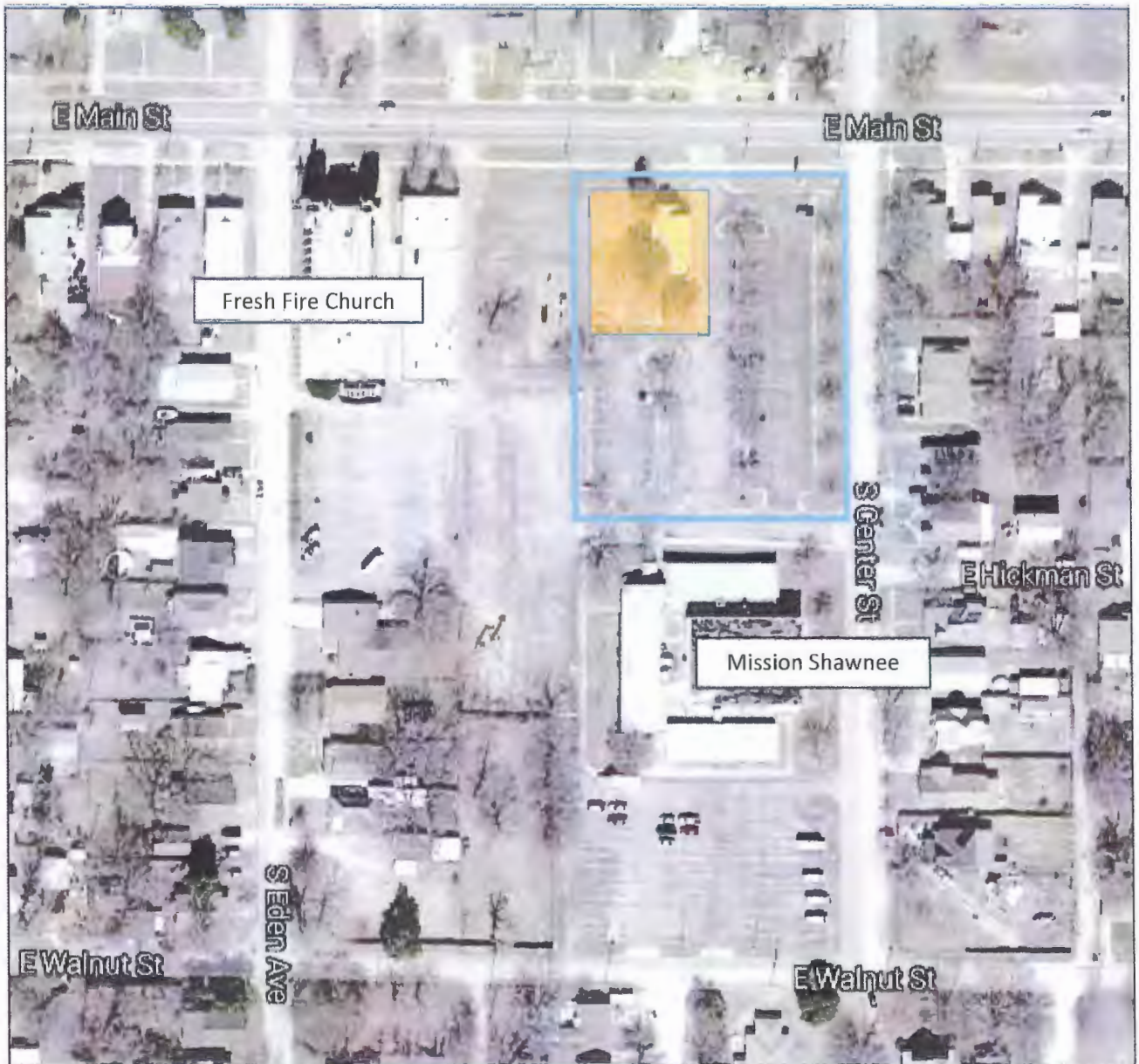


Figure 1: Aerial view of the subject property with the area of the proposed building highlighted.



Figure 2: Zoning map – the subject property and all surrounding properties are zoned R-3.

III. PROJECT REVIEW

According to the application materials (Exhibit 1), the “Community Market of Pottawatomie County Food Resource Center was started to meet the growing need of those in the community [and to provide] assistance with food and enable connections.” The efforts of this organization began in earnest in Fall 2013 and various locations in Shawnee have been evaluated during the building planning process. The planned improvements include construction of a building of approximately 10,000 square feet in size with an estimated value in excess of \$1 million. The building will include a grocery store experience and have office and warehouse space. Exhibit 2 provides an overview or a similarly-designed facility in Moore, Oklahoma.

A Food Resource Center (FRC) functions very similar to a traditional grocery store. The store will have regular hours so that individuals do not have to stand in line. A broad array of services are also planned and will be administered through a professional case management process. Other intended offerings

include: a demonstration kitchen, community gardens, and a focus on healthy eating. This Initiative is expected to increase efficiency and limit duplication of service and is part of a statewide effort towards the Food Resource Center model (Exhibit 3). Exhibit 4 includes photographs from other Food Resource Centers in the State of Oklahoma.

The Shawnee Food Resource Center includes support from the Regional Food Bank of Oklahoma (Exhibit 5) and the Avedis Foundation (Exhibit 6), who are both providing major funding and technical assistance.

Zoning Considerations

The subject property is currently zoned R-3 Residential, but is not used for residential purposes. As previously noted and indicated by Figure 1, the site is part of what in practical terms, is a campus of non-residential religiously-affiliated uses including: Mission Shawnee, Fresh Fire Church, and a church auxiliary building. These three buildings share parking facilities and were at one point, all affiliated with Immanuel Baptist Church, which previously occupied the Fresh Fire church building and the entire larger site. Figures 3-4 illustrate site conditions and existing buildings. Mission Shawnee has operated a Food Bank and feeding program out of its building for many years.

The Shawnee Zoning Code allows "grocery stores" as a permitted use in the C-1 Zone. Because of the extended array of planned offerings, Staff deemed it necessary to also require a Conditional Use Permit under the following enumerated use: "social assistance, welfare, charitable service," which is also allowed, in the C-1 Zone, provided a Conditional Use Permit is granted.

Traffic and circulation are not expected to be negatively impacted by the proposed use. Parking spaces are existing and no new parking is planned. Because the Food Resource Center will be open regular hours, traffic and negative impacts to the surrounding neighborhood are not expected. The existing parking on site and associated with adjacent properties (Mission Shawnee) is deemed sufficient to meet the numerical requirements set forth in the zoning code. It is Staff's understanding, that a cross-access agreement will be in place to allow for the sharing of facilities.

The neighborhood will be improved by the demolition of the existing residential structure that is in poor condition and the investment of over \$1 million into the site. The proposed use will function and impact the neighborhood in a similar fashion to a church and accordingly, serious negative impacts are not expected.

The proposed building will have to meet all zoning standards and an all-metal façade will not be permissible along Main Street or Center Street. The existing parking lot and site is well-landscaped with many mature trees. Additional landscaping near the new building will be required and will be reviewed as part of the building permit process.



Figure 3: View of the subject site looking southwest (house to be demolished).



Figure 4: View looking south at the existing Mission Shawnee building.

Staff makes the following findings relative to the subject request and project:

1. The applicant submitted an application for rezoning with a conditional use permit on April 6, 2015.
2. Proper legal notice was provided as required by statute including publication of notice, posting of the site and mailed notice to adjacent property owners.
3. The proposed use will not negatively impact public health, safety and welfare and will not be detrimental to the surrounding neighborhood or the community as a whole.
4. The proposed use is similar in character to historic and current uses of the site and immediately adjacent property.
5. The proposed use is part of a statewide effort to address food insecurity and will meet an essential public need.
6. As of the publication of this report, no letters in opposition to this proposal have been received and no formal protests entered.

V. STAFF RECOMMENDATION

Staff recommends **approval** of the rezone for the subject property from R-1 to C-1.

Concurrently, Staff recommends **approval** of a Conditional Use Permit, subject to the following conditions:

1. A landscaping plan meeting code requirements (Section 22.180) shall be submitted concurrent with building permit submittal.
2. A copy of the cross-access agreement providing for sufficient parking, loading/unloading, and site circulation shall be submitted concurrent with the building permit application.
3. Outdoor lighting of the planned building and of the site shall be installed and oriented in a wall that does not impact adjacent residential properties (Section 22-175.4).

VI. EXHIBITS

1. Overview of operations: Community Market of Pottawatomie County
2. Floorplan of Food Resource Center in Moore, Oklahoma
3. Map of Food Resource Centers in Oklahoma (Regional Food Bank of Oklahoma)
4. Images from other Food Resource Centers in Oklahoma
5. Letter of Support dated April 30, 2015 from the Regional Food Bank of Oklahoma
6. Letter of Support dated April 22, 2015 from the Avedis Foundation



The Community Market of Pottawatomie County Food Resource Center was started to meet the growing need of those in our community for assistance with food and to enable connections with individuals and organizations to help bring lasting change to their lives. Through a partnership with the Regional Food Bank of Oklahoma, the Community Market will be able to participate in the Food Resource Center model which has been transforming food delivery in communities all across Oklahoma.

With a wide coalition from across Pottawatomie County, the advisory board of the Community Market began meeting in the fall of 2013 to begin the journey of bringing this project to Shawnee. With board members from the faith community, local foundations, education community, charitable organizations, AARP, local school system, and local business community, the Community Market has built an experienced team to identify needs and find innovative solutions within our community. While providing food assistance to those in need, the real success of the Community Market will be in programs and connections that enable the lines of those in need of assistance to continually grow shorter.

As we go forward, the board will work closely with the staff of the Community Market to implement the goals and values of the organization. These core values will define every action and program of the organization.

1. Addressing Food Insecurity

We exist for the purpose of addressing food insecurity in our community. We desire to assist families in our community in having three meals per day for everyone in their household.

2. Healthy Choices

In providing local families with food assistance, we will do this in a way that makes healthy food choices accessible. Healthy food options will help a family provide a healthier diet for their family. Making healthy food accessible will assist in improving the overall health and wellness of those receiving food assistance.

3. Sustainable Solutions

We believe that programs we establish in house, as well as, opportunities we provide for our clients should be sustainable. Encouraging sustainable programs that produce lasting change allows us to reach more people and have a greater return on continued investment.



4. Building Community

Building a sense of community must be at the core of our culture. To build community we must:

1. Build a volunteer community that has pride in serving our local community
2. Foster connections between clients and volunteers
3. Promote a sense of togetherness that builds relationships across socio-economic barriers

5. Educational Opportunities

Work to provide opportunities for education. This education will encompass both academic educational opportunities and education that improves one's general life skills. We will seek out partnerships with community organizations that promote and provide educational resources.

6. Increase Self-Sufficiency

Establish programs and resources that assist and encourage an increase in individual self-sufficiency. While caring for one's immediate and emergency needs, we will provide them with opportunity and resources that promote an increase in self-sufficiency and promote lasting change.

7. Improve Quality of Life

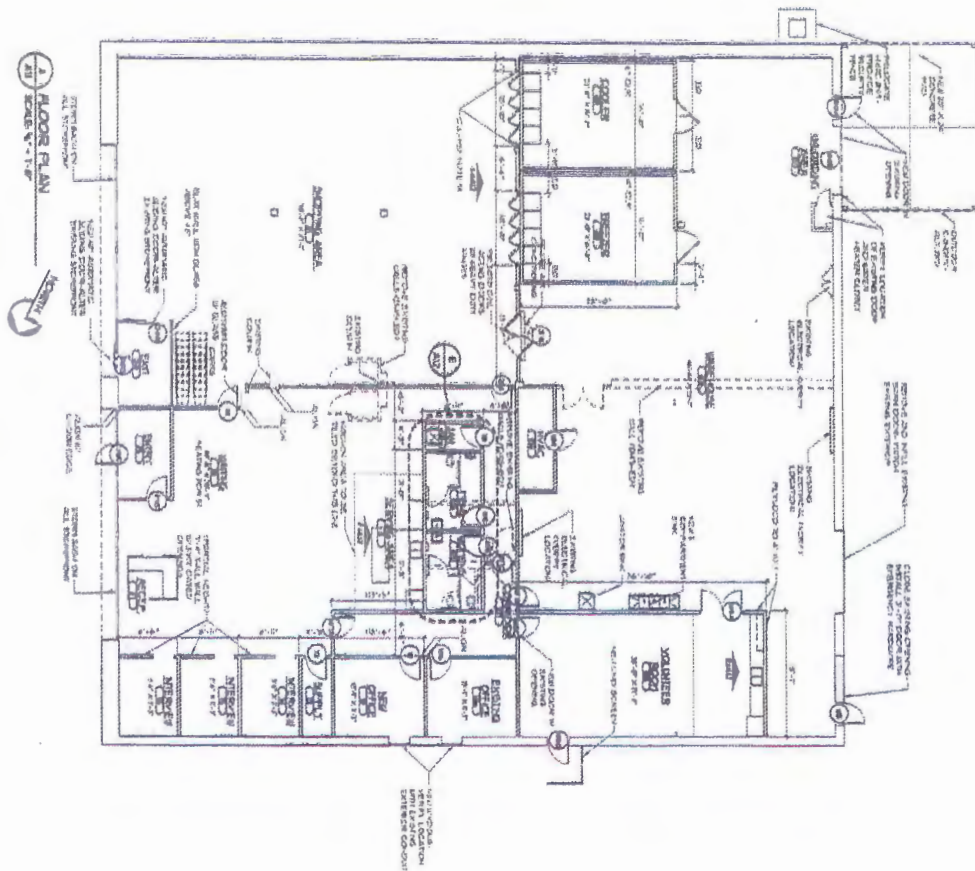
Every encounter we have with people will be with goal of increasing their quality of life. Whether that be meeting immediate need for food, helping to increase general life skills, or connecting people with other resources within our community, the end goal must be to improve the quality of life for every person we come in contact with.

We look forward to the opening of the Community Market and meeting the needs of our neighbors, and ultimately shortening the line of those in need, and improving the quality of life for all residents in our community.



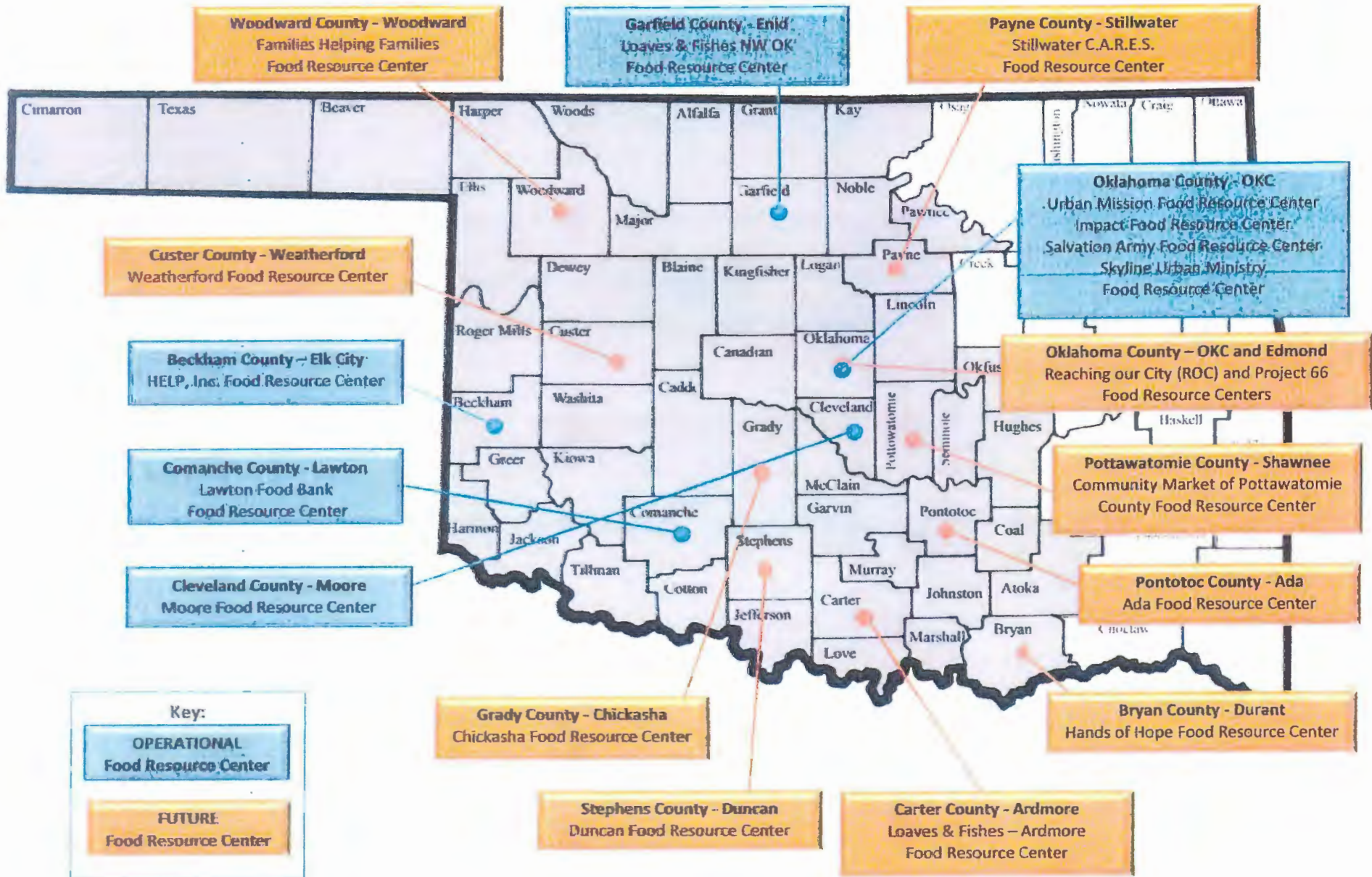
Project Highlights

- Over 1 million dollars in new investment dollars into neighborhood
- 10,000 sq ft building to replace an abandoned structure
- Strategic partnership with Mission Shawnee to develop social services campus feel
- Increased efficiency in service to community; decrease duplication of services
- Open multiple days each week for extended periods of time
- Big waiting area- no loitering or lines outside facility
- Grocery store look and feel from outside
- Client choice shopping experience for clients
- Demonstration kitchen for community events
- Connection to Regional Foodbank of Oklahoma's most innovative Food Resource Center network
- Support of Avedis Foundation and local United Way
- Connections for clients with services of other non-profit organizations
- Emphasis on health and nutrition options typically not available to low income residents
- Warehouse and office space
- Community Gardens for increased fresh produce



DATE 1-7-14	SHEET NUMBER 1-7-14	SHEET TITLE MOORE FOOD PANTRY	JOB NUMBER 3211	OWNER OKLAHOMA REG. FOOD BANK	LOCATION 8800 N. SHILOH BLVD MOORE, OK 73160	FITZGERALD ASSOCIATES architects & design consultants 2800 N. STATE ST. SUITE 200 OKLAHOMA CITY, OKLAHOMA 73107	CONTACT: JEFF FITZGERALD ASSOCIATES ARCHITECTS	DATE	DESCRIPTION

Food Resource Centers



Images from other Food Resource Centers in Oklahoma

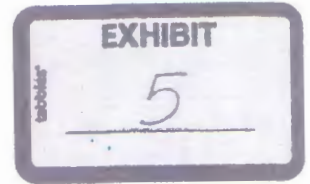








"Fighting Hunger...Feeding Hope"™



April 30, 2015

Shawnee City Commission
16 W 9th St
Shawnee OK 74801-6812

Shawnee City Commissioners:

The Regional Food Bank of Oklahoma is pleased to support the Community Market of Pottawatomie County in the establishment of a new Food & Resource Center in Shawnee, Oklahoma. Food & Resource Centers are designed to be one of the most efficient systems in the country for food distribution and community collaboration in the fight against hunger.

We are dedicated to the concept of Food & Resource Centers as a tool to improve the overall health and wellbeing of the communities we serve and, to that end, we have committed \$250,000 toward the completion of the project in Pottawatomie County.

We have also committed our ongoing support, guidance and training in order to increase the capacity to serve food insecure clients and encourage greater collaboration within the communities served.

We look forward to taking this journey together and celebrating its success when the new facility opens in the fall.

Sincerely,

Rodney W. Bivens
Executive Director
Regional Food Bank of Oklahoma



AVEDIS FOUNDATION

Date: April 22, 2015
To: Shawnee City Commission
From: Avedis Foundation Board of Directors
Re: Letter of Support for Community Market of Pottawatomie County

The Avedis Foundation would like to express complete support for Community Market of Pottawatomie County Food Resource Center. Avedis has been involved in this project both as a funding partner and in an advisory capacity and will continue to have representation on the Board of Directors.

Avedis staff joined a dedicated group of Shawnee nonprofits, churches, and civic organizations convened by the United Way to partner with the Regional Food Bank of Oklahoma to develop a plan to locate a Food Resource Center in Shawnee. The goal of the Food Resource Center is to provide greater access to food, a client-choice model in a supermarket setting, emphasis on health and nutrition, and access to additional resources and referrals for families.

This collaboration persevered through nearly three years of planning and numerous challenges. The willingness of these committed partners to collaborate across lines of personal interest is a model for the rest of the community and county.

The Avedis Foundation places a priority on collaboration and champions the mission to address the health, wellness, and quality of life for the people of Pottawatomie County and surrounding communities. These dual priorities are fully met in this project.

Avedis will continue to offer full and ongoing support to Community Market of Pottawatomie County and this dedicated group of community leaders.

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P05-15

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

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

All of Lots Four (4) thru Seventeen (17) in CENTRAL PARK ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

General Location Known As:	<u>126 S. Center, Shawnee, OK</u>
Current Zoning Classification:	<u>R-2; Combined Residential District</u>
Requested Zoning Classification:	<u>C-1; Neighborhood Commercial District</u>
Proposed Use of Property:	<u>Food Resource Center</u>
Applicant:	<u>Phil Fitzgerald and Rodney Bivens</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:

May 6th, 2015 AT 1:30 P.M.: CITY OF SHAWNEE PLANNING COMMISSION
May 18th, 2015 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 with a conditional use permit. The Commission reserves the right to limit discussion and debate on the proposed rezone with a conditional use permit in the public hearing, in which event those persons appearing in support or opposition of the proposed rezone with a conditional use permit will be allotted equal time. Any formal protest concerning the rezone 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 14th day of April, 2015.

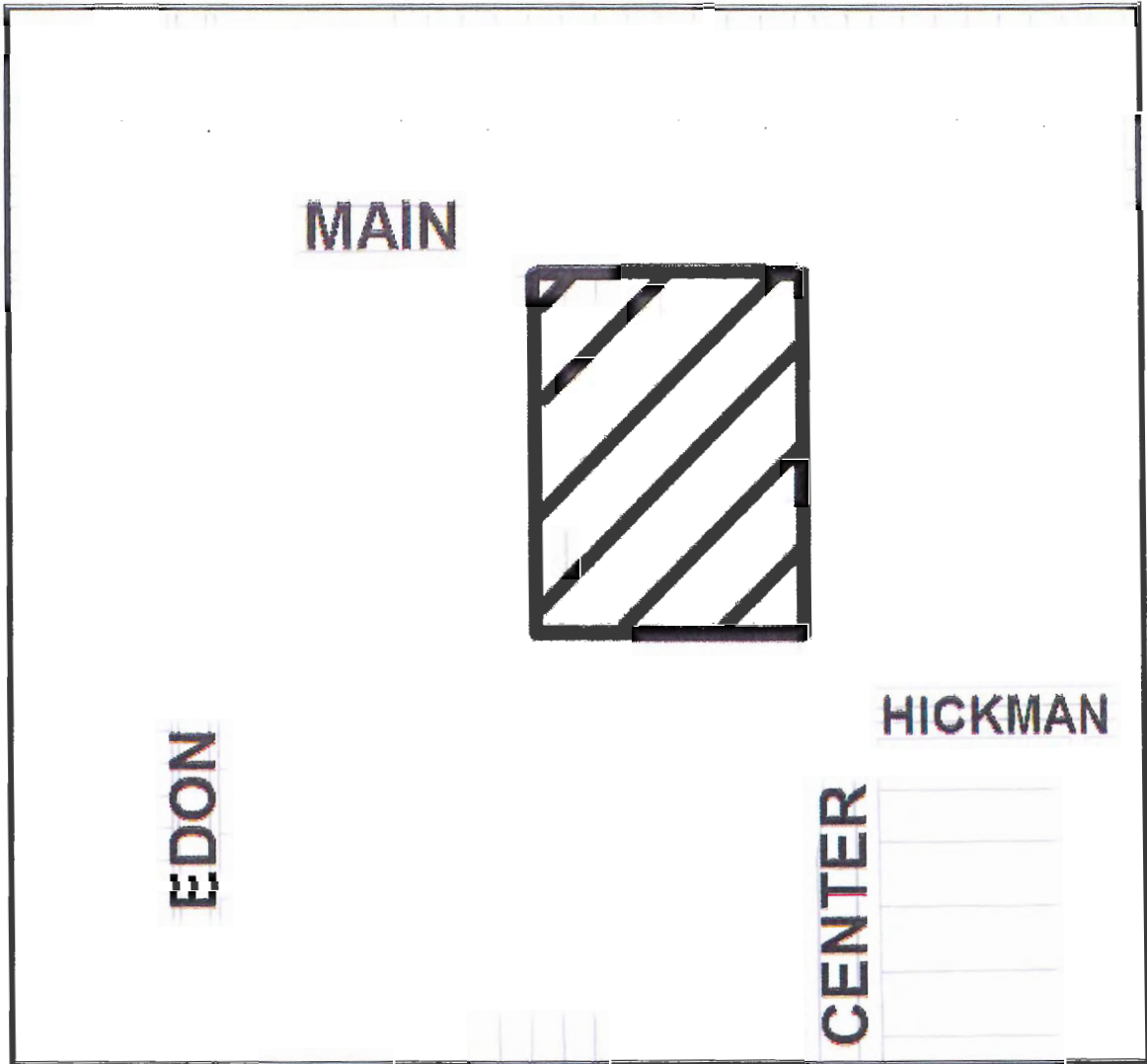


Phyllis Loftis, City Clerk



Location Map

Case# P05-15



CITY OF SHAWNEE
222 N. BROADWAY
SHAWNEE, OK 74801

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

PLANNING COMMISSION APPLICATION
PROJECT NO. 13031 CASE NO. POS-13

REQUEST:

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

DANIEL MATTHEWS

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-2 District to C-1 CUP District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 126 S. CENTER ST.

LEGAL DESCRIPTION: LOTS 4 THRU 17 CENTRAL PARK ADDITION

PROPERTY OWNER (S): MISSION SHAWNEE

PROPERTY AGENT (APPLICANT): PHIL FITZGERALD / RODNEY BIVENS

APPLICANT'S ADDRESS: 3000 N. SANTA FE AVE

CITY: OKLAHOMA CITY STATE OK ZIP 73118

EMAIL ADDRESS: PFITZ@FITZARCL.COM & RBIVENS@RESNAUFZOOBANK.ORG

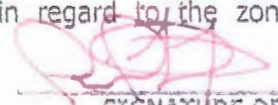
TELEPHONE NUMBER: (405) 521-8999 CONTACT NUMBER: (405) 972-1111 x 117

DIMENSIONS OF PROPERTY: AREA 57,165 S.F. WIDTH 200'
LENGTH APX 277.5' FRONTAGE 206' MAIN ST

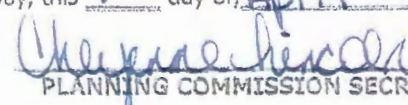
CURRENT ZONING: R-2 CURRENT USE: HOUSE, LARGE PARKING LOT

PROPOSED ZONING: C-1 PROPOSED USE: FOOD RESOURCE CENTER

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
PHIL FITZGERALD

Filed in the office of the Planning Department, 222 N. Broadway, this 14 day of April 2015


PLANNING COMMISSION SECRETARY

REZONING &/OR C.U.P FEE \$ 280.00
RECEIPT NO. 01721163

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

(Fee payable if applicant returns 10 days after City Commission meeting)

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

CERTIFICATE OF BONDED ABTRACTOR
(300 FEET RADIUS REPORT)

STATE OF OKLAHOMA)
) §:
COUNTY OF POTTAWATOMIE)

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

All of Lots Four (4) thru Seventeen (17) in CENTRAL PARK ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (6), both inclusive.

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

Dated: March 24, 2015 at 7:30 AM

First American Title & Trust Company

By: Bobbie Jo Kopepasah

Bobbie Jo Kopepasah

Abstractor License No. 3389

OAB Certificate of Authority # 49

File No. 2022619-OK99

OWNERSHIP LIST

ORDER NO. 2022619

DATE PREPARED: March 30, 2015
EFFECTIVE DATE: March 24, 2015 at 7:30 AM

OWNER	LOT	BLK	ADDITION
MICHAEL & JESSICA HANNIFAN REVOCABLE TRUST 1102 E MAIN SHAWNEE, OK 74801			BEG 740'N & 834'E SW/C NW E78' N136.5' W78' S136.5' POB
TOMMY L & LINDA J CARPENTER 5 MOHICAN DR SHAWNEE, OK 74801			93-SU WHITTAKER BEG 700'N & 972'E SW/C NW N140' W60' S140' E60' POB
TRAN MUI NGOC 1018 E MAIN ST SHAWNEE, OK 74801			93-SU WHITTAKERS E70' X 140' OF FOLLOWING DESC TR: BEG 700'N & 656.5'E OF SW/C NW E140' N140' W140' S140' TO POB
JACKIE DARLEN JENKINS 121 N SHAWNEE SHAWNEE, OK 74801			93-SU WHITTAKERS BEG 880'N & 835.36'E SW/C NW E136.64' N50' W136.64' S50' POB
FRESH FIRE OUTREACH CENTER CHURCH INC PO BOX 1723 SHAWNEE, OK 74802-1723	1	1-3	CAREY'S
THOMAS & CHI CHI LOWDER 17805 STEVENS RD SHAWNEE, OK 74801	1	4	CAREY'S
CEG PROPERTIES LLC 11 W MIDLAND SHAWNEE, OK 74801	1	5 & N15' LOT 6	CAREY'S
MILDRED W & EMMETT B CALDWELL DOUGLAS S & JOHN G CALDWELL 139 S EDEN SHAWNEE, OK 74801	1	S10' LOT 6 & ALL 7	CAREY'S
DOUGLAS S & MILDRED W CALDWELL 139 S EDEN SHAWNEE, OK 74801	1	8 THRU 10	CAREY'S
CHARLES & TYLOR ROSS 6280 BETHEL RD SHAWNEE, OK 74804	2	1	CAREY'S OUTLOT 2
CARL J MURPHY JR 14 SPRINGBROOK RD SHAWNEE, OK 74801	2	5 & 6	CAREY'S OUTLOT 2
TAMMY J SCHNEIDER 118 S EDEN SHAWNEE, OK 74801	2	7 & 8	CAREY'S OUTLOT 2
JAMES S BLEDSOE 120 S EDEN SHAWNEE, OK 74801	2	9 & 10	CAREY'S OUTLOT 2
TEKTON PROPERTIES LLC 3108 ROBIN RD MWC, OK 73110	2	11 & 12	CAREY'S OUTLOT 2

NALLEY FAMILY TRUST B I CHOCTAW SHAWNEE, OK 74801	2	13 & 14	CAREY'S OUTLOT 2
VANCE RUVENIA 136 S EDEN SHAWNEE, OK 74801	2	15 & 16	CAREY'S OUTLOT 2
CHESTER BARNARD 138 S EDEN SHAWNEE, OK 74801	2	17 & 18	CAREY'S OUTLOT 2
SANDRA M BYRD 17101 C BRANGUS RD SHAWNEE, OK 74801	2	19 THRU 21 & N5' LOT 22	CAREY'S OUTLOT 2
LLOYD CLARK ANDERSON 11761 NW 3540 SEMINOLE, OK 74868-5422	2	S20' LOT 22 & ALL 23	CAREY'S OUTLOT 2
FRESH FIRE OUTREACH CENTER CHURCH INC 1224 E MAIN ST SHAWNEE, OK 74801	1		CENTRAL PARK BLK 1 LOTS 1, 2 & W 22' LOT 3 & THE WEST 103.6' LOT 22 & THE WEST 103.6' LOT LOT 21 & ALL LOT 25 & THE WEST 3.75' LOT 24
SHAWNEE MISSION 126 E CENTER SHAWNEE, OK 74801			CENTRAL PARK BLK 1 THE EAST 3' OF LOT 3 & LOTS 4 - 19 & THE EAST 209.4' LOT 20 & 21 & THE EAST 52.9' OF LOT 22 & ALL LOT 23 & THE EAST 21.25' LOT 24 & ALL LOTS 29-32
DOUGLAS SCOTT & EMMETT B & JOHN G CALDWELL 139 S EDEN SHAWNEE, OK 74801			CENTRAL PARK BLK 1 LOTS 26 THRU 28 DOUGLAS SCOTT CALDWELL & JOHN GREGORY CALDWELL & EMMETT BRADFORD CALDWELL 3.00 Lots
HUBERT PAUL & SUSIE WILLIAMS 131 S CENTER SHAWNEE, OK 74802-1089	1	1	HICKMAN'S FIRST
JANET KAY SPURGIN 418 N PHILADELPHIA SHAWNEE, OK 74801	1	2	HICKMAN'S FIRST
BURKE L ANDERSON 129 S CENTER SHAWNEE, OK 74801	1	3	HICKMAN'S FIRST
DAN L & CHARLOTTE JO DAVIS 127 S CENTER SHAWNEE, OK 74801	1	4	HICKMAN'S FIRST
RICHARD HARLAN & TAMMY VIOLA HANNA 125 S CENTER SHAWNEE, OK 74801	1	5	HICKMAN'S FIRST
DONALD F & JANETTA M ROGERS 116 DEER CREEK DR MCCLOUD, OK 74851	1	6	HICKMAN'S FIRST
BURKE L & ROSE M ANDERSON 129 S CENTER SHAWNEE, OK 74801	7	1	HICKMAN'S FIRST

JAMES RAY & MARIA MARTHA GUFFEY 1213 E HICKMAN ST SHAWNEE, OK 74801	1	8	HICKMAN'S FIRST
LINDA M BOWERS REVOC TRUST 1522 W DIAMON WAY MUSTANG, OK 73064	1	10 & E/2 11	HICKMAN'S FIRST
DANA ROSE MURRAY 1130 E WALNUT SHAWNEE, OK 74801	1	W/2 11 & ALL 12	HICKMAN'S FIRST
WILLIAM & LOIS RINDERER 6 MELANIE SHAWNEE, OK 74801	1	1	HICKMAN'S 2ND
ROLAND C & SHERRY L PRUITT 1215 E MAIN SHAWNEE, OK 74801	1	2 & E/2 LOT 3	HICKMAN'S 2 ND
JOHN W & FLORENCE N FIFE 1209 E MAIN SHAWNEE, OK 74801	1	4 & W/2 LOT 3	HICKMAN'S 2 ND
DAVID E HEILAMAN & JENEA D MASCHO 1002 N PARK SHAWNEE, OK 74801	1	N125' LOT 5	HICKMAN'S 2 ND
BOBBY & MONICA PRYOR 1201 E MAIN SHAWNEE, OK 74801	1	LOT 6 & PT LOT 5	HICKMAN'S 2 ND
HOUSING AUTH OF SAC & FOX 201 N HARRISON SHAWNEE, OK 74801	1		HICKMAN'S 2 ND S15' LOT 5 & 6 & ALL LOT 7
HOUSING AUTH OF ABST PO BOX 425 SHAWNEE, OK 74802-0425	1	8 & 9	HICKMAN'S 2 ND
HELEN M & FLORENTINO RAMIREZ 1212 E HICKMAN SHAWNEE, OK 74801	1	10	HICKMAN'S 2 ND
BOARD OF COUNTY COMMISSIONERS 14101 ACME RD SHAWNEE, OK 74804	1		HICKMAN'S 2 ND BEG 1342.5' E 440' N & 84' E OF SW/C OF NW/4 S15.7' E66' N15.7' W66' TO POB
ABSENTEE SHAWNEE HOUSING AUTH PO BOX 425 SHAWNEE, OK 74802-0425	2		LEITCH LOTS 1 THRU 6 & N62' LOT 7 & 8
W A MUHAMMAD 921 E FARRALL SHAWNEE, OK 74801	2	S58' LOTS 7 & 8	LEITCH
JANE F & FRANKIE R SWIFT GAMEZ 1120 E MAIN SHAWNEE, OK 74801	2	9 & 10	LEITCH
ALLEN MANAGEMENT LLC C/O CAROL RHODES 18 GLEN ROCK DR AUSTIN, TX 78738	2	11 THRU 14	LEITCH
JANE F & FRANKIE R SWIFT GAMEZ 1120 E MAIN SHAWNEE, OK 74801	2	15 & 16	LEITCH

Duplicate

ALCHEMY PROPERTIES INC PO BOX 742 SHAWNEE, OK 74802	2	17 & 18	LEITCH
NICOLE VREELAND 1132 E MAIN SHAWNEE, OK 74801	2	19 & 20	LEITCH
QUINTINA E OLIVER 1134 E MAIN SHAWNEE, OK 74801	2	21 & 22	LEITCH
TOBIE SEAN & ALICE E DUGAN 1721 E 10 TH ST SHAWNEE, OK 74801	2	23 & 24	LEITCH
KURT BEAUFORD 35 E 34 TH SHAWNEE, OK 74804	1	1 THRU 3	RICH & HUBBARD
REDBIRD PROPERTIES LLC 106 E MAIN SHAWNEE, OK 74801	1	4 THRU 8	RICH & HUBBARD
HOUSING AUTHORITY OF THE ABSENTEE SHAWNEE TRIBE SHAWNEE, OK 74801 <i>Ø street</i>	1		RICH & HUBBARD S87' LOT 9 & 10 & W3' OF S87' LOT 11
JANETTE RENEE RING & PAMELA F WATKINS 508 N 8 TH TECUMSEH, OK 74873	1	N48' 9 THRU 12	RICH & HUBBARD
JANETTE RENEE RING & PAMELA F WATKINS 508 N 8 TH TECUMSEH, OK 74873 <i>Duplicate</i>	1	13 THRU 15	RICH & HUBBARD
MICHAEL L BYRD 802 N MINN SHAWNEE, OK 74801	1	32 THRU 34	RICH & HUBBARD
ROBIN HONEL HASKINS 206 E EDEN SHAWNEE, OK 74801	3	1 & 2	SPAULDINGS OUTLOTS 1-2-3
ROBIN HONEL HASKINS 206 E EDEN SHAWNEE, OK 74801 <i>Duplicate</i>	3	3 THRU 6	SPAULDINGS OUTLOTS 1-2-3
JULIE M & RICHARD L MEDLEY 1135 A FONTES LN SALINAS, CA 93907	3	7 & 8	SPAULDINGS OUTLOTS 1-2-3
BILLY J SR & VICKIE BRIMM 36911 LAKE RD SHAWNEE, OK 74801	3	9 & 10	SPAULDINGS OUTLOTS 1-2-3
CAROL ANN STACHUROKI 33403 PECAN GROVE RD SHAWNEE, OK 74801	3	11 THRU 13	SPAULDINGS OUTLOTS 1-2-3
ALBERTA BURROWS PO BOX 3873 SHAWNEE, OK 74802-3873	4	1 & 2	SPAULDINGS OUTLOTS 1-2-3
BURL W & BARBARA & BRENT D VANLANDINGHAM 45601 RIVER RD SHAWNEE, OK 74801	4	3 & 4	SPAULDINGS OUTLOTS 1-2-3

MARY E & LINDA JO ADDINTON 204 S RUTH SHAWNEE, OK 74801	4	5 & 6	SPAULDINGS OUTLOTS 1-2-3
NELSON K & MARY A MCGUIRE 206 S RUTH SHAWNEE, OK 74801	4	7 & 8	SPAULDINGS OUTLOTS 1-2-3
TERI THOMPSON 1116 MORNINGSIDE CT SHAWNEE, OK 74804	4	9 & 10	SPAULDINGS OUTLOTS 1-2-3
EMMETT L WILSON PO BOX 591 SHAWNEE, OK 74802	4	11 THRU 13	SPAULDINGS OUTLOTS 1-2-3
CHARLENE DYAS 2732 S CINDY LN OKLAHOMA CITY, OK 73110	4	37 & 38	SPAULDINGS OUTLOTS 1-2-3
ANDREW HARRISON BROWN 219 S EDEN SHAWNEE, OK 74801	4	39 & 40	SPAULDINGS OUTLOTS 1-2-3
ANDY BROWN 219 S EDEN SHAWNEE, OK 74801	4	41 & 42	SPAULDINGS OUTLOTS 1-2-3
JOELLA JONES LIVING TRUST 38007 45 TH ST SHAWNEE, OK 74804	4	43 & 44	SPAULDINGS OUTLOTS 1-2-3
DAGBARK PROPERTIES PO BOX 32123 OKLAHOMA CITY, OK 73123	4	45 & 46	SPAULDINGS OUTLOTS 1-2-3
BOARD OF COUNTY COMMISSIONERS 14101 ACME RD SHAWNEE, OK 74804	4	47 & 48	SPAULDINGS OUTLOTS 1-2-3
ALFRED & LUCINDA JOHNSON C/O SHAWNA SPOON 1138 E FAY SHAWNEE, OK 74801	5		SPAULDINGS OUTLOTS 1-2-3 LOTS 1 THRU 3 & PT LOT 4
CHARLES & MARISSA WILSON 24739 SHADY LN TECUMSEH, OK 74873	5		SPAULDINGS OUTLOTS 2 & 3 BLOCK 5 LOT 5 & PT LOTS 4 & 6
CARMELITA PALMER 205 S RUTH SHAWNEE, OK 74801	5		SPAULDINGS OUTLOTS 2 & 3 BLOCK 5 S10' OT 6 & ALL 7 & 8
AUDREY HOLLINSWORTH 209 S RUTH SHAWNEE, OK 74801	5	9 & 10	SPAULDINGS OUTLOTS 1-2-3
DELINDA KAY BARR 211 S RUTH SHAWNEE, OK 74801	5	11 & 12	SPAULDINGS OUTLOTS 1-2-3
BOARD OF COUNTY COMMISSICNERS 14101 ACME RD SHAWNEE, OK 74804	1	LOT C & W45' LOT 1	SPAULDIN AP OUTLOT 4
BOARD OF COUNTY COMMISSICNERS 14101 ACME RD SHAWNEE, OK 74804	1		SPAULDIN AP OUTLOT 4 LOT D & E45' OF W90' LOT 1
HENREY D SR & SYLVIA ANADON 831 LONGBARN DR LATHROP, CA 95330	1	2	SPAULDIN AP OUTLOT 4

DAVID G & DANA L TAYLOR 15706 ROCK CREEK RD SHAWNEE, OK 74801	1	3	SPAULDIN AP OUTLOT 4
AMANDA STAFFORD 223 S CENTER SHAWNEE, OK 74801	1	4	SPAULDIN AP OUTLOT 4
RONNY CAMPBELL SETH EARL MCDONNELL & CASSIE MICHELLE MCDONNELL LIFE ESTATE 202 S CENTER SHAWNEE, OK 74801	1	17 & S/2 18	SPAULDIN AP OUTLOT 4
RONNIE CAMPBELL 202 S CENTER SHAWNEE, OK 74801	1	W/2 18 & ALL 19	SPAULDIN AP OUTLOT 4
RICHARD DALE & SANDRA ANITA JONES 1125 E WALNUT SHAWNEE, OK 74801	4	E55' LOT 20 & ALL B	SPAULDIN AP OUTLOT 4
KENNETH A JR & MELBA HALL 1123 E WALNUT SHAWNEE, OK 74801	1	W85' OT 20 & ALL A	SPAULDIN AP OUTLOT 4
THOMAS W PHILLIPS 128 N SHAWNEE, OK 74801	1	9 & 10	SWITZER
GALILEE BAPTIST 1025 E 9 TH SHAWNEE, OK 74801	1	11 & 12	SWITZER

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: ALL OF LOTS FOUR (4) THRU SEVENTEEN (17) IN CENTRAL PARK ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, REZONING SAID PROPERTY FROM R-3; MULTI-FAMILY RESIDENTIAL TO C-1P; NEIGHBORHOOD COMMERCIAL WITH CONDITIONAL USE PERMIT; 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 18th day of May, 2015, upon an application to grant a permissive use permit on property located in the City of Shawnee, Oklahoma from R-3; Multi-Family Residential to C-1P; Neighborhood Commercial with Conditional Use Permit; and,

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 to C-1P; Neighborhood Commercial with Conditional Use Permit.

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: All of Lots Four (4) thru Seventeen (17) in Central Park Addition, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof, rezoning said property from R-3; Multi-Family Residential To C-1P; Neighborhood Commercial with Conditional Use Permit; amending the Official Zoning Map of the City Of Shawnee accordingly.

PASSED AND APPROVED this 18th day of May, 2015.

WES MAINORD, MAYOR

(SEAL)

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality this 18th day of May, 2015.

MARY ANN KARNS
CITY ATTORNEY

Regular Board of Commissioners

8.

Meeting Date: 05/18/2015

P06-15 Rezoning

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

A public hearing and consideration of approval of an ordinance to rezone property located at 602 E. Highland Street from C-1; Neighborhood Commercial to C-3; Highway Commercial. Case #P06-15
Applicant: Scott Timmons

Attachments

P06-15 Rec

P06-15 Ord

RECOMMENDATION TO:

**MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE**

RECOMMENDATION FROM:

**CITY OF SHAWNEE
PLANNING COMMISSION**

SUBJECT:

APPLICANT: Scott Timmons
FOR: Rezone from C-1; Neighborhood Commercial to C-3;
Highway Commercial
LOCATION: 602 E. Highland Street, Shawnee, OK
PROJECT#: 150341 **Case#** P06-15

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: C-1; Neighborhood Commercial
REQUESTED CLASSIFICATION: C-3; Highway Commercial
PROPOSED PROPERTY USE: Tattoo Parlor

PLANNING COMMISSION MEETING DATE: May 6th, 2015

PLANNING COMMISSION RECOMMENDATION: Denial

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

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN						ABSENT
CLINARD			X			
KERBS			X			
SILVIA (CHAIRMAN)			X			
SALTER (VICE-CHAIRMAN)			X			
COWEN		X	X			
KIENZLE	X		X			

RESPECTFULLY SUBMITTED,
Cheyenne Lincoln
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
CASE #P06-15

TO: Shawnee Planning Commission

AGENDA: May 6, 2015

RE: Rezone Request from C-1 (Neighborhood Commercial) to C-3 (Highway Commercial)

PROPOSAL

The applicant is requesting a rezone from C-1 (Neighborhood Commercial) to C-3 (Highway Commercial) for a property located at 602 E. Highland Street to use the property as a Tattoo Parlor. The subject site is approximately 8,750 square feet in size and is generally located on the northeast corner of Highland Street and Pennsylvania Avenue.

GENERAL INFORMATION

Applicant	Scott Timmons
Owner	Alchemy Properties, Inc.
Site Location/Address	NE Corner of Highland and Pennsylvania
Current Site Zoning	C-1: Neighborhood Commercial
Proposed Zoning	C-3: Highway Commercial
Property Area	8,750 square feet
Current Use	None
Proposed Use	Tattoo Parlor
Comprehensive Plan	Commercial and Residential

Designation	
Existing Land Use	Vacant Home
Surrounding Zoning	North – Residential (R-1) South – Commercial (C-3) West – Commercial (C-1) East – Commercial (C-3 & C-5)

STAFF REVIEW AND ANALYSIS

The subject property, located at 602 East Highland, is currently a legally-nonconforming site with a C-1 (Neighborhood Commercial) zoning designation. A rezone to C-3 (Highway Commercial) would serve to further the non-conformance on this property for the following reasons:

1. Two (2) primary structures exist on site.
2. Adequate parking arrangement does not exist.
3. The subject site is approximately 8,750 square feet in size. The required minimum square footage for C-3 is 10,000 square feet.
4. The required minimum front yard setback of twenty-five (25’) is unable to be accomplished on this site.
5. Maximum site coverage in C-3 is 30%. The site appears to have coverage equaling or exceeding 45%.

Staff cannot recommend approval for the requested rezone from C-1 to C-3. The site, however, can be used for businesses approved within the existing zoning designation baring compliances with any and all building code requirements.

STAFF RECOMMENDATION

Staff recommends **denial** of the proposed rezone from *C-1: Neighborhood Commercial* to *C-3: Highway Commercial* for the subject property.

Attachments

1. Figure 1: Zoning map
2. Figure 2: Aerial view of site
3. Figure 3: Future Land Use Map

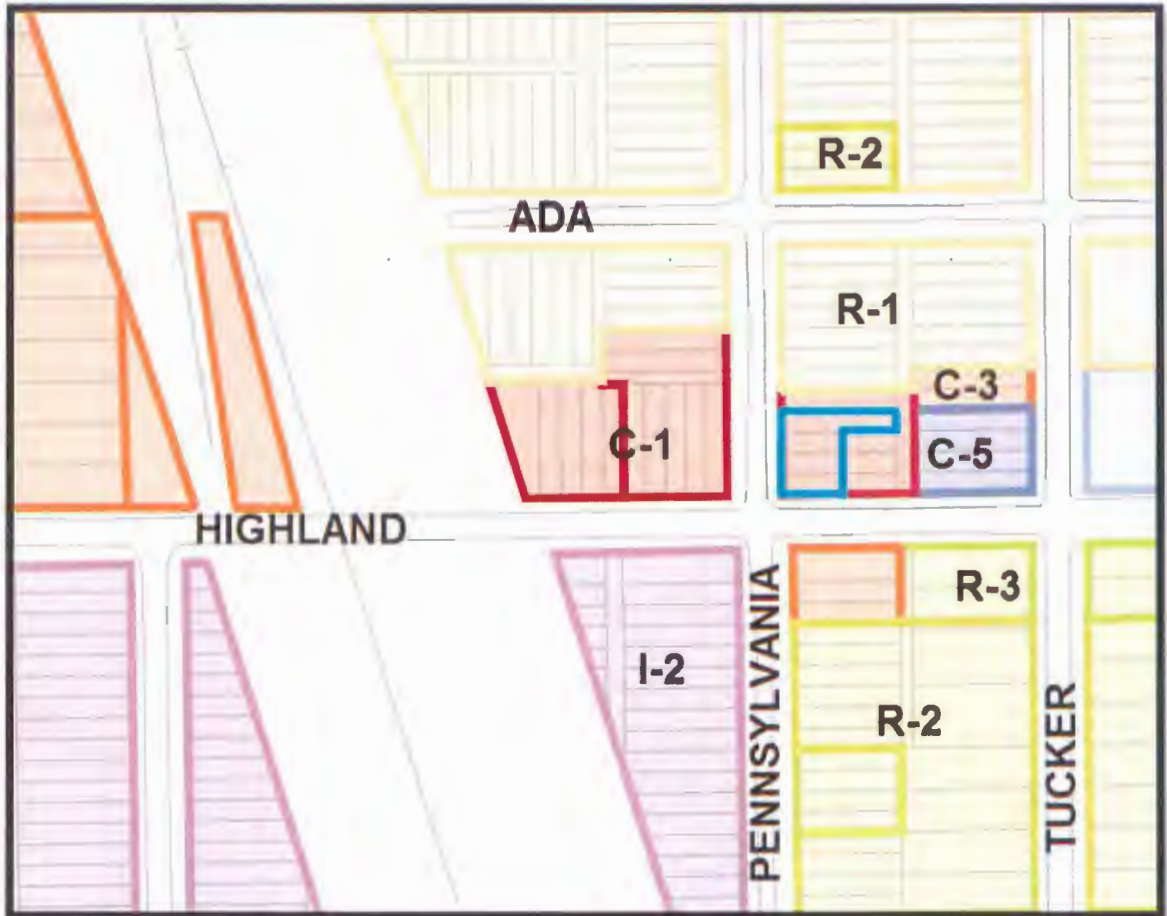


Figure 1: Zoning Map of site – approximate total area outlined in blue.



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

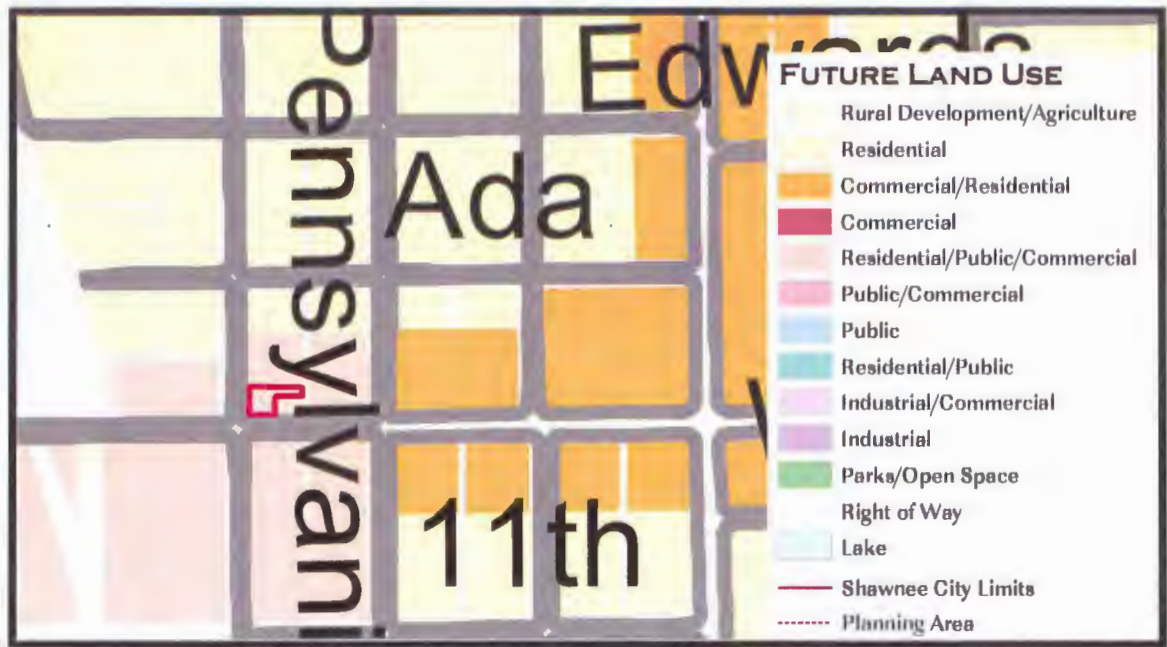


Figure 3: Shawnee Comprehensive Plan: Future Land Use Map (Figure 4.2).

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P06-15

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:

AP Block Sixteen (16), West Half of Lots Thirteen (13) through Fifteen (15) and all of Lot Sixteen (16), RICHARD & MARY SUBDIVISION, City of Shawnee, Pottawatomie County, Oklahoma.

General Location Known As:	<u>602 E. Highland, Shawnee, OK</u>
Current Zoning Classification:	<u>C-1; Neighborhood Commercial District</u>
Requested Zoning Classification:	<u>C-3; Highway Commercial District</u>
Proposed Use of Property:	<u>Tattoo Parlor</u>
Applicant:	<u>Scott Timmons</u>

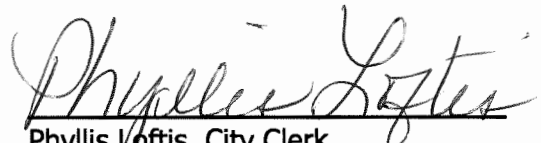
The "Zoning Map of the City of Shawnee, Oklahoma" will be amended accordingly to reflect such change if approved by the City Commission.

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

May 6th, 2015 AT 1:30 P.M.: CITY OF SHAWNEE PLANNING COMMISSION
May 18th, 2015 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 14th day of April, 2015.


Phyllis Loftis, City Clerk



Location Map

Case #P06-15



CITY OF SHAWNEE
222 N. BROADWAY
SHAWNEE, OK 74801

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

PLANNING COMMISSION APPLICATION
PROJECT NO. 150341 CASE NO. PO10-15

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): 602 E. Highland

LEGAL DESCRIPTION: Richard + Mary's AP Block 16 w/1/2 of lots 13-15 + All lot 16

PROPERTY OWNER (S): Alchemy Properties, Inc.

PROPERTY AGENT (APPLICANT): Scott Timmons

APPLICANT'S ADDRESS: Po Box 742

CITY: Shawnee STATE OK ZIP 74802

EMAIL ADDRESS: scott@extremeinflatables.com


TELEPHONE NUMBER: (405) 323-0714 CONTACT NUMBER: ()

DIMENSIONS OF PROPERTY: AREA _____ WIDTH 70 x 75
LENGTH _____ FRONTAGE _____

CURRENT ZONING: C-1 CURRENT USE: _____

PROPOSED ZONING: C-3 PROPOSED USE: Tattoo Parlor/Shop

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 15th day of April 2015


PLANNING COMMISSION SECRETARY

REZONING &/OR C.U.P FEE \$ 280.00
RECEIPT NO. 017231092

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.: _____

CERTIFICATE OF BONDED ABTRACTOR
(300 FEET RADIUS REPORT)

STATE OF OKLAHOMA)
) §:
COUNTY OF POTTAWATOMIE)

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

AP Block Sixteen (16), West Half of Lots Thirteen (13) through Fifteen (15) and all of Lot Sixteen (16), RICHARD & MARY SUBDIVISION, City of Shawnee, Pottawatomie County, Oklahoma.

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

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

Dated: March 24, 2015 at 7:30 AM

First American Title & Trust Company

By: Bobbie Jo Kopepasah
Bobbie Jo Kopepasah
Abstractor License No. 3389
OAB Certificate of Authority # 49
File No. 2019621-SH99

OWNERSHIP LIST

ORDER NO. 2019621

DATE PREPARED: April 2, 2015
EFFECTIVE DATE: March 24, 2015 at 7:30 AM

OWNER	LOT	BLK	ADDITION
ALCHEMY PROPERTIES INC PO BOX 742 SHAWNEE, OK 74802			RICHARD & MARY'S AP BLK 16 W/2 LOTS 13 THRU 15 & ALL LOT 16
SWAFFORD TOM PAT II & KRISTY L. 107 E. LAKEVIEW DR TECUMSEH OK 74873-0000			SUB-DIV PT BLK A BEARDS BLK 3 LOT 5 1.00 LOTS
DERK MOLISA & GREGORY LEE PO BOX 1477 DICKINSON ND 58602-0000			SUB-DIV PT BLK A BEARDS BLK 3 LOT 4 1.00 Lots
STOTT ALLEN & CAROLYN 424 N TUCKER SHAWNEE, OK 74801			SUB-DIV PT BLK A BEARS BLK 3 S50' LOT 3
EXECUTIVE HOME RENTALS LLC PO BOX 3861 SHAWNEE OK 74802-3861			SUB-DIV PT BLK A BEARDS BLK 3 S35' LOT 2 & N15' LOT 3 1.00 Lots
MCDONALD JASON & JACK JUSTICE PO BOX 1220 PAULS VALLEY OK 73075-0000			SUB-DIV PT BLK A BEARDS BLK 3 LOT 1 & N15' LOT 2 1.00 Lots
BOWLAN MELBA I 5 KAROSS RD SHAWNEE OK 74801-0000			SUB-DIV PT BLK A BEARDS BLK 2 S39' W80' LOT 17
BOWLAN MELBA I 5 KAROSS RD SHAWNEE OK 74801-0000			SUB-DIV PT BLK A BEARDS BLK 2 LOT 18 & E75' LOT 17 & N11' W80' LOT 17
TRAN MICHAEL 12534 SE 18 TH ST CHOCTAW OK 73020-0000			CHOCTAW BLK 1 S5' LOT 3 & ALL LOT 4 & N10' LOT 5 1.50 Lots
LEE WANDA M 421 N PENN SHAWNEE OK 74801-0000			CHOCTAW BLK 1 S15' LOT 5 & ALL LOT 6
ALFORD MICHAEL & JOYCE BURRIS 315 S. KENNEDY APT 4102 SHAWNEE OK 74801-0000			CHOCTAW BLK 1 LOTS 7 & 8 2.00 Lots
ALFORD MICHAEL & JOYCE BURRIS 419 N. PENN SHAWNEE OK 74801-0000			CHOCTAW BLK 1 LOT 9
BLACK SUZAN & RICKEY LEON LANDRUM 406 N. PENN SHAWNEE OK 74801-0000			CHOCTAW BLK 1 LOTS 10 THRU 13 4.00 Lots
TRAN JENNY & WILLIAM THIEN CHEN TRAN 601 E. HIGHLAND SHAWNEE OK 74801-0000			CHOCTAW BLK 1 LOTS 1 & 2 & N20' LOT 3 . 3.00 Lots

GKW PROPERTIES LLC 624 W INDEPENDENCE #106 SHAWNEE OK 7804-0000			CHOCTAW BLK 2 BEG NE/C LOT 34 W61.8' S17*8'E TO PT 10'S NE/C LOT 28 N TO BEG
HEDRICK HARRISON & SANDRA 414 N PENN SHAWNEE OK 74801-0000			CHOCTAW BLK 2 LOTS 10 & 11 2.00 Lots
HARRISON RONALD L & ELDA L 40005 BENSON PARK RD SHAWNEE OK 74801-0000			CHOCTAW BLK 2 LOTS 8 & 9 2.00 Lots
MURDOCK JOHN HAVIS RACHEL FLORINE MURDOCK PO BOX 727 SHAWNEE OK 74802-0000			CHOCTAW BLK 2 LOTS 4 & 5 & N20' LOT 6 3.00 Lots
J&R MURDOCK LLC PO BOX 727 SHAWNEE OK 74802-0000			CHOCTAW BLK 2 LOTS 1 THRU 3 3.00 Lots
JONES LINDA S 521 ADA ST SHAWNEE OK 74801-0000			OHIO AP BLK 4 LOTS 17 THRU 22 & W40' LOTS 1 THRU 4 7.16 Lots
BRITTON DON E & CHARLOTTE 16707 KINGS RD SHAWNEE OK 74801-0000			OHIO AP BLK 4 LOTS 13 THRU 16 4.00 Lots
HOUSING AUTH OF SAC & FOX 201 N. HARRISON SHAWNEE OK 74801-0000			RICHARD & MARY'S AP BLKS 10- 15 BLK 15 LOTS 13 THRU 15 DUPLEX INCLUDES 604 E ADA 3.00 Lots
HEINRICH PROPERTIES LLC 20833 PRAIRE HILLS HARRAH OK 73045-0000			RICHARD & MARY'S AP BLKS 10- 15 BLK 15 LOTS 10 THRU 12 3.00 Lots
RINDERER WILLIAM & LOIS 6 MELANIE SHAWNEE OK 74801-0000			OHIO BLK 3 LOTS 10 THRU 12 3.00 Lots
TYLER DOROTHY J 39404 MACARTHUR SHAWNEE OK 74804-0000			RICHARD & MARY'S W140' OF S50' OF N100' OF W1/2 BLK 17
HUDIMAX III LLC 6000 TINKER DIAGONAL MWC OK 73110-0000			RICHARD & MARY'S BEG 155'N OF SW/C OF BLK 17 OF RICHARD & MARY'S E120' N45' W120' S45' TO POB
HUDIMAX III LLC 6000 TINKER DIAGONAL MWC OK 73110-0000			RICHARD & MARY'S BEG 110'N OF SW/C OF BLK 17 OF RICHARD & MARY'S E120' N45' W120' S45' TO POB
CUNNINGHAM SCOTT A 523 N MARKET SHAWNEE OK 74801-0000			RICHARD & MARY'S N50' OF W1/2 BLK17 LESS THE E 10'
HUDIMAX III LLC PO BOX 1609 SHAWNEE OK 74802-0000			RICHARD & MARY'S TR IN BLK 17 - BEG AT SW/C OF BLK 17 N110' E120' N90' E180' S200' W300' TO POB SHAWNEE AUTO SALES

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: AP BLOCK SIXTEEN (16), WEST HALF OF LOTS THIRTEEN (13) THROUGH FIFTEEN (15) AND ALL OF LOT SIXTEEN (16), RICHARD & MARY SUBDIVISION, CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA. ACCORDING TO THE RECORDED PLAT THEREOF REZONING SAID PROPERTY FROM C-1; NEIGHBORHOOD COMMERCIAL TO C-3; HIGHWAY COMMERCIAL 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 18th day of May, 2015 upon an application to rezone certain properties located in the City of Shawnee, Oklahoma from zoning classification C-1; Neighborhood Commercial to C-3; Highway Commercial.

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 properties to be rezoned to C-3; Highway Commercial.

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: AP BLOCK SIXTEEN (16), WEST HALF OF LOTS THIRTEEN (13) THROUGH FIFTEEN (15) AND ALL OF LOT SIXTEEN (16), RICHARD & MARY SUBDIVISION THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF is hereby rezoned from C-1; Neighborhood Commercial to C-3; Highway Commercial and the official zoning map heretofore adopted is hereby amended so as to include said property as C-3; Highway Commercial.

PASSED AND APPROVED this 18th day of May, 2015.

WES MAINORD, MAYOR

(SEAL)

ATTEST:

PHYLLIS LOFTIS, CMC
CITY CLERK

Approved as to form and legality this 18th day of May, 2015.

MARY ANN KARNS
CITY ATTORNEY

Regular Board of Commissioners

9.

Meeting Date: 05/18/2015

P07-15 Rezoning w/CP-Withdrawn

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

A public hearing and consideration of approving an ordinance to rezone with a Conditional Use Permit for property located at 302 S Beard Street from I-2; Light Industrial District to I-3; Heavy Industrial District with a Conditional Use Permit. Case #P07-15 Applicant: Michael S. Kline (*Application withdrawn prior to Planning Commission May 4, 2015 meeting.*)

Regular Board of Commissioners

10.

Meeting Date: 05/18/2015

P08-15 PUD

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

A public hearing and consideration of an ordinance to rezone the property located on Highland and Kimberly Street from R-2; Combined Residential and R-3; Multi-Family Residential to PUD; Planned Unit Development. Case #P08-15; Applicant: Sac & Fox Housing Authority

Attachments

P08-15 PUD Rec

P08-15 PUD Ord

RECOMMENDATION TO:

**MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE**

RECOMMENDATION FROM:

**CITY OF SHAWNEE
PLANNING COMMISSION**

SUBJECT:

APPLICANT: Sac & Fox Housing Authority
FOR: Rezone from R-2; Combined Residential & R-3; Multi Family Residential to a Planned Unit Development
LOCATION: Highland and Kimberly Street, Shawnee, OK
PROJECT#: 150344 Case# P08-15

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION:

R-2; Combined Residential & R-3; Multi-Family Residential

REQUESTED CLASSIFICATION:

Planned Unit Development

PROPOSED PROPERTY USE:

Multi-Family Apartment Complex

PLANNING COMMISSION MEETING DATE: May 6th, 2015

PLANNING COMMISSION RECOMMENDATION: Approval w/ following conditions:

1. Developer shall adhere to proper procedure for having a public right-of-way closed, and then vacated from the Court records before consideration for Preliminary Plat.

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 6

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN						ABSENT
CLINARD			X			
KERBS		X	X			
SILVIA (CHAIRMAN)			X			
SALTER (VICE-CHAIRMAN)			X			
COWEN	X		X			
KIENZLE			X			

RESPECTFULLY SUBMITTED,

Cheyenne Lincoln

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
CASE #P08-15

TO: Shawnee Planning Commission

AGENDA: May 6, 2015

RE: Rezone Requested: R-2 (Combined Residential) & R-3 (Multi-family Residential) to a PUD (Planned Unit Development)

PROPOSAL

The applicant is requesting a rezone for a property, approximately 3.5 Acre in size, located north of Highland Street on Kimberly Avenue as part of Block 1 and Block 2 Sac and Fox Addition, a replat of Lot 16 Remington Beard Addition established in 1976. As stated in the project Design Statement, “the project site does not include Block 1 on Roosevelt Street as Block 1 are single family residences previously owned and developed by Housing Authority of Sac and Fox Nation that are now owner owned and occupied.”

The subject property is currently zoned, in part, both R-2 (Combined Residential) and R-3 (Multi-family Residential). The requested zoning would be that of a Planned Unit Development (PUD) for the construction of 2-3 Native American Sac and Fox apartment buildings primarily for elderly rental housing.

GENERAL INFORMATION

Applicant	Landes Engineering
Owner	Sac and Fox Housing Authority
Site Location/Address	Highland and Kimberly
Current Site Zoning	R-2 (Combined Residential) & R-3 (Multi-family Residential)
Proposed Zoning	PUD (Planned Unit Development)

Property Area	3.5 Acres
Current Use	Multi-family Residential and Undeveloped
Proposed Use	Multi-family Apartment Complex
Comprehensive Plan Designation	Commercial
Existing Land Use	Commercial
Surrounding Land Use	North – Residential (R-1) South – various Commercial (C-2 / C-3) West – Residential and Commercial (R-1 / C-3) East – Commercial (C-3)
Surrounding Zoning	Varies – please see zoning map. (Figure 1)

STAFF REVIEW AND ANALYSIS

The plan from the developer is to replat the subject site as a planned unit development (PUD). Existing already on site are six (6) structures: two (2) duplexes and four (4) quadplexes, built in conformance with 1976 city standards. These will remain as is on site. The following are changes requested on the property:

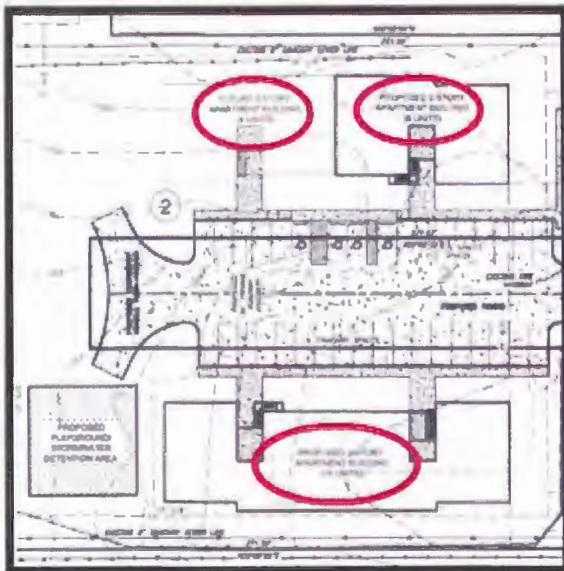


Figure 1: Proposed Structures.

Conceptually, this Sac and Fox PUD will allow the construction of two (2) apartment complex structures with 23 total proposed units. These apartments will serve as rental housing primarily for elderly citizens. There is also one additional proposed structure for a future option which is provided on site with an additional 8-10 dwelling units (Figure 1).

Site requirements from the City:

1. Kimberly Street is to be converted from a public right-of-way to a private street.
2. The incorporation of two (2) apartment complexes at the north end of the subject property with a storm shelter.
3. On-street parking for the proposed apartment complexes.
4. Storm water detention area and on site amenities, including a gazebo.

1. Six (6') foot sidewalk along the extent of Highland Street.
2. Storm water detention plans, to be approved by the City Engineer.
3. Outside recreational area, including gazebo.
4. Kimberly Street is to be removed as a "public right-of-way" and changed to a private roadway easement.
5. Public water and sanitary sewer facilities are available on site.

A PUD is a special zoning district that encourages creative design while maintaining appropriate limitations on the character and intensity of use. Planned Unit Developments provide a vehicle for negotiating modifications in standard development requirements in order to both encourage innovative development and protect the health, safety and welfare of the community.

The primary reason for requesting PUD approval is for the allowance of on-street parking, to conform with the current site design in place today. Forty-one (41) parking spaces with four (4) handicap spaces are proposed for the 23 apartment rental units or 1.8 spaces per apartment. No separate off-street parking is proposed.

By approving the PUD Staff intends to negotiate further improvements, such as outdoor recreational area, increased landscaping, outdoor amenities (gazebo), and a potential recreational walking path. The property owner would also take over maintenance of Kimberly Street.

As the subject property is currently zoned both R-2 and R-3, the overall character of this site would not drastically change. The PUD development will follow the regular requirements of the R-3 (Multi-family Residential) development standards. Surrounding properties are zoned either R-1 or R-2. In close proximity to this site, along Highland, are high concentrations of commercial uses (Figure 2). According to the Shawnee Comprehensive Plan (Figure 4.2), this area is designated for Residential uses, allowing the requested PUD to remain consistent with future land use.

Staff does hereby recommend approval on the requested rezone from R-1 and R-2 to a PUD as it is consistent with the Shawnee Comprehensive Plan and remains compatible with the zoning and character of this site.

STAFF RECOMMENDATION

Staff recommends **approval** of the proposed rezone from ***R-2: Combined Residential and R-3: Multi-family Residential*** to ***PUD: Planned Unit Development*** for the subject property with the following condition:

1. Developer shall adhere to proper procedure for having a public right-of-way closed, and then vacated from the Court records before consideration for Preliminary Plat.

Attachments

1. Figure 1: Proposed Structures
2. Figure 2: Zoning map
3. Figure 3: Aerial view of site
4. Figure 4: Future Land Use Map
5. Exhibit 1: Preliminary Plat – PUD Map
6. Exhibit 2: Preliminary Plat – PUD Map with Aerial.

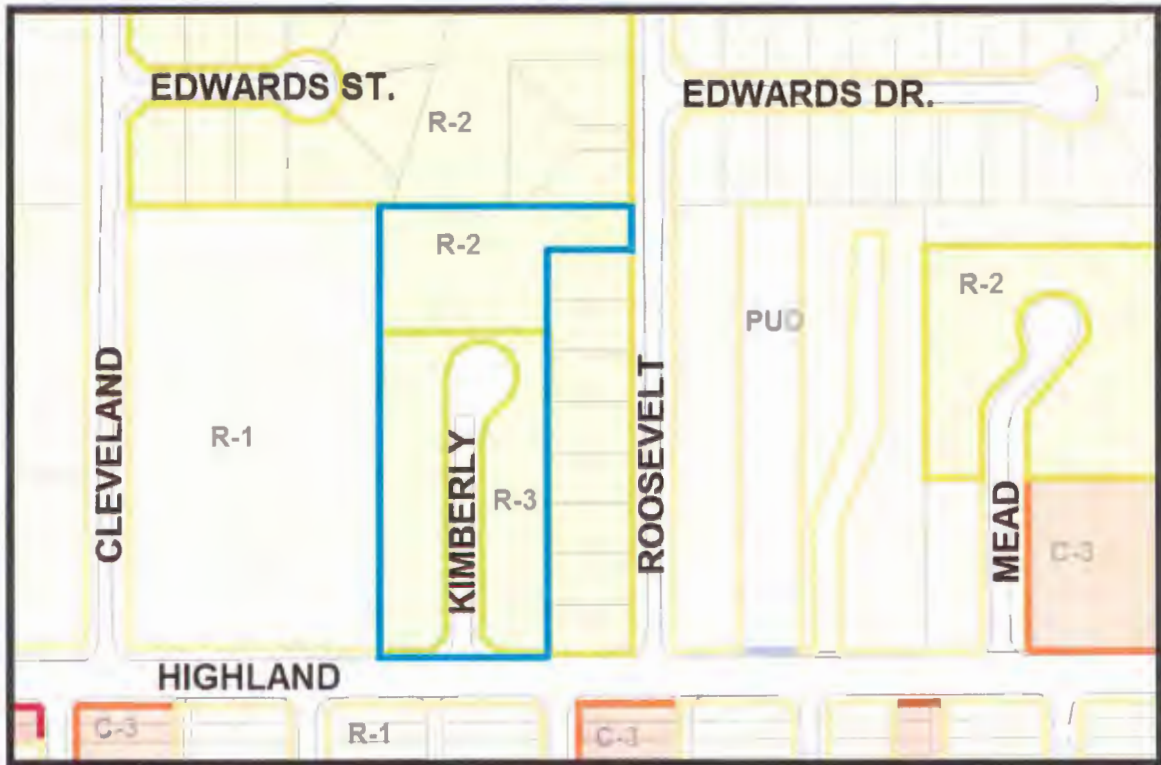


Figure 2: Zoning Map of site – approximate total area outlined in blue.



Figure 3: Aerial view of the site – approximate total area outlined in red.

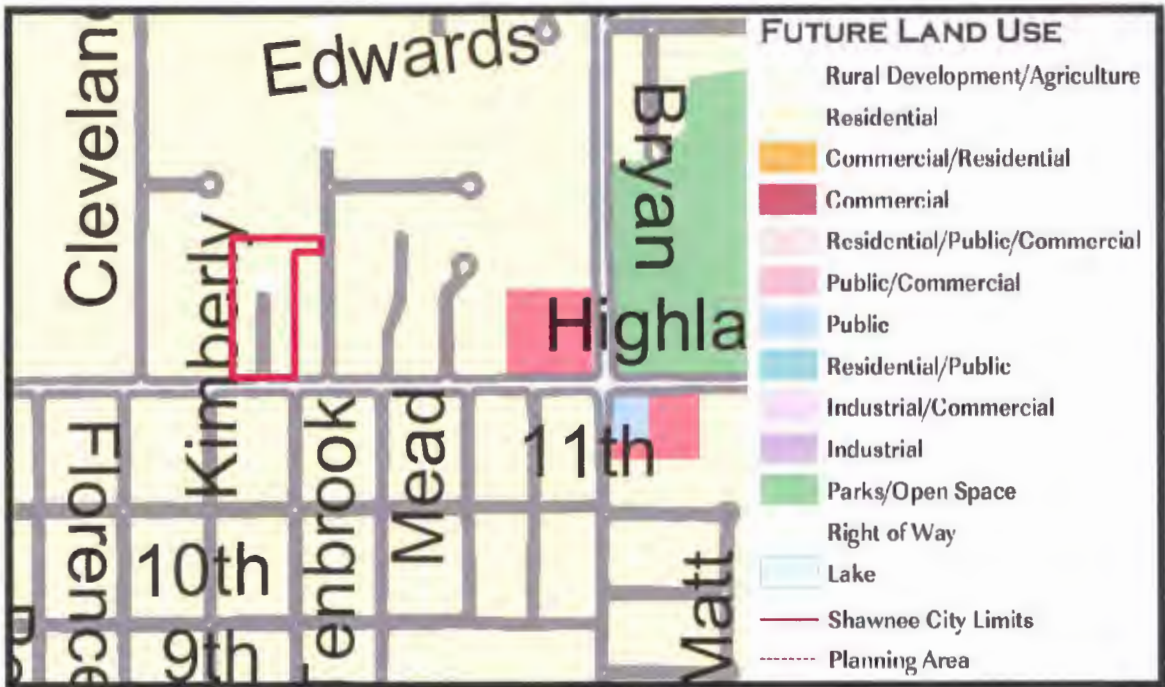


Figure 4: Shawnee Comprehensive Plan: Future Land Use Map (Figure 4.2). Approximate area outlined in red.

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P08-15

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on an application for approval of a Planned Unit Development, which is a special zoning district, on property located within the City of Shawnee.

The applicant requests a Planned Unit Development for the following described property:

SAC & FOX ADDITION, replat of Lot 16 Remington Beard Addition, a part of the SE/4, Section 17, Township 10 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

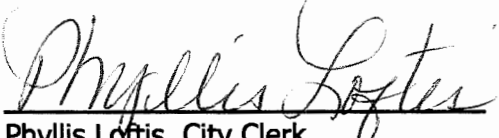
General Location Known As:	<u>Kimberly Street, Shawnee, OK</u>
Current Zoning Classification:	<u>R-2 & R-3; Combined and Multi-Family Residential District</u>
Requested Zoning Classification:	<u>Planned Unit Development "PUD"</u>
Proposed Use of Property:	<u>Apartments</u>
Applicant:	<u>Sac and Fox Housing Authority</u>

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

May 6 th , 2015 AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
May 18 th , 2015 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 Planned Unit Development. The Commission reserves the right to limit discussion and debate on the proposed Planned Unit Development in the public hearing, in which event those persons appearing in support or opposition of the proposed Planned Unit Development 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 14th day of April, 2015.

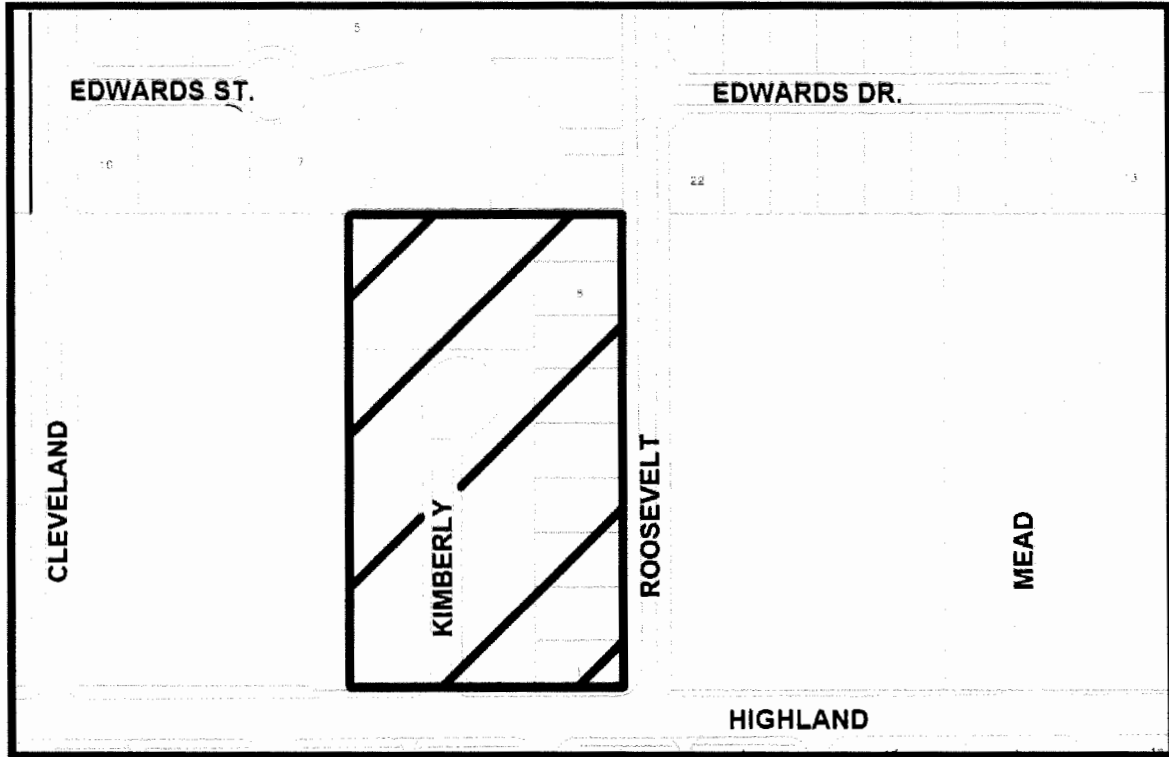


Phyllis Loftis, City Clerk



Location Map

Case #P08-15



CITY OF SHAWNEE
222 N. BROADWAY
SHAWNEE, OK 74801

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

PLANNING COMMISSION APPLICATION
PROJECT NO. 100344 CASE NO. 208-15

REQUEST:

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

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-2 / R-3 District to PUD District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): Kimberly Street

LEGAL DESCRIPTION: Blk 1 and Blk 2 Sac and Fox Addition

PROPERTY OWNER (S): Sac and Fox Housing Authority

PROPERTY AGENT (APPLICANT): Sac and Fox Housing Authority

APPLICANT'S ADDRESS: 201 N. Harrison

CITY: Shawnee **STATE** OK **ZIP** 74801

EMAIL ADDRESS: _____

TELEPHONE NUMBER: (405) 275-8200 **CONTACT NUMBER:** ()

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

CURRENT ZONING: R-2 / R-3 **CURRENT USE:** Apartments - Vacant


PROPOSED ZONING: PUD **PROPOSED USE:** Apartments - Rental

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 6th day of, April 2) 15


PLANNING COMMISSION SECRETARY

REZONING &/OR C.U.P FEE \$ 280.00
RECEIPT NO. 01723775

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.:** _____

CERTIFICATE OF BONDED ABTRACTOR
(300 FEET RADIUS REPORT)

STATE OF OKLAHOMA)
) §:
COUNTY OF POTTAWATOMIE)

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

SAC & FOX ADDITION, replat of Lot 16 Remington Beard Addition, a part of the SE/4, Section 17, Township 10 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (5), both inclusive.

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

Dated: March 23, 2015 at 7:30 AM at 7:30 AM

First American Title & Trust Company

By: Bobbie Jo Kopepasah
Bobbie Jo Kopepasah
Abstractor License No. 3389
OAB Certificate of Authority # 49
File No. 2022302-SH99

OWNERSHIP LIST

ORDER NO. 2022302

DATE PREPARED: APRIL,06 2015
EFFECTIVE DATE: March 24, 2015 at 7:30 AM

OWNER	LOT	BLK	ADDITION
HOUSING AUTH OF THE ABSENTEE SHAWNEE TRIBE P O BOX 425 SHAWNEE OK 74802-0000			REMINGTON & BEARD BEG SW/C OF BLK 25 THENCE E175' FOR BEG THENCE N621 1/2' E175' S441 1/2' W125' S180' W50' POB LESS A STRIP TO STATE 1.92 Acres
HOUSING AUTHORITY OF THE ABSENTEE SHAWNEE TRIBE P O BOX 425 SHAWNEE OK 74802-0425			REMINGTON & BEARD BEG SW/C LOT 25 N140' E50' S140' W50' POB & BEG SE/C LOT 25 W75' N140' E75' S140' POB & BEG 225'E & 140'N (DEED HAS 40')SW/C LOT 25 E125' N40' W125' S40' POB (ERROR IN LEGAL 2006-929) (CORRECTED 2006-8305) ALSO 1902 E HIGHLAND
MANKIN JERRY E & SHARRON TRUST 17406 COKER RD SHAWNEE OK 74801-0000			REMINGTON & BEARD BEG NW/C LOT 25 E175' S100' W175' N100' POB
NADEAU REX 47770 RUBEN RIVER RD EARLSBORO OK 74840-0000			REMINGTON & BEARD BEG 319'N SW/C LOT 25 N60' E175' S60' W175' POB
WUSHUR HAZARETALI C/O WUSHUR BAK 1705 BRIARCREEK DR NORMAN OK 73071-0000			REMINGTON BEARD BEG 439'N SW/C LOT 25 N82.5' E175' S82.5' W175' POB
GARZA GARY 505 N ROOSEVELT SHAWNEE OK 74801-0000			REMINGTON BEARD BEG 140'N SW/C LOT 25 N59' E175' S59' TH W175' TO POB
WELCOME HOME RENTALS LLC P O BOX 3861 SHAWNEE OK 74802-0000			REMINGTON BEARD BEG 260'N SW/C LOT 25 TH N59' E175' S59' W175' POB
BROKESHOULDER WYNONA & LORETTA & GLENDA % EDDIE ROOSEVELT 513 N ROOSEVELT SHAWNEE OK 74801-0000			REMINGTON BEARD TR BEG 379'N SW/C LOT 25 TH N60' E175' S60' W175' POB
GILBERT TIM J & JEAN ANN 101 GARDEN WOOD DR HOLDENVILLE OK 74848-0000			REMINGTON-BEARD A TR BEG AT A PT 199'N OF SW/C LOT 25 TH N61' E175' S61' W175' POB
GRIZZLE GLENN R & RUTH L 412 N BEARD SHAWNEE OK 74801-0000			REMINGTON & BEARD BEG SW/C LOT 25 N140' E75' S140' W75' LESS S5' OF W75.50' OF LOT 25 MAIL TO HIS OFFICE ADDRESS 412 N BEARD
HOUSING AUTH OF ABST P O BOX 425 SHAWNEE OK 74802-0425			REMINGTON & BEARD BEG 75'E SW/C BLK 25 THENCE N&S 140' BY E&W 100' TO BEG LESS R/W TO STAT

STATE OF OKLA 200 NE 21ST OKLA CITY OK 73105-0000			REMINGTON & BEARD A STRIP OF LAND PT OF LOT 25 DES AS S5' OF W50' OF E175' OF LOT 25 LAND 45
STATE OF OKLA 200 NE 21ST OKLA CITY OK 73105-0000			REMINGTON & BEARD S5' OF E125' OF LOT 25 LAND 345
STATE OF OKLA 200 NE 21ST OKLA CITY OK 73105-0000			REMINGTON & BEARD PT OF LOT 25 DESC AS S5' OF W75.50' OF LOT 25 LAND 100
STATE OF OKLA 200 NE 21ST OKLA CITY OK 73105-0000			REMINGTON & BEARD S5' OF E100' OF W175.50' OF LOT 25 LAND 70
BROWN SUSAN J 1801 EDWARDS SHAWNEE OK 74801-0000			SUNDOWN BLK 1 LOT 22 1.00 Lots
LINDSAY JACOB & SHAYLA 1803 E EDWARDS SHAWNEE OK 74801-0000			SUNDOWN BLK 1 LOT 21 1.00 Lots
ROGERS DAVID & MARIE 1805 E EDWARDS SHAWNEE OK 74801-0000			SUNDOWN BLK 1 LOT 20 1.00 Lots
SHAUB LINDA LIFE ESTATE 1807 E EDWARDS SHAWNEE OK 74801-0000			SUNDOWN BLK 1 LOT 19 LAND 200 LIFE ESTATE TO AMANDA KAY FKNOX & CASSIDY JANE HALL 2009-933 1.00 Lots
HOUSING AUTH OF ABST P O BOX 425 SHAWNEE OK 74802-0425			SUNDOWN BLK 1 LOT 18 LAND 200 1.00 Lots
R & F INVESTMENTS LLC P O BOX 723 SHAWNEE OK 74802-0723			SUNDOWN BLK 1 LOT 4 1.00 Lots
HOUSING AUTH OF ABST P O BOX 425 SHAWNEE OK 74802-0425			SUNDOWN BLK 1 LOT 3 LAND 200 1.00 Lots
RINDERER WILLIE J & LOIS J 6 MELANIE LN SHAWNEE OK 74801-0000			SUNDOWN BLK 1 LOT 2 1.00 Lots
FERRELL TONEY ZANE REVOC LIVING TRUST 1802 E EDWARDS SHAWNEE OK 74801-0000			SUNDOWN BLK 1 LOT 1 1.00 Lots
LANE CHARLES B & BARBARA 1901 E HIGHLAND SHAWNEE OK 74801-0000			OAK PARK BLK 1 W90' LOTS 18 THRU 23 LESS .01AC TR IN NW/C OF LOT 18 4.50 Lots
ROSE JERRY & JOY 704 N MARKET SHAWNEE OK 74801-0000			OAK PARK BLK 1 LOTS 24 & 25 2.00 Lots
MIDAS INVESTMENTS RENTALS LLC 1801 NE 135TH ST STE B OKC OK 73132-0000			OAK PARK BLK 2 E40' LOTS 1 THRU 5 & E40' OF N15' LOT 6 LESS STRIP TO STATE 2.50 Lots
STATE OF OKLA 200 NE 21ST OKLA CITY OK 73105-0000			OAK PARK BLK 2 PART LOT 1 IN NE/C LAND 50
CARPENTER HARVEY G & BETTY JO 1827 E HIGHLAND SHAWNEE OK 74801-0000			OAK PARK BLOCK 2 W100' LOTS 1 THRU 5 & W100' OF N15' LOT 6
MADDUX WILLIAM K 1114 N KICKAPOO SHAWNEE OK 74801-0000			OAK PARK BLK 2 S10' LOT 6 & ALL LOTS 7 & 8

PATAKI JONI M 416 N TENBROOK AVE SHAWNEE OK 74801-0000			OAK PARK BLK 2 LOTS 9 THRU 11 3.00 Lots
WILLIAMS DREAM PROPERTIES LLC 1113 N PHIL SHAWNEE OK 74801-0000			OAK PARK BLK 2 LOTS 12 & 13 2.00 Lots
HOUSING AUTHORITY OF THE ABSENTEE SHAWNEE TRIBE 107 N KIMBERLY SHAWNEE OK 74801-0000			OAK PARK BLK 2 LOTS 18 & 19 & 20 & 21. 4.00 Lots
STATE OF OKLA 200 NE 21ST OKLA CITY OK 73105-0000			OAK PARK BLK 2 BEG NW/C LOT 18 E ALG N LINE LOT 18 15.42' SW21.60' TO PT ON ETC LAND 200
GADDY ARNOLD E P O BOX 1625 SHAWNEE OK 74802-1625			OAK PARK BLK 2 LOT 22 & N1/2 LOT 23 1.50 Lots
WEAVER ROBERT E 77 GRANADA SHAWNEE OK 74804-3341			OAK PARK BLK 2 S1/2 LOT 23 & ALL LOT 24 1.50 Lots
GOUKER JOE P 417 N ROOSEVELT SHAWNEE OK 74801-0000			OAK PARK BLK 2 LOTS 25 THRU 27 3.00 Lots
KLAUS JIMMY LEON SR & VIVIAN JEAN 407 N ROOSEVELT SHAWNEE OK 74801-0000			OAK PARK BLK 2 LOTS 28 THRU 32 & N5' LOT 33 5.00 Lots
BOARD OF COUNTY COMMISSIONERS 325 N BDWY SHAWNEE OK 74801-0000			OAK PARK BLK 3 LOTS 1 THRU 4 LESS STRIP IN LOT 1 TO STATE 4.00 Lots
REVELATION 316 LLC 700 S AIR DEPOT #316 MWC OK 73110-0000			OAK PARK BLK 3 LOTS 5 THRU 8 4.00 Lots
BROWN JASON & JENNIFER P O BOX 564 SHAWNEE OK 74802-0564			OAK PARK BLK 3 LOTS 9 & 10 2.00 Lots
WOOD SHIRLEY S LUNN & TONI LEE JONES 408 N ROOSEVELT SHAWNEE OK 74801-0000			OAK PARK BLK 3 LOTS 13 THRU 15 3.00 Lots
STATE OF OKLA 200 NE 21ST OKLA CITY OK 73105-0000			OAK PARK BLK 3 PART OF LOT 18 & PART OF LOT 1 LAND 30
STANFORD JULIE ANN TR GOBLE FAMILY SPECIAL NEEDS TRUST 13208 SWEET BERRY RD OKC OK 73170-2100			OAK PARK BLK 3 LOTS 22 THRU 24 3.00 Lots
JOHNSON ANITA G & NICKEY 417 N KIMBERLY SHAWNEE OK 74801-0000			OAK PARK BLK 3 LOTS 25 & 26 2.00 Lots
AGUILAR CHRISTOPHER 415 N KIMBERLY SHAWNEE OK 74801-0000			OAK PARK BLK 3 LOTS 27 & 28 2.00 Lots
WILSON CAROL M & / OR MARVIN 413 N KIMBERLY SHAWNEE OK 74801-0000			OAK PARK BLK 3 LOTS 29 & 30 2.00 Lots
BOARD OF COUNTY COMMISSIONERS 325 N BDWY SHAWNEE OK 74801-0000			OAK PARK BLK 3 LOTS 18 THRU 21 LESS STRIP IN LOT 18 TO STATE 4.00 Lots

O'RORKE FARRA MICHELLE 412 N ROOSEVELT SHAWNEE OK 74801-0000			OAK PARK BLK 3 LOTS 11 & 12 2.00 Lots
WEILMUNSTER CORRINE L 436 N KIMBERLY SHAWNEE OK 74801-0000			OAK PARK BLK 4 LOTS 1 THRU 4 LESS .01A IN NE/C LOT 1 4.00 Lots
STATE OF OKLA 200 NE 21ST OKLA CITY OK 73105-0000			OAK PARK BLK 4 BEG NE/C LOT 1 W9.58' S44°E13.79' N10' POB LAND 15
GOODE BRENDA J 6 JANICE LN SHAWNEE OK 74801-0000			OAK PARK BLK 4 LOTS 5 THRU 8 TOD TO MELANI K CLIFTON 2012-19875 4.00 Lots
VAN DYNE KURT A 420 N KIMBERLY SHAWNEE OK 74801-0000			OAK PARK BLK 4 LOTS 9 & 10 2.00 Lots
740 RENTALS LLC 406 N KIMBERLY SHAWNEE OK 74801-0000			OAK PARK BLK 4 LOTS 11 & 12 2.00 Lots
FOLKINS L LEE & YOLANDA M FOLKINS FAMILY REVOC TRUST 14439 FAWNHAVEN CT ORLANDO FL 32828-0000			OAK PARK BLK 4 LOTS 18 THRU 21 LESS STRIP IN NW/C LOT 18 4.00 Lots
STATE OF OKLA 200 NE 21ST OKLA CITY OK 73105-0000			OAK PARK BLK 4 BEG NW/C LOT 18 E ALG N LINE 40.42' S57W47.71' TO PT ECT LAND 200
SINGLETON JOE G 2809 LANAPA ST FARMINGTON NM 87401-0000			REMINGTON & BEARD BEG AT SW/C LOT 15 THENCE E96' N84' W96' S84' TO BEG.
STATE OF OKLA 200 NE 21ST OKLA CITY OK 73105-0000			REMINGTON & BEARD S10' OF E254.50' OF LOT 15 .06A LAND 340
CLIFTON JAMES ARNOLD III 700 NE 122ND ST APT 1711 OKC OK 73114-0000			REMINGTON & BEARD LOT 15 LESS 96' X 84' IN SW/C LESS S10' OF E254.40' OF LOT 15 4.65 Acres
HOUSING AUTH OF ABST P O BOX 425 SHAWNEE OK 74802-0425			REMINGTON & BEARD REPLAT OF LOT 17 LOT 1 DUPLEX-1602 A & B 1.00 Lots
HOUSING AUTH OF ABST P O BOX 425 SHAWNEE OK 74802-0425			REMINGTON & BEARD REPLAT OF LOT 17 LOT 2 DUPLEX-1604 A & B 1.00 Lots
HOUSING AUTH OF ABST P O BOX 425 SHAWNEE OK 74802-0425			REMINGTON & BEARD REPLAT OF LOT 17 LOT 4 DUPLEX-1608 A & B 1.00 Lots
HOUSING AUTH OF ABST P O BOX 425 SHAWNEE OK 74802-0425			REMINGTON & BEARD REPLAT OF LOT 17 LOT 5 DUPLEX-1610 A & B 1.00 Lots
HOUSING AUTH OF ABST P O BOX 425 SHAWNEE OK 74802-0425			REMINGTON & BEARD REPLAT OF LOT 17 LOT 5 DUPLEX-1610 A & B 1.00 Lots
HOUSING AUTH OF ABST P O BOX 425 SHAWNEE OK 74802-0425			REMINGTON & BEARD REPLAT OF LOT 17 LOT 6 DUPLEX-1609 A & B 1.00 Lots
HOUSING AUTH OF ABST P O BOX 425 SHAWNEE OK 74802-0425			REMINGTON & BEARD REPLAT OF LOT 17 LOT 7 DUPLEX-1607 A & B 1.00 Lots

HOUSING AUTH OF ABST P O BOX 425 SHAWNEE OK 74802-0425			REMINGTON & BEARD REPLAT OF LOT 17 LOT 8 DUPLEX-1605 A & B 1.00 Lots
HOUSING AUTH OF ABST P O BOX 425 SHAWNEE OK 74802-0425			REMINGTON & BEARD REPLAT OF LOT 17 LOT 9 DUPLEX-1603 A & B 1.00 Lots
HOUSING AUTH OF ABST P O BOX 425 SHAWNEE OK 74802-0425			REMINGTON & BEARD REPLAT OF LOT 17 LOT 10 DUPLEX-1601 A & B 1.00 Lots
HOUSING AUTH OF ABST P O BOX 425 SHAWNEE OK 74802-0425			REMINGTON & BEARD REPLAT OF LOT 17 LOT 11 DUPLEX-524 A & B 1.00 Lots
HOUSING AUTH OF ABST P O BOX 425 SHAWNEE OK 74802-0425			REMINGTON & BEARD REPLAT OF LOT 17 LOT 12 DUPLEX-522 A & B 1.00 Lots
HOUSING AUTH OF ABST P O BOX 425 SHAWNEE OK 74802-0425			REMINGTON & BEARD REPLAT OF LOT 17 LOT 13 DUPLEX-520 A & B 1.00 Lots
HOUSING AUTH OF ABST P O BOX 425 SHAWNEE OK 74802-0425			REMINGTON & BEARD REPLAT OF LOT 17 LOT 14 1.00 Lots

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, FROM R-2; COMBINED RESIDENTIAL AND R-3; MULTI-FAMILY RESIDENTIAL TO P.U.D.; PLANNED UNIT DEVELOPMENT AS DESCRIBED BELOW, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE, ACCORDINGLY.

To-wit: Highland and Kimberly Street
Shawnee, Oklahoma
LEGAL DESCRIPTION

SAC & FOX ADDITION, replat of Lot 16 Remington Beard Addition, a part of the SE/4, Section 17, Township 10 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

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 18th day of May, 2015 upon an application to rezone certain property located in the City of Shawnee, Oklahoma from R-2; Combined Residential and R-3; Multi-Family Residential to P.U.D.; Planned Unit Development.

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 to P.U.D.; Planned Unit Development.

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

Section 1: That the following described property located within the corporate limits of the City of Shawnee, Oklahoma,

To-wit: Highland and Kimberly Street
Shawnee, Oklahoma
LEGAL DESCRIPTION

SAC & FOX ADDITION, replat of Lot 16 Remington Beard Addition, a part of the SE/4, Section 17, Township 10 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

be hereby rezoned P.U.D.; Planned Unit Development.

PASSED AND APPROVED this 18th day of May, 2015.

WES MAINORD, MAYOR

(SEAL)

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality this 18th day of May, 2015.

MARY ANN KARNS
CITY ATTORNEY

Regular Board of Commissioners

11.

Meeting Date: 05/18/2015

P09-15 Rezoning

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

A public hearing and consideration of approval of an ordinance to rezone property located at Harrison Street, North of Wolverine Road, from A-1; Rural Agricultural to I-3; Heavy Industrial. Case #P09-15
Applicant: The Landrun Group, LLC

Attachments

P09-15 Rec

P09-15 Ord

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: The Landrun Group, LLC
FOR: Rezone from A-1; Rural Agricultural to I-3; Heavy Industrial
LOCATION: Harrison Street, North of Wolverine Road, Shawnee, OK
PROJECT#: 150329 Case# P09-15

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: A-1; Rural Agricultural
REQUESTED CLASSIFICATION: I-3; Heavy Industrial
PROPOSED PROPERTY USE: Wood Treatment Facility

PLANNING COMMISSION MEETING DATE: May 6th, 2015

PLANNING COMMISSION RECOMMENDATION: Approval

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 6

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN						ABSENT
CLINARD			X			
KERBS	X		X			
SILVIA (CHAIRMAN)			X			
SALTER (VICE-CHAIRMAN)		X	X			
COWEN			X			
KIENZLE			X			

RESPECTFULLY SUBMITTED,
Cheyenne Lincoln
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 – Universal Forest Products

Rezone – Case #P09-15
Preliminary Plat – Case #S05-15

TO: Shawnee Planning Commission

AGENDA: May 6, 2015

RE: Rezone from A-1 (Agricultural) to I-3 (Heavy Industrial)
Preliminary Plat

PROPOSAL

The applicant is requesting both a rezone from A-1 (Agricultural) to I-3 (Heavy Industrial) and Preliminary Plat approval for the construction of an industrial wood treatment plant. The property is located on Harrison Street north of Wolverine Road and will be completed in two (2) phases.

GENERAL INFORMATION

Applicant	The Land Run Group, LLC
Owner(s)	UFP Western Division, Inc.
Site Location/Address	Harrison Street north of Wolverine Road
Current Site Zoning	A-1 (Agricultural)
Proposed Zoning	I-3 (Heavy Industrial)
Parcel Size	30.06 Acres
Proposed Use	Wood Treatment Facility
Comprehensive Plan Designation	Industrial
Existing Land Use	Vacant
Surrounding Zoning	North: A-1 (Agricultural)

	South: I-2 (Light Industrial) East: A-1 (Agricultural) & I-2 (Light Industrial) West: I-2 (Light Industrial)
--	--



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

STAFF REVIEW AND ANALYSIS

The applicant in this case intends to rezone the subject property from A-1 to I-3 in an effort to construct a wood pressure treatment plant. The ownership of this property is Universal Forest Products (UFP), established in 1955. They are headquartered in Grand Rapids, Michigan and own approximately 80 facilities across the United States. UFP is a \$2.7 billion holding company that provides capital, management and administrative resources to subsidiaries that design, manufacture and market wood and wood-alternative products for the retail, construction and industrial markets.

Lumber would be transported to and treated on the subject site. Pressure treatment is a process that forces chemical preservatives into the wood. Wood is placed inside a closed cylinder, then vacuum and pressure are applied to force the preservatives into the wood.

The preservatives help protect the wood from attack by termites, other insects, and fungal decay.

Generally, the wood will be pressure-treated with water and a copper based preservative, then transported off-site for retail. All water and chemicals for this practice will stay on site, never to be incorporated into the sanitary sewer or storm water drainage system. The property is approximately 30 acres in size, meeting all dimensional requirements for Industrial development.

Universal Forest Products has requested to pay a fee-in-lieu of sidewalk construction. As required by Ordinance #2526, the applicant has submitted written request to pay a fee instead of installing a sidewalk. Payment of the required fee is to be made prior to issuance of the building permit.

A contributing factor for Staff's recommendation to approve the fee-in-lieu of is that sidewalks and residential activity do not exist in this immediate area. The surrounding area is primarily dominated with industrial uses and is not within proximity to a school, park, or other public or quasi-public facility.

City requirements:

1. Six (6') sidewalk required or pay-in-lieu of along Harrison Street for the full length of property.
2. Storm water drainage to be approved by the City Engineer.
3. Developer shall extend the City's waterline across the frontage of the area they will be final platting.
4. Developer shall extend the City's sanitary sewer lines to at least the boundary of Lot 1 – Block 2 shown on the Preliminary Plat.
5. Updated Stormwater Management Report. The current report only pertains to Lot 1 – Block 1. The inclusion of both lots will be necessary.

STAFF RECOMMENDATION

The technical aspects of the rezone and Preliminary Plat have been reviewed by the City Engineer and other appropriate staff. Staff does recommend approval of a rezone from A-1, Agricultural, to I-3: Heavy Industrial. Also, Staff does recommend approval of the Preliminary Plat, with the following conditions:

1. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
2. The final engineered drainage plan must be approved by the City Engineer concurrent with Final Plat approval.
3. Six (6') foot sidewalk or fee-in-lieu of required along Harrison Street and is to be paid concurrent with Building Permit submittal.
4. All other applicable City standards apply.

Attachments

1. Figure 1: Aerial view of site
2. Figure 2: Zoning Map
3. Figure 3: Future Land Use Map
4. Exhibit 1: Preliminary Plat

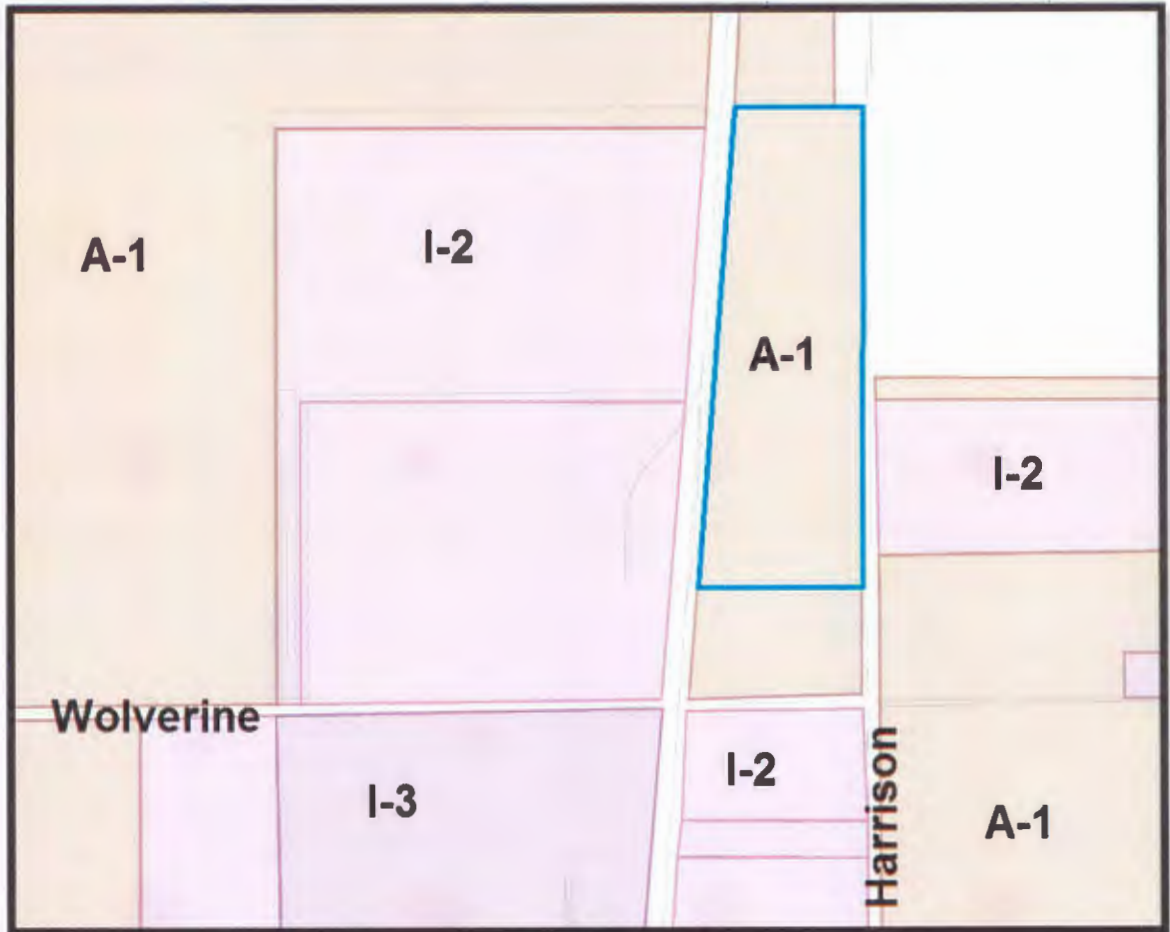


Figure 2: Zoning Map of site – approximate total area outlined in blue.

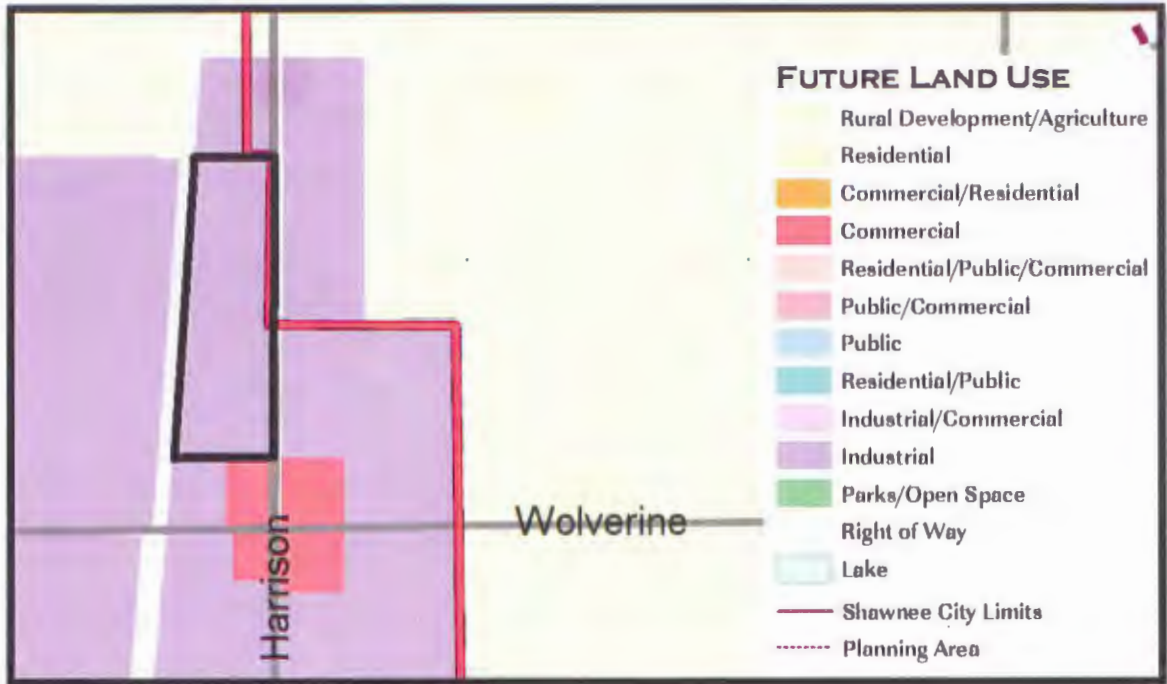


Figure 3: Future Land Use Map – approximate total area outlined in black.

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P09-15

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 located in the SE/4 of Section 18, Township 11 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma, more particularly described as follows:

Commencing at the SE/corner of said SE/4; thence S 89°22'25" W a distance of 81.18 feet; thence N 00°03'12" W a distance of 447.50 to the Point of Beginning; thence N 00°03'12" W a distance of 492.12 feet; thence N 08°28'39" E a distance of 101.12 feet; thence N 00°03'12" W a distance of 200 feet; thence N 02°54'57" W a distance of 100.12 feet; thence N 00°03'12" W a distance of 500 feet; thence N 01°51'21" E a distance of 150.08 feet; thence N 00°03'12" W a distance of 645.31 feet; thence S 89°31'29" W a distance of 521.89 feet; thence S 04°15'03" W a distance of 2197.04 feet; thence N 89°19'38" E a distance of 671.81 feet to the Point of Beginning.

General Location Known As:	<u>Harrison Street and Wolverine Rd., Shawnee, OK</u>
Current Zoning Classification:	<u>A-1; Rural Agricultural District</u>
Requested Zoning Classification:	<u>I-3; Heavy Industrial District</u>
Proposed Use of Property:	<u>Industrial</u>
Applicant:	<u>The Landrun Group LLC</u>

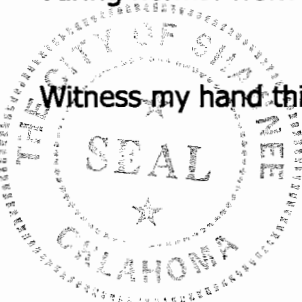
The "Zoning Map of the City of Shawnee, Oklahoma" will be amended accordingly to reflect such change if approved by the City Commission.


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

May 6th, 2015 AT 1:30 P.M.: CITY OF SHAWNEE PLANNING COMMISSION
May 18th, 2015 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.

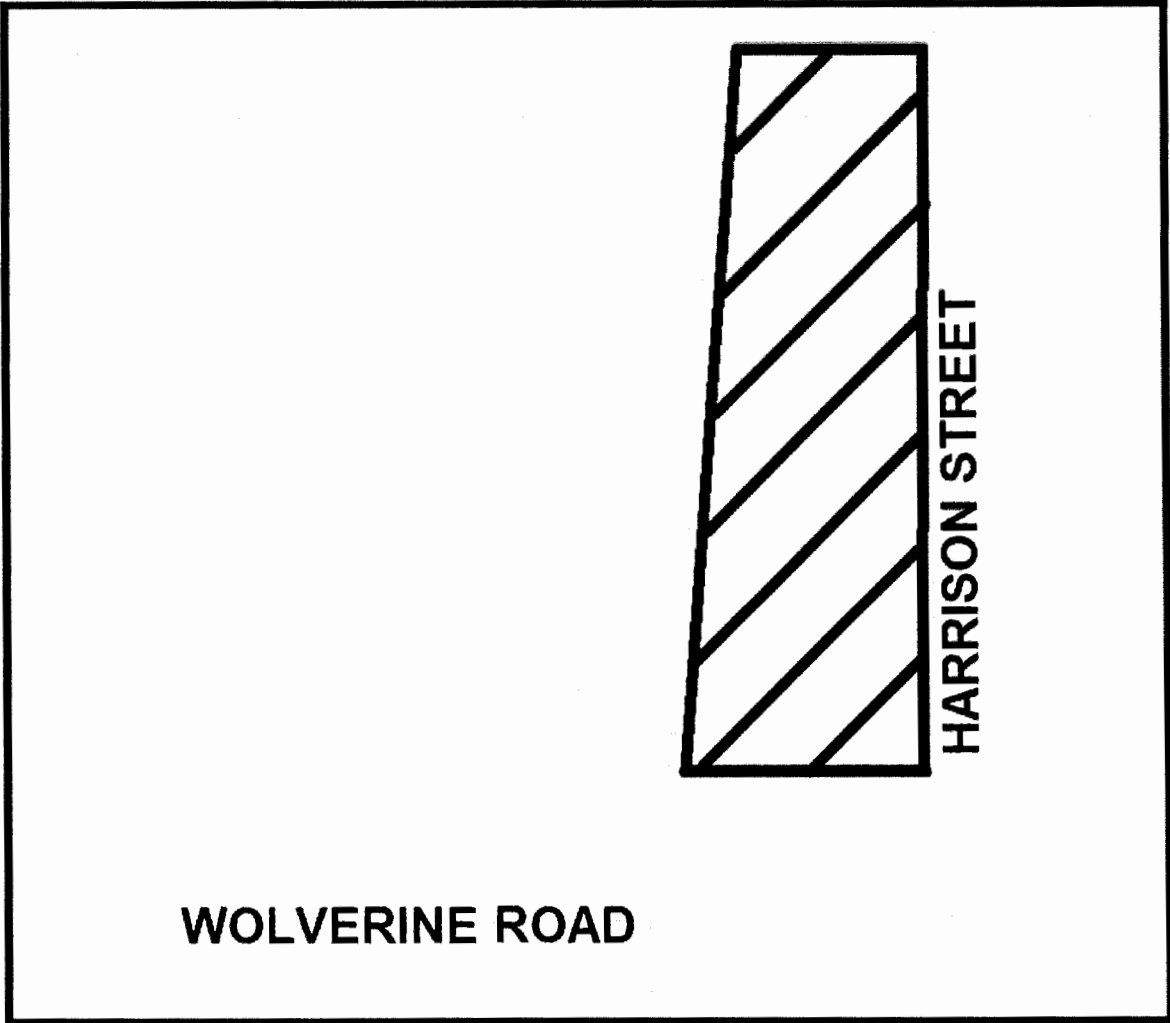
Witness my hand this 14th day of April, 2015.




Phyllis Loftis, City Clerk

Location Map

Case #P09-15



CITY OF SHAWNEE
222 N. BROADWAY
SHAWNEE, OK 74801

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

PLANNING COMMISSION APPLICATION
PROJECT NO. 180329 CASE NO. POA-15

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 A District to I-3 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): Highway 18 / Harrison & Wolverine Rd.

LEGAL DESCRIPTION: Port of SE 1/4 Sec 18 T11N R4E Jm - See Exhibit "A"

PROPERTY OWNER (S): UFP Western Division, Inc.

PROPERTY AGENT (APPLICANT): The Land Run Group, LLC

APPLICANT'S ADDRESS: 201 West 9th Street

CITY: Shawnee STATE OK ZIP 74801

EMAIL ADDRESS: jlandes@landrungle.com

TELEPHONE NUMBER: (405) 273-4222 CONTACT NUMBER: ()

DIMENSIONS OF PROPERTY: AREA 30.06 acres WIDTH 600'
LENGTH ~~1000~~ 1550' FRONTAGE 1575'

CURRENT ZONING: Agriculture CURRENT USE: Vacant

PROPOSED ZONING: I-3 PROPOSED USE: Industrial

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 6th day of April 20 15


PLANNING COMMISSION SECRETARY

REZONING &/OR C.U.P FEE \$ 280.00
RECEIPT NO. 01723382

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.: _____

CERTIFICATE OF BONDED ABTRACTOR
(300 FEET RADIUS REPORT)

RECEIVED

APR 03 2015

PLANNING / CODE

STATE OF OKLAHOMA)
) §:
COUNTY OF POTTAWATOMIE)

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

A tract of land located in the SE/4 of Section 18, Township 11 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma, more particularly described as follows:

Commencing at the SE/corner of said SE/4; thence S 89°22'25" W a distance of 81.18 feet; thence N 00°03'12" W a distance of 447.50 to the Point of Beginning; thence N 00°03'12" W a distance of 492.12 feet; thence N 08°28'39" E a distance of 101.12 feet; thence N 00°03'12" W a distance of 200 feet; thence N 02°54'57" W a distance of 100.12 feet; thence N 00°03'12" W a distance of 500 feet; thence N 01°51'21" E a distance of 150.08 feet; thence N 00°03'12" W a distance of 645.31 feet; thence S 89°31'29" W a distance of 521.89 feet; thence S 04°15'03" W a distance of 2197.04 feet; thence N 89°19'38" E a distance of 671.81 feet to the Point of Beginning.

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

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

Dated: March 24, 2015 at 7:30 AM

First American Title & Trust Company

By: Bobbie Jo Koepersal
Bobbie Jo Koepersal
Abstractor License No. 3389
OAB Certificate of Authority # 49
File No. 2022953-OK99

OWNERSHIP LIST

**ORDER NO. 2022953
UNIVERSAL FOREST**

DATE PREPARED: March 31, 2015
EFFECTIVE DATE: March 24, 2015 AT 7:30 AM

OWNER	LOT	BLK	ADDITION
RAIDASH LLC C/O DR. OBHRAI 3315 KETHLEY RD SHAWNEE, OK 74804			A TR BEG SE/C SE W786.25' TO PT ON E ROW OF RR N04* 15'03"E ALG ROW 2,646.11' E588.32' S2,636.25' TO POB SUBJECT TO ROW OF HWY 18. LESS 2.79AC REC# 2005 -195 38.80 Acres
DEPT OF TRANSPORTATION 200 NE 21 ST OKLAHOMA CITY, OK 73105			BEG SE/C NE N330.75' W68. 03' S330.70' E67.83 POB
DEPT OF TRANSPORTATION 200 NE 21 ST OKLAHOMA CITY, OK 73105			BEG 330.75'N SE/C NE TH N330.75 W68.28' S26.89' S303.82' E68.03' POB
WOLVERINE HOLDING COMPANY 41600 WOLVERINE RD SHAWNEE, OK 74804			N89*E150' N0*E50' SW/C SE N0*E1334.7' N89*E1699.68' S04*W1339.53' S89*W1601.32 TO POB 49.07 Acres
STATE OF OKLAHOMA 200 NE 21 ST OKLAHOMA CITY, OK 73105			10-SU BEG 89*20'28"E150' & N0*04'30"E33' OF SW/C SE N89*20'28"E1600.54' ETC.
CARLA JO HASBEL TRUST 8806 N HARRISON SHAWNEE, OK 74804			S/2 S/2 S/2 NE LESS .31AC TO STATE 19.69 ACRES
STATE (ODOT) 200 NE 21 ST OKLAHOMA CITY, OK 73105			SW/C SW N658.69' E113.43' S420.96' S1*E237.77' W118.83' POB 1.75 Acres
REDBUD DEVELOPMETN LLC 106 HUNTINGTON CT SHAWNEE, OK 74801			10-SR S1/2 SW SW LESS 1.75AC REC# 2005-196 18.25 Acres
STATE (ODOT) 200 NE 21 ST OKLAHOMA CITY, OK 73105			BEG 420'S NW/C SW S799.2' E107.97' N222.17' N2*W 100.12' N400' N8*E78.12' W114.07' POB
JEFFREY ANDERSON & BILL MYERS 925 E ARLINGTON ADA, OK 74820			BEG NW/C SW E422' S200' W422' N200' POB LESS .48AC REC 2005- 815 THE WATERING HOLE SALOON 1.46 Acres
JOSEPH E IV & ANNETTE G YORK PO BOX 691587 SAN ANTONIO, TX 78269-1587			10U TR IN SW BEG 200'S NW/C E422' S220' W422' N220' TO POB. 2.00 Acres
G & J MONTGOMERY PROPERTIES 6905 UPPER 29 TH ST NORTH OAKDALE, MN 55128			BEG SW/C NW N660' E660' S660' W660' POB LESS 1.62AC REC 2005-717 8.38 Acres
STATE (ODOT) 200 NE 21 ST OKLAHOMA CITY, OK 73105			BEG SW/C NW N660' E126.73 S27.51 S0*03'12"E29.95' S13*W103.08' S503.19' W102.22' POB 1.62 Acres

STATE (ODOT) 200 NE 21 ST OKLAHOMA CITY, OK 73105			BEG NW/C SW S200' E117.35' N2.66' N8*W 101.12' N96.81' W102.23' POB
STATE (ODOT) 200 NE 21 ST OKLAHOMA CITY, OK 73105			BEG SE/C SE/4 N2634.77' W67.83' S645.31' S1*W150.08' S500' S2*E100.12' S200' S8*W101.12' S939.62 E81.18' POB 2.79 Acres
THE DUDLEY FAMILY LITMED PARTNERSHIP 2102 N BEARD SHAWNEE, OK 74801			NW SW LESS TRACRS & LESS .60AC REC 2005-712 29.46 ACRES
EATON HYDRAULICS INC TAX DEPT MAIL CODE 2N 100 EATON BLVD CLEVELAND, OH 44122-9100			10-SU N1/2 SW SW & 3A IN NW SW LESS .66 AC TO STATE 22.34 Acres
STATE (ODOT) 200 NE 21 ST OKLAHOMA CITY, OK 73105			PT 17-11N-4E (NO LEGAL) 141115
TCW HOLDINGS INC C/O TRICAN WEL SERVICE LP 41500 WOLVERINE RD SHAWNEE, OK 74804	1	1	VANGUARD ADDITION

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: A TRACT OF LAND LOCATED IN THE SE/4 OF SECTION 18, TOWNSHIP 11 NORTH, RANGE 4 EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SE/CORNER OF SAID SE/4; THENCE S 89°22'25" W A DISTANCE OF 81.18 FEET; THENCE N 00°03'12" W A DISTANCE OF 447.50 TO THE POINT OF BEGINNING; THENCE N 00°03'12" W A DISTANCE OF 492.12 FEET; THENCE N 08°28'39" E A DISTANCE OF 101.12 FEET; THENCE N 00°03'12" W A DISTANCE OF 200 FEET; THENCE N 02°54'57" W A DISTANCE OF 100.12 FEET; THENCE N 00°03'12" W A DISTANCE OF 500 FEET; THENCE N 01°51'21" E A DISTANCE OF 150.08 FEET; THENCE N 00°03'12" W A DISTANCE OF 645.31 FEET; THENCE S 89°31'29" W A DISTANCE OF 521.89 FEET; THENCE S 04°15'03" W A DISTANCE OF 2197.04 FEET; THENCE N 89°19'38" E A DISTANCE OF 671.81 FEET TO THE POINT OF BEGINNING, CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA. ACCORDING TO THE RECORDED PLAT THEREOF REZONING SAID PROPERTY FROM A-1; RURAL AGRICULTURAL TO I-3; HEAVY 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 18th day of May, 2015 upon an application to rezone certain properties located in the City of Shawnee, Oklahoma from zoning classification A-1; Rural Agricultural to I-3; Heavy 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 properties to be rezoned to I-3; Heavy Industrial.

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 LOCATED IN THE SE/4 OF SECTION 18, TOWNSHIP 11 NORTH, RANGE 4 EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SE/CORNER OF SAID SE/4; THENCE S 89°22'25" W A DISTANCE OF 81.18 FEET; THENCE N 00°03'12" W A DISTANCE OF 447.50 TO THE POINT OF BEGINNING; THENCE N 00°03'12" W A DISTANCE OF 492.12 FEET; THENCE N 08°28'39" E A DISTANCE OF 101.12 FEET; THENCE N 00°03'12" W A DISTANCE OF 200 FEET; THENCE N 02°54'57" W A DISTANCE OF 100.12 FEET; THENCE N 00°03'12" W A DISTANCE OF 500 FEET; THENCE N 01°51'21" E A DISTANCE OF 150.08 FEET; THENCE N 00°03'12" W A DISTANCE OF 645.31 FEET; THENCE S 89°31'29" W A DISTANCE OF 521.89 FEET; THENCE S 04°15'03" W A DISTANCE OF 2197.04 FEET; THENCE N 89°19'38" E A DISTANCE OF 671.81 FEET TO THE POINT OF BEGINNING, CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA. ACCORDING TO THE RECORDED PLAT THEREOF REZONING SAID PROPERTY FROM A-1; RURAL AGRICULTURAL TO I-3; HEAVY INDUSTRIAL AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

PASSED AND APPROVED this 18th day of May, 2015.

WES MAINORD, MAYOR

(SEAL)

ATTEST:

PHYLLIS LOFTIS, CMC
CITY CLERK

Approved as to form and legality this 18th day of May, 2015.

MARY ANN KARNES
CITY ATTORNEY

Regular Board of Commissioners

12.

Meeting Date: 05/18/2015

S05-15 Prel Plat

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consideration of approval of a Preliminary Plat for North Harrison Industrial Park located at Harrison Street, North of Wolverine Road. Case #S05-15 Applicant: The Landrun Group, LLC

Attachments

S05-15 Rec

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: The Landrun Group, LLC
FOR: Preliminary Plat for North Harrison Industrial Park
LOCATION: Harrison Street, North of Wolverine Road,
Shawnee, OK
PROJECT# 150329 CASE# S05-15

PLANNING COMMISSION MEETING DATE: May 6th, 2015

PLANNING COMMISSION RECOMMENDATION: Approval w/ following conditions:

1. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
2. The final engineered drainage plan must be approved by the City Engineer concurrent with Final Plat approval.
3. Six (6') foot sidewalk or fee-in-lieu of required along Harrison Street and is to be paid concurrent with Building Permit submittal.
4. All other applicable City standards apply.

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 6

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN						ABSENT
CLINARD		X	X			
KERBS	X		X			
SILVIA (CHAIRMAN)			X			
SALTER (VICE-CHAIRMAN)			X			
COWEN			X			
KIENZLE			X			

RESPECTFULLY SUBMITTED,

Cheyenne Lincoln

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

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 878-1616 with any questions.

APPLICANT The Land Run Group LLC
APPLICANT ADDRESS 201 West 9th Street, Shawnee, OK 74801
APPLICANT PHONE NUMBERS (405) 273-4222
EMAIL ADDRESS slandes@landruncorp.com
NAME OF PLAT North Harrison Industrial Park
LOCATION Highway 18/Harrison & Wolverine Road
NUMBER OF ACRES 30.06 NUMBER OF LOTS 2

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: FEE: \$225.00
PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 2 \$ 6.00
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____
TOTAL COST \$ 231.00

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 UFP Western Division, Inc
ADDRESS 2801 East Beltline Avenue NE, Grand Rapids, MI 49525
CONTACT NUMBERS (616) 365-1578
EMAIL ADDRESS jtiehelaar@ufp.com

PROJECT ENGINEER INFORMATION:

NAME Land Run Engineering, LLC Stephen Landis, PE
ADDRESS 201 West 9th Street, Shawnee, OK 74801
CONTACT NUMBERS (405) 273-4222
EMAIL ADDRESS slandes@landruncorp.com

FOR STAFF USE ONLY

PROJECT NUMBER: 150330 CASE NUMBER: 505-13

DATE: 4-6-15 AMOUNT PAID: \$ 231.00 RECEIPT NO. 01723382



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

STAFF REPORT – Universal Forest Products

Rezone – Case #P09-15
Preliminary Plat – Case #S05-15

TO: Shawnee Planning Commission

AGENDA: May 6, 2015

RE: Rezone from A-1 (Agricultural) to I-3 (Heavy Industrial)
Preliminary Plat

PROPOSAL

The applicant is requesting both a rezone from A-1 (Agricultural) to I-3 (Heavy Industrial) and Preliminary Plat approval for the construction of an industrial wood treatment plant. The property is located on Harrison Street north of Wolverine Road and will be completed in two (2) phases.

GENERAL INFORMATION

Applicant	The Land Run Group, LLC
Owner(s)	UFP Western Division, Inc.
Site Location/Address	Harrison Street north of Wolverine Road
Current Site Zoning	A-1 (Agricultural)
Proposed Zoning	I-3 (Heavy Industrial)
Parcel Size	30.06 Acres
Proposed Use	Wood Treatment Facility
Comprehensive Plan Designation	Industrial
Existing Land Use	Vacant
Surrounding Zoning	North: A-1 (Agricultural)

	South: I-2 (Light Industrial) East: A-1 (Agricultural) & I-2 (Light Industrial) West: I-2 (Light Industrial)
--	--



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

STAFF REVIEW AND ANALYSIS

The applicant in this case intends to rezone the subject property from A-1 to I-3 in an effort to construct a wood pressure treatment plant. The ownership of this property is Universal Forest Products (UFP), established in 1955. They are headquartered in Grand Rapids, Michigan and own approximately 80 facilities across the United States. UFP is a \$2.7 billion holding company that provides capital, management and administrative resources to subsidiaries that design, manufacture and market wood and wood-alternative products for the retail, construction and industrial markets.

Lumber would be transported to and treated on the subject site. Pressure treatment is a process that forces chemical preservatives into the wood. Wood is placed inside a closed cylinder, then vacuum and pressure are applied to force the preservatives into the wood.

The preservatives help protect the wood from attack by termites, other insects, and fungal decay.

Generally, the wood will be pressure-treated with water and a copper based preservative, then transported off-site for retail. All water and chemicals for this practice will stay on site, never to be incorporated into the sanitary sewer or storm water drainage system. The property is approximately 30 acres in size, meeting all dimensional requirements for Industrial development.

Universal Forest Products has requested to pay a fee-in-lieu of sidewalk construction. As required by Ordinance #2526, the applicant has submitted written request to pay a fee instead of installing a sidewalk. Payment of the required fee is to be made prior to issuance of the building permit.

A contributing factor for Staff's recommendation to approve the fee-in-lieu of is that sidewalks and residential activity do not exist in this immediate area. The surrounding area is primarily dominated with industrial uses and is not within proximity to a school, park, or other public or quasi-public facility.

City requirements:

1. Six (6') sidewalk required or pay-in-lieu of along Harrison Street for the full length of property.
2. Storm water drainage to be approved by the City Engineer.
3. Developer shall extend the City's waterline across the frontage of the area they will be final platting.
4. Developer shall extend the City's sanitary sewer lines to at least the boundary of Lot 1 – Block 2 shown on the Preliminary Plat.
5. Updated Stormwater Management Report. The current report only pertains to Lot 1 – Block 1. The inclusion of both lots will be necessary.

STAFF RECOMMENDATION

The technical aspects of the rezone and Preliminary Plat have been reviewed by the City Engineer and other appropriate staff. Staff does recommend approval of a rezone from A-1, Agricultural, to I-3: Heavy Industrial. Also, Staff does recommend approval of the Preliminary Plat, with the following conditions:

1. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
2. The final engineered drainage plan must be approved by the City Engineer concurrent with Final Plat approval.
3. Six (6') foot sidewalk or fee-in-lieu of required along Harrison Street and is to be paid concurrent with Building Permit submittal.
4. All other applicable City standards apply.

Attachments

1. Figure 1: Aerial view of site
2. Figure 2: Zoning Map
3. Figure 3: Future Land Use Map
4. Exhibit 1: Preliminary Plat

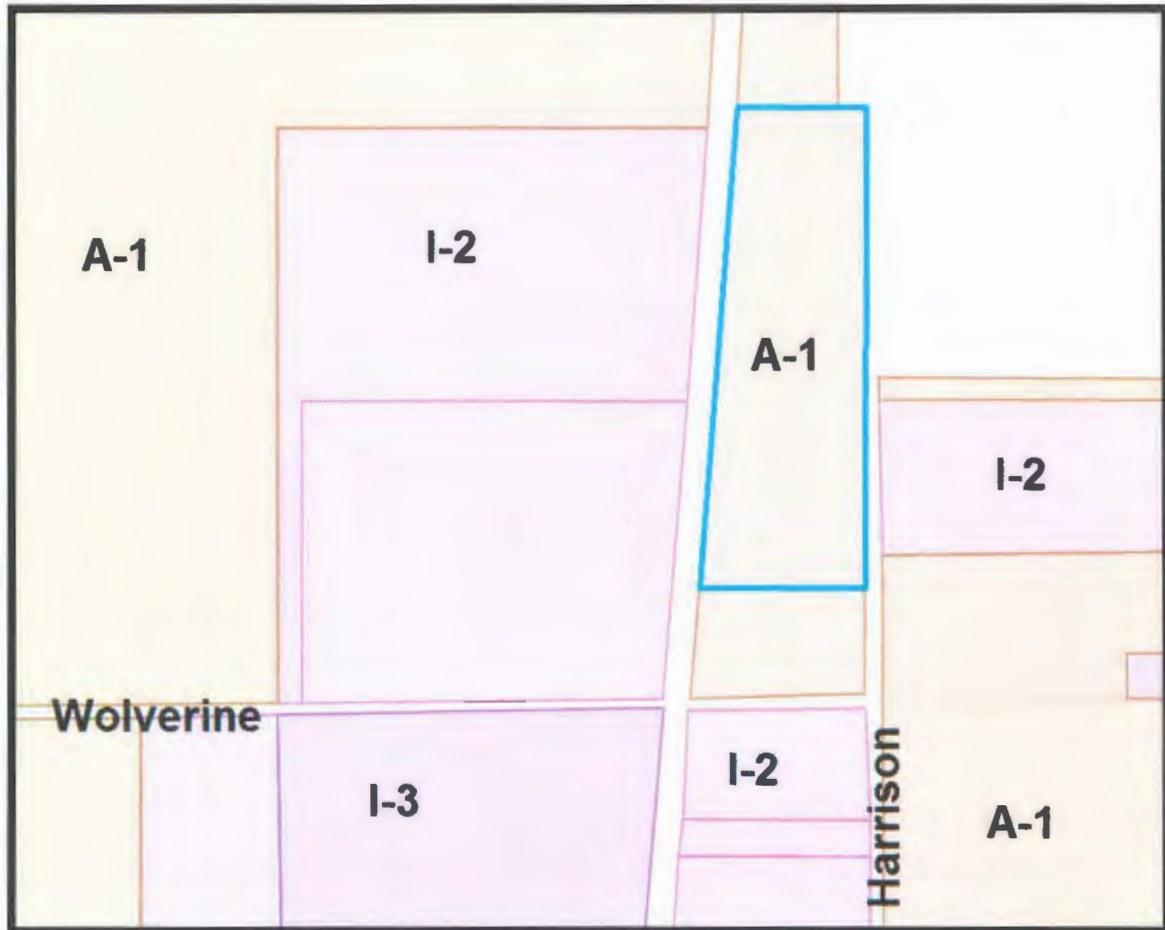


Figure 2: Zoning Map of site – approximate total area outlined in blue.

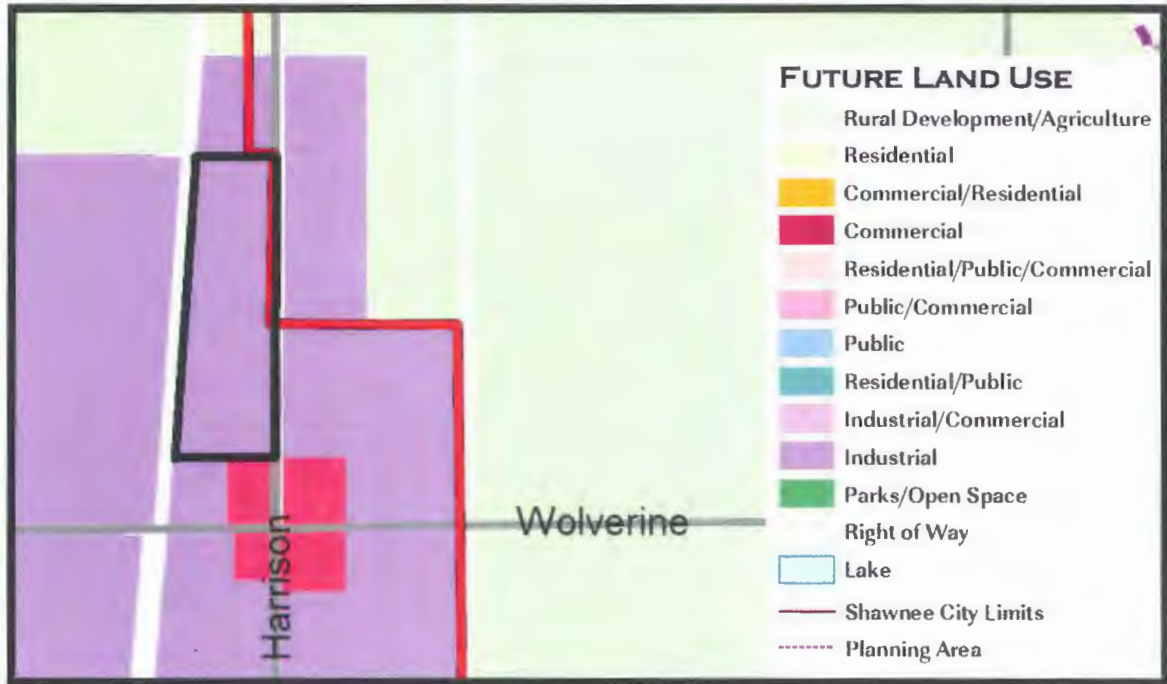


Figure 3: Future Land Use Map – approximate total area outlined in black.

Regular Board of Commissioners

13.

Meeting Date: 05/18/2015

P10-15 PUD

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

A public hearing and consideration of an ordinance to rezone the property located on Kickapoo Street, North of MacArthur Street, from PUD; Planned Unit Development to PUD; Planned Unit Development. Case #P10-15; Applicant: The Landrun Group, LLC

Attachments

P10-15 Rec

P10-15 Ord

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: The Landrun Group, LLC
FOR: Planned Unit Development
LOCATION: Kickapoo Street, North of MacArthur Street,
Shawnee, OK
PROJECT#: 150326 Case# P10-15

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: Planned Unit Development
REQUESTED CLASSIFICATION: Planned Unit Development
PROPOSED PROPERTY USE: Commercial Enterprise

PLANNING COMMISSION MEETING DATE: May 6th, 2015

PLANNING COMMISSION RECOMMENDATION: Approval w/ following conditions:

1. Submittal, approval and incorporation of proposed access agreements and their instrument number into the PUD Design Statement.
2. Section 18.0 (D) shall be corrected. All utility meters shall be placed within the utility easement.

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 6

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN						ABSENT
CLINARD		X	X			
KERBS			X			
SILVIA (CHAIRMAN)			X			
SALTER (VICE-CHAIRMAN)			X			
COWEN			X			
KIENZLE	X		X			

RESPECTFULLY SUBMITTED,

Cheyenne Lincoln

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 – Kickapoo Plaza

Planned Unit Development – Case #P10-15
Preliminary Plat – Case #S06-15

TO: Shawnee Planning Commission

AGENDA: May 6, 2015

RE: Rezone to Planned Unit Development (PUD)
Kickapoo Plaza Preliminary Plat

PROPOSAL

The applicant is requesting both Planned Unit Development (PUD) and Preliminary Plat approval for three (3) lots located north of MacArthur Street on Kickapoo Street. This site was previously a portion of the Villagio Addition Phase II. As the property currently holds the zoning PUD, the applicant is requesting approval of a separate and distinct PUD titled “Kickapoo Plaza” that will adhere to C-3 (Highway Commercial) development standards.

GENERAL INFORMATION

Applicant	The Land Run Group, LLC
Owner(s)	B.A.S. Holdings, LLC
Site Location/Address	Kickapoo St. north of MacArthur St.
Current Site Zoning	PUD (Planned Unit Development)
Proposed Zoning	PUD (Planned Unit Development)
Parcel Size	3.19 Acres
Proposed Use	Commercial Enterprise
Comprehensive Plan Designation	Residential/Public
Existing Land Use	Vacant

Surrounding Zoning	North: PUD (Villagio Medical Complex) South: C-3 (Dollar General) East: C-3 & R-1 West: C-3
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Figure 1: Aerial view of site – approximate total area outlined in red.

STAFF REVIEW AND ANALYSIS

Planned Unit Development (PUD)

Kickapoo Plaza is a planned unit development with a concept to create three (3) individual lots to serve as commercial use. Lot 1, to the north, will maintain a common drive with the Villagio Addition to the north. This lot will potentially serve as a new location for Pizza Hut. Adequate parking is demonstrated on the lot, which is approximately one (1) acre in size. Lots 2 and 3 have no plans for development at this point.

Storm water drainage on Lot 1 will be detained in a detention pond on site and release at the pre-development rate, generally to the north-west. According to the Preliminary Plat, stormwater drainage on Lots 2 and 3 will first be directed to a proposed on-site private storm sewer and then directed to the storm sewer on Kickapoo Street.

Kickapoo Plaza is a three (3) lot development with all lots having frontage on Kickapoo Street. All lots are served by “existing” City water and sanitary sewer, but will require a six (6’) foot sidewalk along Kickapoo Street.

Individual access drives will not work on this development. Therefore, common access agreements shall be establish as shown on the Preliminary Plat (Exhibit 1). Three separate drives are shown as follows on the Preliminary Plat with the appropriate separation of 175’:

1. Shared drive to the south with Dollar General.
2. Shared drive shown distributed evenly between Lots 2 and 3.
3. Shared drive to the north with the Villagio Addition.

A cross-access agreement shall be established throughout this PUD and connecting to the Villagio Addition.

Staff has reviewed the PUD and Preliminary Plat and does recommend approval, with conditions.

STAFF RECOMMENDATION

The technical aspects of the PUD and Preliminary Plat have been reviewed by the City Engineer and other appropriate staff. Staff does recommend approval of the requested Planned Unit Development with the following conditions:

1. Submittal, approval and incorporation of proposed access agreements and their instrument number into the PUD Design Statement.
2. Section 18.0 (D) shall be corrected. All utility meters shall be placed within the utility easement.

Also, Staff does recommend approval of the Preliminary Plat, with the following conditions:

1. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
2. The final engineering drainage plan must be approved by the City Engineer concurrent with Final Plat approval.
3. Six (6') foot sidewalk required along Kickapoo Street.
4. Submittal of appropriate documentation associated with cross-access agreements.
5. All other applicable City standards apply.

Attachments

1. Figure 1: Aerial view of site
2. Figure 2: Zoning Map
3. Figure 3: Future Land Use Map
4. Exhibit 1: Preliminary Plat

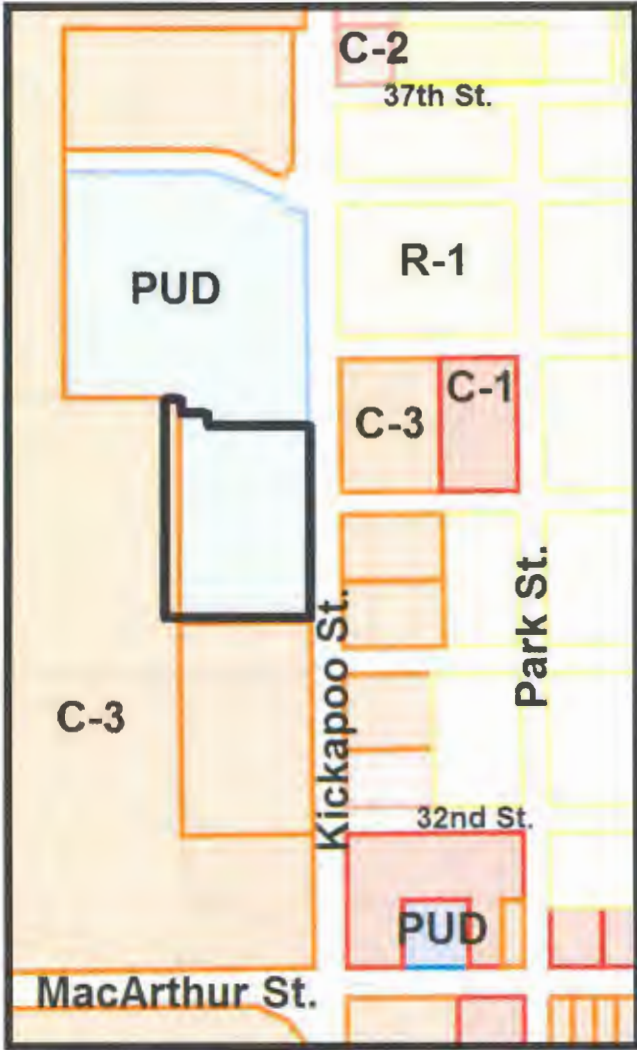


Figure 2: Zoning Map of site – approximate total area outlined in black.

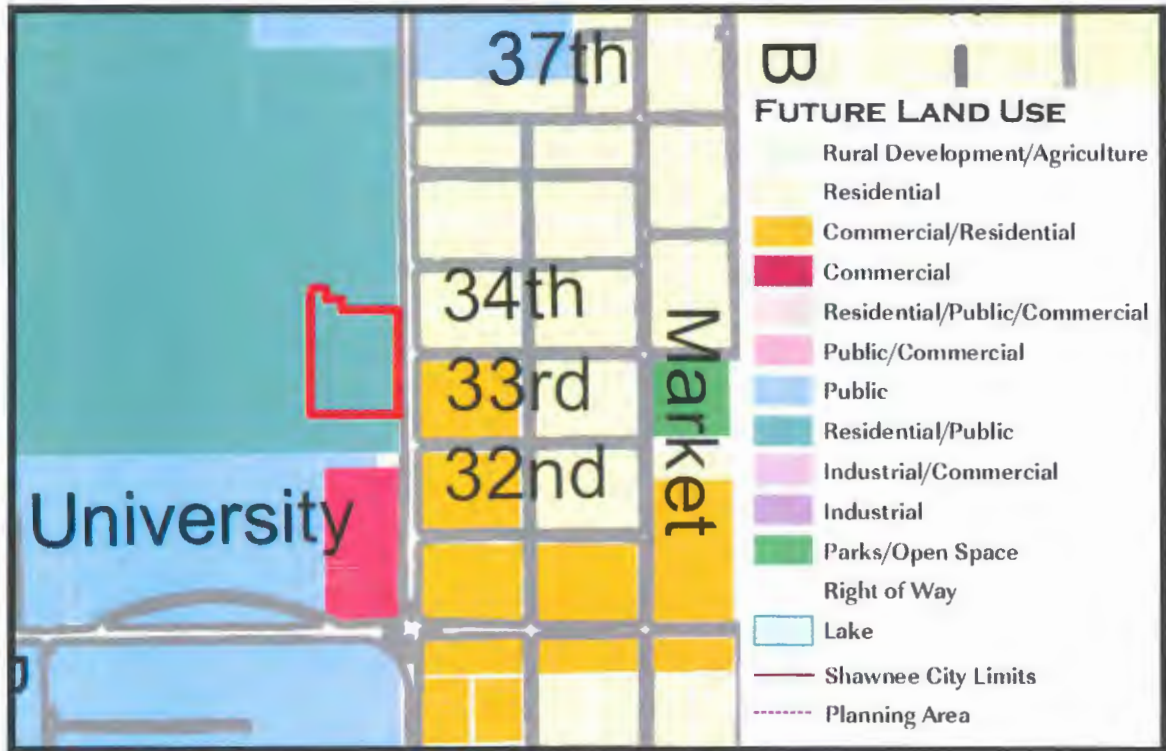


Figure 3: Future Land Use Map – approximate total area outlined in red.

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P10-15

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on an application for approval of a Planned Unit Development, which is a special zoning district, on property located within the City of Shawnee.

The applicant requests a Planned Unit Development for the following described property:

A tract of land located in the Southeast Quarter (SE/4) of Section One (1), Township Ten (10) North, Range Three (3) East of the Indian Meridian, Pottawatomie County, Oklahoma, more particularly described as follows:

Beginning at a point 846.07 feet N 00°00'02" E and 33.00 feet S 89°54'43" W of the Southeast corner of said SE/4; Thence S 89°54'02" W a distance of 317.00 feet; Thence N 00°00'02" E a distance of 479.06 feet; Thence N 89°56'41" E a distance of 27.50 feet; Thence S 00°00'02" W a distance of 25.85 feet; Thence N 89°56'41" E a distance of 84.50 feet; Thence S 00°00'02" W a distance of 26.81 feet; Thence N 89°56'41" E a distance of 205.00 feet; Thence S 00°00'02" W a distance of 426.22 feet to the Point of Beginning.

General Location Known As:	<u>Kickapoo St, North of MacArthur, Shawnee, OK</u>
Current Zoning Classification:	<u>C-3; Restricted Automotive and Commercial</u> <u>Recreation District</u>
Requested Zoning Classification:	<u>Planned Unit Development "PUD"</u>
Proposed Use of Property:	<u>Commercial</u>
Applicant:	<u>The Landrun Group, LLC</u>

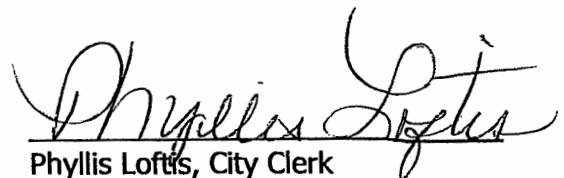
The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

May 6 th , 2015 AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
May 18 th , 2015 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 Planned Unit Development. The Commission reserves the right to limit discussion and debate on the proposed Planned Unit Development in the public hearing, in which event those persons appearing in support or opposition of the proposed Planned Unit Development 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.

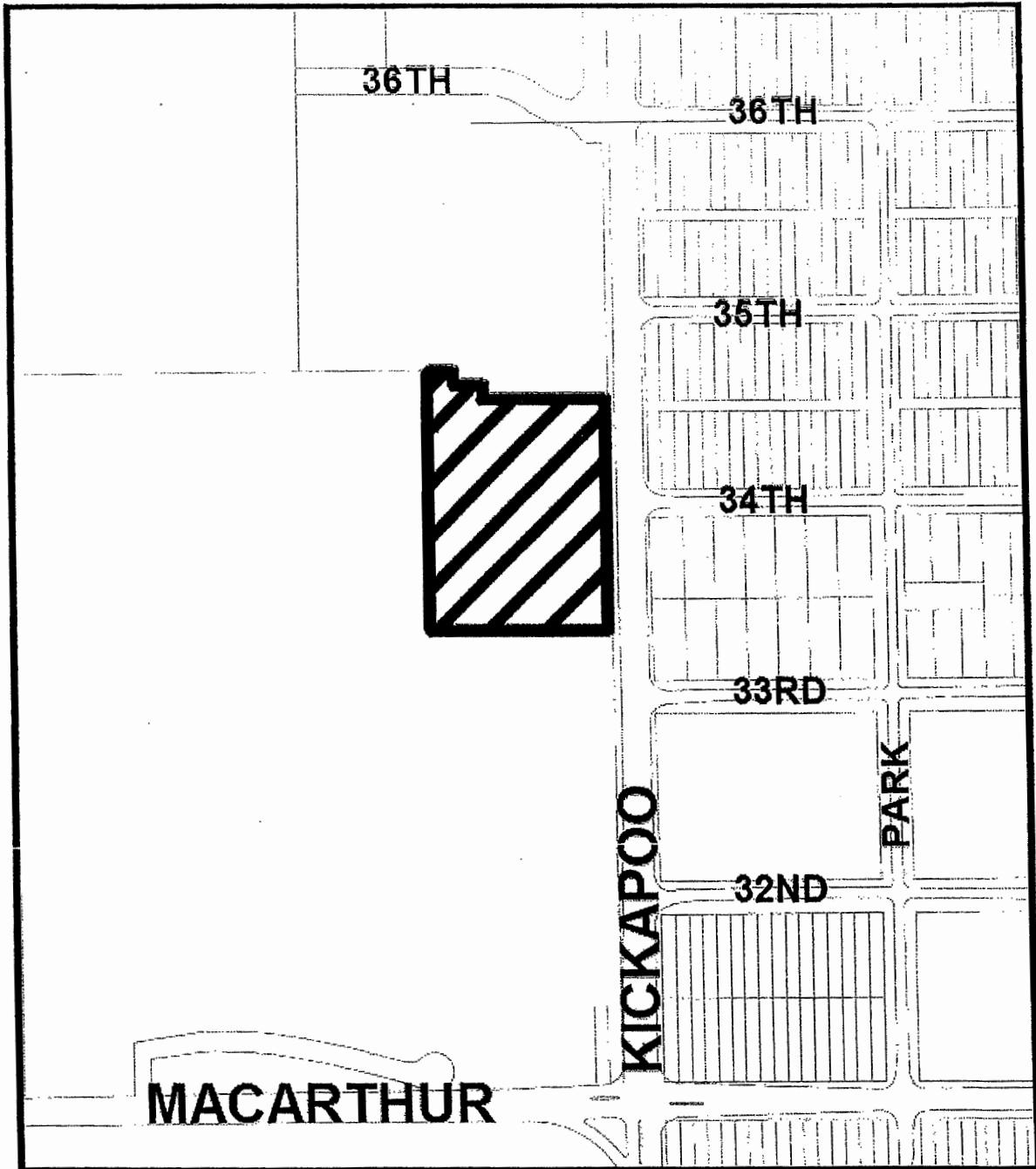
Witness my hand this 14th day of April, 2015.




Phyllis Loftis, City Clerk

Location Map

Case #P10-15



CITY OF SHAWNEE
222 N. BROADWAY
SHAWNEE, OK 74801

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

PLANNING COMMISSION APPLICATION
PROJECT NO. 150326 CASE NO. P10-15

REQUEST:

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

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

PROPERTY LOCATION (STREET ADDRESS): Kickapoo Street north of MacArthur

LEGAL DESCRIPTION: Part of SE 1/4 Sec 1 T10N R3E Im - See Exhibit "A"

PROPERTY OWNER (S): B.A.S. Holdings, LLC

PROPERTY AGENT (APPLICANT): The Land Run Group, LLC

APPLICANT'S ADDRESS: 201 West 9th Street

CITY: Shawnee **STATE:** OK **ZIP:** 74801

EMAIL ADDRESS: jlandes@landruncgroup.com

TELEPHONE NUMBER: (405) 273-4222 **CONTACT NUMBER:** ()

DIMENSIONS OF PROPERTY: AREA 3.19 acres WIDTH 317.00'
LENGTH 426.25' FRONTAGE 426.25'

CURRENT ZONING: PUD- **CURRENT USE:** Vacant

PROPOSED ZONING: PUD- **PROPOSED USE:** Commercial

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 10th day of April 20 15


PLANNING COMMISSION SECRETARY

REZONING &/OR C.U.P FEE \$ 280.00
RECEIPT NO. 01723306

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.:** _____

CERTIFICATE OF BONDED ABSTRACTOR
(300 FEET RADIUS REPORT)

RECEIVED
APR 03 2015
PLANNING / CODE

STATE OF OKLAHOMA)
) S:
COUNTY OF POTTAWATOMIE)

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

A tract of land located in the Southeast Quarter (SE/4) of Section One (1), Township Ten (10) North, Range Three (3) East of the Indian Meridian, Pottawatomie County, Oklahoma, more particularly described as follows:

Beginning at a point 846.07 feet N 00°00'02" E and 33.00 feet S 89°54'43" W of the Southeast corner of said SE/4; Thence S 89°54'02" W a distance of 317.00 feet; Thence N 00°00'02" E a distance of 479.06 feet; Thence N 89°56'41" E a distance of 27.50 feet; Thence S 00°00'02" W a distance of 25.85 feet; Thence N 89°56'41" E a distance of 84.50 feet; Thence S 00°00'02" W a distance of 26.81 feet; Thence N 89°56'41" E a distance of 205.00 feet; Thence S 00°00'02" W a distance of 426.22 feet to the Point of Beginning.

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

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

Dated: March 24, 2015 at 7:30 AM

First American Title & Trust Company

By: Bobbie Jo Kopepasah

Bobbie Jo Kopepasah
Abstractor License No. 3389
OAB Certificate of Authority # 49
File No. 2022717-OK99

OWNERSHIP LIST

**ORDER NO. 2022717
BERGEN FOOD**

DATE PREPARED: March 30, 2015
EFFECTIVE DATE: March 24, 2015 at 7:30 AM

OWNER	LOT	BLK	ADDITION
B A S HOLDINS LLC 3701 N HARRISON SHAWNEE, OK 74804			GILMORE - PT OF LOTS 1&2 BEG 636'N & 33'W SE/C SE POB W317' N689.07' E317' S688.89' POB LESS 1.32AC REC 2005-10561 3.69 Acres
UNIVERSITY PLAZA LLC PO BOX 5150 EDMOND, OK 73083			GILMORE PT N/2 LOT 12 BEG 36'S NE/C S265.50' W297' N301.50' E199' S36' E98' POB 2802-2820 N KICKAPOO
ONE GAS INC 100 W 5 TH ST TULSA, OK 74103	N/2 BLK 12		GILMORE
OKLAHOMA BAPTIST UNIVERSITY 500 W UNIVERSITY ATTN: JOHN PARRISH SHAWNEE, OK 74801			GILMORE PT BLKS 1 & 2 & ALL BLKS 4-6 & ALL 9-11
GENLEE LLC 2014 NW 71 ST ST OKLAHOMA CITY, OK 73116	1	1	KICKAPOO POINTE SECTION II
B A S HOLDINS LLC 3701 N HARRISON SHAWNEE, OK 74804			BEG SE/C SE N1324.88' POB W583' S825.44' E583' N824.87' POB LESS COMM SE/C SE N1850.88' POB W583' N298.87' E583' S298.87' POB LESS .60 AC REC#2000-12158 LESS 3.64AC PLATTED INTO THE VILLAGIO ADD 2.81 Acres
OKLA BAPTIST UNIVERSITY 500 W UNIVERSITY ATTN: JOHN PARRISH SHAWNEE, OK 74801			COMM SE/C SE TH N1324.88' TO THE SE/C OF N/2 SE TH W583'POB TH W2048.84' N1326.38' E2633.65' S500' W583' S825.44' POB 69.08 Acres
WINEGARDNER HOLDING CO LLC 3306 N KICKAPOO SHAWNEE, OK 74804	1	1	THE VILLAGIO ADDITION SECTION 1
OKLAHOMA REALTY VENTURES LLC 4050 W MEMORIAL RD OKC, OK 73120	1	3	THE VILLAGIO ADDITION SECTION 1
B A S HOLDINGS LLC 3701 N HARRISON SHAWNEE, OK 74804		A	THE VILLAGIO ADDITION SECTION 1
B A S HOLDINGS LLC 3701 N HARRISON SHAWNEE, OK 74804		6	THE VILLAGIO ADDITION SECTION 1
B A S HOLDINGS LLC 3701 N HARRISON SHAWNEE, OK 74804		5	THE VILLAGIO ADDITION SECTION 1

B A S HOLDINGS LLC 3701 N HARRISON SHAWNEE, OK 74804		4	THE VILLAGIO ADDITION SECTION 1
JANELL JAMES TRUSTEE OF JANELL J JAMES REVOCABLE TRUST 3005 N BELL SHAWNEE, OK 74804	1		WYANT'S 2 ND N60' S150' W200'
SHAWNEE SUDS LLC 3223 NKICKAPOO SHAWNEE, OK 74804	1		WYANT'S 2 ND THE NORTH 150' OF THE WEST 200' OF BLK 1 LESS 5'
ROGER DALE SWINSON 2906 N PARK SHAWNEE, OK 74804	14	1	RE-PLAT BLK 14 WYANT'S 2 ND
ELLA M RENFRO 8713 N MCMILLAN AVE OKLAHOMA CITY, OK 73132	14	2	RE-PLAT BLK 14 WYANT'S 2 ND
JEFFREY L BOND 309 W 34 TH SHAWNEE, OK 74804	14	3	RE-PLAT BLK 14 WYANT'S 2 ND
JUMP LLC 3309 N KICKAPOO SHAWNEE, OK 74804	14	4 THRU 7	RE-PLAT BLK 14 WYANT'S 2 ND
POTTAWATOMIE FARM BUREAU 3301 N KICKAPOO SHAWNEE, OK 74804	14	8 THRU 11	RE-PLAT BLK 14 WYANT'S 2 ND
MONNIE L KIDNEY 310 W 33 RD SHAWNEE, OK 74804	14	12	RE-PLAT BLK 14 WYANT'S 2 ND
DOROTHY I & MICHAEL L RAWLS 306 W 33 RD SHAWNEE, OK 74804	14	13	RE-PLAT BLK 14 WYANT'S 2 ND
ANNETTE JOHNSON 2902 N PARK SHAWNEE, OK 74804	14	14	RE-PLAT BLK 14 WYANT'S 2 ND
BANCFIRST PO BOX 1608 SHAWNEE, OK 74802-1608	2	1 THRU 32	ARMOURDALE
JULIA CURRY 15803 GRANT RD SHAWNEE, OK 74801	3	11 & 12	ARMOURDALE
JOHN GIBSON 985 INLET LOOP COOS BAY, OK 97420	3	13 & 14	ARMOURDALE
THE DUDLEY FAMILY LIMITED PARTNERSHIOP 2102 N BEARS SHAWNEE, OK 74804	3	15 & 16	ARMOURDALE
LIONEL L O'DONLEY 318 W 35 TH SHAWNEE, OK 74804	9 & 10	3	ARMOURDALE

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, FROM P.U.D.; PLANNED UNIT DEVELOPMENT TO P.U.D.; PLANNED UNIT DEVELOPMENT AS DESCRIBED BELOW, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE, ACCORDINGLY.

To-wit: Kickapoo Street, North of MacArthur Street
Shawnee, Oklahoma
LEGAL DESCRIPTION

A tract of land located in the Southeast Quarter (SE/4) of Section 1, Township 10 North, Range 3 East (T10N, R3E) of the Indian Meridian, Pottawatomie County, Oklahoma, more particularly described as follows: Beginning at a point 846.07 feet N00°00'02"E and 33.00 feet S89°54'43"W of the Southeast Corner (SE/C) of said SE/4: Thence S89°54'02"W a distance of 317.00 feet; Thence N00°00'02"E a distance of 479.06 feet; Thence N89°56'41"E a distance of 27.50 feet; Thence S00°00'02"W a distance of 25.85 feet; Thence N89°56'41"E a distance of 84.50 feet; Thence S00°00'02"W a distance of 26.81 feet; Thence N89°56'41"E a distance of 205.00 feet; Thence S00°00'02"W a distance of 426.22 feet to the point of beginning, containing 3.19 acres, more or less., Pottawatomie County, Oklahoma, according to the recorded plat thereof.

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 18th day of May, 2015 upon an application to rezone certain property located in the City of Shawnee, Oklahoma from P.U.D; Planned Unit Development to P.U.D; Planned Unit Development.

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 to P.U.D.; Planned Unit Development.

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

Section 1: That the following described property located within the corporate limits of the City of Shawnee, Oklahoma,

To-wit: Kickapoo Street, North of MacArthur Street
Shawnee, Oklahoma
LEGAL DESCRIPTION

A tract of land located in the Southeast Quarter (SE/4) of Section 1, Township 10 North, Range 3 East (T10N, R3E) of the Indian Meridian, Pottawatomie County, Oklahoma, more particularly described as follows: Beginning at a point 846.07 feet N00°00'02"E and 33.00 feet S89°54'43"W of the Southeast Corner (SE/C) of said SE/4: Thence S89°54'02"W a distance of 317.00 feet; Thence N00°00'02"E a distance of 479.06 feet; Thence N89°56'41"E a distance of 27.50 feet; Thence S00°00'02"W a distance of 25.85 feet; Thence N89°56'41"E a distance of 84.50 feet; Thence S00°00'02"W a distance of 26.81 feet; Thence N89°56'41"E a distance of 205.00 feet; Thence S00°00'02"W a distance of 426.22 feet to the point of beginning, containing 3.19 acres, more or less., Pottawatomie County, Oklahoma, according to the recorded plat thereof.

be hereby rezoned P.U.D.; Planned Unit Development.

PASSED AND APPROVED this 18th day of May, 2015.

WES MAINORD, MAYOR

(SEAL)

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality this 18th day of May, 2015.

MARY ANN KARNES
CITY ATTORNEY

Regular Board of Commissioners

14.

Meeting Date: 05/18/2015

S06-15 Prel Plat

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consideration of approval of a Preliminary Plat for Kickapoo Plaza located on Kickapoo Street, North of MacArthur Street. Case #S06-15 Applicant: The Landrun Group, LLC

Attachments

S06-15 Rec

RECOMMENDATION TO:

**MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE**

RECOMMENDATION FROM:

**CITY OF SHAWNEE
PLANNING COMMISSION**

SUBJECT:

APPLICANT: The Landrun Group, LLC
FOR: Preliminary Plat for Kickapoo Plaza
LOCATION: Kickapoo Street, North of MacArthur Street,
Shawnee, OK
PROJECT# 150327 **CASE#** S06-15

PLANNING COMMISSION MEETING DATE: May 6th, 2015

PLANNING COMMISSION RECOMMENDATION: Approval w/ following conditions:

1. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
2. The final engineering drainage plan must be approved by the City Engineer concurrent with Final Plat approval.
3. Six (6') foot sidewalk required along Kickapoo Street.
4. Submittal of appropriate documentation associated with cross-access agreements.
5. All other applicable City standards apply.

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 6

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN						ABSENT
CLINARD			X			
KERBS			X			
SILVIA (CHAIRMAN)		X	X			
SALTER (VICE-CHAIRMAN)	X		X			
COWEN			X			
KIENZLE			X			

RESPECTFULLY SUBMITTED,

Cheyenne Lincoln

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 – Kickapoo Plaza

Planned Unit Development – Case #P10-15
Preliminary Plat – Case #S06-15

TO: Shawnee Planning Commission

AGENDA: May 6, 2015

RE: Rezone to Planned Unit Development (PUD)
Kickapoo Plaza Preliminary Plat

PROPOSAL

The applicant is requesting both Planned Unit Development (PUD) and Preliminary Plat approval for three (3) lots located north of MacArthur Street on Kickapoo Street. This site was previously a portion of the Villagio Addition Phase II. As the property currently holds the zoning PUD, the applicant is requesting approval of a separate and distinct PUD titled “Kickapoo Plaza” that will adhere to C-3 (Highway Commercial) development standards.

GENERAL INFORMATION

Applicant	The Land Run Group, LLC
Owner(s)	B.A.S. Holdings, LLC
Site Location/Address	Kickapoo St. north of MacArthur St.
Current Site Zoning	PUD (Planned Unit Development)
Proposed Zoning	PUD (Planned Unit Development)
Parcel Size	3.19 Acres
Proposed Use	Commercial Enterprise
Comprehensive Plan Designation	Residential/Public
Existing Land Use	Vacant

Surrounding Zoning	North: PUD (Villagio Medical Complex) South: C-3 (Dollar General) East: C-3 & R-1 West: C-3
---------------------------	--



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

STAFF REVIEW AND ANALYSIS

Planned Unit Development (PUD)

Kickapoo Plaza is a planned unit development with a concept to create three (3) individual lots to serve as commercial use. Lot 1, to the north, will maintain a common drive with the Villagio Addition to the north. This lot will potentially serve as a new location for Pizza Hut. Adequate parking is demonstrated on the lot, which is approximately one (1) acre in size. Lots 2 and 3 have no plans for development at this point.

Storm water drainage on Lot 1 will be detained in a detention pond on site and release at the pre-development rate, generally to the north-west. According to the Preliminary Plat, stormwater drainage on Lots 2 and 3 will first be directed to a proposed on-site private storm sewer and then directed to the storm sewer on Kickapoo Street.

Kickapoo Plaza is a three (3) lot development with all lots having frontage on Kickapoo Street. All lots are served by “existing” City water and sanitary sewer, but will require a six (6’) foot sidewalk along Kickapoo Street.

Individual access drives will not work on this development. Therefore, common access agreements shall be establish as shown on the Preliminary Plat (Exhibit 1). Three separate drives are shown as follows on the Preliminary Plat with the appropriate separation of 175’:

1. Shared drive to the south with Dollar General.
2. Shared drive shown distributed evenly between Lots 2 and 3.
3. Shared drive to the north with the Villagio Addition.

A cross-access agreement shall be established throughout this PUD and connecting to the Villagio Addition.

Staff has reviewed the PUD and Preliminary Plat and does recommend approval, with conditions.

STAFF RECOMMENDATION

The technical aspects of the PUD and Preliminary Plat have been reviewed by the City Engineer and other appropriate staff. Staff does recommend approval of the requested Planned Unit Development with the following conditions:

1. Submittal, approval and incorporation of proposed access agreements and their instrument number into the PUD Design Statement.
2. Section 18.0 (D) shall be corrected. All utility meters shall be placed within the utility easement.

Also, Staff does recommend approval of the Preliminary Plat, with the following conditions:

1. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
2. The final engineering drainage plan must be approved by the City Engineer concurrent with Final Plat approval.
3. Six (6') foot sidewalk required along Kickapoo Street.
4. Submittal of appropriate documentation associated with cross-access agreements.
5. All other applicable City standards apply.

Attachments

1. Figure 1: Aerial view of site
2. Figure 2: Zoning Map
3. Figure 3: Future Land Use Map
4. Exhibit 1: Preliminary Plat

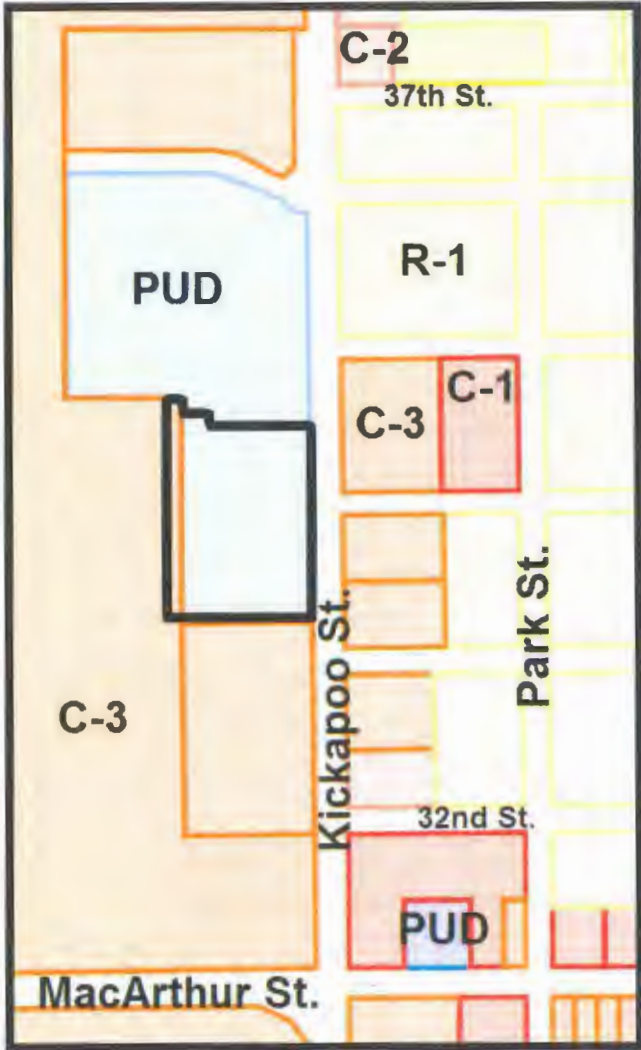


Figure 2: Zoning Map of site – approximate total area outlined in black.

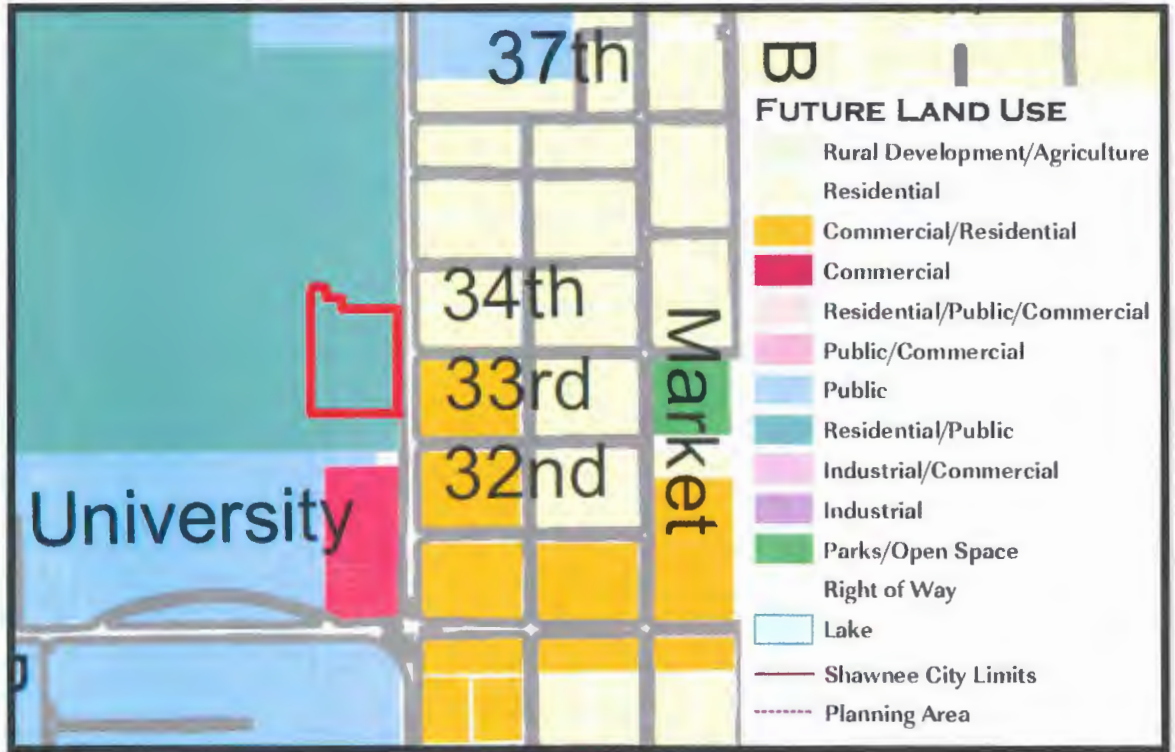


Figure 3: Future Land Use Map – approximate total area outlined in red.

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 878-1616 with any questions.

APPLICANT The LandRun Group, LLC
APPLICANT ADDRESS 201 West 9th Street, Shawnee, OK 74801
APPLICANT PHONE NUMBERS (405) 273-4222
EMAIL ADDRESS jlandes@landrungle.com
NAME OF PLAT Kickapoo Plaza Addition
LOCATION Kickapoo Street North of MacArthur
NUMBER OF ACRES 3.19 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 \$9.00
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 Bergen Real Estate, LLC
ADDRESS 1529 24th Avenue SW, Norman, OK 73072
CONTACT NUMBERS (405) 253-1213
EMAIL ADDRESS chrishuston@bergenfoods.net

PROJECT ENGINEER INFORMATION:

NAME LandRun Engineering, LLC Stephen Landes P.E.
ADDRESS 201 West 9th Street, Shawnee, OK 74801
CONTACT NUMBERS (405) 273-4222
EMAIL ADDRESS slandes@landrungle.com

FOR STAFF USE ONLY

PROJECT NUMBER: 150327 CASE NUMBER: 506-15

DATE: 4-6-15 AMOUNT PAID: \$234.00 RECEIPT NO. 017233516

Regular Board of Commissioners

15.

Meeting Date: 05/18/2015

Downtown Prop Mtc Code

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Discussion, consideration and possible action to approve an ordinance to adopt the Downtown Property Maintenance Code.

Attachments

Downtown Prop Mtc Code Rec

Downtown Prop Mtc Code Ord

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: City of Shawnee Planning Department
FOR: Downtown Property Maintenance Code
LOCATION: Downtown Shawnee C-4 zoned properties
PROJECT#: N/A Case# N/A

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: C-4; Central Business District
REQUESTED CLASSIFICATION: C-4; Central Business District
PROPOSED PROPERTY USE: Downtown Property Maintenance Code

PLANNING COMMISSION MEETING DATE: May 6th, 2015

PLANNING COMMISSION RECOMMENDATION: Approval w/ Minor Amendment

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

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN						ABSENT
CLINARD			X			
KERBS		X	X			
SILVIA (CHAIRMAN)			X			
SALTER (VICE-CHAIRMAN)			X			
COWEN	X		X			
KIENZLE			X			

RESPECTFULLY SUBMITTED,
Cheyenne Lincoln
SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____



City of Shawnee

16 W. 9th Street
Shawnee, OK 74801

www.ShawneeOK.org

MEMORANDUM

AGENDA: May 6, 2015

TO: Shawnee Planning Commission

FROM: Justin Erickson, Interim City Manager

RE: Downtown Property Maintenance Code

SUMMARY AND BACKGROUND

On April 1, the Planning Commission held a public workshop to discuss a draft version of the Downtown Property Maintenance Code. Based on discussion held during the workshop, revisions have been made (see attached). The ordinance was developed over the last six months and includes extensive input from the Downtown Task Force (a Chamber of Commerce Committee), downtown merchants and staff.

The code will apply to all properties zoned C-4 (Central Business District) and includes standards for interior and exterior maintenance of properties. The enforcement process allows owners time to take corrective action, but also allows for the issuance of a citation as a last resort. The goal is for voluntary compliance and the ordinance is not expected to generate significant revenue. The intended result is that buildings contribute positively to downtown and that adjacent properties and the public at large do not sustain damage as a result of a property owner's action or inaction.

RECOMMENDATION

Staff recommends that the Planning Commission forward a favorable recommendation to the City Commission.

Attachment

**CITY OF SHAWNEE
PUBLIC HEARING NOTICE**

NOTICE IS HEREBY GIVEN that the City of Shawnee, Oklahoma, will conduct Public Hearings to consider revising Chapter 7 of the Shawnee Municipal Code, to enact a Downtown Property Maintenance Code. The proposed regulations include maintenance standards for the interior and exterior of buildings and properties and provide an enforcement process.

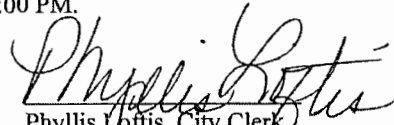
The PUBLIC HEARINGS will be held in the City Commission Chambers in City Hall located at 16 W. 9th St. Shawnee, OK as follows:

May 6, 2015 AT 1:30 P.M.:	City of Shawnee Planning Commission
May 18, 2015 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 proposed ordinance changes. The Commission reserves the right to limit discussion and debate on the proposed ordinance during the public hearing, in which event those persons appearing in support or opposition of the proposal 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 meeting, you may contact the Planning Department at 878-1672.

Copies of the proposed rules are available for review in the Planning Department, City Hall Annex, 222 N. Broadway, Monday through Friday between 8:00 AM and 5:00 PM.

Witness my hand this 7th day of April, 2015.


Phyllis Loffis, City Clerk



CITY OF SHAWNEE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SHAWNEE AMENDING CHAPTER 7, CREATING ARTICLE XVII – DOWNTOWN PROPERTY MAINTENANCE CODE, PROVIDING FOR SEVERABILITY AND PROVIDING FOR CODIFICATION.

WHEREAS, the City of Shawnee adopted the Downtown Shawnee Action Agenda on July 17, 2000, the Downtown Revitalization Project Plan on August 4, 2003, the Shawnee Comprehensive Plan on May 16, 2005, and hereby endorses the Downtown Revitalization Plan adopted by the Greater Shawnee Area Chamber of Commerce on December 19, 2012; and

WHEREAS, said planning documents demonstrate a clear, sustaining, and consistent desire to fully realize the revitalization of Downtown Shawnee; and

WHEREAS, the Shawnee Planning Commission held a public hearing on May 6, 2015 to take testimony and consider the Downtown Property Maintenance Code and voted to forward a recommendation of approval to the Shawnee City Commission; and

WHEREAS, the Shawnee City Commission, after conducting a public hearing, finds and determines that adoption of a Downtown Property Maintenance Code promotes the public good and protects public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA THAT THE SHAWNEE MUNICIPAL CODE BE AMENDED AS FOLLOWS:

SECTION 1: AMENDATORY. Chapter 7 of the Shawnee Municipal Code is hereby amended to add “Article XVII: Downtown Property Maintenance Code” with the sections set forth as indicated herein.

SECTION 2: AMENDATORY. Section 7-750 is hereby added to read:

Title.

This ordinance shall be known as the *Downtown Property Maintenance Code*.

SECTION 3: AMENDATORY. Section 7-755 is hereby added to read:

Purpose.

The purpose of this code is to provide minimum standards and regulations to safeguard life, health, safety, property and public welfare by regulating the maintenance of structures in downtown Shawnee.

SECTION 4: AMENDATORY. Section 7-760 is hereby added to read:

Scope and Applicability.

This code shall apply to all properties zoned C-4: Central Business District. Every owner or tenant of property in the downtown area shall maintain property in compliance with this code. All buildings, structures and premises regulated by this code, both existing and new, shall be maintained in a sanitary, safe, and good condition, so as not to constitute a blighting influence on the City nor an element leading to the progressive deterioration of downtown Shawnee.

SECTION 5: AMENDATORY. Section 7-765 is hereby added to read:

Definitions.

“Downtown property” shall mean any property zoned C-4: Central Business District.

“Owner” shall mean any person or entity claiming, or in whom is vested the ownership, dominion or title of real or personal property.

“Tenant” shall mean any person or entity who occupies a structure or property, but who is not the owner. This includes, but is not limited to a renter or lessee.

SECTION 6: AMENDATORY. Section 7-770 is hereby added to read:

Maintenance Requirements.

A. Exterior of building and grounds.

- a. Pest control. Properties shall be maintained free of insects, bats, rodents, ants, vermin and other pests considered contrary to public health and safety and having an adverse effect on adjacent property. All exterior surfaces of the building shall prevent access by pests and vermin, including broken windows, loose or missing windows or doors, damaged or decayed wood, missing siding or other situation that allows such access and harboring.
- b. Sanitation. All exterior grounds shall be maintained in a safe, sanitary and clean condition, free of trash and debris or unwanted items considered contrary to public health and safety and/or the overall appearance, visibility and vitality of the downtown area.
- c. Structural members. Structural elements of any structure in the downtown area must be maintained free of deterioration and decay, and fully capable of bearing the dead and live loads placed upon them.
- d. Foundation walls. Foundation walls in the downtown area shall be able to carry the dead or live weight placed upon them.
- e. Exterior walls. All exterior walls, surfaces, and façades must be maintained free of holes, breaks, loose or decayed boards, loose plaster, peeling paint, leaks or other condition which might admit weather into this structure or an adjacent structure. Where an existing painted wall surface has areas of chipping, peeling, scaling or missing paint equal to or greater than 20% of the painted area, then

such surface shall be repainted, or stripped or all paint and given a water-resistant coating if necessary.

- f. Roofs. The roof on every structure downtown shall be maintained structurally sound and free of leaks that pose a risk of causing substantial damage to the subject property or adjacent property. All roofs shall have an approved covering free of holes, cracks or excessively worn surfaces, which will prevent entrance of moisture into the structure and provide reasonable durability. Roof drainage, roof leakage, and roof runoff must not cause leaks, seepage or dampness to the interior or exterior of an adjacent structure.
- g. Decorative features. Cornices, corbels trim, facings, moldings, and other exterior trim shall be maintained free of decay and securely attached and surface coated to prevent decay.
- h. Exterior attachments. All awnings, stairs, marquees, signs, turnbuckles, fire escapes, conduit, standpipes, stacks, gutters, overhangs and similar attachments or extensions shall be maintained free of major decay and damage, securely attached and surface coated to prevent deterioration. Excessive weathering, ripping, discoloration, or holes shall be prohibited. Any item by reason of location above ground level that constitutes a danger of falling on persons or personal property in the vicinity thereof shall be removed or property secured. It shall be the duty of the owner to keep the premises free of loose and overhanging objects which by reason of location above ground level constitute a danger of falling on persons or personal property in vicinity thereof.
- i. Windows. Window glass shall be unbroken and shall be fitted into their frames in such a manner so as to secure, weather proof and exclude pests and vermin. Windows that have minor chips or cracks that do not pose a safety hazard may remain. Windows kept open permanently for ventilation must be fitted with screens to exclude vermin. Windows shall not be covered with bars. Storage of materials, stock or inventory shall be prohibited in window display areas or other areas ordinarily exposed to public view unless said areas are screened from public view. It shall not be permitted to replace glass with plywood or other non-translucent material on the ground floor of a building except on an emergency basis (30 days or less) or during the duration of a building project operating under an approved building permit. On all floors above ground level, an entire window unit may be replaced with an opaque material provide that the sash and frame are removed and replaced with a building material suitable for exterior use and finished to match the adjacent wall surfaces. Nothing in this section provides relief, where particular windows, window coverings, or the absence of window coverings are required by the adopted Building and Fire Code.
- j. Screening and visible walls (from sidewalk/public right-of-way). All screening of interiors shall be maintained in a clean and attractive manner and in a good state of repair. Nothing herein shall be construed to prohibit window displays which are in good condition and appropriately maintained. All walls and other portions of buildings and structures exposed to public view shall be kept in a good state of repair and shall be painted or finished in such a manner as to present a clean, neat, attractive, and maintained appearance.

- k. Doors. Door glass shall be unbroken and shall be fitted into their frames in such a manner so as to secure, weather proof and exclude pests and vermin.
 - l. Dumpsters and garbage disposal. Dumpsters and garbage disposal shall be done in the alleyways downtown and not along Main Street or other public streets. Dumpsters and garbage receptacles shall not block vehicle traffic or maneuverability and shall be placed and stored on private property whenever possible. The owner or tenant shall provide or make provisions for regular pickup and disposal based on occupancy and use and shall provide, upon request by the City, proof of service for solid waste disposal. Shared or group service is permissible and encouraged to reduce the number of dumpsters downtown.
 - m. Sidewalks. It shall be the responsibility of the abutting property owner or tenant to keep the sidewalk areas in front of their property clean, sanitary and free from excessive litter, grime, grease or debris.
- B. Interior of building.
- a. General. The interior of any structure downtown including any equipment and fixtures therein shall be maintained in a sound, safe and sanitary manner, so as to not pose a substantial threat to public health, safety and welfare to occupants or adjacent structures.
 - b. Structural members. The structural members of every building downtown shall be maintained sound, and free of any major deterioration and fully able to bear the live and dead weight placed upon them.
 - c. Damp. The entire structure, including cellars, crawl spaces, walls, and floors shall be maintained in such a way that they are kept reasonably free from, and are not conducive to damp, decay and rot, including rising damp, seepage from party walls and inadequate plumbing.
 - d. Applicable codes apply. All applicable building codes apply to downtown structures including, but not limited to, those addressing sanitation, plumbing, electrical, mechanical, building, zoning and other rules.
 - e. Junk and trash. The interior of every structure downtown shall be maintained free of waste, rubbish, refuse, garbage, debris, and unlawful storage.
 - f. Pests. All structures downtown must be free of, and maintained in a manner that excludes insects, rodents, bats, rats, birds and other vermin.

SECTION 7: AMENDATORY. Section 7-775 is hereby added to read:

Enforcement Process

- A. The enforcement authority for this code shall be the Community Development Director or their designee.
- B. Vacant or occupied structures included in the scope of this code that have violations or suspected violations of this code are subject to inspection by the City during regular business hours. Where there are violations or suspected violations that are not in plain view, the City may pursue issuance of a warrant to inspect the property if an owner or tenant does not provide right of entry.
- C. Prior to the issuance of a citation and penalty as set forth in section “E” below, the City shall notify the owner of the property in writing of suspected violations to this ordinance.

The owner shall have fifteen (15) calendar days to respond and begin the necessary repairs. Up to two additional fifteen (15) calendar day extensions may be granted administratively by the City if a good-faith effort is being made and the repairs are extensive or if there have been weather delays. An owner may submit reports from third party experts to demonstrate compliance with this code and the City is authorized to require such reports in accordance with adopted codes. The submittal of such reports does not guarantee acceptance and approval by the City.

- D. Exception. Should an owner or tenant of the property and structure have an active building permit, they shall be given the given the appropriate time set forth in the building code to complete repairs or the remodel project. However, under no circumstance, shall an owner or tenant allow a violation of this code to persist greater than twelve (12) months, unless written authorization from the Community Development Director is provided.
- E. Violations of this Article and associated penalties shall follow the process set forth in Section 7-2 of this Chapter. Nothing in this Article shall be construed as preventing the City from pursuing other code enforcement action allowed by other provisions of the Shawnee Municipal Code.

SECTION 8: SEVERABILITY. The provisions of this ordinance are severable and, if any sentence, provision, or other part of this Ordinance shall be held invalid, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

SECTION 9: CODIFICATION. This Ordinance shall be codified in the Shawnee Municipal Code as part of Chapter 7 and the codifier is authorized to set out the ordinance as it deems appropriate.

PASSED AND APPROVED this 18th day of May, 2015.

WES MAINORD, MAYOR

ATTEST:

(seal)

PHYLLIS LOFTIS, CMC, CITY CLERK

APPROVED AS TO FORM:

MARY ANN KARNS, CITY ATTORNEY

Regular Board of Commissioners

16.

Meeting Date: 05/18/2015

Vyve Permit

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Discussion, consideration and possible action on renewal of a nonexclusive permit to Vyve Broadband A, LLC to maintain a cable communication system in the City of Shawnee.

Attachments

Vyve Permit Memo

Vyve Permit PP

Vyve Permit

Mayor
WES MAINORD




The City of Shawnee
Office of the City Manager

P.O. Box 1448
Shawnee, Oklahoma 74802-1448
(405) 878-1601 Fax (405) 214-4249
www.ShawneeOK.org

Commissioners
VACANT
LINDA AGEE
JAMES HARROD
KEITH HALL
LESA SHAW
MICHEAL DYKSTRA

MEMORANDUM

AGENDA: May 18, 2015
TO: Mayor and Shawnee City Commission
FROM: Justin Erickson, Interim City Manager 
RE: Renewal of Nonexclusive Permit to Vyve Broadband

SUMMARY

On May 21, 2007 the Shawnee City Commission approved an eight-year permit to Allegiance Communications to operate and maintain a cable television system in the City of Shawnee. On February 19, 2013 the City Commission approved assignment of the Allegiance permit to BCI Allegiance, LLC, which later became Vyve Broadband A, LLC (hereafter "Vyve Broadband").

Vyve Broadband requests renewal/issuance of a nonexclusive permit for twelve years, which is the maximum length of the permit as specified in the Shawnee Municipal Code. As part of the agreement, Vyve Communications will remit to the City an annual permit fee (which shall have the same meaning as "franchise fee") in the amount of three-percent (3%) of annual gross revenues.

As is the case with the current permit, the agreement provides complimentary basic cable and cable programming service to City and public school facilities. The permit also provides up to two channels to be used for public, educational and governmental access.

RECOMMENDATION

Staff recommends granting of a permit to Vyve Broadband to operate and maintain a cable communications system in the City of Shawnee.

Attachments



City of Shawnee Franchise Renewal



Cable Communications Permit Highlights

- Current franchise Permit expires May 21, 2015
- Permit is non-exclusive; term: 12 years
- Complimentary Full Basic Cable Service to Public Buildings and Schools
- Permit provides for up to two channels to be used for Public, Educational and Governmental Access (PEG); provisions for activation of second PEG channel



Cable Communications Permit Highlights

- Permit fees in the amount of 3% of Grantee's annual Gross Revenues; payable monthly
- No sale or transfer of Permit without written approval of Grantor
- Provides for Revocation Procedures
- Permit Renewal in accordance with applicable federal, state and local laws and regulations

Vyve Broadband in Shawnee



Base for Regional Operations, Engineering, Call Center and Business/Enterprise Sales Group

Employment

- 2014 employed 74 employees in the City of Shawnee with a payroll of about \$2.7 million.
- Expect a 10% increase in employment in 2015 to 81 employees with an annual budget in excess of \$3 million.

Investment

- Over \$3mm on network within Shawnee
- Several million dollars on master headend facility currently serving
 - Several markets throughout Oklahoma
 - Louisiana
 - Georgia
 - Kansas
 - More to come

Shawnee Master Headend Facility



Vyve Broadband in Shawnee



Launched New Services in Shawnee

- Expanded high-speed internet services with deployment of DOCSIS 3.0
- Speeds up to 105mbps
- Replaced all customer modems with new 3.0 enabled modems
- Moved existing customer speeds to 25Mbps
- Launched all-digital video service, nearly full HD selection
- Enhanced phone service – unlimited calling throughout US, enhanced features

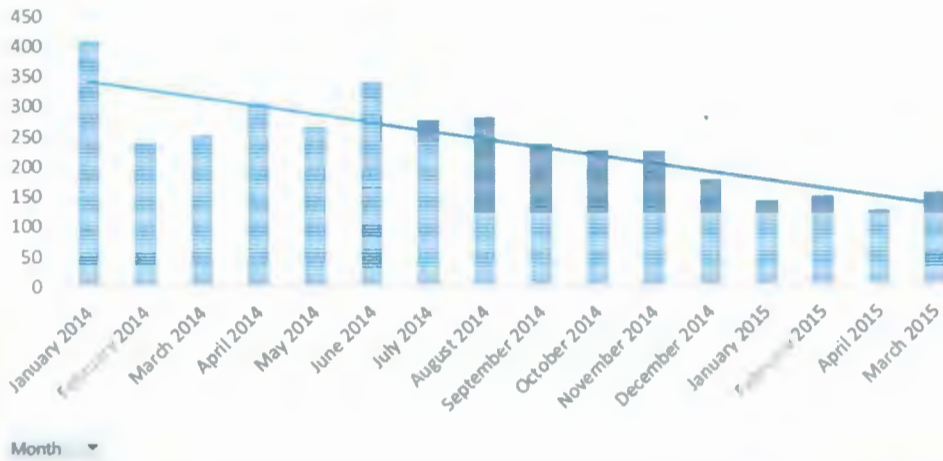
Vyve Broadband in Shawnee



Trouble Call History

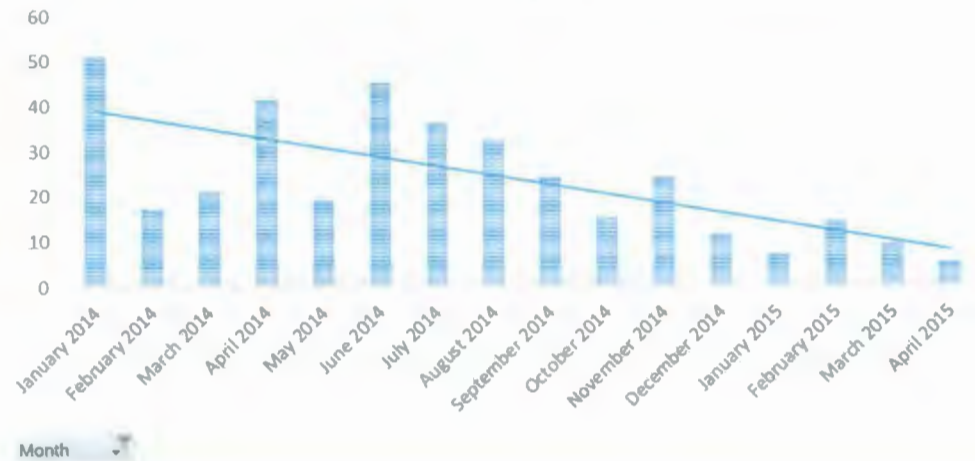
Completed TC

TOTAL TROUBLE CALLS - SHAWNEE



Repeat TC in a Month

REPEAT TROUBLE CALLS - SHAWNEE





We appreciate the opportunity to serve the residents of Shawnee!

A PERMIT GRANTED TO VYVE BROADBAND A, LLC TO MAINTAIN A CABLE COMMUNICATIONS SYSTEM IN THE CITY OF SHAWNEE, OKLAHOMA; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE PERMIT; PROVIDING FOR REGULATION AND USE OF THE SYSTEM; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS

The City of Shawnee, Oklahoma ordains:

FINDINGS

In the review of Vyve Broadband A, LLC ("Grantee"), the City of Shawnee, Oklahoma makes the following findings:

- 1.) The Grantee's technical ability, financial condition, legal qualifications, and character were considered and approved in a full public proceeding after due notice and a reasonable opportunity to be heard;
- 2.) Grantee's plans for operating the System were considered and found adequate and feasible in a full public proceeding after due notice and a reasonable opportunity to be heard; and
- 3.) The Permit granted to Grantee by Grantor complies with the existing applicable laws and regulations.

SECTION 1.

SHORT TITLE AND DEFINITIONS

- 1.) Short Title. This Permit shall be known and cited as the Cable Communications Permit.
- 2.) Definitions. For the purposes of this Permit, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The word "may" is directory and discretionary and not mandatory.
 - (a) "Basic Cable Service" means any service tier which includes the lawful retransmission of local television broadcast signals and any public, educational, and governmental access programming required by this Permit to be carried on the basic tier in analog and/or digital format. Basic Cable Service as defined herein shall not be inconsistent with 47 U.S.C. §543(b)(7).
 - (b) "Cable Programming Service" means any Video Programming provided over a Cable System, regardless of service tier, including installation or rental of equipment used for the receipt of such Video Programming, other than:
 - (1) Video Programming carried on the Basic Service Tier;

(2) Video Programming offered on a pay-per-channel or pay-per-program basis; or

(3) A combination of multiple channels of pay-per-channel or pay-per-program Video Programming offered on a multiplexed or time-shifted basis so long as the combined service:

a. consists of commonly-identified Video Programming; and

b. is not bundled with any regulated tier of service.

Cable Programming Service as defined herein shall not be inconsistent with the definition as set forth in 47 U.S.C. §543(1)(2) and 47 C.F.R. 76.901(b) (1993).

(c) “Cable Service” means the one-way transmission to Subscribers of Video Programming, or other programming service, and Subscriber interaction, if any, which is required for the selection of such Video Programming or other programming service.

(d) “Cable System” or “System” means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service which includes Video Programming and which is provided to multiple Subscribers within a community, but such term does not include:

(1) a facility that serves only to retransmit the television signals of one or more television broadcast stations;

(2) a facility that serves Subscribers without using any public right-of-way;

(3) a facility of a common carrier which is subject, in whole or in part, to the provisions of 47 U.S.C. §§201 et seq., except that such facility shall be considered a Cable System (other than for purposes of 47 U.S.C. §541 (c) to the extent such facility is used in the transmission of Video Programming directly to Subscribers, unless the extent of such use is solely to provide interactive on-demand services;

(4) an open video system that complies with 47 U.S.C. §653; or

(5) any facilities of any electric utility used solely for operating its electric utility systems.

(e) “City” means City of Shawnee, acting by and through its Board of Commissioners or City Commission.

- (f) “Complimentary Service” shall have the meaning set forth in Section 2(10) hereof.
- (g) “Drop” means the cable that connects the ground block on the Subscriber's residence to the nearest tap of the System.
- (h) “FCC” means the Federal Communications Commission and any legally appointed, designated or elected agent or successor.
- (i) “Grantee” is Vyve Broadband A, LLC.
- (j) “Grantor” is the City of Shawnee, Oklahoma.
- (k) “Gross Revenue” means all monthly revenue received from Basic Cable Service, Cable Programming Service, and Pay Television directly by Grantee from the operation of its System within the Service Area. The term “Gross Revenues” shall not include Installation fees, disconnection fees, upgrade and downgrade of service fees, fees for telecommunications or information services, if any, fees for the sale, leasing, or servicing of equipment, permit fees, advertising revenues, late fees, insufficient funds checking fees, FCC regulatory fees, tower rent, network capacity and facilities rent for the provision of non-cable services (voice or data services), investment income, any fees itemized and passed through as a result of Permit-imposed requirements, or any taxes or fees on services furnished by Grantee imposed directly on any Subscriber or user by any municipality, state, or other governmental unit and collected by Grantee for such governmental unit.
- (l) “Installation” means the connection of the System from feeder cable to the point of connection, including Standard Installations and custom installations.
- (m) “Lockout Device” means an optional mechanical or electrical accessory to a Subscriber's terminal which inhibits the viewing of a certain program, certain channel, or certain channels provided by way of the Cable System.
- (n) “Multichannel Video Program Distributor” or “MVPD” means a person such as, but not limited to, a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming.
- (o) “Open Video Services” or “OVS” means any Video Programming Services provided to any person in the Service Area by a Person certified by the FCC to operate an Open Video System pursuant to Section 47 USC §573, as may be amended, regardless of the facilities used.
- (p) “Pay Television” means the delivery over the System of pay-per-channel or pay-per-program audio-visual signals to Subscribers for a fee or charge, in addition to the charge for Basic Cable Service or Cable Programming Services.

- (q) “Permit” means the non-exclusive rights granted pursuant to an initial authorization, or renewal thereof (including a renewal of an authorization which has been granted subject to 47 USC §546) issued by a franchising authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the construction or operation of a Cable System.
- (r) “Person” is any person, firm, partnership, association, corporation, company, or other legal entity.
- (s) “Service Area” means the area within the legal boundaries of City.
- (t) “Standard Installation” means any residential installation which can be completed using a Drop of one hundred twenty five (125) feet or less.
- (u) “Street” means the surface of, and the space above and below, any public street, road, highway, freeway, lane, alley, path, court, sidewalk, parkway, or drive, or any easement or right-of-way now or hereafter held by Grantor.
- (v) “Subscriber” means any Person who lawfully receives Cable Service.
- (w) “Video Programming” means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

SECTION 2.

GRANT OF AUTHORITY AND GENERAL PROVISIONS

- 1.) Permit Required. It shall be unlawful for any Person to construct, operate or maintain a Cable System or to provide Cable Service or other competing MVPD services, including OVS, in the Service Area without a Permit as required by Section 2(3)(c) below.
- 2.) Grant of Permit. This Permit is granted pursuant to the terms and conditions contained herein.
- 3.) Grant of Nonexclusive Authority.
 - (a) Grantee shall have the right and privilege to construct, erect, operate, repair and maintain, in, upon, along, across, above, over and under the Streets, alleys, public ways and public places now laid out or dedicated and all extensions thereof, and additions thereto in the Service Area, poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the Service Area of a Cable System as herein defined.

(b) Grantee shall have the right to conduct direct selling in the Service Area, including door to door sales, notwithstanding any peddler or solicitor laws or regulations to the contrary.

(c) This Permit shall be nonexclusive, and Grantor reserves the right to grant a similar use of said Streets to any MVPD at any time during the period of this Permit; provided, however, that any additional Permit shall contain the same substantive terms and conditions as this Permit in order that one MVPD is not granted a competitive advantage over another. In the event a MVPD commences operation without a Permit or is granted a Permit to operate by Grantor, the terms and conditions of which do not comply with this Permit, Grantee shall have the right either (i) to accept the material terms of the competitor's Permit by providing ten (10) days prior written notice to Grantor, which shall then act to amend this Permit within thirty (30) days; or (ii) to petition Grantor for modifications to this Permit, in which case Grantor shall work in good faith with Grantee to review and adopt the modifications which Grantee deems necessary, and such review and approval by Grantor shall not be unreasonably denied or withheld. A MVPD is not an entity that provides direct broadcast satellite services for purposes of this Section 2(3)(c). Notwithstanding any provisions of this Section 2(3)(c) to the contrary, if Grantor does not possess authority under applicable laws to require a Permit of a Person, the provisions of this Section shall not apply.

4.) Term. This Permit shall be in effect for a period of twelve (12) years from the date of acceptance by Grantee, unless renewed, revoked, or terminated sooner as herein provided.

5.) Previous Permits. Upon acceptance by Grantee as required by Section 9 herein, this Permit shall supersede and replace any previous permit, franchise, ordinance or agreement granting a Permit to Grantee to own, operate and maintain a Cable System within the Service Area.

6.) Other Ordinances and Police Powers. Grantee agrees to comply with the terms of any lawfully adopted generally applicable local ordinance, to the extent that the provisions of the ordinance do not have the effecting of limiting the benefits or expanding the obligations of Grantee that are granted by this Permit. This Permit is a contract and Grantee reserves the right to challenge the provisions of any ordinance which conflicts with its contractual rights, either now or in the future. In the event of a conflict between any ordinance and this Permit, this Permit shall control; provided, however, that Grantee agrees that it is subject to the lawful exercise of Grantor's police power.

7.) Rules of Grantee. Grantee shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable said Grantee to exercise its rights and perform its obligation under this Permit.

8.) Territorial Area Involved. This Permit is granted for the corporate boundaries of Grantor, as it exists from time to time. In the event of annexation by Grantor, or as development occurs, any new territory shall become part of the area covered, provided, however, that Grantee shall not be required to extend service beyond its present System boundaries unless there is a minimum of forty (40) homes per cable mile as measured from the tap from which Grantee would extend service. Grantee shall be given a reasonable period of time to construct and activate cable plant to service annexed or newly developed areas.

9.) Written Notice. All notices, reports, or demands required to be given in writing under this Permit shall be deemed to be given (i) when delivered personally to any officer of Grantee or Grantor, (ii) forty-eight (48) hours after it is deposited in the United States mail in a sealed envelope, with registered or certified mail postage prepaid thereon, addressed to the party to whom notice, report or demand is being given, or (iii) on the next business day if sent by express mail or nationally recognized overnight air courier addressed to the party to whom notice, report or demand is being given, in each case, as follows:

If to Grantor: City of Shawnee
 P.O. Box 1448
 Shawnee, OK 74802
 Attn: City Manager

If to Grantee: Vyve Broadband A, LLC
 Four International Drive
 Suite 330
 Rye Brook, NY 10573
 Attn: General Counsel

Such addresses may be changed by either party upon notice to the other party given as provided in this Section.

10.) Complimentary Basic Cable Service and Cable Programming Service to Public Buildings. Subject to Grantee's receipt of all required easements, permits and authorizations, Grantee shall provide, except as otherwise specifically noted on **Exhibit A** hereto, a Standard Installation of one (1) cable Drop, one (1) cable outlet, and monthly Basic Cable Service and Cable Programming Service (collectively, "Complimentary Service") without charge to the public buildings located at the addresses set forth on **Exhibit A** hereto.

No redistribution of such Complimentary Service provided pursuant to this Section shall be allowed. Additional Cable Service(s), Drops and/or outlets at any of the locations listed on **Exhibit A** hereto may be provided by Grantee upon request by Grantor and payment by Grantor for the applicable cost of such installation and Cable Service(s). Additional Cable Service(s), Drops and/or outlets requested shall be billed to the addresses listed on **Exhibit A** hereto at Grantee's applicable monthly recurring rate, as applicable.

Upon request by Grantor, Grantee may also provide (1) one complimentary digital television adapter (DTA), if required, at each Complimentary Service location listed on **Exhibit A** hereto. Additional DTAs may be provided by Grantee upon request and shall be billed to the applicable service location address at Grantee's applicable monthly recurring rate.

For the avoidance of doubt, in no event shall Grantee be obligated to provide Complimentary Service to any persons or locations other than those specifically listed on **Exhibit A** hereto. Upon request by Grantor and payment by Grantor for applicable installation, equipment and service charges relating thereto, Cable Service(s) may be provided to additional public buildings and billed to the addresses of such additional public buildings at Grantee's monthly recurring billing rates. Notwithstanding the foregoing, in no event shall Grantee be required to extend service beyond its present System boundaries in order to provide Complimentary Service or additional Cable Service(s) to any public buildings that may be designated by Grantor.

SECTION 3.

CONSTRUCTION STANDARDS

- 1.) Construction Codes and Permits.
 - (a) Grantee shall obtain all required permits from Grantor before commencing any construction upgrade or extension of the System, including the opening or disturbance of any Street, or private or public property within Service Area.
 - (b) Except as contemplated by Section 6 herein, Grantor shall impose no permit fees upon Grantee.
 - (c) Grantor shall have the right to inspect all construction or installation work performed pursuant to the provisions of the permits and to make such tests at its own expense as it shall find necessary to ensure compliance with the terms thereof and applicable provisions of local, state and federal law; provided any such testing must be coordinated with Grantee to avoid service disruption to Subscribers.
- 2.) Repair of Streets and Property. Any and all Streets or public property which are disturbed or damaged during the construction, repair, replacement, relocation, operation, maintenance or reconstruction of the System shall be promptly restored by Grantee, at its expense, to a condition as good as that prevailing prior to Grantee's work.
- 3.) Conditions on Street Use.
 - (a) If at any time during the period of this Permit Grantor shall elect to alter, or change the grade or location of any Street, alley or other public way, Grantee shall, at its own expense, upon reasonable notice by Grantor, remove and relocate

its poles, wires, cables, conduits, manholes and other fixtures of the System, and in each instance comply with the standards and specifications of Grantor. Grantor shall reimburse Grantee for the actual cost of any such relocation. Grantee shall not be required to relocate for any telecommunications system or Cable System.

(b) Grantee shall, on request of any Person holding a moving permit issued by Grantor, temporarily move its wires or fixtures to permit the moving of buildings with the expense of such temporary removal to be paid by the Person requesting the same, and Grantee shall be given not less than thirty (30) days advance notice to arrange for such temporary changes.

(c) Grantee shall have the authority to trim any trees upon and overhanging the Streets, alleys, sidewalks, or public easements of Grantor so as to prevent the branches of such trees from coming in contact with the wires and cables of Grantee.

(d) Nothing in this Permit relieves a Person from liability arising out of the failure to exercise reasonable care to avoid injuring Grantee's System or facilities while performing work in, on, under or over a Street or public place.

4.) Undergrounding of Cable.

(a) In areas where all other utility lines are placed underground, Grantee shall construct and install its cables underground.

(b) In any area where one or more public utilities are aerial, Grantee may construct and install its cables, wires and other facilities aerially or above ground.

SECTION 4.

SYSTEM PROVISIONS

1.) Technical Standards. The System shall comply, at minimum, with the technical standards promulgated by the FCC found in Title 47, Section 76.601 to 76.617, as may be amended or modified from time to time.

2.) Lockout Device. Upon the request of a Subscriber, Grantee shall provide by sale or lease a Lockout Device.

SECTION 5.

SERVICES PROVISIONS

- 1.) Subscriber Inquiry and Complaint Procedures. Grantee shall have a publicly listed toll-free telephone number and be operated so as to receive Subscriber complaints and requests on a twenty-four (24) hour-a-day, seven (7) days-a-week basis.
- 2.) Refund Policy. In the event a Subscriber establishes or terminates service and receives less than a full month's service, Grantee shall prorate the monthly rate on the basis of the number of days in the period for which service was rendered to the number of days in the billing.
- 3.) Public Educational and Government Access Channel(s). Grantee shall make available to Grantor up to two (2) channels to be used only for public, educational and governmental ("PEG") access programming ("PEG Channel"); provided, that the second PEG Channel shall only be provided to Grantor (i) upon 180 days prior written notice to Grantee and (ii) after the first PEG Channel is programmed with an average of ten (10) hours per week of original, first-run locally produced programming for a period of twelve (12) consecutive weeks. The PEG Channel(s) shall be shared with other municipalities receiving programming from a common headend and all municipalities shall receive the same programming at the same time. Grantor shall be responsible for the programming and operation of the PEG Channel(s). For the avoidance of doubt, Grantee shall have no obligations whatsoever beyond making the PEG Channel(s) available and shall have no obligation to provide any PEG Channel equipment or any financial or technical support or services with respect thereto. Notwithstanding the forgoing, Grantee shall continue to make Channel 3 available for carriage of Grantor's existing Government Access PEG Channel so long as it remains technically feasible to do so; provided, however, that in the event technological changes or applicable laws or regulations prevent such channel placement, Grantor and Grantee shall use reasonable efforts to mutually agree upon a new placement for such PEG Channel.

SECTION 6.

OPERATION AND ADMINISTRATION PROVISIONS

- 1.) Indemnification of Grantor. Grantee shall indemnify, defend, and hold harmless Grantor from and against all liability, damages, and penalties which it may be legally required to pay as a result of the exercise of this Permit, except for (i) claims covered by worker's compensation insurance or other insurance coverage unless the applicable insurance carrier seeks reimbursement from Grantor for such insurance coverage, (ii) claims arising directly or indirectly from, or related to, the negligence or misconduct of Grantor or its employees, contractors, representatives or agents, and (iii) claims arising directly or indirectly from, or related to, the programming, programming content, administration, operation or other use of the PEG Channel(s).
- 2.) Indemnification of Grantee. To the extent allowed under Oklahoma law, Grantor shall indemnify, defend and hold harmless Grantee from and against any liability, damages and penalties which it may be legally required to pay as a result of the programming, programming content, administration, operation or other use of the PEG Channel(s), except for any claims arising directly or indirectly from the negligence or misconduct of Grantee or its employees, contractors, representatives or agents.
- 3.) Notice and Process for Indemnification. In order for either party to assert its rights to be indemnified, defended, and held harmless, the party seeking indemnification must with respect to each claim:
 - (a) Promptly notify the indemnifying party in writing of any claim or legal proceeding which gives rise to such right; the failure to provide timely notice shall not affect the rights to indemnification hereunder, except to the extent that the indemnifying party is prejudiced or demonstrates actual damage caused by such failure;
 - (b) Afford the indemnifying party the opportunity to fully control any compromise, settlement or other resolution or disposition of any claim or proceeding. If a settlement will result in any continuing obligations of the party seeking indemnification hereunder, then the indemnifying party shall not be entitled to settle any claim without the indemnified party's consent, which shall not be unreasonably withheld, delayed or conditioned; and
 - (c) Fully cooperate with reasonable requests of the indemnifying party in its control, compromise, settlement or resolution or other disposition of such claim or proceeding.
- 4.) Limitation of Liability. NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR ANY INDIRECT, CONSEQUENTIAL, EXEMPLARY, SPECIAL, INCIDENTAL OR PUNITIVE DAMAGES ARISING IN CONNECTION WITH THIS PERMIT OR THE PROVISION OF SERVICES HEREUNDER, UNDER ANY THEORY OF TORT, CONTRACT, WARRANTY, STRICT LIABILITY OR

NEGLIGENCE, EVEN IF THE PARTY HAS BEEN ADVISED, KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY OF SUCH DAMAGES.

5.) Insurance. Grantee shall maintain in full force and effect at its sole expense, a comprehensive general liability insurance policy, including contractual liability coverage. The policies of insurance shall be in the sum of not less than Three Hundred Thousand Dollars (\$300,000) for personal injury or death of any one Person, and One Million Dollars (\$1,000,000) for personal injury or death of two or more Persons in any one occurrence, Three Hundred Thousand Dollars (\$300,000) for property damage to any one Person and One Million Dollars (\$1,000,000) for property damage resulting from any one act or occurrence.

6.) Permit Fee.

(a) Grantee will pay Grantor an annual permit fee (which shall have the same meaning as “franchise fee” as defined in 47 USC §542(g)) in the amount of three (3%) percent of Grantee’s annual Gross Revenues.

(b) The permit fee shall be payable monthly. The payment shall be made within fifteen (15) days of the end of each of month, together with a brief report showing the basis for the computation.

(c) Upon thirty (30) days prior written notice, Grantor or its authorized representative, shall have the right to conduct an independent audit of Grantee’s records solely to determine Grantee’s compliance with the permit fee payment obligation imposed by this Permit. Grantor’s right to audit and Grantee’s obligation to retain records related to permit fee payments shall expire three (3) years after each permit fee payment has been made to Grantor.

SECTION 7.

REVOCAION, ABANDONMENT, AND SALE OR TRANSFER

1.) Grantor's Right to Revoke. In addition to all other rights which Grantor has pursuant to law or equity, Grantor reserves the right to revoke, terminate or cancel this Permit, and all rights and privileges pertaining thereto, if after strictly following the procedures required by Section 7(2) hereof, it is determined that Grantee has violated any material provision of this Permit and has failed to substantially cure said violation.

2.) Procedures for Revocation.

(a) Grantor shall provide Grantee with written notice of a cause for revocation and the intent to revoke and shall allow Grantee sixty (60) days subsequent to receipt of the notice in which to substantially cure the violation or to provide adequate assurance of performance. Together with the notice required herein, Grantor shall provide Grantee with written findings of fact which are the basis of the revocation.

(b) Grantee shall be provided the right to a public hearing affording due process before the Grantor elected body prior to revocation, which public hearing shall follow the sixty (60) day notice provided in paragraph (a) above. Grantor shall provide Grantee with written notice of its decision together with written findings of fact supplementing said decision.

(c) After the public hearing and upon written determination by Grantor to revoke the Permit, Grantee may appeal said decision with an appropriate state or federal court or agency.

(d) During the appeal period, the Permit shall remain in full force and effect; provided, however, Grantee may elect to discontinue offering Cable Service or terminate the Permit in its sole discretion at any time during the appeal period.

(e) Upon satisfactory correction by Grantee of the violation upon which said notice was given, the initial notice shall become void.

3.) Sale or Transfer of Permit. No sale or transfer of this Permit shall take place without the written approval of Grantor, which approval shall not be unreasonably withheld. All of the rights, privileges, obligations, duties, and liabilities created by this Permit shall pass to and be binding upon the successor or assign of Grantee. Notwithstanding the foregoing, no approval shall be required for (i) a transfer or assignment of any right, title or interest of Grantee in this Permit or the System to secure indebtedness, or (ii) a transfer or assignment of this Permit or the System to an entity that through one or more intermediaries, owns or controls, or is owned or controlled by, or under common ownership or control with, Grantee.

4.) Grantee Termination of Permit. In the event Grantee elects to terminate this Permit and discontinue providing Cable Service, Grantee shall provide ninety (90) days prior written notice to Grantor. Upon the expiration of the ninety (90) day notice period, this Permit shall be deemed to be rescinded and Grantee shall be deemed to be released from any further obligations to Grantor with no further action required by Grantee or Grantor.

SECTION 8.

MISCELLANEOUS PROVISIONS

1.) Permit Renewal. Any renewal of this Permit shall be done in accordance with applicable federal, state and local laws and regulations.

2.) Amendment of Permit. Grantee and Grantor may agree, from time to time, to amend this Permit. Such written amendments may be made at any time if Grantor and Grantee agree that such an amendment will be in the public interest or if such an amendment is required due to changes in federal, state or local laws. Grantor shall act pursuant to local law pertaining to the amendment process.

- 3.) Subscriber Privacy. Grantee shall comply with the terms of 47 USC §551 relating to the protection of Subscriber privacy.
- 4.) Force Majeure. Grantee shall not be held in default under, or in noncompliance with, the provisions of this Permit, nor suffer any enforcement or penalty relating to noncompliance or default (including termination, cancellation or revocation of this Permit), where such noncompliance or alleged faults occurred or were caused by riot, war, earthquake, flood, tidal wave, unusually severe rain or snow storm, hurricane, tornado or other catastrophic act of nature or judicial order or regulation or fiber cut or other damage to the Cable System or other event that is reasonably beyond the Grantee's ability to anticipate or control. This provision also covers work delays caused by waiting for utility providers to service or monitor their own utility poles on which Grantee's cable and/or equipment is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary and delays caused by limited access to easements, poles or Streets.
- 5.) Integration. This Permit constitutes the sole and entire understanding and agreement of Grantor and Grantee with respect to the subject matter contained herein and supersedes all prior or contemporaneous understandings and agreements, both written and oral, with respect to such subject matter.
- 6.) Severability. If any provision of this Permit is for any reason held illegal or invalid, or is preempted by any Federal law, rule or regulation, such provision shall be deemed to be separate and distinct and such holding or preemption shall not affect the validity of the remaining provisions of this Permit.

SECTION 9.

PUBLICATION, EFFECTIVE DATE AND ACCEPTANCE

- 1.) Publication; Effective Date. If applicable, this Permit shall be published in accordance with law. The effective date of this Permit shall be the date of acceptance by Grantee in accordance with the provisions of Section 9(2) hereof.
- 2.) Acceptance.
 - (a) Grantee shall accept this Permit by executing same. Such acceptance by the Grantee shall be deemed the grant of this Permit for all purposes. With its acceptance, Grantee shall also deliver any insurance certificates required herein that have not been previously delivered.
 - (b) Upon acceptance of this Permit, Grantee shall be bound by all the terms and conditions contained herein.

Passed and adopted this ____ day of _____, 2015

GRANTOR:

City of Shawnee, Oklahoma

By: _____

Its: _____

Approved as to form and legality this ____ day of _____, 2015.

MARY ANN KARNS
CITY ATTORNEY

GRANTEE ACCEPTANCE:

This Permit is accepted and we agree to be bound by its terms and conditions.

Vyve Broadband A, LLC

By: _____

Its: _____

Dated: _____

EXHIBIT A COMPLIMENTARY SERVICE

City-Owned Facilities

City Hall (3 connections with Expanded Basic) – 16 W. 9th St.

City Office Building - 227 N. Broadway

City Hall Annex (3 connections with Expanded Basic) - 222 N. Broadway

Fire Station #1 – 16 W. 9th St.

Fire Station #2 – 306 E. MacArthur

Fire Station #3 – 1400 N. Bryan

Public Works Building – 111 S. Kickapoo

Airport – 2202 Airport Dr.

Water Treatment Plant - 801 S. Kickapoo

Expo Center – 1700 W. Independence

Community Center - 804 S. Park

Cable Connections to Schools

Shawnee Public Schools: High School - 1001 North Kennedy

Shawnee Public Schools: Middle School - 4300 North Union

Shawnee Public Schools: Jim Thorpe Academy – 1111 N. Kennedy

Shawnee Public Schools: Horace Mann Elementary – 412 N. Draper

Shawnee Public Schools: Jefferson Elementary - 800 North Louisa

Shawnee Public Schools: Sequoyah Elementary - 1401 East Independence

Shawnee Public Schools: Will Rogers Elementary - 2600 North Union

Shawnee Public Schools: Early Childhood Center - 1831 Airport Drive

Shawnee Public Schools: Bus Barn – 711 Kickapoo Spur

Pleasant Grove Schools: Pleasant Grove School - 1927 East Walnut

Grove Schools: Grove School - 2800 N Bryan

CTSA Headstart - 1535 N McKinley Ave

Cable Connections – Other

Faith 7 Activity Center: 301 S. Kennedy

Shawnee Senior Center: 401 N. Bell

Shawnee Public Library: 101 N. Philadelphia

Regular Board of Commissioners

17.

Meeting Date: 05/18/2015

Muni Judge Search

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Discussion, consideration and possible action to determine selection process for Municipal Judge.

Regular Board of Commissioners

18.

Meeting Date: 05/18/2015

May Sales Tax

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Acknowledge Sales Tax Report received May 2015.

Attachments

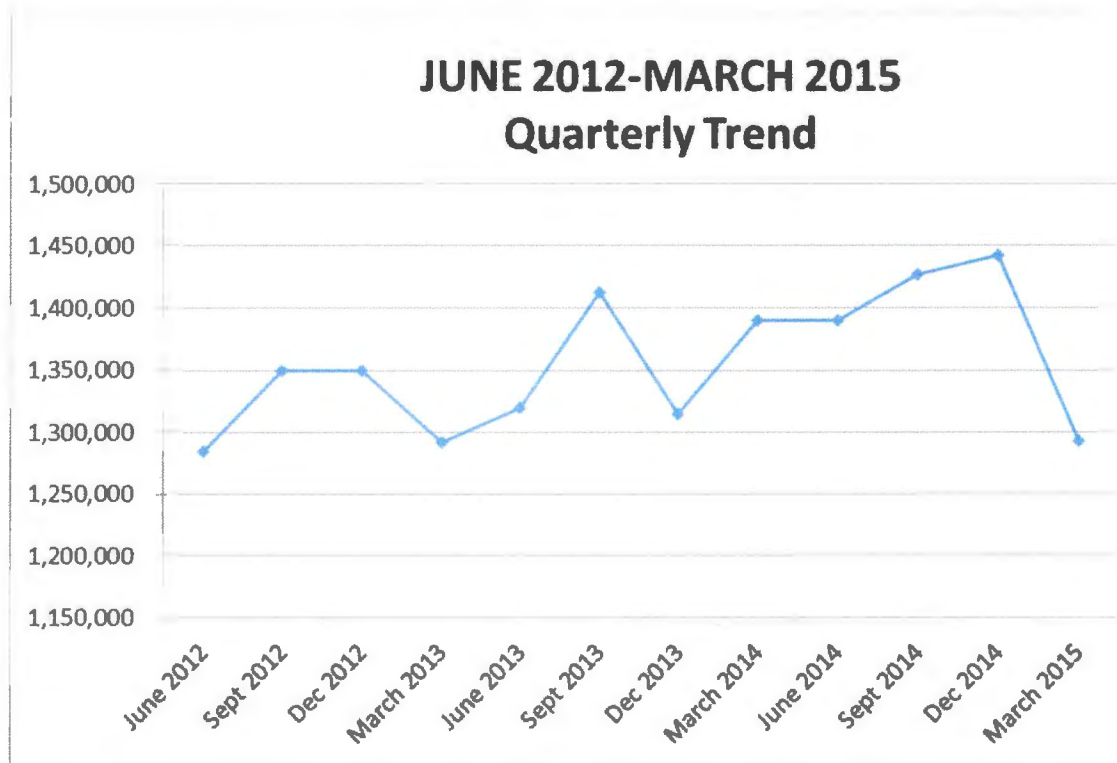
May Sales Tax

City of Shawnee Memorandum



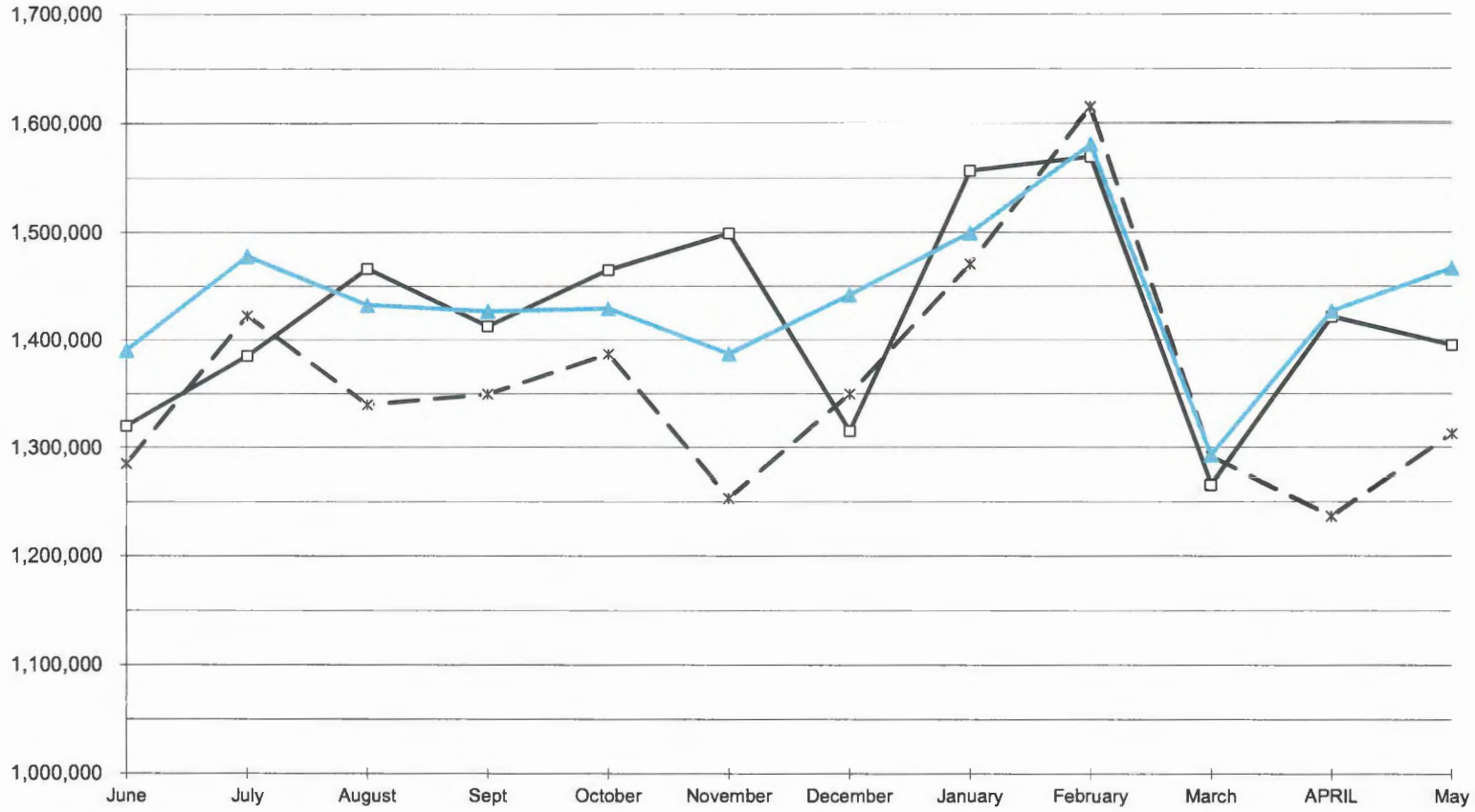
To: Mayor and City Commissioners
CC: Justin Erickson, Interim City Manager
From: Cynthia R Sementelli, Finance Director
Date: May 7, 2015
Re: City Sales Tax Report

May sales tax collected was \$1,466,536 which was 5.13% over last year. We were 11.7 % or \$153,826 over May 2013 figures.



	June 2012	June 2013	June 2014	Increase (Decrease)	
	through	through	through	Over Prior Year	
Month	May 2013	May 2014	May 2015	Amount	Percentage
June	1,284,872	1,319,813	1,390,155	70,342	5.33%
July	1,422,363	1,385,055	1,477,552	92,498	6.68%
August	1,339,539	1,466,250	1,432,227	(34,023)	(2.32%)
Sept	1,349,282	1,412,708	1,426,359	13,651	0.97%
October	1,386,657	1,465,063	1,428,921	(36,142)	(2.47%)
November	1,253,140	1,499,183	1,386,855	(112,328)	(7.49%)
December	1,349,459	1,315,025	1,441,774	126,749	9.64%
January	1,470,565	1,556,616	1,499,067	(57,550)	(3.70%)
February	1,615,070	1,569,453	1,580,604	11,151	0.71%
March	1,291,532	1,265,687	1,292,781	27,093	2.14%
APRIL	1,236,564	1,421,540	1,426,451	4,911	0.35%
May	1,312,710	1,394,972	1,466,536	71,564	5.13%
Total	16,311,753	17,071,364	17,249,280	177,917	1.04%
		Prior Year	Current Year	Increase (Decrease)	
Period		Actual	Actual	Over Prior Year	
Fiscal Year to Date		15,751,551	15,859,126	107,575	0.68%
Removed the one time hit in Feb 2013					

Sales Tax -June 2012-May 2015



---x--- June 2012 through May 2013
—□— June 2013 through May 2014
—△— June 2014 through May 2015

Regular Board of Commissioners

19.

Meeting Date: 05/18/2015

CM Report

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

City Manager Report

Regular Board of Commissioners

20. a.

Meeting Date: 05/18/2015

BS Restroom Bid Award

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Boy Scout Restroom Project (Award)

Attachments

BS Restroom Memo

BS Restroom Notice

BS Restroom Plan Holders List

BS Restroom Bid Tab

Mayor
WES MAINORD



The City of Shawnee
Office of the Director of Operations

P.O. Box 1448
Shawnee, Oklahoma 74802-1448
(405) 878-1529 Fax (405) 878-1593
www.ShawneeOK.org

Commissioners
WARD 1 – VACANT
LINDA AGEE
JAMES HARROD
KEITH HALL
LESA SHAW
MICHEAL DYKSTRA

Date: May 12, 2015
To: Mayor and City Commissioners
From: James Bryce, Director of Operations
RE: Boy Scout Restroom Project

Nature of the Request:

Request to award the bid on the Boy Scout Restroom Project that is part of the splash pad grant from Avedis & TSET funds.

Staff Analysis, Considerations:

On the rebid of the Boy Scout Restroom project, staff received 3 bids:

Craig Contractors, LLC	\$98,522.00
Oklahoma Construction	\$110,000.00
Sagemill Construction	\$134,404.00

Staff looked at references and projects produced by the low bidder and determined that they were qualified to do the project.

Recommendation:

It is staff's recommendation to award the Boy Scout Restroom Project to Craig Contractors, LLC in the amount of \$98,522.00.

Budget Consideration:

Project is funded out of the Capital Outlay budget.

Account # 301-5-0940-5420 509 0940-05 Boy Scout Splash Pad and Restroom Project
\$406,587.50

Project budget is attached.

Financial Profile

Cost Estimate and Sponsor's Matching Share

Cost Estimate

City of Shawnee Briscoe Boy Scout Park Splash Pad

Source of Funds	Grant Request	Cash Match	In-Kind Match	Donation Match	Totals
Avedis Foundation	\$ 203,293.75				\$203,293.75
TSET	\$ 110,000.00				\$110,000.00
Public fundraising		\$ 50,000.00			\$ 50,000.00
Sponsor/Applicant		\$ 43,293.75			\$ 43,293.75
Totals	\$ 313,293.75	\$ 93,293.75			\$406,587.50

Use of Funds	Grant Request	Cash Match	In-Kind Match	Donation Match	Totals
I. Professional Services					
Design / Engineering	\$ 7,500.00	\$ 7,500.00			\$ 15,000.00
II. Park Construction					
Water/sewer/elec.	\$ 7,000.00	\$ 6,000.00			\$ 13,000.00
Sidewalks		\$ 10,000.00			\$ 10,000.00
Splash Pad Construction	\$ 131,293.75	\$ 117,333.75			\$248,627.50
Restroom Materials	\$ 50,000.00				\$ 50,000.00
Restroom Construction		\$ 50,000.00			\$ 50,000.00
Demolition and leveling			\$ 4,760.00		\$ 4,760.00
III. Other					
Signage		\$ 200.00			\$ 200.00
Contingency	\$ 7,500.00	\$ 7,500.00			\$ 7,500.00
Totals	\$ 203,293.75	\$ 198,533.75	\$ 4,760.00		\$406,587.50

NOTICE TO BIDDERS

Sealed bids will be received by the City of Shawnee, 9th & Broadway, P. O. Box 1448, Shawnee, Oklahoma, up to 4:00 p.m., Monday, May 4, 2015 for:

Boy Scout Restroom Project

Instructions and bid documents are available to qualified bidders at the Fairview Cemetery Office located at 1400 north Center Street Shawnee, Oklahoma 74801 from 8:00 am to 4:00 pm Monday – Friday.

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


BID - **Boy Scout Restroom Project** May 4, 2015


The ORIGINAL bid shall be filed with the City Clerk of the City of Shawnee at **16 W. 9th Street**, together with a sworn non-collusion affidavit in writing that the bidder has not entered into any agreement, expressed or implied, with any other bidder, or bidders, for the purpose of limiting the bid, or bidders or parcel out to any bidder, or bidders or any other persons, any part of the contract or subject matter of the bid.


Bids will be opened and considered by the Board of City Commissioners at a Public Meeting in the City Hall Commission Chambers, 16 W. 9th Street Shawnee, Oklahoma 74801, at 6:30 p.m., Monday, May 4, 2015.

The City of Shawnee reserves the right to reject any or all bids.

CITY OF SHAWNEE, A Municipal Corporation

By: 
Justin Erickson, Interim City Manager

(SEAL)
ATTEST

Phyllis Loftis, CMC, City Clerk



Boy Scout Restroom Project Plan Holders List

WM Homes	William Row
Oklahoma Construction	Brandon Columbus
Eagle Vision	Bryan Little
Craig Contractors	Kyle Craig
Sagemill Construction	Rance Miller

BID TABULATION SHEET

BOY SCOUT RESTROOM PROJECT

MAY 4, 2015

BIDDER

AMOUNT

Oklahoma Construction & Remodeling LLC
Shawnee, OK

\$ 110,000.00

Craig Contractors, LLC
Tecumseh, OK

\$ 98,522.00

Sagemill Construction
Meeker, OK

\$ 134,404.00

Regular Board of Commissioners

23.

Meeting Date: 05/18/2015

Exec Session CM

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Discussion, consideration and possible action to enter into executive session for the purpose of reviewing information on candidates related to the hiring of a city manager pursuant to 25 O.S. §307(B)1

“Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee”.

Regular Board of Commissioners

24.

Meeting Date: 05/18/2015

Exec Session CM Return

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 for the purpose of reviewing information on candidates related to the hiring of a city manager pursuant to 25 O.S. §307(B)1 "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee".
