

AGENDA  
BOARD OF CITY COMMISSIONERS  
March 18, 2013 AT 6:30 P.M.  
COMMISSION CHAMBERS AT CITY HALL  
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

REV. RAY BELFORD  
FIRST CHRISTIAN CHURCH

FLAG SALUTE

1. Consider approval of Agenda:
2. Consider approval of Consent Agenda:
  - a. Minutes from the March 4, 2013 regular meeting.
  - b. Budget Amendment Capital Fund 301  
*To amend budget for grant the Fire Department received to purchase Compressed Air Fill Station*
  - c. Acknowledge the following minutes:
    - Planning Committee minutes from January 2, 2013 and February 6, 2013
    - License Payment Report for February 2013
    - Project Payment Report for February 2013
  - d. Authorize staff to advertise for bids on the FY12-13 ADA Handicap Ramps and Sidewalk Project.
  - e. Mayor's Appointment:  
  
**Shawnee Civic and Cultural Development Authority**  
  
Susan Havens 1st Full Term Expires 12/31/16  
Replaces Jim Lowe – termed out
3. Citizens Participation  
  

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

4. Mayor's Proclamations:  
  
"Red Cross Month"  
March 2013  
  
"Fair Housing Month"  
April 2013
5. Public hearing for consideration of an ordinance approving rezone of property from R-1; Residential Single Family Dwelling and C-1; Neighborhood Commercial to C-3; Automotive Commercial and Recreation for property located at 4016 and 4020 North Kickapoo. Case #P21-12 *Deferred from the January 7, 2013 Commission meeting.*
6. Public hearing for consideration of an ordinance approving rezone of property from A-1; Agricultural to RE; Rural Estates for property located at 18901 Brangus Road. Case #P03-13 Applicant: Joseph Crossley
7. Consideration of approval of a preliminary plat for Chris' Addition located on East Bradley Street to the west of Lantana Court. Case #S01-13 Applicant: Greg Brown Homes, LLC
8. Consideration of approval of a final plat for Chris' Addition located on East Bradley Street to the west of Lantana Court. Case #S02-13 Applicant: Greg Brown Homes, LLC
9. Discussion, consideration and possible action on an ordinance adopting the Statewide Minimum Building Codes (Update of Existing Regulations)
10. Acknowledge Sales Tax Report received March 2013.
11. Discussion of red cedar tree eradication around Shawnee Twin Lakes.
12. New Business  
  
(Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)
13. Administrative Reports
14. Commissioners Comments
15. Adjournment

Respectfully submitted

Phyllis Loftis, CMC, City Clerk

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

**Regular Board of Commissioners**

**2. a.**

**Meeting Date:** 03/18/2013

Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Minutes from the March 4, 2013 regular meeting.

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Attachments

Minutes 3-04-13

**BOARD OF CITY COMMISSIONERS PROCEEDINGS**  
**MARCH 4, 2013 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, March 4, 2013 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Mayor Mainord presided and called the meeting to order. Upon roll call, the following members were in attendance.

Wes Mainord

Mayor

Pam Stephens

Commissioner Ward 1

Linda Agee

Commissioner Ward 2

James Harrod

Commissioner Ward 3-Vice Mayor

Keith Hall

Commissioner Ward 4

John Winterringer

Commissioner Ward 5

Steve Smith

Commissioner Ward 6

ABSENT: None

INVOCATION

Lord's Prayer led by Mayor Mainord

FLAG SALUTE

Led by Commissioner Winterringer

AGENDA ITEM NO. 1:

Consider approval of Agenda.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Hall, to approve the Agenda. Motion carried 7-0.

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

NAY: None



AGENDA ITEM NO. 2:

Consider approval of Consent Agenda:

- a. Minutes from the February 19, 2013 regular meeting.
- b. Budget Amendment Streets Fund 302  
*The City Hall Parking Lot Improvements were not budgeted this current Fiscal Year as a project. But, there is enough funds in the unallocated 302 Street Fund Balance to do the project if the City Commission approves the project for letting for bids at their March 4, 2013 Commission Meeting. Since funding would be taken out of the unallocated fund balance, if approved, then it will not impact any other budgeted project.*
- c. Acknowledge the following minutes:
  - Shawnee Beautification Committee minutes from January 10, 2013
  - Shawnee Civic and Cultural Development Authority minutes from January 17, 2013
  - Traffic Commission minutes from January 22, 2013
- d. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Chris Johnson.
- e. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Darrell Powell.
- f. Acknowledge waiving Sections 8-431 and 8-434 of the Code of the City of Shawnee involving garage sale licenses and fees for the days of May 3-4-5, 2013 to help citizens prepare for the City's annual Spring clean-up efforts.
- g. Authorize staff to advertise for bids on the Proposed City Hall Parking Lot Improvements Project.
- h. Authorize Mayor Mainord to nominate City Attorney Mary Ann Karns for placement on the ballot of the Oklahoma Municipal Assurance Group Board for an open position.
- i. Traffic Commission Recommendations:

- A. Discussion, consideration and possible action to approve bike route map.

STAFF RECOMMENDATION: Staff recommends approval of request

BOARD RECOMMENDATION: Board recommends denial of request

Mayor Mainord asked that Agenda Items numbered 2(b), 2(g) and 2(i) be pulled for separate consideration.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to approve the Consent Agenda items numbered 2(a-i) less items b, g and i. Motion carried 7-0.

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

NAY: None

Regarding Agenda Item numbers 2(b) and 2(g), Mayor Mainord stated that he ask that these items be pulled from the Consent Agenda because he is concerned about the costs associated with building this parking lot. City Engineer John Krywicki answered questions regarding this item. He spoke regarding monies that were spent for the purchase and demolition of the Al & James building and also provided an estimate of \$210,573.00 for the construction costs of the parking lot. Mr. Krywicki noted that the this parking lot would allow for additional employee parking and, with the elimination of some of the current parking spaces on the north side, would offer more safety for fire trucks pulling into the City Hall fire station. Commissioner Smith said he did not want to rush into a decision and would prefer to discuss this further at the April Commission retreat.

After further discussion, a motion was made by Commissioner Hall, seconded by Vice Mayor Harrod, to approve Consent Agenda Item Nos. 2(b) and 2(g). Motion carried 6-1.

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

NAY: Smith

Regarding Agenda Item No. 2(i), the following citizens spoke in favor of the proposed bike route map: Shawna Turner, Bill Burk, Dean Carlburg, Daniel Lay, Monica Mullins, Larry Smith and Michael Capps. No one came forward to

speaking in opposition of the proposal. City Engineer John Krywicki explained that this proposed map covers approximately 15½ miles. He stated the first step is to approve the proposed bike map which identifies the streets; once approved, the designated signage costs will be added in the FY-2013-14 budget for approval. Mr. Krywicki stressed that this proposal is for signage only and does not provide for bike lanes. He noted the Traffic Committee vote on this item was split 3-3 and that the signage costs may have been the issue.

Traffic Commissioner Ron Taffe, who was present at the meeting, came forward and explained his reasons for voting against the proposed route. Among reasons given were his dislike of the proposed route, safety concerns and whether the route is necessary. He further stated that the cost of the signage was approximately \$1,000.00 per mile.

A motion was made by Commissioner Hall, seconded by Commissioner Stephens, to approve Consent Agenda Item No. 2(i). Motion carried 4-3.

AYE: Hall, Stephens, Mainord, Smith

NAY: Agee, Harrod, Winterringer

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

Marty Lewis with Gordon Cooper Technology Center (GCTC) gave a status report on the partnership between GCTC and the Shawnee Police Department, which utilizes training space at the GCTC campus. Mr. Lewis shared that over 3,000 law enforcement officials have been trained and over 30,000 training hours have been logged. This training was also utilized by tribal, county and other municipal officers. He stated Shawnee Police Department has a commitment to training and he looks forward to additional partnerships.

AGENDA ITEM NO. 4: Presentation by Arledge & Associates, P.C. of audited financial statements for the City of Shawnee and Related Authorities for the Fiscal Year 2011-2012.

LaDonna Sinning with Arledge & Associates, P.C. reported that the Comprehensive Annual Financial Report (CAFR) meets all standards. She stated it received an unqualified opinion with no corrections needed. When discussing the single audit report she discussed some requirements concerning grant money that has now been addressed. It was also given an unqualified opinion. She next

discussed the Yellow Book Report in which they offer no opinion but found some items that need to be addressed due to Oklahoma law requirements. Those items concerned over-spending of budget, one fund with a negative balance and grant revenue and spending requirements.

Commissioner Harrod had questions regarding compensated absences and stated that the City should check to see what other cities are doing with respect to accumulating leave immediately upon hiring.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR TO CONVENE SHAWNEE MUNICIPAL AUTHORITY AND SHAWNEE AIRPORT AUTHORITY (7:57 p.m.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE CHAIR (8:22 p.m.)

AGENDA ITEM NO. 5:

Consider and take action with respect to a resolution approving action taken by the Shawnee Municipal Authority authorizing issuance, sale and delivery of a promissory note of the authority to the Oklahoma Water Resources Board; ratifying and confirming a lease agreement and operation and maintenance contract, as amended, whereby The City Of Shawnee leased its water and sanitary sewer systems to the Shawnee Municipal Authority; declaring an emergency; and containing other provisions related thereto.

Resolution No. 6442 was introduced.

A RESOLUTION APPROVING ACTION TAKEN BY THE SHAWNEE MUNICIPAL AUTHORITY AUTHORIZING ISSUANCE, SALE AND DELIVERY OF A PROMISSORY NOTE OF THE AUTHORITY TO THE OKLAHOMA WATER RESOURCES BOARD; RATIFYING AND CONFIRMING A LEASE AGREEMENT AND OPERATION AND MAINTENANCE CONTRACT, AS AMENDED, WHEREBY THE CITY OF SHAWNEE LEASED ITS WATER AND SANITARY SEWER SYSTEMS TO THE SHAWNEE

MUNICIPAL AUTHORITY; DECLARING AN EMERGENCY; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

A motion was made by Commissioner Winterringer, seconded by Commissioner Smith, to approve a resolution approving action taken by the Shawnee Municipal Authority authorizing issuance, sale and delivery of a promissory note of the authority to the Oklahoma Water Resources Board; ratifying and confirming a lease agreement and operation and maintenance contract, as amended, whereby The City Of Shawnee leased its water and sanitary sewer systems to the Shawnee Municipal Authority; declaring an emergency; and containing other provisions related thereto. Motion carried 7-0.

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

Resolution No. 6442 was adopted by the City Commission.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to approve emergency clause relating to Resolution No. 6442. Motion carried 7-0.

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

AGENDA ITEM NO. 6: Consider a resolution declaring certain items of personal property and describing said items no longer needed by the City of Shawnee and authorizing sale of the items at public auction.

Resolution No. 6443 was introduced.

A RESOLUTION DECLARING CERTAIN ITEMS OF PERSONAL PROPERTY SURPLUS AND NO LONGER NEEDED FOR CITY PURPOSES; DESCRIBING SAID ITEMS; AND AUTHORIZING THE SALE OF SAID ITEMS BY PUBLIC AUCTION.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to approve a resolution declaring certain items of personal property

and describing said items no longer needed by the City of Shawnee and authorizing sale of the items at public auction.

Motion carried 70.

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

NAY: None

Resolution No. 6443 was adopted by the City Commission.

AGENDA ITEM NO. 7: Discussion, consideration and possible approval of contract with Water's Edge Aquatic Design, LLC, for Architectural/Engineering Services for the Shawnee Municipal Pool.

Director of Operations James Bryce gave the staff report and recommendation that the pool contract be awarded to Water's Edge Aquatic Design, LLC. Mr. Jeff Bartley with Waters Edge Aquatic Design presented a PowerPoint regarding the pool concept. He stated there are two stages to the project: (1) Plan Development; and (2) Implementation and discussed each in detail.

After Mr. Bartley answered questions from Commissioners, a motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to approve a contract with Water's Edge Aquatic Design, LLC, for Architectural/Engineering Services for the Shawnee Municipal Pool. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 8: Discussion regarding status of city employee group insurance and update on any meetings of the Insurance Committee.

A report of the Insurance Committee was given by Vice Mayor Harrod. He listed the dates that the Insurance Committee and the Employee Insurance Work Group has met. He stated the committee is meeting again on March 7, 2013 at 2:00 p.m.

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

City Engineer John Krywicki gave updates regarding the following projects:

1. The Bell Street and Street sidewalk project will take approximately sixty days to complete.
2. The Kickapoo waterline relocation is in process but has had weather delays
3. The Airport Trail project is also in process but has also had weather delays.
4. Repairs to Independence Street, east of Sequoyah School, has begun and should last 4-5 weeks. The majority of the work will be scheduled during Spring Break.

AGENDA ITEM NO. 11:

Commissioners Comments

Commissioner Smith addressed the homeless problem in Shawnee. In light of the recent death of a homeless man in Shawnee, Commissioner Smith encouraged Commissioners to be more proactive regarding homeless shelters. He encouraged the Chamber of Commerce and citizens not to ignore this problem.

AGENDA ITEM NO. 12:

Adjournment

There being no further business to be considered, a motion was made by Commissioner Winterringer, seconded by Commissioner Hall, that the meeting be adjourned. Motion carried 7-0. (8:51 p.m.)

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

NAY: None

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WES MAINORD, MAYOR

ATTEST:

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PHYLLIS LOFTIS, CMC, CITY CLERK



**Regular Board of Commissioners**

**2. b.**

**Meeting Date:** 03/18/2013

Budget Amendment

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Budget Amendment Capital Fund 301

*To amend budget for grant the Fire Department received to purchase Compressed Air Fill Station*

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Attachments

Fire Dept



KIM EDD CARTER  
DIRECTOR



MARY FALLIN  
GOVERNOR

**STATE OF OKLAHOMA  
OFFICE OF HOMELAND SECURITY**

November 5, 2012

Jim McDougal, City Manager  
City of Shawnee  
PO Box 1448  
Shawnee, OK 74802

RE: Grant #290.067(2010 OKC UASI) Approval Schedule attached

Dear Mr. McDougal:

Based on the Budget Detail Worksheet(s) ("BDW") that you previously submitted to OKOHS, we have confirmed Department of Homeland Security ("DHS") approval for you to purchase the requested items that are listed on the attached Schedule "1".

Accordingly, you are now authorized to purchase these approved items. Please keep in mind that the total amount OKOHS can reimburse is limited to the amount of the grant less any prior reimbursements made to your agency. If the total amount of approvals to date is less than the total amount of your award, please provide a supplemental BDW with a list of additional equipment so we can provide the required written pre-approval for the additional items.

After delivery of the approved items has been accepted by your agency, please forward signed copies of the invoices to verify your receipt of the items and your commitment to pay the vendor in accordance with the terms of the invoice. In addition, please complete and provide our office with an original OKOHS Reimbursement Request Form signed by an authorized individual (forms are available in the grants section of the OKOHS website).

We understand that particular items of equipment may cost more or less than the approved amount for that specific item. Purchases of other items of equipment (not listed on Schedule 1 or previously approved by OKOHS) will require an additional OKOHS approval letter and your submission of an additional Reimbursement Request Form.

We appreciate your efforts to spend OKOHS/DHS funds prudently. Should you have any questions, please do not hesitate to call Ms. Ginny Andrews or Mr. Chris Huston at our office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kim Edd Carter", is written over the word "Sincerely,".

Kim Edd Carter  
Director  
encl.

cc: Dru Tischer, Deputy Fire Chief

Ante	Agency	Program	State / Local	Project Description	Category	ITEM (Approval Requested)	Estimated Unit Cost	Qty	Total	November 2012 Approvals	2010 Revised Award Amount	Total Approved To Date	Checks V
City of	Fire	CO-UASI	Local	CBRNE Detection/Response & Decontamination	GN	Compressed Air Fill Station	\$ 39,780.00	1	\$39,780.00	\$ 39,780.00	\$ 40,000.00	\$39,780.00	

KEC  
11-7-12

301-S-0720-5452

307 - 0720-56

**Regular Board of Commissioners**

**2. c.**

**Meeting Date:** 03/18/2013

Minutes and Reports

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Acknowledge the following minutes:

- Planning Committee minutes from January 2, 2013 and February 6, 2013
  - License Payment Report for February 2013
  - Project Payment Report for February 2013
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Attachments

[Planning Minutes 1-2-13](#)

[Planning Minutes 2-6-13](#)

[License Payment](#)

[Project Payment](#)

## **PLANNING COMMISSION MINUTES**

**DATE: JANUARY 2, 2013**

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in the Commission Chambers, at City Hall, 9<sup>th</sup> and Broadway, on Wednesday, January 2, 2013 at 1:30 p.m., pursuant to notice duly posted as prescribed by law. Justin Erickson, Planning Director for the City of Shawnee, presented the staff reports. Staff reports are available upon request.

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

Upon roll call the following members were present:

Bergsten, Carter, Hoster, Turner, Silvia, Prince

Absent: Salter

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

### **AGENDA ITEM NO. 2:                      Approval of the minutes from the December 5, 2012 Planning Commission Meeting.**

Chairman Turner asked for any changes, corrections or additions to the minutes. None were given. Chairman Turner approved the December 5, 2012 minutes as submitted.

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

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

**AGENDA ITEM NO. 4**

**Case # P21-12 (continued from December 5, 2012 Planning Commission Meeting) A public hearing for consideration of approval to rezone property from R-1; Residential (Single Family Dwelling), C-1; Neighborhood Commercial to C-3; Automotive, Commercial and Recreation for property located at 4016 and 4020 North Kickapoo.**

**Applicant: Nelmon Brauning**

Chairman Turner called for the staff report. Justin Erickson presented the staff report. He reported this item was continued from the December 5, 2012 Planning Commission Meeting.

The proposed business for the property on North Kickapoo has withdrawn. The applicant, Nelmon Brauning, is working with another potential client for that location. Because the prospective new tenant must submit preliminary designs and engineering work, the applicant is requesting postponement of this item until the March meeting. Staff recommends deferment until March 6, 2013 Planning Commission Meeting.

Chairman Turner called for a motion. Commissioner Hoster made the motion to defer Case #P21-12 to March 6, 2013. Seconded by Commissioner Bergsten.

Motion passed:

**AYE:** Hoster, Bergsten, Carter, Turner, Silvia, Prince

**NAY:**

**ABSTAIN:**

**AGENDA ITEM NO. 5:**

**Case # P01-13 A public hearing for consideration of approval to rezone property from I-2; Restricted Light Industrial to C-3; Automotive, Commercial and Recreation for property located at 702 East Main.**

**Applicant: Steve Buoy**

Chairman Turner asked for the staff report. Justin Erickson presented the report defining differences between the current zoning and the proposed zoning. The

proposed use of the property for a soup kitchen and food pantry does not match the zoning necessary for operation. However, Staff suggested rezoning to C-4; Central Business (Downtown) which would allow full utilization of the property. Staff recommends denial of the requested rezone to C-3. Staff does suggest rezoning the entire block fronting Main Street to C-4 for future development. This is also consistent with the recommendation from the Downtown Revitalization Report prepared by OU.

Justin Erickson answered questions from the Commissioners.

Chairman Turner asked the applicant, Steve Buoy, to come forward. Mr Buoy stated he owns several properties on Main Street and would welcome the proposed rezoning to C-4. He is representing the potential tenants for the soup kitchen/food pantry.

Chairman Turner opened the public portion for anyone against the rezoning. Kevin Kalies, 800 East Main, spoke to the Commission. He is concerned how a soup kitchen/food pantry would affect downtown Shawnee.

Ada Hunter, 421 East Main, spoke next before the Commission. She is currently Chairperson of the Downtown Arts. Ms Hunter reported on the progress of several businesses moving into the area of east Main Street. Revitalization efforts are being made for continued growth. She urged the Commission to reconsider the proposed use of this property.

Claudia Crow, 728 and 730 East Main, is concerned how the proposed rezoning would affect the image of downtown. Ms Crow asked the Commission to place restrictive language to protect the surrounding property owner's investments. She feels East Main Street is the gateway to the downtown area.

Chairman Turner asked if anyone for the proposal would like to speak.

Steve Buoy, applicant, spoke in favor of the proposed rezoning to C-4.

Chairman Turner closed the public portion.

Commissioner Silvia made the motion to deny the request to rezone the property to C-3. Second made by Commissioner Carter.



Motion passed:

**AYE:** Silvia, Carter, Bergsten, Hoster, Turner, Prince

**NAY:**

**ABSTAIN:**

Commissioners and Justin Erickson discussed proposed rezoning downtown district to C-4: Central Business District.

Commissioner Silvia made the motion asking Staff to research extending the C-4; Central Business District eastward toward Harrison Avenue from the current boundaries to include Main Street frontages.

Seconded by Commissioner Hoster.

Motion passed:

**AYE:** Silvia, Hoster, Bergsten, Carter, Turner, Prince

**NAY:**

**ABSTAIN:**

**AGENDA ITEM NO. 6:**

**Case # P02-13 A public hearing for consideration of approval to rezone property from A-1; Agricultural to C-3; Automotive, Commercial and Recreation for property located at the 4200 Block of North Harrison.**

**Applicant: Landes Engineering**

Chairman Turner called for Staff report. Justin Erickson reported on the proposed commercial use of the property and the FEMA regulated flood plain issues. The applicant is currently working with an engineer to obtain a detail study of the area. Currently the property is not plated, any future development must return to the Planning Commission for review of lot and flood plain configuration. Staff recommends approval.

The Commissioners and Staff continued discussion of the project.

Chairman Turner asked the applicant to come forward for questions from the Commission. Richard Landes, Landes Engineering, presented a visual board of the

property for discussion. He reported in depth on the flood zones and FEMA regulations. Landes stated that ODOT has given restricted entrances off Harrison, for safety reasons. Two access points that will be allowed for the proposed property are off 42<sup>nd</sup> and 45<sup>th</sup> street. The applicants request is to rezone in accordance to the master plan which has been planned for 5-7 years. Landes answered further questions from the Commission.

Chairman Turner opened the public portion for anyone for the proposal.

Chairman Turner asked if anyone against the proposal would like to speak. Janice Burns explained she is opposed to the proposal due to privacy, lighting and traffic issues on the planned public street which would run behind her property. Chairman Turner asked Justin Erickson to answer these concerns.

Bill Cathey spoke next. He would like to propose sound barriers. Mr Cathey gave the example of current concerns with an existing business; bright lights, PA system, trash dumpsters, and traffic on the property.

Doretha Lowery voiced concerns about traffic congestion on the egress street proposed off 45<sup>th</sup> Street. Chairman Turner asked Justin Erickson for more clarification.

Verna Kilburn states her house backs to Vision Bank. She voiced concerns about the noise and lights from two existing businesses on Harrison. She also considers the proposed additional egress traffic to be dangerous. Ms Kilburn expressed concern about her property values and privacy.

Chairman Turner closed the public portion.

Carl Packwood, Vision Bank, answered questions using the visual board. After a lengthy discussion between Staff and Commissioners, Chairman Turner called for a motion. Commissioner Prince made the motion to rezone to C-3; Automotive, Commercial and Recreation. Second was made by Commissioner Bergsten.

Motion passed:

**AYE:** Prince, Bergsten, Carter, Hoster, Turner, Silvia

**NAY:**

**ABSTAIN:**

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

Justin Erickson noted the next Traffic Commission Meeting on January 22, will continue their work on the bike trail plan for the City of Shawnee. He also reported 2012 finished very strong with permit activity. Major projects in Shawnee are nearing completion. Anticipation of new subdivisions will be coming before the Planning Commission in 2013.

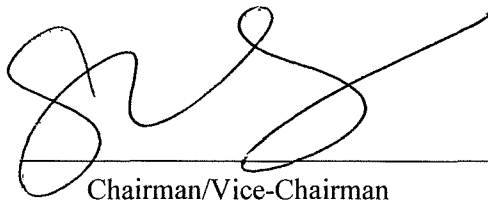
An updated report was also given on the several ongoing projects throughout Shawnee.

**AGENDA ITEM NO. 8:**                      **COMMISSIONERS COMMENTS AND/OR NEW BUSINESS**

Chairman Turner mentioned Sustainable Shawnee will host Randall Entz, Transportation Planner for the City of Oklahoma City on January 10. He will discuss bike routes and "share the road" safety.

**AGENDA ITEM NO. 9:**                      **Adjournment**

Meeting was adjourned.

  
\_\_\_\_\_  
Chairman/Vice-Chairman

*Linda Burg*  
\_\_\_\_\_  
Linda Burg, Planning Commission Secretary

# PLANNING COMMISSION MINUTES

DATE: FEBRUARY 6, 2013

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in the Commission Chambers, at City Hall, 9<sup>th</sup> and Broadway, on Wednesday, February 6, 2013 at 1:30 p.m., pursuant to notice duly posted as prescribed by law. Justin Erickson, Planning Director for the City of Shawnee, presented the staff reports. Staff reports are available upon request.

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

Upon roll call the following members were present:

Bergsten, Hoster, Turner, Silvia, Salter

Absent: Carter, Prince

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

**AGENDA ITEM NO. 2:                      Approval of the minutes from the January 2, 2013  
Planning Commission Meeting.**

Chairman Turner asked for any changes, corrections or additions to the minutes. None were given. Commissioner Hoster made the motion seconded by Commissioner Bergsten to approve the January 2, 2013 minutes.

Motion passed:

**AYE:** Hoster, Bergsten, Turner, Silvia

**NAY:**

**ABSTAIN:** Salter

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

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

**AGENDA ITEM NO. 4**

**Workshop: Commercial Zoning Standards**

Justin Erickson presented the Commissioner's with a hand-out of permitted uses within commercial districts. Erickson stated the consolidated table has made it easier for staff and public to interpret the codes. Discussion between Staff and Commissioners covered several topics of interest.

**AGENDA ITEM NO. 5:**

**Planning Director's Report**

Justin Erickson reported Primrose is in the final phase of completion within the next 30 days. Other project updates included the multi-family project Belmont Park Addition, the Kickapoo Street Project timeline, and the OU Downtown Plan presentation final plan.

Chairman Turner asked for an update on the bike routes. Stephanie Clary reported the Traffic Commission will be hearing a proposed bike route plan on February 26, 2013.

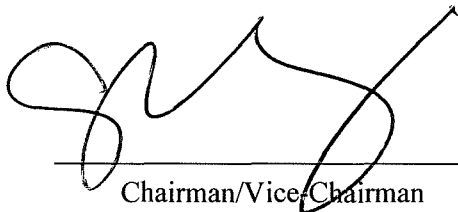
**AGENDA ITEM NO. 6:**

**COMMISSIONERS COMMENTS AND/OR NEW BUSINESS**

**AGENDA ITEM NO.7:**

**Adjournment**

Meeting was adjourned.

  
\_\_\_\_\_  
Chairman/Vice-Chairman

*Linda Burg*  
\_\_\_\_\_  
Linda Burg, Planning Commission Secretary

\*\* FEE CODE TOTALS \*\*

FEE CODE	DESCRIPTION	FEE	PAYMENT DISTRIBUTION			TOTAL PAI
			PENALTY	TAX	INTEREST	
ALARM	BURGLAR/FIRE ALARM LICENSE	7		175.00CR		175.00
ALARMRENEW	BURGLAR/FIRE ALARM RENEW	7		125.00CR		125.00
AUCD	AUCTION LICENSE FEE ONE DAY	4		40.00CR		40.00
BEERWINER	BEER AND WINE RENEWAL	1		450.00CR		450.00
BOATREG	BOAT REGULAR PERMIT	11		286.00CR		286.00
ELEC1	ELECTRICAL CONTRACTOR INITIAL	3		300.00CR		300.00
ELEC2	ELECTRICAL CONTRACTOR RENEW	12		925.00CR		925.00
EXT	EXTERMINATOR LICENSE FEE	2		50.00CR		50.00
FISHANNUAL	FISHING ANNUAL FEE	14		210.00CR		210.00
IMERC	ITINERANT MERCHANT FEE	1		50.00CR		50.00
LAKE-IN	LAKE LEASE CITY RESIDENT	2		400.00CR		400.00
LAKEINSP	LAKE LEASE INSPECTION	3		225.00CR		225.00
LAKELEASE	LAKE LEASE	4		2,548.00CR		2,548.00
MECH1	MECHANICAL CONTRACTOR INTIAL	1		100.00CR		100.00
MECH2	MECHANICAL CONTRACTOR RENEW	4		325.00CR		325.00
MIXER	MIXED BEVERAGE RENEWAL	1		900.00CR		900.00
PLUM1	PLUMBING CONTRACTOR INITIAL	2		200.00CR		200.00
PLUM2	PLUMBING CONTRACTOR RENEW	6		450.00CR		450.00
RESAL	RESIDENTIAL SALE	18		180.00CR		180.00
STORM	STORM CELLAR LICENSE FEE	2		150.00CR		150.00
TAXIB	VEHICLE FOR HIRE	1		25.00CR		25.00
TAXID	TAXI DRIVER LICENSE FEE	4		12.00CR		12.00
TOTAL				8,126.00CR		8,126.00

\*\* SEGMENT CODE TOTALS \*\*

SEGMENT CODE	DESCRIPTION	TOTAL PAID
B1-NEW	BUILDING CONSTRUCTION NEW	4,059.00CR
B2-ADD	BUILDING CONSTRUCTION ADD	476.48CR
B3-REMODEL	BUILDING CONSTRUCTION REM	2,089.93CR
B4-OTHER	BUILDING CAPORT/SHELTER	267.50CR
E2-ADD	ELECTRICAL ADDITION	89.00CR
E3-REMODEL	ELECTRICAL REMODEL/REPAIR	343.00CR
M3-REMODEL	MECHANICAL REMODEL/REPAIR	790.50CR
P3-REMODEL	PLUMBING REMODEL	986.50CR
P4-WELL	WELL PERMIT	200.00CR
P5-SEPTIC	SEPTIC PERMIT	60.00CR
UNAPPLIED	UNAPPLIED CREDITS	24.00CR
X-BORE/CUT	BORING & PAVING CUT PERMI	50.00CR
X-DEMO	DEMOLITION PERMIT	50.00CR
X-PLATFIN	PLAT REVIEW FINAL	333.00CR
X-PLATREV	PLAT REVIEW PRELIM	233.00CR
X-SIGN	SIGN PERMIT	75.00CR
X-SWIMPOOL	SWIMMING POOL PERMIT	69.00CR
Z-OCCUP	OCCUPANCY PERMIT	75.00CR
Z-REZONING	REZONING REQUEST	280.00CR
TOTAL		10,550.91CR

\*\* GENERAL LEDGER DISTRIBUTION \*\*

FUND G/L ACCOUNT	ACCOUNT NAME	AMOUNT
001-2133	UBCC FEE PAYABLE	340.00CR
001-4202	BUILDING PERMITS	5,322.41CR
001-4203	PLUMBING PERMITS	1,680.00CR
001-4204	ELECTRICAL PERMITS	360.00CR
001-4205	ZONING PERMITS & APPLICATIONS	846.00CR
001-4206	HEATING & A/C PERMITS	750.00CR
001-4249	OTHER PERMITS	260.00CR
001-4822	OTHER MISC. REVENUE	42.50CR
101-4249	OTHER PERMITS	50.00CR
501-4510	WATER TAPS	900.00CR
799-1023	BANCFIRST GENERAL	10,550.91



**Regular Board of Commissioners**

**2. d.**

**Meeting Date:** 03/18/2013

Request to bid for Handicap Ramps

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

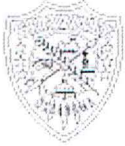
Authorize staff to advertise for bids on the FY12-13 ADA Handicap Ramps and Sidewalk Project.

---

Attachments

ADA Ramps Project

**Mayor**  
WES MAINORD



**The City of Shawnee**  
PO Box 1448  
Shawnee Oklahoma 74802-1448  
(405) 273-1250 Fax (405) 878-1581  
[www.ShawneeOK.org](http://www.ShawneeOK.org)

**Commissioners**  
PAM STEPHENS  
LINDA AGEE  
JAMES HARROD  
KEITH HALL  
JOHN WINTERRINGER  
STEVE SMITH

## MEMORANDUM

Date: March 14, 2013

To: Brian McDougal, City Manager

From: John Krywicki, P.E., City Engineer

A handwritten signature in blue ink, appearing to read "JK".

**Re: Authorization to Advertise for Bids the FY12-13 ADA Handicap Ramps and Sidewalk Project**

At the March 18, 2013 City Commission meeting, we will request authorization to advertise for bids our FY12-13 ADA Handicap and Sidewalk Project. We currently have budgeted \$200,000 for the project this Fiscal Year 2012-2013, and have been doing such the last several years. Federal law requires us to provide ADA handicap ramps and accessibility at all intersections that have had street work performed where there are existing sidewalks but no ramps.

The project we bid out is a quantity based project, and we do as much work as the budgeted money allows. Attached is a map showing locations that will be targeting for this years project.

If you have any questions or need additional information, please advise.

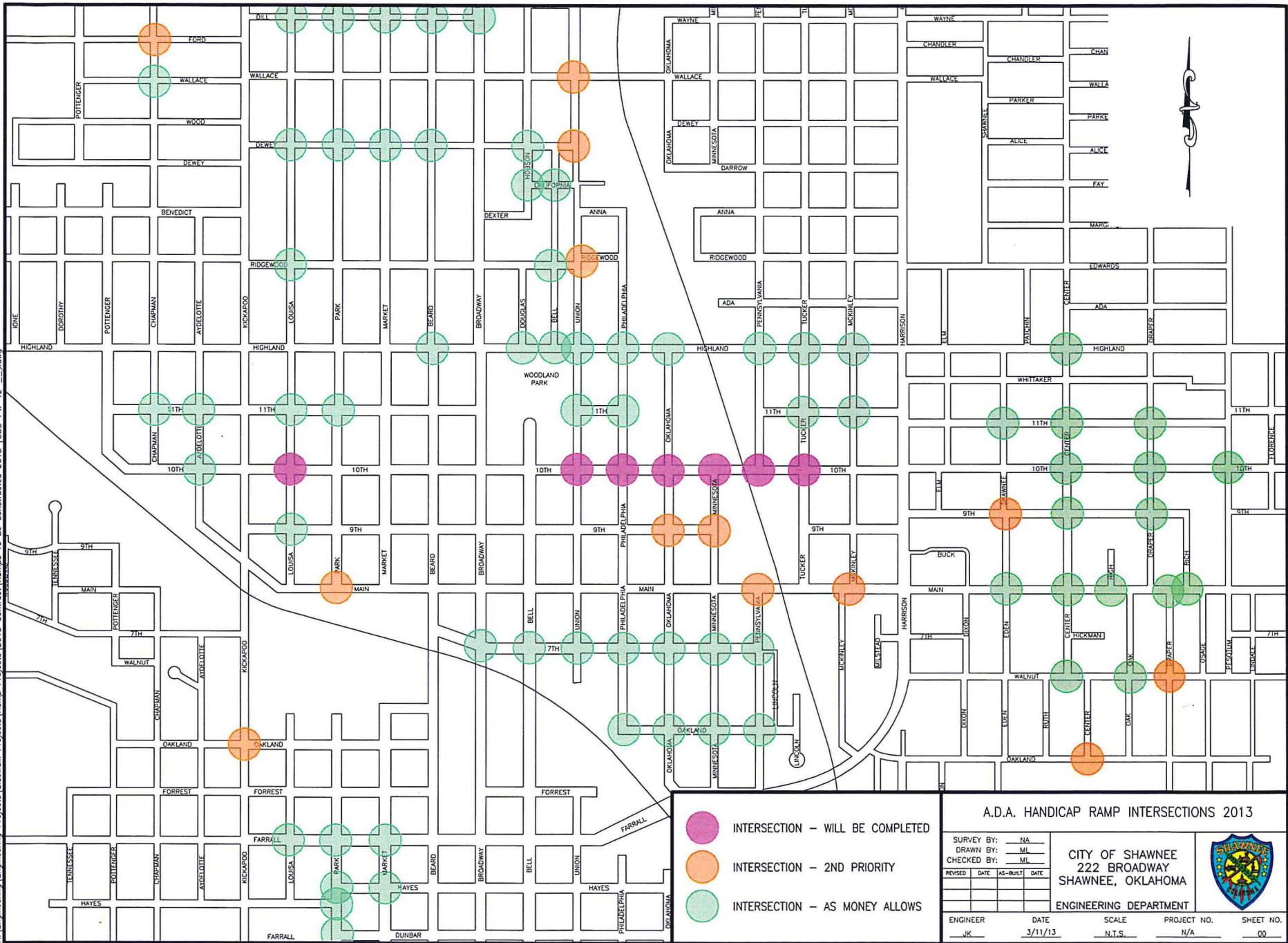
# CITY OF SHAWNEE

## CAPITAL OUTLAY BUDGET REPORT

FUND	ACCOUNT	PROJECT	LINE	DESCRIPTION	BUDGET	ACTUAL	ENCUMBRANCES	BALANCE
<b><u>STREET IMPROVEMENT FUND</u></b>								
<b>PLANNING - OLD DO NOT USE</b>								
<b>CAPITAL OULAY - STREETS</b>								
302	5-0520-5480	308	0810-13	BRYAN & INDEPENDANCE	198,562.60	0.00	0.00	198,562.60
302	5-0520-5480	308	0810-14	HARRISION STREET PLANTER	98,624.00	0.00	0.00	98,624.00
<b>TOTAL CAPITAL OULAY - STREETS</b>					<b>297,186.60</b>	<b>0.00</b>	<b>0.00</b>	<b>297,186.60</b>
<b>TOTAL PLANNING - OLD DO NOT USE</b>					<b>297,186.60</b>	<b>0.00</b>	<b>0.00</b>	<b>297,186.60</b>
<b>ENGINEERING</b>								
<b>CAPITAL OUTLAY-BLDGS/IMPRV</b>								
302	5-0810-5420	308	0810-10	BELL STREET ENAHANCEMENT	180,000.00	38,050.20	95,857.50	46,092.30
302	5-0810-5420	308	0810-11	ADA HANICAP RAMPS AND SIDEWALK	200,000.00	52,550.79	0.00	147,449.21
302	5-0810-5420	308	0810-12	BRIDGE MAINT	450,000.00	1,643.00	685,565.00	-237,208.00
302	5-0810-5420	308	0850-03	REAPAIR AND MAINT MATERIAL	150,000.00	762.30	1,630.00	147,607.70
<b>TOTAL CAPITAL OUTLAY-BLDGS/IMPRV</b>					<b>980,000.00</b>	<b>93,006.29</b>	<b>783,052.50</b>	<b>103,941.21</b>
<b>TOTAL ENGINEERING</b>					<b>980,000.00</b>	<b>93,006.29</b>	<b>783,052.50</b>	<b>103,941.21</b>
<b>NEW STREET PROJECTS</b>								
<b>CAPITAL OUTLAY - STREETS</b>								
302	5-0820-5480	308	0810-13	BRYAN & INDEPENDANCE	198,562.60	91,129.56	113,870.44	-6,437.40
302	5-0820-5480	308	0810-15	KULHBIRD LANE HAZARD MITIGATIO	54,211.30	0.00	0.00	54,211.30
302	5-0820-5480	308	0850-06	FY 11-12 REHAB PROJECT	589,090.00	115,718.98	473,371.02	0.00
<b>TOTAL CAPITAL OUTLAY - STREETS</b>					<b>841,863.90</b>	<b>206,848.54</b>	<b>587,241.46</b>	<b>47,773.90</b>
<b>CAPITAL OUTLAY - KICKAPOO ST</b>								
302	5-0820-5481	308	0820-01	KIICKAPOO	3,090,000.00	2,150,715.98	0.00	939,284.02
<b>TOTAL CAPITAL OUTLAY - KICKAPOO ST</b>					<b>3,090,000.00</b>	<b>2,150,715.98</b>	<b>0.00</b>	<b>939,284.02</b>
<b>TOTAL NEW STREET PROJECTS</b>					<b>3,931,863.90</b>	<b>2,357,564.52</b>	<b>587,241.46</b>	<b>987,057.92</b>



M:\Engineering\Engineering Projects\Sidewalk Projects\Ramp Projects\2013 Contract\Ramps To Be Constructed 2013 (028-914-12-13).dwg



- INTERSECTION - WILL BE COMPLETED
- INTERSECTION - 2ND PRIORITY
- INTERSECTION - AS MONEY ALLOWS

A.D.A. HANDICAP RAMP INTERSECTIONS 2013

SURVEY BY: NA  
 DRAWN BY: ML  
 CHECKED BY: ML

CITY OF SHAWNEE  
 222 BROADWAY  
 SHAWNEE, OKLAHOMA



ENGINEER: JK DATE: 3/11/13 SCALE: N.T.S. PROJECT NO.: N/A SHEET NO.: 00

**Regular Board of Commissioners**

2. e.

**Meeting Date:** 03/18/2013

Mayor's Appointment

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Mayor's Appointment:

**Shawnee Civic and Cultural Development Authority**

Susan Havens 1st Full Term Expires 12/31/16

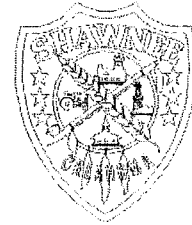
Replaces Jim Lowe – termed out

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Attachments

SCCDA Board Application

# CITY OF SHAWNEE



## APPLICATION TO SERVE

### *Boards, Committees, and Commissions*

Name: <u>Susan Havens</u>	Application Date: <u>3/13/2013</u>
Address: <u>2 Quail Ridge</u>	
Mailing Address: <u>same</u>	
Daytime Phone: <u>405/706/3747</u> Fax: <u>405-273-5114</u> Email: <u>havensjs@sbcglobal.net</u>	
Profession: <u>Retired Educator / Administrator</u>	
Business Name: _____	
Business Address: _____	
Business Phone: _____	Fax: _____ Email: _____

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? 8 yrs

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

<ul style="list-style-type: none"> <li><input type="radio"/> Airport Advisory Board</li> <li><input type="radio"/> Beautification Committee</li> <li><input type="radio"/> Board of Adjustment (Zoning)</li> <li><input type="radio"/> Cable TV Advisory Committee</li> <li><input type="radio"/> Civic and Cultural Development Authority</li> <li><input type="radio"/> Community Service Contracts Review Committee</li> <li><input type="radio"/> Economic Development Foundation, Inc. Board of Trustees</li> <li><input type="radio"/> Housing Authority</li> </ul>	<ul style="list-style-type: none"> <li><input type="radio"/> Library Board</li> <li><input type="radio"/> Oklahoma Baptist University Trust Authority</li> <li><input type="radio"/> Planning Commission</li> <li><input type="radio"/> Regional Park Oversight Committee</li> <li><input type="radio"/> Shawnee Hospital Authority</li> <li><input type="radio"/> Shawnee Urban Renewal Authority</li> <li><input type="radio"/> Tourism Advisory Committee</li> <li><input type="radio"/> Traffic Commission</li> <li><input type="radio"/> Building Code Board of Appeals</li> <li><input checked="" type="radio"/> Other: <u>Expo Board</u></li> </ul>
---	--

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

To promote Shawnee.

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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?

Educated; worked with education budgets as a middle school principal; good personal skills; common sense; not afraid to make tough decisions.

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

Salvation Army Womens Auxiliary, Project Safe Auxiliary

List education, including degree(s) earned:

Bachelors - OSU

Masters - Curriculum & Instruction, Reading Specialist - OSU

36 hrs in educational administration - OSU

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

NO

Please include up to three personal or professional references:

Name	Relationship	Phone Number
Mike Glover	Friend	405-830-7124
Mike Sperry	Friend	405-306-4172
Sue Nelson	Friend	405-481-2812

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

*Juan Havens*

Date

3/13/2013

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)  
dmayo@ShawneeOK.org

**Regular Board of Commissioners**

4.

**Meeting Date:** 03/18/2013

Proclamations

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Mayor's Proclamations:

"Red Cross Month"

March 2013

"Fair Housing Month"

April 2013

---

Attachments

Red Cross

Fair Housing



# City of Shawnee



## Proclamation

### "AMERICAN RED CROSS MONTH"



*Whereas*, March is American Red Cross Month—a special time to recognize and thank our heroes—those who volunteer, donate blood, take life-saving courses or provide financial donations to support an organization whose mission is to help those in need; and

*Whereas*, in Shawnee, the Red Cross works tirelessly through its one employee and 32 volunteers to help when disaster strikes, when someone needs life-saving blood, or the comfort of a helping hand. It provides 24 hour support to members of the military, veterans and their families; and

*Whereas*, across the country, the American Red Cross responds to nearly 70,000 disasters a year. It provides some 400,000 services to military members, veterans and civilians, collects and distributes about 40 percent of the nation's blood supply and trains more than seven million people in first aid, water safety and other life saving skills every year; and

*Whereas*, the American Red Cross will continue to meet the needs of Shawnee, Oklahoma, by fostering volunteers who are professional, prepared, and committed to the tradition of providing supreme service delivery to our community; and

*Whereas*, I urge all Shawnee citizens to continue giving of your time, blood, and money to help make a difference in the humanitarian fabric of this community. We help each other when we help the Red Cross.

*Now Therefore, I, Wes Mainord*, Mayor of the City of Shawnee, Oklahoma by the authority vested in me, do hereby proclaim the month of March 2013 as

### "AMERICAN RED CROSS MONTH"



In the city of Shawnee, Oklahoma  
Dated this 18<sup>th</sup> day of March, 2013

---

Wes Mainord, Mayor



ATTEST:

---

Phyllis Loftis, CMC, City Clerk



# **PROCLAMATION**

## **A PROCLAMATION DECLARING APRIL, 2013, AS "FAIR HOUSING MONTH" IN THE CITY OF SHAWNEE, OKLAHOMA.**

Pursuant to the authority granted to me as Mayor of the City of Shawnee, I do hereby proclaim the Month of April, 2013, as FAIR HOUSING MONTH and decree that all citizens affirm to follow the concepts, practices and intent embodied by the laws of the United States of America, the State of Oklahoma and the City of Shawnee. The City of Shawnee has adopted a Fair Housing Ordinance and has designated the Month of April as Fair Housing Month and encourages each citizen to implement the provisions of those acts. The City Commission has further designated the City Clerk as the Fair Housing Activities Coordinator and requests that any person, or group of persons, planning activities to promote fair housing to inform the Fair Housing Activities Coordinator of said activities. It is the desire of the City of Shawnee to recognize those persons or groups who best create an awareness of the need for fair housing practices or otherwise promotes Fair Housing practices.

NOW THEREFORE, I, WES MAINORD, BY VIRTUE OF THE AUTHORITY VESTED IN ME AS MAYOR OF THE CITY OF SHAWNEE, OKLAHOMA, DO HEREBY PROCLAIM THE MONTH OF **APRIL, 2013, AS**

### **"FAIR HOUSING MONTH"**

IN THE CITY OF SHAWNEE, OKLAHOMA, AND URGE ALL CITIZENS TO JOIN US IN RECOGNIZING FAIR HOUSING AND THE IMPORTANCE IT SERVES TO OUR COMMUNITY.

DATED THIS 18<sup>th</sup> DAY OF MARCH, 2013.

---

WES MAINORD, MAYOR



**EQUAL HOUSING  
OPPORTUNITY**

ATTEST:

---

PHYLLIS LOFTIS, CITY CLERK

**Regular Board of Commissioners**

**5.**

**Meeting Date:** 03/18/2013

Rezone P21-12

Submitted By: Donna Mayo, Administration

Department: Administration

---

Information

Title of Item for Agenda

Public hearing for consideration of an ordinance approving rezone of property from R-1; Residential Single Family Dwelling and C-1; Neighborhood Commercial to C-3; Automotive Commercial and Recreation for property located at 4016 and 4020 North Kickapoo. Case #P21-12 *Deferred from the January 7, 2013 Commission meeting.*

---

Attachments

Rezone P21-12

Ordinance

RECOMMENDATION TO:

MAYOR  
BOARD OF CITY COMMISSIONERS  
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE  
PLANNING COMMISSION

SUBJECT:

APPLICANT: Nelmon Brauning  
FOR: Rezone  
LOCATION: 4020 North Kickapoo  
PROJECT#: 121354 Case# P21-12 (defer from 1/2/2013)

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: R-1; Residential (Single Family Dwelling)  
REQUESTED CLASSIFICATION: C-1: Neighborhood Commercial  
PROPOSED PROPERTY USE: Commercial Use

PLANNING COMMISSION MEETING DATE: March 6, 2013

PLANNING COMMISSION RECOMMENDATION: Approval

VOTE OF THE PLANNING COMMISSION: MEMBERS PRESENT: 7

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

RESPECTFULLY SUBMITTED,  
Linda Burg  
SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: \_\_\_\_\_

DATE OF ACTION: \_\_\_\_\_

ADOPTED \_\_\_\_\_ DENIED \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_



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

**STAFF REPORT**  
**REZONE REQUEST**  
**CASE #P21-12**

TO: Shawnee Planning Commission

AGENDA: March 6, 2013

RE: CASE #P21-12; 4016 and 4020 N. Kickapoo *Amended Report/Request*

---

**PROPOSAL**

The applicant is requesting amend the original rezoning request to rezone property located at 4020 N. Kickapoo from R-1- Single Family Residential to C-1 Neighborhood Commercial instead of the original request (heard/deferred December 5, 2012) of C-3- Automotive, Commercial and Recreation. The applicant wishes to facilitate retail/commercial development at 4020 N. Kickapoo and desires that it be rezoned to C-1 for marketing purposes.

**GENERAL INFORMATION**

<b>Applicant</b>	Nelmon Brauning
<b>Owners</b>	Randy Edmondson
<b>Site Location/Address</b>	4016 and 4020 N. Kickapoo <i>See Figure 1</i>
<b>Current Site Zoning</b>	R-1- Single Family Residential (4020 N. Kickapoo) C-1- Neighborhood Commercial (4016 N. Kickapoo)
<b>Parcel Size</b>	63,000 sq. ft.
<b>Proposed Use</b>	Commercial Use
<b>Comprehensive Plan Designation</b>	Commercial/Residential
<b>Existing Land Use</b>	Residential
<b>Surrounding Proposed Land Use</b>	<u>North</u> : Commercial/Residential <u>South</u> : Commercial/Residential <u>West</u> : Residential

	<u>East:</u> Residential
<b>Surrounding Zoning</b>	<u>North:</u> C-3 <u>South:</u> C-1 <u>West:</u> R-1 <u>East:</u> R-1

**STAFF ANALYSIS AND FINDINGS**

This property at 4016 N. Kickapoo is currently zoned C-1 and the 4020 N. Kickapoo is currently zoned R-1. The request before the Commission is to amend the zoning on at 4020 N. Kickapoo to C-1, which would match the zoning at 4016 N. Kickapoo. While the applicant has no business interested in the site at this time, rezoning the lot to match the adjoining lot would make the lot more appealing to potential buyers.

The current site at 4016 N. Kickapoo is currently used as office space and was zoned C-1 Neighborhood Commercial in 2004 where it was a previous residential structure. Additionally rezoning the property to C-1 provides relief to the property owner to the North of the site when construction begins (a reduced setback will apply).

The application meets all of the requirements for a zone change, and it is in Staff’s opinion that the proposed change does conform to the Comprehensive Plan (Figure 2), which recommends that the area be used for Commercial uses. The rezoning and proposed use of the property is similar to previous recent requests made before the Commission over the last several years.

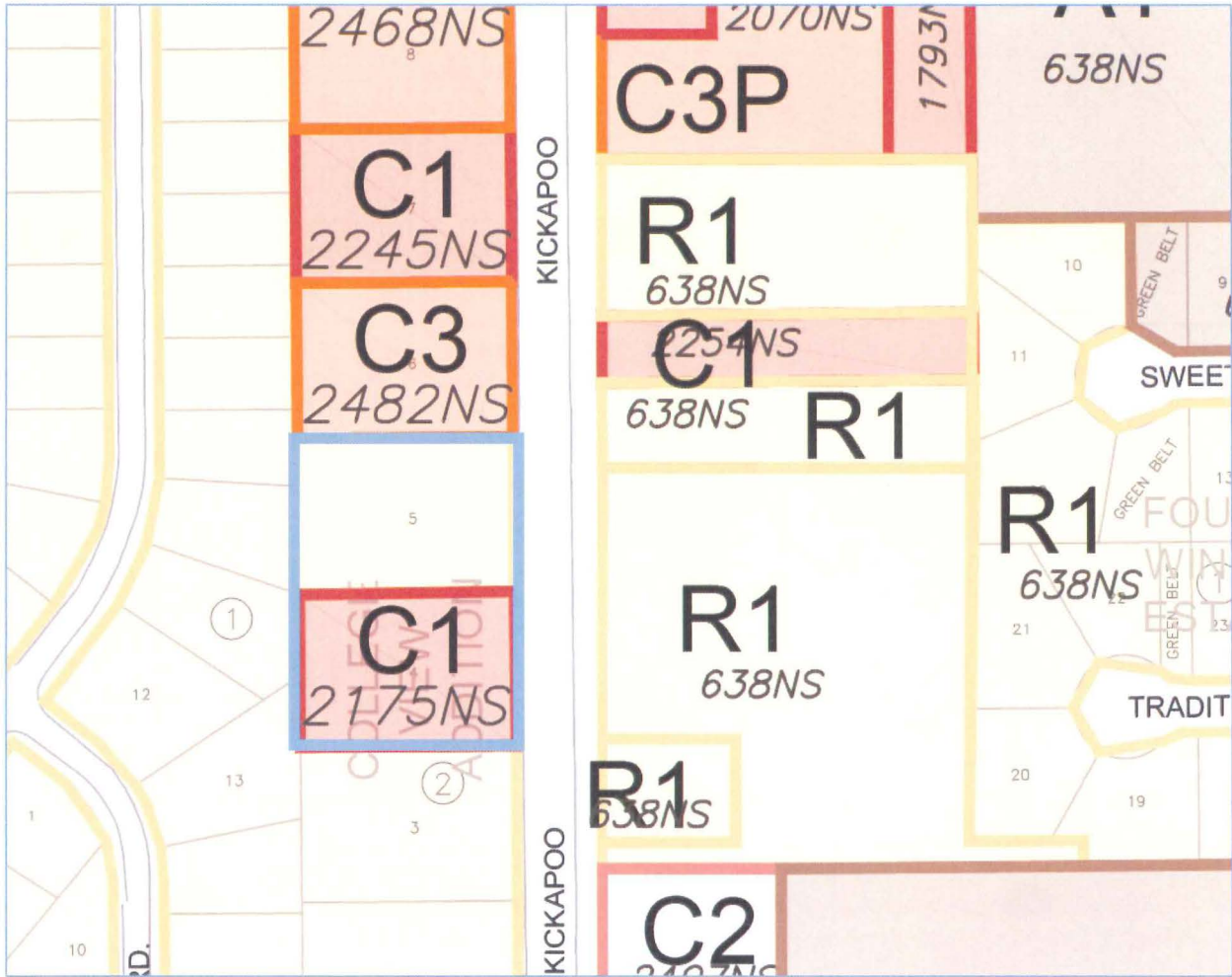
Staff does have some concern as this area of Kickapoo transitions from residential in character to a commercial district. In particular, the close proximity of the store to residences highlights the need to ensure that the project design, lighting, screening and other considerations are taken into account. The applicant will have to adhere to the code regarding the lighting, which will be oriented away from the residential structures to the west per Section 603.8 of the Zoning Regulations which states, “In addition, the lighting, including any permitted illuminated sign, shall be arranged so that there will be no annoying glare directed ore reflected toward residential buildings in a residential district”. The applicant will also have to comply with Section 603.8 in regard to fencing which states, “Whenever any office district or parking or parking are is established so as to abut the side or rear line of a lot in a residential district, an opaque, ornamental fence, wall or sense evergreen hedge of not less than six (6’) feet high shall be constructed and maintained in good condition alongside and rear lot lines up to, but not beyond, the abutting residential setback building line”.

**RECOMMENDATION**

Based on the analysis and findings above, Staff recommends approval of the applicant’s request to rezone the subject property to C-1. The proposal conforms to the Shawnee Comprehensive Plan. Staff recommends that the Planning Commission forward this recommendation to the City Commission.

**Attachments**

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

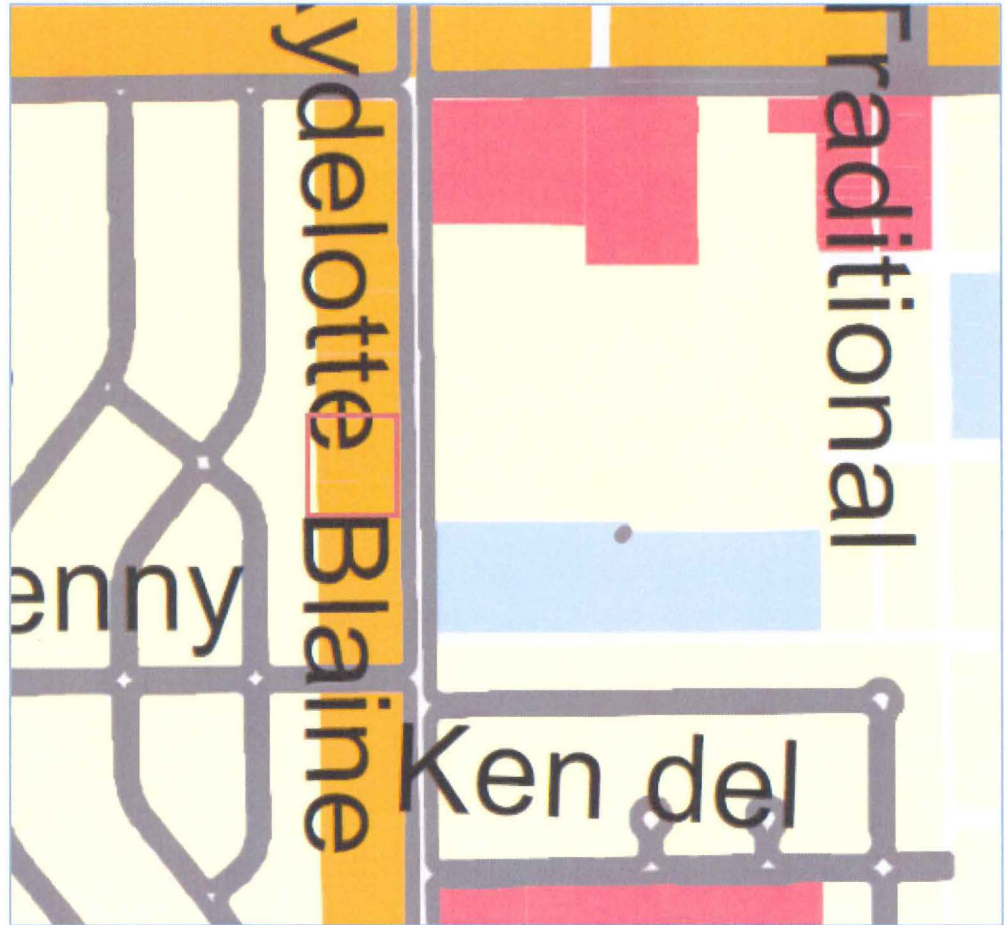


**Figure 1:** Zoning map, with site outlined in blue.



**FUTURE LAND USE**

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



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



CITY OF SHAWNEE  
PUBLIC HEARING NOTICE  
CASE # P21-12

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

The property requesting rezoning is described as follows:

**Lots Four (4) and Five (5), Block Two (2), COLLEGE VIEW ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.**

General Location Known As:	<u>4016 and 4020 North Kickapoo</u>
Current Zoning Classification:	<u>R-1; Residential (Single Family Dwelling)</u> <u>C-1; Neighborhood Commercial</u>
Requested Zoning Classification:	<u>C-3; Automotive, Commercial and Recreation</u>
Proposed Use of Property:	<u>Commercial/Restaurant</u>
Applicant:	<u>Nelmon Brauning</u>

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

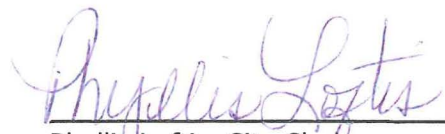
The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9<sup>th</sup> St. Shawnee, Oklahoma, as follows:

December 5, 2012    AT 1:30 P.M.:    CITY OF SHAWNEE PLANNING COMMISSION  
December 17, 2012    AT 6:30 P.M.:    CITY OF SHAWNEE CITY COMMISSION

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

Witness my hand this 14 day of November, 2012.

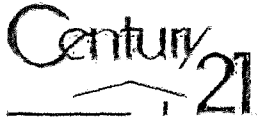


  
\_\_\_\_\_  
Phyllis Loftis, City Clerk

# Location Map

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





**Bob Crothers Realty, Inc.**

816 East Federal  
Shawnee, Oklahoma 74804  
Business (405) 275-5058  
Fax (405) 275-5071

February 27, 2013

Re: Request for rezoning Lot 5, College View Addition

To: Whom it may concern:

I would like for the panel to consider rezoning Lot 5 of College View Addition from Residential to C-1, Lot 4 at this time is zoned C-1.

I have been working with a few Buyers to purchase this property, but at this time their Corporate Office has not made a decision.

I believe the rezoning of Lot 5 would assist O'Reilly Auto Parts, which has purchased Lot 6 from me for a new store.

This area is changing very rapidly, which the City had planned for. The C-1 zoning would allow me the time to seek a business that will compliment the thriving Commercial growth planned for this area.

Thank you in advance for your assistance.

Respectfully,

A handwritten signature in cursive script that reads "Nelmon Brauning".

Nelmon Brauning  
Associate Broker, GRI  
Century 21 Bob Crothers Realty.

CITY OF SHAWNEE  
222 N. BROADWAY  
SHAWNEE, OK 74801

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

**PLANNING COMMISSION APPLICATION**  
**PROJECT NO. 121354 CASE NO. P21-12**

**REQUEST:**

Rezoning X Rezoning w/Conditional Use Permit \_\_\_\_\_ Conditional Use Permit \_\_\_\_\_  
Planned Unit Development \_\_\_\_\_

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from R1 & C1 District to C3 District, as hereinafter requested, and in support of this application, the following facts are shown:

**PROPERTY LOCATION (STREET ADDRESS):** 4016 & 4020 N. KICKAPOO

**LEGAL DESCRIPTION:** BL2-LOT4 & BL2-LOT5 College View Add.

**PROPERTY OWNER (S):** RANDY D. EDMONSON

**PROPERTY AGENT (APPLICANT):** NELMON BRAUNING

**APPLICANT'S ADDRESS:** 4016 N. KICKAPOO

**CITY:** SHAWNEE **STATE:** OK **ZIP:** 74804

**EMAIL ADDRESS:** nbrauning@hotmail.com

**TELEPHONE NUMBER:** ( ) \_\_\_\_\_ **CONTACT NUMBER:** (405) 370-0394

**DIMENSIONS OF PROPERTY:** AREA 1.44 AC WIDTH 300' - Both  
LENGTH 210' (Both) FRONTAGE 300' (Both)

**CURRENT ZONING:** R1-C1 **CURRENT USE:** Res & office

**PROPOSED ZONING:** C3 **PROPOSED USE:** Retail

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.

Nelson Brauning  
**SIGNATURE OF APPLICANT**

(FOR STAFF USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this 22 day of, October 2012

Linda Bura  
**PLANNING COMMISSION SECRETARY**

**REZONING &/OR C.U.P FEE \$** 280.00  
**RECEIPT NO.** 01399096

**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.:** \_\_\_\_\_

# P 21-12  
4016-4020N Kuckepoo

STATE OF OKLAHOMA                    )  
  ) SS:  
POTTAWATOMIE COUNTY                )

**-: AFFIDAVIT OF BONDED ABTRACTOR :-**

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

Lots Four (4) and Five (5), Block Two (2), COLLEGE VIEW ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

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

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

EXECUTED at Shawnee, Oklahoma, this 17<sup>th</sup> day of October, 2012.

FIRST AMERICAN TITLE AND TRUST COMPANY

By \_\_\_\_\_  
Teresa Southard, Licensed Abstractor #264

Order No. 1761835-SH99

## Ownership List

Order No. 1761835-SH99

Date October 17, 2012

Page No. 3

---

### OWNER

#### BRIEF LEGAL:

---

Charles E. Sales – 4331 N. Kickapoo, Shawnee, OK 74804

Beg. 612' S NW/C NW/4 Section 6, Township 10 North, Range 4 East; thence E 420';  
thence N 75'; thence W 420'; thence S 75' to beg.

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Jerry E. Ozeretny and Patricia R. Ozeretny, Trustees of the Ozeretny Family Trust – 4325 N.  
Kickapoo, Shawnee, OK 74804

Beg. 690' S NW/C NW/4 Section 6, Township 10 North, Range 4 East; thence E 420';  
thence N 78'; thence W 420'; thence S 78' to beg.

---

Thomas Lowder and Chi Chi Lowder – P.O. Box 307, Shawnee, OK 74802-0307

Beg. 467' S NW/C NW/4 Section 6, Township 10 North, Range 4 East; thence S 70';  
thence E 420'; thence N 70'; thence W 420' to beg.

---

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

Beg. 333' S NW/C NW/4 Section 6, Township 10 North, Range 4 East; thence S 134';  
thence E 420'; thence N 134'; thence W 420' to beg.

---

Northwest Missionary Baptist Church

Beg. 333' E SW/C NW/4 NW/4 Section 6, Township 10 North, Range 4 East; thence N  
239'; thence W 125'; thence S 124'; thence W 208'; thence S 115'; thence E 333' to beg.

---

Richard N. Jones Living Trust – P.O. Box 1852, Shawnee, OK 74802-1852

Beg. 115' N & 33' E SW/C NW/4 NW/4 of Section 6, Township 10 North, Range 4 East;  
thence N 125'; thence E 175'; thence S 124'; thence W 175' to beg.

---

Roy V. Varner Trust – 4009½ N. Kickapoo, Shawnee, OK 74804

Beg. 333' E SW/C NW/4 NW/4 Section 6, Township 10 North, Range 4 East; thence E  
657'; thence N 264'; thence W 990'; thence S 25'; thence E 333'; thence S 239' to beg.

---

## Ownership List

Order No. 1761835-SH99

Date October 17, 2012

Page No. 2

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### OWNER

#### BRIEF LEGAL:

---

Olers Beauty, LLC – 16 Granada, Shawnee, OK 74804

Lot 2, Block 2, BISON ADDITION to Shawnee

---

Donnette Littlehead – 4202 Blain Road, Shawnee, OK 74804

Lot 9, Block 2, BISON ADDITION to Shawnee

---

Clifford E. Whited and Patsy J. Whited – 4204 Blaine Road, Shawnee, OK 74804

Lot 10, Block 2, BISON ADDITION to Shawnee

---

Leah Longest and Matt Longest – 4303 N. Chapman, Shawnee, OK 74804

Lot 9, Block 3, BISON ADDITION to Shawnee

---

L. L. Wilkins and Yvonna M. Wilkins Trust – 4301 N. Chapman, Shawnee, OK 74804

Lot 10, Block 3, BISON ADDITION to Shawnee

---

Kenneth G. Craig and Margaret Craig – 4302 N. Aydelotte, Shawnee, OK 74804

Lot 11, Block 3, BISON ADDITION to Shawnee

---

Mary Kathryn Melton – 4304 N. Aydelotte, Shawnee, OK 74804

Lot 12 & Part Lot 13, Block 3, BISON ADDITION to Shawnee

---

John T. Blanton and Jean L. Blanton – 5 Concord Boulevard, Shawnee, OK 74804

N 65' Lot 13, Block 3, BISON ADDITION to Shawnee

---

Norma J. Edgmon – 4308 N. Aydelotte, Shawnee, OK 74804

Lot 14, Block 3, BISON ADDITION to Shawnee

---

Charles Story and Geraldine Story – 4310 N. Aydelotte, Shawnee, OK 74804

Lot 15, Block 3, BISON ADDITION to Shawnee

---

Richard B. Garren and Robin R. Garren – 4402 N. Aydelotte, Shawnee, OK 74804

Lot 16, Block 3, BISON ADDITION to Shawnee

---

Lorene A. Fields – 2 Springbrook Road, Shawnee, OK 74804

Lot 17, Block 3, BISON ADDITION to Shawnee

---

Charles H. Dawson and Joan K. Dawson – 4208 N. Aydelotte, Shawnee, OK 74804

Lot 1 & N 20' Lot 17, Block 8, BISON ADDITION to Shawnee

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Massey Investments Co. – P.O. Box 130, Durant, OK 74702

Beg. 200' S NW/C Section 6, Township 10 North, Range 4 East; thence S 133'; thence E 420'; thence N 333'; thence W 200.54'; thence S 200'; thence W 219.46' to beg.

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

Beg. NW/C NW/4 Section 6, Township 10 North, Range 4 East; thence E 420'; thence S 333'; thence W 420'; thence N 333' to beg...LESS Beg. 200' S NW/C; thence S 133'; thence E 420'; thence N 333'; thence W 200.54'; thence S 200'; thence W 219.46' to beg.

---



## Ownership List

Order No. 1761835-SH99

Date October 17, 2012

Page No. 1

OWNER

**BRIEF LEGAL DESCRIPTION:**

Absentee Shawnee Tribe of Oklahoma – 2025 S. Gordon Cooper Drive, Shawnee, OK 74801  
Lot 1, Block 2, COLLEGE VIEW ADDITION to Shawnee

Elmer R. Terrell and Gloria Jean Terrell Trust – 4006 N. Kickapoo, Shawnee, OK 74804-1636  
Lot 2, Block 2, COLLEGE VIEW ADDITION to Shawnee

William E. Malone and Drexel W. Malone Trust – 4010 N. Kickapoo, Shawnee, OK 74804  
Lot 3, Block 2, COLLEGE VIEW ADDITION to Shawnee

Randy D. Edmonson – P.O. Box 3003, Shawnee, OK 74802-3003  
Lots 4 & 5, Block 2, COLLEGE VIEW ADDITION to Shawnee

O'Reilly Automotive Stores, Inc. – 233 S. Patterson, Springfield, MO 65802  
Lot 6, Block 2, COLLEGE VIEW ADDITION to Shawnee

D & G Properties, LLC – 4400 N. Kickapoo, Shawnee, OK 74804  
Lot 7, Block 2, COLLEGE VIEW ADDITION to Shawnee

Lifestyle Plaza, LLC – 816 E. Federal, Shawnee, OK 74804  
Lot 8, Block 2, COLLEGE VIEW ADDITION to Shawnee

Sandra K. Reed – 4405 N. Aydelotte, Shawnee, OK 74804  
Lot 4, Block 1, BISON ADDITION to Shawnee

Bobby A. Brown – 4403 N. Aydelotte, Shawnee, OK 74804  
Lot 5, Block 1, BISON ADDITION to Shawnee

Jason Hickox – 4401 N. Aydelotte, Shawnee, OK 74804  
Lot 6, Block 1, BISON ADDITION to Shawnee

Bill J. Fleming – 4311 N. Aydelotte, Shawnee, OK 74804  
Lot 7, Block 1, BISON ADDITION to Shawnee

Anna L. Bolerjack – P.O. Box 3922, Shawnee, OK 74802-3922  
Lot 8, Block 1, BISON ADDITION to Shawnee

Roger B. McMahan and Cormal K. McMahan – 4307 N. Aydelotte, Shawnee, OK 74804  
Lot 9, Block 1, BISON ADDITION to Shawnee

William R. Bliss, Rose B. Bliss and Barbara Bliss-Walck – 4305 N. Aydelotte, Shawnee, OK 74804  
Lot 10, Block 1, BISON ADDITION to Shawnee

Preston L. Adair – 4303 N. Aydelotte, Shawnee, OK 74804-1230  
Lot 11, Block 1, BISON ADDITION to Shawnee

Amanda Miner and Hyrum Miner – 4301 N. Aydelotte, Shawnee, OK 74804  
Lot 12, Block 1, BISON ADDITION to Shawnee

Andrew R. Ramseyer – 4205 N. Aydelotte, Shawnee, OK 74804  
Lot 1, Block 2, BISON ADDITION to Shawnee



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, TO-WIT: LOTS FOUR (4) AND FIVE (5), BLOCK TWO (2), COLLEGE VIEW ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, REZONING SAID PROPERTY FROM R-1; SINGLE FAMILY RESIDENTIAL AND C-1; NEIGHBORHOOD COMMERCIAL TO C-3; AUTOMOTIVE, COMMERCIAL & RECREATION DISTRICT; AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

WHEREAS, pursuant to notice duly given as required by law, a public hearing was conducted by the Board of Commissioners of the City of Shawnee, Oklahoma on the 18<sup>th</sup> day of March, 2013, upon an application rezone property located in the City of Shawnee, Oklahoma to C-3; Automotive, Commercial & Recreation District.

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

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

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

Section 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit: Lots Four (4) and Five (5), Block Two (2), COLLEGE VIEW ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof, be rezoned C-3; Automotive, Commercial & Recreation District, and the official zoning map heretofore adopted is hereby amended as to include said property C-3; Automotive, Commercial & Recreation District.

PASSED AND APPROVED this 18<sup>th</sup> day of March, 2013.

\_\_\_\_\_  
WES MAINORD, MAYOR

(SEAL)

ATTEST:

\_\_\_\_\_  
PHYLLIS LOFTIS, CMC, CITY CLERK

APPROVED AS TO FORM AND LEGALITY ON THIS 18<sup>TH</sup> DAY OF MARCH, 2013, BY CITY ATTORNEY MARY ANN KARNS.

\_\_\_\_\_  
MARY ANN KARNS, CITY ATTORNEY

**Regular Board of Commissioners**

**6.**

**Meeting Date:** 03/18/2013

P03-13

Submitted By: Donna Mayo, Administration

Department: Administration

---

Information

Title of Item for Agenda

Public hearing for consideration of an ordinance approving rezone of property from A-1; Agricultural to RE; Rural Estates for property located at 18901 Brangus Road. Case #P03-13 Applicant: Joseph Crossley

---

Attachments

Rezone P03-13

Ordinance

RECOMMENDATION TO:

MAYOR  
BOARD OF CITY COMMISSIONERS  
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE  
PLANNING COMMISSION

SUBJECT:

APPLICANT: Joseph Crossley  
FOR: Rezone  
LOCATION: 18901 Brangus Road  
PROJECT#: 130146 Case# P03-13

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: A-1; Agricultural  
REQUESTED CLASSIFICATION: RE; Rural Estates  
PROPOSED PROPERTY USE: Single Family Dwellings

PLANNING COMMISSION MEETING DATE: March 6, 2013

PLANNING COMMISSION RECOMMENDATION: Approve

VOTE OF THE PLANNING COMMISSION: MEMBERS PRESENT: 7

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

RESPECTFULLY SUBMITTED,  
Linda Burg  
SECRETARY, PLANNING COMMISSION

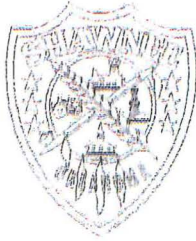
ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: \_\_\_\_\_

DATE OF ACTION: \_\_\_\_\_

ADOPTED \_\_\_\_\_ DENIED \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_



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

**STAFF REPORT**  
**REZONE REQUEST**  
**CASE #P03-13**

TO: Shawnee Planning Commission

AGENDA: March 6, 2013

RE: CASE #P03-13; 18901 Brangus Road- Rezoning Application

---

**PROPOSAL**

The applicant is requesting to rezone property located at 18901 Brangus Road from A-1: Agricultural to RE: Residential Estates. The applicant wishes to divide the property into three 1.6 acres lots for single-family residential structures.

**GENERAL INFORMATION**

<b>Applicant</b>	Joseph T. Crossley
<b>Owners</b>	Rachel Crossley, Burton & Marie Crossley, Joseph Crossley, and Ruth and T. Mark Harder
<b>Site Location/Address</b>	<i>See Figure 1</i>
<b>Current Site Zoning</b>	A-1- Rural Agricultural
<b>Parcel Size</b>	4.95 acres
<b>Proposed Use</b>	Residential Use
<b>Comprehensive Plan Designation</b>	Rural Development/ Agriculture
<b>Existing Land Use</b>	Agricultural
<b>Surrounding Proposed Land Use</b>	<u>North</u> : Rural Development/Agriculture <u>South</u> : Rural Development/Agriculture <u>West</u> : Rural Development/Agriculture

	<u>East:</u> Rural Development/Agriculture
<b>Surrounding Zoning</b>	<u>North:</u> A-1 <u>South:</u> Outside City Limits <u>West:</u> Outside City Limits <u>East:</u> Outside City Limits

**STAFF ANALYSIS AND FINDINGS**

Currently the property located at 18901 Brangus Road is zoned A-1, Agricultural and is used for agricultural purposes at this time. Adjacent land uses include properties utilized primarily for agriculture and rural residential purposes. The applicant is requesting permission to rezone the property from A-1: Agricultural to RE: Residential Estates, to allow for the division of the property into three new lots. The proposed lots average around 1.6 acres and one single-family residence would be permitted per lot. As per the zoning code, “All lots within this district shall have an area of not less than one (1) acre of land, including street dedications, and not more than one (1) principal building shall be placed upon any one (1) lot.” The proposed lots sizes and use would meet the zoning code.

Staff has received several phone calls regarding the property from adjoining property owners concerned with the density of the proposed zone change. The proposed zone change only allows for one main structure per lot with a minimum lot size of one acre. As per the Zoning Code, “Residential Estates District is intended to provide for very low density single family housing with rural amenities... it is not intended that this district provide a location for a lower standard of residential or other development that is authorized in other districts.” The applicants proposed lots are larger than required by zoning code. The RE Zone does not allow for the placement of manufactured or mobile homes.

According to the Comprehensive Plan, the subject property is anticipated as to be utilized for Rural Development/Agriculture use according to the Future Land Use Map (Figure 3). The proposed use is a compatible use within the plan since the RE zone does provide for larger lots and does permit some limited agricultural activity. Interestingly, the Comprehensive Plan notes all land south of the North Canadian River as Rural Development/Agriculture, despite the fact that existing land use is urban and very commercial in places. Rural water is also available to serve the site, although the homes would be on individual septic systems.

**RECOMMENDATION**

Based on the analysis and findings above, Staff recommends **approval** of the applicant’s request to rezone the subject property to RE. The proposed rezoning does meet all requirements under the Zoning Code and Comprehensive Plan. Staff recommends that the Planning Commission forward this recommendation to the City Commission.



## Attachments

1. Figure 1-Zoning Map
2. Figure 2-Aerial Map
3. Figure 3-Land Use Map



**Figure 1:** City Limits/Zoning map, with site outlined in blue.



**Figure 2:** Aerial map, with site outlined in red.

### FUTURE LAND USE

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



**Figure 3:** Future Land Use Map, with site outlined in red.

CITY OF SHAWNEE  
PUBLIC HEARING NOTICE  
CASE # P03-13

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

The property requesting rezoning is described as follows:

A tract of land described as beginning at the Southwest Corner of the South Half of the Southwest Quarter of the Southwest Quarter (5/2 SW/4 SW/4) of Section Thirty-four (34), Township Ten (10) North, Range Four (4) East; thence NO·03'00"W a distance of 663.16 feet; thence N89·S9'S1"E a distance of 326.17 feet; thence SO·00'34"E 662.93'; thence S89·S7'22"W a distance of 325.71 feet to the point of beginning.

General Location Known As:	<u>18901 Brangus Road</u>
Current Zoning Classification:	<u>A-1; Agricultural</u>
Requested Zoning Classification:	<u>RE; Rural Estates</u>
Proposed Use of Property:	<u>Single Family Dwellings</u>
Applicant:	<u>Joseph Crossley</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. 9<sup>th</sup> St. Shawnee, Oklahoma, as follows:

March 6, 2013	AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
March 18, 2013	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 13<sup>th</sup> day of Feb., 2013.

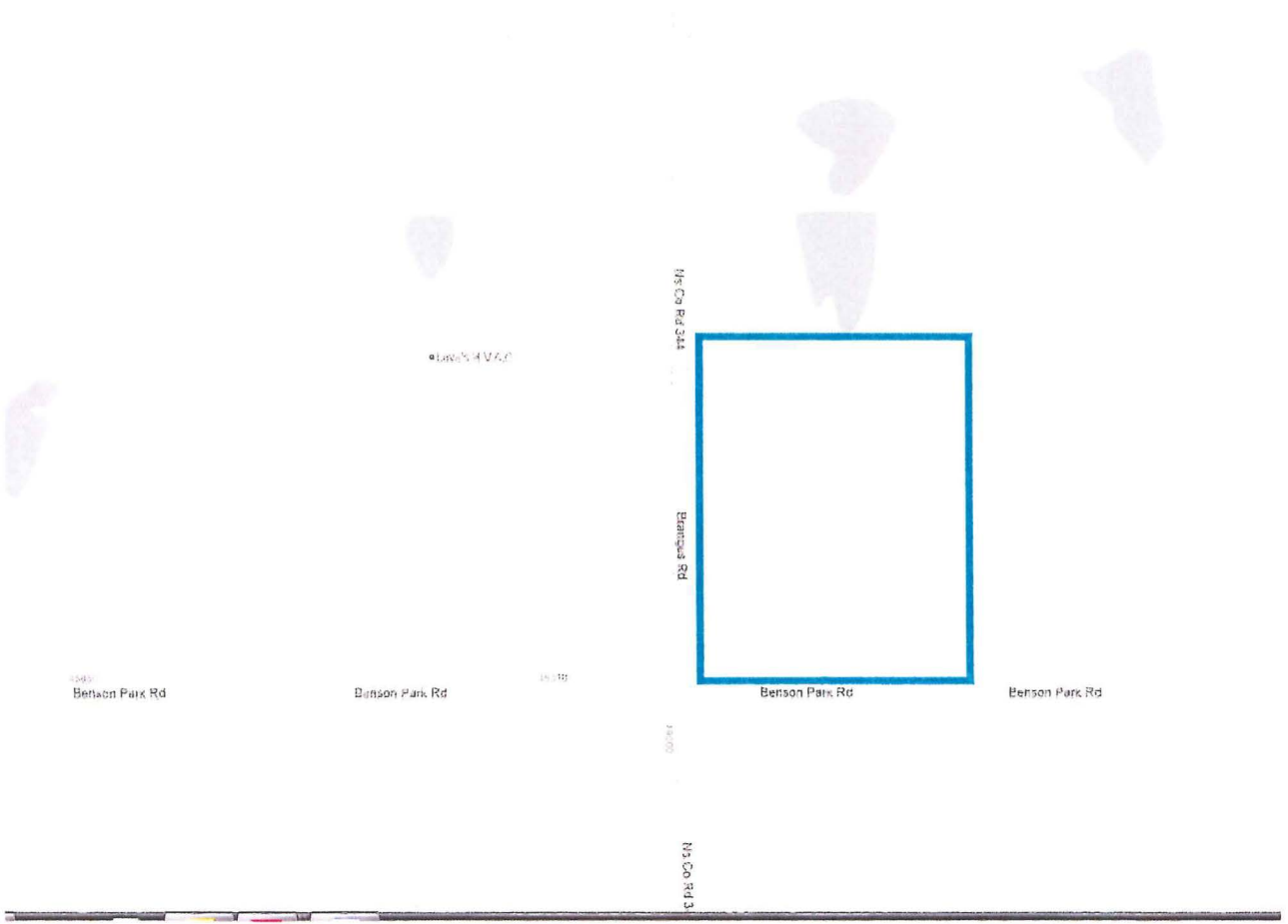


  
\_\_\_\_\_  
Phyllis Loftis, City Clerk



# Location Map

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



CITY OF SHAWNEE  
222 N. BROADWAY  
SHAWNEE, OK 74801

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

**PLANNING COMMISSION APPLICATION**  
**PROJECT NO. 130146 CASE NO. P03-13**

**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 A1 District to RE District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 18901 Branqus Rd. (Tract B)

LEGAL DESCRIPTION: See Attached Survey (Tracts B, C, and D)

PROPERTY OWNER (S): Burton J. & Marie T. Crossley, Joseph T. Crossley, Rachel A. Crossley, and Ruth E. & T. Mark Harder

PROPERTY AGENT (APPLICANT): Joseph T. Crossley

APPLICANT'S ADDRESS: 20 Kiowa

CITY: Shawnee STATE OK ZIP 74801

EMAIL ADDRESS: 148jtc@allegiance.tv

TELEPHONE NUMBER: (405) 275-3078 CONTACT NUMBER: (405) 275-3078

DIMENSIONS OF PROPERTY: AREA 5 ac. mol WIDTH \_\_\_\_\_  
LENGTH \_\_\_\_\_ FRONTAGE \_\_\_\_\_

CURRENT ZONING: A1 CURRENT USE: Hay field

PROPOSED ZONING: RE PROPOSED USE: Single Family Dwellings

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.

Joseph T. Crossley  
SIGNATURE OF APPLICANT

(FOR STAFF USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this 4 day of February, 2013

Linda Burg  
PLANNING COMMISSION SECRETARY

REZONING &/OR C.U.P FEE \$ 280.00  
RECEIPT NO. 01431000

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

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

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

STATE OF OKLAHOMA )  
 ) SS:  
COUNTY OF POTTAWATOMIE )

**-: AFFIDAVIT OF BONDED ABTRACTOR :-**

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

A tract of land described as beginning at the Southwest Corner of the South Half of the Southwest Quarter of the Southwest Quarter (S/2 SW/4 SW/4) of Section Thirty-four (34), Township Ten (10) North, Range Four (4) East; thence N0°03'00"W a distance of 663.16 feet; thence N89°59'51"E a distance of 326.17 feet; thence S0°00'34"E 662.93'; thence S89°57'22"W a distance of 325.71 feet to the point of beginning.

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

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

EXECUTED at Shawnee, Oklahoma, this 24th day of January, 2013.

FIRST AMERICAN TITLE AND TRUST COMPANY

By *Teresa Southard*  
Teresa Southard, Licensed Abstractor #264

Order No. 1788561-SH99

# Ownership List

Order No. 1788561-SH99

Date January 24, 2013

Page No. 1

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## OWNER

### BRIEF LEGAL:

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Joseph T. Crossley, Burton J. Crossley, Marie Crossley, Rachel A. Crossley and Ruth E. Harder –  
20 Kiowa, Shawnee, OK 74801

SW/4 SW/4 Section 34, Township 10 North, Range 4 East

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Annetta Hill and Connie Coble – 43902 Benson Park, Shawnee, OK 74801

Beg. SE/C SE/4 SE/4 Section 33, Township 10 North, Range 4 East; thence N 280.014';  
thence W 466.69'; thence S 280.014'; thence E 466.69' to beg.

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Tyre Jerome Love and Mary Jo Love – 18804 Brangus Road, Shawnee, OK 74801

Beg. NE/C SE/4 SE/4 Section 33, Township 10 North, Range 4 East; thence W 1315';  
thence S 863.31'; thence E 848.31'; thence N 284.41'; thence E 469.54'; thence N 577.72' to  
beg.

---

Randy H. Whiteside and Mary J. Whiteside – 18806 Brangus Road, Shawnee, OK 74801

Beg. 577.72' S NE/C SE/4 SE/4 Section 33, Township 10 North, Range 4 East; thence W  
469.54'; thence S 471.09'; thence E 469.54'; thence N 472.27' to beg.

---

Preston B. Wilkinson and Tammi J. Wilkinson – 19004 Brangus Road, Shawnee, OK 74801

Beg. NE/C N/2 NE/4 Section 4, Township 9 North, Range 4 East; thence S 280'; thence W  
100'; thence N29°36'51"W 206.57'; thence N 100'; thence E 200' to beg.

---

Harold R. Mace and Sandra K. Mace Trustees of Mace Living Trust – 505 S. Stokes Road,  
Stillwater, OK 74075

All N/2 NW/4 Section 3, Township 9 North, Range 4 East; lying W of RR R/W

---

Clayton H. Eads and Judy Kaye Eads – 106 Huntington Court, Shawnee, OK 74801

Lots 1 and 2, CHARLESTON POINTE EAST

---

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, TO-WIT: A TRACT OF LAND DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (S/2 SW/4 SW/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP TEN (10) NORTH, RANGE FOUR (4) EAST; THENCE N0°03'00" W A DISTANCE OF 663.16 FEET; THENCE N89°59'51" E A DISTANCE OF 326.17 FEET; THENCE S0°00'34" E 662.93'; THENCE S89°57'22" W A DISTANCE OF 325.71 FEET TO THE POINT OF BEGINNING; ACCORDING TO THE RECORDED PLAT THEREOF, REZONING SAID PROPERTY FROM A-1; AGRICULTURAL TO RE; RURAL ESTATES; 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 18<sup>th</sup> day of March, 2013, upon an application to rezone property located in the City of Shawnee, Oklahoma to RE; Rural Estates.

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

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

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

Section 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit: A tract of land described as beginning at the Southwest Corner of the South Half of the Southwest Quarter of the Southwest Quarter (S/2 SW/4 SW/4) of Section Thirty-four (34), Township Ten (10) North, Range Four (4) East; thence N0°03'00" W a distance of 663.16 feet; thence N89°59'51" E a distance of 326.17 feet; thence S0°00'34" E 662.93'; thence S89°57'22" W a distance of 325.71 feet to the point of beginning; according to the recorded plat thereof, be rezoned to RE; Rural Estates, and the official zoning map heretofore adopted is hereby amended as to include said property RE; Rural Estates.

PASSED AND APPROVED this 18<sup>th</sup> day of March, 2013.

\_\_\_\_\_  
WES MAINORD, MAYOR

ATTEST:

\_\_\_\_\_  
PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality on the 4<sup>th</sup> day of March, 2013.

\_\_\_\_\_  
MARY ANN KARNS, CITY ATTORNEY

**Regular Board of Commissioners**

7.

**Meeting Date:** 03/18/2013

S01-13 Prelim Plat

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Consideration of approval of a preliminary plat for Chris' Addition located on East Bradley Street to the west of Lantana Court. Case #S01-13 Applicant: Greg Brown Homes, LLC

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Attachments

S01-13 and S02-13 Prelim and Final Plat

**RECOMMENDATION TO:**

MAYOR

BOARD OF CITY COMMISSIONERS  
CITY OF SHAWNEE

**RECOMMENDATION FROM:**

CITY OF SHAWNEE  
PLANNING COMMISSION

**SUBJECT:**

APPLICANT: Greg Brown Homes, LLC

FOR: Preliminary Plat

LOCATION: Bradley Street, East of Bryan Ave

PROJECT NUMBER 130149 CASE NUMBER S01-13

PLANNING COMMISSION MEETING DATE: March 6, 2013

PLANNING COMMISSION RECOMMENDATION: Approval

VOTE OF THE PLANNING COMMISSION: **MEMBERS PRESENT:** 7

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

RESPECTFULLY SUBMITTED,

*Linda Burg*

SECRETARY, PLANNING COMMISSION

**ACTION BY CITY COMMISSION:**

PUBLIC HEARING SET: \_\_\_\_\_

DATE OF ACTION: \_\_\_\_\_

ADOPTED \_\_\_\_\_ DENIED \_\_\_\_\_

**RECOMMENDATION TO:**

MAYOR

BOARD OF CITY COMMISSIONERS  
CITY OF SHAWNEE

**RECOMMENDATION FROM:**

CITY OF SHAWNEE  
PLANNING COMMISSION

**SUBJECT:**

APPLICANT: Greg Brown Homes, LLC

FOR: Final Plat

LOCATION: Bradley Street, East of Bryan Ave

PROJECT NUMBER 130150 CASE NUMBER S02-13

**PLANNING COMMISSION MEETING DATE:**

March 6, 2013

**PLANNING COMMISSION RECOMMENDATION:**

Approval subject to the following conditions:

1. Sidewalks shall be installed in accordance with the City of Shawnee sidewalk ordinance concurrent with site development.
2. All other applicable City standards apply.

**VOTE OF THE PLANNING COMMISSION:**

**MEMBERS PRESENT:** 7

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

RESPECTFULLY SUBMITTED,

*Linda Burg*

SECRETARY, PLANNING COMMISSION

**ACTION BY CITY COMMISSION:**

PUBLIC HEARING SET: \_\_\_\_\_

DATE OF ACTION: \_\_\_\_\_

ADOPTED \_\_\_\_\_ DENIED \_\_\_\_\_





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

**STAFF REPORT**  
**PRELIMINARY AND FINAL PLAT**  
**CASE #S01-13, #S02-13**

TO: Shawnee Planning Commission

AGENDA: March 6, 2013

RE: CASE #S01-13 Preliminary Plat; CASE #S02-13 Final Plat- Chris' Addition, Bradley Street, East of Bryan Ave.

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**PROPOSAL**

The applicant is requesting Preliminary Plat approval (Case #S01-13) and Final Plat approval (Case #S02-13) of 1.15 acres to facilitate the construction of four single-family residential structures on four individual lots. The property is zoned R-1 and is located just west of Windmill Ridge and is across the street from the new Primrose development.

**GENERAL INFORMATION**

<b>Applicant</b>	Greg Brown, Greg Brown Homes, LLC
<b>Owners</b>	Greg Brown Homes
<b>Site Location/Address</b>	<i>See Figure 1</i>
<b>Current Site Zoning</b>	R-1
<b>Parcel Size</b>	1.15 acres
<b>Proposed Use</b>	Residential Use
<b>Comprehensive Plan Designation</b>	Residential
<b>Existing Land Use</b>	Agricultural
<b>Surrounding Proposed Land Use</b>	<u>North</u> : Residential <u>South</u> : Residential

	<u>West:</u> Residential <u>East:</u> Residential
<b>Surrounding Zoning</b>	<u>North:</u> PUD (Primrose) <u>South:</u> A-1 <u>West:</u> A-1 <u>East:</u> PUD (Windmill Ridge)

**STAFF ANALYSIS AND FINDINGS**

The intended use of the property is for construction of four single-family homes. Staff has reviewed the preliminary plat request and finds that the plat will meet City requirements. Public streets and utilities are all at the site and no additional extensions are required. The proposed lot meets all zoning standards and no variances are requested for the preliminary plat. The applicant is also requesting final plat approval. Because there are not additional public improvements necessary, the final plat may be recorded after approval and obtainment of signatures.

Staff notes a four-foot wide sidewalk is required along Bradley Street and will need to be constructed on each individual lot as part of home construction.

**RECOMMENDATION**

Staff recommends **approval** of Chris’ Addition Preliminary and Final Plats, subject to the following conditions:

1. Sidewalks shall be installed in accordance with the City’s sidewalk ordinance concurrent with site development.
2. All other applicable City standards apply.

**Attachments**

1. Figure 1-Zoning Map
2. Figure 2-Aerial Map
3. Preliminary Plat
4. Final Plat

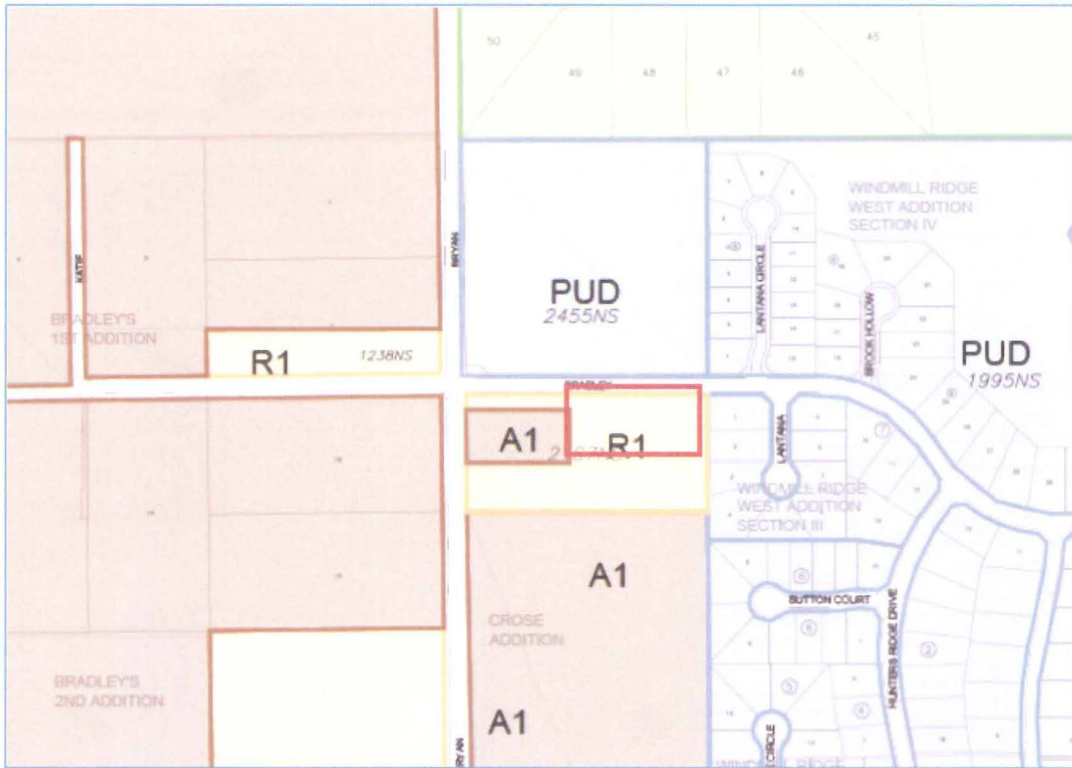


Figure 1: Zoning map, with site outlined in red.



Figure 2: Aerial map, with site outlined in red.

PRELIMINARY PLAT APPLICATION FOR THE CITY OF SHAWNEE

Please provide a submittal letter, 12-24 X 36 maps, PE & Ownership Certifications, 1 electronic map (ldrain@shawneecol.org) and filing fees upon submitting this application.

APPLICANT Greg Brown Homes, LLC

APPLICANT ADDRESS 2510 E. Independence #400, Shawnee OK 74804

APPLICANT PHONE NUMBERS (405) 273-1671

EMAIL ADDRESS gbrown@gregbrownhomes.com

NAME OF PLAT Chris' Addition

LOCATION Part of the SW/4 of Sec. 9, T-10-N, R-4-E, Pottawatomie County  
Bradley Street, East of Bryan Avenue

NUMBER OF ACRES 1.15 NUMBER OF LOTS 4

**FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: COST IS** \$225.00

PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS \_\_\_\_\_

PLUS \$1.00 PER LOTS OVER FIFTY(50) LOTS NUMBER OF LOTS \_\_\_\_\_

**TOTAL COST** \_\_\_\_\_

**FOR LESS THAN 2 ACRE LOTS: COST IS** \$225.00

PLUS \$2.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 4 \$8.00

PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS \_\_\_\_\_

**TOTAL COST** \$233.00

**OWNER/DEVELOPER INFORMATION:**

NAME Greg Brown, Manager, Greg Brown Homes, LLC

ADDRESS Same as above

CONTACT NUMBERS Same as above

EMAIL ADDRESS gbrown@gregbrownhomes.com

**PROJECT ENGINEER INFORMATION:**

NAME Phil Hagen, PE, Sr. Vice-President, Crafton Tull & Associates

ADDRESS 214 East Main Street, Oklahoma City, OK 73104

CONTACT NUMBERS 405-787-6270 (O) 405-787-6276 (Fax)

EMAIL ADDRESS Phil.Hagen@craftontull.com

FINAL PLAT APPLICATION FOR THE CITY OF SHAWNEE

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

APPLICANT Greg Brown Homes, LLC

APPLICANT ADDRESS 2510 E. Independence #400 - Shawnee, Ok 74804

APPLICANT PHONE NUMBERS (405) 273-1671

EMAIL ADDRESS gbrown@gregbrownhomes.com

NAME OF PLAT Chris's Addition

LOCATION SW/4, Sec. 9, T-10-N, R-4-E, Pottawatomie County, Oklahoma

NUMBER OF ACRES 1.15 NUMBER OF LOTS 4

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: COST IS \$325.00

PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS

PLUS \$1.00 PER LOTS OVER FIFTY(50) LOTS NUMBER OF LOTS

TOTAL COST

FOR LESS THAN 2 ACRE LOTS: COST IS \$325.00

PLUS \$2.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 4 \$8.00

PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS

TOTAL COST \$333.00

**OWNER/DEVELOPER INFORMATION:**

NAME Greg Brown, Greg Brown Homes, LLC

ADDRESS 2510 E. Independence, Shawnee, OK 74802

CONTACT NUMBERS (405) 273-1671 Fax (405) 273-5189

EMAIL ADDRESS gbrown@gregbrownhomes.com

**PROJECT ENGINEER INFORMATION:**

NAME Kendall Dillon, PE, VP-Residential, Crafton Tull & Associates

ADDRESS 214 East Main, Oklahoma City, OK 73104

CONTACT NUMBERS (405) 787-6270 Fax: (405) 787-6276

EMAIL ADDRESS Kendall.Dillon@craftontull.com

STATE OF OKLAHOMA )  
 ) SS:  
COUNTY OF POTTAWATOMIE )

**-: AFFIDAVIT OF BONDED ABTRACTOR :-**

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


A tract of land being a part of Lot Thirteen (13), CROSE'S ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof, being further described as beginning at a point on the North line of said Lot 13, 303.50 feet N89°29'13"E of the Northwest Corner of said Lot 13, said point being 700 feet S00°38'53"E and 336.50 feet N89°29'13"E of the Northwest Corner of the Southwest Quarter (NW/C SW/4) of Section Nine (9), Township Ten (10) North, Range Four (4) East of the Indian Meridian; thence N89°29'13"E on said North line and parallel to the South line of said SW/4 for a distance of 303.50 feet to the Northeast Corner of said Lot 13; thence S00°38'53"E on the East line of said Lot 13 for a distance of 155 feet; thence S89°29'13"W for a distance of 303.50 feet; thence N00°38'53"W for a distance of 155 feet to the point of beginning.

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

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

EXECUTED at Shawnee, Oklahoma, this 2<sup>nd</sup> day of January, 2013.

FIRST AMERICAN TITLE AND TRUST COMPANY

By   
Teresa Southard, Licensed Abstractor #264

Order No. 1781423-SH99

# Ownership List

Order No. 1781423-SH99

Date January 2, 2013

Page No. 1

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## OWNER

### BRIEF LEGAL:

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Shawnee Retirement, LLC – 815 N. 2<sup>nd</sup> St., Aberdeen, SD 57402-1359

Lot 14, CROSE ADDITION to Shawnee...LESS Beg. 33' E NW/C Lot 14; thence E 272.27'; thence S 160.01'; thence W 272.27'; thence N 160.01' to beg.

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Glenda Ortega – 532 N. Elm, Shawnee, OK 74801

Beg. 303'5' E SW/C Lot 13, CROSE ADDITION to Shawnee; thence N 155'; thence E 303.5'; thence S 155'; thence W 303.5' to beg.

---

Greg Brown Homes, LLC – 2510 E. Independence, Suite #400, Shawnee, OK 74804

Beg. 303.5' E NW/C Lot 13, CROSE ADDITION; thence E 303.5'; thence S 155'; thence W 303.5'; thence N 155' to beg.

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Dickie A. Herron and Dorothy Herron – 1825 N. Bryan, Shawnee, OK 74804

Beg. NW/C Lot 13, CROSE ADDITION to Shawnee; thence E 303.5'; thence S 155'; thence W 303.5'; thence N 155' to beg.

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Doyle E. Herron and Doyle E. Herron, Jr. – 1508 Hunters Ridge, Shawnee, OK 74804

Beg. SW/C Lot 13, CROSE ADDITION to Shawnee; thence N 155'; thence E 303.50'; thence S 155'; thence W 303.50' to beg.

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Kenneth W. Boyd and Elizabeth J. Boyd – 1821 N. Bryan, Shawnee, OK 74804

Beg. NW/C Lot 12, CROSE ADDITION to Shawnee; thence S 136'; thence E 274'; thence N 136'; thence W 274' to beg.

---

Royce Dale Peerson and Kathleen Peerson – 1817 N. Bryan, Shawnee, OK 74804

Beg. SW/C Lot 12, CROSE ADDITION to Shawnee; thence N 125'; thence E 274'; thence S 125'; thence W 274' to beg.

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Monte R. Valentine and Adina R. Valentine – 4402 Bryant Via, Shawnee, OK 74804

W 2 Acres Lot 12, CROSE ADDITION to Shawnee...LESS 2 Tracts

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Tom Brown Homes, Inc. – 2510 E. Independence, Suite #400, Shawnee, OK 74804

Lot 1, Block 8, WINDMILL RIDGE WEST, SECTION 4, to Shawnee

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Dawson A. Engle – 2008 Lantana Circle, Shawnee, OK 74804

Lot 2, Block 8, WINDMILL RIDGE WEST, SECTION 4, to Shawnee

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James L. Tipken Properties, LLC – 17301 S. Sunny Lane, Norman, OK 73071

Lot 3, Block 8, WINDMILL RIDGE WEST, SECTION 4, to Shawnee

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Morris Lee James and Jean A. James – 2016 Lantana Circle, Shawnee, OK 74804

Lot 4, Block 8, WINDMILL RIDGE WEST, SECTION 4, to Shawnee

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Mary J. Spencer – 2020 Lantana Circle, Shawnee, OK 74804

Lot 5, Block 8, WINDMILL RIDGE WEST, SECTION 4, to Shawnee

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Thomas M. Freeman and Beverly K. Freeman – 2013 Lantana Circle, Shawnee, OK 74804

Lot 12, Block 8, WINDMILL RIDGE WEST, SECTION 4, to Shawnee



## Ownership List

Order No. 1781423-SH99

Date January 2, 2013

Page No. 2

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### OWNER

#### BRIEF LEGAL:

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Darrel Wood and Melba A. Wood – P.O. Box 1372, Shawnee, OK 74802-1372  
Lot 13, Block 8, WINDMILL RIDGE WEST, SECTION 4, to Shawnee

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Bonnie Taylor – 2005 Lantana Circle, Shawnee, OK 74804  
Lot 14, Block 8, WINDMILL RIDGE WEST, SECTION 4, to Shawnee

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Lindsey R. Griffith and Russell E. Griffith – 2001 Lantana Circle, Shawnee, OK 74804  
Lot 15, Block 8, WINDMILL RIDGE WEST, SECTION 4, to Shawnee

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Windmill Development, LLC – P.O. Box 293, Shawnee, OK 74802-0293  
Lot 16, Block 8, WINDMILL RIDGE WEST, SECTION 4, to Shawnee

---

Zachary D. Melton and Elizabeth G. Melton – 2008 Brook Hollow, Shawnee, OK 74804  
Lot 17, Block 8, WINDMILL RIDGE WEST, SECTION 4, to Shawnee

---

Glynn J. Dinsmore and Jacklyn D. Dinsmore – 815 E. MacArthur St., Shawnee, OK 74804  
Lot 1, Block 7, WINDMILL RIDGE WEST, SECTION III, to Shawnee

---

Larry Flanagan – 1812 Lantana Court, Shawnee, OK 74804  
Lot 2, Block 7, WINDMILL RIDGE WEST, SECTION III, to Shawnee

---

Roger A. Rutherford and Lee Ann Rutherford – 1808 Lantana Court, Shawnee, OK 74804  
Lot 3, Block 7, WINDMILL RIDGE WEST, SECTION III, to Shawnee

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Michael A. Cook and Pamela G. Cook – 1804 Lantana Court, Shawnee, OK 74804  
Lot 4, Block 7, WINDMILL RIDGE WEST, SECTION III, to Shawnee

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Betty A. Staley – 1800 Lantana Court, Shawnee, OK 74804  
Lot 5, Block 7, WINDMILL RIDGE WEST, SECTION III, to Shawnee

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David McQuerry, Deborah Ann McQuerry and Malialani McQuerry – 1803 Lantana Court,  
Shawnee, OK 74804  
Lot 6, Block 7, WINDMILL RIDGE WEST, SECTION III, to Shawnee

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David J. Reed and Yvonne M. Kaaloa – 1807 Lantana Court, Shawnee, OK 74804  
Lot 7, Block 7, WINDMILL RIDGE WEST, SECTION III, to Shawnee

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Lisa Heins – 1811 Lantana Court, Shawnee, OK 74804  
Lot 8, Block 7, WINDMILL RIDGE WEST, SECTION III, to Shawnee

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Larry Lydick – 1815 Lantana Court, Shawnee, OK 74804  
Lot 9, Block 7, WINDMILL RIDGE WEST, SECTION III, to Shawnee

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Robert Prewitt – 2500 Sutton Court, Shawnee, OK 74804  
Lot 7, Block 6, WINDMILL RIDGE WEST, SECTION II, to Shawnee

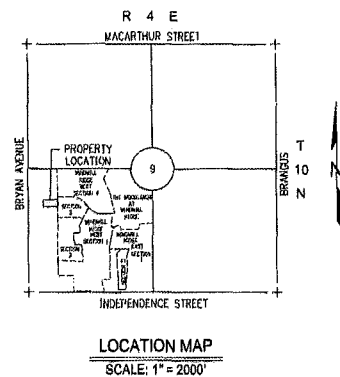
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Jan Gardner – 2504 Sutton Court, Shawnee, OK 74804  
Lot 8, Block 6, WINDMILL RIDGE WEST, SECTION II, to Shawnee

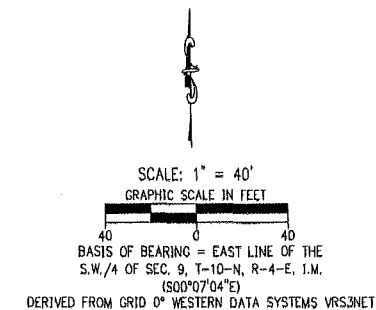
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James E. Tobler – 2508 Sutton Court, Shawnee, OK 74804  
Lot 9, Block 6, WINDMILL RIDGE WEST, SECTION II, to Shawnee





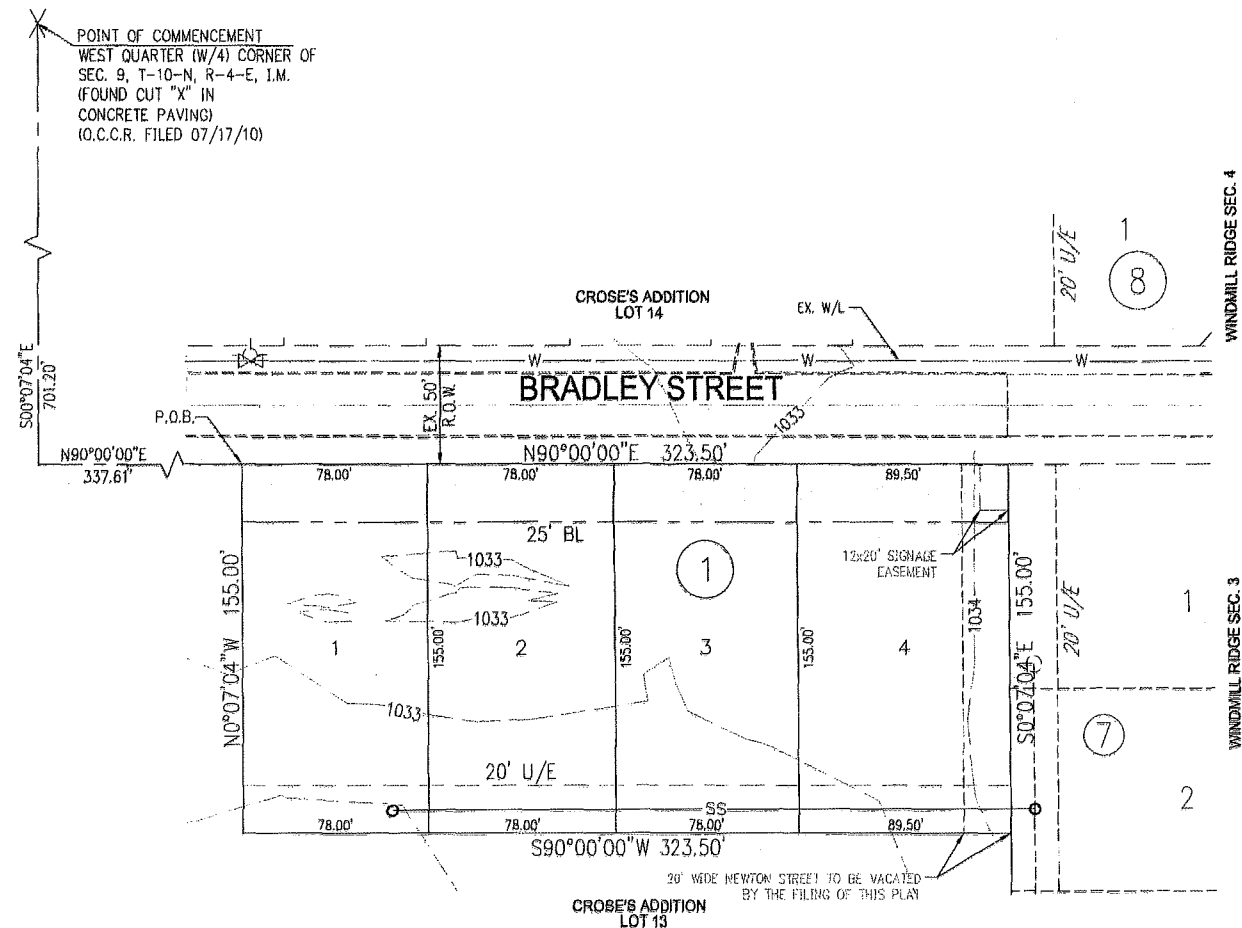
PRELIMINARY PLAT  
OF  
**CHRIS' ADDITION**  
A PART OF THE S.W./4 OF SEC. 9, T10-N, R-4-E, I.M.,  
SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA



**PROJECT OWNER AND DEVELOPER:**  
GREG BROWN HOMES  
2510 E. INDEPENDENCE, SUITE 400  
SHAWNEE, OKLAHOMA  
74804  
PH: 405.273.1671  
FX: 405.273.5189

**LEGEND**  
BL BUILDING LIMIT LINE  
P.O.B. POINT OF BEGINNING  
R.O.W. RIGHT-OF-WAY  
U/E UTILITY EASEMENT

**LOT COUNT:**  
SINGLE-FAMILY RESIDENTIAL 4 LOTS  
SINGLE-FAMILY 1.15 ACRES



**LEGAL DESCRIPTION**

A TRACT OF LAND SITUATE WITHIN THE S.W./4 OF SECTION 9, TOWNSHIP 10 NORTH (10N), RANGE 4 EAST (4E), INDIAN MERIDIAN, CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER (W/4) CORNER OF SAID SECTION 9; THENCE S00°07'04"E ALONG THE WEST LINE OF THE SW/4 OF SAID SECTION 9 A DISTANCE OF 701.20 FEET; THENCE S90°00'00"E A DISTANCE OF 337.61 FEET, TO A POINT ON THE NORTH LINE OF LOT 13 OF CROSE'S ADDITION, SAME BEING ON THE SOUTH RIGHT OF WAY LINE OF BRADLEY STREET AND BEING THE POINT OF BEGINNING;

THENCE N80°00'00"E, ALONG SAID NORTH LINE OF LOT 13, AND SAID SOUTH RIGHT OF WAY LINE OF BRADLEY STREET, A DISTANCE OF 323.50 FEET, TO A POINT ON THE PLATTED BOUNDARY LINE OF WINDMILL RIDGE SECTION 3 FILED IN THE OFFICE OF THE POTTAWATOMIE COUNTY RECORDER AT RECORD NUMBER 200813681;

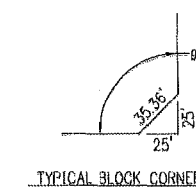
THENCE S00°07'04"E ALONG SAID PLATTED BOUNDARY LINE A DISTANCE OF 155.00 FEET;

THENCE S90°00'00"W A DISTANCE OF 323.50 FEET;

THENCE N00°07'04"W A DISTANCE OF 155.00 TO THE POINT OF BEGINNING;

CONTAINING 50,139 SQUARE FEET OR 1.15 ACRES, MORE OR LESS.

RECEIVED  
FEB 01 2013  
PLANNING / CODE



PRELIMINARY PLAT TO SERVE  
CHRIS' ADDITION

214 E. Main  
Oklahoma City, Oklahoma 73104

**Crafton Tull**  
architecture | engineering | surveying  
405.787.6270 | 405.787.4271  
www.craftontull.com

SHEET NO.: 1 of 1  
DATE: 01/28/12  
PROJECT NO.: 126071-00

CERTIFICATE OF APPROVAL FOR  
CITY OF SHAWNEE

**OWNER'S CERTIFICATE AND DEDICATION**

KNOW ALL MEN BY THESE PRESENTS: That GREG BROWN HOMES, an OKLAHOMA L.L.C., does hereby certify that they are the owners of and the only persons, firms or corporation having any rights, title, or interest in and to the land shown on the annexed plat and that they have caused the same to be surveyed and platted, and that they hereby dedicate all the streets and easements shown hereon to the public, for the purposes of streets, utilities, and drainage, for their heirs, executors, administrators, successors, and assign forever, and have caused the same to be released from all encumbrances so that the title is clear, except as shown in the abstractor's certificate.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2015. Covenants, reservations, and restrictions for this addition are contained in a separate instrument.

GREG BROWN HOMES, an OKLAHOMA L.L.C.

MANAGER  
GREG BROWN

STATE OF OKLAHOMA )  
 )  
COUNTY OF CLEVELAND )

Before me, the undersigned Notary Public, in and for said County and State on this \_\_\_\_\_ day of \_\_\_\_\_, 2015, personally appeared GREG BROWN, GREG BROWN HOMES, an OKLAHOMA L.L.C., 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 and as the free and voluntary act and deed of said corporation, for the uses and purposes herein set forth.

MY COMMISSION EXPIRES:

MARCH 28th, 2015

NOTARY PUBLIC  
#03005138

**LEGAL DESCRIPTION**

A TRACT OF LAND SITUATE WITHIN THE S.W./4 OF SECTION 9, TOWNSHIP 10 NORTH (T10N), RANGE 4 EAST (R4E), INDIAN MERIDIAN, CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER (W/4) CORNER OF SAID SECTION 9; THENCE S00°07'04"E ALONG THE WEST LINE OF THE SW/4 OF SAID SECTION 9 A DISTANCE OF 701.20 FEET; THENCE S90°00'00"E A DISTANCE OF 337.61 FEET, TO A POINT ON THE NORTH LINE OF LOT 13 OF CROSE'S ADDITION, SAME BEING ON THE SOUTH RIGHT OF WAY LINE OF BRADLEY STREET AND BEING THE POINT OF BEGINNING;

THENCE N80°00'00"E, ALONG SAID NORTH LINE OF LOT 13, AND SAID SOUTH RIGHT OF WAY LINE OF BRADLEY STREET, A DISTANCE OF 323.50 FEET, TO A POINT ON THE PLATTED BOUNDARY LINE OF WINDMILL RIDGE SECTION 3 FILED IN THE OFFICE OF THE POTTAWATOMIE COUNTY RECORDER AT RECORD NUMBER 200813681;

THENCE S90°07'04"E ALONG SAID PLATTED BOUNDARY LINE A DISTANCE OF 155.00 FEET;

THENCE S90°00'00"W A DISTANCE OF 323.50 FEET;

THENCE N00°07'04"W A DISTANCE OF 155.00 TO THE POINT OF BEGINNING;

CONTAINING 50,139 SQUARE FEET OR 1.15 ACRES, MORE OR LESS.

**LAND SURVEYOR'S CERTIFICATE**

I, JENNIFER L. WHITEY, do hereby certify that I am a REGISTERED PROFESSIONAL LAND SURVEYOR, and that the annexed plat represents a survey made under my direction, and that the monuments noted hereon actually exist and their positions are correctly shown.

STATE OF OKLAHOMA )  
 )  
COUNTY OF OKLAHOMA )

JENNIFER L. WHITEY, R.P.L.S. 1517

Before me, the undersigned, a Notary Public, in and for said County and State personally appeared JENNIFER L. WHITEY, to me known to be the identical person who executed the above instrument and acknowledged to me that he executed the same as her free and voluntary act and deed. Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

MY COMMISSION EXPIRES:

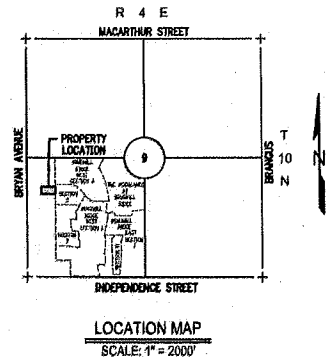
May 2nd, 2015

NOTARY PUBLIC  
#11004011

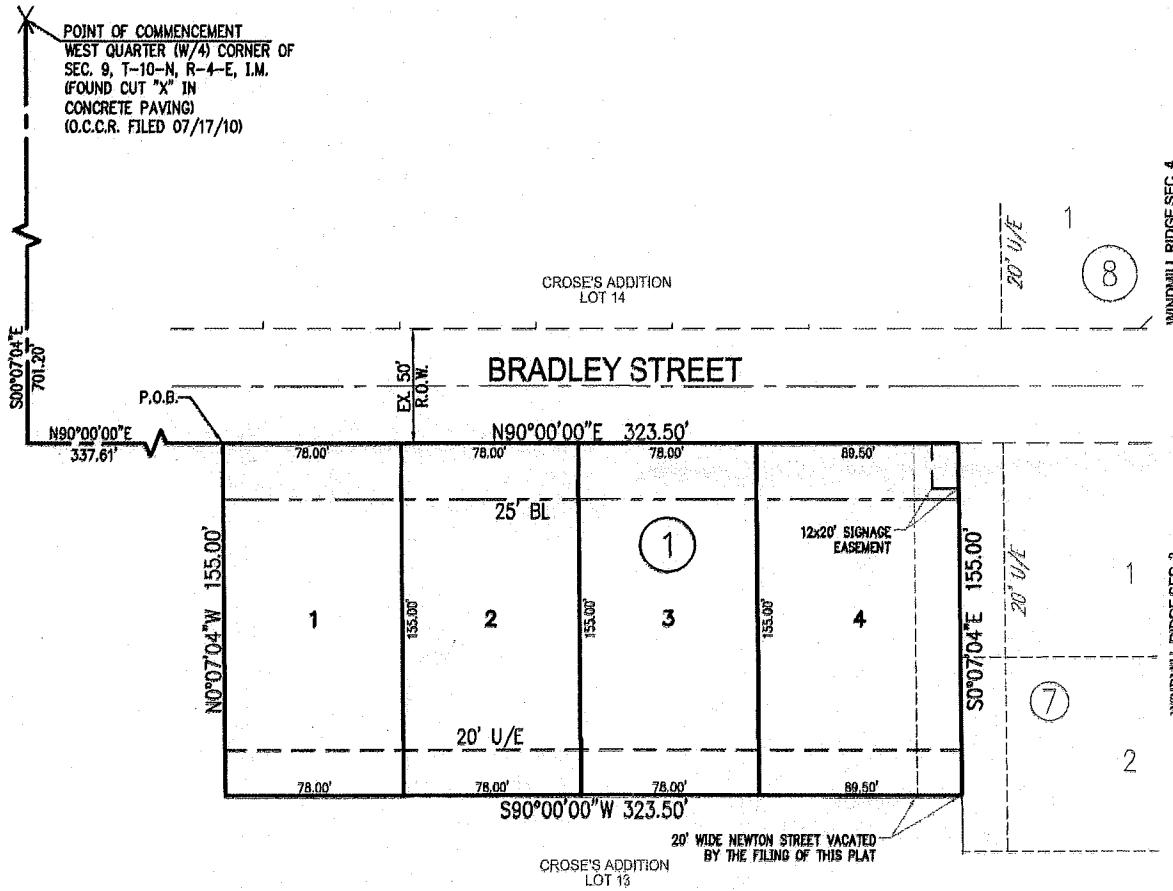
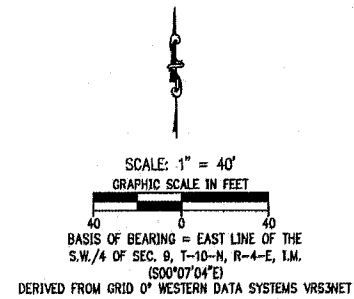
**CITY PLANNING COMMISSION APPROVAL**

I, \_\_\_\_\_, Planning Director of the City of Shawnee, do certify that the Shawnee Planning Commission duly approved this plat on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

PLANNING DIRECTOR



**FINAL PLAT**  
OF  
**CHRIS' ADDITION**  
A PART OF THE S.W./4 OF SEC. 9, T10-N, R-4-E, I.M.,  
SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA



**BONDED ABSTRACTOR'S CERTIFICATE**

The undersigned, a duly qualified and lawful bonded abstractor of titles, in and for the County of POTTAWATOMIE, State of OKLAHOMA, hereby certifies that the records of said county show that the title to the land on the annexed plat is vested in GREG BROWN HOMES, AN OKLAHOMA L.L.C., that on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, there are no actions pending or judgments of any nature in any court or on file with the clerk of any court in said county and state against said land, or the owners thereof, and that the taxes are paid for the year \_\_\_\_\_ and prior years, that there are no outstanding tax sales certificates against said land, and no tax deeds are issued to any one person, that there are no liens, mortgages or other encumbrances of any kind against the land included in the annexed plat, except mortgages, mineral rights, water rights, and easements of record previously reserved, excepted or granted.

IN WITNESS WHEREOF, said bonded abstractor has caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

FIRST AMERICAN TITLE AND TRUST COMPANY

VICE-PRESIDENT

**COUNTY TREASURER'S CERTIFICATE**

I, \_\_\_\_\_, do hereby certify that I am the duly elected, qualified and acting County Treasurer of POTTAWATOMIE COUNTY, STATE OF OKLAHOMA, that the tax records of said county show all taxes are paid for the year \_\_\_\_\_ and prior years on the land shown on the annexed plat, that the required statutory security has been deposited in the office of the county treasurer, guaranteeing payment of the current years taxes.

IN WITNESS WHEREOF, said County Treasurer has caused this instrument to be executed at the CITY OF SHAWNEE, OKLAHOMA, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

COUNTY TREASURER

**ACCEPTANCE OF DEDICATION OF CITY COUNCIL**

Be it resolved by the Council of the CITY OF SHAWNEE, OKLAHOMA, that the dedications shown on the annexed plat are hereby accepted, adopted by the Council of the CITY OF SHAWNEE, OKLAHOMA, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

CITY CLERK

MAYOR

**CERTIFICATE OF CITY CLERK**

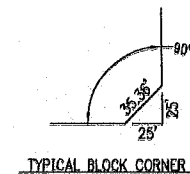
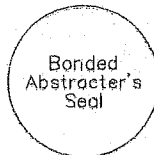
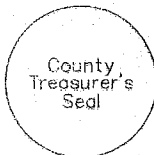
I, \_\_\_\_\_, City Clerk of the CITY OF SHAWNEE, STATE OF OKLAHOMA, hereby certify that I have examined the records of said City and find that all deferred payments or unreturned installments upon special assessment have been paid in full and that there is no special assessment procedure now pending against the land shown on the annexed plat on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

CITY CLERK

**NOTES**

1. THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, AND THAT SAID FINAL PLAT COMPLIES WITH THE REQUIREMENTS OF TITLE 11 SECTION 41-108 OF THE OKLAHOMA STATE STATUTES.
2. CENTERLINE OF ROADWAY MONUMENTS SHALL BE:  
MAGNETIC NAILS WITH WASHER FOR ALL PAVING
3. PROPERTY CORNER MONUMENTS SHALL BE:  
3/8" IRON ROD WITH A PLASTIC CAP STAMPED "CTA CA873"
4. MANDATORY PROPERTY OWNERS ASSOCIATION IS REQUIRED.

LEGEND	
BL	BUILDING LIMIT LINE
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT-OF-WAY
U/E	UTILITY EASEMENT



**FINAL PLAT TO SERVE**  
**CHRIS' ADDITION**

214 E. Main  
Oklahoma City, Oklahoma 73104

**Crafton Tull**  
architecture | engineering | surveying  
405.787.6270 | 405.787.6275 | www.craftontull.com

SHEET NO.: 1 of 1  
DATE: 01/28/12  
PROJECT NO.: 126071-00

RECEIVED  
FEB 01 2013  
PLANNING / CODE

**Regular Board of Commissioners**

**8.**

**Meeting Date:** 03/18/2013

S02-13 Final Plat

Submitted By: Donna Mayo, Administration

Department: Administration

---

Information

Title of Item for Agenda

Consideration of approval of a final plat for Chris' Addition located on East Bradley Street to the west of Lantana Court. Case #S02-13 Applicant: Greg Brown Homes, LLC

---

**Regular Board of Commissioners**

**9.**

**Meeting Date:** 03/18/2013

Ordinance Building Code Update

Submitted By: Donna Mayo, Administration

Department: Administration

---

Information

Title of Item for Agenda

Discussion, consideration and possible action on an ordinance adopting the Statewide Minimum Building Codes (Update of Existing Regulations)

---

Attachments

Building Code Update Information

Building Code Update




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

**MEMORANDUM**

**AGENDA:** March 18, 2013

**TO:** Shawnee City Commission

**FROM:** Justin Erickson, Planning Director 

**RE:** Adoption of Statewide Minimum Building Codes (Update of Existing Regulations)

---

**SUMMARY**

Periodically, the City of Shawnee updates its building codes to maintain compliance with industry standards and changes in building technology. Recently, the State of Oklahoma begun adopting Statewide minimum code standards regulating building, mechanical, electrical and plumbing work performed in the State. Local jurisdictions must at minimum, adopt regulations that are compliant with the Statewide minimum code standards. In July 2011, the Oklahoma Uniform Code Commission (OUBCC) adopted the 2009 edition of the International Residential Code (IRC). In November 2012, the OUBCC adopted the 2009 editions of the: International Building Code, International Existing Buildings Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code and the 2011 National Electrical Code. The City currently is under the 2003 code series, with the exception of the 2002 National Electrical Code and the 2006 Property Maintenance Code.

The City of Shawnee now must comply with the State adopted minimum codes to be in compliant. Staff held a workshop in May 2012 with local homebuilders to keep them apprised of the new regulations. In addition, Staff will be providing additional training in cooperation with the Shawnee Homebuilders Association. Lastly, the attached Ordinance allow for an effective date of 60 days from passage – allowing any pending applications and plans to be submitted utilizing the previous code standards.

Staff is requesting that only the minimum code standards be adopted at this time. Although the State allows jurisdictions to adopt more stringent standards, Staff does not feel any additional modification of the rules is necessary at this time.

**STAFF REQUEST**

Staff recommends approval of the attached Ordinance, which updates all major construction and building codes in the City of Shawnee.

Attachments



STATE OF OKLAHOMA  
OKLAHOMA UNIFORM BUILDING CODE COMMISSION

EFFECTIVE NOVEMBER 1, 2012,  
PUBLIC NOTICE OF FORMAL ADOPTION OF  
THE 2009 EDITIONS OF THE INTERNATIONAL BUILDING CODE®, INTERNATIONAL  
EXISTING BUILDING CODE®, INTERNATIONAL FIRE CODE®, INTERNATIONAL FUEL  
GAS CODE®, INTERNATIONAL MECHANICAL CODE®, 2009, INTERNATIONAL  
PLUMBING CODE® AND THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE  
BY THE STATE OF OKLAHOMA, AS AMENDED AND MODIFIED IN  
OKLAHOMA ADMINISTRATIVE CODE (OAC) 748: 20-1-1 to 748: 20-15-16  
TO BE THE MINIMUM STANDARDS FOR COMMERCIAL CONSTRUCTION  
WITHIN THE STATE OF OKLAHOMA

PREVIOUSLY, THE INTERNATIONAL RESIDENTIAL CODE, 2009 EDITION WAS  
ADOPTED BY THE STATE OF OKLAHOMA AS AMENDED AND MODIFIED IN THE OAC  
748:20-5-1 TO 20-5-23 TO BE THE MINIMUM STANDARDS FOR RESIDENTIAL  
CONSTRUCTION FOR ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOMES  
WITHIN THE STATE OF OKLAHOMA, EFFECTIVE JULY 15, 2011.

PURSUANT TO 59 O.S.SUPP.2010, § 1000.23

The 2009 Oklahoma Legislature passed the Oklahoma Uniform Building Code Commission Act, 59 O.S.Supp.2010, §§ 1000.20 - 1000.29 (the "Act") which created the Oklahoma Uniform Building Code Commission (the "OUBCC").

Pursuant to the Act § 1000.23(A), OUBCC has the power and the duty to review and adopt all building codes for residential and commercial construction to be used by all entities within this state. According to Act § 1000.23(A), second sentence, "Codes and standards adopted by the Commission [OUBCC] shall be the minimum standards for residential and commercial construction in this state." (emphasis added).

SPECIAL NOTICE: MUNICIPALITIES  
AND OTHER POLITICAL SUBDIVISIONS

According to the Act § 1000.23 (C), Oklahoma "Municipalities and other political subdivisions shall abide by such minimum standards and requirements." (emphasis added). In § 1000.24 (A)(3), the Act provides that any codes adopted by municipalities or other political subdivisions of the state prior to uniform codes being adopted by OUBCC, pursuant to the provisions of or rules promulgated pursuant to the Act, "...shall be considered valid and in effect until uniform codes are adopted by the Oklahoma Uniform Building Code Commission." (emphasis added).

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## Adopted Building Codes

Code Adopted	Effective Date of Adoption	Modifications to the code
International Residential Code ®, 2009 Edition (IRC®, 2009)	July 15, 2011	<a href="#">Click Here</a> for modifications to the code adopted by reference.
International Building Code ®, 2009 Edition (IBC®, 2009)	November 2, 2012	<a href="#">Click Here</a> for modifications to the code adopted by reference. <b>Please Note:</b> Two typos have been found in the above adopted modification. <a href="#">Click Here</a> for the corrections.
International Existing Building Code®, 2009 Edition (IEBC®, 2009)	November 2, 2012	<a href="#">Click Here</a> for modifications to the code adopted by reference.
International Fire Code ®, 2009 Edition (IFC®, 2009)	November 2, 2012	<a href="#">Click Here</a> for modifications to the code adopted by reference. <b>Please Note:</b> A typo has been found in the above adopted modification. <a href="#">Click Here</a> for the corrections.
International Fuel Gas Code ®, 2009 Edition (IFGC®, 2009)	November 2, 2012	<a href="#">Click Here</a> for modifications to the code adopted by reference.
International Mechanical Code ®, 2009 Edition (IMC®, 2009)	November 2, 2012	<a href="#">Click Here</a> for modifications to the code adopted by reference.
International Plumbing Code ®, 2009 Edition (IPC®, 2009)	November 2, 2012	<a href="#">Click Here</a> for modifications to the code adopted by reference.
National Electrical Code ®, 2011 Edition (NEC®, 2011)	November 2, 2012	<a href="#">Click Here</a> for modifications to the code adopted by reference.

Base model codes have been adopted by reference and amended at the state level.  
 Only the state amendments are available on this website for viewing and download.  
 For information about the base model codes, see the Resources page.





## **Overview of Major Changes In the 2009 I.R.C.**

1. At plan submittal a Wall Bracing Plan and an Energy Compliance Document must be submitted before approval of the plans.
2. R202 Added definition of habitable attic space. It must meet all requirements for habitable spaces and is not considered as a story.
  - a. Now requires Permanent Access R311
  - b. Requires 5/8 gypsum fire retardant sheetrock in garage if over garage. R302.6
  - c. Smoke alarms R314.3
  - d. Emergency egress R310
3. Designated Climate Zone 3 Fenestration (Window) U-Factor .50<sup>i</sup>; Skylight U-factor .65; Glazed Fenestration SHGC .40; Ceiling R-Value 30; Wood Frame Wall R-Value 13; Mass Wall R-Value 5/10<sup>k</sup>; Floor R-Value 19; Basement wall R-Value 5/13; Slab R-Value Not required unless slabs has H&A ducts or geothermal in it; Crawl Space R-Value 5/13;
4. R312.2 Requires that the 36 inch height of guards includes the surface of fixed bench seating (on decks).
5. R315 Requires carbon monoxide alarms in new construction and existing construction with an attached garage where work requiring a permit occurs and fuel fire appliances exist.
6. R317.1 (5) Requires wood siding, sheathing, and wall framing that is less than 2 inches from horizontal concrete surfaces and exposed to weather such as patios, steps, etc. shall be pressure treated.
7. R319.1 Address numbers shall contrast with the background, be a minimum of 4 inches in height with a ½ inch minimum brush stroke width and be plainly visible from the road fronting the property. When the address can't be viewed from the public way, a monument, pole or other sign shall be used to identify the structure.
8. R602.3 Studs are required to be continuous from support at the bottom plate to a support at the top plate to resist loads perpendicular to the wall. The support shall be a foundation or floor, ceiling or roof diaphragm, or engineered. Stacked framing is no longer allowed.
9. R602.10 and associated Tables. There are several requirement changes. Resistance to wind forces has been added. It is strongly suggested that everyone involved in design or construction of residential buildings read the IRC Code Section for complete information. The ICC has developed a book in partnership with APA to help in the understanding of the wall bracing provisions. It is available online for purchase at: <http://www.iccsafe.org/Store/Pages/Product.aspx?id=7102S09>  
APA has an informational web page: <http://www.wallbracing.org/> Simpson Strong-Tie has two useful tools on their website with the following links: <http://www.strongtie.com/ftp/bulletins/T-SWPDG10/T-SWPDG10.pdf> and <http://www.strongtie.com/products/strongwall/wallbracing/intro.asp?newsletter=Nov10>
10. R612.3 Opening windows more than 6 feet above grade or surface below are required to have the bottom of the opening a minimum of 24 inches above the floor; unless the opening does not allow the



passage of a 4 inch sphere, the opening is provided with a fall prevention device that allows emergency escape and rescue per ASTM F 2090, the window is provided with a self acting opening limitation device that does not allow the passage of a 4 inch sphere and has a release mechanism to allow emergency escape and rescue as described in the Code.

11. Table N1102.1 Minimum prescriptive wall insulation has been increased from R-19 to R-20.
12. N1102.4.1 Add attic access openings and rim joist junctions to the list of other nine conditions where air seal is required.
13. N1102.4.2 Building envelope air tightness and insulation installation is required to be demonstrated by either a blower door test or visual inspection per Table N1102.4.2 criteria.
14. N1103.2.2 If the air handler and all ducts are not located within conditioned space, duct leakage testing must be performed and approved.
15. N1103.2.3 Building framing cavities are no longer allowed as air supply ducts.
16. M1411.6 Locking access caps are required for refrigerant circuit access ports located on exterior of a building for air conditioner condensers.
17. M1503.4 Exhaust systems capable of exhausting 400 cfm are required to be provided with automatic make up air.
18. Table M1502.4.4.1 A new table to be used for determining clothes dryer duct equivalent length.
19. M1502.4.5 When a clothes dryer duct is concealed, the equivalent length is required to be identified on a permanent tag within 6 feet of the duct connection.
20. M1502.5 Protective nail plates are required for clothes dryer ducts if within 1 ¼ inches of the framing surface.
21. M2103.2 Thermal barriers (insulation) are required for all radiant floor heating systems.
22. An Attic Access within the conditioned space of the structure must be insulation to the same requirements as the surrounding ceiling/wall
23. Is required to install an intersystem Bonding Termination for the use of Phone/Cable Installers
24. Arc Fault on most electric circuits
25. Tamper Resistant Plugs are now required

### **Major State Amendments**

1. A 6 mil (0.006 inch; 152 micrometers) polyethylene sheeting, other industry accepted vapor retarder products installed per manufacturer specifications or approved vapor retarder with joints lapped not less than 6 inches (152 mm) shall be placed between the concrete floor slab and the base course or the prepared subgrade where no base course exists. The remainder of this section, including exceptions, is adopted without modification.
2. New Section N1104 - Lighting Systems: To conserve energy at least 50 percent of the lamps in permanently installed lighting fixtures must be compact fluorescent or other high-efficacy lamps. (2009)\*-----**Amendment** Section N1104.1 Lighting equipment. This section has been modified to include the following exception: Can or recessed lights are exempt from this section of the code.

3. Chapter 15 is adopted with modifications as follows: Section M1502.3 Duct termination. This section has been modified and a requirement that exhaust ducts not terminate within 3 feet of condensing units has been added. This section has been modified to read: Exhaust ducts shall terminate on the outside of the building. Exhaust duct terminations shall be in accordance with the dryer manufacturer's installation instructions. If the manufacturer's instructions do not specify a termination location, the exhaust duct shall terminate not less than 3 feet (914 mm) in any direction from the openings into buildings. Exhaust duct terminations shall be equipped with a backdraft damper. Additionally, exhaust shall not terminate within 3 feet (914 mm) of condensing units. Screens shall not be installed at the duct termination.

4. Chapter 24 is adopted with modifications as follows:

(1) Section G2406.3 (303.6) Outdoor locations. This section has been modified to require protection for outdoor appliances be approved. This section has been modified to read: Appliances installed in outdoor locations shall be either listed for outdoor installation or provided with approved protection from outdoor environmental factors that influence the operability, durability and safety of the appliance.

(2) Tables G2413.4(3), G2413.4(4). These tables have been stricken from the code.

(3) Section G2414.5.2 Copper tubing. This section has been modified to read: Copper tubing shall be prohibited for natural gas installations, but shall be allowed for liquefied petroleum gas installations.

(4) The International Code Council Emergency Amendment dated September 27, 2010 has been adopted. This amendment replaces in their entirety Sections 406.7 of the IFGC and G2417.7 of the IRC 2009.

5. Chapter 40 is adopted with modifications as follows: Section E4002.14 Tamper-resistant receptacles. This section has been modified to include the following exceptions: Receptacles in the following locations shall not be required to be tamper-resistant:

(1) Receptacles located more than 5 1/2 feet (1.7m) above the floor.

(2) Receptacles that are part of a luminaire or appliance.

(3) A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected.

(4) Non-grounding receptacles used for replacement.

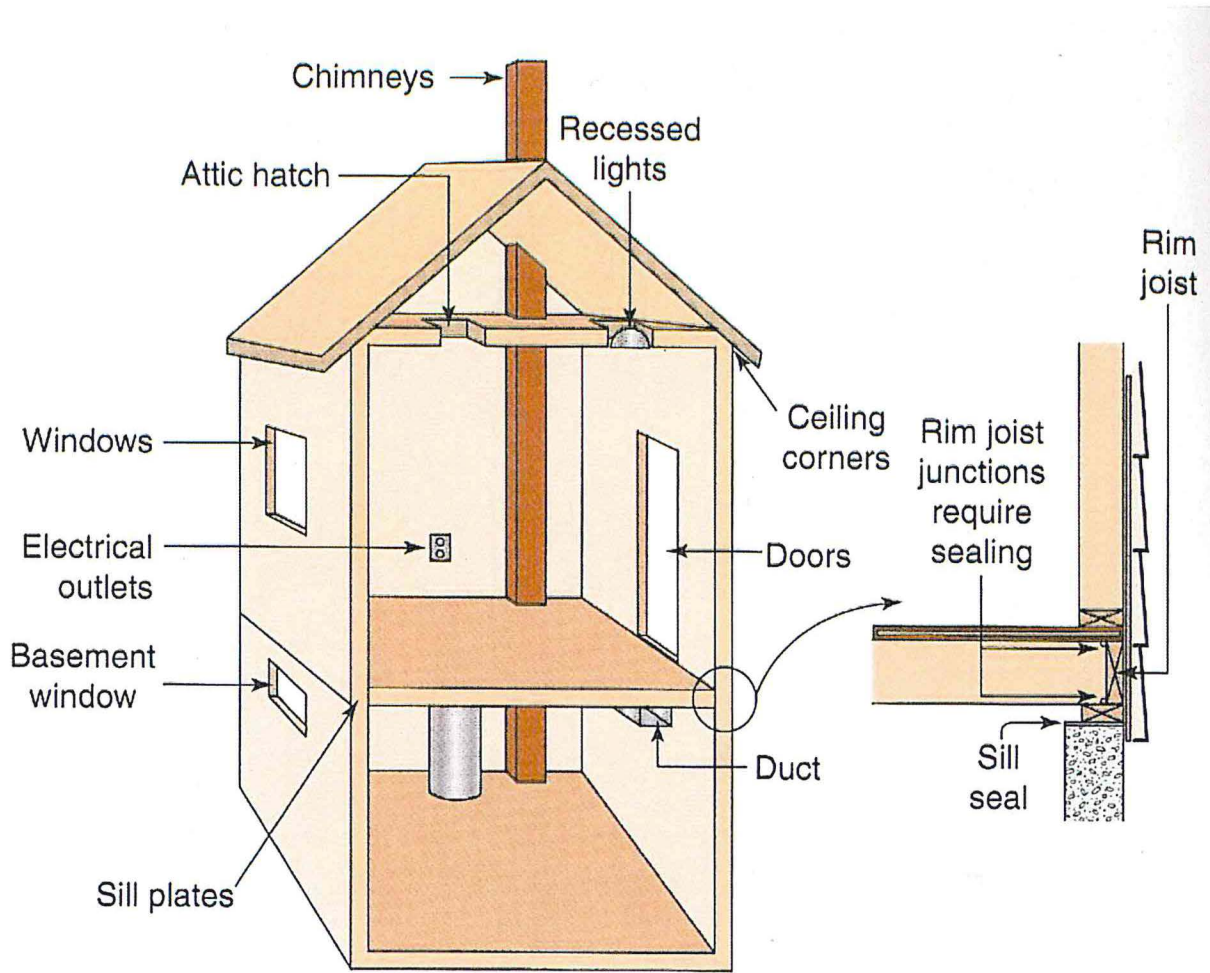
## **Building Inspector's Thermal Envelope Inspection List**

**N1102.4.1 Building thermal envelope.** The building thermal envelope shall be durably sealed to limit infiltration. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. The following shall be caulked, gasketed, weatherstripped or otherwise sealed with an air barrier material, suitable film or solid material.

1. All joints, seams and penetrations.
2. Site-built windows, doors and skylights.
3. Openings between window and door assemblies and their respective jambs and framing.
4. Utility penetrations.
5. Dropped ceilings or chases adjacent to the thermal envelope.
6. Knee walls.
7. Walls and ceilings separating the garage from conditioned spaces.
8. Behind tubs and showers on exterior walls.
9. Common walls between dwelling units.
10. Attic access openings.
11. Rim joists junction.



12. Other sources of infiltration.



Typical sources of air leakage

ORDINANCE NO \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SHAWNEE ADOPTING THE 2009 INTERNATIONAL BUILDING CODE, 2011 NATIONAL ELECTRICAL CODE, 2009 INTERNATIONAL FUEL GAS CODE, 2009 INTERNATIONAL MECHANICAL CODE, 2009 INTERNATIONAL PLUMBING CODE, 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 INTERNATIONAL RESIDENTIAL CODE, 2009 EXISTING BUILDING CODE, 2009 INTERNATIONAL FIRE CODE, REPEALING ALL SECTIONS IN CONFLICT THEREWITH AND PROVIDING FOR SEVERABILITY**

**WHEREAS**, the Oklahoma Uniform Building Code Commission has adopted the International Residential Code (IRC) 2009 as amended and modified by the OUBCC to be the minimum standards for residential construction within the State of Oklahoma for one and two-family dwellings and townhouses pursuant to 59 O.S. §100.23; and

**WHEREAS**, the Oklahoma Uniform Building Code Commission has adopted the International Building Code 2009, International Fire Code 2009, International Existing Building Code 2009, International Fuel Gas Code 2009, International Mechanical Code 2009, International Plumbing Code 2009 and the National Electrical Code 2011; and

**WHEREAS**, the City of Shawnee also desires to adopt the International Property Maintenance Code 2009.

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

**SECTION 1: AMENDATORY.** Section 7-31 is amended to read:

A certain document, one copy of which is on file in the office of the city clerk, being marked and designated as the International Building Code, 2009 edition, as amended and modified in Oklahoma Administrative Code (OAC) 748: 20-1-1 to 748: 20-15-16 is hereby adopted. Such code shall be in full force and effect within the city to the same extent as if set forth in full in this section; provided, however, that in the event of a conflict between any provision of such code and any provision of the ordinances of the city, the latter shall govern.

**SECTION 2: AMENDATORY.** Section 7-32 is amended to read:

The building code adopted in section 7-31 is amended as follows:

Section 101.1. Insert: City of Shawnee, Oklahoma.

Section 105.5 is amended by inserting the following: Unless otherwise provided for, any permit issued shall become invalid if the authorized work is not commenced within six (6) months after issuance of the permit or after the work is started, the authorized work is suspended or abandoned for a period of six (6) months. Following suspension of a permit, the owner or contractor may apply for an extension to the permit and new permit fees shall be charged. There shall be a one-time-only six (6) month extension of a permit. If upon expiration of the permit extension the structure is not completed, the building official shall proceed to have the structure declared a public nuisance.

Section 109.2 is amended by inserting the following:

(A) No building permit shall be issued until the following fees shall have been paid to the building permit clerk or agent thereof:

*New construction:* For a permit for the new construction of a room addition, building or structure, a fee of \$0.14 per square foot shall be paid.

*Remodel or alteration of structure:* For a permit for the remodeling or alteration of an existing building or structure, a fee of \$0.14 per square foot for the area under renovation shall be paid.

*Plan check fee:* A plan check fee for the building plan review of building construction shall be 25 percent of the building permit fee.

*Removal of a structure to another location:* The permit fee for the removal of a building or structure from one lot to an adjacent lot shall be \$50.00.

*Demolition:* For a permit for the demolition of a building or structure or parts thereof, a fee of \$50.00 shall be paid. The fee is credited back if a construction starts within 30 days on the vacant lot.

*Swimming pool permits:* A fee of \$30.00 shall be charged per permit. This is required for both in-ground and above-ground pools with a diameter greater than ten feet and a water depth greater than 40 inches.

*Driveway permits:* A fee of \$25.00 shall be charged per driveway.

*Minimum permit fee:* A minimum permit fee of \$20.00 is established for any construction permit.

Section 111.0 Certificate of occupancy is amended by inserting the following:

(a) Certificate of occupancy; fee. No change shall be made in the use of any land or building until a certificate of occupancy is obtained from the building inspector certifying that all the provisions of this Code are met.

(b) Whenever a building permit is issued for the erection of a new building or structure, an occupancy permit shall be required prior to occupancy. Temporary certificates of

occupancy for a change in use of any land or tenancy or existing building or structure or for a new building or structure may be approved at the discretion of the building official, but at no time shall a temporary certificate of occupancy be approved if any life, safety or health requirements do not meet the ordinances of the city as determined by the building official.

(1) The fee for all new apartment complex certificates of occupancy is fifty dollars (\$50.00).

(2) The fee for all commercial or industrial certificates of occupancy for a new building or for a change in occupancy or tenancy is fifty dollars (\$50.00).

(3) Should a final commercial or industrial certificate of occupancy for a change in use of any land or tenancy or existing building or structure or for new building or structure not be approved by the building official, a temporary commercial or industrial certificate of occupancy may be approved for sixty (60) days at the discretion of the building official. At the end of the first sixty (60) days, the building official shall have the authority to extend the temporary commercial or industrial certificate of occupancy in thirty (30) day increments.

(4) It shall be the responsibility of the applicant to apply for a temporary certificate of occupancy at the end of the date of expiration of the original certificate of occupancy. No extension of the temporary certificate of occupancy shall be issued until a new application is completed and an additional fifty-dollar (\$50.00) fee is paid.

(c) The building official shall have the authority to deny applications for renewal of temporary certificates of occupancy. Upon denial of the application for renewal of a temporary certificate of occupancy, the building official shall give written notice to the applicant that the utility services to the premises shall be disconnected if operations have not ceased within ten (10) days after receipt of the notice of denial of the temporary certificate of occupancy. Notice shall be delivered in person or by certified mail, return receipt, within ten (10) days of the denial.

(d) One- and two-family residences are exempt from the requirements of this section.

Section 114.4 is amended by inserting the following:

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00, or punishable by imprisonment not exceeding 60 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be a separate offense.

Section 115.3 is amended by inserting the following:

Unlawful continuance: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100.00 or more than \$500.00.

Section 1612.3. Insert: City of Shawnee, EFFECTIVE DATE September 3, 2010, MAP NUMBER 40125C020H, COMMUNITY NUMBER 400178.

Section 3412.2 is amended by inserting the following: Compliance alternatives: Structures existing prior to February 3, 1983 in which there is work involving rehabilitation.

**SECTION 3: AMENDATORY.** Section 7-61 is amended to read:

A certain document, one copy of which is on file in the office of the city clerk, being marked and designated as the National Electrical Code, 2011 edition, as amended and modified in Oklahoma Administrative Code (OAC) 748: 20-1-1 to 748: 20-15-16 is hereby adopted. Such code shall be in full force and effect within the city to the same extent as if set forth in full in this section; provided, however, that in the event of a conflict between any provision of such code and any provision of the ordinances of the city, the latter shall govern.

**SECTION 4: AMENDATORY.** Section 7-62 is hereby deleted.

**SECTION 5: AMENDATORY.** Section 7-63 is hereby deleted.

**SECTION 6: AMENDATORY.** Section 7-64 is hereby deleted.

**SECTION 7: AMENDATORY.** Section 7-65 is hereby deleted.

**SECTION 8: AMENDATORY.** Section 7-66 is hereby deleted.

**SECTION 9: AMENDATORY.** Section 7-67 is hereby deleted.

**SECTION 10: AMENDATORY.** Section 7-68 is hereby deleted.

**SECTION 11: AMENDATORY.** Section 7-69 is hereby deleted.

**SECTION 12: AMENDATORY.** Section 7-96 is hereby deleted.

**SECTION 13: AMENDATORY.** Section 7-97 is hereby deleted.

**SECTION 14: AMENDATORY.** Section 7-191 is hereby deleted.

**SECTION 15: AMENDATORY.** Section 7-236 is hereby deleted.

**SECTION 16: AMENDATORY.** Section 7-266 is amended to read:

A certain document, one copy of which is on file in the office of the city clerk, being marked and designated as the International Fuel Gas Code, 2009 edition, as amended and modified in Oklahoma Administrative Code (OAC) 748: 20-1-1 to 748: 20-15-16 is hereby adopted. Such code shall be in full force and effect within the city to the same extent as if set forth in full in

this section; provided, however, that in the event of a conflict between any provision of such code and any provision of the ordinances of the city, the latter shall govern.

**SECTION 17: AMENDATORY.** Section 7-267 is amended to read:

The fuel gas code adopted in section 7-266 is amended as follows:

Section IFGC-101.1 (page 1, second line) is amended by inserting the following: City of Shawnee, Oklahoma.

Section IFGC-106.6.2 (page 11, third line) is amended by inserting the following:

(1) New construction, single-family residence. For new construction in a single-family residence, the fee shall be included in the building permit fee.

(2) New construction, commercial or multiple occupancy. For new construction in a commercial or multiple occupancy, the fee shall be included in the building permit fee.

(3) Change of an existing service. For change of an existing service in a residential, commercial or multiple occupancy, the fee shall be \$20.00 per occurrence.

(4) Re-inspection. For re-inspection made necessary because of defective work, a fee of \$25.00 shall be charged for the first occurrence and \$50.00 for every subsequent occurrence.

(5) Boring. The fee for boring in the public right-of-way is \$50.00 per occurrence.

(6) Construction without a permit. The permit fee shall triple if any person commences construction prior to obtaining a permit.

Section IFGC-106.6.3.2 is hereby deleted.

Section IFGC-106.6.3.3 is hereby deleted.

**SECTION 18: AMENDATORY.** Section 7-297 is amended to read:

A certain document, one copy of which is on file in the office of the city clerk, being marked and designated as the International Mechanical Code, 2009 edition, as amended and modified in Oklahoma Administrative Code (OAC) 748: 20-1-1 to 748: 20-15-16 is hereby adopted. Such code shall be in full force and effect within the city to the same extent as if set forth in full in this section; provided, however, that in the event of a conflict between any provision of such code and any provision of the ordinances of the city, the latter shall govern.

**SECTION 19: AMENDATORY.** Section 7-333 is hereby deleted.

**SECTION 20: AMENDATORY.** Section 7-361 is amended to read:

A certain document, one copy of which is on file in the office of the city clerk, being marked and designated as the International Plumbing Code, 2009 edition, as amended and modified in Oklahoma Administrative Code (OAC) 748: 20-1-1 to 748: 20-15-16 is hereby adopted. Such



code shall be in full force and effect within the city to the same extent as if set forth in full in this section; provided, however, that in the event of a conflict between any provision of such code and any provision of the ordinances of the city, the latter shall govern.

**SECTION 21: AMENDATORY.** Section 7-362 is amended to read as follows:

The plumbing code adopted in section 7-361 is amended as follows:

Section 101.1 is amended by inserting the following: City of Shawnee, Oklahoma.

Section 102.2 (page 2, after the word of), on the second line, is amended by inserting the following: on April 2, 1990.

Section 106.6.2 is amended by inserting the following:

(1) New construction, single-family residence. For new construction in a single-family residence, the fee shall be included in the building permit fee.

(2) New construction, commercial or multiple occupancy. For new construction in a commercial or multiple occupancy, the fee shall be included in the building permit fee.

(3) Change of an existing service. For change of an existing service in a residential, commercial or multiple occupancy, the fee shall be \$20.00 per occurrence.

(4) Reinspection. For reinspection made necessary because of defective work, a fee of \$25.00 shall be charged for the first occurrence and \$50.00 for every subsequent occurrence.

(5) Boring. The fee for boring in the public right-of-way is \$50.00 per occurrence.

(6) Construction without a permit. The permit fee shall triple if any person commences construction prior to obtaining a permit.

Section 106.6.3.2 is hereby deleted.

Section 106.6.3.3 is hereby deleted.

Section 305.6.1 shall read, insert: 18 inches.

Section 904.1 shall read, insert: 6 inches.

**SECTION 22: AMENDATORY.** Section 7-363 is hereby deleted.

**SECTION 23: AMENDATORY.** Section 7-364 is hereby deleted.

**SECTION 24: AMENDATORY.** Section 7-365 is hereby deleted.

**SECTION 25: AMENDATORY.** Section 7-366 is hereby deleted.

**SECTION 26: AMENDATORY.** Section 7-367 is hereby deleted.

**SECTION 27: AMENDATORY.** Section 7-431 is amended to read:

A certain document, one copy of which are on file in the office of the city clerk, being marked and designated as the International Property Maintenance Code, 2009 edition is hereby adopted. Such code shall be in full force and effect within the city to the same extent as if set forth in full in this section; provided, however, that in the event of a conflict between any provision of such code and any provision of the ordinances of the city, the latter shall govern.

**SECTION 28: AMENDATORY.** Section 7-432 is amended to read:

The following amendments to the International Property Maintenance Code are hereby adopted:

1. Section 101.1 Title: These regulations shall be known as the Property Maintenance Code of the City of Shawnee hereinafter referred to as "this code".
2. Section 103.1 General: The Community Development Director or their designee shall enforce all of the provisions of this code.
3. Section 103.5: Delete section.
4. Section 106.4 Penalty: Any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not less than fifty (\$50) dollars no more than five-hundred (\$500) dollars plus court costs. Each time such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Each day that a violation continues after due notice has been served shall be deemed a separate offence.
5. Section 110.1 through Section 110.4: Delete sections.
6. Section 111.2 Membership of the Board: The Board of Appeals shall consist of five members, being the same persons who occupy the City of Shawnee Board of Adjustment, and shall have the same terms of office as for the Board of Adjustment.
7. Section 111.2.1 through Section 111.2.2: Delete sections.
8. Section 111.2.4 through Section 111.2.5: Delete sections.
9. Section 111.4.1: Delete section.
10. Section 302.3 through Section 302.4: Delete sections.
11. Section 302.8 through Section 302.9: Delete sections.
12. Section 303: Delete section.
13. Section 304.14: Delete section.
14. Section 307: Delete section.
15. Section 602.3 Heat Supply: Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom shall supply sufficient heat to maintain a constant room temperatures of 68 degrees Fahrenheit.
16. Section 602.4. Occupiable work spaces: shall be supplied with heat during the period from January 1 to December 31 to maintain a temperature of not less than 65 degrees Fahrenheit during the period of time the spaces are occupied.

**SECTION 29: AMENDATORY.** Section 7-461 is amended to read:

A certain document, one copy of which is on file in the office of the city clerk, being marked and designated as the International Residential Code, 2009 edition, as amended and modified in Oklahoma Administrative Code (OAC) 748: 20-1-1 to 748: 20-15-16 is hereby adopted. Such code shall be in full force and effect within the city to the same extent as if set forth in full in this section; provided, however, that in the event of a conflict between any provision of such code and any provision of the ordinances of the city, the latter shall govern.

**SECTION 30: AMENDATORY.** Section 7-462 is amended to read:

The International Residential Code for One- and Two-Family Dwellings, 2009 edition, adopted in section 7-461 is amended as follows:

R101.1 (page 1 second line) is amended by inserting the following: City of Shawnee, Oklahoma.

Table R301.2 (1) Climatic and Geographic Design Criteria, insert:

Roof snow load = 10 psf

Wind speed = 90 mph

Seismic design category = B

Weathering = moderate

Frost line depth = 18 inches

Termite = moderate to heavy

Decay = slight to moderate

Winter design temp = not applicable

Flood hazards = FIRM # 40125C020H, COMMUNITY NUMBER 400178, revised September 3, 2010

Section P2603.6.1 Insert: 18 inches.

**SECTION 31: AMENDATORY.** Chapter 7, Article X: Housing Code (Sections 7-491, 7-492) is hereby deleted and removed in its entirety.

**SECTION 32: AMENDATORY.** A new section, Chapter 7, Article X: Existing Buildings, is hereby established and reads:

Section 7-491. Adopted.

A certain document, one copy of which is on file in the office of the city clerk, being marked and designated as the International Existing Building Code, 2009 edition, as amended and modified in Oklahoma Administrative Code (OAC) 748: 20-1-1 to 748: 20-15-16 is hereby adopted. Such code shall be in full force and effect within the city to the same extent as if set forth in full in this section; provided, however, that in the event of a conflict between any provision of such code and any provision of the ordinances of the city, the latter shall govern.

Section 101.1 Insert: City of Shawnee, Oklahoma.

Section 1301.2 Insert: February 3, 1983.

**SECTION 33: AMENDATORY.** Section 13-36 is amended to read:

A certain document, one copy of which is on file in the office of the city clerk, being marked and designated as the International Fire Code, 2009 edition, as published by the International Code Council, as it is amended and modified from time to time, be and is hereby adopted as the fire code of the city, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the city clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 13-37.

**SECTION 34: AMENDATORY.** Section 13-37 is amended to read:

The fire prevention code adopted in section 13-36, the same being the International Fire Code, 2009 Edition, as it is amended and modified from time to time, is hereby amended as follows:

Section 101.1 insert: City of Shawnee, Oklahoma.

*109.3 Violation penalties.* Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment not exceeding 60 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

*Section 111.4* is amended by inserting the following:

*111.4 Failure to comply.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100.00 or more than \$500.00.

**SECTION 35: REPEALER.** All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**SECTION 36: SEVERABILITY.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Commission hereby declares that it

would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**SECTION 37: EFFECTIVE DATE.** That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect days sixty (60) days from and after the date of passage, provided that nothing shall prevent an applicant from voluntarily electing to utilize the provisions of this ordinance prior to the effective date.

PASSED AND APPROVED this \_\_\_\_\_ day \_\_\_\_\_, 2013

\_\_\_\_\_  
WES MAINORD, MAYOR

ATTEST:

\_\_\_\_\_  
PHYLLIS LOFTIS, CMC, CITY CLERK

APPROVED AS TO FORM AND LEGALITY ON THIS 18<sup>TH</sup> DAY OF MARCH, 2013.

\_\_\_\_\_  
MARY ANN KARNS, CITY ATTORNEY

**Regular Board of Commissioners**

**10.**

**Meeting Date:** 03/18/2013

Sales Tax

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Acknowledge Sales Tax Report received March 2013.

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Attachments

Sales Tax March 2013

# City of Shawnee Memorandum

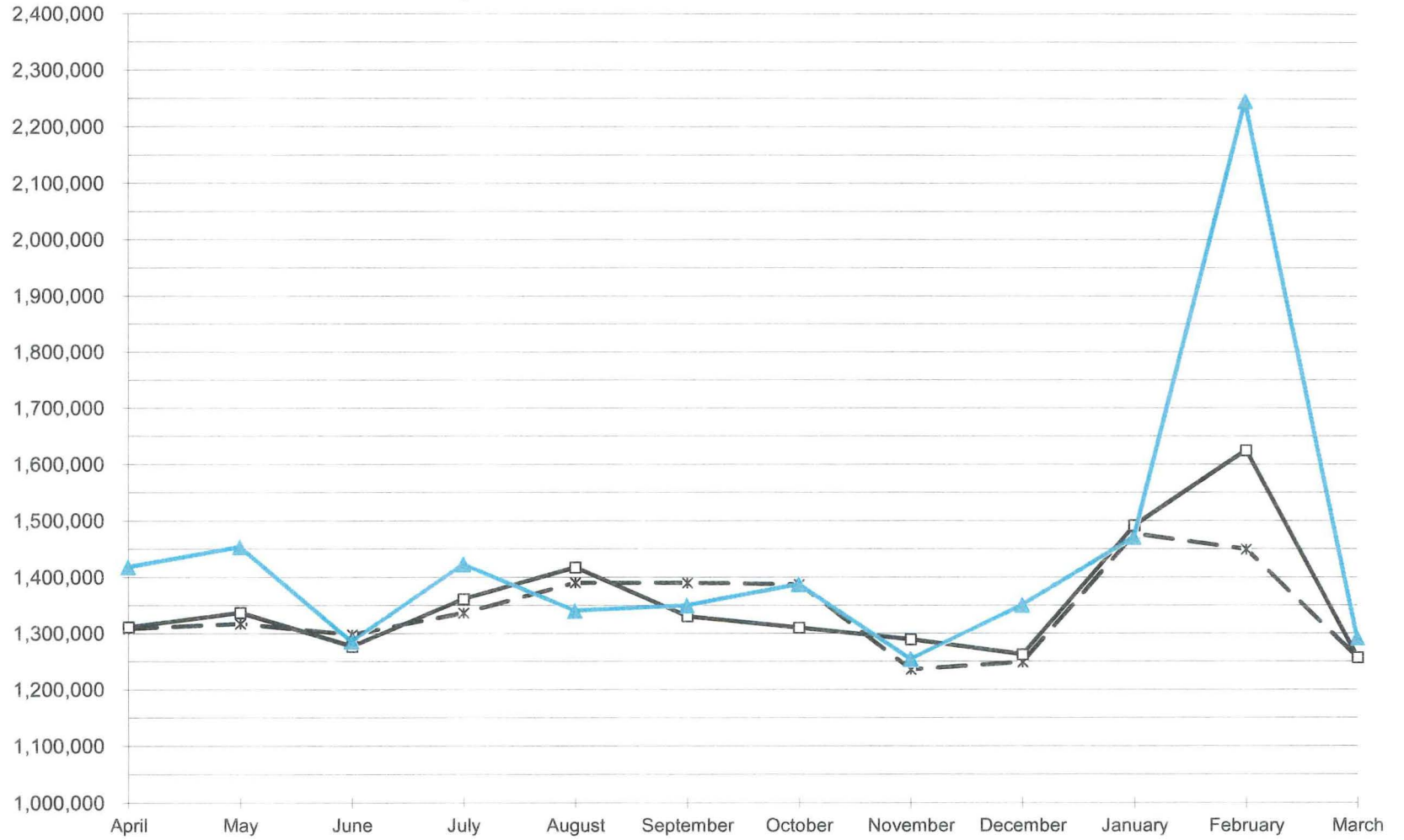


**To:** Mayor and City Commissioners  
**CC:** Brian McDougal, City Manager  
**From:** Cynthia R Sementelli, Finance Director  
**Date:** March 11, 2013  
**Re:** City Sales Tax Report

March Sales Tax receipts were up \$34,726 this month or 2.76% compared to last year actual for the same time frame. March Sales tax amount received plus interest was \$1,291,532 which accumulatively for the fiscal year we are up \$455,529 or 3.60%



**CITY OF SHAWNEE  
SALES TAX COLLECTIONS  
April 10- March 13**



- x— April 2010 through March 2011
- April 2011 through March 2012
- ▲— April 2012 through March 2013



	April 2010	April 2011	April 2012	Increase (Decrease)	
	through	through	through	Over Prior Year	
Month	March 2011	March 2012	March 2013	Amount	Percentage
April	1,308,463	1,311,387	1,417,533	106,146	8.09%
May	1,317,167	1,337,029	1,452,759	115,731	8.66%
June	1,298,026	1,276,542	1,284,872	8,330	0.65%
July	1,336,599	1,361,273	1,422,363	61,090	4.49%
August	1,390,086	1,417,308	1,339,539	(77,769)	(5.49%)
September	1,389,702	1,330,420	1,349,282	18,862	1.42%
October	1,386,987	1,309,924	1,386,657	76,733	5.86%
November	1,235,390	1,289,143	1,253,140	(36,003)	(2.79%)
December	1,248,649	1,262,401	1,349,459	87,058	6.90%
January	1,476,824	1,491,647	1,470,565	(21,082)	(1.41%)
February	1,448,966	1,624,568	2,245,070	620,503	38.19%
March	1,256,430	1,256,806	1,291,532	34,726	2.76%
Total	16,093,287	16,268,449	17,262,772	994,323	6.11%
		Prior Year	Current Year	Increase (Decrease)	
Period		Actual	Actual	Over Prior Year	
Fiscal Year to Date		12,343,491	13,107,607	\$764,116	6.19%
Fiscal Year to Date Budget based on last year actual plus 2.5%					
		Current Year	Current Year	Budget Variance	
Period		Budget	Actual	Favorable (Unfavorable)	
Fiscal Year to Date		12,652,079	13,107,607	\$455,529	3.60%

**Regular Board of Commissioners**

**11.**

**Meeting Date:** 03/18/2013

Red Cedar Tree

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Discussion of red cedar tree eradication around Shawnee Twin Lakes.

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