

BOARD OF ADJUSTMENT MEETING AGENDA
DECEMBER 7, 2023



723 S. Lewis St., Room 1122
Stillwater, OK 74074
5:30 PM

Chair Brian Wiles, Vice-Chair John Houck, Jim Rice and Gerald Hammond.

Note: Members of the Board of Adjustment and City Staff will gather prior to the regular meeting in Room 1121 beginning at 5:00 p.m. No Board of Adjustment business will be discussed or otherwise acted upon at this time. This is not a closed session, and members of the public and press are welcome to attend.

1. Call Meeting to Order

2. Public Hearing

The Planning Commission will hear public comments, discuss, and take action including a vote or series of votes on each item unless otherwise indicated.

- a. Ideal Homes of Norman, LP and IH Development LLC,. **VARIANCE (VAR23-16)** Jacquelyn Porter requesting review and granting of a variance to Sec. 23-137(a) permitted uses to allow a temporary parking lot on residential lot in the Residential Small Lot Single Family (RSS) zoning district at the property addressed as 2220 West 29th Avenue.
- b. Murphy USA, **VARIANCE (VAR23-17)** requesting review and granting of a variance to Sec. 23-151(c)(2)(a)(1) for front yard setbacks in the Commercial Shopping (CS) zoning district at the property addressed as 115 N Perkins Rd. Jacquelyn Porter
- c. Riggins Ventures, LLC./Dakota Riggins, **VARIANCE (VAR23-18)** Jacquelyn Porter requesting review and granting of variances of the density requirements (Sections 23-132), minimum lot area requirements (Section 23-137(c)(1)), minimum lot width requirements (Section 23-137(c)(2)), side yard setback (Section 23-137(d)(2)(b)(1)), and the required increase of side yard setback for an additional three feet for each adjacent story above the first story (Section 23-137(e)(1)) in the Residential Small Lot Single Family (RSS) zoning district at the properties addressed as 712, 716, and 718 South Knoblock Street

3. Minutes for Discussion and Possible Action:

- a. Special Meeting Minutes of August 29, 2023.

4. Miscellaneous Items from Staff for Discussion and Possible Action

a. Next regularly scheduled meeting is Thursday, January 11, 2024.

5. Adjourn

On _____ at _____, a true and correct copy of this agenda was posted on the kiosk outside City Hall, 723 S. Lewis Street, Stillwater, OK.

NOTE: The Board of Adjustment may take action including a vote or series of votes on all items listed on this agenda unless the item specifically indicates that no action will be taken. The City of Stillwater encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, please notify the Community Development Desk at least 48 hours prior to the meeting by calling 405.742.8220.

Date of Meeting: December 7, 2023
Subject: Variance to Sec. 23-137.a to permitted uses in the Residential Small Lot Single Family (RSS) Zoning to allow a temporary parking lot on residential lot
Project Name: VAR23-16
Location: 2220 West 29th Avenue

BACKGROUND

The subject site is located at 2220 West 29th Avenue part of Park Valley Addition Section 1, located near the intersection of South Western Road and West 29th Avenue. The property is zoned Small Lot Single Family (RSS) with similar zoning surrounding the subject property.

The applicant would like to request a variance to Section 23-137.a to permit a temporary paved parking lot on property that is zoned Small Lot Single Family (RSS) zoning district. The temporary paved parking lot is going to be located on the lot east of the lot with the model home. The proposed use is parking for the model home.

A CUBR application will be required since this is a site development project.

Engineering does not object to the variance request if the following conditions are met:

1. Since the request is temporary, a sunset (based on a trigger, not on a time period) for any approval should be established.
2. The proposal appears to include significantly more impervious area than a residential lot. Revising the drainage study is not practical, but deferring building permits for a number of lots equivalent in impervious area may be appropriate.
3. Please provide a drainage plan, to demonstrate no adverse impact on neighboring properties.
4. Submit for review the actual plan for the parking lot; pavement section, parking layout, etc.
5. Turn radius of driveway approach cannot extend beyond property line.
6. Water meter cannot be placed within the sidewalk.

CODE APPLICATION

Sec. 23-137. - RSS Small Lot Single-Family Residential District.

(a) Permitted uses. The following uses are permitted in the RSS Small Lot Single-Family Residential District:

- (1) Conventional single-family.
- (2) Residential design manufactured homes.

CRITERIA FOR APPROVAL

The Board of Adjustment must find that each of the following four criteria have been met based on evidence and testimony received from the applicant and during the public hearing. Such approval may be granted in whole, in part, or with reasonable modifications and conditions.

- (1) The application of the ordinance to the particular piece of property would create an unnecessary hardship;

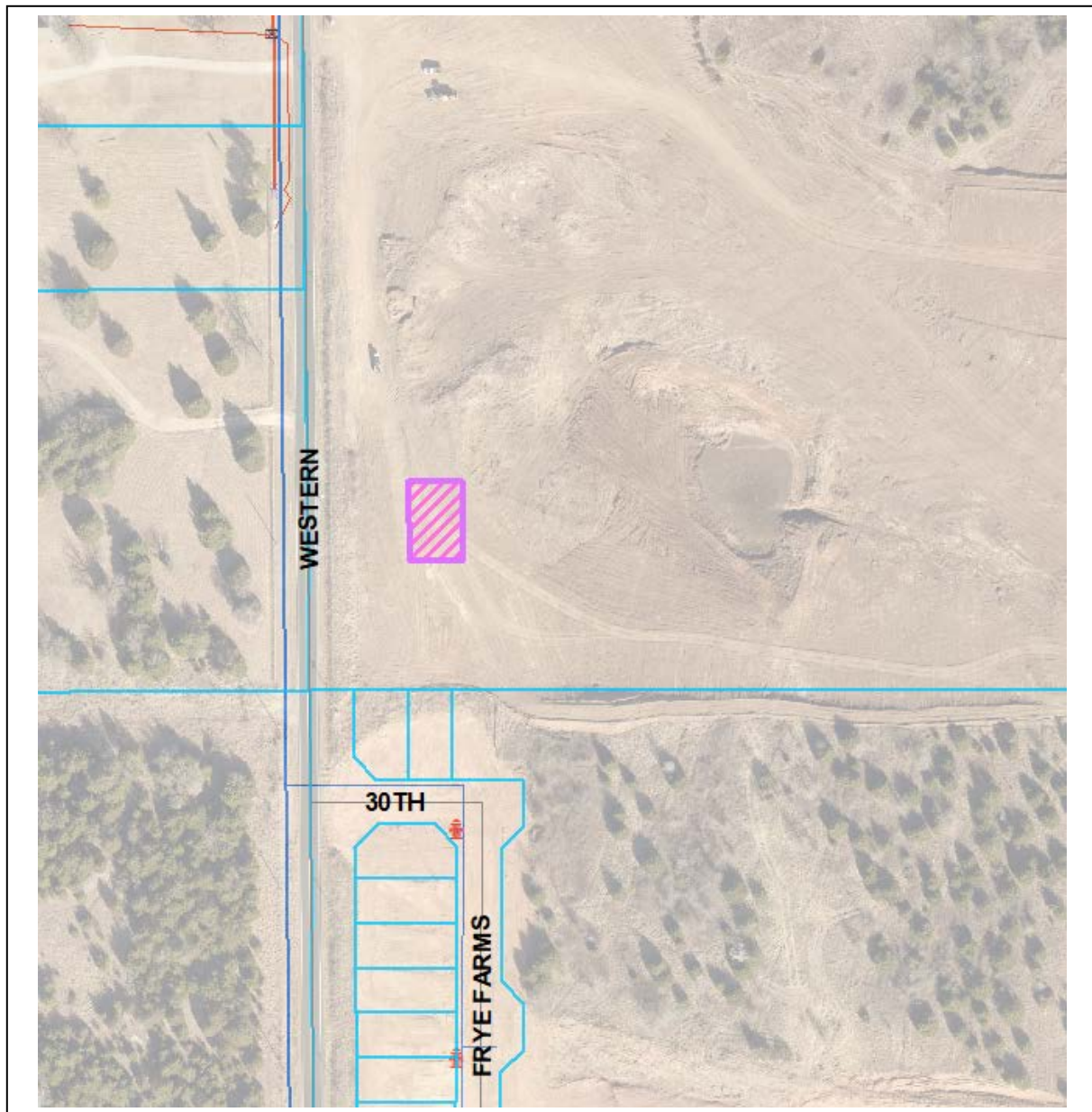
- (2) Such conditions are peculiar to the particular piece of property involved;
- (3) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the Comprehensive Plan; and
- (4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

ALTERNATIVES

The Board of Adjustment has the following alternatives of action:

1. Find that each of the criteria for approval of the request is met. The Board will explain how each criterion is met in order to approve the variance(s).
2. Find that each of the criteria for approval of the request is met by imposing modifications or conditions to ensure that the criteria are met. The Board will explain how the criteria are met to grant partial, conditional, or modified approval of the variance(s).
3. Find that one or more of the criteria for approval of the request is not met and deny the request.
4. Table the discussion to a certain date to allow for additional information to be presented.

Prepared by:	Jacquelyn Porter, City Planner
Date of Preparation:	November 28, 2023
Attachments:	Area Map, Application Packet, Letter of Justification, Proposed Site Plan



The City of
Stillwater
OKLAHOMA

Project Type: Varirance (VAR23-16)
Request: Install and pave a parking lot to serve the Model Home located at
2224 W 29th Ave
Address: 2220 W 29th Ave
Applicant: Ideal Homes of Norman

CITY OF STILLWATER - DEVELOPMENT SERVICES DEPARTMENT
BOARD OF ADJUSTMENT APPLICATION

Applications will be accepted Monday through Friday, from 8:30 AM to 11:30 AM
Per Resolution CC-2007-16

 Appeal Special Exception ✓ Variance Minor Variance

Title of Subdivision/Plan: PARK VALLEY 1
 Owner(s) of Property: IDEAL HOMES OF NORMAN, LP AND IH DEVELOPMENT LLC
 Owner(s) Address: 1320 N PORTER AVE, NORMAN OK 73071
 Owner(s) Phone/Fax/Email: 405-215-4900 MHIGGINS@IDEAL-HOMES.COM
 Applicant(s) Name: IDEAL HOMES
 Applicant(s) Address: 1320 N PORTER AVE, NORMAN OK 73071
 Applicant(s) Phone/Fax/Email: 405-215-4900 MHIGGINS@IDEAL-HOMES.COM
 Location of Property: 2220 W. 29TH (PARK VALLEY SEC 1, LOT 2 BLOCK 2)

Chapter, Article, Section, City Code from which the action is requested: CH. 23 SEC. 23-187
PERMITTED USES - TEMP. PARKING LOT ON RESIDENTIAL LOT

Appeals application submittal requirements:

Applicant	Section 23.68	City
	1.) Completed application form	
	2.) Filing fee - \$140	
	3.) On a separate sheet, state the City's Code Section or the City Administrative Officer's decision or action for which appeal is being sought.	
	4.) Provide justification for the appeal.	

ALL Variance and Special Exception application submittal requirements: Ch. 23, Article 3

Applicant	Section 23.65, 23.67	City
	1.) Completed application form	
	2.) Filing fee - \$140	
	3.) A typewritten and electronic/digital copy of the legal description of the subject property, capable of being reproduced and emailed to digitals@stillwater.org .	
	4.) A typewritten list and electronic/digital data capable of being reproduced as mailing labels, certified by the Payne County Assessor, a licensed abstractor, attorney, engineer or architect, of all property owners within three hundred (300) feet of the subject property. The ownership list shall have been prepared no more than thirty (30) days prior to submission.	
	5.) Copy of existing or proposed restrictive covenants that apply to the property that is subject to the requested action, if applicable.	
	6.) Original mortgage or field survey, if applicable.	
	7.) Variances only – Letter explaining how the request meets the criteria for approval of a variance.	
	8.) Any other documents, information, etc. to assist the Board in making a decision.	

Findings Necessary for Granting Variances

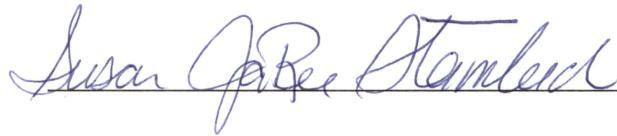
In determining whether or not the variance should be granted, the Board of Adjustment shall consider and record in the official minutes of the meeting, the extent to which the evidence demonstrates that:

1. The application of the ordinance to the particular piece of property would create an unnecessary hardship;
2. Such conditions are peculiar to the particular piece of property involved;
3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the Comprehensive Plan; and
4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Certification:

I (We) do hereby certify that the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I (We) do hereby understand that a variance of any requirement does not exempt the development from any other requirements of the Zoning Ordinance, Subdivision Regulations, or other City or State Regulations. This application must be completed, signed, and dated by the applicant(s) and the owner(s).

Applicant



Date _____

Owner/Agent (provide documentation)

_____ Date _____

For City of Stillwater Use Only:

CASE NO.#: _____

Submission Date: _____

Processing Tract: IRC _____, BOA _____

Approval Date: _____

Fees: _____ Number of Copies: _____

Board of Adjustment Findings

July 24, 2023

To whom it may concern:

This letter seeks to request variance relief for temporary paved parking lot allowed on a residential lot for Park Valley neighborhood located at 2220 W 29th Ave. The applicant seeks relief from code Sec23-137 to allow a temporary parking lot on a residential lot adjacent to the model home for this development.

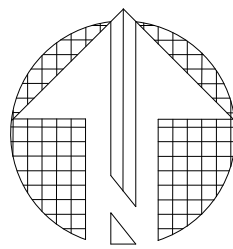
The variance being requested is due to the nature of traffic in a residential neighborhood under construction. In all our other developments we install a temporary paved parking lot adjacent to the model home office to allow any customer vehicles a place to park off the roadway. We find it helps alleviate the congestion along the roadway that commonly occurs when multiple sites are under construction. Again, this parking lot would be temporary and later demolished and a new residential home constructed on the site.

Approval of this variance request would be no detriment to the public and would be the minimum necessary to alleviate the hardship. Thank you for your time and consideration.

Melissa Higgins
Project Manager
405-215-4900
mhiggins@ideal-homes.com

FINAL PLAT
PARK VALLEY ADDITION SECTION 1
A PART OF THE S.W. 1/4,
SECTION 27, T19N, R2E, I.M.
STILLWATER, PAYNE COUNTY, OKLAHOMA

BLOCK 2, LOT 2



SCALE: 1/16"=1'-0"

LAND AREA: 5,750 SQ. FT.
PARKING LOT: 2,600 SQ. FT.

2220 W. 29TH AVE.

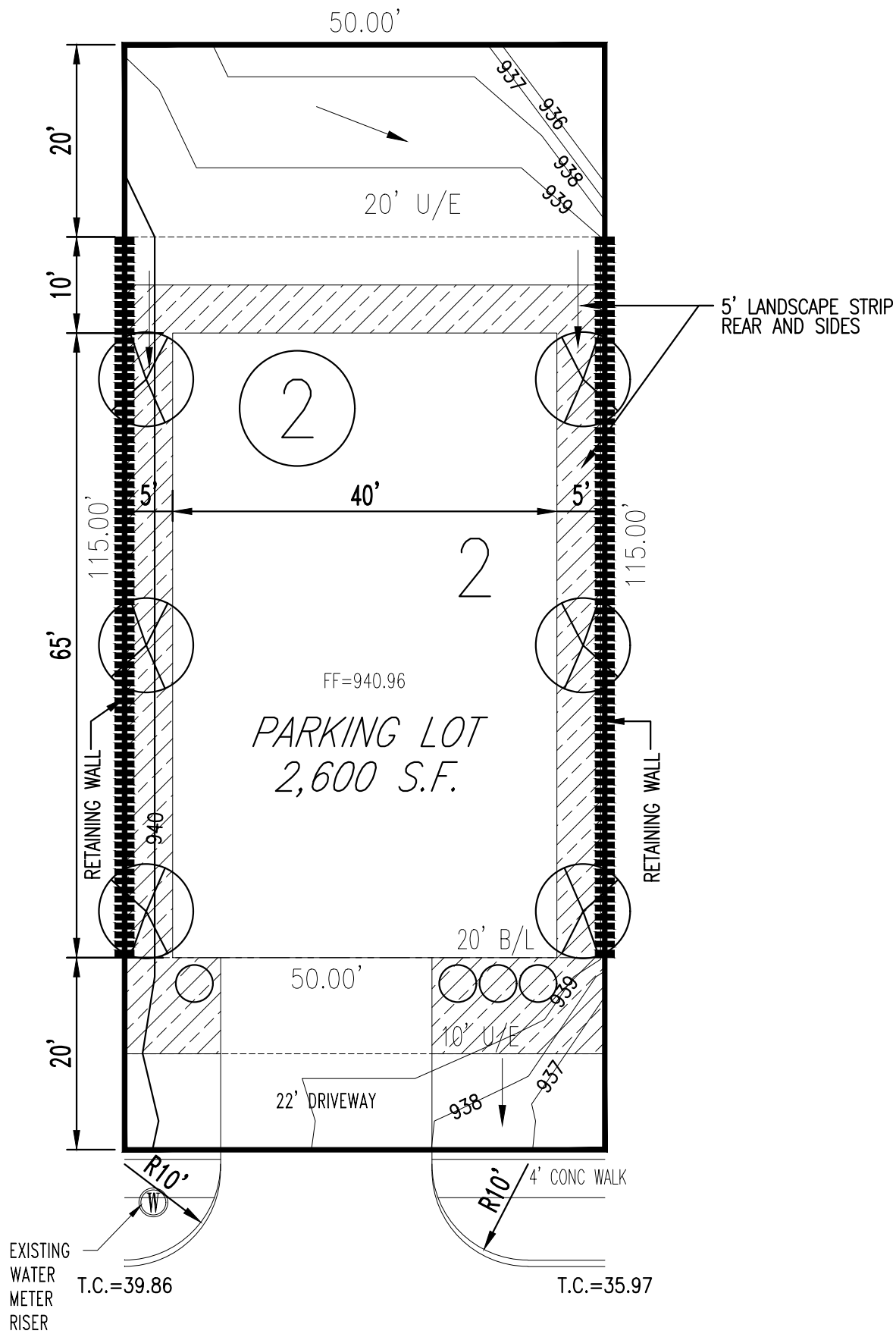
BUILDER WILL MAINTAIN EXISTING EROSION CONTROL MEASURES
IN PLACE AT TIME OF FINAL PLAT ACCEPTANCE.

PARKING AREA = 2,596
DIVIDED BY 400
x2
13 POINTS REQUIRED

○ = 4 BURFORD HOLLY
3x4 PTS. = 12 PTS.

⊗ = 1" BRADFORD PEAR
7x9 PTS. = 63 PTS.

TOTAL 75 PTS.



DRAWN BY:
JSP
Sheet No.
1

Sheet Title:
PLOT PLAN
Date:
10/19/23
Scale:
1/16"=1'-0"

NOTES:

PLAN NAME:
PARKING LOT
PLAN NUMBER:
ELEVATION:

(405) 364-1152
1320 N. PORTER
NORMAN, OK 73071



Date of Meeting: December 7, 2023
Subject: Variance to Sec. 23-151.c.2.a.1 minimum front yard setback from all property boundaries abutting a right-of-way or road/access easement in Commercial Shopping District (CS) to encroach approximately 6.26 feet leaving 13.74
Project Name: VAR23-17
Location: 115 North Perkins Road-Murphy's Gas Station

BACKGROUND

The subject site is located at 115 North Perkins Road on the east side of North Perkins between East Hall of Fame and East Virginia Avenue. Walmart is located to the east of the subject property and Take 5 is located to the west. The property is zoned Commercial Shopping (CS) with similar zoning surrounding the subject property.

The applicant is wanting to demolish the existing gas station and install a new 1400 square feet building and new canopy. The proposed canopy will be projecting in to the required Commercial Shopping front yard setback, 20 feet, on the west property line by approximately 6.26 feet. There is a right-of-way that runs along the West property line and ends at the location of the North property line. The subject property is the only one currently using the west right-of-way for access. There is also a right-of-way to the south and the proposed canopy meets code requirement there, and a second access through the Walmart parking lot is located to the east.

A CUBR application will be required since this is a site development project.

CODE APPLICATION

Sec. 23-151. - CS Commercial Shopping District.

(c)Bulk regulations. Bulk regulation requirements in the CS district are as follows:

(2) Setbacks. The following are minimum required setbacks:

a. Minimum front yard:

1. 20 feet from all property boundaries abutting a right-of-way or road/access easement.

CRITERIA FOR APPROVAL

The Board of Adjustment must find that each of the following four criteria have been met based on evidence and testimony received from the applicant and during the public hearing. Such approval may be granted in whole, in part, or with reasonable modifications and conditions.

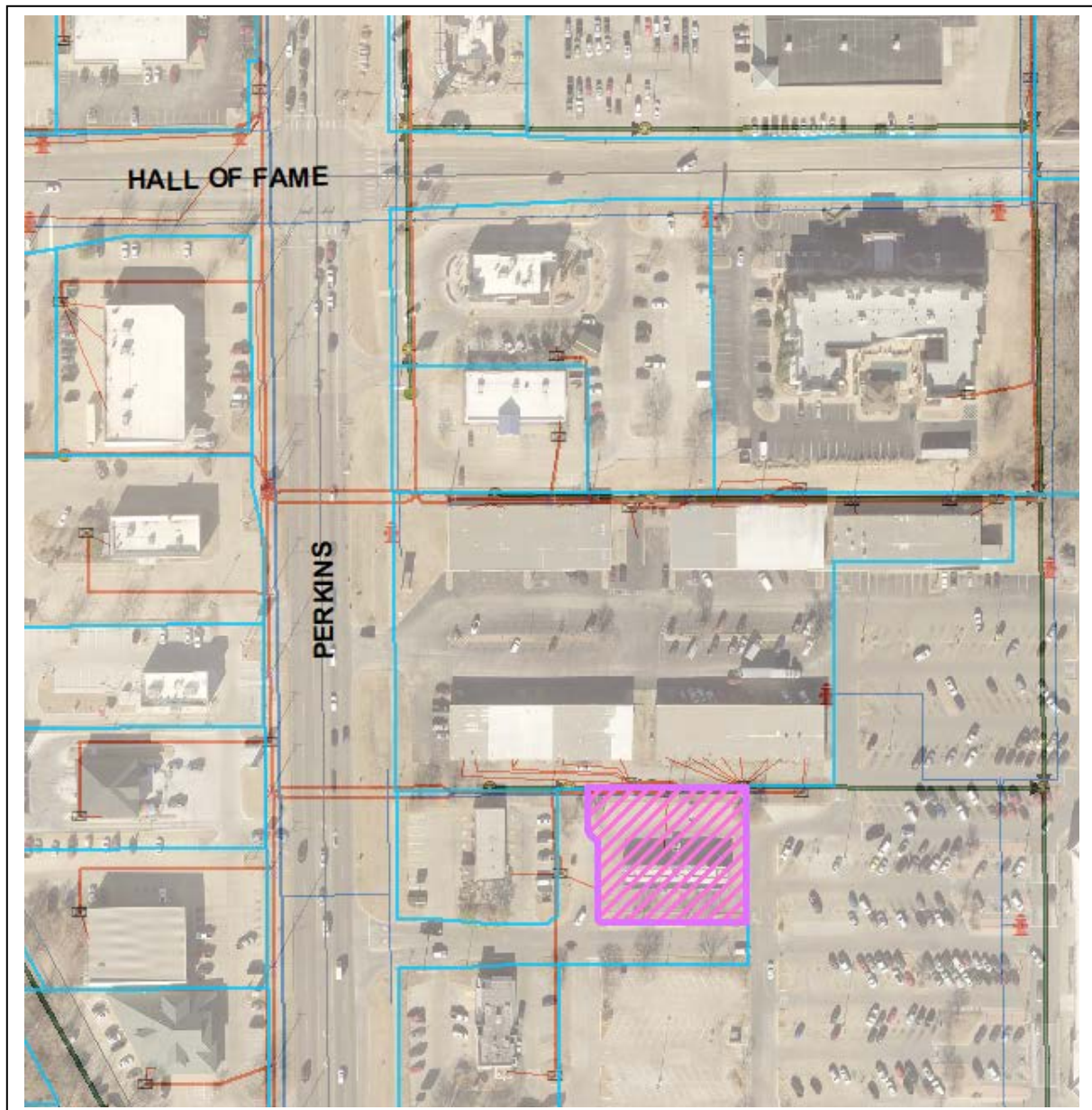
- (1) The application of the ordinance to the particular piece of property would create an unnecessary hardship;
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Prepared by:	Jacquelyn Porter, City Planner
Date of Preparation:	November 28, 2023
Attachments:	Area Map, Application Packet, Letter of Justification, Proposed Site Plan



The City of
Stillwater
OKLAHOMA

Project Type: Varirance (VAR23-17)
Request: Encroach into the front yard setback in Commercial Shopping (CS) zoning district
Address: 115 N Perkins Rd
Applicant: Murphy USA

CITY OF STILLWATER - DEVELOPMENT SERVICES DEPARTMENT
BOARD OF ADJUSTMENT APPLICATION

Applications will be accepted Monday through Friday, from 8:30 AM to 11:30 AM
Per Resolution CC-2007-16

 Appeal Special Exception X Variance Minor Variance

Title of Subdivision/Plan: Murphy USA
Owner(s) of Property: Morad Elwir - Murphy USA
Owner(s) Address: 200 E Peach St. El Dorado AR
Owner(s) Phone/Fax/Email: morad.elwir@murphyusa.com 870-312-2886
Applicant(s) Name: Allen Perez - JM Civil Engineering
Applicant(s) Address: 1101 Central Exp. S #215 Allen, TX 75013
Applicant(s) Phone/Fax/Email: 214-705-3175 aperez@jmcivileng.com
Location of Property: 115 N Perkins Rd, Stillwater, OK 74075

Chapter, Article, Section, City Code from which the action is requested: Section 23-151.c.2.a.1.

Appeals application submittal requirements:

Applicant	Section 23.68	City
	1.) Completed application form	
	2.) Filing fee - \$140	
	3.) On a separate sheet, state the City's Code Section or the City Administrative Officer's decision or action for which appeal is being sought.	
	4.) Provide justification for the appeal.	

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Applicant	Section 23.65, 23.67	City
AP	1.) Completed application form	
AP	2.) Filing fee - \$140	
AP	3.) A typewritten and electronic/digital copy of the legal description of the subject property, capable of being reproduced and emailed to digitals@stillwater.org .	
AP	4.) A typewritten list and electronic/digital data capable of being reproduced as mailing labels, certified by the Payne County Assessor, a licensed abstractor, attorney, engineer or architect, of all property owners within three hundred (300) feet of the subject property. The ownership list shall have been prepared no more than thirty (30) days prior to submission.	
	5.) Copy of existing or proposed restrictive covenants that apply to the property that is subject to the requested action, if applicable.	
AP	6.) Original mortgage or field survey, if applicable.	
AP	7.) Variances only – Letter explaining how the request meets the criteria for approval of a variance.	
	8.) Any other documents, information, etc. to assist the Board in making a decision.	

Findings Necessary for Granting Variances

In determining whether or not the variance should be granted, the Board of Adjustment shall consider and record in the official minutes of the meeting, the extent to which the evidence demonstrates that:

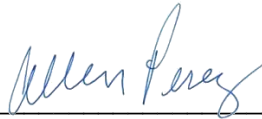
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Certification:

I (We) do hereby certify that the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I (We) do hereby understand that a variance of any requirement does not exempt the development from any other requirements of the Zoning Ordinance, Subdivision Regulations, or other City or State Regulations. This application must be completed, signed, and dated by the applicant(s) and the owner(s).

Applicant

Allen Perez



Date 10-04-23

Owner/Agent (provide documentation)

Morad Elwir



Date 10/03/2023

For City of Stillwater Use Only:

CASE NO.#: _____

Submission Date: _____

Processing Tract: IRC _____, BOA _____

Approval Date: _____

Fees: _____ Number of Copies: _____

October 17, 2023

City of Stillwater, Oklahoma | Community Development Department
 Attn: Jacquelyn Porter | City Planner
 723 South Lewis Street | PO Box 1449
 Stillwater, OK 74076-1449

LETTER OF REQUEST FOR VARIANCE
 APPLICATION FOR TELECOMMUNICATIONS TOWER

Applicant Name and Applicant Address: JM Civil Engineering
 Applicant Address: 1101 South Central Expwy, Allen TX 75013
 Property Owner: Murphy Oil USA, Inc.
 Property Address: 115 North Perkins Road, Stillwater OK, 74075

Project Description: The project is the demolition of an existing gas station and a new Murphy gas station with a 1400 sf building, a new canopy and new underground storage tanks.

Use Type: Gas Station

Explanation for of Use: The current Murphy gas station services in front of the Walmart Supercenter providing gas and retail to consumers. The proposed Murphy gas station serves to improve the site's services to consumers with additional diesel fuel positions and increased building capacity from the 200 sf to 1,400 sf. The improvements also serve to update the site for improved maneuverability and aesthetic.

Legal Description of Subject Property

PROPERTY DESCRIPTION (PER DEED RECORDED IN BOOK 1882, PG. 681, D.R.P.C.OK)

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 13, TOWNSHIP 19 NORTH, RANGE 2 EAST OF THE INDIAN MERIDIAN, PAYNE COUNTY, OKLAHOMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 13;
 THENCE COINCIDENT WITH THE SOUTHERN LINE OF SAID NORTHWEST QUARTER (NW 1/4), NORTH 90°00'00" EAST FOR A DISTANCE OF 102.00 FEET TO A POINT ON THE EASTERN RIGHT-OF-WAY LINE OF N. PERKINS ROAD, AS EXISTING;
 THENCE LEAVING SAID SOUTHERN LINE AND COINCIDENT WITH SAID EASTERN RIGHT-OF-WAY LINE, NORTH 00°00'00" EAST FOR A DISTANCE OF 75.70 FEET TO A POINT;
 THENCE CONTINUING ALONG SAID EASTERN RIGHT-OF-WAY LINE, NORTH 00°00'00" EAST FOR A DISTANCE OF 275.40 FEET TO A POINT;
 THENCE LEAVING SAID EASTERN RIGHT-OF-WAY LINE, SOUTH 89°21'30" EAST FOR A DISTANCE OF 165.01 FEET TO A POINT;
 THENCE NORTH 00°00'00" EAST FOR A DISTANCE OF 160.51 FEET TO A POINT;
 THENCE NORTH 88°21'30" WEST FOR A DISTANCE OF 57.99 FEET TO A POINT;
 THENCE SOUTH 87°03'47" WEST FOR A DISTANCE OF 62.00 FEET TO A POINT;
 THENCE NORTH 89°21'30" WEST FOR A DISTANCE OF 45.10 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF N. PERKINS ROAD, AS EXISTING;
 THENCE COINCIDENT WITH SAID EASTERN RIGHT-OF-WAY LINE, NORTH 00°00'00" EAST FOR A DISTANCE OF 49.34 FEET TO A POINT;
 THENCE LEAVING SAID EASTERN RIGHT-OF-WAY LINE, SOUTH 89°21'30" EAST FOR A DISTANCE OF 45.20 FEET TO A POINT;
 THENCE SOUTH 85°47'05" EAST FOR A DISTANCE OF 62.09 FEET TO A POINT;
 THENCE SOUTH 89°21'30" EAST FOR A DISTANCE OF 45.89 FEET TO A POINT;
 THENCE NORTH 45°19'15" EAST FOR A DISTANCE OF 16.88 FEET TO A POINT;
 THENCE NORTH 00°00'00" EAST FOR A DISTANCE OF 125.81 FEET TO A POINT;
 THENCE SOUTH 89°26'37" EAST FOR A DISTANCE OF 31.95 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED TRACT;

THENCE SOUTH 89°26'37" EAST FOR A DISTANCE OF 163.43 FEET TO A POINT;
 THENCE SOUTH 00°00'00" EAST FOR A DISTANCE OF 134.11 FEET TO A POINT;
 THENCE NORTH 89°26'37" WEST FOR A DISTANCE OF 153.32 FEET TO A POINT;
 THENCE NORTH 00°00'00" EAST FOR A DISTANCE OF 82.02 FEET TO A POINT;
 THENCE NORTH 45°00'00" WEST FOR A DISTANCE OF 14.29 FEET TO A POINT;
 THENCE NORTH 00°00'00" EAST FOR A DISTANCE OF 42.08 FEET TO THE POINT OF BEGINNING AND CONTAINING 21,037 SQUARE FEET OR 0.48 ACRES, MORE OR LESS.

Findings Necessary to Grant a Variance

THE ORDINANCE AS WRITTEN WOULD CREATE AN UNNECESSARY HARDSHIP
JM Civil Engineering feels the setback as outlined in section 23-151.c.2.a.1 of the CS Commercial Shopping district ordinance exceeds that which would be a reasonable setback based on the site constraints. The Murphy lot is approximately 0.48 acres and the required setbacks place

SUCH CONDITIONS ARE PECULIAR TO THE PARTICULAR PIECE OF PROPERTY INVOLVED
The city considers the West and South property lines "frontage". JM Civil Engineering is requesting a variance of the 20' front setback on the west side of the property. As proposed, the building and canopy of the Murphy will encroach upon the West setback.

RELIEF WOULD NOT CAUSE SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD, OR IMPAIR THE
PURPOSES/INTENT OF THE ORDINANCE

The proposed Murphy gas station configuration will have sufficient clearance for safe vehicle, fire lane, and trucking traffic. The current layout meets the front yard setback of 20' on the South property line, keeping clear of the main drive of the Walmart entrance.

THE VARIANCE WOULD BE THE MINIMUM NECESSARY TO ALLEVIATE THE UNNECESSARY
HARDSHIP

The building and canopy locations are at minimum 13' off the property line where there are also lanes and landscaping to give further clearance from the building.

Ms. Porter, we are respectfully requesting consideration for approval of this variance request given the above explanations. Please contact me if you have questions or need any additional information to process this request.

Sincerely,



Allen Perez, Agent on behalf of Murphy Oil USA, Inc.
1101 South Central
Expressway, Allen
TX 75013
aperez@jmcivileng.com

CAUTION NOTICE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS ARE BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 7 DAYS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES HORIZONTALLY AND VERTICALLY WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

FLOODNOTE

SUBJECT PROPERTY APPEARS TO BE CLASSIFIED AS "ZONE X" (AREA OF MINIMAL FLOOD HAZARD) WHEN SCALED FROM FLOOD INSURANCE RATE MAP COMMUNITY - PANEL #48147C0355C DATED FEBRUARY 18, 2011.

BENCHMARKS

TBM #1
AN "X" CUT SET ON CONCRETE BACK OF CURB LOCATED WITHIN THE SUBJECT PROPERTY AND ALONG THE EAST SIDE OF PAVING AND LOCATED APPROXIMATELY 52 FEET SOUTHWESTERLY FROM A SANITARY SEWER MANHOLE NEAR THE EAST LINE OF THE SUBJECT PROPERTY. ELEVATION=629.23 FEET. NORTHING=7271754.7390', EASTING=2671062.2380'.

TBM #2
AN "X" CUT SET AT THE NORTHWEST CORNER OF A CONCRETE SIDEWALK LOCATED NEAR THE WEST PROPERTY LINE AND APPROXIMATELY 63 FEET PERPENDICULARLY FROM THE EXISTING ROAD. ELEVATION=630.50 FEET. NORTHING=7271755.3530', EASTING=2670937.8150'.

CONTRACTOR IS TO ENSURE THAT THE CONSTRUCTION FENCE ENCOMPASSES THE ENTIRE WORK AREA. (RE: DETAIL 2F)

CONTRACTOR TO ENSURE THE LIGHT POLES AND SIGNS ARE AT LEAST 2' FROM THE BACK OF THE CURB TO PREVENT THE VEHICLES STRIKING THE LIGHT POLE OR SIGN.

THESE DRAWINGS DO NOT INCLUDE COMPONENTS FOR CONSTRUCTION SAFETY.

THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

ZONING:
CS (COMMERCIAL SHOPPING DISTRICT)

BUILDING SETBACKS:
FRONT 20'

PROPOSED

PROPERTY LINE
PROPOSED CURB & GUTTER
LIMITS OF FULL DEPTH SAWCUT

- # PARKING SPACES
- STOP STOP BAR STRIPING
- ACCESSIBLE SPACES
- ADA RAMP
- BOLLARD
- TRAFFIC SIGN
- GREASE TRAP
- CLEAN-OUT
- LIGHT POLE
- GAS METER
- WATER METER
- MANHOLE
- CURB INLET
- BUILDING CONTROL POINT

GENERAL SITE NOTES

- ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- ALL CURB RETURN RADII SHALL BE 3' AS SHOWN TYPICAL ON THIS PLAN, UNLESS OTHERWISE NOTED.
- UNLESS OTHERWISE SHOWN, CALLED OUT OR SPECIFIED HERON:
ALL CURB AND GUTTER ADJACENT TO EXISTING PAVING SHALL BE INSTALLED PER DETAIL.
PAVEMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE PAVING PLAN OVER THE ENTIRE PARKING LOT AREA AND ALL APPROACH DRIVES.
SEE ASSOCIATED PLANS FOR CANOPY, COLUMN, DISPENSER ISLAND DETAILS AND LAYOUT.
- CONTRACTOR SHALL BEGIN CONSTRUCTION OF ANY LIGHT POLE BASES FOR RELOCATED LIGHT FIXTURES AND RELOCATION OF ELECTRICAL SYSTEM AS SOON AS DEMOLITION BEGINS. CONTRACTOR SHALL BE AWARE THAT INTERRUPTION OF POWER TO ANY LIGHT POLES OR SIGNS SHALL NOT EXCEED 24 HOURS.
- IF DEMOLITION OR CONSTRUCTION ON SITE WILL INTERFERE WITH THE WAL-MART TRAFFIC FLOW OR ADJACENT PROPERTY OWNER'S TRAFFIC FLOW, THE CONTRACTOR SHALL COORDINATE WITH THE WAL-MART CONSTRUCTION/STORE MANAGER AND/OR ADJACENT PROPERTY OWNER, TO MINIMIZE THE IMPACT ON TRAFFIC FLOW. TEMPORARY RE-ROUTING OF TRAFFIC IS TO BE ACCOMPLISHED BY USING DOT APPROVED TRAFFIC BARRICADES, BARRELS, AND/OR CONES. TEMPORARY SIGNAGE AND FLAGMEN MAY BE ALSO NECESSARY.
- ALL WAL-MART PROPERTY DAMAGED DUE TO CONSTRUCTION ACTIVITIES MUST BE REPLACED/RESTORED TO MATCH THE EXISTING TYPE AND QUALITY OF WORK AND MATERIALS, AND IS SUBJECT TO WAL-MART APPROVAL.
- CONTRACTOR TO PROTECT EXISTING LANDSCAPE/IRRIGATION MATERIAL.
- ALL SLOPES AND AREAS DISTURBED BY CONSTRUCTION SHALL BE GRADED SMOOTH AND FOUR INCHES OF TOPSOIL APPLIED. IF ADEQUATE TOPSOIL IS NOT AVAILABLE ON SITE, THE CONTRACTOR SHALL PROVIDE TOPSOIL APPROVED BY THE OWNER, AS NEEDED. THE AREA SHALL THEN BE SEEDED/SODDED, FERTILIZED, MULCHED, WATERED AND MAINTAINED UNTIL HARDY GRASS GROWTH IS ESTABLISHED IN ALL AREAS. ANY AREAS DISTURBED FOR ANY REASON PRIOR TO FINAL ACCEPTANCE OF THE PROJECT SHALL BE CORRECTED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
- THE MURPHY STATION WILL NOT DROP THE WAL-MART GREEN SPACE BELOW CITY REQUIREMENTS.
- CONTRACTOR IS TO VERIFY LOCATION OF WAL-MART IRRIGATION SYSTEM, VALVE BOXES, CONTROL BOXES, BACKFLOW PREVENTION DEVICE AND OTHER ITEMS WHICH ARE PART OF THE SYSTEM, IF DAMAGES OCCUR THEY MUST BE REPAIRED AT CONTRACTOR'S COST.
- THE LOCATION OF THE CONSTRUCTION FENCE ON THE DRAWING IS FOR GRAPHICAL REPRESENTATION ONLY. THE CONTRACTOR IS TO ENSURE THAT THE CONSTRUCTION FENCE ENCOMPASSES THE ENTIRE WORK AREA.
- CONTRACTOR SHALL PURCHASE AND INSTALL A MAILBOX, AND SHALL COORDINATE LOCATION OF MAILBOX WITH MURPHY CONSTRUCTION MANAGER AND/OR ON-SITE REPRESENTATIVE AND LOCAL POSTMASTER.
- ALL PROPOSED PAVEMENT STRIPING OR MARKINGS SHALL FOLLOW THE SPECIFICATIONS FOR PAINT INCLUDED IN DETAIL 10A.

SITE NOTES

- OVER HEAD CANOPY (PER CANOPY PLANS)
- 4" TRAFFIC YELLOW LANE STRIPE (SEE LENGTH INDICATED AT SYMBOL)
- 4" WIDE PAINTED STRIPES. 2' O.C. @ 45' (SEE SIZE INDICATED AT SYMBOL)
- 8" TRAFFIC YELLOW LANE STRIPE (SEE LENGTH INDICATED AT SYMBOL)
- MURPHY MONUMENT SIGN PER APPROVED ELEVATIONS.
- TAPER CURB TO MATCH EXISTING CURB
- EDGE OF CONCRETE SLAB
- UNDERGROUND STORAGE TANKS (1-25,000 GAL. & 1-26,000 GAL.)
- ATM LOCATION
- MURPHY USA ID SIGN PER APPROVED ELEVATION
- PRICE SIGN PER APPROVED ELEVATION
- BARRIER FREE RAMP (PER CITY OF MIDLAND CONSTRUCTION STANDARDS)
- LIMITS OF SAWCUT AND PAVEMENT REMOVAL

SITE DETAILS

- INTEGRAL CONCRETE CURB
- DUMPSTER ENCLOSURE
- TRAFFIC SIGN IN BOLLARD
- GUARD POST (SINGLE)
- ACCESSIBLE PARKING SYMBOL (SEE PAINT COLOR INDICATED AT SYMBOL)
- ACCESSIBLE/VAN ACCESSIBLE PARKING SIGN MOUNTED IN BOLLARDS
- "NO PARKING" PAINTED ON THE GROUND
- TRAFFIC FLOW ARROW (TYP.)
- STOP BAR (TYP.)
- "STOP" SIGN
- SITE LIGHT POLE (SEE PHOTOMETRIC PLANS FOR POLE BASE DETAIL, FIXTURE TYPE AND MOUNTING DETAILS)
- CONSTRUCTION CAMERA (COORDINATE WITH MOUSA PM FOR LOCATION)
- AIR VACUUM UNIT WITH 4'x7' CONCRETE SLAB
- MAILBOX (CONTRACTOR SHALL COORDINATE LOCATION WITH MURPHY AND POSTMASTER PRIOR TO INSTALLATION)
- 5'x7' ICE UNIT (SEE NUMBER INDICATED AT SYMBOL)

- THE MURPHY STATION WILL NOT DROP THE WAL-MART GREEN SPACE BELOW CITY REQUIREMENTS.
- ALL PERMANENT TURF AREAS MUST BE SODDED.
- GC TO ENSURE THAT TRAFFIC THROUGH MAIN WAL-MART DRIVES IS NOT INTERRUPTED AT ANY TIME DUE TO CONSTRUCTION ACTIVITIES. ENSURE A MINIMUM TEMPORARY LANE WIDTH OF 10' (EACH DIRECTION) IS AVAILABLE AT ALL TIMES, FREE OF OBSTRUCTIONS TO VEHICLES. AT NO TIME SHALL THE CONSTRUCTION FENCE EXTEND INTO THE DRIVE MORE THAN 2' FROM THE FACE OF THE CURB OR DRIVE.
- IF DEMOLITION OR CONSTRUCTION ON SITE WILL INTERFERE WITH THE WAL-MART TRAFFIC FLOW OR ADJACENT PROPERTY OWNER'S TRAFFIC FLOW, THE CONTRACTOR SHALL COORDINATE WITH THE WAL-MART CONSTRUCTION/STORE MANAGER AND/OR ADJACENT PROPERTY OWNER, TO MINIMIZE THE IMPACT ON TRAFFIC FLOW. TEMPORARY RE-ROUTING OF TRAFFIC IS TO BE ACCOMPLISHED BY USING DOT APPROVED TRAFFIC BARRICADES, BARRELS, AND/OR CONES. TEMPORARY SIGNAGE AND FLAGMEN MAY BE ALSO NECESSARY.
- ALL WAL-MART PROPERTY DAMAGED DUE TO CONSTRUCTION ACTIVITIES MUST BE REPLACED/RESTORED TO MATCH THE EXISTING TYPE AND QUALITY OF WORK AND MATERIALS, AND IS SUBJECT TO WAL-MART APPROVAL.
- UTILITY WORK DONE ON WAL-MART PARCEL, WHETHER BY THE GC, CITY OR THE UTILITY COMPANIES, SHALL BE REPAIRED BACK TO EXISTING CONDITIONS.
- EROSION CONTROL MEASURES IMPLEMENTED INSIDE THE WAL-MART DRIVE ISLES AND PARKING LOT SHALL INCLUDE ONLY SILT BAGS (OR WAL-MART PRE-APPROVED EQUAL) TO ENSURE TRAFFIC CIRCULATION IS NOT IMPEDED. GRAVEL INLET PROTECTION DEVICES SHALL NOT BE ALLOWED INSIDE THE WAL-MART DRIVE ISLES OR PARKING LOT.

EXISTING

- MEASURED BEARING & DISTANCE
ACTUAL PLAT BEARING & DISTANCE
- POINT OF BEGINNING
MEASURED
PLATTED
IRON PIN FOUND, AS NOTED
P. K. NAIL SET (PKS)
BENCHMARK, AS NOTED
FIRE HYDRANT
WATER VALVE
WATER METER
UTILITY POLE
ELECTRIC METER
BOLLARD
SIGN, AS NOTED
TELEPHONE MANHOLE
SEWER CLEAN OUT
SEWER MANHOLE
STORM MANHOLE
SITE EQUIPMENT
PROPERTY LINE
EASEMENT LINE
PROPERTY PER DEEDS/PLATS
WATER LINE, AS NOTED
SANITARY SEWER, AS NOTED
OVERHEAD WIRE
STORM SEWER PIPE, AS NOTED
- PROPERTY LINE
EASEMENT LINE
MAJOR CONTOUR
MINOR CONTOUR
CURB LINE
CONCRETE SURFACE
ASPHALT SURFACE

GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.

PRE-CONSTRUCTION

IMPERVIOUS SITE RATIO (ISR)

AREA	SQUARE FEET	%
IMPERVIOUS (ROOF AND PAVING)	19,980	56
GREENSPACE	15,831	44
GROSS SITE	35,811	100

POST-CONSTRUCTION

IMPERVIOUS SITE RATIO (ISR)

AREA	SQUARE FEET	%
IMPERVIOUS (ROOF AND PAVING)	24,167	67
GREENSPACE	11,644	33
GROSS SITE	35,811	100

PARKING INFORMATION:

DESCRIPTION	BUILDING AREA (S.F.)	REQUIRED:				
		RATIO	SPACES			
FUELING STATION	1400	1/500 S.F.	REGULAR	UNDER CANOPY	ACCESSIBLE	TOTAL
		4	3		1	4
		PROVIDED:				
		1/200 S.F.	REGULAR	UNDER CANOPY	ACCESSIBLE	TOTAL
			1	12	1	14

NO. OF FUEL ISLANDS: 6
NO. OF VEHICLE FUELING POINTS: 16

CONTRACTOR SHALL BE RESPONSIBLE FOR AND HIRE A TEXAS REGISTERED LAND SURVEYOR TO ESTABLISH PROPERTY CORNERS, BUILDING CORNERS, CANOPY, ETC. AS REQUIRED FOR CONSTRUCTION LAYOUT.



Know what's below.
Call before you dig.

SHEET NO.

C-4

SITE PLAN
WAL-MART SUPERCENTER #158
2101 N TEXAS STATE HWY 121
BONHAM, TEXAS 79418

1101 Central Expressway
South,
Suite 215
Allen, TX 75013
Ph. 214.491.1830
John Meosotis, P.E.
CIVIL ENGINEER



MURPHY OIL USA, INC.
200 PEACH STREET
P.O. BOX 7000
EL DORADO, AR 71730-7000
MURPHY USA

Date of Meeting: December 7, 2023
Subject: Variance to the density requirements (Sections 23-132), minimum lot area requirements (Section 23-137(c)(1)), minimum lot width requirements (Section 23-137(c)(2)), side yard setback (Section 23-137(d)(2)(b)(1)), and the required increase of side yard setback for an additional three feet for each adjacent story above the first story (Section 23-137(e)(1)) in the Residential Small Lot Single Family (RSS) zoning district.
Project Name: VAR23-18
Location: 712, 716, and 718 South Knoblock Street

BACKGROUND

The subject site is located at 712, 716, and 718 South Knoblock Street on the west side of South Knoblock Street between West 7th Avenue and West 7th Avenue. The properties are zoned Small Lot Single-Family Residential District (RSS). There are several variances being requested for these properties for the proposed development of 8 two story single family homes.

The first request is for Section 23-132 for the Density requirements of the Land Development Code. This section defines the maximum gross density for Small Lot Single-Family Residential (RSS) zoning district. The proposed 8 dwellings on approximately 0.64 acres exceeds the maximum gross density in RSS by 3 dwelling units.

The next-request is for Section 23-137(c) lot size requirements (1) to reduce the minimum lot area from 5,000 square feet to 3,500, and (2) to reduce the minimum lot width from 50 feet to 25 feet.

Additionally, a variance is requested for the interior side yard setbacks. Section 23-137(d)(2)(b)(1) is the bulk standard requirement for minimum side yard requirements in RSS zoning district and Section 23-137(e)(1) requires that the minimum side yard for this district shall be increased an additional 3 feet for each adjacent story above the first story. It is proposed the structures to be two stories which would require an 8 feet setback from the side property line. The applicant is requesting the distance between the structure and the north interior property line to be 3 feet and the distance between the structure and the south interior property line to be 5 feet. This brings the distance between structures to 8 feet.

CODE APPLICATION

Sec. 23-132. - Density requirements.

The maximum number of dwelling units per acre shall be based upon the minimum lot size of the individual zoning district:

Zoning District	Minimum Lot Size	Maximum Gross Density (dwelling units per acre)
RSL	10,000 square feet	4
RSS	5,000 square feet	8
RT	7,500 square feet	11
RTM	20,000 square feet	20
RMI	15,000 square feet	30
RMU	10,000 square feet	50
HR	25,000 square feet	150

Sec. 23-137. - RSS Small Lot Single-Family Residential District.

(c) Lot size requirements. The lot size requirements in the RSS district are as follows:

- (1) Minimum lot area: 5,000 square feet.
- (2) Minimum lot width: 50 feet.

Sec. 23-137. - RSS Small Lot Single-Family Residential District.

(d) Bulk regulations. Bulk regulation requirements in the RSS districts are as follows:

- (2) Setbacks. The following are the minimum required setbacks:
 - b. Minimum side yard:
 1. Residential structures: Five feet.

Sec. 23-137. - RSS Small Lot Single-Family Residential District.

(e) Exceptions. The following are the exceptions in the RSS district:

- (1) For all structures, the minimum side yard for this district shall be increased an additional three feet for each adjacent story above the first story.

CRITERIA FOR APPROVAL

The Board of Adjustment must find that each of the following four criteria have been met based on evidence and testimony received from the applicant and during the public hearing. Such approval may be granted in whole, in part, or with reasonable modifications and conditions.

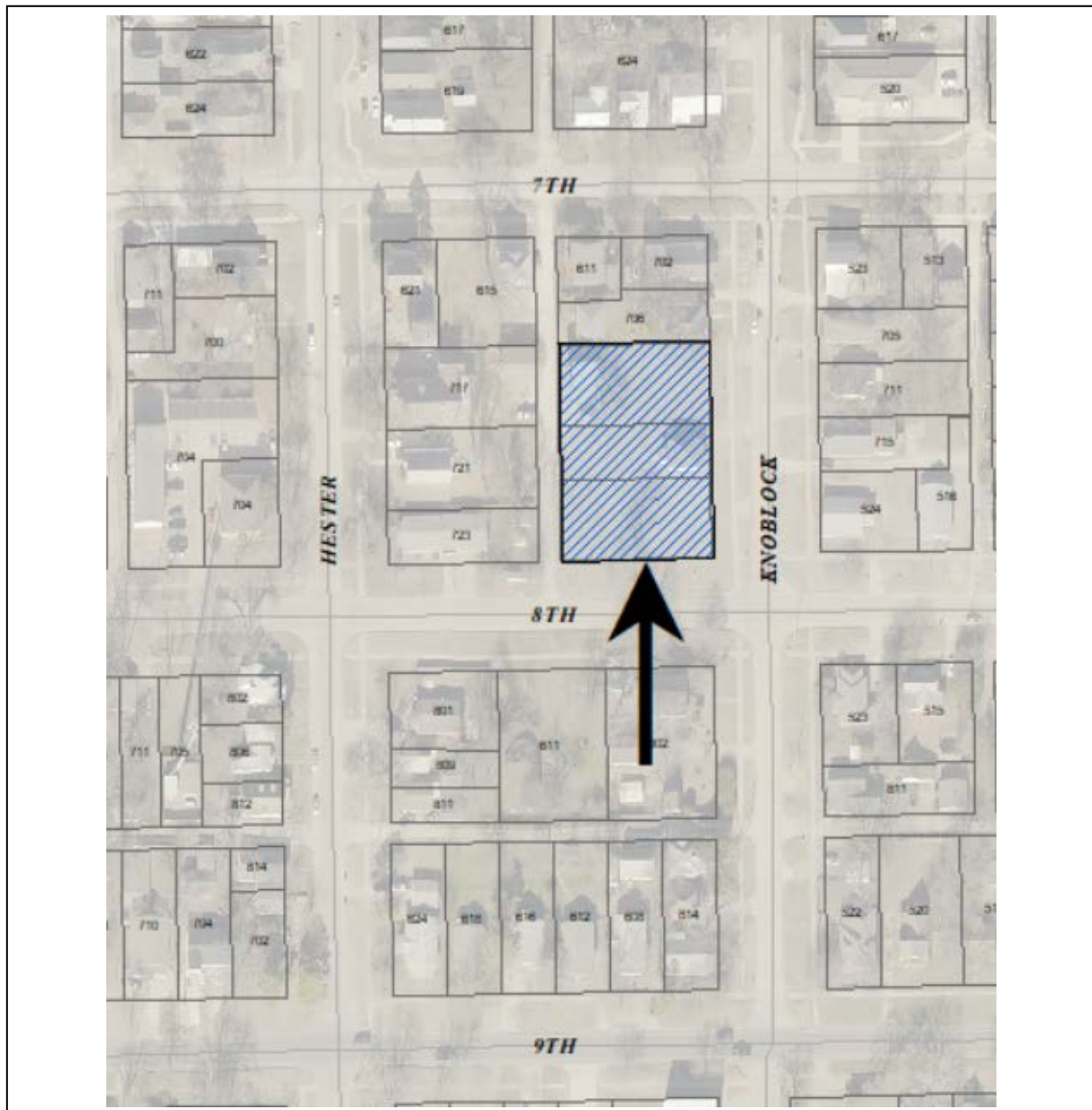
- (1) The application of the ordinance to the particular piece of property would create an unnecessary hardship;
- (2) Such conditions are peculiar to the particular piece of property involved;
- (3) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the Comprehensive Plan; and
- (4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

ALTERNATIVES

The Board of Adjustment has the following alternatives of action:

1. Find that each of the criteria for approval of the request is met. The Board will explain how each criterion is met in order to approve the variance(s).
2. Find that each of the criteria for approval of the request is met by imposing modifications or conditions to ensure that the criteria are met. The Board will explain how the criteria are met to grant partial, conditional, or modified approval of the variance(s).
3. Find that one or more of the criteria for approval of the request is not met and deny the request.
4. Table the discussion to a certain date to allow for additional information to be presented.

Prepared by:	Jacquelyn Porter, City Planner
Date of Preparation:	November 29, 2023
Attachments:	Area Map, Application Packet, Letter of Justification, Proposed Site Plan and Proposed Building Plans



Project Type: Varirance (VAR23-18)
Request: Variance Request for Density, Lot Size, Side Yard Setback and Add'l 3ft for Bldg Story Above One (23.132, 23.137.c.1, 23.137.c.2; 23.137.d.2.b.1; and 23.137.e.1)
Address: 712, 716 and 718 S. Knoblock
Applicant: Gose & Associates on behalf of Riggins Ventures, LLC

CITY OF STILLWATER - DEVELOPMENT SERVICES DEPARTMENT
BOARD OF ADJUSTMENT APPLICATION

Applications will be accepted Monday through Friday, from 8:30 AM to 11:30 AM
Per Resolution CC-2007-16

☐ Appeal ☐ Special Exception ☒ Variance ☐ Minor Variance

Title of Subdivision/Plan: 718 South Knoblock Street
 Owner(s) of Property: Helen Cole
 Owner(s) Address: 2309 West 9th Avenue, Stillwater, OK 74074
 Owner(s) Phone/Fax/Email: _____
 Applicant(s) Name: Riggins Ventures, LLC / Dakota Riggins
 Applicant(s) Address: 2677 West Bowen Boulevard, Fayetteville, AR 72703
 Applicant(s) Phone/Fax/Email: (479) 601-7727 / dakota@rigginsventures.com
 Location of Property: 712 / 716 / 718 South Knoblock Street (see attached legal description)

Chapter, Article, Section, City Code from which the action is requested:
23-132, 23-137(c)(1), 23-137(c)(2), 23-137(d)(2)b.1. & 23-137(e)(1)

Appeals application submittal requirements:

Applicant	Section 23.68	City
☐	1.) Completed application form	
☐	2.) Filing fee - \$140	
☐	3.) On a separate sheet, state the City's Code Section or the City Administrative Officer's decision or action for which appeal is being sought.	
☐	4.) Provide justification for the appeal.	

ALL Variance and Special Exception application submittal requirements: Ch. 23, Article 3

Applicant	Section 23.65, 23.67	City
☒	1.) Completed application form	JB
☒	2.) Filing fee - \$140	
☒	3.) A typewritten and electronic/digital copy of the legal description of the subject property, capable of being reproduced and emailed to digitals@stillwater.org .	JB
☒	4.) A typewritten list and electronic/digital data capable of being reproduced as mailing labels, certified by the Payne County Assessor, a licensed abstractor, attorney, engineer or architect, of all property owners within three hundred (300) feet of the subject property. The ownership list shall have been prepared no more than thirty (30) days prior to submission.	JB
☐	5.) Copy of existing or proposed restrictive covenants that apply to the property that is subject to the requested action, if applicable.	
☐	6.) Original mortgage or field survey, if applicable.	
☒	7.) Variances only – Letter explaining how the request meets the criteria for approval of a variance.	JB
☒	8.) Any other documents, information, etc. to assist the Board in making a decision.	JB

RECEIVED

By Cindy Gibson at 9:15 am, Nov 10, 2023

Findings Necessary for Granting Variances

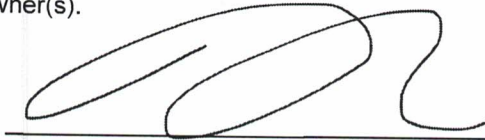
In determining whether or not the variance should be granted, the Board of Adjustment shall consider and record in the official minutes of the meeting, the extent to which the evidence demonstrates that:

1. The application of the ordinance to the particular piece of property would create an unnecessary hardship;
2. Such conditions are peculiar to the particular piece of property involved;
3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the Comprehensive Plan; and
4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Certification:

I (We) do hereby certify that the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I (We) do hereby understand that a variance of any requirement does not exempt the development from any other requirements of the Zoning Ordinance, Subdivision Regulations, or other City or State Regulations. This application must be completed, signed, and dated by the applicant(s) and the owner(s).

Applicant



Date 11/9/23

Owner/Agent (provide documentation)



Date 11-9-23

For City of Stillwater Use Only:

CASE NO.#: VAR23-18

Submission Date: 11.10.2023

Approval Date: _____

Processing Tract: IRC 11.29.23, BOA 12.07.23

Fees: _____



**Gose &
Associates**
ENGINEERING • PLANNING • LAND SERVICES

November 9, 2023

Board of Adjustment
City of Stillwater
723 South Lewis Street
Stillwater, Oklahoma 74074

**RE: Variance Request – 23-132, 23-137(c)(1), 23-137(c)(2), 23-137(d)(2)b.1, & 23-137(e)(1)
Lots 5 through 12, Block “J”, ORIGINAL TOWN**

Dear Board Members,

Our Client, Riggins Ventures, LLC, is requesting a variance to Sections 23-132, 23-137(c)(1), 23-137(c)(2), 23-137(d)(2)b.1, & 23-137(e)(1) of the City Code for the development of a proposed single family residential project on Lots 5-12, Block J, Original Town. The lots within the developed area were platted as 25-foot by 140-foot parcels in 1891 when the current bulk standards were not applicable. The total project area is 28,000 square feet (0.64 acres). The proposed buildings will be two-story, single-family residential units with an outside dimension of 17-feet by 61-feet. Variances are being sought for the maximum density, minimum lot area and minimum lot width for all lots and for the minimum side yard setback. A concept site plan is included with this request.

The legal description of the subject properties are Lots 5 through 12, Block “J”, ORIGINAL TOWN, now City of Stillwater, Payne County, Oklahoma.

A variance to 23-132 to allow a minimum lot area of 3,500 square feet instead of 5,000 square feet is being requested for each lot along with a variance to the maximum gross density of 8 dwelling units per acre to 13 dwelling units per acre.

A variance to 23-137(c)(1) to allow a minimum lot area of 3,500 square feet instead of 5,000 square feet is being requested for each lot.

A variance to 23-137(c)(2) to allow a minimum lot width of 25 feet instead of 50 feet is being requested for each lot.

A variance to 23-137(d)(2)b.1 and 23-137(e)(1) to allow a minimum side yard of three (3) feet instead of five (5) feet; where the wall is fire-rated in accordance with the adopted International Residential Code.

VAR23-18

113 East 8th Avenue, Stillwater, OK 74074 | 405.743.4907 | gose@gose-associates.com
www.gose-associates.com

RECEIVED
By Cindy Gibson at 9:16 am, Nov 10, 2023



In accordance with the requirements for the following support information is being provided.

“The application of the ordinance to the particular piece of property would create an unnecessary hardship.”

This is a unique property with regard to the current bulk standards because the area was platted well before the current zoning code and bulk standards were established. The variances for the maximum density, minimum lot area and minimum lot width allow for use of the existing platted lots and general compliance with the future land use in the Comprehensive Plan.

As currently written, the City Code does not make any provisions for infill developments such as this and the Planned Unit Development section (23-306(b)) does not allow for the submittal of a Planned Unit Development for developments less than one (1) acre in size.

“Such conditions are peculiar to the particular piece of property involved.”

As discussed in the above section, these lots were platted well before the current bulk standards were even considered. The variances also allow the character of the existing neighborhood to be maintained.

“Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the Comprehensive Plan.”

These variance requests should not adversely affect the surrounding properties and will not impair their future development. The C3 plan calls for this area to be High Density which has a residential density range of 12 to 150 units per acre. The proposed development is consistent with the high density recommended in the C3 Plan.

“The variance if granted, would be the minimum necessary to alleviate the unnecessary hardship.”

The three variance requests are the minimum necessary to alleviate the hardship.

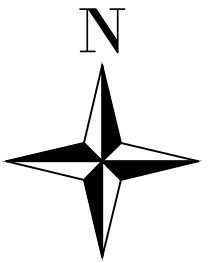
Should you have any questions please feel free to contact me at 405.743.4907.

Sincerely,

Gose & Associates (CA #1604)

Stephen C. Gose, P.E. (OK22808)
Project Manager

cc: Dakota Riggins, Riggins Ventures, LLC





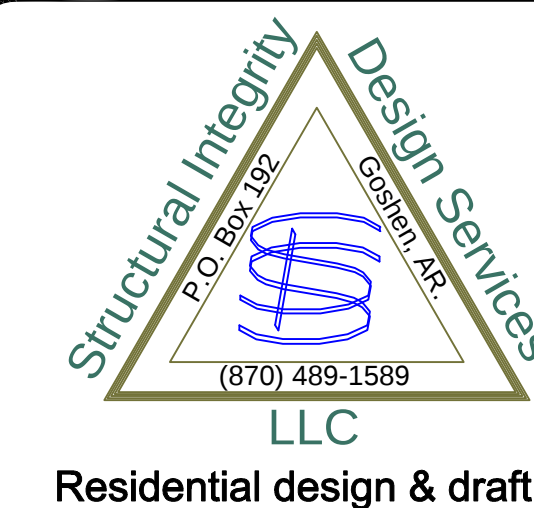
VAR23-18

RECEIVED

By Cindy Gibson at 9:14 am, Nov 10, 2023

General Notes

Structural Integrity Design is a residential design service not a registered architectural firm. The purchaser of this set of plans should consult a building professional prior to construction. The purchaser and builder of this plan releases Structural Integrity Design from any liability and/or claims that may arise during construction or anytime thereafter. Therefore, the builder must carefully inspect all aspects of these drawings, including but not limited to dimensions, details, accuracy and overall integrity, and assumes all responsibility. This plan may need to be modified to comply with local and/or governing codes.

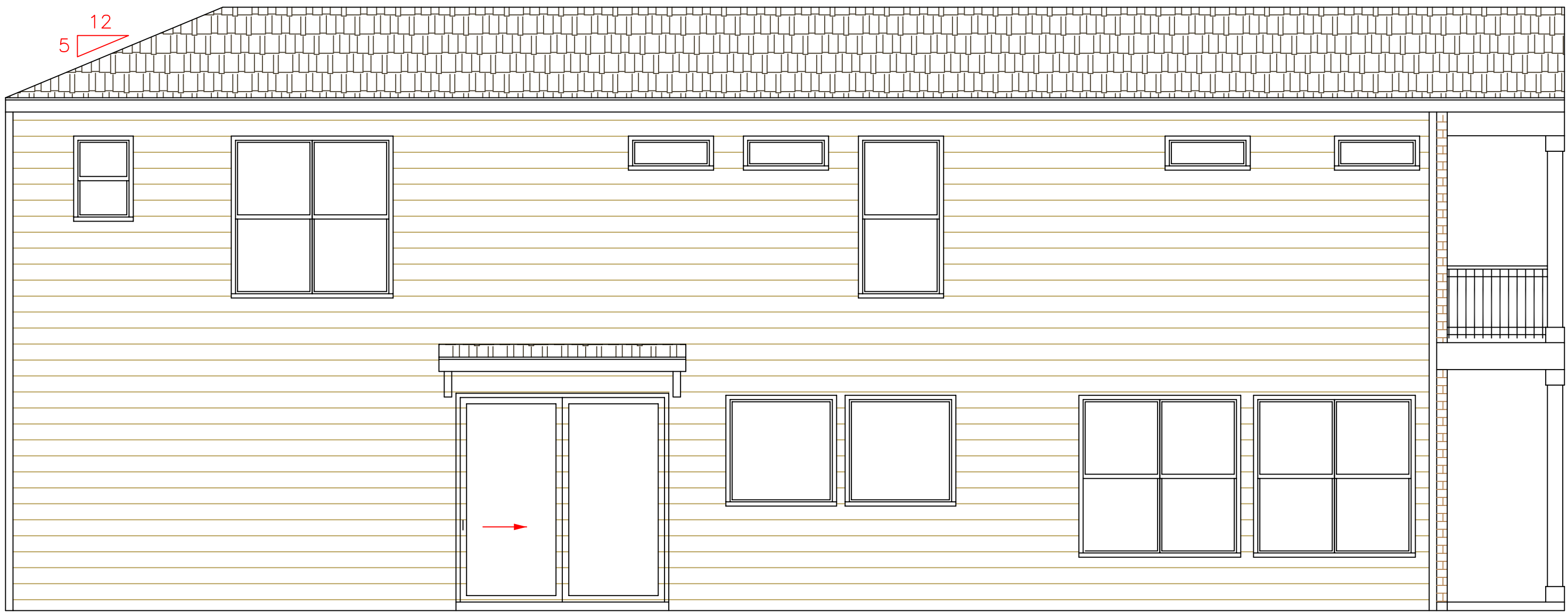


Black Pine Construction
Hollywood 3 bath SF
Fayetteville, AR.

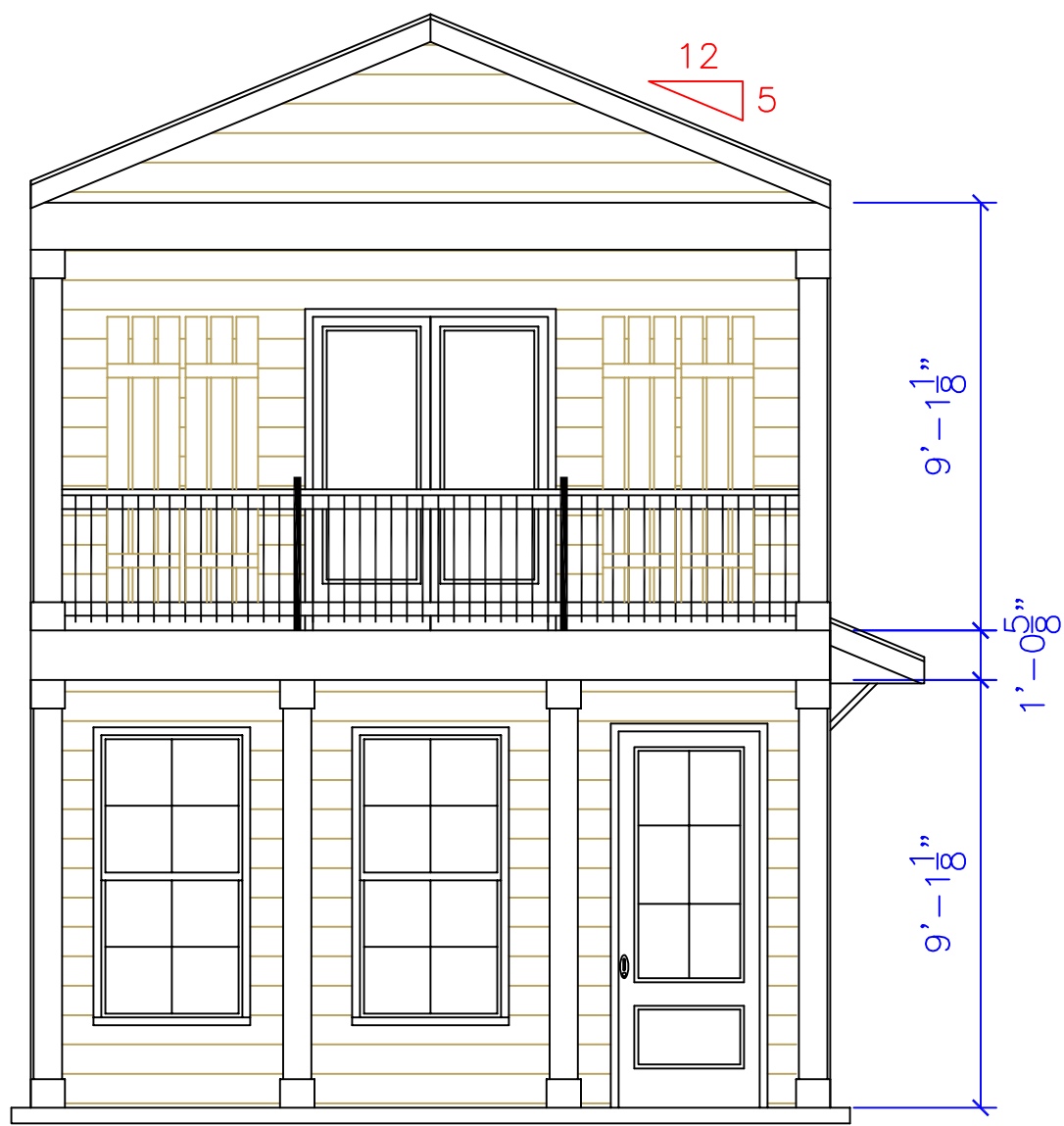
Square footage

1st floor (htd)	=	850
2nd floor (htd)	=	907
Brick @ heated	=	n/a
Total heated	=	1757
Storage	=	59
Porches	=	213
Total under roof	=	2029

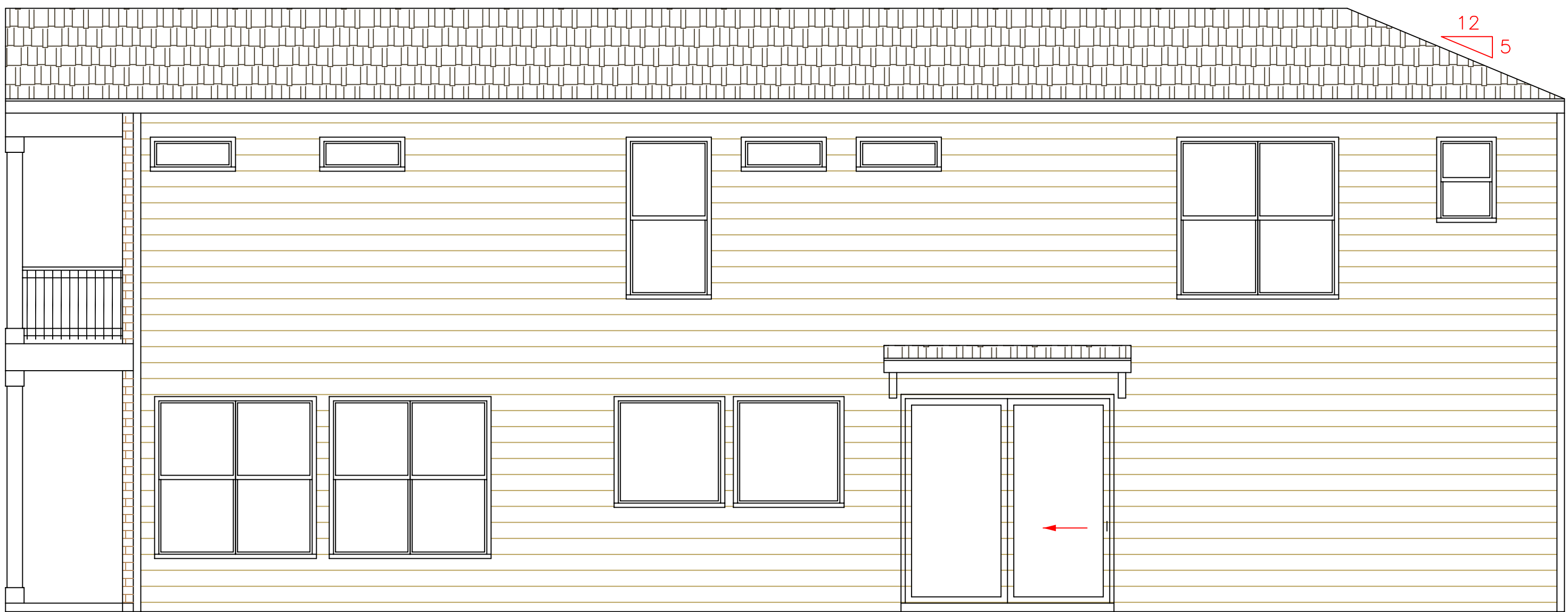
DWG name: BPC-Hollywood 3 bath SF	Sheet
Date rev. 6/9/2022	1 of 2
Scale 1/4" = 1'-0"	



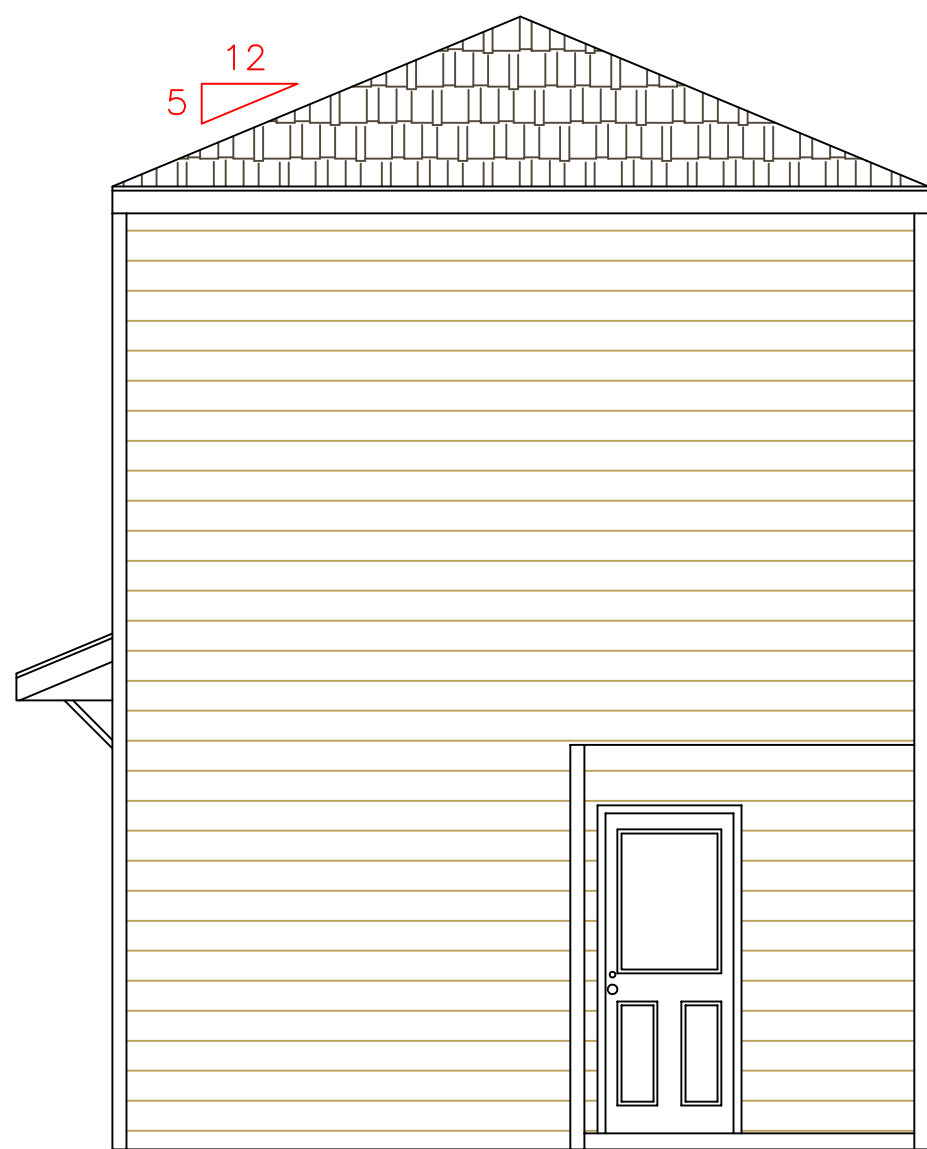
Left elevation



Front elevation



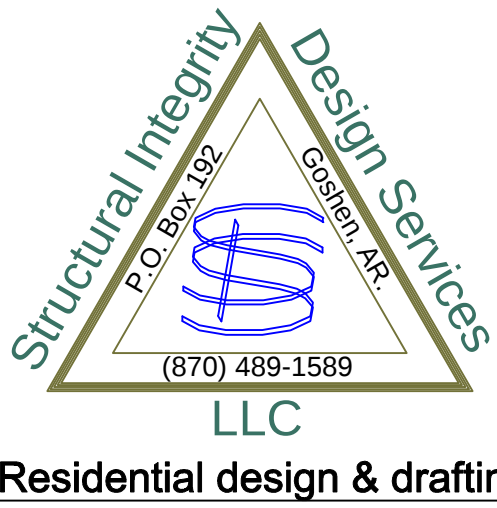
Right elevation



Rear elevation

General Notes

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Black Pine Construction
Hollywood 3 bath SF
Fayetteville, AR.

DWG name:
BPC-Hollywood 3 bath SF
Date
1/26/2022
Scale
1/4" = 1'-0"

Sheet
2 of 2

**STILLWATER BOARD OF ADJUSTMENT
SPECIAL MEETING OF August 29, 2023
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED August 24, 2023
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

Members Present:

Brian Wiles, Chair
John Houck, Vice-Chair
Jim Rice, Member

Staff Present:

Beth Anne Childs, Special Counsel
Joshua Brown, Project Manager
Jacquelyn Porter, City Planner
Cindy Gibson, Admin. Services Manager

Members Absent:

None

Guests:

Jerrold Foutes
Hal Hodges

1. CALL MEETING TO ORDER.

Chair Wiles calls the meeting to order at 12 PM. Chair Wiles introduces the board and explains the proceedings for the evening.

The following individuals are sworn in:

Jerrold Foutes Jacquelyn Porter

2. BUSINESS ITEMS FOR CONSIDERATION, DISCUSS AND POSSIBLE ACTION ON:

- a. Jerrold Foutes, on behalf of Vertical Bridge, REIT, LLC, **VARIANCE (VAR23-013)**, is requesting to review and granting of a variance to Sec. 23-113.I(i)(I) for a telecommunication tower set back distance from a residentially zoned property at property addressed as 1730 N. Jardot Rd in Commercial General (CG) zoned district.

Chair Wiles invites Ms. Porter to present the staff report

Ms. Porter presents the report and asks if there are any questions for staff.

Vice-Chair Houck presents an original map of the City of Stillwater. He points out that most of the lots in Old Town Stillwater are 300 square feet, and if the applicant owned an entire city block then they could never place the proposed tower on any of those lots and be compliant with city ordinance. He notes that the ordinance appears restrictive, and he is concerned about the community health and it does limit the placement of cell towers within the City.

Chair Wiles clarifies that in order to be in compliance with city ordinance, the tower would need 176 feet of separation, Ms. Porter responds affirmatively.

Mr. Rice asks about the purpose of the code section in question, Ms. Porter responds that it was designed to give an adequate fall radius in the event the tower collapses.

Seeing no more questions for staff, Chair Wiles opens the public hearing and invites forward the

applicant and/or their representative, as well as anyone wishing to speak in favor of the item.

Mr. Jerrod Foutes, 4714 West 80th St, Prairie Village, KS 66208, is present on behalf of the applicant. He confirms that all the presented information has been correct and appreciates the comments concerning the nature of the lots. He states that it's a bit uncommon to have a 110% setback requirement but he understands the need to provide a safe fall distance.

Mr. Foutes continues that he attempts to place these cell towers in areas of similar uses, and he has found that storage facilities usually lend themselves well to that purpose. He also states that they received certification from an engineer detailing the fall radius for this tower. He acknowledges that there is less distance than what the ordinance requires, and that the certification of the engineer was sought in response to that. He comments that it is important to provide quality wireless coverage in this day and age when people are working remotely more often.

Mr. Foutes states that he is open to answer any questions the Board may have.

Vice-Chair Houck, referencing the attachment page z.d.1, clarifies that ordinance dictates there must be fall space equal to 10% more than the tower's height, and the tower in question is proposed to be 160 feet tall. Vice-Chair Houck questions if the engineer who drafted and submitted the report on the fall distance is a licensed structural engineer in the state of Oklahoma. Mr. Foutes believes so but is not entirely certain. Vice-Chair Houck states he does not see the engineer's certification among the submitted documents, nor is there any certified seal or stamp of approval on the documents.

Mr. Foutes believes that the drawings would be required to be signed, stamped, and sealed by a licensed engineer in the state of Oklahoma when the plans are submitted for the building permit. This request is for the use, so the details on the actual building plans aren't as relevant yet.

Vice-Chair Houck clarifies Mr. Foutes has verbally confirmed that the tower is designed to buckle in half should it fail. Mr. Foutes responds affirmatively, stating that he is not an expert but to his understanding the tower is specifically designed to collapse in on itself to a certain degree, which decreases the fall radius.

Vice-Chair Houck asks if Mr. Foutes is saying that the top half of the tower is designed to fall inward or even break off entirely, which would leave the bottom half still intact. Mr. Foutes responds affirmatively.

Vice-Chair Houck notes that if the tower fails, it would impact four homes to the west. Mr. Foutes asks if Vice-Chair Houck is asking that without the buckle point, the mentioned lots would be impacted, to which Vice-Chair Houck responds affirmatively.

Vice-Chair Houck notes that the drawings submitted are from a registered land surveyor, and as such cannot speak to the structural integrity of the tower. Mr. Foutes confirms this, and states that the tower drawings that will be submitted with the building permit will be drawn and certified by an engineer licensed in the state of Oklahoma.

Vice-Chair Houck states that he understands they intend to provide the certified drawings to

receive their building permit, but Vice-Chair Houck comments that today's hearing is to allow the use, and they can only evaluate the request based upon the currently submitted information. He adds that the Board must take into account the potential harm.

Mr. Foutes responds that the drawings are indeed survey drawings and are not the manufacturer's drawing, and the letter submitted from the engineer confirms the fall zone calculations.

Chair Wiles clarifies that Mr. Foutes mentioned he has been doing similar projects for 18 years, Mr. Foutes confirms it will be 18 years in October. Chair Wiles asks if, in his 18 years in this field, he has ever seen a tower fail. Mr. Foutes responds he has never had a tower fail, even under high wind stress. Mr. Foutes notes that it is not impossible for it to have happened somewhere, but he has never personally been told that there has been a problem with any of the tower projects he has overseen. He states it is highly unlikely for a tower to fail, given the engineering design that goes into them.

Chair Wiles asks what the difference between what would be in compliance with the ordinance, which is approximately 135 feet tall, and what is proposed, which is 160 feet tall, in terms of coverage of services this tower would provide. Mr. Foutes responds that the tower as it is proposed is already at the lowest elevation they can allow to still meet their coverage goals for the area.

Mr. Foutes also mentions that the fall zone letter was verified by an engineer licensed in the state of Oklahoma, and he can provide structural design details that are signed and certified today.

Seeing no further questions from the Board for Mr. Foutes, Chair Wiles asks if there is anyone wishing to speak in opposition or make additional comments.

Beth Anne Childs, Special Legal Counsel, notes that she has been the Special Council for this project since it first went to Planning Commission and that the applicant submitted a letter that is not included in the packet for this meeting. She strongly encourages the Board to take a look at that letter that was included in the agenda packet for Planning Commission.

Cindy Gibson, Administrative Services Manager, notes that the letter Ms. Childs is referencing was not listed in the attachments submitted with this request, which is why it is absent from the Board's agenda packet.

Ms. Childs notes that the letter is sealed by a certified P.E. in Oklahoma.

Ms. Porter pulls up the referenced letter from the City Council agenda packet.

Ms. Childs states that she would consider the letter as pertinent information that should be reviewed and discussed by the Board.

Vice-Chair Houck comments that will indeed take into consideration the aforementioned letter, which is certified by an engineer licensed in the state of Oklahoma detailing the best approximation of how failure would occur.

Chair Wiles, seeing no one present wishing to speak in opposition to the item, closes the public

hearing and invites Ms. Porter to present the alternatives.

Ms. Porter notes that there was a written objection on this item submitted to staff.

Ms. Porter states that criteria for approval, which are:

1. The application of the ordinance to the particular piece of property would create an unnecessary hardship;
2. Such conditions are peculiar to the particular piece of property involved;
3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the Comprehensive Plan; and
4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Ms. Porter continues, stating the alternatives:

1. Find that each of the criteria for approval of the request is met. The Board will explain how each criterion is met in order to approve the variance(s).
2. Find that each of the criteria for approval of the request is met by imposing modifications or conditions to ensure that the criteria are met. The Board will explain how the criteria are met to grant partial, conditional, or modified approval of the variance(s).
3. Find that one or more of the criteria for approval of the request is not met and deny the request.
4. Table the discussion to a certain date to allow for additional information to be presented

Chair Wiles calls for the Board to discuss.

Vice-Chair Houck states that the ordinance was certainly approved with the intent to preserve the safety of the nearby residents, however he does see the need for the services the proposed cell tower would provide for the area.

Vice-Chair Houck considers the property owner to the west and their ability to enjoy their property, and how that may be impacted by the proposal. He also considers the fact that the location, which currently houses a self-storage facility had the opportunity to receive additional revenue, did not initially plan to have this tower and now needs a variance to carry out this use and this is a negative.

Vice-Chair Houck continues that it is a positive that the tower is designed to be a free-standing structure that an engineer certified in the state of Oklahoma has verified will not fall as a monolithic and will instead collapse inward to reduce the fall zone radius.

Mr. Rice comments about it being his thoughts as well.

Ms. Childs clarifies that the applicant was told from the beginning that they would need to go through Planning Commission as well as to the Board of Adjustment. She emphasizes that the applicant has been working with staff closely and has been well aware that both approval from Planning Commission/City Council and Board of Adjustment was necessary in order to carry out this project. She also notes that the City Council approved the Specific Use Permit with the condition

that the variance is approved by the Board of Adjustment.

Vice-Chair Houck notes that the person who sent in the objection letter is not among the names listed on the nearby property owner information, Mr. Rice states that it could be because the author of the letter said they had only recently purchased the property. Vice-Chair Houck wonders why they were not present at the first hearing.

Ms. Porter states it likely has to do with the timing of when the list of nearby property owners was drafted, when the property was purchased, and the radius of 300 feet that is the maximum requirement to send notices.

Vice-Chair Houck notes that they can't be completely certain since they are not present at the meeting.

Mr. Rice states that either way the Board is certainly going to consider the safety issue.

Chair Wiles states that the main concern is indeed the safety of the citizens, and the applicant has demonstrated that this tower will buckle should it fail and not fall onto the nearby residences. He continues that the 911 access should be taken into account, and that the applicant has stated the proposed tower is already at the lowest possible height.

Chair Wiles comments concerning criteria #1, application of the ordinance to the particular piece of property would create an unnecessary hardship. Mr. Rice states he believes it would. Ms. Childs asks for further explanation.

Vice-Chair Houck adds that the ordinance was written out of an abundance of concern for health and safety, and does not take into account new designs formulated to minimize those risks. He continues that he feels the property can accommodate the proposed project, and the ordinance thereby causes an undue hardship. Mr. Rice agrees.

Chair Wiles comments concerning criteria #2, such conditions are peculiar to the particular piece of property involved. Chair Wiles notes that the property and nearby plots are unusual. Vice-Chair Houck adds that it is peculiar because most properties in the City of Stillwater would not be able to accommodate the proposed tower. Mr. Rice also states that it is peculiar because it is located in a commercial area but is very near a residential neighborhood.

Chair Wiles comments concerning criteria #3. Mr. Rice notes that they have discussed the intent of the ordinance and that it was written to preserve the safety of the public, and the Board has discussed how the proposed tower's design preserves the intent of the ordinance. With that said, Mr. Rice states that he feels it would not be a danger to the public good, but would rather enhance the public good by providing wireless services to the area.

Chair Wiles comments concerning criteria #4. Vice-Chair Houck states he feels that relief, if granted, meets the minimum necessary to alleviate the hardship based on the previous discussion.

Vice-Chair Houck moves to approve the request, Mr. Rice seconds.

Roll Call:	Wiles	Rice	Houck	Vacant	Vacant
	Yes	Yes	Yes		

Time: 40 minutes

3. **MISCELLANEOUS ITEMS FROM STAFF FOR DISCUSSION AND POSSIBLE ACTION:**

- a. Next Board of Adjustment meeting Thursday, September 14, 2023.

4. **ADJOURNMENT.**

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 12:41 p.m.

Prepared by – Diana Hood, Associate City Planner

Reviewed by – Cindy Gibson, Administrative Services Manager

Approved by: _____
Stillwater Board of Adjustment