

STILLWATER PLANNING COMMISSION SUMMARY
REGULAR MEETING OF August 15, 2023
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED August 9, 2023 IN THE
MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET

MEMBERS PRESENT

Jana Phillips, Chair
Mike Shanahan, Member
Mark Prather, Member
Riley Williams, Member
Andrew VanLeuven, Member

STAFF PRESENT

Tammy Ewing, Assistant City Attorney
Jeff Mathews, Comm. Dev. Director
Jacquelyn Porter, City Planner
Diana Hood, Associate Planner
Cindy Gibson, Administrative Services

MEMBERS ABSENT

1. CALL MEETING TO ORDER.

Chair Phillips calls the meeting to order at 5:30 p.m. and explains the procedures and process for the meeting.

2. INTRODUCTION OF NEWLY APPOINTED PLANNING COMMISSIONER, ANDREW J. VAN LEUVEN.

3. PUBLIC HEARING:

The Planning Commission will hear public comments, discuss, and take action at this meeting (including a vote or series of votes on each item listed under Public Hearings unless otherwise indicated.)

- a. Sam Navarro, **SPECIFIC USE PERMIT (SUP23-04)**, consideration, discussion and possible action, including recommending approval or denial of an application for a specific use permit to allow a Medical Marijuana Dispensary in the Commercial Shopping (CS) district at property addressed as 211 N. Perkins Road, Unit #10.

Jacquelyn Porter, City Planner presents the staff report and asks if there are any questions for staff; none respond.

Chair Phillips invites the applicant to come forward with any comments for the Planning Commission.

Sam Navarro, 211 N Perkins comes to the podium and explains that only ownership is changing as the name of the business and model will remain the same.

Chair Phillips asks if anyone would like speak in favor, none come forward. Chair Phillips ask if anyone would like to speak in opposition, none come forward. Chair Phillips closes the public hearing and invites the staff to present findings and alternatives.

Ms. Porter presents findings and alternatives

Chair Phillips asks if there is any further discussion; none respond.

Commissioner Williams moved to accept findings and recommends that the City Council approve the proposed Specific Use Permit as presented and Commissioner Shanahan seconds.

Roll call:	Phillips	Prather	Shanahan	Williams	VanLeuven
	Yes	Yes	Yes	Yes	Yes

Time: 4 minutes

- b. **SHORT TERM RENTAL (STR-0110)**, consideration, discussion and possible action, including recommendation approval or denial of an application for a Short Term Rental from Lane Homes, LLC for property addressed as 1502 N. Wildwood Drive in the Single Family large Lot Residential (RSL) district. *(Tabled from August 1, 2023 Planning Commission Meeting.)*

Diana Hood, Associate Planner presents the staff report and asks if there are any questions for staff; none respond.

Chair Phillips invites applicant or representative to come forward.

Mark Weiser, 223 N Old Highway 51, comes to the podium to speak on the following:

- Him and his wife will be the ones managing the property
- It will be ran though Airbnb, enforcing one day rentals and vetting policies
- They do actually have 9 short term rentals they run so they are experienced
- It has space for 9 vehicles off the street
- Addresses the concern letter from another business and states that it was about a change in management that happened when the business was sold

Chair Phillips states that he has answered all the questions they had from the previous meeting and asks if anyone else has questions for the applicant; none respond.

Chair Phillips opens the public hearing and asks if anyone would like to speak in favor of this item, none respond. Chair Phillips asks if anyone would like to speak in opposition to this item, none respond. Chair Phillips closing the hearing to the public and invites staff to present findings and alternatives

Staff does not have findings and presents alternatives.

Commissioner Williams moved to approve as presented and Commissioner Shanahan seconds.

Roll call:	Phillips	Prather	Shanahan	Williams	VanLeuven
	Yes	Yes	Yes	Yes	Yes

Time: 7 minutes

- c. **SHORT TERM RENTAL (STR-0118)**, consideration, discussion and possible action, including recommendation approval or denial of an application for a Short Term Rental from Katherine Morris for property addressed as 311 S. Eyler Lane in the Single Family Small Lot Residential (RSS) district.

Diana Hood, Associate Planner presents the staff report and asks if there are any questions for staff; none respond.

Chair Phillips invites applicant or representative to come forward with comment.

Katherine Morris, 3002 San Trope Ct, Texas

- Purchased home for kids to live in while attending college
- Place where family and friends stay when they come to town for OSU events
- Kids not currently living there so to offset the cost of having two mortgages having it as a short term rental will allow them to keep the second house
- Loves the home and has been renovating it in hopes to eventually move into it personally
- Is implementing policies to prevent bad renters
- Two night minimum stay
- No local renter, no automatic booking, no party policy, and no extra overnight guest
- Driveway and garage accommodates 8 cars so policy explains no one can park or drive in grass or on street
- Has cameras to enforce street parking and a local friend that will be checking on the property physically and doing cleaning and maintenance
- Shared phone number with surrounding neighbors if there are any issues
- She will personally be using the house for every football game so some of the most concerning party weekends it will not be renters

Commissioner Williams asks if there is a time line for her moving into the property full time; Mrs. Morris says not yet, just when she eventually retires.

Chair Phillips opens the public hearing and asks if anyone wants to speak in favor; none respond.

Chair Phillips opens the floor to anyone who wishes to oppose.

The following come to speak:

- Larry Tower, 2121 W 3rd
- Rodney Will, 2114 W 3rd
- Susan Little, 2113 W 3rd
- Gary Clark, 320 Elyer Lane
- Hillary Hunt, 2111 W 3rd Avenue
- Marshal Baker, 2020 W 3rd Avenue

The following are comments shared:

- Has been in Stillwater 49 years
- Last year a drunk driver from a party across the street drove into his house and took out 18 feet of his wall
- Wants to prevent anything from happening like this in a neighborhood with mostly elderly people and children
- The overlay district exists for a reason regardless of best intentions
- Says the only way to prevent the parties at short term rentals is to not allow them in the first place

- Says the overlay policy is pretty clear these are not allowed and hopes that will be enforced
- Overlay says there cannot be more than 3 unrelated persons in a house the short term rental would be in direct opposition to this overlay
- Points out the advertisement on Airbnb says you can park in front of other people's houses on 3rd street
- There is a restrictive covenant agreement that they signed that said no more than two unrelated people as well as the overlay that says 3
- Asks the planning commission to take this as well as the neighborhoods general welfare under consideration
- Concerned out of state drivers could put kids in danger
- The kids congregate in this cul de sac specifically so it creates a danger
- Seen these cars block traffic to the school near by

Ms. Morris returns and states that she will remove the statement that they can park on 3rd Street.

Chair Phillips clarifies with legal counsel that the Westwood overlay district would be enforceable by the city and that it is three (3) or more unrelated people could not be in a house; however, the covenants that says there can't be two (2) or more is an agreement signed between the individuals and would have to be enforced by a landowner against a landowner.

Commissioner Williams clarifies with staff that there are other STR's in the neighborhood and if those came before or after this overlay. Ms. Hood clarifies that there are six (6) other STR's in this neighborhood and that they came after the overlay was in place

Commissioner Williams requests further clarification from legal for what they can enforce. Ms. Tammy Ewing, Assistant City Attorney says they can accept with the condition that the STR follows the neighborhood overlay that does not allow three or more residents of different families to reside in a house

Commissioner VanLeuven asks staff or legal to define "occupy" in that people of three different families cannot occupy a residence; response is that there is not one.

Commissioner Shanahan states that he is in a quandary as previously establishing STRs.

Ms. Ewing clarifies the purpose as, "the purpose of the Westwood conservation overlay district is to facilitate preservation of an existing single family residential neighborhood by establishing limitations and special requirements on property uses within said area."

Vice Chair Prather states that he does not see a viable way enforce this.

Commissioner Williams agrees and says he knows that there are more than three unrelated people living in some of these houses.

Chair Phillips clarifies noncompliance of some is not related to this particular item.

Vice Chair Prather states that the applicant has addressed in advance and the neighborhood comes with a cohesive response.

Commissioner Williams asks if there is a way they could ask the applicant if there's any way they could comply with the overlay as a contingency

Mrs. Morris says she's in a STR landlords Facebook group that has been teaching her how to vet renters more thoroughly so she could comply with the overlay and thinks it will be mostly families anyway.

Commissioner VanLeuven asks if she can put the verbatim rules from the overlay in the description, and she agrees.

Chair Phillips moves to approve with the condition that the rental comply with the Westwood overlay district requirements, vice chair Prather seconds.

Roll call:	Phillips	Prather	Shanahan	Williams	VanLeuven
	Yes	Yes	Yes	Yes	Yes

Time: 40 minutes

- d. IH Development, LLC, **PRELIMINARY PLAT (SUB20-02)**, consideration, discussion and possible action, including recommending approval or denial of an application for a preliminary plat to create a residential subdivision of 301 lots to be named Park Valley Addition on property currently addressed as 1823 W. 26th Avenue.

Jacquelyn Porter, City Planner presents the staff report and asks if there are any questions for staff.

Vice Chair Prather ask in the report to the PC from Staff it says substantial improvements are not complete is that not required of the preliminary plat and what those improvements are

Ms. Porter says yes those are not required until the final plat and defers to Mr. Doerflinger, engineer to expand on what is still needed

Andy Doerflinger, City Engineering, the drainage reports were not complete at the time of report and said that at this time it is considered substantially complete, there are still interior drainage that needs to be completed and before they can get building permits they will do a final inspection that ensures all the paving drainage is installed and complete and that is not done yet.

Chair Phillips asks if there are any further questions for staff; none respond. Chair Phillips asks if the applicant or their representative would like to come forward

Chris Anderson, SMC Consulting Engineers, 815 W Main, OKC, and states that this Preliminary plat was initially approved in May of 2020 and since then, a few sections of the final plat had also been approved as well, however the initial preliminary plat application had expired and they're here to clarify missing owner paperwork from when they reapplied for the preliminary permit in May of 2023.

Chair Phillips invites anyone forward who wishes to speak in favor of this item. None respond and she invites anyone who wishes to speak in opposition. None Respond. Chair Phillips asks staff to present findings and alternatives.

Ms. Porter Presents Findings.

1. The proposed preliminary plat meets the subdivision and zoning requirements.
2. There is ongoing building of infrastructure for various phase of improvement plans.
3. The c3 plan recommends high density uses at this location
4. The proposed density is in alignment with the RSS zoning requirements.
5. The ordinance requires a revised preliminary plat prior to the final plat being presented and approved by PC.

Ms. Porter presents Alternatives.

1. Accept findings and approve the proposed preliminary plat as presented.
2. Approve the proposed preliminary plat with conditions should be met for the approval of the final plat.
3. Reject findings and deny the proposed preliminary plat as presented.
4. Find that additional information or discussion is needed prior to making a decision and table the request to a certain date noting that action must be taken within 60 days of the public hearing.

Vice-Chair Prather moves to approve the preliminary plat as presented Commissioner Williams seconds.

Roll call:	Phillips	Prather	Shanahan	Williams	VanLeuven
	Yes	Yes	Yes	Yes	Yes

Time: 8 minutes

4. General Orders

The Commissioners will hear a staff presentation, discuss, and take action including a vote or series of votes on each item listed as presented or as amended or revised by the Planning Commission unless the agenda entry specifically states that no action will be taken. The requested Planning Commission action is indicated in each agenda entry but may be amended or revised prior to action by the Planning Commission.

- a. IH Development, LLC, **FINAL PLAT (SUB20-14)**, consideration, discussion and possible action, including recommending approval or denial of an application for a final plat to create a residential subdivision of 58 lots to be named Park Valley Addition, Section 1 on a portion of property currently addressed as 1823 W. 26th Avenue.

Jacquelyn Porter, City Planner presents staff's report. Chair Phillips comments that under general orders, the Planning Commission will hear staff report and hold discussion; and asks if there is any comments or questions on the final plat.

Commissioner Williams inquires about the letter in objection to the plat received regarding the traffic on 26th and Western.

Mr. Andy Doerflinger, City Engineering Department comes to the podium and comments on the following:

- There plans for a left hand turn lane into Frye Farms and Park Valley
- There was a Traffic Impact Analysis as part of review for both these subdivisions that looked into the increase in traffic

- Based upon the report, the left hand turn lane is what is required today and when further development creates the road through the subdivision up to 26th then additional improvements will be required
- Engineering has reviewed a 50% design set for the left hand turn lane
- The City Engineering Department is also doing an evaluation on Western; that scope is still being developed; and is going to look further to the north
- Understand that the letter is beyond the scope of this development but City staff will look at the corridor as a whole to make sure that the corridor, which is a minor arterial remains safe
- Know that this will add traffic and are aware of the need for improvement

Commissioner Shanahan recalls the 2019 presentation from Transportation that discussed the long term traffic infrastructure plan, which included looking at improvement on south Western and extended to 6th Avenue. Andy responds that this will be a refresh of that as there is an ongoing ODOT (Oklahoma Department of Transportation) project at 6th and Western going east; and this study will go from that intersection south to 32nd; and this is still in the early stages of development. Andy comments that for the near term, for these developments, there are improvements that will be required to be done.

Commissioner Prather comments that the studies will end with a solution that is achievable. Andy responds that it is a matter of funding and priorities; the developer is paying for most, if not all, of the improvements required for the entrances of the developments so that part we know will be achieved. Andy comments that what staff doesn't know about is all of the development that is going on in the county that is contributing traffic in this area as well; staff is monitoring traffic counts but can't commit to a timeline for the actual study.

Jacquelyn comments that the traffic impact analysis was for the full development for both subdivisions. Andy reiterates that later into the construction of the development then 26th Avenue will be in poor condition and that improvement will be in conjunction with the development of that portion of this subdivision.

Chair Phillips asks if the connection between the two subdivisions will trigger the required improvement of 26th. Andy reviews the preliminary plat and shows the access of Pintail Street onto 26th; this being the trigger for improvement there and believes it is in Phase 2.

Discussion is held about potential for traffic signal and/or roundabouts.

Commissioner Prather comments about 26th not being a road in very good shape. Andy responds that there is a study for condition assessment to determine what roads get replaced and what roads get repaired.

Commissioner Williams moved, Commissioner Shanahan seconded to approve the final plat as presented.

Roll call:	Phillips	Prather	Shanahan	Williams	VanLeuven
	Yes	Yes	Yes	Yes	Yes

Time: 20 minutes

5. MISCELLANEOUS ITEMS FROM STAFF, PLANNING COMMISSIONERS OR CITY ATTORNEY FOR DISCUSSION AND POSSIBLE ACTION: *Announcements, appointments and remarks about matters of general interest may be made by Staff, Commissioners, or the City Attorney at this time. Items of City business that may require discussion or action (including a vote or series of votes) are listed below.*

- a. Next Planning Commission Meeting is September 12, 2023.

Ms. Porter presents an update on an STR study that has been conducted and has a preliminary draft of the text amendment

Commissioner Williams asks if there's any way to add the discussion of neighborhood overlay to it; Ms. Porter explains that it should already be something enforced by code enforcement but there are some cities that have a few things in place where neighbors' complaints during operation can be further considered during renewal.

Commissioner Shanahan asks if there were aware of Dallas's recent ban on STRs; Ms. Porter says she's aware of that and that other states have banned restrictions of STRs. One of the things they are considering is a requirement for safety inspections that are required on all rentals.

Chair Phillips asks about the size of cities that they are comparing; Ms. Porter said there were about 15 cities of various different sizes in and out of Oklahoma in different developmental phases.

Ms. Porter also presents that they are almost complete with their Comprehensive Plan and will be presented to City Council on 9.18.2023

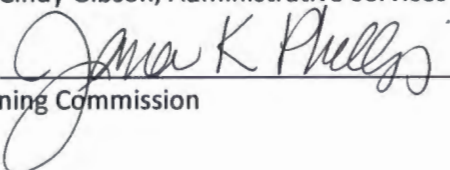
6. ADJOURN.

Commissioner Williams moved, Vice Chair Prather seconded to approve the final plat as presented.

Roll call:	Phillips	Prather	Shanahan	Williams	VanLeuven
	Yes	Yes	Yes	Yes	Yes

This regular meeting of the Stillwater Planning Commission was called for adjournment by Commissioner Williams, seconded by Commissioner Prather at approximately 6:46 p.m. on August 15, 2023, with all members present in agreement. The next regularly scheduled meeting will be held September 12, 2023, at 5:30 p.m. in the City Council Hearing Room (Room 1122), Stillwater Municipal Building, 723 S. Lewis Street, Stillwater, OK.

Prepared by – Cindy Gibson, Administrative Services Manager

Approved by - 
Stillwater Planning Commission