

**STILLWATER PLANNING COMMISSION SUMMARY  
REGULAR MEETING OF SEPTEMBER 12, 2023  
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING  
LAW, THE AGENDA WAS POSTED September 5, 2023 IN THE  
MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

MEMBERS PRESENT

Jana Phillips, Chair  
Mark Prather, Vice Chair  
Mike Shanahan, Member  
Riley Williams, Member  
Andrew Van Leuven, Member

STAFF PRESENT

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

MEMBERS ABSENT

None

1. CALL MEETING TO ORDER.

Chair Phillips called the meeting of the Stillwater Planning Commission to order at 5:30 p.m.

2. PUBLIC HEARING

- a. SHORT TERM RENTAL (STR-0124), consideration, discussion, and possible action, including recommendation approval or denial of an application for a Short Term Rental from Cameron Moore for property addressed as 3417 West 31st Avenue in the Single Family Small Lot Residential (RSS) district.

Chair Phillips introduces the item and asks staff to present.

Diana Hood, Associate City Planner presents staff report and asks for questions; none respond.

Chair Phillips opens the public hearing and asks for the applicant or representative to present any information.

Cameron Moore, 3417 West 31<sup>st</sup> Avenue, Stillwater, OK, Speaks on the following:

- Cameron Moore, husband, and his wife are seeking for the short-term rental of their primary home.
- Works from home five days a week nine to noon. Afternoons, meeting in Stillwater.
- Four kids ages five months, 2 years, 5 and 6 years, wife homeschools the two oldest. Two oldest attend school one day a week in Stillwater Mondays, 8 am to 3:30 pm.
- Community groups on Sunday nights 5:30-8:00pm cook meal and invite friends for the community group every Sunday tying them to the house.
- Another group meets 9:30 am to 11:00 am Monday mornings in the home.
- Summarizes that they work, school, and community in their home.
- Two reason this is important for seeking the short-term rental. Will have significant standards of who rents the home because the items in the home is theirs that they use every day. It will limit their availability for short term rentals some weekends, few game day weekends, graduation, and weekends the family is gone.

- Short-term rental for 5 years and had a license to operate. No complaints. Out of the 5 years only 100 books were made.
- Rules: 1.) No parties. 2.) Two night minimum stay. 3.) No local stay. 4.) Limiting the number of cars to 4. 5.) Quiet Hours 10pm-8am. Renters can't be outside the home in the yards after 10:00 pm. They have to be inside the house. 6.) Limiting the number people to 6, the house has one king bed, two twin beds, nursery with two cribs to offer to families.
- Mr. Moore asked if there were any questions.

Chair Phillips asked the commission if they had any questions for applicant. Chair Phillips had a clarifying question about the location of the previous short term rental for 5 years mentioned; Mr. Moore clarified it was in Stillwater and has experience in Stillwater.

Chair Phillips asked if there any further questions. Vice-Chair Prather states he did but none for this forum.

Chair Phillips opens the floor for public hearing and ask if there is anyone would like to speak in favor; none responded.

Chair Philips asked for those in opposition of the item.

The following come to speak in opposition:

- Jason Kirkpatrick, 3008 S. Rock Ridge Street
- Ben Burr, 2915 South Rocky Ridge Street
- Michael Campbell, 2921 South Rocky Ridge Street

The following were concerns expressed:

- The owner's restrictive covenants for Eagle Summit addition states, "Number 11, No professional office, church, business trade, or commercial activities of any sort may ever be conducted in a residential building..."
- Property Owners have had to sign a planned unit development rider stating that they would abide by all parts of the restrictive covenants
- The reason for choosing Eagle Summit because his interpretation of the covenants would mean the neighborhood would be free of long and short term rentals
- Under the same assumption of that short-term and long-term rentals fell under the umbrella of commercial activities
- The neighbors concern is the same understanding that a blanket statement of commercial activity both short and long term rentals as a negative to the neighborhood
- Concern regarding the location due to the corner and the neighbors that park along that corner – parking on the corner creates a blind spot
- Due to lack of sidewalk, children walk in the street
- This was tried once before in our neighborhood and they had similar stipulations on a certain number of people - neighbor had to call the owner when 20 people showed up and owner did shut it down

Discussion is held regarding clarification on long-term rentals not being allowed in the neighborhood; most restrictive covenants for this language is geared toward commercial activity; renting is not specifically called out in their covenants;

Chair Phillips asked if there are any questions from the Planning Commission; none responded.

Chair Phillips closed the public hearing and allowed the applicant the opportunity to discuss concern brought forth and answer any question commissioner had, which there were none.

Chair Phillips invited staff to present alternative for the item.

Diana Hood, present the alternatives to the commissioners which are:

Chair Phillips asked for discussion or entertain a motion.

Commissioner Williams asked if there is any way to interpret the neighborhood covenant if rentals are grouped into commercial activities. Kim Payne, Sr. Assistant City Attorney, states that she would need to research on the covenants; and stated that generally, commercial trade or use is the selling of goods or services.

Commissioner Williams asked if rentals would fall under services. Ms. Payne clarified that goods and services would not be rentals usually; stated she does not have the covenants and is not their attorney; and reminds the commission that the commission cannot enforce covenants but can give weight to them in the decisions. Ms. Payne states that the HOA would enforce the covenants.

Chair Phillips stated that the Planning Commission could request additional information to make decision or table the item to the next meeting.

Ms. Payne affirmed that as an alternative, the commission could table the item. Vice-Chair Prather mentioned not being in favor of tabling the item. Vice-Chair Prather provided his understanding in the direction of most covenants are towards mechanic shops operating out of garages or a beautician in one room of the home; it was mentioned that rentals are specifically called out in covenants; and the term is generalized to keep businesses from operating there.

Ms. Payne agreed with Vice-Chair Prather's observation.

Vice-Chair Prather states that the applicant has an understanding of the process through experience and would be mindful of the property being taken care of given because the purpose is primarily their residence not just for short term rentals .

**Vice-Chair Prather motions to approve the Short Term Rental application; Commissioner Williams seconds.**

| Roll Call: | Phillips | Shanahan | Prather | Williams | Van Leuven |
|------------|----------|----------|---------|----------|------------|
|            | Yes      | Yes      | Yes     | Yes      | Yes        |

*Time: 23 minutes*

- b. Stillwater Housing Development Corporation, MAP AMENDMENT (MA23-04), consideration, discussion, and possible action, including recommending approval or denial to rezone approximately 0.49 acres of property addressed as 716 West 11<sup>th</sup> Avenue from Small Lot Single-Family Residential (RSS) to Two-Family and Multi-Family District (RTM). Diana Hood, Associate City Planner presents the item and asks if there are any questions for staff.

Chair Phillips introduces the item and asks staff to present.

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

Chair Phillips open public hearing and asked for the applicant or representative to speak.

Roger Gose, 1120 East Connell, Chair of the Stillwater Housing Development Corporation, which is owned by the Stillwater Housing Authority; presents the proposed project for eight small one bedroom housing units and the Housing Development Corporation would own them all; the Development Corporation would maintain the property and the grounds; and asked if there were any questions.

Chair Phillips asked the location of the floodplain on the property. Mr. Gose responds that the floodplain is located in the southwest corner of the property; and the proposed developed site will be shaped in a "L" around the floodplain leaving that area as open area.

Chair Phillips asked for anyone would like to speak in favor of the item; none responded. Chair Phillips asked if anyone would like to speak in opposition of the item. Janet Verner was on the sign sheet for this item.

Janet Verner, 708 West 11<sup>th</sup> Avenue and owns 706 West 11<sup>th</sup> Avenue comes to the podium and comments that she did not want apartments so she came to obtain more information on the project. Chair Phillips described the proposed project that was presented to them in the packet. Ms. Verner had no additional comments or questions.

Chair Phillips closed the public hearing and asks staff to present findings and alternatives.

Jacquelyn Porter presents the finding and alternatives which are:

**Findings:**

1. The Land Development Code allows for rezoning of land via Map Amendments.
2. Two-Family and Multi-Family District (RTM) zoning is located in the vicinity area.
3. The Comprehensive Plan calls for Low Density use at the property's location.

**Alternatives:**

1. Accept findings and recommend that the City Council approve the proposed map amendment as presented.
2. Find that the map amendment is not an appropriate use for the property based upon the impacts to the surrounding vicinity and do not recommend that the City Council approve the map amendment.
3. Find that additional information or discussion is needed prior to making a recommendation and table the request to a certain date.

Chair Phillips commented that this project looks like it would be a nice addition and it keeps the character of the scale of homes in the neighborhood; and to see new homes would be a positive.

Commissioner Shanahan, agreed with Chair Phillips, stating it being an intelligent infill.

**Commissioner Williams motions to accept the findings and recommend that the city council approve the proposed Map Amendment as presented; Commissioner Shanahan seconds the motion.**

| Roll Call: | Phillips | Shanahan | Prather | Williams | Van Leuven |
|------------|----------|----------|---------|----------|------------|
|            | Yes      | Yes      | Yes     | Yes      | Yes        |

*Time: 10 minutes*

- c. Stillwater Housing Development Corporation, SPECIFIC USE PERMIT (SUP23-06), consideration, discussion, and possible action, including recommending approval or denial of an application to allow conventional single-family in a Two-Family and Multi-Family District (RTM) at the property addressed as 716 West 11th Avenue.

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

Chair Phillips open public hearing and asked if there is anyone that would like to speak in favor of the item; none. Chair Phillips asks if there is anyone would like to speak in opposition of this item; none respond. Chair Phillips closed the public hearing and asked to present the finding and alternatives.

Jacquelyn Porter presents the findings and alternatives which are:

**Findings:**

1. The Land Development Code allows the use of conventional single family homes in Two-Family and Multi-Family District (RTM) with specific use permit.
2. Section 23-139.e.4 allows for more than one principal residential structure on a lot.
3. The Comprehensive Plan calls for Low Density use at the property's location.

**Alternatives:**

1. Accept findings and recommend that the City Council approve the proposed specific use permit as presented.
2. Find that the specific use permit is not an appropriate use for the property based upon the impacts to the surrounding vicinity and do not recommend that the City Council approve the request.
3. Find that additional information or discussion is needed prior to making a recommendation and table the request to a certain date.

**Commissioner Williams motioned to accept the findings and recommend that city council approve the proposed specific use permit as presented; Commissioner Shanahan seconds motion.**

| Roll Call: | Phillips | Shanahan | Prather | Williams | Van Leuven |
|------------|----------|----------|---------|----------|------------|
|            | Yes      | Yes      | Yes     | Yes      | Yes        |

*Time: 3 minutes*

- d. TEXT AMENDMENT (TXT22-02) consideration, discussion, and a possible text amendment to Chapter 23, Land Development Code, Article VI, Land Use Classifications, Division 1, Generally; Section 23-121, Exemptions; setbacks for fences, etc; projections into yards.

Chair Phillips introduced the item.

Jacquelyn Porter, City Planner presents staff report and asks for questions.

Chair Phillips states that this addressed the concerns from before, and is happy to see this come back with a rework and worded better.

Chair Phillips opened the public hearing, asked for anyone wanting to speak in favor item; none respond. Chair Phillips asks if there is anyone wishing to speak in opposition of the item; none respond.

Chair Phillips closed the public hearing and asked staff to present the finding and alternatives.

Jacquelyn, presented the finding and alternatives which are:

**Findings:**

1. A text amendment to the Land Development Code is needed to address the height limitations of fences in secondary front yards.

**Alternatives:**

1. Accept findings and recommend that the City Council approve the proposed Text Amendment as presented.
2. Find that the Text Amendment is appropriate for the Definition with identified amendments and recommend the City Council approve the request.
3. Find that additional information or discussion is needed prior to making a recommendation and table the request to a future Planning Commission meeting.
4. Find that the Text Amendment is not needed and do not recommend that the City Council approve the request.

**Chair Phillips motioned to approve the text amendment and recommend approval by the city council as presented; Commissioner Williams seconds motion.**

| Roll Call: | Phillips | Shanahan | Prather | Williams | Van Leuven |
|------------|----------|----------|---------|----------|------------|
|            | Yes      | Yes      | Yes     | Yes      | Yes        |

*Time: 5 minutes*

**3. MISCELLANEOUS ITEMS FROM STAFF, PLANNING COMMISSIONERS OR CITY ATTORNEY FOR DISCUSSION AND POSSIBLE ACTION:**

- a. Next Planning Commission Meeting is September 19, 2023.

Jacquelyn Porter, City Planner, announced that City Council, on September 11, approved the contract with Freese and Nichols, Inc. to work on Comprehensive Plan and a code diagnostic.

**4. ADJOURN**

ADJOURNMENT. This regular meeting of the Stillwater Planning Commission was called for adjournment by Commissioner Williams, seconded by Vice Chair Prather at approximately 6:14 PM on September 12, 2023 with all members present in agreement, - the next regularly scheduled meeting will be held Tuesday, September 19, 2023 at 5:30 p.m. in the City Commission Hearing Room, Municipal Building, 723 South Lewis Street.

Prepared by – Jacquelyn Porter, City Planner

Reviewed by – Cindy Gibson, Administrative Services Manager

Approved by -   
Stillwater Planning Commission