STILLWATER PLANNING COMMISSION SUMMARY
REGULAR MEETING OF September 19, 2023
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW, THE AGENDA WAS POSTED September 14, 2023 IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET

MEMBERS PRESENT
Jana Phillips, Chair
Mike Shanahan, Member
Riley Williams, Member
Andrew VanLeuven, Member

STAFF PRESENT
Kim Payne, Assistant City Attorney
Joshua Brown, Project Manager
Jacquelyn Porter, City Planner
Diana Hood, Associate Planner
Teresa Kadavy, City Clerk

MEMBERS ABSENT
Mark Prather, Vice Chair

1. CALL MEETING TO ORDER.

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

2. 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. **SHORT TERM RENTAL (STR-0127),** 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 1202 West Stonecrest Avenue in the Single Family Small Lot Residential (RSS) district.

Diana Hood, Associate City Planner presents the item and states that there is no staff report or presentation for Short-Term Rentals.

Ms. Hood asks if there are any questions for staff; none respond.

Chair Philips if the Applicant would like to come forward; none respond.

Chair Philips opens the public hearing and asks if there is anyone attending that would like to speak in favor of the item; none respond.

Chair Philips asks if there is anyone in the audience who would like to speak against the item, and notes that there are a few people who signed up to speak.

The following come to speak:
- Justin Morris, 1206 W Stonecrest Avenue
- Tina Forsbeck, 1218 W Stonecrest Avenue
- Amy Cline, 5021 N Stonecrest Court

The following comments are expressed:

- Has been a resident of the neighborhood since their home was the only one on the street
- Has lived in Stillwater for the majority of his life, and considers community one of the best things about the City of Stillwater
- Understands that Stillwater is a transient place where a significant amount of people only stay as long as they are receiving education
- Stonecrest is a very small neighborhood with an active and engaged Homeowner's Association (HOA), where all the neighbors know each other
- Expresses concern for preserving the nature of a residential neighborhood
- States he is not against visitors coming to Stillwater, and recognizes that they bring economic investment, but states that economics don't always align with the long-term value of establishing communities within neighborhoods.
- States that he has no issue with the applicant, and is not against them seeking sources of revenue, he is only concerned with the impact on the community, given that the applicant is an LLC and not an individual
- Property was recently purchased and chose it because of the community and doesn't believe it will have a positive impact on the neighborhood
- Concern over people who might be visiting for a game day weekend, and are usually noisy and disruptive
- States that the use would be more appropriate for a downtown area, not a small residential neighborhood
- Purchased property because of the community and because it was a safe environment to raise children in
- Concern about nuisances from parties, as well as increased traffic that is unaware of the presence of children, which could pose a safety risk.

Chair Philips closes the Public Hearing and invites Staff to present the alternatives.

Ms. Hood states that the alternatives are:

1. Approve the application
2. Defer for additional discussion
3. Deny the application

Chair Philips calls for discussion and possible motion.

Commissioner Shanahan notes that the concerns heard this evening are similar to previous cases, and those are mostly approved; concern is that the applicant is listed as an LLC, whereas other previous applicants have been owner-occupied or live within Stillwater; notes that the Commission would normally ask the applicant to explain the house rules, how they will enforce them, etc. as risk mitigation.

Commissioner Shanahan also references one of the objection letters that was written concerning the strategic nature of raising rent prices, preventing locals from being able to afford the cost of living while turning those homes into short-term rentals. Commissioner Shanahan continues to remark that this trend seemed to originate in the Mountain West and has only continued to grow. Commissioner Shanahan notes that cities like Dallas have prohibited short-term rentals in residential districts, and even New York City is becoming stricter with requirements; and states that the City's requirements for short-term rentals should be discussed more in depth in the future due to this strategic raising of rent prices

and cost of living.

Chair Philips comments that she shares Commissioner Shanahan's concerns, and that a main concern is that the applicant is an LLC, and references other recent cases of short-term rentals; shares that she is sensitive to short-term rentals taking away from the housing stock; observes that the trend for college towns seems to be when parents are visiting their students at the university, they need a place to stay and usually prefer a family environment to gather for family events; understands that finding the balance is difficult in these situations, and the Planning Commission will make it a point to ask the applicant the house rules, what the intent is for the property, who will respond if there is an issue, who maintains the property, what is the process for enforcing the rules, etc.; and notes that because the applicant is not present to answer those questions, it is hard for her to make a decision on the item this evening.

Commissioner Shanahan asks if there would be any value in tabling the item and request that the applicant or their representative present themselves to answer questions.

Chair Philips responds that they did something similar recently, and states that the next meeting is scheduled for October 3rd.

Chair Philips moves to table the item to the next regular meeting of October 3rd to allow the applicant to come forward and answer questions from the commission. Commissioner Shanahan seconds the motion.

Roll call:	Phillips	Prather	Shanahan	Williams	VanLeuven
	YES	ABSENT	YES	YES	YES

Time: 17 minutes

b. Happydays Investments, LLC, **MAP AMENDMENT (MA23-05)**, consideration, discussion, and possible action, including recommending approval or denial to rezone approximately 0.82 acres of property addressed as 847 West Eskridge Avenue from Small Lot Single-Family Residential (RSS) to Two-Family Residential District (RT).

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

Chair Philips inquires on the difference between the requested RT zoning and the nearby RTM zoning, Ms. Porter states that RTM allows for a higher density residential use, while RT would have a maximum of 9 residential dwellings for this property.

Chair Philips, seeing there are no more questions for staff, asks the applicant and/or their representative to come forward to speak more about the project.

Kelly Harris with Bancroft International (formerly known as Keystone Engineering) located at 923 S Lowry St is present on behalf of the applicant; and states that the rezoning is triggered by the density requirements, as the proposed townhomes would be allowed with a Specific Use Permit in both the current zoning (RSS) and the requested zoning (RT).

Ms. Harris states that the building height and setback requirements are the same in both zoning

districts, and understands that the Comprehensive Plan did call for the University using this property, however the University did not end up purchasing the property and has no plans to do so.

Ms. Harris continues to say that the residential use of the property is being preserved, as there have been concerns in the past about introducing commercial uses to the area; and states that rezoning to RTM would have allowed them to construct the townhomes without needing a Specific Use Permit (SUP) but they chose RT because it allows them to meet the density requirements and the opportunity to be transparent with the community about their plans for the property.

Ms. Harris asks if there are any questions for her, and Chair Philips remarks that she has answered the question Chair Philips would have asked.

Chair Philips opens the public hearing and asks if there is anyone in the audience that would like to speak in favor of the item; none respond. Chair Philips asks if there is anyone in the audience that would like to speak in opposition of this item.

Ms. Gena Hellman, 902 W Eskridge Ave, states that she is not necessarily in opposition but she does have a few questions; is surprised to hear that nine (9) units are proposed, as she was under the impression there would only be one or two units, and states that three-story units would not fit in with the other houses in the neighborhood; and remarks that nine townhomes seems like a bit much, especially facing Will Rogers Elementary School, and isn't sure how they will fit that many units on the lot.

Chair Philips asks Ms. Porter to bring up one of the slides from the presentation as she explains to Ms. Hellman based upon the submitted plans that the driveways come off of Eskridge to the back of the building where the garages are located (which are the first level of the proposed three-story structure) and that the front door to these living units face Washington Street.

Chair Philips asks if there is anyone else that wishes to come forward in opposition to the item; none respond. Chair Phillips asks for staff to present the findings and alternatives.

Ms. Porter presents findings 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.
3. The Comprehensive Plan calls for University 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.

Commissioner Van Leuven asks Ms. Porter if there is any information on how the proposed Land Use will differ in traffic between the current proposal and the University use projected in the Comprehensive Plan, given the proximity of Will Rogers Elementary School. Ms. Porter refers to the presentation

showing the entrances to the school and where the traffic flows, stating that there would be a minimal change in traffic impact.

Chair Philips also states that a University use would have a flexible traffic schedule that would vary greatly due to sporting events, and there is a nearby overflow parking lot which should minimize the demand for on-street parking.

Commissioner Williams says he would like to ask the applicant a question, which is concerning the intended use and ownership of the townhomes. Ms. Harris states that she is unsure if Happydays Investments, LLC intends to sell them separately as condos or if they intend to retain ownership and lease to tenants.

Ms. Porter adds that condominiums are required to be platted under current city code, so if the applicant does sell them as condos, they would be required to propose a plat to the Planning Commission.

Chair Philips remarks that the request would be conducive for Multi-Family uses, and there is already a Multi-Family use in the area closer to the school; notes that the height of the building does seem a bit out of scale with the neighborhood, but the proposal is not very tall for a three-story structure and the nearby baseball field connected to the school is much taller; states that it seems like a good fit for the area; and states that she was initially confused why the applicant was requesting RT zoning and not RTM but the explanation given by Ms. Harris had satisfied her.

Commissioner Shanahan states that he has been to the subject property and will be glad to see new development and infill there. He also notes that the neighborhood is located across Washington Street from the subject property, so the proposal is relatively removed from the neighborhood. Chair Phillips agrees that the proposed height does seem a little out of scale with the neighborhood, but given the nearby school and stadium the height doesn't seem like a major issue. He goes on to state that he is surprised they are able to fit nine (9) units in the area, but again it is not a major issue.

Commissioner Williams comments that he feels it would be a good addition to the area and agrees with the previous comments made.

Commissioner Williams motions to accept staff findings and recommend that the City Council approve the proposed map amendment as presented. Commissioner Shanahan seconds the motion.

Roll call:	Phillips	Prather	Shanahan	Williams	VanLeuven
	YES	ABSENT	YES	YES	YES

Time: 32 minutes

c. Happydays Investments, LLC. **SPECIFIC USE PERMIT (SUP23-05),** consideration, discussion, and possible action, including recommending approval or denial of an application to allow the use of townhomes to be constructed in RT zoning district at the property addressed as 847 West Eskridge Avenue.

Jacquelyn Porter, City Planner presents the item, which is a Specific Use Permit in conjunction with the previous item. Ms. Porter presents the staff report and asks if there are any questions for staff.

Chair Phillips asks if there are any questions for staff; none respond. Chair Philips invites Kelly Harris to answer questions from the Commission.

Kelly Harris with Bancroft International, located at 923 S Lowry St clarifies that the proposed townhomes will be have gated access; states that the first level is for a garage and a single room, the second is all living space, and the third level is approximately 1/3rd living space that opens up to a rooftop patio; and states that they will not be pursuing any variances to building setbacks, building height, or parking restrictions.

Chair Phillips asks if there are any questions for Ms. Harris; none respond. Chair Philips opens the public hearing and asks if there is anyone in the audience who would like to speak in favor of the item; none respond. Chair Philips asks if there is anyone wishing to speak in opposition of the item.

Gena Hellman, 902 W Eskridge Ave, asks if there will be a fence along the frontage off of Washington Street. Chair Philips responds that according to the plans provided, there will be no fence along Washington Street, but there is fencing on the other side to assumedly prevent the public from parking in the private area. Ms. Hellman expresses concern about the width of the units, to which Chair Philips states that it appears to be 25 feet according to the plans.

Chair Philips asks if anyone else would like to speak in opposition of the item; none respond. Chair Philips invites the applicant to respond to the questions from the public hearing.

Ms. Harris states that the units are indeed 25 feet wide, and states that is due to the nature of townhomes. She also clarifies that there isn't any plans for fencing along Washington Street, but the occupants may decide to have a fenced area for pets, which they understand such fencing would need to comply with City Code.

Chair Phillips asks if there are any further questions; none respond and asks for staff to present findings and alternatives.

Ms. Porter presents findings and alternatives, which are:

Findings:

1. The Land Development Code allows the use of townhomes in Two-Family Residential District (RT) with a Specific Use Permit.
2. Duplexes are located in the vicinity.
3. The Comprehensive Plan calls for University 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.

Chair Philips calls for discussion and possible motion.

Commissioner Williams moves to accept the findings and recommend that City Council approve the Specific Use Permit as presented. Commissioner Can Leuven seconds the motion.

Roll call:	Phillips	Prather	Shanahan	Williams	VanLeuven
	YES	ABSENT	YES	YES	YES

Time: 6 minutes

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

   a. Next Planning Commission Meeting Tuesday, October 3, 2023.

4. ADJOURN.

This regular meeting of the Stillwater Planning Commission was called for adjournment by Commissioner Williams, seconded by Commissioner Shanahan at approximately 6:11 p.m. on September 19, 2023, with all members present in agreement. The next regularly scheduled meeting will be held October 3, 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 – Diana Hood, Associate City Planner
Reviewed by – Cindy Gibson, Administrative Services Manager

Approved by - _____
Stillwater Planning Commission