

**STILLWATER PLANNING COMMISSION SUMMARY
REGULAR MEETING OF DECEMBER 5TH, 2023
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED NOVEMBER 29TH, 2023 IN THE
MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

MEMBERS PRESENT

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

STAFF PRESENT

Kim Payne, Sr. Assistant City Attorney
Jeff Mathews, Comm. Dev. Director
Joshua Brown, Project Manager
Jacquelyn Porter, City Planner
Diana Hood, Associate City Planner
Cindy Gibson, Administrative Services
Ally Maged, Administrative Assistant

MEMBERS ABSENT

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1. CALL MEETING TO ORDER.

Chair Phillips called the meeting to order at 5:30 p.m.

2. PUBLIC HEARING

- a. City of Stillwater, **Specific Use Permit (SUP23-08)** consideration, discussion and possible action, including recommending approval or denial of an application for a Specific Use Permit to install a Public Safety Communications Tower at the property addressed as 623 E 8th Avenue.

Chair Phillips introduces the item and asks staff to present.

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

Chair Phillips asks how tall the tower that was located on N Perkins road was; Mr. Rob Hill, Emergency Management Director comes to the podium and clarifies that the pole was for 400 feet but the FAA capped the tower height at about 280, therefore, was not adequate coverage for the city of Stillwater.

Chair Phillips asks if there's anything the city would like to add to the application and asks for clarification on what a theoretical zero fall radius zone is. Harmony Clarkrider, Inner-tech Resources comes to the podium and states that the tower is designed to collapse in on itself and not tip over on one way or the other.

Commissioner Williams asks if that is with normal conditions or with the wind conditions; Ms. Clarkrider clarifies that is with the wind conditions.

Chair Phillips opens the public hearing and asks if anyone wishes to speak in favor; none come forward.

Chair Phillips asks if anyone wishes to speak in opposition; none come forward. Chair Phillips closes the public hearing and asks staff to come forward to present findings and alternatives.

Ms. Porter presents:

Findings:

1. The Land Development Code allows the height of a telecommunication tower to exceed 75 feet with specific use permit.
2. The Comprehensive Plan calls for Public at the property's location and it is zoned public.

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

Commissioner Williams motions to approve the Specific Use Permit as presented; Commissioner Shanahan seconds.

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

Time: 7 minutes

- b. **SHORT TERM RENTAL (STR-0129)**, consideration, discussion and possible action, including recommendation approval or denial of an application for a Short Term Rental from Yuechen Wu for property addressed as 1015 W. Graham Avenue in the Single Family Large Lot Residential (RSL) district.

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

Chair Phillips invites the applicant to come speak.

Yuechen Wu, applicant for 1015 W. Graham Ave., comes to speak on the following:

- Bought home for parents once they get their green card.
- In the meantime while they are getting their citizenship, he wants to make this an Airbnb to offset the cost.
- Says he's met with some neighbors and heard concerns and plans to enact strict house rules to keep the peace in the neighborhood.

Vice Chair Prather clarifies that his parents will be living in this house for part of the year while they are allowed to be in the States so applicant would be motivated to keep the house in good condition; Mr. Wu says yes, they have renovated this home themselves and this is their first STR so it's set up to be a home long term.

Vice-Chair Prather asks how he intends to keep the peace in the neighborhood; Mr. Wu said he wants quiet time rules and ask renters to dress appropriately outside the house as well as no smoking and no partying; and plans to screen the renters on the platform by reading renter reviews.

Vice Chair Prather asks if applicant plans to use Airbnb and if he will have a night minimum; Mr. Wu says yes and there will be a 2-night minimum.

Commissioner Shanahan states that there were comments and protest letters that this property was already listed on Airbnb prior to approval of the STR; Mr. Wu said it was a mistake that this is the first time he's had a STR and after he was informed, he pulled it off.

Vice Chair Prather asks how close the applicant lives to this property; Mr. Wu responds that he lives on the west side of the city about 10 minutes away.

Vice Chair Prather asks if the applicant plans to manage the property himself; Mr. Wu says yes.

Commissioner Williams asks how many guests will be allowed at the property and if there will be sufficient parking; Mr. Wu says 8, there are 4 bedrooms, and there is sufficient parking in the garage and driveway.

Chair Phillips asks if there are any more questions for the application; none respond.

Chair Phillips opens the public hearing and asks anyone who is in favor to come forward; none respond. Chair Phillips asks if there is anyone that wishes to speak in opposition and introduces the first name on the list.

Emily Thaden, 1023 W Graham Ave

- Doesn't want to live next to STR's
- Was at the last one objecting as well
- Quotes city code again that says "Residential districts are designed to protect the residential character of the included areas by limited commercial and industrial activities."
- Says there is a tenant currently at the house in question that have trash on the lawn and has three small yappy dogs that have been barking at her.
- Says the applicant applied for this license on 8.25.23 and has had short term renters at this location since Labor Day weekend showing that they did not correct the mistake and that there is not precedence that the applicant will follow the rule.
- States that this summer although she did see him and his parents at the house they are not staying here so if this is a house for his parents why aren't they there.

Chair Phillips asks if there are anymore who would like to speak; none respond. Chair Phillips closes the public hearing.

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

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

Chair Phillips asks for commissioner's discussion.

Commissioner Shanahan asks if there's been any update on looking at a revised policy for STR's; Mrs. Kim Payne, Sr. Assistance City Attorney says that concerns/comments have been submitted and staff internally has been drafting revisions for Planning Commission and City Council approval.

Commissioner Shanahan says he's like to table these STR's until they see a revised policy; Mrs. Payne advises that commissioners do not have the authority for a moratorium, however, if he needs additional information on a specific item it can be tabled to a date certain but she does not have a time line for when the new ordinance will be presented so they cannot table to a date certain in regards to revised STR policy.

Jacquelyn Porter, City Planner further clarifies that if there is an amendment to the text then those who have submitted prior to the amendment would have to be considered on the current policies.

Commissioner Williams asks what are the current guidelines for rentals that were being ran without a license for a short term rental; Mrs. Payne responds they can be cited daily for that violation and she can refer the council to an ordinance that lists considerations that you may take into consideration when deciding to approve or deny an application, Planning Commission can consider the proposed use to the character of the neighborhood, traffic conditions, the fact of public utilities, drainage and other matters related to the general welfare.

Vice Chair Prather points out that the intended purpose of the rental unfortunately cannot affect the decision, that what they are deciding on is if this property can be a short term rental or not based on the documented evidence before them and whether or not that meets the criteria; as long as the property meets the qualifications they have been approving it initially and if there are any issues that arise for a specific property those can be dealt with when the property comes up for renewal; and neighbors can get short term rentals revoked with proof of character change.

Chair Phillips follows up with that this neighborhood has come up multiple times for STR's with continual protest, letters of complaints and she believes these factors are proving that these short term rentals are creating a change of character in this neighborhood negatively affecting the general welfare; for the reason of the short term rental being repeatedly rented without an application, shows disregard to the care of the neighborhood and the change of the character of the neighborhood which is documented by the neighbors to show impact on general welfare, she would not be in favor of approving this particular application.

Chair Phillips motions to deny the Short Term Rental application; Commissioner Williams seconds.

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

Time: 23 minutes

- c. **SHORT TERM RENTAL (STR-0130)**, consideration, discussion and possible action, including recommendation approval or denial of an application for a Short Term Rental from Rudy Mandeville for property addressed as 1607 S. Berkshire Drive in the Single Family Small Lot Residential (RSS) district.

Chair Phillips asks staff for their presentation.

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

Chair Phillips asks if the applicant would like to come forward; none respond.

Chair Phillips opens the public hearing. Chair Phillips asks if anyone wishes to speak in favor; none respond. Chair Phillips asks if anyone wishes to speak in opposition; none respond. Chair Phillips closes the public hearing and asks staff to present alternatives.

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

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

Commissioner Williams motions to table the application for additional discussion to the meeting of January 9, 2023, Commissioner Shanahan seconds.

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

Time: 4 minutes

- d. **SHORT TERM RENTAL (STR-0134)**, consideration, discussion and possible action, including recommendation approval or denial of an application for a Short Term Rental from Jared Thomblin for property addressed as 910 S. Ridge Dr. 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 the item and asks if there are any questions for staff; none respond.

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

Jared Thomblin, 910 S. Ridge Dr.

- This is their home that they are asking for the licensing for
- They live there during the week and are looking to rent out their home during the weekends when visiting family in Tulsa or during game days or graduation for extra income
- They have a high standard for who rents their home because it's their personal residence
- They plan to place rules on Airbnb for the property such as no parties, no excessive drinking, no automatic booking, only highly rated guests, two night stay minimum, no local stays, limiting cars to 4 with no street parking, and quiet hours
- There are cameras in the front and back of the house with noise gauges so he can monitor the noise and if people are obeying the quiet hours even if he's not personally there
- There would be a limit of 6 people that can stay at a time, they are only renting part of their house to limit the possibilities of parties
- Their target demographics is families
- Has goal that if someone were to drive through the neighborhood someone would not be able to pick out the house
- Was operating as a short term rental before applying because he didn't know he needed to and took the booking down when he found out

Vice Chair Prather points out the email address is "stumo" and asks if he is still part of that organization; Mr. Thomblin responds yes, he just signed another 3-year contract so he will be at this house long term.

Vice Chair Prather points out this is a less risky situation for neighbors since he lives in the house.

Commissioner Van Leuven asks if the license are transferable if he does move; Mrs. Payne responds no the new resident would have to reapply.

Vice Chair Prather asks how many weekends he plans on renting; Mr. Thomlin says most game day weekends and they have a summer program they attend for weeks during the summer but have someone that monitors their home while they're gone for those weeks and would be willing to just do the weekends if needed.

Chair Phillips asks if there are any other questions; none respond. Chair Phillips invites anyone who would like to speak in favor; none respond. Chair Phillips asks if anyone would like to speak in opposition.

Opal Maxine Mustard, 2201 W 10th,

- Has lived in the neighborhood 51 years
- Opposed to this because when the applicant rented it this fall the people had guests and blocked the street
- The street parking is not adequate, when there have been college rentals in the past they blocked the street
- People have parties in the park across the street and pack on both side possibly blocking emergency vehicles
- Thinks if the city puts no parking on one side of the street it would fix the problem but as is having rentals puts the houses in the neighborhood at risk

Chair Phillips asks if anyone else would like to speak in opposition; none respond. Chair Phillips closes the public hearing and invites the staff to present the alternatives.

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

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

Commissioner Shanahan points out that he did live in the area for a while and it does have limited parking.

Commissioner Van Leuven points out as long as the host enforces limited parking, it wouldn't be a detriment to the STR.

Commissioner VanLeuven motions to approve; Vice Chair Prather seconds the motion.

Roll Call:	Phillips	Shanahan	Prather	Williams	Van Leuven
	Yes	Abstain	Yes	Yes	Yes

Time: 21 minutes

- e. **SHORT TERM RENTAL (STR-0140)**, consideration, discussion and possible action, including recommendation approval or denial of an application for a Short Term Rental from Steve and Stacy Davis for property addressed as 1215 S. Martin Street in the Single Family Small Lot Residential (RSS) district

Chair Phillips asks staff to present their report.

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

Chair Phillips invites the applicant to come forward, however, they are not in attendance.

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.

Lisa Boseman, 1222 Martin St.

- Questions for owner if they planned to continue with a STR because they heard they were going to withdraw
- Has questions for applicant
- Wants to know if the applicant doesn't show up will the permit be pulled (informed the applicant is not required to appear)

Chair Phillips would like to know what her questions for the applicant are. Ms. Boseman says parking is very tight and that if just two cars are parked on the driveways since its driveway to driveway you can hardly pull out.

Sri Komanduri, 1303 Martin Street comes to speak on the following:

- Lots of children that play in the street and you can't see the street from the angles of the driveways so if people who are unfamiliar with the neighborhood

Sheralyn Williams, 1302 Martin Street comes to speak on the following:

- Already having lots of issues with parking with just residence

Silvia Parveen, 1307 Martin Street comes to speak on the following:

- Repeated concern of parking and safety

Chair Phillips asks if there is anyone else that wishes to speak in opposition; none respond. Chair Phillips closes the public hearing and invites staff to come present alternatives.

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

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

Commissioner Williams motions to table for additional discussion until applicant can answer questions at the January 9th meeting; Commissioner Shanahan seconds.

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

Time: 10 minutes

- f. **SHORT TERM RENTAL (STR-0143)**, consideration, discussion and possible action, including recommendation approval or denial of an application for a Short Term Rental from HNTR Properties, LLC, Keving and Amy Carwile for property addressed as 1106 N. Sunnybrook Drive in the Single Family Small Lot Residential (RSS) district

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

Chair Phillips invites the applicant to come forward, however, they are not in attendance.

Chair Phillips opens the public hearing. Chair Phillips asks if anyone would like to speak in favor; none come forward; Chair Phillips asks if anyone would like to speak in opposition.

Jeff & Charleen Steward, 1117 E Will Rogers Drive comes to speak on the following:

- Wants to keep residential neighborhood residential
- Someone doing maintenance on the property in question threw landscaping waste in a drainage area
- Says there is a school next door to the property doesn't that require limitations/vetting
- Worried about property values

Chair Phillips asks if anyone else would like to speak in opposition; none respond. Chair Phillips closes the hearing to the public and invites the staff to present the alternatives

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

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

Commissioner Williams motions to table to January 9th meeting; Comm. Shanahan seconds the motion.

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

Time: 7 minutes

- g. **SHORT TERM RENTAL (STR-0144)**, consideration, discussion and possible action, including recommendation approval or denial of an application for a Short Term Rental from Carissa Gabilheri for property addressed as 1301 W. Richmond Road in the Two-Family Residential (RT) district.

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

Chair Phillips invites the applicant to come forward.

Carissa Gabilheri

- Has lived in home since 2020
- Got divorced

- Has had long term roommates previously but since they have moved out she is looking to try short term rental
- Is looking for an application for one bedroom for a short term rental for just her one guest bedroom
- Guests are thoroughly vetted and she's around the whole time
- Has just had one or two individuals at a time

Commissioner Van Leuven asks if there had ever been more than 2 cars; Ms. Gabilheir responds no.

Vice Chair Prather clarifies only one room is for Airbnb and the other is a long term rental; Ms. Gabilheir confirms and does also have house rules about quiet hours.

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

Rick Walstead, 1310 Falls Drive comes to speak on the following:

- Says that there's only one entrance and exit which makes parking difficult
- Says that their Covance doesn't allow business and asks if Airbnb is not a business and what the city defines are a business

Commissioner Van Leuven explains Airbnb is closer to a long term rental which is not considered a commercial enterprise.

Mr. Walstead says he wants to know what the city considers a business so he can write it into his conveyance.

Commissioner Williams says to wait for the city to define it better as that is currently being worked on.

Lad Hudgins, 1308 Falls Drive comes to speak on the following:

- Falls Drive has one entrance and exit and is worried about neighborhood safety and parking
- Is worried that they will be liable if anyone gets hurt in the neighborhood pond

Roger Duke, 1302 Falls Drive comes to speak on the following:

- Is worried about STR's bringing down the property values in the neighborhood
- Also worried that if a guest gets her in the pond he will be liable

Chair Phillips asks the applicant to return to respond to questions and issues from the neighbors.

Ms. Gabilheir returns to the podium to address that she talked about her HOA covenants and confirms that the current one does not restrict this; has a letter from her HOA president and that the new rules prohibit exclusive use of the house for Airbnb which is not what she's doing; house is on Richmond Road and it had gravel roads going out that are already busy; doesn't allow extra guests because she lives there; and there is a warning about the pond on the posting that would defer liability.

Chair Phillips asks if anyone else would like to speak in opposition; none respond. Chair Phillips closes the public hearing and invites the staff to present the alternatives.

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

1. Approve the Application.

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

Commissioner Williams says this seems like a very safe applicant. Chair Phillips says she agrees it seems the applicant has done her due diligence.

Commissioner Williams motions to approve; Vice Chair Prather seconds the motion.

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

Time: 20 minutes

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

- a. Next Planning Commission Meeting is December 19, 2023.
- b. Approve the 2024 planning schedule

Vice Chair Prather motions to approve; Commissioner Williams seconds the motion.

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

Time: 1 minute

4. ADJOURN

ADJOURNMENT. This regular meeting of the Stillwater Planning Commission was called for adjournment by Commissioner Williams, seconded by Commissioner VanLeuven at approximately 7:03 PM on December 6, 2023, - the next regularly scheduled meeting will be held Tuesday, December 19, 2023 at 5:30 p.m. in the City Commission Hearing Room, Municipal Building, 723 South Lewis Street.

Prepared by – Alexandria Maged, Administrative Assistant

Reviewed by – Cindy Gibson, Administrative Services Manager

Approved by -

Stillwater Planning Commission

