

**STILLWATER PLANNING COMMISSION SUMMARY
REGULAR MEETING OF October 5, 2021
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED October 4, 2021 IN THE
MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

MEMBERS PRESENT

Jana Phillips, Chair
Brett Allred, Vice-Chair
Mike Shanahan, Member
Mark Prather, Member
Stephen Hallgren, Member

STAFF PRESENT

Brady Moore, Chief Performance Innovation Officer
Kim Payne, Special Counsel
Rian Harkins, Senior Planner
Chelsey Jones, Administrative Assistant

MEMBERS ABSENT

1. CALL MEETING TO ORDER.
2. INTRODUCTION OF NEW PLANNING COMMISSIONERS.

Chair Phillips introduces Commissioner Stephen Hallgren and asks if he would like to say a few words about himself. Commissioner Hallgren introduces himself saying that he is glad to be of service and thinks his background will be helpful for being a part of the Planning Commission.

Chair Phillips introduces Commissioner Mark Prather and asks if he'd like to say a few words about himself. Commissioner Prather explains a little about his background and says he's glad to be a part of the Planning Commission.

3. MISCELLANEOUS ITEMS FROM THE COMMISSION FOR DISCUSSION AND POSSIBLE ACTION:

- a. Election of Chair

Chair Phillips asks if there are any motions or nominations.

Vice-Chair Allred motions to nominate Jana Phillips as Chair; Commissioner Shanahan seconds.

Roll call:	Phillips	Allred	Shanahan	Prather	Hallgren
	YES	YES	YES	YES	YES

Time: 3 minutes

- b. Election of Vice-Chair

Chair Phillips asks if there is a motion.

Commissioner Shanahan motions to nominate Brett Allred as Vice-Chair; Commissioner Hallgren seconds.

Roll call:	Phillips	Allred	Shanahan	Prather	Hallgren
	YES	-	YES	YES	YES

Time: 1 minutes

4. PUBLIC HEARING:

- a. CB Enterprises of Stillwater, LLC, **MAP AMENDMENT (MA21-11)**, requesting review and approval to rezone from current RMI (Residential Multi-Family Intermediate) & O (Office) to CS (Commercial Shopping) at property addressed as 2003 W 6th Ave & 610 S McFarland St. Harkins

Rian Harkins, Senior Planner, presents the map amendment request and asks if there are any questions for staff; none respond.

Chair Phillips opens the public hearing and asks if there is anyone who would like to speak in favor.

Kelly Harris, Keystone Engineering, 923 S Lowry St, on behalf of the owners speaks on the following:

- 6th Ave is a natural Commercial Corridor
- CG properties 1 ½ blocks to the west – higher density and higher allowed uses
- RT zoning district to the west is buffered by a large drainage channel
- To the east there is a Dr. Office, which probably has a higher traffic count than most retail places
- The neighbors to the south are already use to the fence, homes in the immediate vicinity to the south are not owner occupied, and have already created a buffer to commercial along 6th Ave.
- Dispensary would not be allowed because of the proximity of the school.
- In order for the commercial corridor along 6th Ave to happen some extensions to the existing commercial properties will be necessary.

Chair Phillips asks if there is anyone else who would like to speak in favor of the item; none respond.

Chair Phillips asks if there is anyone who would like to speak in opposition of the item; none respond.

Chair Phillips closes the public hearing and requests staff to present the findings and alternatives.

Mr. Harkins presents the findings and alternatives and asks if there are any questions; none respond.

Chair Phillips asks if the commissioners have any questions or any discussion.

Commissioner Shanahan talks about the neighborhood and his familiarity with it and mentions that he doesn't think that it will cause a negative impact on the residential neighborhood and that no complaints from any neighbors have been made that he is aware of.

Chair Phillips asks if there is any other discussion or comments.

Commissioner Hallgren asks about the possibility of increased traffic since it is located so close to the elementary school. Chair Phillips asks staff to respond. Mr. Harkins says he will defer to the agent/applicant since that is not something staff has studied. Chair Phillips mentions that doctor offices

often have a high turnover, which is normally higher traffic than Commercial Shopping.

Commissioner Prather asks what prevents this location from becoming a dispensary. Chair Phillips defers to staff. Mr. Harkins refers to the process that OMMA goes through before they issue a license saying checking the location and proximity to a school is part of it.

Commissioner Hallgren asks if there are any other exclusions that apply such as a liquor store. Mr. Harkins defers to legal counsel. Kim Payne, Special Counsel, says that she believes its 300 Ft that a liquor store has to be away from a school or church. Commissioner Hallgren says he believes it is closer than 300 ft. Mr. Harkins says that this request is just to look at the appropriateness of the rezoning; however, if there are uses that are regulated by other laws those would still be applicable.

Chair Phillips asks if there are any other questions or if there is a motion.

Commissioner Allred moves to accept the findings and recommend the City Council approve the map amendment as presented; Commissioner Shanahan seconds the motion.

Roll call:	Phillips	Allred	Shanahan	Prather	Hallgren
	Yes	Yes	Yes	Yes	Yes

Time: 11 minutes

- b. CB Enterprises of Stillwater, LLC, **MAP AMENDMENT (MA21-12)**, requesting review and approval to rezone from current RSS (Residential Single-Family Small Lot) to CS (Commercial Shopping) at property addressed as 847 W Eskridge Ave. Harkins

Rian Harkins, Senior Planner presents the map amendment and asks if there are any questions for staff; none respond.

Chair Phillips asks if there are any questions for staff. Vice-Chair Allred asks for clarification if in the report where it says Western St, if it is supposed to say Washington. Mr. Harkins confirms he is correct.

Chair Phillips opens the public hearing and asks if there is anyone who would like to speak in favor of the item.

Kelly Harris, Keystone Engineering, 923 S Lowry St, representing the owner speaks on the following:

- The site is lending itself more to a commercial property
- Traffic on Washington St staying at the Single-Family zoning level is unlikely
- Commercial is both on the other side of the University zone and the Elementary school
- Too close to school for a dispensary to be allowed

Mr. Hallgren asks why it never became University property. Mrs. Harris says she's not sure but believes the current owners are not the same owners as when the University was buying property.

Commissioner Shanahan asks what kind of commercial interest has been in this property. Mrs. Harris says that there has been quite a bit through her office and the owner wanted to do the rezoning instead of trying to work something in under the current zoning classification.

Commissioner Prather asks if the long term plan is University. Mrs. Harris says that the comprehensive plan hasn't been updated in a while so it doesn't really show what it should be at this stage; therefore, they are going with the surrounding areas development.

Chair Phillips asks if there are any further questions; none respond. Chair Phillips asks if there is anyone else that would like to speak in favor; none respond. Chair Phillips asks if there is anyone who would like to speak in opposition to the item.

The following come to speak in opposition:

- Gina Hellman, 902 W Eskridge Ave, Stillwater, OK.
- Shelby Clanahan, 1324 N Washington St, Stillwater, OK.
- Trevor Fieldsend, 1024 W Will Rogers Dr, Stillwater, OK.
- Sara Henson, 1310 N Washinton St, Stillwater, OK.
- Gary Hellman, 902 W Eskridge Ave, Stillwater, OK.
- Chester Summers, 1202 N Lincoln St, Stillwater, OK.

The above mentioned speak on the following:

- Beautiful neighborhood full of families and children
- Majorly surrounded by residential properties (which the pictures didn't depict properly)
- The elementary school is a big draw to move to that neighborhood
- An increase in traffic could cause a safety concern for the children that walk and ride bikes to school and around the neighborhood.
- Parking on game day could cause problems
- No commercial endeavor would benefit the area and it will change the character of the neighborhood
- Restrictions on certain businesses so close to the school such as dispensaries and liquor stores is a good thing
- Opposed because OSU is so close already
- Previous owner offered land to OSU for a hefty price; however, it was decided they didn't want to spend that much to turn it into a parking lot
- Residents wish OSU would purchase the property for a gateway for themselves
- Current owners rented it out for a year and it now looks trashed
- Once rezoned no matter what the owner says they intend to do, it will open it up for other options
- Worried about the loss of property value
- Currently no surrounding commercial

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

Mr. Harkins presents the findings and alternatives and points out that even with the rezoning all code requirements must still be met. A dispensary is still required to have an SUP, which comes before the Planning Commission, even if it isn't too close to the school.

Chair Phillips asks if there are any questions for staff.

Commissioner Hallgren asks staff about the surrounding zoning. Mr. Harkins explains that even though the University may own the property to the east, the actual zoning is RSS; and there is also RSS to the south, RSL to the west, and Public to the north. Commissioner Hallgren asks if the University had bought it if it would be a parking lot since that is what they have done with the rest of the area. Mr. Harkins says they can do what is allowed in the zoning district or they can ask for a rezoning if it is desired. Commissioner Hallgren asks if it had been sold to the University if they could condemn it. Mr. Harkins explains that rezoning a property is not the same as condemning it. Commissioner Hallgren asks if it is likely that the University would be interested in purchasing it again. Mr. Harkins says that he can't speculate. Commissioner Hallgren asks what the likelihood of the property being used again as RSS is. Mr. Harkins explains that it has been a rental property for the last year and if someone wanted to do that they certainly can.

Chair Phillips explains that part of the Planning Commission is to review these requests and make a decision that gets passed on to the City Council. Commissioner Hallgren expresses that that is a concern of his; is it viable to be used as a residential use now or in the future. Chair Phillips says that can be discussed by the Planning Commission in the open meeting.

Kim Payne, Special Counsel, says that the matter at hand for this item is whether or not the request impacts the surrounding vicinity. Commissioner Hallgren asks if they are limited to that. Mrs. Payne says that if they were to deny it, it is what a denial would be based upon the impact to the surrounding vicinity; or, they could determine that there is not and they can approve the matter. Commissioner Hallgren says that the photos don't do justice to the real nature of the area and that there are lots of trees that offer a natural buffer. Commissioner Hallgren says that would enter into the decision is if the City should be concerned about the buffer to the residential community to the west since if it goes commercial they can do anything short of bombing it, a dispensary, or a liquor store.

Chair Phillips says that if she is correct in her thinking, the City can't make anyone keep trees or make them replace them if they are removed. Mrs. Payne informs Commissioner Hallgren that there is a chart in the Planning Commission Packet that explains the differences that are allowed in each zoning. Commissioner Hallgren says that without even reading it after seeing all the other construction around Stillwater he can see there is nothing that protects the trees and he doesn't think the City has any means of protecting those trees.

Chair Phillips asks if it is a buffer that he is suggesting. Commissioner Hallgren talks about that being possible; however, some residential areas don't look great either and keeping it residential doesn't guarantee it will stay a buffer. Commissioner Hallgren says that it is something to think of because if it changes hands as residential the new owner could remove the trees and then it wouldn't be an attractive site.

Chair Phillips asks if there is any further discussion.

Commissioner Prather asks if the current owners wanted to turn it into an Air-BNB with the current zoning if they could. Mr. Harkins verifies the question and positively confirms it's an option.

Chair Phillips says from her time here in Stillwater, that Washington St feels like a natural barrier for the residential on the west side. Chair Phillips says the light helps to control pedestrian traffic and asks if the other commissioners felt the same. Commissioner Hallgren says in that area that feels true but if you go further north there is residential on both sides; however the four lane street does act like a divider.

Chair Phillips mentions she doesn't think the City has any plans on changing the four lanes since it acts as a collector. Commissioner Shanahan agrees with Chair Phillips in the idea that Washington St has become more of a collector street. Commissioner Shanahan also talks about the need for residential and the problem with getting rid of residential zoning, while also saying Commercial zoning isn't necessarily a bad zoning next to residential area as long as it is something that will serve the neighborhood. Chair Phillips asks if he is talking about helping make a more walkable city. Commissioner Shanahan confirms. Commissioner Hallgren believes the mixed uses only tend to be in the center of town and not on the outside and that everyone in the center of town wants those mixed uses. Commissioner Hallgren brings up that commercial uses can degrade residential and is it possible that it could degrade the neighborhood across the street so much that that area would feel pressured to become commercial as well.

Chair Phillips says that that is an unknown.

Commissioner Hallgren says that unless the commercial is developed poorly there isn't necessarily any reason it would decrease the property value of the residential area.

Chair Phillips asks if there is any further discussion or a motion.

Commissioner Allred makes his motion; a citizen in the rooms asks him to speak louder.

Vice-Chair Allred motions that they find that it is not an appropriate use and do not recommend that the City Council approve the map amendment; Commissioner Prather seconds the motion.

Roll call:	Phillips	Allred	Shanahan	Prather	Hallgren
	No	Yes	No	Yes	Yes

Time: 41 minutes

- c. IH Development, LLC, **SUBDIVISION EXCEPTION (SEPC21-01)**, requesting review and approval for an exception to the subdivision requirements in order to build retaining walls within the platted easements of certain lots of Park Valley Subdivision, Section 1 in a proposed RSS (Residential Single-Family Small Lot) zoning district currently addressed as 1826 W. 26th Avenue. **Gross**

Lanc Gross, Planning Manager, presents the subdivision special exception and asks if there are any questions. Chair Phillips asks if there are any questions for staff.

Commissioner Hallgren asks if anyone from the City has said that the retaining walls will be ok. Mr. Gross says that the applicant's engineer is here and can speak to the necessity of the retaining walls.

Chair Phillips opens the public hearing and asks if there is anyone who would like to speak in favor of the item.

Chris Anderson, SMC Engineering, on behalf of the developer explains that based on what they call they swing-set rule, they grade the back yards even enough that a family can built a swing-set in the backyard. The grading of these lots require retaining walls.

Chair Phillips asks if there are any questions for Mr. Anderson.

Commissioner Shanahan asks if the reasoning of the retaining walls is more for the convenience of the use of the backyard instead of safety or land-use concern. Mr. Anderson confirms that the retaining walls are to make sure the properties each have flat backyards instead of steep inclines or declines. Commissioner Shanahan asks if the retaining walls will be in the utility easements. Mr. Anderson confirms they would be in the easements; however, they have added an additional 10ft of easement after talking to City Engineering to make the easements useable for utilities.

Chair Phillips asks if the walls would be on the property owner's property, who would be responsible for maintaining the walls, and who would be installing the fence he had mentioned in addition to the retaining walls.

Mr. Anderson explains that the walls will be on the property owner's property, the owners will be responsible for maintaining them, and that the developer normally installs the backyard fencing but, it isn't mandatory.

Commissioner Hallgren asks for clarification on which property owner would be responsible for maintaining the walls and if he knows how tall the walls will be. Mr. Anderson says he believes it will be a joint ownership between the two property owners and that the walls are about 3-5ft tall and engineered.

Chair Phillips asks about how much of a slope the backyards would have without the retaining walls and if they are able to fix that with only a 3-5ft retaining wall. Mr. Anderson says that the percent depends per lot; however some would have up to 20%, but that the retaining walls would fix it.

Commissioner Hallgren asks if the top soil is saved and put right back. Mr. Anderson says they normally do mass grading and then put everything back evenly and then add sod.

Chair Phillips asks if there are any other questions.

Commissioner Prather asks if the retaining walls had been on the Final Plat if it would have been approved. Mr. Anderson says he's been putting in retaining walls for years and this is the first time he has ever been asked to request an exception and that the retaining walls normally aren't on the final plat, only the grading plan.

Chair Phillips asks if there are any further questions; none respond. Chair Phillips asks if there is anyone else who would like to speak in favor of the item; none respond. Chair Phillips asks if there is anyone who would like to speak in opposition to the item; none respond. Chair Phillips closes the public hearing and asks for staff to present the findings and alternatives.

Mr. Gross presents the findings, alternatives, and a list of conditions that were provided by Mrs. Beth Ann Childs, Special Counsel, to help protect the City if the Planning Commission approves the retaining walls.

Commissioner Allred asks Kim Payne, Special Counsel, about options as far as the conditions are concerned. Mrs. Payne explains further in detail about the reasoning for the conditions and that the purpose is to protect the city; however, it is possible to make a motion with some, none, or all of the

conditions. Chair Phillips explains that the cost of repairs if the conditions are added would fall on the property owners not the City.

Commissioner Prather asks if it is approved with conditions is there a way to make sure that the property owner is made aware of the responsibility. Mrs. Payne explains that that should be the process; however, there is no way of being sure that they property owner will be informed.

Commissioner Hallgren asks what utilities would be in the easement. Mr. Gross says that it is the sanitary sewer that is in the back. Mr. Anderson says that the rest of the utilities are in the front, only the sewer would be in the back easement. If they have to get to the sewer for repairs they will have to come from the low side which is why they added an additional 10ft of easement on that side.

Commissioner Shanahan asks about the age of the sewer infrastructure. Mr. Anderson says that it will be all new.

Chair Phillips asks if the 20ft easement was included with the Final Plat, or if it is something they are adding for this exception and will it be on the entire plat or just on the lots with the retaining walls. Mr. Anderson explains that it is an additional easement and will only be on the lots with the retaining walls.

Chair Phillips asks if there is any discussion from the commissioners.

Commissioner Allred asks Mrs. Payne about the conditions that were provided by Mrs. Beth Ann Childs. Mrs. Payne explains that Mrs. Childs did a lot of research about structures being built in easements, even checking with other municipalities. Mrs. Payne recommends that if they are to approve the exception request to include all 6 conditions for the protection of the city.

Commissioner Hallgren, Chair Phillips and Mrs. Payne discuss the location of the sewer clarifying that it would be in the lower 20ft easement. The Commissioners discuss the likelihood of the walls ever needing to be repaired with all the new technology for construction while also understanding that the conditions would protect the City regardless.

Chair Phillips says that as this exception request is proposed, it doesn't seem as much as a hardship on the developer as much as it would be for the homeowner.

Commissioner Hallgren asks how big the easement would be without the retaining walls. Mr. Anderson says they would only need to be 10ft on each side.

Commissioner Hallgren motions to approve the request with the 6 conditions as provided by legal counsel; Commissioner Prather seconds.

Roll call:	Phillips	Allred	Shanahan	Prather	Hallgren
	NO	NO	NO	YES	YES

Time: 29 minutes

Chair Phillips says the motion fails 3-2. Mrs. Payne says that a new motion has to be made and explains the options.

Chair Phillips motions to reject findings and deny the special exception; Commissioner Allred seconds.

Roll call:	Phillips	Allred	Shanahan	Prather	Hallgren
	YES	YES	YES	NO	NO

Time: 1 minutes

5. MEETING SUMMARY FOR REVIEW AND POSSIBLE ACTION

Kim Payne, Special Counsel, recommends to the Commissioners that since there are new members at this meeting that were not at the meetings that the summaries are for, that they motion to accept the summaries, not approve.

a. Regular Meeting Summary of July 6, 2021

Chair Phillips asks if there are any corrections or additions; none respond. Chair Phillips asks if there is a motion.

Commissioner Shanahan motions to accept the meeting summary of July 6, 2021; Vice-Chair Allred seconds.

Roll call:	Phillips	Allred	Shanahan	Prather	Hallgren
	YES	ABSTAIN	YES	YES	YES

Time: 1 minutes

b. Regular Meeting Summary of August 17, 2021

Chair Phillips asks if there are any corrections or additions.

Vice-Chair Allred motions to approve to meeting summary of August 17, 2021; Commissioner Shanahan seconds.

Roll call:	Phillips	Allred	Shanahan	Prather	Hallgren
	YES	YES	YES	YES	YES

Time: 1 minutes

c. Regular Meeting Summary of September 21, 2021

Chair Phillips asks if there are any corrections or additions.

Vice-Chair Allred motions to approve to meeting summary of September 21, 2021; Commissioner Shanahan seconds.

Roll call:	Phillips	Allred	Shanahan	Prather	Hallgren
	YES	YES	YES	YES	YES

Time: 1 minutes

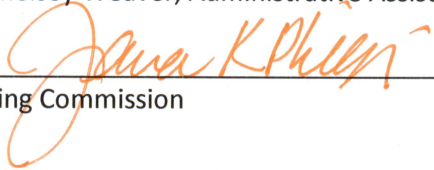
6. MISCELLANEOUS ITEMS FROM STAFF, PLANNING COMMISSIONERS, OR CITY ATTORNEY:

- a. Next Planning Commission Meeting October 19, 2021.

7. ADJOURN.

This regular meeting of the Stillwater Planning Commission was called for adjournment by Vice-Chair Allred, seconded by Commissioner Hallgren at approximately 6:59 p.m. on October 5, 2021 with all members present in agreement. The next regularly scheduled meeting will be held October 19, 2021 at 5:30 p.m. in the City Council Hearing Room (Room 1122), Stillwater Municipal Building, 723 S. Lewis Street, Stillwater, OK.

Prepared by – Chelsey Weaver, Administrative Assistant

Approved by - 
Stillwater Planning Commission