

STILLWATER PLANNING COMMISSION SUMMARY
REGULAR MEETING OF July 19, 2022
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED July 14, 2022 IN THE
MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET

MEMBERS PRESENT

Jana Phillips, Chair
Mike Shanahan, Member
Mark Prather, Member

STAFF PRESENT

Jeff Mathews, Community Development Director
Kim Payne, Assistant City Attorney
Jacquelyn Porter, City Planner
Diana Hood, Associate Planner
Joshua Brown, Project Manager
Cindy Gibson, Administrative Services Manager

MEMBERS ABSENT

Brett Allred, Vice-Chair
Stephen Hallgren, Member

1. CALL MEETING TO ORDER.

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

2. PUBLIC HEARING:

- a. **SHORT TERM RENTAL (STR-0077)**, consideration, discussion, and possible action approving or denying the application for Short Term Rental from Myriam Williams, at property addressed as 1903 S Iba Dr, Stillwater, OK, in RSL (Large Lot Single-Family Residential) zoning.

Chair Phillips asks for staff to present.

Jacquelyn Porter, City Planner, presents the item and informs the Planning Commissioners that the City of Stillwater has received at least four objection letters for the Short Term Rental permit application.

Averi Blackmon, Property Manager for 1903 S Iba Dr, Stillwater, OK, comes to speak on the following:

- Currently manages two Airbnb as well as some long term rental properties
- The three bedroom house only has four beds intended for up to 8 guests
- There will be house rules such as no parking in the street, no parties, quiet hours start at 10PM, no pets, and no smoking inside.
- She will be reviewing guests before they are allowed to book the house to make sure they received good reviews at any previous rentals
- The interior and the exterior will be maintained and cleaned on a regular basis
- There is no HOA.
- There are covenants; however, it is unclear if the short term rental would be in violation or not.
- Steven and Megan Schroeder, the neighbors to the south have already stated they do not mind the short term rental as long as there are no parties.

Chair Phillips asks if there are any questions for the applicant. Commissioner Prather asks Ms. Blackmon

if she strictly uses Airbnb or if she uses other rental companies as well. Ms. Blackmon says that she only uses Airbnb and that they do let you set your own rules. Commissioner Prather says that he prefers Airbnb since they let you review the quests before you agree to rent to them.

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

Myriam Williams, applicant, 1903 S Iba Dr, Stillwater, OK, comes to speak on the following:

- The house is remodeled with brand new furniture and a high-end kitchen.
- The target renters would be older people and not college kids.
- She believes the objections that have been made are on a personal level since her neighbors were accusing her of bringing prostitution and pedophiles into the neighborhood.
- She has lived in this country for 52 years and has worked hard for everything she has. She has two houses in the neighborhood and just because she looks different doesn't mean she will be bringing in prostitution.

Chair Phillips asks if there are any questions for the applicant. Commissioner Prather asks if Ms. Williams knows what she will charge per night. Ms. Williams and Ms. Blackmon explain that while they do not know an exact rate at this time, from researching similar rentals they would estimate \$400-\$600 for a weekend.

Chair Phillips asks if there is anyone else who would like to speak in favor; none respond. Chair Phillips asks if there is anyone that would like to speak in opposition.

Gerald Stangl, 1918 S Iba Dr, Stillwater, OK, comes to speak on the following:

- He and several of his neighbors submitted an objection letter as well; however, some of his neighbors are not able to attend tonight.
- Due to the location of the house he believes that it will cause traffic issues getting in and out of the neighborhood.
- He does not believe that the location can park up to 6 vehicles. Two vehicles can park in the garage and maybe three in the circle drive, but people are not going to want to get parked behind and will end up parking in the street.
- He is worried that a short term rental property will bring down his property value.
- He has provided the commissioners with the covenants for the neighborhood and also checked with Payne Country who said the covenants renew every 10 years.

Commissioner Prather asks if there are any long term renters in the neighborhood. Mr. Stangl says that he doesn't know all of his neighbors but the ones he does know are home owners.

Chair Phillips asks if there is anyone else who would like to speak in opposition.

Mariam Dunkin, 1915 S Iba Dr, Stillwater, OK, comes to the podium to speak on the following:

- The property in question is at the entrance into the neighborhood with approximately 27 neighbors using it to access their properties and the increase in traffic at that location might cause issues.

- There are no sidewalks in the neighborhood so all the walkers use the street which will become dangerous if there is too much of an increase in traffic.
- Nobody in the neighborhood bought houses in that neighborhood so that they could be living next to party houses.

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

Chris Dunkin, 1915 S Iba Dr, Stillwater, OK, says that the covenants clearly state that there are not supposed to be businesses in the neighborhood and since the City of Stillwater recognizes Airbnb as a business it should not be allowed.

Chair Phillips asks if there are any questions; none respond. Chair Phillips asks if there is anyone else who would like to speak in opposition; none respond. Chair Phillips asks if the applicant would like to respond to any of the comments that were made or if the commissioners had any questions for the speakers; none respond. Chair Phillips closes the public hearing and asks staff to present the alternatives.

Ms. Porter presents the alternatives. Chair Phillips asks if the commissioners have any questions or comments.

Commissioner Shanahan asks legal if the license would be specific to the current owner of the house. Kim Payne, Legal Counsel, confirms that if the house is sold the new owner would have to apply for a new license. Commissioner Shanahan asks Mrs. Payne about the covenants. Mrs. Payne clarifies that while the covenants can be taken into consideration during discussion, it is not the City of Stillwater place to enforce them and that it is a civil matter. Mrs. Payne adds that all over the country courts are on both sides of the page on the issue.

Chair Phillips says the comments they are hearing tonight follow the concerns that were in the objection letters, which are traffic, a party house, and the upkeep of the property, all of which was addressed by the applicant. Chair Phillips reiterates that while to commissioners can discuss the covenants, they can't base their decision on it.

Commissioner Prather comments that it is the typical scenario to have an Airbnb in an established neighborhood, and while he is conscious on both sides and can see how someone would like to get some of their investment back. Commissioner Prather also said that he was curious about the covenants but legal confirmed his thoughts that the City of Stillwater can't enforce them. Commissioner Prather says that he believes the original intent of the "no businesses" part of the covenants is to prevent more intense uses such as a mechanic or beauty parlor. Commissioner Prather says that he has seen research on both long and short term rentals and the pros and cons to each.

Commissioner Shanahan says that the ideal situation would be to have areas of town that are more likely to be used as short term rentals, and to have an area that is majority owner occupied. Commissioner Shanahan says that he has seen research that shows that a lot of college towns are having housing issues due to the high number of short term rentals causing rent prices to increase making it harder for low to moderate income. Commissioner Shanahan says that he can't see a legal way to turn down the application request unless there were life safety issues.

Commissioner Prather explains that the reason he asked about the rate of the rental is that it sometimes

dictates who would be more likely to rent it. Commissioner Prather also says that with the house being a corner house people parking on the street is going to be hard to prevent anyways. Commissioner Prather asks if the City of Stillwater would be the ones to enforce no on-street parking. Chair Phillips says that in the past they have been told that if there are complaints, those calls go to the property manager to handle. Mrs. Payne elaborates that there is a difference in house rules and city rules and to her knowledge the city does allow on-street parking in that neighborhood. Mrs. Payne add that this is also a yearly application and any problems could be noted and reviewed before renewal.

Chair Phillips comments that she has used Airbnb before when traveling with her family and that it is nice to be able to stay somewhere that you are surrounded by other families and to have that extra space available. Chair Phillips says that there is a demand for short term rentals, most in Stillwater are smaller and closer to campus so it will be interesting how that location does.

Commissioner Prather says that he agrees with Commissioner Shanahan, that there is no foot-hold to say no so he would like to make a proposal to approve the application.

Commissioner Prather motions to approve the application; Commissioner Shanahan seconds.

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

Time: 39 minutes

- b. Western Road Series of Atmospheric, LLC c/o Gose & Associates, **MAP AMENDMENT (MA22-09)**, consideration, discussion, and possible action, including recommending approval or denial to rezone property currently addressed 1122 S Western Rd, and a portion of 1222 S Western Rd, Stillwater, OK, from O (Office) to CS (Commercial Shopping) zoning.

Chair Phillips introduces the item and asks staff to present.

Jacquelyn Porter, City Planner, presents the map amendment and asks if there are any questions.

Commissioner Shanahan asks if he was correct in hearing that the back portion of the lot is going to stay agriculture due to it being in the floodplain. Ms. Porter confirms.

Chair Phillips asks if the applicant would like to come forward to speak.

Diego Enzensperger, Gose & Associates, 118 E 8th Ave, Stillwater, OK, explains that the future comp plan shows commercial. They are asking for a map amendment to commercial shopping so that they can have personal storage, warehousing, and retail.

Chair Phillips asks if there are any questions for the applicant; none respond. Chair Phillips opens the public hearing and asks if anyone would like to speak in favor of the item.

Walter Kelly, 1320 W 9th Ave, Stillwater, OK,

- 1222 S Western Rd is a piece of property his father and grandfather purchased in 1973
- About 15 years ago he rezoned the property and sold and moved the house off the lot

- They hired Gose & Associates to do engineering for the property and Steve Ripley for the Earth Change Permit to do approximately \$30k worth of dirt work.
- They granted a small easement to the City of Stillwater to improve 12th Ave sidewalk with the expansion of the road.
- He applied for a FEMA map revision and had Jimmy Hill do the engineering for that with the ability to add a little more dirt later.
- About seven years ago his neighbor that owned 1122 S Western Rd passed away so he and his mother bought the property.
- The property was zoned office when he purchased it; however, he would like to elevate that zoning to maximize the ability to get a long term commercial lease that will benefit everyone.
- The zoning request fits the 2030 comp plan and is a high traffic area which works with commercial.

Chair Phillips asks if there are any questions for the commissioners.

Commissioner Shanahan asks if changing the zoning to commercial makes it more desirable for a longer term lease. Mr. Kelly confirms.

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

Chair Phillips asks if the commissioners have any comments, discussion, or a motion.

Commissioner Shanahan motions to accept staff's findings and recommend the City Council approve the proposed map amendment; Commissioner Prather seconds.

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

Time: 11 minutes

- c. Kline Sign, LLC **SPECIFIC USE PERMIT (SUP22-07)**, consideration, discussion, and possible action, including recommending approval or denial of a request to allow for an Electronic Message Center (EMC) sign adjacent to residential zoning at property addressed as 2121 N Perkins Rd, Stillwater, OK, in the CS (Commercial Shopping) zoning.

Chair Phillips introduces the item and asks staff to present.

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

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

Joe Kline, 2325 Richland Ave, Enid, OK comes to speak on the following:

- Will be the installer, if approved
- Completed one of these in Enid

- Was a very nice sign

Commissioner Prather asks what EMC stands for; Mr. Kline responds Electronic Message Center.

Commissioner Shanahan asks how high the sign will be; Mr. Kline responds that it will be 20 feet tall.

Chair Phillips asks if there are any further questions, none respond. Chair Phillips asks if there is anyone that wishes to speak in opposition, none respond. Chair Phillips closes the public hearing and asks for staff's recommendation.

Ms. Porter returns and presents findings and alternatives, which are:

Findings:

1. The Land Development Code allows for this type of signage with an SUP.
2. The proposed sign is an accessory use within an existing commercial development.
3. Car wash is the planned primary commercial use of the property.

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.

Planning Commission discussion is held regarding the message center being next to an apartment complex and how the occupants won't typically notice it; potential for being a distraction for vehicle traffic on Perkins Road; no state law to not allow it; and no one being present to speak in opposition.

Commissioner Prather moved, Commissioner Shanahan seconded to accept findings and recommend that the City Council approve the proposed specific use permit as presented.

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

Time: 7 minutes

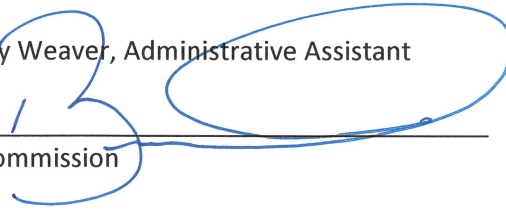
3. PRESENTATION BY SPECIAL COUNSEL OF THE CITY ATTORNEY'S OFFICE REGARDING STATE STATUTES, THE STILLWATER CODE OF ORDINANCES, THE ZONING CODE, AND CASES OF INTEREST ON PLANNING AND ZONING MATTERS.

Kim Payne, Assistant City Attorney, presents on a case from Edmond, OK, in which the Planning Commission denied a Preliminary Plat. The decision was challenged and taken to court, and the Judge ruled in favor of the Planning Commission's decision saying that it was not arbitrary and capricious based on the detailed reasons the Commissioners listed in the denial. Ms. Payne expressed how important it is if denying an application that the justification for such denial is clearly stated.

4. MISCELLANEOUS ITEMS FROM STAFF, PLANNING COMMISSIONERS, OR CITY ATTORNEY FOR DISCUSSION AND POSSIBLE ACTION:
 - a. Next Planning Commission Meeting August 02, 2022.
5. ADJOURN.

This regular meeting of the Stillwater Planning Commission was called for adjournment by Commissioner Shanahan, seconded by Commissioner Prather at approximately 6:31 p.m. on July 19, 2022, with all members present in agreement. The next regularly scheduled meeting will be held August 2, 2022, 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