

**STILLWATER PLANNING COMMISSION SUMMARY
REGULAR MEETING OF March 1, 2022
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED February 25, 2022 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
Jeff Mathews, Community Development Director
Beth Ann Childs, Special Counsel
Chelsey Weaver, Administrative Assistant

MEMBERS ABSENT

1. CALL MEETING TO ORDER.

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

2. CONSENT DOCKET:

- a. CStar Construction Services, **FINAL PLAT (SUB22-03)**, requesting review and approval of the final plat named Bourbon Street Square Multi-Family creating eight (8) residential lots and eight (8) outlots in the Residential Two & Multi-Family (RTM) district on property currently addressed as 401 S. CStar Blvd, Stillwater, Oklahoma.

Chair Phillips asks if there is a motion to approve the Consent Docket or to remove an item.

Commissioner Shanahan motions to approve the Consent Docket; Commissioner Hallgren seconds.

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

Time: 1 minutes

3. ITEMS REMOVED FROM CONSENT

4. PUBLIC HEARING:

- a. **SHORT TERM RENTAL (STR-0067)**, consideration, discussion, and possible action approving or denying the application for a Short Term Rental from Orange Peel

Properties, LLC at property addressed as 126 S Melrose Dr in the RSS (Small Lot Single-Family Residential) district.

Chair Phillips explains the procedures of the open hearing and asks staff to present.

Brady Moore, Chief Performance Innovation Officer, presents STR-0067 and asks if there are any questions for staff.

Vice-Chair Allred arrives at 5:32 p.m.

Chair Phillips asks if there are any questions from the Commissioners. Commissioner Prather asks Mr. Moore to show the location of the property from which the objection letter was submitted.

Chair Phillips asks if there are any other questions of staff; none respond. Chair Phillips opens the public hearing and asks if the applicant or representative are available to speak.

Dale Daniel and Shannon Williams, Orange Peel Properties, LLC, speak on the following:

- Purchased the abandoned house and property over a year ago and spent about \$100,000 remodeling the home.
- The house has an architectural interest with its mid-century modern design and was built in 1960 by Dean Arby who was an architect at OSU.
- The demographic the rental is designed to attract is not college students, but their parents who are in town visiting.
- The house is within walking distance of everything on campus.
- The house rules set quiet hours and restrict any partying.
- The neighborhood also has two other short term rental properties.
- VRBO lets you rate your guests, which lets you have more control over who you are renting to.

Commissioner Prather asks the applicants if they will be using VRBO exclusively and how they intend to maintain the property. Ms. Williams confirms that VRBO will be what they use for the rental and that both her and Mr. Daniel live in Stillwater and will maintain the property. Commissioner Prather expresses how important it is to have someone that will be available to enforce the rules if something were to happen. Ms. Williams acknowledges Commissioner Prather's statement adding that she also has the help of Look Properties if need be.

Commissioner Hallgren asks how many properties Orange Peel Properties, LLC has that are used in this manner. Ms. Williams says that this is their first short-term rental; however they do have other properties that will be used for both short term and long term rentals that were also eye sores when they purchased them.

Chair Phillips asks if there are any other questions for the applicant; none respond. Chair Phillips asks if there is anyone else who would like to speak in favor of the item.

James Fox, 116 S Melrose Dr, says that there is a need for this type of property and that Look Properties, LLC has a lot of good qualities and he asks for the Planning Commission to vote in favor of the STR.

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.

Robin Anderson, 133 S Monticello Dr, speaks on the following:

- Her husband and her live in that neighborhood so that he can walk to work.
- She has a call log from every time she has called the cops because of loud partying, parking issues, and other problems that renters often bring.
- There are not regulations on Air-BNB's like there are on other rental properties.

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 the findings and alternatives.

Commissioner Prather asks if there is a legal way to evict renters if there are problems such as the cops getting called. Mr. Moore confirms that that is part of the rights the owners have.

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

Commissioner Hallgren asks what has happened in the neighborhood that has made it drastically better taken care of. Mr. Moore says that he believes the Westwood Overlay may have something to do with it. Commissioner Hallgren and Chair Phillips both comment on how much better the neighborhood does look and that proactive owners who monitor renters makes a great impact. Commissioner Shanahan agrees with both Chair Phillips and Commissioner Hallgren. Commissioner Hallgren says that he has stayed in many short-term rentals and that the restrictions that can be placed on them makes it a little more secure of an option.

Commissioner Prather asks if there is a minimum number of nights since that would help with preventing partying. The applicant responds that it is two.

Chair Phillips asks if there is a motion or further discussion. Commissioner Prather says that it is impossible not to have a problem every now and then; however, the applicant has been very proactive in ways to prevent as many problems as they can.

Chair Phillips asks if there is a motion.

Vice-Chair Allred motions to approve; Commissioner Shanahan seconds.

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

Time: 21 minutes

- b. Two Suns Inc., **SPECIFIC USE PERMIT (SUP21-09)**: Consideration, discussion, and possible action to recommend approval or denial of a specific use permit to allow a medical marijuana dispensary at property addressed as 611 W. Highpoint Drive, Stillwater, Oklahoma, in the Commercial Shopping (CS) district. Tabled from 02.15.2022 Planning Commission Meeting.

Chair Phillips reads the description of the item and asks for Staff to present.

Brady Moore, Chief Performance Innovation Officer, presents SUP21-09 and reminds the commissioners that this item was originally tabled February 1, 2022, to have time for legal to provide a recommendation based on the information received from OMMA. On February 14th legal counsel recommended that the SUP not be denied based on the proximity of the facility Stillwater Public Schools is using for athletics. On February 15, 2022, the item was tabled again to encourage the applicant and Noel Bagwell, Executive Director, Payne County Drug Court, Inc. to meet. The meeting did take place and an email was received today, 03.01.2022, from Mr. Bagwell expressing that the meeting was cordial; however, his concerns still stand as stated in the previous letter. Mr. Moore asks if there are any further questions and says that the applicant is also here to speak.

Vice-Chair Allred excuses himself to tend to a personal matter at 5:55pm.

Chair Phillips, not seeing any questions for staff opens the public hearing and asks if the applicant would like to speak to the Planning Commissioners to express anything he hasn't already had a chance to say.

Jose Sanchez, 407 S Lowry St, Stillwater, OK, says that he is here to answer any questions the Commissioners may have and adds that he did have a chance to meet with the director of the Payne County Drug Court facility.

Chair Phillips asks if there are any questions for the applicant; none respond. Chair Phillips asks if there is anyone who would like to speak in favor; none responded. 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.

Mr. Moore presents the findings and alternatives and reminds the Commissioners that they are up against the 60 day window to make a decision.

Vice-Chair Allred returns to the meeting at 5:57pm.

Chair Phillips asks if there are any questions from the Commissioners and says that this item should be familiar since it's been here before; after the first meeting legal opinion was shared; after the second meeting the applicants did meet as requested.

Commissioner Prather says that this is challenging, wanting to support local business and take into consideration the opinion of the drug court, how much weight can you put on the opinion of the drug court. The opinion should be weighed but there isn't an exact way to do that and will this be damaging to Stillwater if they don't approve it.

Chair Phillips agrees with everything Commissioner Prather shared, supporting small businesses is important especially in small towns. It's what helps us run. The weight of the services provided by Payne County Drug Court, Inc. does need to be taken into consideration. There are not a lot of these services provided in the Payne County/Stillwater area, and this specific one has been operating for around 20 years and is well known. Having known people in life struggle with addiction it is important to help with their recovery in any way. There might be negative impacts of the medical marijuana dispensary within such proximity of the drug court facility such as patrons not wanting to come for fear of temptation. There is also the matter of the facility the school uses for athletics. If the school decides to use the facility in the future for academic purposes this would be a non-conforming business.

Vice-Chair Allred expresses his sincere appreciation to the applicant and the drug court representative for meeting and having a civil discussion and wishes that more business could do that.

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

Beth Anne Childs, Special Counsel, says that if the will of the commission is to recommend denial she respectfully requests that the motion does indicate "based upon the discussion of the Planning Commissioners", that way it is clear to the applicant and City Council.

Vice-Chair Allred asks if an objection to this would fall under unnecessary arbitrary capricious and unreasonable decision making.

Mrs. Childs explains that the SUP process is a little different from a rezoning process which is really where the arbitrary capricious standard lies. The purpose of the SUP process is to give the commission and council some additional leeway to consider things they might not have otherwise been able to consider. Municipalities are fairly heavily preempted in terms of MM retail establishments; however, statute does give the ability to look at the zoning code or in this case the SUP process. Based upon the comments the commissioners have made summarizing, it sounds like they are concerned about the close proximity to the

substance abuse court program. You can't always predict what the courts will decide; however, the Commission has articulated concerns of the health, safety, and welfare of the overall community which is important.

Vice-Chair Allred motions to recommend denial of the SUP to the City Council based on the will of the Commission due to the public health and safety concerns and the comments made by the Commissioners; Commissioner Prather seconds.

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

Time: 15 minutes

- c. Brandon Isley dba Docs Green, LLC, **SPECIFIC USE PERMIT (SUP22-01):**
Consideration, discussion and possible action to recommend approval or denial of a specific use permit to allow a medical marijuana dispensary at property addressed as 102 N. Main Street, Stillwater, Oklahoma, in the Commercial General (CG) district.

Chair Phillips reads the item and asks for Staff to present.

Brady Moore, Chief Performance Innovation Officer, presents SUP22-01 and informs the commissioners the applicant is available to answer questions. Mr. Moore asks if there are any questions.

Chair Phillips asks if the dispensary adjacent to 102 N Main St would be moving to 102 N Main St or if he would be operating both. Mr. Moore directs the question to the applicant. Chair Phillips opens the public hearing.

Branson Isley, 102 ½ N Main Ave., says that he has several cannabis companies in and around Stillwater. Mr. Isley says that the smaller green building is where his current shop is that he's been operating since 2019. Mr. Isley says the company hasn't caused any issues that he is aware of and the business is run ethically and responsibly. Mr. Isley says that he will be moving from the smaller building to the larger black building and plans to keep the small green building; however, he's not sure what he'll use it for and it will probably come before them as well.

Chair Phillips asks if he is just moving next door. Mr. Isley says that the building used to be Empire Fitness, when they moved he didn't want one of his competitors to get the building so he has been paying rent on it since. The new building is larger and has better parking which will be better for business. Mr. Isley states that the intention is to keep both buildings and the empty parking lot he uses for parking if funds allow it.

Chair Phillips asks if there are any other questions for the applicant; none respond. 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 on opposition; none respond. Chair Phillips asks if there is any discussion or a motions.

Commissioner Prather starts to make a motion. Beth Ann Childs, Special Counsel, asks if the Commissioner might like to add a condition that the applicant will not operate marijuana businesses out of both locales and asks the applicant if he would be ok with that motion.

Mr. Isley says no, to the best of his knowledge the only marijuana businesses that can operate out of either of those locations based on the zoning would be a dispensary and it wouldn't make any sense for him to operate two dispensaries right next door to each other. Mr. Isley asks what the downside would be for him to operate out of both locations even though to him it wouldn't make sense.

Ms. Childs says her answer isn't a legal answer but it is always the goal of the council to get businesses that will increase sales tax into locations; and if you start to duplicate services even if it doesn't make sense financially either for him, as far as the Commissioners, Councilors, and Citizens are concerned since that is how the City pays for Fire, Police, and all the other services that diversifying services can be important.

Mr. Isley thanks Mrs. Childs for the clarification saying that he was curious because there are already six of them operating within a block; although, for the record he was first. Mr. Isley says he isn't sure why everyone wants to operate near him but that it seems to be the way it is going and lists off all the surrounding dispensaries adding that there are probably almost 40 of them in Stillwater at this time. Mrs. Childs thanks Mr. Isley for making her point. Mr. Isley asks if there are any other questions for him; none respond.

Chair Phillips asks if Commissioner Prather would like to amend his motion to include what would address the concern he was expressing. Commissioner Prather says that yes, he would like to amend it.

Commissioner Prather moves to recommend approval of the specific use permit conditioned upon them moving their current operations to the planned business, Commissioner Allred seconds the motion.

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

Time: 10 minutes

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

- a. Next Planning Commission Meeting March 22, 2022.

6. ADJOURN.

This regular meeting of the Stillwater Planning Commission was called for adjournment by Vice-Chair Allred, seconded by Commissioner Shanahan at approximately 6:18 p.m. on March 1, 2022 with all members present in agreement. The next regularly scheduled meeting will be held March 22, 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 - Jana K. Phillips
Stillwater Planning Commission