

**STILLWATER PLANNING COMMISSION SUMMARY
REGULAR MEETING OF February 15, 2022
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED February 9, 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
Kim Payne, Special Counsel
Chelsey Weaver, Administrative Assistant

MEMBERS ABSENT

1. CALL MEETING TO ORDER.

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

2. PUBLIC HEARING:

- a. Two Suns Inc., **SPECIFIC USE PERMIT (SUP21-09)**, requesting review and approval of a specific use permit to allow a medical marijuana dispensary at property addressed as 611 W. Highpoint Drive in the Commercial Shopping (CS) district. Tabled from 02.01.2022 Planning Commission Meeting.

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

Brady Moore, Chief Performance Innovation Officer, presents staff report adding, the reason the request was tabled was due to the distance to the indoor sports facility that Stillwater Public Schools uses at Cimarron Plaza. Mr. Moore states that special legal counsel confirmed with OMMA that since the sports facility is not a primary learning facility it doesn't have to have a certain distance from a dispensary. Mr. Moore asks if there are any questions of staff; none respond.

Chair Phillips opens the public hearing and asks for the applicant or representative to come to the podium to speak.

Mr. Jose Sanchez, 407 S Lowry St, Stillwater, OK, speak on the following:

- He did his due diligence to make sure his location would be allowed for a dispensary and after double checking, OMMA and himself agree it is allowed.

Ms. Mollie Delo, 407 S Lowry St, Stillwater, OK, comes to the podium to read a letter in response to the Payne County Drug Court objection letter on behalf of Atlas Organics.

Chair Phillips asks if there are any questions.

Commissioner Hallgren asks if the applicant has contacted Payne County Drug Court to get their opinion on having a medical marijuana dispensary across the street. Mr. Sanchez says that he wants to address the concerns with the Planning Commissioners first.

Chair Phillips asks if there are any further questions from the Commissioners.

Mr. Sanchez adds that he didn't feel it would be necessary to ask the Drug Court how they feel about his business since they don't own his land.

Chair Phillips asks if there are any more questions; none respond. Chair Phillips asks if there is anyone 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 staff to present the findings and alternatives.

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

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

Vice-Chair Allred asks Legal Counsel if they still have time to table the item one more time before they hit the 60 day limit to make a decision on the item.

Commissioner Hallgren comments that he is not comfortable with a medical marijuana dispensary right across the street from the Drug Court. Kim Payne, Special Counsel, explains that the Payne County Drug Court is not the same entity as the Payne County Court. Commissioner Hallgren speaks on the letter received from the PCDC explaining their functions and expresses his own concerns with having a dispensary that close to a treatment facility.

Commissioner Prather asks if the Planning Commission has grounds to deny the request based on the proximity of a rehabilitation facility if it is not a state or OMMA regulation. Chair Phillips says that that is part of the discussion at hand, how it will change the surrounding vicinity. Chair Phillips says the people who are going to the treatment facility are doing so because there has already been an issue addressed by the law and the Drug Court is an option for help.

Commissioner Allred asks Ms. Delp if Atlas Organics would be willing to open up conversation with the PCDC and have some concessions if the two organizations do have a meeting of the minds. Ms. Delp confirms adding to her knowledge the PCDC will revoke a medical marijuana card upon admission into the program.

Commissioner Shanahan asks if Vice-Chair Allred is thinking to table until the applicant and PCDC representative have a chance to talk. Vice-Chair confirms and says that if the item is tabled, the two organizations can come to some understanding and bring back what was decided to the next meeting.

Chair Phillips asks the applicant if they would like to speak.

Francisco Sanchez, 605 W 49th Ave, Stillwater, OK,

- They would be willing to work with the drug court
- The approval shouldn't be based on working with the Drug Court
- There are several other dispensaries around each corner

Commissioner Prather agrees that there are several other dispensaries and that Mr. Francisco Sanchez made a valid point. Chair Phillips says that this location is off the beaten path as to where most would prefer more visibility. Commissioner Hallgren agrees adding that the drug court and the dispensary are the only two businesses on that road and approving it would be setting a standard.

Chair Phillips asks if the applicant would like to speak.

Ms. Delp explains that while she understands the Commissioners' concerns, the area is going to be changing within the next couple of years with Boomer Lake Station and they would like to use the resources they already have looking towards the future.

Chair Phillips asks if there are any comments from the Commissioners or is there is a motion.

Commissioner Hallgren motions for alternative number two.

Mrs. Payne tells Commissioner Hallgren that he needs to clarify his motion and include why it isn't appropriate.

Commissioner Hallgren motions denial based on it having irreconcilable conflicts with the current business.

Mrs. Payne says that she would like to make sure the motion is clear since a lot of Commissioner Hallgren's concerns were clarified when the applicant answered questions.

Commissioner Hallgren motions that this permit is not an appropriate use based on the proximity to the Payne County Drug Court.

Chair Phillips asks if there is a second; none respond. Chair Phillips says the motion fails due to the lack of a second. Chair Phillips asks if there is another motion.

Vice-Chair Allred motions to table the item until March 1, 2022, so that both parties have more than 14 days to have a conversation and to try and reconcile any issues which would benefit both parties; Commissioner Shanahan seconds.

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

Time: 32 minutes

- b. Stillwater Medical Center Authority, **MAP AMENDMENT (MA22-01)**, requesting review and approval to rezone thirteen (13) lots from Residential Single Family Small Lot (RSS) and Residential Two & Multi-Family (RTM) to Public (P). Lots addressed as: 705/711/717/720 S Blakeley, 706/710/714/718 S Adams, 721 S Stanley and 1202/1218/1302/1318 W 8th Avenue.

Brady Moore, Chief Performance Innovation Officer, introduces Mark Zitzow, Johnson & Associates, who will be presenting for the City.

Mark Zitzow, Johnson & Associates, 1 East Sheridan Ave, OKC, OK, presents staff's report. Chair Phillips asks if there are any questions.

Commissioner Shanahan says that after driving around the area, it is hard to tell how many structures are occupied or not. Mr. Zitzow responds that all of the structures that are within this map amendment request are vacant. Mr. Brady 'advises that the applicant's engineer is also here to answer any questions.

Chair Phillips opens the public hearing and asks for the applicant or representative to come to the podium to speak.

Stephen Gose, Gose & Associates, 113 E 8th Ave, Stillwater, OK, says that he is here on behalf of Stillwater Medical Center (SMC) to request approval for this map amendment. Mr. Gose says that the Hospital says that half of the structures are occupied as rentals and are owned by SMC.

Chair Phillips asks if there are any questions.

Commissioner Hallgren asks which half of the houses are vacant. Mr. Gose says that SMC does rent some; however, some of the others are used for storage or by Flintco. Commission Hallgren asks what the intended use to land will be. Mr. Gose explains that right now it is too early to know exactly; however, it will be used for the hospital.

Discussion is held on the potential intended uses of the vacant structures and what condition they will be in. Kim Payne, Special Counsel, explains that any structure within the City of Stillwater must be maintained to be in compliance. Chair Phillips explains that this is the first step in the expansion project for SMC and that tonight's decision is whether the zoning would be appropriate or not.

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

Mr. Steven Taylor, Stillwater Medical Center, 3911 N Washington St, Stillwater, OK, speaks on the following:

- SMC will maintain the properties and rent the ones they can
- No set plans as of right now for what the properties will be used for only that it will be for SMC depending on what their needs are.

Chair Phillips asks if there are any questions for Mr. Taylor; 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 in opposition to the item.

Ms. Ariel Ross, 1221 W 8th Ave, Stillwater, OK, speaks on the following:

- Concerned on what is going to happen to her neighbors who are long term rentals of one of the properties
- Has only owned her home 2 years and probably wouldn't have bought it if she had known this was going to happen
- Doesn't want to live across the street from a parking garage
- Hopes that SMC will be considerate of the neighbors and keep in mind screening

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 to the item; none respond. Chair Phillips asks for staff to return to the podium to present findings and alternatives.

Mr. Zitzow presents the findings and alternatives and asks if there are any questions. Chair Phillips asks if there are any questions for staff. Chair Phillips closes the public hearing and asks if there is any discussion from the Commissioners.

Commissioner Hallgren says that the rezoning is going to be a huge impact on the neighborhood and that they are not doing a good job at communicating with the neighborhood. Commissioner Hallgren also comments on the fact that SMC isn't doing a good job at screening the properties they currently use for staging and he doesn't see why it would be any different in the future. Chair Phillips asks staff if there are any screening requirements during the construction. Mr. Zitzow defers the question to Mr. Moore who defers to Legal Counsel. Mrs. Payne says that while she can't confirm for sure she doesn't believe there are. Mr. Moore asks if Mr. Gose would like to speak towards the plans for screening. Jeff Mathews, Community Development Director clarifies that there are no screening requirements during construction.

Mr. Moore and Ms. Payne explain the process if there is a conflict of interest. Commissioner Hallgren says he's lived here a long time and isn't necessarily against a rezoning but he has driven around a lot of the city and he does have opinions. Commissioner Hallgren also adds that while there may not be any legal requirements for screening and notifying the neighborhood, morally it would seem right to do so.

Chair Phillips asks if there are any other questions or comments.

Commissioner Shanahan comments on the need for SMC and how much they benefit the city; however, he agrees with some of the points Commissioner Hallgren made about screening and staging during construction. Commissioner Prather says that while it would be nice to know exactly what will happen, he will take the word of SMC that it will be of good use and he doesn't see a nefarious use of this zoning change. Commissioner Hallgren says that not knowing what the area is going to be used for is what probably makes the neighbors uneasy.

Chair Phillips asks if there are any other questions or comments from the Commissioners; none respond.
Chair Phillips asks if there is a motion.

Commissioner Prather motions to accept the findings and recommend City Council approve the map amendment request as presented; Commissioner Shanahan seconds.

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

Time: 28 minutes

- c. RSR OKC North, LLC c/o Crafton Tull & Associates, **PRELIMINARY PLAT (SUB19-20)**, requesting review and approval to extend the expiration date of the previously approved preliminary plat for Frye Farms creating 182 residential lots and four (4) outlots at property currently addressed as 1998 W. 32nd Avenue.

Brady Moore, Chief Performance Innovation Officer, explains that the item is here today to ask for an extension to file for the final plat since there is a 2 year limit after the preliminary plat is approved. Mr. Moore also speaks to the fact that Frye Farms is a good partner to the City of Stillwater and that their representative Mr. Brad Reid is here to any questions as well.

Commissioner Shanahan asks what is allowed to be done before approving the preliminary plat. Mr. Moore explains that the preliminary plat was already approved in 2020 and due to certain circumstances they have had delays and are now only asking for an extension. Mr. Moore also explains that it is more of a clerical request and that it is recommended for approval by staff.

Chair Phillips asks if there are any further questions.

Commissioner Prather asks for clarification on the location. Mr. Moore explains the location and says that it is waiting on an agreement with Park Valley that will help the city with sanitary sewer.

Commissioner Prather asks at what point the roads get discussed and decisions are made with the huge increase in homes. Mr. Moore explains that City Engineering and the developers work together before the final stages.

Chair Phillips opens the public hearing and asks the applicant Brad Reid to speak.

Brad Reid, 221 NW 50th, OKC, OK, explains that the development is moving forward; however, they are waiting on Park Valley to get in parts that are a few months out for the sanitary sewer lift station that will be required for them to file the final plat.

Chair Phillips asks if there is a timeline requested. Mr. Reid asks for a year just to cover the bases. Chair Phillips explains that with the construction industry and supply delays that a year seems very reasonable. Mr. Moore agrees with Chair Phillips about the supply delays and again says that it is staff's recommendation to approve the request.

Chair Phillips asks if there is anyone else who would like to speak in favor or opposition; none respond.
Chair Phillips closes the public hearing and asks if there is any discussion, questions, or a motion.

**Vice-Chair Allred motions to grant an extension of one year from today 02.15.2022 on the item;
Commissioner Prather seconds.**

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

Time: 9 minutes

3. MEETING SUMMARY FOR REVIEW AND POSSIBLE ACTION:

- a. Regular Meeting Summary of February 1, 2022.

Chair Phillips asks there are any correction and if not if there is a motion.

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

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

Time: 1 minute

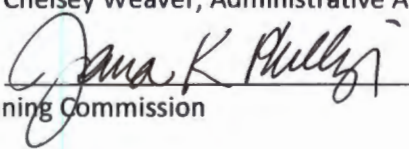
**4. MISCELLANEOUS ITEMS FROM STAFF, PLANNING COMMISSIONERS, OR CITY ATTORNEY FOR
DISCUSSION AND POSSIBLE ACTION:**

- a. Next Planning Commission Meeting March 1, 2022.

5. ADJOURN.

This regular meeting of the Stillwater Planning Commission was called for adjournment by Vice-Chair Allred, seconded by Commissioner Hallgren at approximately 6:41 p.m. on February 15, 2022, with all members present in agreement. The next regularly scheduled meeting will be held March 1, 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

