

**STILLWATER PLANNING COMMISSION SUMMARY
REGULAR MEETING OF February 14, 2023
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED February 9, 2023 IN THE
MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

MEMBERS PRESENT

Jana Phillips, Chair
Stephen Hallgren, Vice-Chair
Mike Shanahan, Member
Mark Prather, Member
Riley Williams, Member

STAFF PRESENT

Jacquelyn Porter, City Planner
Diana Hood, Associate Planner
Kim Payne, Assistant City Attorney
Joshua Brown, Project Manager
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. **TEXT AMENDMENT (TXT22-02)**, consideration, discussion and a possible text amendment to Chapter 23, Land Development Code, Article VI, Land Use Classifications, Division 1, Generally; Section 23-121, Exemptions; setbacks for fences, etc; projections into yards.

Chair Phillips reads the items and asks staff to present.

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

Ms. Porter and Commissioners discuss what a secondary front yard is, bulk standards, exemptions, site line safety, the need for the code change, and why there isn't more verbiage changing for clarification.

Chair Phillips asks if there are any further questions for staff; none respond. Chair Phillips opens the public hearing and asks if there is anyone who would like to speak in favor.

Joel Quarnstrom, 201 S Doty St, Stillwater, OK, states that before he heard about the possible text amendment he was in the process of applying for a variance to the Board of Adjustment since he lives on a corner lot and has large dogs that can jump high and need more room; for that reason, he is in favor.

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.

Ms. Porter presents the findings and alternatives:

Findings:

1. A text amendment to the Land Development Code is needed to address the height limitations of fences in secondary front yards.

Alternatives:

1. Accept findings and recommend that the City Council approve the proposed Text Amendment as presented.
2. Find that the Text Amendment is appropriate for the Definition with identified amendments and recommend 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 future Planning Commission meeting.
4. Find that the Text Amendment is not needed and do not recommend that the City Council approve the request.

Vice-Chair Hallgren asks for clarification on fence height now allowable. Ms. Porter explains that if approved because of the change in definition, the allowable on a secondary frontage can be up to 6ft which is elsewhere in the code.

Commissioner Prather asks if all the cases that have gone to Board of Adjustment for fences have been approved. Kim Payne, Assistant City Attorney, confirms.

Chair Phillips expresses her concerns about fences possible blocking the site triangle and the safety issues that could cause vehicular and pedestrian traffic issues especially next to an alleyway. Ms. Porter explains that it would be the same as a citizen erecting any other structure and sometimes people don't know until after they have constructed it. Ms. Payne adds that most of the cases that go before Board of Adjustment are people who have been caught by code enforcement and then apply for the variance.

Ms. Porter explains that out of all the Board of Adjustment cases she has seen for fences none were for alleyways. Chair Phillips comments that that is a good point, because most residential areas don't have alleyways; however the commercial areas do and this text amendment will cover both.

Chair Phillips asks if there are any further questions; none respond. Chair Phillips asks if there is any further discussion or a motion.

Commissioner Prather motions to accept the findings and recommend City Council approve the proposed text amendment as presented; Commissioner Williams seconds.

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

Time: 26 minutes

- b. **SPECIFIC USE PERMIT (SUP22-09)**, consideration, discussion, and possible action, including recommending approval or denial of an application from Blake Shelton/SSS Enterprises LLC, to operate a medical marijuana dispensary at property addressed as 107 W 10th Ave, Stillwater, OK, in Commercial Business (CB) zoning.

Chair Phillips reads the items 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 asks the applicant to come forward to speak.

Joshua Smith, 1907 Twisted Oak Ct, Shawnee, OK, and Blake Shelton, 717 S Ridge Dr, Stillwater, OK, say they are both veterans and are looking forward to helping provide jobs and help patients in the Stillwater area.

Chair Phillips asks if there are any questions from the Commissioners; none respond. Chair Phillips opens the public hearing and 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 staff to present the findings and alternatives.

Ms. Hood presents the findings and alternatives:

Findings:

1. Oklahoma State Law allows for medical marijuana dispensaries.
2. The Land Development Code allows the use of a medical marijuana dispensary in the Commercial General (CG) zoning district with a specific use permit.

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.

Vice-Chair Hallgren asks how often a SUP has to be renewed. Ms. Hood explains that the SUP is owner and address specific so if either change a new SUP is required.

Chair Phillips asks if there are any further questions; none respond. Chair Phillips asks if there is a motion.

Commissioner Williams motions to accept staff findings and recommend the City Council approve the specific use permit as presented; Vice-Chair Hallgren seconds.

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

Time: 4 minutes

- c. **SHORT TERM RENTAL (STR-0095)**, consideration, discussion, and possible action, including approving or denying an application for a Short Term Rental from Lark Properties, LLC for

property addressed as 1111 W Knapp Ave, Stillwater, OK, in Residential Single Family (RSL) zoning.

Chair Phillips reads the items and asks staff to present.

Jacquelyn Porter, City Planner presents the items and asks if there are any questions for staff; none respond.

Chair Phillips asks if the applicant is available to speak.

Trevor Montgomery, Lark Properties, LLC, property manager, speaks on the following:

- The company is owned by his wife, sister, and brother-in-law
- Currently have two short term rentals that they have manage both remotely and with a local team
- Haven't had any major issues with the current short term rentals
- Most of the renters have been people coming into town for OSU events
- Decided to do short term rentals over long term so there can be more oversight
- They use VRBO and Airbnb for the rental platform
- They choose higher end properties in order to have higher end renters
- Do not rent to anyone under 23
- Talks to applicants about intentions for the rental to make sure there are no parties

Vice-Chair Hallgren asks if the company is local. Mr. Montgomery explained that his company isn't; however, they have local people employed on part time bases for cleaning, smaller repairs, and landscaping. Vice-Chair Hallgren and Mr. Montgomery discuss the screening process and the parking availability.

Chair Phillips opens the public hearing and asks if there are any further questions; none respond. Chair Phillips asks if there is anyone who would like to speak in opposition.

The following citizens speak about the concerns below:

Awilda Sanza Paolo, 1117 W Knapp Ave, Stillwater, OK,
Nile Abele, 1023 W Knapp Ave, Stillwater, OK,
Ann Abele, 1023 W Knapp Ave, Stillwater OK, on behalf of an anonymous neighbor
Michelle Crew, 1107 W Knapp Ave, Stillwater, OK
Lance Rice, 1116 W Knapp Ave, Stillwater, OK
Dan Lowrance, 1019 W Knapp Ave, Stillwater, OK

- Safety of children
- Parking
- Traffic
- Regulations and long term plan for STRs in Stillwater
- Long term consequences of STRs
- Lack of concern from short term renters
- Personal privacy specifically for any potential adopted children
- Why can't they use another neighborhood that isn't two blocks long, with only 50 neighbors

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 address any of the concerns that were mentioned.

Mr. Montgomery explains that he understands the concerns of the neighborhood; however, he too lives on a dead-end street and has small children. Mr. Montgomery explains there haven't been any issues in his neighborhood with the short term rentals there and as the HOA president he is aware when a new one is applied for.

Chair Phillips asks for clarification on the notification process. Mr. Montgomery says the HOA doesn't have anything in place, it is the City of Tulsa that has a similar review/notification procedure. Mr. Montgomery also explains that with a short term rental he has more oversight and more ability to continue re-investing in the property.

Chair Phillips asks if Mr. Montgomery knows how long the short term rental that are adjacent to him have been established there. Mr. Montgomery says he thinks about 3 years each.

Commissioner Prather asks Mr. Montgomery how long ago he bought the property and if his intentions were always a short term rental. Mr. Montgomery confirms adding that maybe someday his daughter will go to school here and live in it.

Chair Phillips asks staff to address the questions regarding the number of short term rentals in Stillwater. Ms. Porter explains short term rental licenses are processed through the City Clerk's office; however, the information can be obtained.

Chair Phillips asks if there are any further questions from the Commissioners; none respond. Chair Phillips asks staff to present alternatives.

Ms. Porter presents the alternatives:

Alternatives:

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

Ms. Porter asks if there are any questions. Commissioner Williams asks if the City has any plans on regulating the number of short term rentals in Stillwater and if HOA's have any regulations. Ms. Porter explains the City doesn't at this time; however, a text amendment can be done. Ms. Porter adds that each HOA is different and the City doesn't regulate their covenants, it is a private matter.

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

The Commissioners discuss the pros and cons of owner occupied, long term rental, and short term rental properties concluding while it may not be ideal and they understand the citizens' concerns there are also some benefits such as more oversight of the property and control of who can be in it.

Chair Phillips asks if there is a motion.

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

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

Time: 57 minutes

3. MEETING SUMMARY FOR REVIEW AND POSSIBLE ACTION:

- a. Regular Meeting Summary of January 24, 2023.

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

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

Time: 1 minutes

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

- a. Next Planning Commission Meeting March 7, 2023.

5. ADJOURN.

This regular meeting of the Stillwater Planning Commission was called for adjournment by Commissioner Williams, seconded by Vice-Chair Hallgren at approximately 7:03 p.m. on February 14, 2023, with all members present in agreement. The next regularly scheduled meeting will be held March 7, 2023, 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