

STILLWATER PLANNING COMMISSION SUMMARY
REGULAR MEETING OF January 11, 2022
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED January 7, 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
Bill Millis, City Engineering Deputy Director
Jeff Mathews, Community Development Director
Beth Ann Childs, Special Counsel
Cindy Gibson, Administrative Services Manager

MEMBERS ABSENT

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. KMR Development, LLC c/o Universal Surveying & Mapping, LLC, **PRELIMINARY PLAT (SUB21-13)**, requesting review and approval to develop a new residential subdivision, named "Park View Estates, Section 10" consisting of 37 lots at property currently addressed as 4698 N. Rogers Drive, in the Residential Single Family Small Lot (RSS) district. Deferred from the December 7, 2021 PC Meeting

Chair Phillips asks for staff to present the preliminary plat.

Brady Moore, Chief Performance Innovation Officer, presents SUB21-13 and asks if there are any questions.

Commissioner Hallgren asks what steps come after a preliminary plat. Beth Ann Childs, Special Counsel, explains the process of the improvements and the final plat.

Commissioner Shanahan asks what is allowed to start before the approval of the preliminary plat. Mrs. Childs defers to Engineering. Bill Millis, City Engineering Deputy Director, explains that the first things they normally do is surveying and earth change. Mr. Millis also explains that while they can start infrastructure before the preliminary plat is approved; however, it would be unusual. Mrs. Childs adds that the code does state that the improvements shouldn't start before the preliminary plat is approved.

Chair Phillips asks if there are any further questions.

Commission Prather asks why Section 8 is relative to Section 10's approvals. Mr. Moore explains that section 8 has already been through the preliminary phase; however, since the applicant owns both sections he is starting the earth change on both to correct water issues.

Chair Phillips asks if there are any further questions; none respond. Chair Phillips opens the public hearing and asks the applicant to speak.

Josh Powers, Universal Surveying & Mapping, 216 W 6th Ave, Stillwater, OK, speaks on the following:

- The preliminary plat is to approve that the zoning, setbacks, and easements meet code.
- Section 8 final plat was filed in 2007; for Mr. Carnley to develop the section they were required to do a new drainage study and grading plan.
- Only infrastructure is only currently being done on section 8.
- Section 10 is still waiting on approval/
- Section 10's dirt work has already begun to help with the drainage issues.
- Section 8 & 10 drainage study have been approved and will help with the existing housing by directing it though the roads into a detention pond.
- HOA is private; however, Mr. Bartley is here if you do want to discuss HOA.

Commissioner Prather said most of the comments from the residents were about drainage and HOA. Commissioner Prather says that while he isn't an expert on drainage, he has to believe that the two engineers that signed the report must believe that it will work. Mr. Powers comments that after reading the report himself he couldn't see where the issues were in this section. Most of it is in what's already developed. Mr. Powers also states that the roads alone are diverting a lot of water per state code as to not increase run-off onto existing property. Commissioner Prather asked if the proposed development meets the current HOA. Mr. Powers defers to Mr. Bartley since it is a private matter.

John Bartley, 623 S Lewis St, Stillwater, OK, speaks on the following:

- Being a real-estate development, title, and covenants attorney he has seen more abstracts than he can count for lots in the existing development and has seen this HOA that was formed in 1976 which was only intended for sections 1-3.
- Covenants are a private agreement between the developer of the land and the people that buy the lots.
- The City of Stillwater has no jurisdiction or enforcement over covenants, therefore the conversation shouldn't even be happening.
- Section 1-7 final plats were individually filed, then each section's specific set of covenants were filed separately.
- Section 9 was filed in 1996
- Section 8's final plat was filed in 2007 and no covenants were ever filed or given to the HOA Authority
- Proposed Section 10 doesn't have any documents that encumber it to the HOA Authority
- While the HOA's rules do not apply to Sections 8 and 10, the City code still does.

Chair Phillips asks if there are any questions.

Commissioner Prather explains that they are being marketed as being in an active HOA within walking distance of Richmond Elementary; however, they are not following the HOA rules.

Mr. Bartley agrees that they need to make a decision either to be in the HOA or not. It is up to the two individual parties to decide if they want to work together to bring the two sections into the HOA or not. It has nothing to do with the plat. Commissioner Prather says that the neighbor's concerns are valid, one of which is that they need to stop claiming the HOA if they are not going to join and abide by the HOA rules. Mr. Bartley shares his experience with being between citizen concerns and what the actual code says.

Chair Phillips asks if there are any further questions, none respond. Chair Phillips asks Mr. Powers to confirm that the current runoff will be directed by the streets in to the detention pond. Mr. Powers says that is the design and they have even changed the highpoint to slow it down further.

Commissioner Shanahan asks Mr. Powers if there is going to be further dirt work done to make sure that additional drainage isn't going to drain onto the properties to the South South/West since it now looks to be graded higher. Mr. Powers explains that they have cut an extreme amount of available flow to the lower properties by diverting it to the streets.

Commissioner Prather asks how a detention pond works. Mr. Powers responds that the detention pond is where the water is directed towards and acts a collector.

Commissioner Hallgren asks how covenants work. Mrs. Childs explains that HOA Covenants are private and each person has agreed to be in the neighborhood with the HOA, which has to be enforced by the HOA, there is no City involvement.

Chair Phillips asks if there are any 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 in opposition.

Rayeann Meyer 105 E Marie Dr,

- Oldest active HOA in Stillwater
- Not appreciative of how the plats have been presented to the neighbors or the City, as it isn't cohesive.
- Henry Wells purchased the "greenbelt" area and platted Section 8 without the HOA ever having a chance to review it, making it a clear violation of the HOA rules.
- Each of the plats that she pulled are under the HOA rules.
- Feels like the developer is bulldogging the neighbors that are currently there.

Chair Phillips asks if at some point the HOA owned what Mrs. Meyer is calling a greenbelt and if they did in fact sell it. Mrs. Meyer agrees that yes they sold it to Mr. Wells and then the communication between the HOA went cold.

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

Doris Alherackee, president of the HOA 314 E Rogers

- Very strong board on the HOA
- Not opposed to the development, only the lack of communication with the HOA
- Section 8 is not platted how Mr. Wells wanted
- Mr. Carnley plagiarized her website and acted like it was his own.
- Richmond Elementary is full and she doesn't want her taxes being raised because there are new houses going in and they may need to expand the school.

Rosemary Angel 100 E Rogers Dr.

- Worried about drainage issues
- The easement behind her house is 28" higher than her property and the graded area for the house behind her is 36" higher.

Cindy Penny 116 E Rogers Dr.

- Drainage

Jackie Haymond 200 E Marie Dr.

- Concerned about conflict of interest since Mrs. Carnley, the Interim City Attorney, is married to Jimbo Carnley.

Charlotte Wheeble 423 E Roger Dr.

- Really liked the green space for the kids and building houses there isn't beneficial for anyone

Janice Cox 4506 N Greenvale

- No communication from the developer
- Started work and were cutting wires before anyone knew what was getting started
- Lack of respect from the developer

Julia Ray 4719 N Britton Dr.

- Increase in traffic since there are children who walk to school in the neighborhood and there are already cars speeding through

Clair Widicor 4514 N Greenvale Cir

- Internet was ripped out which caused problems with working from home
- With cars parked on the street its already hard for emergency vehicles to get through and more cars will make it more difficult

Mrs. Beth Ann Childs clarifies that she is special counsel and doesn't discuss matters with the City Attorney, Mrs. Carnley, that may be a conflict of interest.

Mr. Powers

- Freedom of information act, showed in 1976 there was never going to be a green belt, the entire area was always intended to be covered in houses

- Drainage, streets have to meet city code
- While apologetic for any miscommunication that may have happened, it still shouldn't hinder what the Commissioners are supposed to be reviewing tonight.

Commissioner Hallgren asks Mr. Powers if Greenvail is going to be connected to the existing Greenvail. Mr. Powers confirms. Commissioner Hallgren asks Mr. Powers where the Preliminary Plat came from that he is presenting showing all 10 Sections of Park Views Estates. Bill Millis, City Engineering Deputy Director and Mr. Moore explain that this is a preliminary plat from the 70's that was found in the original file when doing research for the right-of-way closing.

Commissioner Shanahan asks how the developers intend to keep drainage from increasing to the southern lots. Mr. Millis explains that the original development already had drainage flowing south; however, with the new streets in place it should help decrease the amount headed towards those homes. Commissioner Shanahan asks about the traffic impact. Mr. Millis says that the development that is being discussed doesn't trigger a need for a traffic impact analysis.

Jimbo Carnley, Freedom Homes:

- Local citizen and wants to contribute to the City of Stillwater
- Finishing out an already planned development
- Did a drainage study since it was not required in 1970
- Raised elevation to send the water north into the detention pond instead of south towards the homes.
- Wants to be a part of the HOA; however, some of the restrictions are not feasible
- Preliminary Plats require that all City of Stillwater codes are met and if so it should be approved so it can move on to the next step
- The improvement plans are not only made by the developer's engineers, but also the City Engineers and DEQ

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

Commissioner Hallgren asks about the communication between the developer and the HOA. Mr. Carnley explains that they are building an approved final plat from 2007 so communication with the HOA isn't necessary since nothing changed. Commissioner Hallgren comments that most of the comments from tonight have been about Section 8, not 10 and that Section 8 shouldn't even be a topic since it is completely approved. Mr. Carnley agrees.

Chair Phillips asks if there are any further questions from the applicant; none respond. Chair Phillips closes the public hearing and asks for staff to present the findings and alternatives.

Mr. Moore presents the findings and alternatives and asks if there are any questions for staff.

Mrs. Childs asks Mr. Bartley if there were any deed restrictions on either Section 8 or 10. Mr. Bartley says that he didn't see any deed restrictions on either.

Mrs. Childs explains that with a preliminary plat if it is denied, there must be exact reasons why and they must point to future comp plan or other code regulations and then the applicant must be provided in writing the reasons why. Mrs. Childs also explains that there is a 60 day deadline (February 5, 2022) from the first time the preliminary plat was heard at Planning Commission to approve or deny, otherwise it is automatically approved.

Chair Phillips asks if there are any questions for staff; none respond. Chair Phillips asks if there is any discussion between the Commissioners.

Commissioner Prather explains that to the best of his knowledge everything that needed to be addressed has been approved by engineers and professional studies. The only thing that wasn't addressed was communication with the HOA, so he sees no reason why it wouldn't be approved. Chair Phillips agrees with Commissioner Prather. Commissioner Hallgren asks about the variance with the preliminary plat and how the voting will take place. Mr. Moore reads the variance request written from USM and explained the exception. Mrs. Childs explains that since the variance request will require a unanimous vote, the commissioners can vote on the preliminary plat first, and then vote on the variance as a second motion. Commissioner Hallgren comments that he believes the development will improve the drainage. Commissioner Shanahan disagrees with Commissioner Hallgren stating that he thinks in 30 years there will be flooding issues and traffic issues, and that the City of Stillwater needs more housing that is done right.

Chair Phillips asks if any of the Commissioners are considering a motion.

Commissioner Hallgren motions to accept the findings and approve the preliminary plat as presented; Commissioner Prather seconds.

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

Time: 103 minutes

Beth Anne Childs, Special Counsel, lets the Commissioners know that there can now be a motion for the variance.

Chair Phillips asks if there is a motion.

Commissioner Hallgren motions to approve the variance denoted on the plat for lot 14; Commissioner Prather seconds.

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

Time: 1 minute

- b. Orange River, LLC DBA Likewise Cannabis, **SPECIFIC USE PERMIT (SUP21-26)**, requesting review and approval of a specific use permit for a medical marijuana dispensary at property address as 115 S. Main Street in the Commercial General (CG) district.

Chair Phillips asks staff to present the item.

Brady Moore, Chief Performance Innovation Officer, lets the Commissioners know that the applicant has requested the item to be tabled due to health issues.

Chair Phillips asks if there is a motion.

Commissioner Hallgren motions to table the item until January 25, 2022; Commissioner Prather seconds.

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

Time: 1 minute

3. MEETING SUMMARY FOR REVIEW AND POSSIBLE ACTION:

a. Regular Meeting Summary of October 5, 2021

Chair Phillips asks if there are any corrections, additions, or a motion.

Commissioner Shanahan motions to approve; Commissioner Hallgren seconds.

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

Time: 1 minutes

b. Regular Meeting Summary of November 16, 2021

Chair Phillips asks if there are any corrections, additions, or a motion.

Commissioner Shanahan motions to approve; Commissioner Prather seconds.

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

Time: 1 minutes

c. Regular Meeting Summary of December 7, 2021

Chair Phillips asks if there are any corrections, additions, or a motion.

Commissioner Shanahan motions to approve; Commissioner Prather seconds.

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

Time: 1 minutes

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

Beth Anne Childs, Special Counsel applauds the Commissioners on their ability to make take all matters into consideration and sometimes have to make decisions that will not please everyone.

- a. Next Planning Commission meeting January 25, 2022.

5. ADJOURN.

This regular meeting of the Stillwater Planning Commission was called for adjournment by Commissioner Hallgren seconded by Commissioner Shanahan at approximately 7:48 p.m. on January 11, 2022, with all members present in agreement. The next regularly scheduled meeting will be held January 25, 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