

**STILLWATER PLANNING COMMISSION SUMMARY  
REGULAR MEETING OF December 21, 2021  
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING  
LAW, THE AGENDA WAS POSTED December 20, 2021 IN THE  
MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

MEMBERS PRESENT

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

STAFF PRESENT

Jeff Mathews, Community Development Director  
Beth Ann Childs, Special Counsel  
Rian Harkins, Senior Planner  
Cindy Gibson, Administrative Services Manager

MEMBERS ABSENT

Brett Allred, Vice-Chair

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. 5J Properties, LLC, **MAP AMENDMENT (MA21-14)**, requesting review and approval to rezone properties addressed as 2302 & 2324 W 8<sup>th</sup> Ave & 802 S Western Rd from current RSS (Small Lot Single Family) to O (Office) zoning district. Harkins

Chair Phillips introduces the item and asks for staff to present.

Rian Harkins, Senior Planner, presents the map amendment and asks if there are any questions for staff. Mr. Harkins includes that after discussions with the City Stormwater manager it was confirmed that any new development would have to conform to city standards, including no additional run-off on adjacent properties.

Commissioner Hallgren asks if adjacent properties includes the street and the size of the gutters in the street. Mr. Harkins says he believes it is more towards private properties; however, the applicants engineer can explain further. Mr. Harkins asks if there are any further questions for staff; none respond.

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

Josh Powers, Universal Surveying and Mapping, 216 W 6<sup>th</sup> Ave, Stillwater OK, on behalf of the applicant speaks on the following:

- The request tonight is only for the change of zoning.
- Drainage – State law says they can't increase run-off off their property no matter where (including the streets).
- Drainage, sewer, water, paving all have to go through the City of Stillwater to be approved to City Standards.

- Office is a less intrusive zoning than Commercial Shopping which was previously considered.
- Statistics have shown that in Stillwater property values do not decrease next to a commercial area that comes in.
- The subject property abuts Commercial zoning as well as Western Ave, which is a thoroughfare.
- If there is any traffic impact it will be very low.
- This is not removing affordable homes, they homes haven't been there in years and there are new affordable homes being built currently in Stillwater.
- They will not be adding another entrance onto Western Rd, their section of 8<sup>th</sup> Ave will be engineered and brought up to City of Stillwater standards.

Chair Phillips asks if there are any questions.

Commissioner Hallgren asks why the applicant bought a property they know is residential and are now asking for it to be re-zoned.

Mr. Powers explained that because of the property's location on Western and the layout of the future comprehensive plan, this property fits for their needs with the Office zoning.

Commissioner Hallgren asks about the lot size on the comprehensive plan that shows commercial, stating that it is a much smaller area than what the applicant is requesting to rezone.

Beth Ann Childs, Special Counsel, recommends that that question be directed to Mr. Harkins and that if the zoning requested is allowable in the current comprehensive plan, then that does impact how the Planning Commission evaluates the request from a legal perspective.

Mr. Harkins explains that he believes the intentions of the comprehensive plan is more designed to show the intentions of commercial going in on a thoroughfare and not necessarily define a width, that part would be left to the individual property owners depending on what they decide they want to develop the property into. The comprehensive plan showing high density residential behind that property includes neighborhood scale commercial being allowed.

Commissioner Hallgren asks if the width of the commercial could be anything and states that it isn't very clear in the comprehensive plan that that is the intentions. Mr. Harkins states that the lot sizes could be varying and to get more specific, that is something that needs to be brought up when the comprehensive plan is updated.

Mr. Powers says that the reason the applicant is asking for this property to be rezoned is because looking at the comprehensive plan, it shows it fits with the request and asks if there are any further questions.

Chair Phillips asks if there are any further questions.

Commissioner Shanahan asks if the intent of the request is to develop office space in the entire vacant area or if that is to be determined at a later time. Mr. Powers says that that is one of the permitted uses.

Commissioner Prather asks how they intend to not add run-off knowing that they will be adding more impervious surface.

Mr. Powers explains that they understand that there is currently a lot of grassy area and that they can't increase the run-off. They have engineering equations that help to evaluate if they will need a detention area or to hold it in the parking area so that the run-off amount that is currently there will be the same amount of run-off after any development. Mr. Powers asks if there are any further questions; none respond.

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

Jason Hanson, 3702 W 44<sup>th</sup> St, Stillwater, OK, the applicant representing his father, mother, as well as himself speaks on the following:

- Sincerely apologizes to Stephen and Nancy Trompler and the neighborhood publicly for the extended delay in the demolition of the house at 802 S Western and what occurred there.
- As life-long residence of Stillwater the original intent of purchasing the property is to possibly relocate his wife's office there.
- The property was bought as one large lot and the home that was on it was not habitable.
- The items that were brought to his attention from Bobby and Clarissa Bonner he intends to work with the City and address it with any future demolition.

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

Sherri Buntin, 5011 W 56<sup>th</sup> St, Stillwater, OK, property manager for the Hanson's, speaks on the following:

- At 2302 W 8<sup>th</sup> Ave, the condition of the house in the last year that she was managing it while it had renters was very hard to try to keep up with since so much of it is from the original build.
- The Hanson's decided not to rent it out again after the problems that occurred with the last renters and also taking into consideration if the request is approved they would be moving out in the winter months.
- It will cost about the same amount to rebuild the house as it would remodel it.
- At 2324 W 8<sup>th</sup> Ave, the house is livable and is not scheduled for teardown. The house will be relocated and gifted to a college student.
- The mortgages, insurance, and taxes are still being paid throughout this process.
- The change in request from Commercial Shopping to Office was because of Mr. Hanson's sit-down talks with some of the neighbors and him wanting to help this fit with everyone's best interest.
- Minor Chiropractic has been a business here in Stillwater for 50 years and that is one of the businesses that are intended on going in that area.

Commissioner Shanahan asks for confirmation on which house is 2302 W 8<sup>th</sup>. Mrs. Buntin confirms that it is the large two-story white house.

Chair Phillips asks Mrs. Buntin if the property at 2302 W 8<sup>th</sup> Ave was easy to rent out with all the needed repairs. Mrs. Buntin said that it took much longer to rent that house compared to others she manages just based off the condition of the home. They were eventually able to rent it out to four younger gentlemen who didn't care as much about the wobbly floors and ceiling issues.

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 stating that she also has a list of people that have signed up that she will read off to call up first.

Betsy Showalter, 2402 W 8<sup>th</sup> Ave, Stillwater, OK, speaks on the following:

- The specific houses are not as much of a concern as the change of the character and atmosphere of the neighborhood with the removal of the greenery.
- 8<sup>th</sup> Ave is already in bad condition and improving the street only in front of their property will not help with the increase of traffic on the rest of the street.

Dinah Cox, 924 S Devon St, Stillwater, OK, also representing her partner Lisa Lewis, speaks on the following:

- Lived in 6 different neighborhoods in Stillwater over her lifetime and the nicest neighborhood is her current one.
- Comp plan calls for keeping affordable housing in Stillwater.
- There are already flooding issues in the area and they shouldn't increase the odds by adding more impervious surfaces.
- After the last flood their flood insurance didn't even cover all the repairs and then issued them a non-renewal notice. Finding new flood insurance has been at a much larger expense.

Chair Phillips asks Mrs. Cox if her home is in a designated floodplain. Mrs. Cox confirms that it is. Chair Phillips says that since the next request to speak is for Lisa Lewis and Mrs. Cox spoke on her behalf she will ask for the next person on the list Brian Correa.

Brian Correa, 2401 W 8<sup>th</sup> Ave, Stillwater, OK, speaks on the following:

- Even with the engineered designs to help with drainage, when the big storms come and those areas are full there is potential that the run-off could be very impactful.
- He submitted three written documents for the commissioners, two of which he believes the commissioners only received yesterday even though he had tried to submit them early for time to review them.
- The comp plan was approved in 2013, was supposed to be updated in 2018, and it's now 2022 and it's still not updated.
- Mr. Gross has an overlay map that shows lots on the comprehensive plan and two of the three lots don't conform.
- What they are describing as three lots could in size equal 9-11 (2.9 acres) city residential lots.
- What they are proposing is more than one chiropractic clinic, it would be several large buildings with lots of people and traffic.
- If the development continues down Western in this manner, it will be another Perkins Rd.

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

Stephen and Nancy Trompler, 818 S Wicklow St, Stillwater, OK, speaks in the following:

- Comp plan says to maintain the established character of existing neighborhoods, how important trees are to the City of Stillwater, and does show a sliver of commercial on Western; however, not half the street.
- What it boils down to is which part of the comp plan they lean more towards, protecting the neighborhoods, or letting a new commercial development dictate an area that they currently call home.

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

Adam Naff, 1705 W 5<sup>th</sup> Ave, Stillwater, OK, speaks on the following:

- Lives about a half mile away and feels it is important that they know it isn't just the people in the neighborhood that are opposed to this, it is other members of the city as well.

Michelle Charles, 2301 W 9<sup>th</sup> Ave, Stillwater, OK speaks on the following:

- Lives in the sliver of commercial on the comprehensive plan and is worried that her home won't be her home forever like she once thought.
- Her home too needed a lot of repairs when she bought it; however, they invested the money to remodel it and it will now last another 40-60 years. People are investing money to bring houses into better condition.
- She appreciates the time the applicant took to talk to her and the rest of the neighborhood, as well as him dropping the intensity from CS to Office; however, like she told him, she still can't say that she likes that it is happening.
- Traffic on 8<sup>th</sup> is going to be a major problem if a business goes in that could increase it.
- Drainage will have to be monitored extremely close.

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

John Mitchell, 1104 and 1106 S Western Rd, Stillwater, OK speaks on the following:

- The residential areas along Western need to stay residential to preserve the neighborhood itself and the beauty of it; therefore, he is in opposition.

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

John Tevelde, 2210 W 8<sup>th</sup> Ave, Stillwater, OK, speaks on the following:

- The City of Stillwater needs to promote other areas in the city that are more suitable for this type of development.
- 400 ft west of Western is too far and will open up to much more for a domino effect of commercial.

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

Kaylie Bechtel, 611 S Ridge, Stillwater, OK, speaks on the following:

- Living next to commercial property not only increases traffic, it also increases the amount of trash that gets blown into the neighborhood.
- The quality of one home should not impact the determination of the future of the entire neighborhood.
- Expecting families such as hers not just college students is not only unrealistic, it isn't compassionate.

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

Mr. Harkins presents the findings and alternatives adding that whatever is developed in the area will still go through the plan review process and be held to City of Stillwater Standards. Mr. Harkins asks if there are any questions for staff. Chair Phillips asks if there are any questions.

Commissioner Prather asks Mr. Harkins if he is correct in his understanding that the comprehensive plan is more of a suggestion when opportunities arise for what future development should be considered, that it is not going to be forcing people to move.

Mr. Harkins says that the comprehensive plan is designed to be more of a living document that adapts to change and conditions as they occur. It can be amended and it can be flexible, and even though it hasn't been updated yet doesn't mean it doesn't have validity in this case or others. Mr. Harkins adds that depending on the community and the need for updating, many others don't update except every 20 years.

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

Commissioner Shanahan says that he lived in the neighborhood for many years and understands that development is going to be inevitable; however, deciding how it can be controlled and what direction it can take is important so the neighborhoods can coexist. With the new neighborhoods coming in already there is going to be more traffic along Western. The street condition on 8<sup>th</sup> is already a concern as well as the drainage. While the storms in 2019 might have been an anomaly for the past, that might not be the case in the future and a detention pond may not address a lot of that. The area is larger than he expected, and with it intruding into the neighborhood he understands the concerns. Commissioner Shanahan says he doesn't know if there are any options about dividing the lots up but would like to hear what the other commissioners think about it.

Commissioner Prather says that if it is an option to divide that up, it's an interesting idea to be able to maintain how far into the neighborhood the development could encroach.

Commissioner Hallgren says that he agrees that with how large the area is, since it is almost the size of Wicklow right now, it could be about half a dozen offices. With that many offices pushing back into the neighborhood there could become a domino effect and just keep getting pushed further in; therefore, negatively impacting the people living there.

Chair Phillips agrees with Commissioner Shanahan in that they've known development along Western is inevitable; however, there might be a more suitable way for it to happen and still keep with the comprehensive plan, help make a walkable neighborhood, and protect the established neighborhood that has been there for decades. Hearing that there might only be 5 or 6 offices doesn't sound like a huge complex; however, without plans it's hard to know, and is it the right time.

Commissioner Hallgren asks what type of properties are supposed to be along a feeder street and how many curb cuts there should be. Chair Phillips explains that Western is a collector street and that there will not be an added curb cut except on 8<sup>th</sup> Ave. Commissioner Hallgren says that anytime you have a well-traveled street and you add commercial, it slows everything down. Slowing down the traffic on Western which is supposed to be a connection from 32<sup>nd</sup> to 6<sup>th</sup> would defeat the purpose. Chair Phillips asks if Western is going to achieve the goal of becoming the collector that it is geographically placed to be, what type of residential should be placed along it. Commissioner Hallgren says that there are plenty of people that live along 6<sup>th</sup> Ave and while that would deter him, it seems many don't mind. Imagine what it would be like if Western is lined with commercial instead of residential. The Comprehensive plan may show it; however, it is more of a guidance and doesn't have to be the way it goes, preserving that neighborhood could have benefit.

Chair Phillips explains that while there is new housing going in, it encourages sprawl and that conserving some of the residential in a more compact way is something to be considered especially with it being brought up this evening. Commissioner Hallgren agrees adding that it is also closer to commercial and people can walk from it keeping cars off the road.

Mr. Harkins explains some of the residential density allowances stating that low density residences can allow up to 20 units per acre, the next level of density that has been proposed is RMU and has up to 50 units per acre. Keeping residential if they change it to RMU you could see apartment complexes with up to 50 units per acre. Commissioner Shanahan asks if the information provided is for traffic impact and density. Mr. Harkins confirms, adding that the Institute for Traffic Engineers would factor in 2.5 – 10 trips per day for a single family detached dwelling unit depending on how many people in the household, and those are not set to specific times.

Commissioner Hallgren says that this area is one of the largest if not the largest solely residential areas this close to downtown and commercial areas, consideration needs to be taken about how important it is to maintain and protect that.

Beth Ann Childs, Special Counsel, says while not trying to sway one way or another having defended municipalities in re-zoning cases that have been denied, infrastructure such as traffic and drainage is something that gets addressed through the platting process.

Chair Phillips asks if there are any other salient points anyone would like to discuss or if someone is prepped thinking about a motion.

Commissioner Shanahan asks staff if there is anyway of dividing up the area, or if there only option is to make a decision on the whole block of land. Mr. Harkins explains that this request tonight is for all three properties. The applicant would have to withdraw their request and submit a new one to divide those

properties out. The applicant came tonight with this request rather than a PUD after speaking with many of the neighbors simply to keep things very focused in their mind in this direction. Commissioner Hallgren and Mr. Harkins discuss that re-zoning applies to the entire lot, tonight's application is for all three lots, and if the applicant were to choose to do so they could withdraw their application, split up the lots into smaller portions and ask for a different re-zoning request. Commissioner Shanahan and Commissioner Hallgren both agree that it's speculative to assume what would happen given that houses have already been torn down because they simply don't know what will happen if it stays residential or if it changes to office.

**Chair Phillips motions that the map amendment is not appropriate for the use of the property based on the impacts to the surrounding vicinity, those impacts being the depth at which the proposed commercial development of office would intrude into the established neighborhood and do not recommend the City Council approve the map amendment; Commissioner Hallgren seconds.**

Roll call:	Phillips	Allred	Shanahan	Prather	Hallgren
	YES	ABSENT	YES	NO	YES

*Time: 89 minutes*

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