

**CORRECTED STILLWATER PLANNING COMMISSION SUMMARY
REGULAR MEETING OF MAY 16, 2017
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED MAY 09, 2017 IN THE
MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

MEMBERS PRESENT

Josh Marler, Chair
Brad Rickelman, Vice-Chair
Dusty Lane, Member
Mike Buchert, Member
Ariel Ross, Member

STAFF PRESENT

Dennis McGrath, Assistant City Attorney
Paula Dennison, Development Services Director
Tom Coots, Planner I
Ashley Camren, Administrative Assistant

MEMBERS ABSENT

Gilbert Emde, Member
Zelte Wilkins, Member

1. CALL MEETING TO ORDER.

Chair Marler called the meeting to order at 5:30 PM.

2. LAND USE ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

- a. Stillwater Medical Center, **MAP AMENDMENT (REZONING) (PZ-17-2189)**, requesting review and approval of a Map Amendment to rezone all properties located in the 700 block between Stanley Street and Gray Street from O (Office) and RSS (Residential Single-Family Small-Lot) to P (Public). Coots

Chair Marler advises that staff has provided a memo to postpone this item to the next Planning Commission meeting of June 06, 2017 due to incorrect dates on notices.

3. PLANS/POLICES/ORDINANCES FOR DISCUSSION AND POSSIBLE ACTION:

- a. City of Stillwater, **LAND DEVELOPMENT CODE AMENDMENT (PZ-16-2143)**, requesting review and approval of an amendment to the Land Development Code Chapter 23, Sec. 23-97, General Structures and Uses Within Residential Districts, Sec. 23-98, General Structures and Uses Within All Other Districts, and Sec. 23-121, Exemptions; Setbacks For Fences, etc.; Projections Into Yards. Coots

Tom Coots, Planner I, presents staff's report and findings.

Tom asks if there are any questions.

Commissioner Lane asks about item 2 c. and item 2 h. which deal with home occupation regulations.

Tom quickly advises that there is a typographical error here and advises the Commissioners that it was existing in the current code, several things have been rearranged, but the changes being discussed tonight specifically involve accessory structures, projections and fences. Tom goes on to say that the typo within the home occupation regulations will be coming back before the Planning Commission at another

time along with some other proposed changes.

Commissioner Lane asks about item 4 c., Residential Accessory Uses in any residential district, pool and bathhouse openings. Commissioner Lane advises that the building code states that you cannot have any opening greater than 4 inches, opposed to 6 inches in this proposed text, and that the text amendment should match the building code.

Tom advises that this was part of the current text and will notate that this needs to match the building code.

Commissioner Lane states that, as a general note in regards to accessory structures, some subdivisions have restrictive covenants where even if it is allowed by City code, it is not allowed by that subdivision's restrictive covenant. Commissioner Lane asks if it is possible to add a note of some kind within the text to notify citizens that they need to make sure there are no such restrictive covenants within their subdivision. Commissioner Lane goes on to state that it is not usually the first homeowner but subsequent homeowners that are unaware of the subdivisions restrictive covenants and this would help them to be more aware.

Tom advises that he will make a note to look at that but that the issue is that when it comes to restrictive covenants, they can cover a wide array of things, and we can't put something specific by each text item, but that we could possibly add a general note in the beginning of the text to advise the homeowners to make sure their subdivision has restrictive covenants or not.

Commissioner Lane advises that, in his experience, the issue is almost always accessory structures and fences.

Chair Marler asks if there are any other questions for Tom; none respond.

Chair Marler opens the public hearing and asks if there is anyone who would like to speak in favor of the proposed Text Amendment.

Mr. Stephen Gose with Gose & Associates, 113 E. 8th Avenue, comes to speak on the following:

- Sec. 23-121, Mr. Gose advises that the fence height has been changed from 8 feet to 7 feet and that building code states that if the fence is above 7 feet that it has to be engineered. Mr. Gose goes on to say that the height can be more in Industrial and Commercial zoning districts but not residential but wants more clarification on the change for this.
- Section (2) a. iii, Mr. Gose cites the landscaping requirement and asks for clarification on the type of landscaping.

Chair Marler asks if anyone else would like to speak in favor.

Mr. Roger Gose with Gose & Associates, 113 E. 8th Avenue, comes to speak on the following:

- Item 5, Private Energy Systems, in reference to table (b) in Sec. 23-97, Mr. Gose states that a tower can be located within 3 feet of a rear lot line and advises that this could impose on the neighbor.
- States that the Commissioners already caught his question regarding swimming pools and advises that the Commissioners should look into State code and regulations in this regard.

Commissioner Lane asks Mr. Gose to clarify where his first comment comes from within the staff report.

Mr. Gose directs Commissioner Lane to Item 5 and then references the table in Section 23-97.

Commissioner Lane asks what Mr. Gose's recommendation would be in regards to the tower distance.

Mr. Gose advises that he does not have a recommendation.

Mr. Gose goes on to speak on the following:

- Item 9 a, Accessory Buildings, Structures such as shipping containers or trailers, Mr. Gose asks if this includes box trailers such as the ones similar to the ones on 6th and Lewis. Mr. Gose advises that these have become accessory structures right on the property line. Mr. Gose goes on to state that if these are not included, he would like to see it within the text.
- Mr. Gose states that landscaping requirements are seen throughout the ordinance and that it needs to be a requirement that the landscape stay alive. Mr. Gose states that there is a lot of money spent on landscaping and that they don't need to be told what type of landscape to use; only that it lives and if it does not live, it should get replaced.

Chair Marler asks if anyone else would like to speak in favor; none respond. Chair Marler asks if there is anyone who would like to speak in opposition; none respond.

Chair Marler closes the public hearing and asks for staff's alternatives.

Tom returns to the podium and Chair Marler advises Tom to answer the questions posed before he proceeds with the alternatives.

Tom advises that in regards to shipping containers and other similar structures used as a storage building, the intent is if they are never moving and basically used as buildings, this would be used to make sure that they at least met setbacks and possibly the building code if it would make sense to apply it.

Commissioner Lane asks if we should impose a time frame and provides the example of someone have a POD moved onto their lot to start a move. Commissioner Lane advises that this takes time to pack up but would obviously not be an accessory structure but asks how we regulate this.

Tom advises that for temporary structures a time frame of 6 months is usually given or if a complaint was received, staff would contact the owner and see what was going on and would ask how long the structure would be there. Tom goes on to state that a time frame may not be a bad idea to have and when the owner was contacted would be told they had so much time to get it taken care of but it usually comes down to the fact that the structure hasn't moved and the owner is asked if they plan on moving it and they will either say yes or that they use it for storage. Tom states that based on how the conversation went would determine the outcome.

Commissioner Lane asks if a permit should be required.

Tom advises that depending on the size, a building permit could be required.

Commissioner Lane clarifies that he does not mean a building permit but some kind of temporary storage permit.

Commissioner Buchert states that storage buildings in back yards should not have to have permits.

Tom advises that any structure that is over 200 square feet does require a permit. Tom goes on to state that if it is less than 200 square feet it is still subject to setback requirements, with a few exceptions in the text, and a no charge permit should be pulled to ensure that they do meet those setbacks.

Tom asks the Commissioners if anyone else has any suggestions in regards to time limits for temporary structures.

Commissioner Lane provides 6 months as a possible time limit from the time the City has been made aware of the accessory structure.

Commissioner Buchert asks where that time limit will be added or if that is something they are considering tonight.

Tom advises that it depends on what the Commissioners move forward with and if all the Commissioners are okay with the 6 months' time limit.

Commissioner Buchert states that 6 months is too long and offers 30 days as a recommendation.

Tom states that these types of storage containers are usually seen with large construction projects and offers an example of the hospital project and states that those storage containers have been there for several months, but will be moved once the project is over.

Commissioner Buchert asks if they were permitted.

Tom responds that the shipping containers are not required to have the permit as it is a part of their construction project as a whole.

Commissioner Buchert asks if they have to advise of the shipping containers used for storage when applying for the commercial building permit.

Commissioner Lane states that they are not required.

Commissioner Buchert and Commissioner Lane ask Tom what to do about this.

Tom replies that staff could put something in the text in regards to storage containers for construction projects but that what he was trying to say was that 30 days would be too short of a time limit, especially for commercial projects, but as of right now, the code is silent on this.

Commissioner Lane states that 30 days is too short and offers a suggested 90 days. Commissioner Buchert agrees.

Tom states that the next issue brought up from Section 23.121 regarding fence height and going from 8

feet to 7 feet, when a fence is along a public road, currently the code states this is a front yard and you can only have a 4 foot fence between your home and the road. Tom goes on to state that most people do not adhere to this and when fences are erected along the road it becomes like a tunnel effect. Tom states staff had thought of landscaping as an option and asks the Commissioners for their thoughts.

Vice-Chair Rickelman states that he has expressed his dislike for large blank walls before and thinks that some landscaping would break that up but does not have an opinion on what should be considered for the landscaping.

Commissioner Lane states that typically the fences are built near a property line and expresses concern that if landscaping is required it would end up in the easements and not be maintained.

Tom states that citizens do usually put their fences directly on the property line and has that there should be at least two feet to allow for landscaping.

Commissioner Buchert states that landscaping would be on the street side and has concern with the landscaping staying alive and is not in favor of any landscaping requirement.

Commissioner Lane agrees with Commissioner Buchert and states that there is already issues with homeowners mowing the easements and has concern that the landscape would not be maintained.

Tom states that when it comes to the issue of fence height the reason staff has suggested a decrease from 8 feet to 7 feet is due to the 2015 building code allowing a 7 foot fence before requiring engineering. Tom goes on to say that staff wanted the zoning code and the building code to be in line with one another.

Tom asks if there are any other questions; none respond.

Tom presents alternatives, which are:

1. Find that the proposed Text Amendment is needed and recommend that the City Council approve the proposed Text Amendment as presented.
2. Find that the proposed Text Amendment is needed and recommend that the City Council approve the proposed Text Amendment with identified changes.
3. Find that the proposed Text Amendment is not needed and recommend that the City Council not approve the proposed Text Amendment.

Chair Marler asks if there is any discussion.

Commissioner Lane states that he would move the item along with the items discussed.

Chair Marler asks if Commissioner Lane is referring to the 90 day time limit for temporary accessory structures and no landscaping.

Commissioner Lane asks if he should try to form a motion. Commissioner Buchert states that Commissioner Lane should just do the motion with identified changes and refers to the clerk to list those changes.

The identified changes Commissioner Buchert makes reference to are as follows:

- No openings greater than 4 inches for pool and bathhouse enclosures.
- A general notation will be placed in the text referring homeowners to any possible restrictive covenants in their subdivision.
- 90 day time limit for temporary accessory structures.
- No landscaping required for fences by roadways.

Commissioner Lane moved, Chair Marler seconded to find that the proposed Text Amendment is needed and recommend that the City Council approve the proposed Text Amendment with identified changes.

Roll call:	Marler	Rickelman	Lane	Buchert	Ross	Emde	Wilkins
	Yes	Yes	Yes	Yes	Yes	Absent	Absent

Time: 28 minutes

4. APPROVAL OF THE MEETING SUMMARY FOR DISCUSSION AND POSSIBLE ACTION:

- a. Approval of the regular meeting summary of May 02, 2017.

Commissioner Buchert moved, Commissioner Lane seconded to approve the regular meeting summary of May 02, 2017.

Roll call:	Marler	Rickelman	Lane	Buchert	Ross	Emde	Wilkins
	Yes	Yes	Yes	Yes	Yes	Absent	Absent

Time: 1 minute

5. MISCELLANEOUS ITEMS FROM STAFF FOR DISCUSSION AND POSSIBLE ACTION:

- a. Next Planning Commission meeting June 06, 2017.

6. ADJOURNMENT

ADJOURNMENT. This regular meeting of the Stillwater Planning Commission was called for adjournment by Commissioner Buchert, seconded by Vice-Chair Rickelman at approximately 5:59 PM on May 16, 2017 with all members present in agreement, the next regularly scheduled meeting will be held June 06, 2017 at 5:30 p.m. in the City Commission Hearing Room, Municipal Building, 723 S. Lewis Street.

Prepared by – Ashley Camren, Administrative Assistant

Approved by - _____
Stillwater Planning Commission