

**STILLWATER PLANNING COMMISSION SUMMARY
REGULAR MEETING OF DECEMBER 05, 2017
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED NOVEMBER 30, 2017 IN THE
MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

MEMBERS PRESENT

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

STAFF PRESENT

Dennis McGrath, Assistant City Attorney
Paula Dennison, Development Services Director
Lanc Gross, Development Review Manager
Tom Coots, Planner I
Patty Evans, Planner II
Ashley Camren, Administrative Assistant

MEMBERS ABSENT

Cindy Thielman-Braun, Member

1. CALL MEETING TO ORDER.

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

2. LAND USE ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

- a. Fountain Square Group, LLC, **PRELIMINARY PLAT (PZ.17.2247)**, requesting review and approval of a Preliminary Plat of Fountain Square to create 7 lots and 2 outlots on a portion of property addressed as 1409 S. Western Road in the CS (Commercial Shopping) and A (Agriculture) zoning districts.

Lanc Gross, Development Review Manager, presents staff's report, subdivision exception, and findings.

Lanc asks if there are any questions for him.

Chair Rickelman asks how far the new cut will be from the existing cut and if there is a requirement.

Tom Coots, Planner I, comes to the podium and advises the Planning Commission that the distance between the two driveways would be sufficient.

Chair Rickelman asks if it would have to come back before the Planning Commission.

Tom advises that it would not come back until the Final Plat stage and that building permits would all be done administratively.

Chair Rickelman opens the public hearing and asks if there is anyone who would like to speak in favor of the item.

Mrs. Kelly Harris of Keystone Engineering, 923 S. Lowry, comes to speak on the following:

- Representing the owners.
- Advises the Planning Commission as to where the access will be located in the development and other aspects of the development such as the private access agreement.

- Advises the Planning Commission as to why they are asking for the exception request due to the FEMA floodway.

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

Chair Rickelman asks if there is anyone who would like to speak in opposition of the item.

Ms. Susan Garzon, 1422 S. Western Road, comes to speak on the following:

- Voices concern regarding increased traffic.

Commissioner Lane asks staff to come and address the concern.

Tom advises that a traffic study is required when a development reaches 1500 cars per day. He states that he does not know how much the existing development is generating but that when the applicants submit for site approvals and permits, staff will determine the need for a traffic study.

Chair Rickelman advises that the Planning Commission does not have the purview to address the traffic issues but at least Ms. Garzon knows who to speak to regarding her concerns.

Tom adds that Western Road is currently 4 lanes and then drops down to 2 lanes and is identified in the transportation plan and land use plan as needing improvements. He states that a traffic study could also involve adding turn lanes, not only widening the street.

Chair Rickelman asks if there is anyone else who would like to speak in opposition; none respond. Chair Rickelman closes the public hearing and asks for staff's alternatives.

Lanc presents alternatives, which are:

1. Accept findings and approve the proposed preliminary plat as presented and grant the subdivision exception request.
2. Find that the preliminary plat does not conform to city codes, specify deficiencies, and table to a certain date.
3. Find that additional information or discussion is needed prior to making a recommendation and table the request to a certain date. However, action must be taken within 60 days of the public hearing.

Chair Rickelman asks if there is any discussion; none respond.

Commissioner Lane moved, Commissioner Buchert seconded to accept findings and approve the proposed Preliminary Plat as presented and accept the Subdivision Exception Request.

Roll call:	Rickelman	Ross	Lane	Buchert	Thielman-Braun
	Yes	Yes	Yes	Yes	Absent

Time: 12 minutes

- b. Vaught, Jon & Dana, **MAP AMENDMENT (REZONING) (PZ.17.2262)**, requesting review and approval of a Map Amendment to rezone property addressed as 423 W. 8th Avenue from RT (Residential Two-Family) to RMI (Residential Multi-Family Intermediate).

Lanc Gross, Development Review Manager, presents staff's report and findings.

Commissioner Buchert asks what the zoning is on both sides of the property.

Lanc advises that the zoning is RT all around the property except to the west is RSS.

Commissioner Buchert states his understanding of the request to confirm he understands.

Lanc advises that Commissioner Buchert is correct.

Vice-Chair Ross asks about the lot size minimums for each zoning and asks for confirmation that the lot is too small to meet the minimum.

Commissioner Lane advises that the lot is too small for both existing and requested zoning requirements.

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

Mr. Jon Vaught, 5016 W Woodland Drive, comes to speak on the following:

- Speaking as the applicant for the map amendment request.
- Provides history of the property and explanation for the requested rezoning.

Chair Rickelman asks if there are any questions for Mr. Vaught; none respond.

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

Chair Rickelman asks if there is anyone who would like to speak in opposition; none respond. Chair Rickelman closes the public hearing and asks for staff's alternatives.

Commissioner Lane asks why this property is not considered a "legal non-conforming use".

Lanc advises that based upon the bulk standards it is an illegal non-conforming use.

Commissioner Buchert states that if it is legal non-conforming use the item should not be before the Planning Commission.

Patty Evans, Planner II, comes to the podium to advise the Commissioners that it is not a legal non-conforming use because all of the modifications were made without building permits and without proper zoning designation. She advises that there are fire wall issues; the modifications were done without any inspections; there is not enough parking provided off-street or on the property.

Commissioner Lane asks what triggered the issue and why it wasn't caught earlier.

Patty advises that City staff was driving by the property and saw that it was for sale as three apartments. Staff advised the seller that it should not be sold as the three apartments due to the improper zoning. The property was sold any way and a complaint was filed with Code Enforcement.

Vice-Chair Ross asks if it was rezoned to RMI if the parking issue would remain.

Patty confirms that these are issues that would still have to be taken care of.

Vice-Chair Ross asks if the building was sold after it was rezoned how many units would be allowed.

Patty advised that given the lot size you would not be able to provide much more than three or four units and still provide enough parking.

Chair Rickelman asks for any discussion.

Commissioner Lane states that the applicant is doing what he sees as right in order to be in compliance in the midst of a bad situation and that this is a unique situation.

Chair Rickelman asks if this looks like the Commission is condoning a three bedroom use by approving the rezoning.

Commissioner Lane states that it was done before Mr. Vaught bought the property.

Chair Rickelman states that that would be a civil issue.

Commissioner Lane states that Mr. Vaught would have to modify the property either way.

Commissioner Buchert states that he has mixed emotions and sees it as "spot zoning" and there will be future negative aspects but also understands Mr. Vaught's situation. Commissioner Buchert states that, with his understanding of the zoning, Mr. Vaught is still going to have to make modifications no matter the decision. Commissioner Buchert states that he is leaning towards denying the request and the spot zoning.

Mr. Vaught asks if the floor is still open for comment.

Mr. Buchert advises Chair Rickelman that he is not opposed to allowing the applicant to come forward to speak.

Mr. Vaught returns to the podium and advises what other types of buildings and property is surrounding the property and that the outside footprint of the property has not changed since it was built.

Chair Rickelman asks if there is any further discussion.

Commissioner Lane states that this would be penalizing someone for trying to do the right thing in order to make a bad situation conform.

Alternatives provided in the Staff Report are as follows:

1. Accept findings and recommend that the City Council approve the proposed map amendment as presented.
2. Find that the map amendment 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 map amendment.
3. Find that additional information or discussion is needed prior to making a recommendation and table the request to a certain date.

4. Find that a less intensive zoning district is available and recommend such zoning district to the City Council.

Commissioner Buchert moved to find that the map amendment 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 map amendment.

No second is made and the motion fails.

Commissioner Lane moved, Vice-Chair Ross seconded to accept findings and recommend that the City Council approve the proposed Map Amendment as presented.

Roll call:	Rickelman	Ross	Lane	Buchert	Thielman-Braun
	No	Yes	Yes	Yes	Absent

Time: 20 minutes

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

- a. Approval of the corrected meeting summary of May 16, 2017.

Commissioner Lane asks if the only correction is the highlighted area. Ashley Camren, Administrative Assistant, confirms.

Commissioner Lane moved, Vice-Chair Ross seconded to approve the corrected meeting summary of May 16, 2017.

Roll call:	Rickelman	Ross	Lane	Buchert	Thielman-Braun
	Yes	Yes	Yes	Yes	Absent

Time: 1 minute

- b. Approval of the regular meeting summary of November 07, 2017.

Commissioner Lane moved, Vice-Chair Ross seconded to approve the regular meeting summary of November 07, 2017.

Roll call:	Rickelman	Ross	Lane	Buchert	Thielman-Braun
	Yes	Yes	Yes	Yes	Absent

Time: 1 minute

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

- a. Next Planning Commission meeting December 19, 2017.

5. ADJOURNMENT

ADJOURNMENT. This regular meeting of the Stillwater Planning Commission was called for adjournment by Commissioner Buchert, seconded Vice-Chair Ross at approximately 6:03 PM on December 05, 2017 with all members present in agreement, the next regularly scheduled meeting will be held December 19, 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

DRAFT