

**STILLWATER PLANNING COMMISSION SUMMARY
REGULAR MEETING OF July 20, 2021
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED July 14, 2021 IN THE
MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

MEMBERS PRESENT

Brad Rickelman, Chair
Jana Phillips, Vice-Chair
Mike Shanahan, Member
Brett Allred, Member
Preston Bobo, Member

STAFF PRESENT

Kim Payne, Special Counsel
Lanc Gross, Development Review Manager
Rian Harkins, Senior Planner
Chelsey Jones, Administrative Assistant

MEMBERS ABSENT

1. CALL MEETING TO ORDER.

Chair Rickelman calls the meeting to order at 5:30PM. Commissioner Rickelman explains the procedures and process for the meeting.

2. PUBLIC HEARING:

- a. Christine Burnett, **SPECIFIC USE PERMIT (SUP20-05)**, requesting review and approval of a specific use permit to establish a medical marijuana dispensary at property addressed as 416 S Washington St in T6 (Transect 6) zoning district. Harkins

Rian Harkins, Senior Planner introduces the specific use permit application and asks if there are any questions; none respond.

Chair Rickelman asks if there is adequate parking on the S Washington St. Mr. Harkins states there is shared parking on S Washington St that is first come first serve and it does meet requirements.

Commissioner Bobo asks why the SUP is labeled SUP20 instead of SUP21. Mr. Harkins states the original OMMA Certificate of Compliance, that has to be sent to OMMA by the applicant after receiving inspections/signatures from the City, was turned into staff in 2020. After they receive their license, which can take a while, the applicant at that time applies to the City for a SUP. Mr. Harkins asks if there are any questions for staff; none respond.

Chair Rickelman opens the public hearing and asks if the applicant or representative are here to speak in favor of the item.

Christine Burnett, 10522 N Rose, Glencoe, OK asks if there are any questions; 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 of the item; none respond.

Chair Rickelman asks staff to present the findings and alternatives.

Mr. Harkins presents the findings and alternatives and asks if there are any questions for staff; none respond.

Commissioner Bobo motions to accept staff’s findings and advance SUP20-05 to the City Council for approval; Vice-Chair Phillips seconded.

Roll call:	Rickelman	Phillips	Shanahan	Allred	Bobo
	Yes	Yes	Yes	Absent	Yes

Time: 7 minutes

Commissioner Allred arrives at 5:37PM.

- b. KCR Retail, LLC, **MAP AMENDMENT (MA21-08)**, requesting review and approval of a map amendment to rezone from CS (Commercial Shopping) to CG (Commercial General) to allow additional uses at property addressed as 522 N Perkins Rd in CS (Commercial Shopping) zoning district. Harkins

Rian Harkins, Senior Planner presents the map amendment and asks if there are any questions for staff; none respond.

Commissioner Bobo and Chair Rickelman ask about the drainage, flooding, and oil drill. Mr. Harkins states he will let the applicant or representative answer those questions.

Chair Rickelman opens the public hearing and asks if the applicant or representative is here to speak in favor of the item.

Stephen Gose, Gose and Associates, 113 E 8th Ave, Stillwater, OK comes to speak on the following:

- CG would open the property up for more uses.
- There is CG to the south of the property currently.
- They don’t have any indication that it has flooded in the past, and it is outside of the floodplain.
- The oil derrick is on the property to the north immediately behind Staples, he also believes it has been removed and the property is for sale.

Commissioner Bobo asks about having a RV Park in the middle of the city. Mr. Gose states the property used to be used for a mobile home community.

Commissioner Shanahan asks if there is any concern about the area being a potential brownfield. Mr. Gose states the seller has not disclosed anything that would indicate a brownfield. Vice-Chair Phillips states that since the oil derrick is on the adjacent property Mr. Gose may not have any knowledge of that. Mr. Gose states the plants are all green and growing.

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

John Bartley, 623 S Lewis St, Stillwater, OK states he is here on behalf of the applicant to answer any questions; 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 wants to speak in opposition of the item; none respond.
Chair Rickelman closes the public hearing and asks for staff to present findings and alternatives.

Mr. Harkins presents the findings and alternatives and asks if there are any questions for staff; none respond.

Chair Rickelman asks if the commissioners have discussion or a motion.

Vice-Chair Phillips and Commissioner Shanahan have discussion over changing the zoning, and how it would allow the area to have other uses that don't fit in the heart of the business district. Vice-Chair Phillips states that when the mobile home park was there, it was still the fringe of town with agriculture around it.

Commissioner Bobo asks if a RV Park would be a conforming use in CS. Kim Payne Special Counsel states that it doesn't. Mr. Harkins states that they would have to have a text amendment adding that specific use in CS as a permitted use-by-right, or with an SUP.

Chair Rickelman states he has similar concerns and that because of the layout of the lot and the drop it's an odd piece of property. If it were a paved parking lot equal to the cityscape it would be much more concerning than this tucked away property.

Vice-Chair Phillips states in CG, parking lots and garages are allowed as a use-by-right.

Chair Rickelman states when looking at the travel and traffic along Perkins Rd, it being so pocketed makes it less concerning.

Vice-Chair Phillips states when talking about recreational vehicles, we're talking about very large vehicles, some with trailers, and they will be pulling in and out onto an already busy street. This would most likely be happening on game weekends starting on Friday and leaving Sunday.

Commissioner Bobo states since the vehicles are larger they probably wouldn't be using them to go out to eat, they will likely be walking which is going to increase pedestrian traffic on a busy road and their safety has to be considered.

Chair Rickelman asks in terms of the zoning request not the SUP what the Commissions feelings are on that.

Vice-Chair Phillips and Commissioner Bobo discuss how parking lots, garages, motels, hotels and other uses would be allowed if the rezoning was approved. Stating it would create the same concerns because of the increased vehicular and pedestrian traffic, and the safety issues it might bring.

Commissioners Bobo and Commissioner Shanahan agree that it is a unique lot, and they don't know what other types of businesses can be developed there. Vice-Chair Phillips states it might be able to be built up like the Braum's next door.

Commissioner Shanahan asks if the two primary concerns are potential compatibility with a commercial corridor and the traffic impact it would have. Vice-Chair Phillips confirms and clarifies that it is both vehicular and pedestrian traffic, as well as compatibility.

Vice-Chair Phillips motions the map amendment is not an appropriate use of the property based on the impact to the surrounding vicinity and recommends the City Council does not approve the map amendment; Commissioner Bobo seconded.

Roll call:	Rickelman	Phillips	Shanahan	Allred	Bobo
	No	Yes	Yes	No	Yes

Time: 16 minutes

- c. KCR Retail, LLC, **SPECIFIC USE PERMIT (SUP21-17)**, requesting review and approval of a specific use permit to allow a RV park at property addressed as 522 N Perkins Rd in a proposed CG (Commercial General) zoning district. **Harkins**

Rian Harkins, Senior Planner presents the specific use permit application and asks if there are any questions; none respond.

Chair Rickelman states that the subject property they are requesting the SUP for, is in CS not CG zoning.

Mr. Harkins confirms that it is in CS; however, the applicant has asked to rezone the property to CG. Since both items will still go to City Council the Planning Commission is still being asked to give a recommendation.

Chair Rickelman asks if there are any questions for staff; none respond. Chair Rickelman opens the public hearing. Chair Rickelman asks if there is anyone who would like to speak in favor of the item, and if the applicant or agent is here to speak first.

Stephen Gose, Gose and Associates, 113 E 8th Ave, Stillwater, OK speaks on the following:

- This is a request for a RV park in a Commercial General zoning district.
- There are currently 30 mobile home pads, and they are proposing 47 RV spaces.
- The driveway and the building on Perkins would remain where they are at. The building would be broken out into three sections; the lower level walk out piece would be a storm shelter, half would be a caretaker unit for onsite full-time management, and the top floor would be a small laundry/shower/hang-out area for the residents.
- It is intended to be a longer term RV park, not an overnight turnover. Based on discussions with developers and OSU, there is a demand for more RV parking.
- The shape, size, and surrounding facilities this property is very odd, difficult, and an expensive area to develop.
- It would be possible to walk to many of the surrounding restaurants for meals.
- The area is already used to seeing pedestrian traffic on the sidewalks and crosswalks, and we shouldn't be discouraging it from increasing.
- Utilities are available on the site.
- It is next to a nice four lane road.

- Looking at the ITE (Institute of Transportation Engineers) standards, since it doesn't have an RV park, you can compare it to other uses with similar traffic, it shows that it would have a similar impact to a small restaurant.
- The road coming in would stay where it's at, they would seal coat it at the west end, and the small turn around would be turned into a large concrete turn around.
- The pads would be an engineered gravel section similar to what has been allowed at Westwood or other similar low-use parking lots, this helps allow more storm water control.
- Installing a wood fence on north and west sides, metal fence along the south, and a gate on the east would help keep it secure while still allowing a view into the park through the buildings off of Hall of Fame Ave.
- Rent base and use are going to be for the higher end user that has a nice RV.

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

- This particular lot being in CS zoning with the limitations it has is likely the reason this lot hasn't been developed considering everything around it is.
- This would increase the value of this property as well as surrounding properties.
- The engineered gravel pads will also help address potential drainage issues by not being an impervious surface.
- Ties in with the City's bikes and trails plan.
- Possibly one of the only reasonable, or expected uses for the particular piece of dirt.
- In Gulf Shores, Alabama, on a very heavily trafficked road, he's seen a RV park that was completely full of high-end RVs.

Commissioner Bobo asks if Mr. Bartley has any data that shows that it could increase property values. Mr. Bartley stated he doesn't have it available on that particular piece; however, it is easily available to find a vacant piece of property, develop it, and watch not only its value raise, but also the value of the surrounding properties.

Commissioner Allred asks how long this property has been vacant. Mr. Bartley can't give an exact number; however, he states the mobile home park built in 1960, and was probably vacated around the late 80's, early 90's.

Commissioner Bobo asks if the landscaping would be kept up. Mr. Bartley states it would be, especially maintenance.

Vice-Chair Phillips asks when they referring earlier to a longer term stay, what were they meaning. Mr. Bartley deferrers the question to the applicant.

Kevin Carter, 104 College View Dr. states the premise behind this park is to be a game-day park. It is not a live in RV Park. It will only have 47 spaces and are looking more for alumni that are coming to town for special events such as games and visiting their grandkids; there will not be continuous in and out traffic.

Vice-Chair Phillips asks if Mr. Carter has other properties similar to this one. Mr. Carter states they did just recently purchase, then sell a property near a university that was an existing 64 unit park. It was at an intersection of about 40k cars and 38k cars; which means, it's an intersection encroaching 80k cars. Immediately next door, a group purchased and built a 470 unit apartment complex.

Chair Rickelman asks if there is anyone else who wishes 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; none respond.
Chair Rickelman closes the public hearing and asks for staff to present the findings and alternatives.

Mr. Harkins presents the findings and alternatives and asks if there are any questions.

Vice-Chair Phillips asks if the sidewalk along the front of the property is to the City standard. Mr. Harkins stated it is a 6 ft. sidewalk; which meets commercial standards.

Commissioner Bobo states he would like to see Stillwater a walkable city; however, he doesn't think we should be encouraging pedestrian traffic along a highway.

Vice-Chair Phillips states the property is long; if it was sub-divided, someone that abuts it, could acquire it, and extend the use making it accessible from another direction. The lot has some difficulties and will be costly to develop.

Commissioner Allred states it is a creative use for this property; especially if our former Mayor can't remember the last time it was used. If someone wanted to sub-divide it probably would have already been done at this point. With only 47 lots the pedestrian traffic would still be safe since not everyone is coming and going at the exact same time.

Vice-Chair Phillips states it's still concerning for the large recreational vehicles to be entering and exiting on Perkins Rd. Perkins Rd is already a busy road; even busier on games days, which is when this property is intended to be used the most.

Commissioner Shanahan asks if this particular use is compatible in the CS zoning district even with a SUP. Mr. Harkins states not in the CS zoning district but would be in a CG. The map amendment and the SUP will both still go to City Council. If the Planning Commission decides to reconsider their previous vote that will be an item they will have to take up.

Chair Rickelman asks if there is a motion or any discussion.

Commissioner Allred motions to approve; Chair Rickelman seconded.

Roll call:	Rickelman	Phillips	Shanahan	Allred	Bobo
	Yes	No	No	Yes	No

Time: 28 minutes

Chair Rickelman says the motion fails with two yes votes and three no votes. Chair Rickelman asks if there is another motion or some discussion.

Vice-Chair Phillips states if the map amendment had passed; she would still be against this SUP due to the large vehicles that would be added onto Perkins Rd. If the developer can create a safer way to get in and out on Perkins Rd. it would be something to consider; which means, it may be possible to table and ask for additional information.

Commissioner Bobo and Vice-Chair Phillips both agree that one of the hardest choices is to rezone a property.

Vice-Chair Phillips motions to reject the application since it isn't an appropriate use for the property based on the impact to the surrounding vicinity, primarily the traffic consideration of the large vehicles coming and going on a state highway, and does not recommend approval by City Council; Commissioner Bobo seconded.

Roll call:	Rickelman	Phillips	Shanahan	Allred	Bobo
	No	Yes	Yes	No	Yes

Time: 4 minutes

3. PLANS, POLICIES AND ORDINANCES FOR PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION:

- a. Text Amendment (**TXT21-01**) to Chapter 23, Land Development Code, Article XVI, Subdivision Preparation and Requirements, Division 2, Major Subdivisions, Section 23-325, Preliminary Plat. Harkins

Rian Harkins, Senior Planner presents the text amendment and asks if there are any questions for staff; none respond.

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

Stephen Gose, Gose and Associates, 113 E 8th Ave, Stillwater, OK on behalf of the Builders Relation Committee, another engineering firm in town, and himself speaks on the following:

- There are inconsistencies in the application of the requirement of a Traffic Impact Analysis depending on what part of town you're in and what neighbors are upset that day.
- The TIA is required in the standards but it doesn't say when.
- Staff is applying it that it needs to be provided at Final Plat.
- Preliminary plat and TIA are both planning documents and need to be done together.
- If a preliminary plat is approved by one body, the TIA says they need to make improvements that would change the preliminary plat, and you don't make the developer come back, it's inconsistent.
- Make it black and white in the code; if one of the requirements is that a TIA has to be done for a final plat, it should required to be done at the same time as the preliminary plat.

Vice-Chair Phillips states in the past there was a large amount of information that was required upfront, and it cost a lot of money; especially, not knowing what is going to happen. A TIA is not as expensive as a drainage study; however, is it likely that there will be pushback from developers not wanting to make that investment.

Mr. Gose stated TIAs are a \$7- \$10k investment; however with Skyline East, they had a preliminary plat that met code requirements and the Planning Commission required a TIA even though code doesn't call for it. The TIA was done, and the results of it didn't matter; because, the neighbors still wanted something else, and they got it. At the same time, at 26th and Western Rd there is a development that is three or four times the size; a TIA was never even mentioned by anyone, let alone required. Engineering's TIA asked for a round-a-bout at 26th and Western Rd that they aren't going to pay for or dedicate land for. It isn't equitable across the City on how the rules are applied. It is part of the risk

when proposing a development; however, coming back to Planning Commission three times because the neighbors want something is pricey as well.

Commissioner Bobo asks if the TIA is a final requirement, and if this is just be setting an exact time when it would be required to be submitted. Mr. Gose confirms and states it currently says if your daily trips are over a certain number, a TIA is required; however, it never states when. If you wait until the final plat to do a TIA, and it says that you need a turn lane, it would likely require you to reconfigure the plat because of the location of lots.

Chair Rickelman asks if anyone else wants to speak in favor of the item; none respond. Chair Rickelman asks if anyone wants to speak in opposition of the item; none respond. Chair Rickelman closes the public hearing and asks staff to present the findings and alternatives.

Mr. Harkins presents the findings and alternatives and asks if there are any questions for staff; none respond.

Chair Rickelman asks if there is any discussion.

Vice-Chair Phillips states it would be a great improvement to have consistency, it would help developers and design professionals be able to counsel their clients as what to expect from the start and is in favor of approving the text amendment.

Commissioner Shanahan stated that it rationalizes the process and helps the developer allow for better planning. There are currently some inconsistencies; at 26th and Western Rd., there should have been a TIA done. A bigger concern is when exactly is a TIA performed; such as, time of day, day of week, time of year.

Chair Rickelman states minus the legitimacy of a TIA; at least if they have it at the preliminary plat stage, they can look at the whole picture instead of having to get stuck or change the preliminary plat after it's approved.

Commissioner Bobo states things are presented to the Planning Commissioners in the best light; and that's the way to take it. If we receive a TIA assume that they did it on the best possible day.

Mr. Gose asks if he can say something as a licensed engineer. Chair Rickelman approves. Mr. Gose states the Institute of Transportation Engineers has standards. It is not ok to count at 11pm Saturday night, Monday or Friday because people take off work, or when school is out. Prior to performing a TIA the engineers doing it has a meeting with the City's Engineering staff and talks about the development, the intersections they will be at, and on what days they will count. The idea is that City Engineering staff will have already looked at and made comments on the TIA before it is presented to the Planning Commission.

Chair Rickelman asks if there is a motion or any comments.

Commissioner Bobo motions to accept staff’s findings and move TXT21-01 to City Council for approval; Vice-Chair Phillips seconded.

Roll call:	Rickelman	Phillips	Shanahan	Allred	Bobo
	Yes	Yes	Yes	Yes	Yes

Time: 22 minutes

- 4. MISCELLANEOUS ITEMS FROM STAFF, PLANNING COMMISSIONERS, OR CITY ATTORNEY:
 - a. Next Planning Commission meeting August 3, 2021.

5. ADJOURN.

This regular meeting of the Stillwater Planning Commission was called for adjournment by Vice-Chair Phillips, seconded by Commissioner Bobo at approximately 6:40 p.m. on July 20, 2021 with all members present in agreement, the next regularly scheduled meeting will be held August 3, 2021 at 5:30 p.m. in Room 1122, Municipal Building, 723 S. Lewis Street.

Prepared by – Chelsey Jones, Administrative Assistant

Approved by - _____
Stillwater Planning Commission

