

**STILLWATER PLANNING COMMISSION SUMMARY
REGULAR MEETING OF August 3, 2021
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED July 29, 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 Council
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. Chair Rickelman explains the procedures and process for the meeting.

2. PUBLIC HEARING:

- a. Keystone Engineering & Land Surveying, **PRELIMINARY PLAT (SUB21-07)**, requesting review and approval of preliminary plat to create 33 residential lots at property addressed as 1940 W 26th Ave. Harkins (*Deferred from 07.06.2021 Planning Commission Meeting*)

Rian Harkins, Senior Planner presents the preliminary plat as well as the exemption request and asks if there are any questions for staff.

Commissioner Bobo asks if he is correct about the flood maps they were given not being for the actual lots they are talking about, but are for comparable lots in the subdivision.

Mr. Harkins states the applicant is looking at the exemption request in order to start the Letter of Map Amendment process; which, will allow them to start the grading, bringing most of that lot out of the floodplain. That is applicable to the "A" part of the lot. The "B" part as is proposed will still be in the floodplain. For example; lots 7A and 7B will be sold as one; and one part will be within the floodplain, the other will be out. The Letter of Map Amendment from FEMA is required, so to continue the process at this time, this is the next best alternative.

Chair Rickelman opens the public hearing and asks if there is anyone who would like to speak in favor of the item, stating normally the applicant or agent will speak first.

Kelly Harris, Keystone Engineering, 923 S Lowry St, Stillwater, OK comes to speak on the following:

- Preliminary Plat is the last phase in the whole Teal Ridge area.
- This continues and connects the remainder of the streets and utilities.
- All the utilities are already there and ready to connect to this section.

- The unique item is the floodplain along the north property line.
- North of the property is a big wet-land area which provides the storm water detention for all of the subdivision.
- When it was built the slope that slopes up is located within their property.
- They are not able to alter the elevations of the slope that is on their property.
- They are asking to split the 7 north lots into an “A” and “B” portion.
- Splitting the lot allows the owners to have flood insurance on the “B” part but not the “A” part where the house is built.
- They still have to prove to FEMA that the “A” portion is out of the floodplain.
- They are requesting that those two portions “A” and “B” of each of the 7 lots be considered together by staff for building setbacks, and those bulk requirements.
- Proposing specific language to be located on the preliminary plat, final plat, and restrictive covenants so everyone knows that those “A” and “B” portions of those lots must be sold together and can’t be split up.
- If both portions of the lots are considered together when developed, they will be consistent with the surrounding lots.
- Development this way will not cause detriment to the public good and objective of code is still maintained.

Commissioner Bobo asks for clarification on lot 4A and as to where 4B is. Mrs. Harris explains that “B” is on the north side, and is 20 ft. wide. Vice-Chair Phillips asks if 4B is the utility easement. Mrs. Harris responds affirmatively. Commissioner Bobo asks if that is the section that is within the FEMA floodplain. Mrs. Harris responds affirmatively.

Vice-Chair Phillips asks what outlot “A” will be used for. Mrs. Harris explains there is quite a bit of water that collects in the streets, so outlot “A” is going to be a drainage channel.

Chair Rickelman states while commending Mrs. Harris for putting the code in her request; the code says “would cause substantial hardship”, the road could be curved slightly to the south to avoid the floodplain altogether with maybe only having only one less lot; therefore avoiding the substantial hardship. Chair Rickelman asks why it can’t shift over 7 ft. in order to keep from separating the lots into sections, both in and out of the floodplain.

Mrs. Harris states it is a hardship since the slope of the wetlands; which FEMA says is located off their property, is actually located on their property. Not being able to adjust the slope at all makes it unable to use some of the land; this way, it is possible to incorporate all the land.

Chair Rickelman asks if the floodplain was there when they purchased the land or if FEMA came in after they bought the land and told them there has to be a slope. Mrs. Harris states the preliminary plat is in line with the original preliminary plat that was done with phase one of Teal Ridge, and she doesn’t know the timeframes of those.

Vice-Chair Phillips asks if there are similar conditions for the lots that will be located immediately east of these northern lots. Mrs. Harris states that they each have individual flood insurance and elevations certificates done whenever their banks request them. Vice-Chair Phillips asks if this request is so that the owners do not have to do that part. Mrs. Harris confirms saying that it would be a hardship on the owners.

Vice-Chair Phillips asks what someone is able to build in the easement portions; such as a fence, storage shed, or a building. Mrs. Harris states it is just usable backyard for enjoyment and can't be built on.

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

Commissioner Bobo asks if there is a way to make a condition that 21st St. is angled slightly further south in order to eliminate the floodplain entirely. Mr. Harkins asks if he is wanting to recommend conditional approval based on the re-alignment of 21st St. further south. Commissioner Bobo confirms yes; stating it eliminates the necessity for the "A" "B", and they are only talking about 20 ft. Mr. Harkins states the only way to eliminate the floodplain is to put the boundary on the floodplain line. This would have to happen whether or not you move 21st St.; however, it can be a condition, depending if it's completely applicable to the situation.

Commissioner Allred asks Mr. Harkins what the consequences are for not having the building permits faster since that is the reasoning for the request. Mr. Harkins states that if the exemption request is not approved they will have to wait on those seven lots until they have the Letter of Map Amendment. They can ask for the preliminary plat to be approved without exemption; however, they would have to wait to build on those 7 lots until they have the LOMR from FEMA. They can apply for the final plat once the improvements are done and approved, and get building permits on the lots that are outside of the floodplain fairly easy. The 7 lots will have to wait until they get the LOMR completed from FEMA before those building permits can be issued. Commissioner Allred asks if Mr. Harkins knows how long they will have to wait on FEMA for that. Mr. Harkins stated it could be 12-36 months; however, he will let the applicant speak to that.

Mrs. Harris states that the FEMA floodplain maps actually show the floodplain coming up through the middle of these 7 lots; therefore, the LOMA has to be done either way to build on these lots. This request is not to ask for any relief on time savings, it is strictly for the future owners not to have to purchase flood insurance on their houses. If there is floodplain on a lot it is best management to get rid of it as much as possible to correct the FEMA maps; which, aren't always done exactly right. The elevations actually show the floodplain in only in the "B" portions, however the documentation still has to be provided to FEMA.

Commissioner Bobo asks what the property value of these homes are. Mrs. Harris states she doesn't have that information.

Commissioner Bobo asks since floodplains are not his areas of expertise; if the line running through the plats for these lots is the FEMA line. Stating that it doesn't seem like getting rid of the "B" portion fixes it entirely. Commissioner Allred states that if he was the homeowner he would be weary of buying 6A and 6B due to the long-term consequences.

Chair Rickelman and Vice-Chair Phillips discuss and clarify that there are two items that they are voting on; the exception request, and the preliminary plat. This will be two separate motions, with two separate votes, one for each matter.

Kim Payne, Special Council recommends to vote on the exemption first, once that is done determine what the next motion needs to be depending if the exemption is approved or disapproved.

Commissioner Bobo motions to accept staff findings and proceed with the exemption. Mrs. Payne asks for clarification asking if the motion is to approve the exemption as presented. Commissioner Bobo responds affirmatively.

Commissioner Bobo motions to approve the exemption as presented; Vice Chair Phillips seconded.

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

Time: 24 minutes

(The motion fails due to the requirement of a ¾ Planning Commission vote on the Subdivision Exception Request)

Mrs. Payne explains that the second item for consideration is to approve the preliminary plat without the exemption.

Commissioner Bobo motions to approve the preliminary plat without the exemption; Chair Rickelman seconded.

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

Time: 1 minutes

- b. 5J Properties, LLC, **MAP AMENDMENT (MA21-09)**, requesting review and approval of map amendment to rezone from current RSS (Small Lot Single-Family) to CS (Commercial Shopping) at properties addressed as 2302 & 2324 W 8th Ave & 802 S Western Rd located in RSS (Small Lot Single-Family) zoning district. Harkins

Rian Harkins, Senior Planner presents the map amendment and asks if there are any questions for staff. Commissioner Bobo asks if the future land use map has that specific area as commercial. Mr. Harkins responds affirmatively.

Chair Rickelman opens the public hearing and asks if there is anyone that wants to speak in favor of the item; none respond. Chair Rickelman asks if the applicant or agent is present.

Josh Powers, Universal Surveying and Mapping, 216 W 6th Ave, Stillwater, OK representing the applicant states they want to rezone the area to match the northern area; which, is commercial.

Vice-Chair Phillips asks if the vehicular access that runs parallel to 8th is a private drive. Mr. Powers states that it is an easement on the plat.

Commissioner Bobo asks what Hanson's Innovative Solutions, LLC is. Mr. Powers states that he doesn't know and the applicant will have to answer that.

Jason Hanson, 3702 W 44th St, Stillwater, OK states that the property is owned by his parents Jim and Cathy Hanson at 2909 N Keller Dr.; Hanson's Innovative Solutions, LLC is a shot at his dad being creative with a LLC name.

Commissioner Shanahan asks if there are still structures there. Mr. Hanson states there are three properties, one of which had a house on it that wasn't salvageable. The idea is to possibly turn it into something usable and enjoyable for the City of Stillwater. It could possibly turn in to a medical office for his wife. Commissioner Bobo asks if that is allowed in the CS zoning. Mr. Harkins confirms that with a SUP it is possible. Mr. Allred asks for more details on what type of medical offices will be there. Mr. Hanson states nothing has been set in stone; however, the idea of his wife being closer is nice, either way it would be a nice high-end place for everyone.

Chair Rickelman asks if there is anyone else that wants 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.

Michelle Charles, 2301 W 9th Ave, Stillwater, OK comes to speak on the following:

- Future Land Use Map shows Western Rd as a planned commercial corridor all the way from 6th – 19th. That idea has been in play a long time but growth and priorities have developed in different ways.
- At one point the idea was to have wide roads that could carry large amounts of vehicles throughout the commercial corridor.
- Neighborhood along Western Rd is a viable pocket neighborhood.
- Loosing affordable housing in a city that already has a shortage is not a good idea.
- There are more important roads that need to be worked on instead of making Western Rd a thoroughfare.
- The property owner of the two story house that is still there at one point requested a speculative rezoning to Office because they thought it would make the property more valuable but it was turned down.
- The property to the south went up for sale and was sold before they even realized it was listed, so they have been keeping an eye on it to see what would happen with it.
- There are houses on 8th Ave that would potentially be impacted by this.
- There are backups on Western Rd, which has made the discussion of widening a topic for a long time.
- Adding anything Commercial would be a bad idea because then it opens it up to more uses than just an office.
- Commercial zoning would allow for business that would increase traffic on an already overly congested road.
- More than anything she has questions and concerns and doesn't want to lose affordable housing in Stillwater.

Chair Rickelman asks if anyone else wants to speak in opposition to the item.

Betsy Showalter, 2402 W 8th Ave, Stillwater, OK comes to speak on the following:

- Lives just to the west of the lots.
- Neighborhood used to have lot of trees that blocked the neighborhood from the street view.
- The street is too narrow for even the little traffic that is already there.
- Should improve the houses instead of turning the lots commercial.

- Need more housing instead of commercial areas.

Chair Rickelman asks if anyone else wants to speak in opposition to the item.

Shelley Gladen, 2312 W 9th Ave, Stillwater OK comes to speak on the following:

- There should be more information on what will be put there.
- Worried about the increase in traffic.

Chair Rickelman asks if anyone else wants to speak in opposition to the item.

Chelsea Castonguay, 823 S Western Rd and 2309 W 9th Ave, Stillwater, OK comes to speak on the following:

- Worried about traffic.
- Doesn't like the possibilities of what could be developed there with the change in zoning.
- Would have to at least put up a privacy fence.

Commissioner Shanahan asks for clarification on the locations of Mrs. Castonguay's properties. Mrs. Castonguay using staff's map shows where they are located.

Chair Rickelman asks if anyone else wants to speak in opposition to 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.

Commissioner Shanahan asks why the Planning Commission report says the map amendment won't impact the surrounding commercial; however, it doesn't didn't say anything about residential. Mr. Harkins states that in talking to the developer he believes the intent is to improve 8th Ave for the commercial use, staff doesn't feel it would be a negative impact on the residential area. Commissioner Bobo and Mr. Harkins talk about the different requirements for screening in RSS and CS. Mr. Harkins also notes that the developer has discussed having screening between the two.

Chair Rickelman states that he feels like this would be an extension of the commercial area that is already around the area.

Several of the commissioners talk about the surrounding commercial properties and businesses that are already established in the area.

Commissioner Shanahan states there has been discussion about not wanting commercial to move into that area for a long time. It is still a viable neighborhood and there is a need for affordable housing in Stillwater. Commercial use wouldn't necessarily be bad for the neighborhood, and multi-use areas are good in certain spots. Not knowing what is going in is a concern.

Vice-Chair Phillips agrees with the comments Chair Rickelman made and states homeowners could be uneasy about commercial being there; however, it could also be a good thing. Multi-use areas can be good for walkability and even increase safety even if it is an already safe area.

Commissioner Bobo states anything that goes into this area can enhance the apartment complex that is nearby.

Commissioner Allred motions to find that this is not an appropriate use of City property and recommends that the City Council does not approve.

Chair Rickelman asks if there is a second; none respond. Chair Rickelman states since there is not a second on the motion it dies.

Chair Rickelman asks if there is another motion or if there is any discussion. Commissioner Bobo states that he doesn't have any discussion just a lot of thoughts.

Commissioner Allred motions to table the item for thirty (30) days. There is clarification between the Commissioners and legal staff. It is determined that it has to be tabled to a date certain which would be September 7, 2021.

Chair Rickelman asks if there is a second; none respond. Chair Rickelman states since there isn't a second on the motion it dies.

Chair Rickelman moves to accept staff's findings and recommend for approval; Vice-Chair Phillips seconded.

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

Time: 32 minutes

3. MISCELLANEOUS ITEMS FROM STAFF, PLANNING COMMISSIONERS, OR CITY ATTORNEY:

- a. Next Planning Commission meeting August 17, 2021.

4. ADJOURN.

This regular meeting of the Stillwater Planning Commission was called for adjournment by Vice-Chair Phillips, seconded by Commissioner Bobo at approximately 6:27 p.m. on August 3, 2021 with all members present in agreement, the next regularly scheduled meeting will be held August 17, 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