



REPORT TO:  
STILLWATER PLANNING COMMISSION

SEPC21-01

ISSUED BY THE DEVELOPMENT SERVICES DEPARTMENT - STILLWATER, OKLAHOMA

**Date of Meeting:** October 5, 2021

**Subject:** Subdivision Exception: Park Valley Subdivision, Section 1

**Purpose of Report:** The applicant requests review and approval of a Subdivision Exception request for Park Valley Subdivision, Section 1, to permit the construction of a number of retaining walls within the platted easements per attached Exhibit A.

**Background:** The Final Plat for Section 1 was approved at the October 20, 2020 Planning Commission meeting and is the first section to move forward from the Park Valley Subdivision. Section 1 of the Plat contains 58 single-family residential lots. The subdivision is located at the southeast corner of the intersection of W. 26th Avenue and S. Western Road.

The submitted and approved Final Plat for Section 1 did not contain the proposed retaining walls. The proposed location of the retaining walls would be located within the utility easement where a sanitary sewer is proposed.

Sec. 23-64(a) allows a developer to request a Subdivision Exception if adhering to the subdivision requirements causes them substantial hardship or inequity. The Planning Commission may modify the design requirements to permit the property to be developed in a reasonable manner, provided, the public welfare and interests of the city are protected and the objective and spirit of these requirements are preserved.

**Application Processing Information:**

Applicant/Owner – IH Development, LLC / Stillwater Land Partners, LLC

Notice – No notice required per City Code

Assigned Planner – Rian Harkins, Senior Planner

**Processing Track:**

Submittal Date – September 24, 2021

Planning Commission – October 5, 2021

**Project/Site Design Data/Details:**

Zoning – RSS Small Lot Single Family Residential, Sec 23.137

Existing Use – Vacant/Agricultural (pasture)

Proposed Use – Single Family Residential

Lot – 19.58 acres

**Adequate Public Facilities Findings/Improvements:**

- Streets/Traffic: The property has frontage on Western Road and 26th Avenue.
- Transit Facilities/Bike Lanes or Trails/Sidewalks: None currently exist. Sidewalk is required along Western Ave per Section 23-356.
- Water Service: City water service is available along Western Road.
- Sanitary Sewer Service: City sewer service is proposed to be connected to a line on the north side of 26<sup>th</sup> Avenue. Water Utilities Engineering has determined they have sufficient capacity to support the proposed additional connections.
- Electric: City electric service is available along Western Road.
- Engineering/Drainage: Submitted and approved.

**Applicable City Plans/Policies:**

The C<sup>3</sup> Plan:

- Commercial (Page 10-8)

**Discussion:** The applicant will need to provide justification for approval of the Special Exception through written documentation and with site plan drawings. The Planning Commission may approve Special Exception requests with or without conditions if they find that the subdivision requirements causes substantial hardship or inequity.

Sec. 23.83(a)(3), of the City Code states; “No permanent structure shall be constructed and/or maintained within the boundaries of a utility or drainage easement. No permanent structure shall be constructed and/or maintained within ten feet of any existing utility or drainage facility that is not located within a utility easement.”

A retaining wall is considered to be a permanent structure. If and when the city would need to access the utilities within the easement, the City would incur additional costs to remove the retaining wall and would not be responsible for replacement.

The City’s legal counsel, Beth Anne Childs has provided a legal opinion regarding the situation and has recommended approval, contingent upon some or all of the following conditions:

1. Utilities, utility appurtenances, and pavements have priority over retaining walls in street right-of-way and utility easements.
2. Retaining wall layout must take into account utility assignments in addition to allowing for future utility installation and future excavation for utility maintenance and repair.
3. No component of the retaining wall that is essential to the stability of the wall or wall system (such as footings, underdrains, strips, geogrid, bars, tie bars, or buried pre-cast units) can be within the excavation/backfill zone of any utility main or service regardless of the type of utility.
4. The wall or wall system must be stable under any scenario involving utility excavation in the excavation/backfill zone.
5. External components of the retaining wall, such as geogrid, anchors, strips, tie bars or buried pre-cast units, which are essential to create stability of the wall, cannot extend into utility easements unless the external components are at least three (3) feet below the deepest utility.
6. Any retaining wall or portion thereof located within the easement may be removed without liability by the city or the city utilities authority, or an agent or contractor of the city or the city

utilities authority, to gain access for the installation, removal, extension or repair of utility lines and equipment.

**Findings:**

1. A Special Exception is required to amend the City code for a subdivision.
2. The Special Exception can be approved with or without conditions.
3. Permanent structures are not permitted within utility easements.
4. Recommended conditions are available to protect the City.

**Alternatives:**

1. Accept findings and recommend approval.
2. Approve request with conditions.
3. Reject findings and deny the Special Exception.
4. Find that additional information or discussion is needed prior to making a decision and table the request to a certain.

<b>Prepared by:</b>	Lanc Gross, Planning Manager
<b>Reviewed by:</b>	Cindy Gibson, Administrative Services Manager
<b>Date of Preparation:</b>	September 23, 2021
<b>Attachments:</b>	Area Map, Park Valley Exhibit Site Plan (Exhibit A), Request for Exception
<b>Map Designation:</b>	SW