STILLWATER BOARD OF ADJUSTMENT
REGULAR MEETING OF NOVEMBER 6, 2014
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW, THE AGENDA WAS POSTED November 5, 2014
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET

Members Present:
Ron Walker
Trey Lester
Terri Ventress
Robert Williams

Staff Present:
John Dorman, City Attorney
Tom Coots, Planning Assistant
Cindy Gibson, Administrative Coordinator

Members Absent:
Joe Merrifield

Guests:
Nigel Jones
Steve Droll
Jason Thompkins
Kelly Harris
Kirsten Minansian

1. **CALL MEETING TO ORDER.**

Chair Walker calls the meeting to order at 5:30 PM and explains the board and the proceedings for the evening.

Those sworn in at 5:33 PM are:

Mr. Nigel Jones	Mr. Steve Droll	Mr. Jason Thompkins
Mrs. Kelly Harris	Mrs. Kirsten Minansian	Mr. Tom Coots

2. **BUSINESS ITEMS FOR DISCUSSION AND CONSIDER POSSIBLE ACTION ON:**

a. Lightbearers Ministries International, Inc., **SPECIAL EXCEPTION (PZ.14.1881),** requesting review and granting of a special exception to extend the RTM (Residential Two Family & Multi Family) district to include the entire parcel addressed as 798 E. 5th Avenue, currently zoned RTM and CS (Commercial Shopping). **Coots**

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

Chair Walker asks if there are any questions for staff.

Mr. Williams asks for clarification of what the special exception and background was for; Tom responds that it outlines the history of the project as well as the code section and #6 is the type of special exception applied for. Tom further explains the criteria that should be met is on the second page and if the Board believes the criteria is met then the request can be granted.

Chair Walker asks if there are any more questions for staff; none respond. Chair Walker asks if there is any one that wishes to speak in favor of this item.

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

- Here representing developer and owner
- Here to answer any questions
- Staff presented the request very well

Chair Walker asks if there are any questions for Mrs. Harris; none respond. Chair Walker asks if there is any one that wishes to speak in opposition of this item.

Mrs. Kirsten Minansian, Minansian Rentals, comes to speak on the following:

- Owns 310 and 308 S. Benjamin which abuts the property in question
- The property is a vacant lot and is concerned about the drainage impacting their property
- Traffic is a concern
- Doesn't have any information on what is going to be built there; know it is going to be student housing of some sort
- Not necessarily against it but just would like more information

Chair Walker responds that the Board isn't able to provide information on drainage or what might be going in there. Chair Walker states that the Board is considering whether or not it meets the criteria for a special exception.

Tom returns to the podium and states that the applicant may want to give more information on what is planned but the RTM district does allow for certain permitted uses such as boarding & rooming houses, churches and religious institutions, multi-family uses with a maximum gross density of 20 units per acre, townhomes, two family duplexes as well as other uses with a specific use permit which requires a public hearing for those uses. Tom states that the property is not flood plain but it did have, at one point, a creek running through it; does have a drainage way but those types of issues will be reviewed prior to development of any sort.

Chair Walker asks if there is any one else that wishes to speak in opposition of this item; none respond. Chair Walker asks if there is any rebuttal; none respond. Chair Walker asks for Board discussion.

Mr. Williams states that it does meet the criteria and believes that it is a really good application of the criteria; the drainage will be an issue whether its commercial or not; and this project will generate less traffic than if it was commercial.

Mr. Williams moves, Mrs. Ventress seconds to accept staff's recommendation and find that the applicant has met items 1 and 2 and approve the special exception.

Roll Call:	**Lester**	**Walker**	**Merrifield**	**Ventress**	**Williams**
	Yes	**Yes**	**Absent**	**Yes**	**Yes**

Time: 13 Minutes

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b. TR Inscore,LLC, **VARIANCE (PZ.14.1882),** requesting review and granting of a variance to Ch. 23, Section 23-142(d)(1) to allow an increase in building height on properties addressed as 711, 713 & 723 W. 4th Ave., 402, 406, 410 & 424 S. Hester Str. and 409, 417 & 419 S. Ramsey St., in the HR (High Rise) district. **Coots**

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

Chair Walker asks if there are questions for staff.

Mr. Lester asks what the idea of the 100 foot in the code is for, is it just visual or is it a FAA (Federal Aviation Administration) requirement; Tom responds that there is no particular reason.

Mrs. Ventress asks if all of the other setbacks are met; Tom responds yes.

Chair Walker asks if it's the mechanical equipment on the roof; Tom responds that mechanical equipment is not included in the height, if this elevator housing wasn't there, then there would no issue.

Chair Walker asks if there are any more questions for staff; none respond. Chair Walker asks if there is any one that wishes to speak in favor of this item.

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

- Here representing owner and developer
- Request is actually for seven (7) feet
- Explains the first floor elevations
- Hester is approximately 3' 4+" higher than Ramsey
- The elevator housing is approximately 27 long (East-West) x 10 feet deep (North-South) sticking 5 foot above the top of the building
- There will be other equipment on the roof that will be 3 to 5 feet tall so this elevator housing will blend in other mechanical equipment
- The equipment will be set back from the edge of the roof line so as to make the equipment as non-visible as possible
- This project is within block to half block of high-rise and commercial zoning that has no building height restrictions, close to the OSU Performing Arts Center
- Discusses building elevations and how difficult it would be to see the elevator housing

Mr. Lester states that he assumes this rendering doesn't show any of the machinery; Mrs. Harris responds that it doesn't as they haven't gotten to that design part yet.

Mrs. Harris states that they believe they met all four of the criteria; hardship is to this particular piece of property as it is in the Corridor Redevelopment Area which encourages high rise development, appreciate the 100 foot but trying to put together so many tracts of land but they have been able to do it in such a way that they barely come up with a uniform square of these properties with a challenge in latitude of how to lay out the building and be able to situate the elevator in an area of the building where it would barely be seen; condition is peculiar to this piece of property due to the ability to adjust the building layout so that the elevator housing can barely be seen; in agreement with staff for #3 as it would not be a detriment; and the seven (7) foot height is the minimum relief necessary.

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Mrs. Harris asks if there are any questions.

Mr. Williams asks if there is an orientation from campus; Mrs. Harris responds just from the north side of Ramsey not from that far away. Discussion is held about seeing it from campus as well as not being aware of how tall the Performing Arts Center will be. Discussion is also held about making the building one less story as an option.

Mr. Lester asks about different elevator types having been considered; Mrs. Harris responds that there were a lot of different options looked at but to completely incorporate it into the building, they would have to raise the height of the first floor to incorporate in the difference which would make the whole building the 105 foot tall.

Discussion is held about the HR (High Rise) district having only been in the code for a couple of years.

Chair Walker asks if there are any more questions for Mrs. Harris; none respond. Chair Walker asks if there is anyone else that wishes to speak in favor of this item. Chair Walker states that Mrs. Harris indicated that someone else may be able to answer some of the questions regarding the equipment, if not, will ask Mrs. Harris to come back for more questions.

Mr. Jason Thompkins, works for the developer and introduces Mr. Steve Droll architect on this project. Mr. Thompkins responds that the questions were related to the equipment. Chair Walker asks about where other equipment will be located on the roof. Mr. Thompkins responds that there will be air handler units about 3 to 3 1/2 feet tall and should not have anything taller than the elevator housing over-run.

Mr. Droll comments that they have designed handlers essentially for each apartment; handlers barely larger than household size will be to provide air and heat to corridors; there will not be chillers, boilers, etc., such as you would see on a commercial project.

Discussion is held regarding the elevator housing being the tallest structure on the roof; not all equipment has been selected yet; no giant roof top units; the elevator housing will have the equipment that sits on top of the elevator cab, the cab is usually 9 feet tall; the “over-run” as it is referred to contains the top mechanical equipment for the elevator. Mr. Droll states that the specific elevator has not been selected as of yet, however, the design is setup for whichever manufacturer is chosen, that equipment will fit with no issues.

Mr. Williams asks about there being one less floor; Mr. Thompkins responds they looked at options and this is the right size building for this piece of property; part of every approach is where can you make the economics work and one less floor puts it at a financing risk from investors; looked at recessing it further into the ground until they looked at Elm Street project where they were doing basement units and saw where they incurred about a foot and half of flooding and believe this would be detrimental to the construction and financing.

Chair Walker asks if there are any more questions; none respond. Chair Walker asks if there is any one else that wishes to speak in favor of this request; none respond. Chair Walker asks if there is any one that wishes to speak in opposition of this request.

Mr. Nigel Jones comes to speak on the following:

- University Architect and is here to speak on behalf of the University

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- Understand the 100 foot height in the code
- Not in disagreement with the height of the building
- Questions about PAC (Performing Arts Center) and the fly tower, which is the tallest element above the stage, will be about 80 feet
- There is some concerns about the view from the distance when you get to Old Central or front steps of the Alumni Center or even some of the taller buildings or even the stadium as you look across campus – what can be seen in relationship there
- Concern that from a distance on OSU, the equipment could be seen
- On Campus, becoming much more aware of and the realization across campus they have to be aware of what is on top of the buildings as they are having a lot more views from higher up and so what will the whole building look like
- Understand the view from the sidewalk and opposite side of the street looking like this with a nice view but OSU's concern is more for the distanced views
- OSU is working on assuring their building tops with equipment is screened or concealed in some architectural fashion
- Another concern is the first application of the 100 foot height, was part of the committee that worked on this requirement, but then the first one comes in and wants to break the 100 foot requirement
- Will answer any questions

Chair Walker asks if their explanation of the equipment they are using changed Mr. Jones' view any or by staff advising the Board that the equipment is allowed to be there; Mr. Jones replies not in his experience, in the last seven years as the University Architect they find their expectations for the MEP (Mechanical Electrical Plumbing) to be optimistic but when the reality of it sits in, it is a different challenge. Mr. Jones' continues saying they try to screen equipment or tidy it up within the silhouette of the building.

Discussion is held regarding the 100 foot rule being a straight horizontal plane from ground to building top; screening on top of the 100 foot not being an option; roof clutter not being less if the building height were reduced but being able to add screening at that point; and super suites at the stadium would be the only place on campus where this would be visible.

Chair Walker asks if there are any more questions; none respond. Chair Walker asks for rebuttal.

Mr. Steve Droll returns to add that Mr. Jones brings up some good points and its important dialogue to have and its one that a lot of time was spent on; as a design team, the debate was how to get this building to be 100 percent zoning compliant; believe they are 99.9 percent there; several options were considered for the concealing of the elevator housing; design team choose to move it back to where it wasn't viewable from the street and keep everything else on the building at less than 100 feet; and it would definitely be out of compliance if a parapet was added.

Chair Walker states that anyone that spoke in opposition has an opportunity for rebuttal; none respond. Chair Walker asks if there is anything else from staff or questions for staff.

Tom reminds the Board to review criteria items 1, 2 and 4.

Mr. Lester asks about requirements for the equipment on top or if there are any regulations; Tom responds that the height is to the top of the structure and equipment is not a part of the structure, by nature, so the equipment does not count towards that.

Chair Walker asks if staff worked with the developer regarding the 100 foot requirement; Tom said that it was unexpected in that the applicant got far enough along in the design before it was revealed to staff then staff pointed it out so that is when the application came to the Board of Adjustment.

Chair Walker asks if there is any more questions for staff; none respond. Chair Walker asks for Board discussion.

Board discussion is held about whether or not they have enough information to determine if it is a hardship or not; possibly tabling the item; and the seven foot over-run not being any more intrusive than a chiller or other roof top equipment.

Chair Walker talks about the hardship being in that the code was written saying 100 feet for the building but they get caught up with the elevator housing being at 107 feet as it seems like a mechanical aperture or chimney and believes that the applicant has tried to meet the code. Chair Walker states that he too was involved in the discussions of the high-rise requirements; discussed shade, lightening, air and views; believes that the code was written to reflect the 100 foot requirement to the building, not equipment on top as it doesn't cast a shadow or is a flight issue. Chair Walker states that if they lower the building one floor then the hardship will not be on the developer but the people who pay rent to live there.

Discussion was held regarding the ceiling height for the units was first going to be 9 feet but now are 8 feet, 10 inches; designing the building with steel frame so additional space is required between floors; designing site without a retaining wall; and considering the residential properties that this project abuts.

Mrs. Ventress states that she doesn't have an issue with this request at all; if the other buildings are at 73 feet then this hasn't been tested yet because those choose to have fewer floors; understand Mr. Jones' concern but we can't fix all of that right now; and again, has no issue as they have done a good job designing this building.

Mr. Williams states that he also doesn't have an issue with this but has difficulty determining a hardship; and can't word that motion at this time.

Mr. Williams asks for clarification that the 107 feet is the elevator over-run only; Mr. Droll responds yes.

Chair Walker asks for legal assistance. Mr. John Dorman, City Attorney states that the hardship could be that the literal application of the code does not permit maximum building height permitted by right in that classification because if you apply the code literally, it applies to the building not the equipment; the Board can limit the area to which can exceed the 100 foot for this equipment and peculiarity of it is that the high rise zoning is limited to the corridor area.

Mr. Robert Williams moved, Mr. Trey Lester seconded to grant the variance for the 10 foot x 27 foot elevator over-run of seven (7) feet above the 100 foot as proposed building on plans submitted on November 6th for the Stillwater Student Housing project for criteria #1, the hardship is based upon literal application of the code precludes the ability to build a building of 100 feet for necessary mechanical requirements on said building; and criteria #2, the peculiarity for this piece of property is that there are a limited number of HR (High Rise)

zoned parcels in the area; agrees with staff for criteria #3 in there is no detriment to the public good; and criteria #4, the variance if granted, is the minimum relief necessary for the elevator housing as shown on the proposed plan.

Roll Call:	**Lester**	**Walker**	**Merrifield**	**Ventress**	**Williams**
	Yes	**Yes**	**Absent**	**Yes**	**Yes**

Time: 60 Minutes

3. **MISCELLANEOUS ITEMS FROM STAFF FOR DISCUSSION AND POSSIBLE ACTION:**

a. Next regular meeting is scheduled for December 4, 2014.

4. **ADJOURNMENT**

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 6:44 p.m.

Prepared by – Cindy Gibson, Administrative Coordinator

Approved by: _____
Stillwater Board of Adjustment

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