



Report to:  
**Stillwater  
Board of  
Adjustment** PZ-17-2248

*ISSUED BY THE DEVELOPMENT SERVICES DEPARTMENT STILLWATER,  
OKLAHOMA*

**Date of Meeting:** October 5, 2017  
**Subject:** HP Growth LLC (O'Reilly's)  
**Project Name:** Variance to allow a reduced driveway separation  
**Location:** 5411, 5461, and 5499 W 6<sup>th</sup> Ave

### **BACKGROUND**

The owner of the properties, along with the current applicant, intends to develop the property with commercial uses fronting onto W 6<sup>th</sup> Ave/Highway 51. Two driveways are desired to be constructed on 6<sup>th</sup> Ave so each individual lot would have a driveway. However, one of the proposed driveways does not meet the driveway separation requirement from an existing driveway on the adjacent property to the west.

The new driveway is proposed about 103 feet centerline to centerline between driveways. The requirement on a 50mph roadway is separation of 200-feet, centerline to centerline. 6<sup>th</sup> Ave is a divided 65 mph speed limit highway adjacent to the property. There is no identified separation in City Code for this type of situation and ODOT has not adopted specific driveway spacing requirements. However, many states have adopted specific regulations with required spacing for driveways on a high-speed divided roadway ranging from 425 feet (Texas) to 2,640 feet (Kansas) separation.

The property on which the second driveway is proposed would have access through a private access easement to the first driveway. The proposed layout is included with this report.

ODOT erroneously issued the applicant a driveway permit for the second driveway without first acquiring consent from the City of Stillwater. The permit has since been rescinded.

### **CODE APPLICATION**

Sec. 37-130. – Provisions for driveways and vehicular access—Nonresidential.

- (3) Driveway spacing. To ensure safety of turning movements, all driveways, whether on one property or abutting properties, shall meet the spacing requirements of table 2 in this subsection (3). Where lot frontages are so narrow that meeting this standard would prevent access to individual properties or placement to meet this requirement would result in a hazardous situation, the following procedures will be followed:
  - a. When one or more driveways meeting the requirements of this section can serve the lot, the additional driveway which cannot meet these requirements will not be allowed.
  - b. **Where meeting this requirement would mean no access would be allowed to the lot the following procedures will be used to provide access:**
    1. **The applicant shall secure joint access with abutting property.**
    2. Where joint access driveways are not possible, driveways not meeting these separation requirements may be approved by the city engineer. In determining where the driveway will be placed, the city engineer will

identify those places on the lot where a driveway will have sight distance meeting AASHTO standards and otherwise not be hindered by obstructions and then allow the driveway to be placed in whichever of these areas provide the greatest separation from existing driveways.

TABLE 2. MINIMUM DRIVEWAY SPACING\*

Speed (mph)	Spacing (feet)
25	65
30	90
35	100
40	120
45	150
<b>50</b>	<b>200</b>

\*Measured along the property line from centerline to centerline of adjacent driveways.

### **CRITERIA FOR APPROVAL**

The Board of Adjustment must find that each of the following four criteria have been met based on evidence and testimony received from the applicant and during the public hearing. Such approval may be granted in whole, in part, or with reasonable modifications and conditions.

- (1) The application of the ordinance to the particular piece of property would create an unnecessary hardship;
- (2) Such conditions are peculiar to the particular piece of property involved;
- (3) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the Comprehensive Plan; and
- (4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

### **ALTERNATIVES**

The Board of Adjustment has the following alternatives of action:

1. Find that each of the criteria for approval of the request are met. The Board will explain how each criteria are met in order to approve the variance(s).
2. Find that each of the criteria for approval of the request are met by imposing modifications or conditions to ensure that the criteria are met. The Board will explain how the criteria are met to grant partial, conditional, or modified approval of the variance(s).
3. Find that one or more of the criteria for approval of the request are not met and deny the request.
4. Table the discussion to a certain date to allow for additional information to be presented.

**Prepared by:** Tom Coots, Planner I  
**Date of Preparation:** September 27, 2017  
**Attachments:** Area Map, Letter of Request, Site Plan  
**Map Designation:** SW