

**STILLWATER BOARD OF ADJUSTMENT  
REGULAR MEETING OF NOVEMBER 2, 2017  
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING  
LAW, THE AGENDA WAS POSTED October 27, 2017  
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

Members Present:

Ron Walker  
Terri Ventress  
Trey Lester

Staff Present:

Dennis McGrath, Asst. City Attorney  
Lanc Gross, Development Review Manager  
Tom Coots, Planner  
Cindy Gibson, Administrative Coordinator

Members Absent:

Guests:

Mr. Josh Ligon  
Mr. Monty Karns

1. **CALL MEETING TO ORDER.**

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

The following individuals are sworn in:

Mr. Josh Ligon

Mr. Month Karns

Mr. Tom Coots

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

- a. HP Growth, LLC, **VARIANCE (PZ.17.2248)**, requesting review and granting of a variance to Chapter 37, Article III, Section 37-130 of the City Code to allow a driveway which does not meet the minimum required driveway separation for property addressed as 5411, 5461, and 5499 W 6<sup>th</sup> Ave. **Coots (Tabled from the October 5, 2017 Meeting)**

Tom Coots, Planner presents staff's report.

Chair Walker asks if there are any questions for staff.

Mr. Lester asks how many of these properties don't meet the 200 foot criteria; Tom references the Pizza West and American Legion properties which were already there and have been in existence for a long time, however, across the road there's one of the dealerships that doesn't meet the 200 feet as well.

Chair Walker asks if the small sliver of land that is west of the Pizza West property is included in this development; Tom explains that it is part of the larger remainder tract but not this development.

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

Mr. Josh Ligon comes to speak on the following:

- Represents HP Growth
- Looking to develop these commercial lots to further the growth of Stillwater

- This site is for two commercial retail shops
- Appreciates the Board's time
- Requesting a variance for the driveway separations
- Looking to develop now and in the future, in excess of five (5) plus acres
- Given the layout and situation with access, this variance is a must
- Without it, the hardship is on the development for egress / ingress access among other issues
- Would like to re-iterate that the west drive is the only western proposed road and is the only one that is non-conforming
- Additionally, the two parcels that have the frontage are the only property that they own
- Does not own the rear property
- Will be providing access through this development to the rear property but have no control over that development
- That portion of the development is slated for multi-family residential; can't speak for that developer but that is what he has been told
- Initially reached out to ODOT, provided site plan and ODOT did approve the permit at that time and provide it to the developer and to the City; however, since then it has been rescinded
- Ask the Board to approve the request due to the nature of the project and not limit the development by not allowing them to create the second drive. Allowing one drive for the project as a whole will create considerable congestion. The situation compounds when one takes into account the maintenance and liability concerns of having shared accesses and specifically, allowing access onto the back portion
- Spreading out the drives would allow some relief to the congestion
- Speed limit is 65 miles per hour in front of this development; however, there is that one sign giving a warning for the speed to decrease down to 55
- As staff pointed out, the 55 is still above the limit
- In conclusion, looking to alleviate this access hardship but alleviating the congestion that will be created with a single drive as well as maintenance, use and liability issues between all parties
- Approval of this variance is not necessarily to change the code; looking for a variance so as to complete this development
- The non-conforming nature of this situation warrants the request for said variance and the variance speaks for itself and believes this would be the minimum to alleviate that hardship
- Reviews the slides

Chair Walker asks if there are any questions for Mr. Ligon.

Mr. Lester asks him what he believes to be so peculiar about this property; Mr. Ligon states that the large parcel to the south and this development, two large retail stores, will create additional traffic congestion.

Chair Walker asks about the distance to the west access; Mr. Ligon responds that it is 103 feet for the west and the highest distance of a 50 mile per hour speed is 200 feet and as staff pointed out, there are many drives in this area that do not meet that.

Chair Walker asks if Mr. Ligon can tell him how far it would be to the Pizza West drive if this drive isn't approved; Mr. Ligon responds that he does not know the distance.

Chair Walker comments about being able to work out something with that driveway to the west; Mr. Ligon responds that they have contacted the VFW and the issue arose regarding

maintenance and liability issue and then the issue becomes neither party wants to take on that burden of maintaining the drive that is accessed by others.

Discussion is held regarding having communicated with the VFW; accesses having been discussed; and it being more of a legal issue.

Chair Walker asks if there are any additional questions for Mr. Ligon; none respond. Chair Walker asks if there is any one else that wishes to speak in favor; none respond. Chair Walker asks if there is any one that wishes to speak in opposition; none respond. Chair Walker asks if there are any additional comments.

Mr. Monty Karns, Director of Transportation and Stormwater Services for the City of Stillwater comes to speak on the following:

- Appreciates the applicant's dilemma
- Continues to be pro-development
- Concerned about the number of driveways
- Meet with ODOT about improving this area but decided to keep the speed at 55 miles per hour
- Tries to limit the number of drives as much as possible
- Applicant mentioned the liability of maintaining the drive for VFW – there would be the same liability for the property to the south
- Don't know what the future holds nor do we know what is going to happen with the VFW property
- If and/or when those properties to the west re-develop, then the non-conforming driveways will be addressed at that time
- Here to answer any questions

Chair Walker asks for confirmation about the properties to the west being grandfathered at this time, however, if they are redeveloped are they grandfathered; Monty responds yes, they are currently grandfathered but more than likely the lots will be combined to be redeveloped and the driveways would be addressed at that time.

Discussion is held about access roads; redevelopment of lots and reconfiguration of access points; speed limit figuring into the driveway spacing; safety being of a prime concern for turning traffic; easements have been issued for access to the south property; and possible shared access if the VFW property redevelops at a later point.

Mr. Ligon returns for rebuttal and elaborates further on access to the southern property; safety being a prime concern; and reiterates the need for two access points.

Mr. Lester asks what their other course of action is; Mr. Ligon responds that the project would not be dead in the water but does not know of another option.

Mr. Lester asks staff if there is any other option; Tom responds that there is one access and another option is to have shared access with the American Legion property through their property or it would be acceptable to improvement the American Legion property and access through it if additional access is desired.

Discussion is held regarding verification of the distance from the Pizza West driveway; making the situation better by removing one driveway; there is a code allowance for making the situation better by moving an existing driveway; the applicant is here because there are other options; and planning staff being of the opinion that there is a possible design with one driveway to serve all three (3) needs.

Tom presents criteria and alternatives.

Mr. Ligon returns to comment:

- Connection to the VFW is a legal language issue
- Don't have control of the rear lot
- Have been trying to look for alternatives
- Liability concern of the retailer for traffic coming from the VFW
- Topography issues
- All 3 parcels are separately owned

Mr. Lester asked if the developer approached the VFW to offer access through their property; Mr. Ligon responds yes but talks seem to fall through when it comes to the maintenance issue.

Chair Walker asks for Board discussion.

Mrs. Ventress comments about being very pro-development; has a large safety concern and not sure she can get passed that; having to slow down to 35 miles per hour is a major safety concern in this area.

Mr. Lester comments about being in the same boat as Mrs. Ventress; having a major safety concern; and trying to figure out how this would not be a safety concern and can't do it.

Chair Walker comments about having a safety concern; developer has expressed safety concern within the development and at the highway; hopes they can give access to the VFW; the driveway to the east of the site is across from the Highway 51 crossover which would be used more for access because people aren't going to want to drive on down the highway and circle back; and it seems to be a financial issue.

Mrs. Ventress states that this request would cause substantial detriment to the public good and impairs the intent of the ordinance.

Mr. Lester states that he would like to give them another opportunity to provide additional information by tabling. Mr. Ligon expressed that tabling is not of interest as he doesn't know what additional information he could bring.

Chair Walker asks if there is a motion to deny and if so, the criteria does not have to be gone through.

Mr. Ligon states that it is a safety concern to have traffic exit the location at one point and the small American Legion and larger corporation doesn't come together on the legal language; and another exception is that the other three (3) driveways will not be used to the extent this site will be used for, especially when the multi-family is developed.

Mr. Lester asks Monty if there is any added safety benefit to adding this driveway; Monty responds that he can't think of any benefit to the way it is proposed.

**Mr. Lester moved, Mrs. Ventress seconded to deny the request based upon the inability to meet the criteria #3 because this could be a potential detriment to public safety.**

<b>Roll Call:</b>	<b>Walker</b>	<b>Ventress</b>	<b>Lester</b>	<b>Vacant</b>	<b>Vacant</b>
	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>N/A</b>	<b>N/A</b>

Time: 54 Minutes

3. **APPROVAL OF THE MEETING SUMMARY FOR DISCUSSION AND POSSIBLE ACTION:**

- a. Regular Meeting of July 7, 2016

Chair Walker asks if there are any changes and/or corrections; none respond.

**Mr. Lester moved, Mrs. Ventress seconded to approve the regular meeting summary of July 7, 2016.**

Roll Call:	Walker	Ventress	Lester	Vacant	Vacant
	Yes	Yes	Yes	N/A	N/A

- b. Regular Meeting of October 5, 2017

Chair Walker asks if there are any changes and/or corrections; none respond.

**Chair Walker moved, Mr. Lester seconded to approve the regular meeting summary of October 5, 2017.**

Roll Call:	Walker	Ventress	Lester	Vacant	Vacant
	Yes	Yes	Yes	N/A	N/A

Time: 2 Minutes

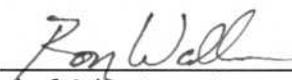
4. **MISCELLANEOUS ITEMS FROM STAFF FOR DISCUSSION AND POSSIBLE ACTION:**

- a. Next regular meeting is scheduled for December 7, 2017.

5. **ADJOURNMENT**

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 6:26 p.m.

Prepared by – Cindy Gibson, Admin. Coordinator

Approved by:   
Stillwater Board of Adjustment

