

**STILLWATER BOARD OF ADJUSTMENT
REGULAR MEETING OF JULY 7, 2016
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED July 6, 2016
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

Members Present:

Terri Ventress
Angie Bale
Trey Lester
Arial Ross

Members Absent:

Ron Walker

Staff Present:

Dennis McGrath, Asst. City Attorney
Tom Coots, Planner I
Patricia Evans, Planner II
Cindy Gibson, Administrative Coordinator

Guests:

Mrs. Kelly Harris
Mr. Tony Fitch
Mr. Barry Patton
Mr. Reed James
Mr. James Rogers

1. **CALL MEETING TO ORDER.**

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

The following individuals are sworn in:

Mrs. Kelly Harris	Mr. Tony Fitch	Mrs. Donna Wilson
Mr. Barry Patton	Mr. Reed James	Mr. James Rogers
Ms. Patricia Evans	Mr. Tom Coots	

Mr. Mike Beaty is sworn in at 6:54 PM

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

- a. Fountain Square Group, LLC, **SPECIAL EXCEPTION (PZ-16-2089)**, requesting review and granting of a Special Exception to extend CS (Commercial Shopping) District at property addressed 1301 S Western Rd. **Evans**

Mrs. Bale recuses herself from this item due to a conflict of interest.

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

Discussion is held regarding the blending of the commercial uses with the established residential uses in this area; and potential negative impacts surrounding this extension of the zoning district.

Mrs. Ventress asks if there is anyone that wishes to speak in favor of this request.

Mr. Barry Patton, Fountain Square Group comes to speak on the following:

- There is not going to be anything done with the pond. It may be modified some to deepen it.
- There are plans to do some development with the area adjacent to Western Road.
- Here to answer questions.

Mrs. Ventress asked if there is anyone else that wishes to speak in favor; none respond.
Mrs. Ventress asks if there is anyone that wishes to speak in opposition; none respond.
Mrs. Ventress asks for staff's recommendation.

Tom presents staff's recommendation that after reviewing the two (2) criteria as indicated above, staff finds that the applicant has met items 1 and 2. Staff would recommend that the Board further review the items to determine, if in the Board's opinion, the information provided in the report and by way of testimony, allows the Board to make findings in the applicant(s) favor and grant the request.

Mrs. Ventress asks for board discussion.

Mr. Lester moved, Ms. Ross seconded to accept this request based upon staff's findings that the special exception will not adversely affect the rights of adjacent property owners or residents and that granting the special exception will not cause substantial detriment to the public health, safety, convenience or general welfare.

Roll Call:	Walker	Ventress	Lester	Ross	Bale
	Absent	Abstain	Yes	Yes	Yes

Time: 15 Minutes

- b. Husband House, LLC, **VARIANCE (PZ-16-2098)**, requesting review and granting of a variance. To Sec. 37.129 (2) for property addressed as 1124 S. Husband Street to allow a driveway in excess of the maximum width. **Coots**

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

Mr. Lester asks about the intent of the regulation; Tom responds that the driveway standards are setup to where driveways are supposed to be proportional to the lot frontage on the road.

Mrs. Ventress asks if there are any more questions for Tom; none respond. Mrs. Ventress asks if there is anyone to speak in favor of this item.

Mr. James Rogers, comes to speak on the following:

- President of Husband House, LLC
- Looking for another way to find enough parking for the tenants
- Wants to keep them parking on the lot, not on the street or in the middle of the driveway as long as they aren't over the sidewalk
- Believes that there is a hardship here because there is only three (3) parking spaces near the front door the tenants will park on the street somewhere or in the middle of the driveway
- Proposed parking on the other side of the building but believes it will be a hardship for them to walk around to get into the doorway
- Wants to plant hedges to provide screening
- Just looking to park them on the property
- Looking for the minimum relief necessary by asking for the flare in the whole driveway entrance
- Here to answer any questions

Mr. Lester asks how Mr. Rogers how he plans to keep them from parking in the yard. Mr. Rogers responds that he plans on having lots of landscaping; most of the properties in that area don't have the paved parking; will to pay for the flare and the parking because he wants to keep them parking on the property.

Discussion is held about the front porch and entry into the duplex is only from the front as there is not a front door; designed to get five (5) parking spaces off of the alley; the doorway that faces the alley is for the other unit but isn't a "back" door for either unit.

Mrs. Ventress asks if there is anyone else that wishes to speak in favor of this item; none respond. Mrs. Ventress asks if there is anyone that wishes to speak in opposition of this item; none respond. Mrs. Ventress asks for staff's recommendation.

Tom presents staff's recommendation that after reviewing the four (4) criteria as indicated above, staff finds that the applicant has met items 2, 3, and 4. Staff would recommend that the Board further review item 1, the hardship, to determine, if in the Board's opinion, the information provided in the report and by way of testimony, allows the Board to make findings in the applicant(s) favor and grant the request.

Mrs. Ventress asks for board discussion.

Mrs. Ventress states that not having enough parking spots is going to be the hardship and wants to prevent people from parking in the yard as much as possible.

Ms. Ross doesn't believe it's too much of a hardship.

Mrs. Ventress comments about appreciating Mr. Rogers' efforts to keep parking off of the street and within the property.

Mrs. Bale asks about the statement in #2, a previous variance was approved based on uniqueness and is interested to know what that was or how it is related to this situation; Tom responds that its not too terribly related as the previous issue was the duplex needed to fit on the property and partially meet the underlining zoning of duplex zoning, 1 & 2 family zoning and partially the BID (Business Improvement District) zoning which requires that it be at the property line which is generally assuming it is a store front business.

Mrs. Ventress comments that another thing to consider is that this is on a corner lot and parking on the street is going to be very difficult.

Discussion is held about parking on Husband Street and no parking is allowed on 12th and the issues that will arise from parking on Husband being so close to 12th.

Mr. Lester moved, Ms. Ross seconded to grant the variance based upon criteria #1 hardship being the potential issues with aesthetics if it is not allowed and that based upon staff's findings, such conditions are peculiar to this piece of property; relief if granted would not cause substantial detriment; and the request is the minimum relief necessary.

Roll Call:	Walker	Ventress	Lester	Ross	Bale
	Absent	Yes	Yes	Yes	Yes

Time: 20 Minutes

- c. Mosaic Community Church, **SPECIAL EXCEPTION (PZ-16-2100)**, requesting review and granting of a Special Exception to allow a church at property addressed 1571/1583 N Cimarron Plaza in (CS) Commercial Shopping zoning district. **Coots**

Patricia Evans, Planner presents staff's report and findings.

Ms. Ross asks about another church going in there or is this request just to bring this one into compliance; Patty responds that the other church was already there as they did not come to the City for approval and staff isn't aware of how long it's been in existence so they are in non-compliance and yes, it is to allow religious organizations not just this one church. Patty states that by granting this, it will allow the one that is ready there to be in compliance also.

Mr. Lester asks if staff is aware of the timeline for this shopping center to transition into public zoning; Patty responds that no, staff is not aware of the timeline. Patty states that the school is using some of the store fronts but not for sure that the school even has a timeline.

Mrs. Ventress asks if there are any more questions for staff; none respond. Mrs. Ventress asks if there is anyone that wishes to speak in favor of this item.

Mr. Reed James, Pastor of Mosaic Community Church comes to speak on the following:

- Sees three (3) benefits
 - Creates revenue for the school on a monthly basis and the church has their resources to bring the unit up-to-date to increase the value of the property
 - Will increase awareness of what there is at the plaza for increase awareness of what was there
 - For the overall benefit of the community, the transformation of the community is a vision of the church and Stillwater has much to off but there is still lots to be done

Mrs. Ventress asks if there are any questions for Mr. Reed; none respond. Mrs. Ventress asks if there is anyone else that wishes to speak in favor of this item.

Mr. Barry Patton comes to speak on the following:

- Represents the Stillwater Public School
- Here to answer any questions

Mr. Lester states that there has been one variance for a use allowed in this shopping center and asks if there is anticipation for another potential use that the Board should just go ahead and put in the variance. Mrs. Ventress states that this cannot be done. Mrs. Ventress asks if there are any questions for Mr. Patton.

Ms. Ross asks if the school is happy with the idea of having a church in this center. Mr. Patton responds that yes, they are. Mr. Patton continues stating that the prior church was there when the school purchased the property and believes that the existing church was there when it was a use-by-right in the Commercial Shopping district.

Mrs. Ventress asks if there was anyone else that wished to speak in favor of this item; none respond. Mrs. Ventress asks if there was anyone that wished to speak in opposition of this item; none respond. Mrs. Ventress asks for staff's recommendation.

Patty returns to the podium and advised the Board that the Land Development Code changed in 2008 so prior to that, churches could have been a use-by-right in that district so that is potentially how it got there.

Patty presents staff's recommendation that after reviewing the two (2) criteria as indicated above, staff finds that the applicant has met all items. Staff would recommend that the Board determine, if in the Board's opinion, the information provided in the report and by way of

testimony, allows the Board to make findings in the applicant(s) favor and grant the request as identified in the minimum relief necessary.

Mrs. Ventress asks for board discussion.

Ms. Ross stated that she supports anything that will bring revenue to the school.

Mrs. Ventress states that occupancy of a large building like this is always a good thing and as Mr. Reed has stated, they plan on making improvements and renovations, which is also a good thing.

Ms. Ross moved, Mrs. Bale seconded to grant the special exception based upon the fact that granting of the special exception will not adversely affect the rights of adjacent property owners or residents and will not cause substantial detriment to the public health, safety, convenience or general welfare.

Roll Call:	Walker	Ventress	Lester	Ross	Bale
	Absent	Yes	Yes	Yes	Yes

Time: 14 Minutes

- d. Hydrangea Hideaway, LLC, **VARIANCE (PZ-16-2101)**, requesting review and granting of a variance to Sec 23-121(b) to allow for construction of an (8) eight foot or higher fence at property addressed as 710 & 712 W. 9th Ave. **Evans**

Mr. Dennis McGrath, Assistant City Attorney states that this item has been postponed by the applicant to the next meeting.

Mr. Lester moved, Ms. Ross seconded to postpone this item to the next meeting of August 4th, 2016.

Roll Call:	Walker	Ventress	Lester	Ross	Bale
	Absent	Yes	Yes	Yes	Yes

Time: 4 Minutes

- e. Speedy Splash Carwash, **VARIANCE (PZ-16-2102)**, requesting review and approval of a variance to Sec 23-356(a) to waive the requirements for sidewalks at property addressed 4810 W. 6th Ave., (also referred to as 4808 W. 6th Ave.) in the (CG) Commercial General zoning district. **Coots**

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

Mrs. Ventress asks if there are any questions for staff; none respond. Mrs. Ventress asks if there is anyone that wishes to speak in favor of this item.

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

- Here representing the developer of the car wash
- On-Cue still owns the property but leases space to the car wash
- Discusses the handout which reflects the 10 foot multi-use trail in red as well as the development line and the projected area wherein they would have to install the sidewalk
- The area where the car wash is really doesn't have much foot traffic
- Discusses the necessary findings for granting the variance for the sidewalk

- Many utilities are located in the area where the sidewalk is being required so relocation would be required as well as some services would not be able to be relocated

Mrs. Ventress asks if there are any questions for Mrs. Harris.

Mr. Lester asks for her to elaborate on why she thinks these two sidewalks would cause a hardship. Mrs. Harris responds that compared to a new development or even a building addition, typically, if you don't tear down more than 50% of the building or tear up 50% of the parking lot the new codes don't apply to you. Mrs. Harris states that this is what her comparison is based on in that they are doing less than 50% remodel for this site and are being required to construct a large amount of sidewalk.

Discussion is held about sidewalk being required for the whole site overall as compared to development area as outlined by Mrs. Harris; improvements of 50% or more of a parking lot being the trigger for application of the new or current code; and this development is less than 50% of the site.

Mrs. Ventress asks if there is anyone else that wishes to speak in favor of this item; none respond. Mrs. Ventress asks if there is anyone that wishes to speak in opposition; none respond. Mrs. Ventress asks for staff's alternatives.

Tom presents staff's recommendation that after reviewing the four (4) criteria as indicated above, staff finds that the applicant has met items 2 (both streets) and 3 (5th Ave sidewalk only). Staff would recommend that the Board further review items 1 and 4 to determine, in the Board's opinion, the information provided in the report and by way of testimony, allows the Board to make findings in the applicant(s) favor and grant the request. The Board may find in favor of the request and allow partial relief by approving the variance with conditions or lessening the development requirements if the criteria for approval of a variance are met.

Mrs. Ventress asks if there any questions for staff; none respond. Mrs. Ventress asks for board discussion.

Mr. Lester wants to do something to help the business out but without a hardship doesn't think the board can approve.

Mrs. Ventress states that she understands needing to plan for the future but 5th Avenue has no traffic and believes that the sidewalk across the road is much safer.

Board asks Mr. Tony Fitch to come forward to answer a few questions.

Ms. Ross asks him if he thinks some type of alternatives would be feasible.

Mrs. Harris and Mr. Fitch talk about the northeast corner being full of utilities and some high voltage items; public safety issue; 5th Avenue would be an unprotected cross-walk; would consider an option for beautification as long as it doesn't cost as much as the sidewalk or the business owner might as well install the sidewalk; and wants to make it right but trying to keep cost within reason.

Mrs. Ventress asks if there are any more questions for Mrs. Harris or Mr. Fitch; none respond.

Mr. Lester asks for staff input about feasibility of putting in a protected cross-walk at this intersection.

Mr. Mike Beaty, Development Review Manager comes to the podium and is sworn in at 6:54 PM.

Mr. Beaty talks about it being a good idea to put a cross-walk here, however, there would be uncontrolled traffic which would not be a safe situation as it would be best to have the cross-walk at an intersection with control devices, such as traffic signals.

Mrs. Ventress states that she thought of an option which was to waive the requirement on 5th and continue sidewalk to the first driveway which is somewhat less than what is required by the code but it does get some sidewalk in the area.

Discussion is held about granting the variance without the requirement on 5th and Country Club Road; no real foot traffic in the Westpark area; board doesn't want to set a precedent; how did the 10 foot wide sidewalk get there; how was this On-Cue development was built without the sidewalks.

Tom explains the 10 foot sidewalk was part of the Country Club Road widening project that was designed by the Oklahoma Department of Transportation with participation by the City of Stillwater.

Patty explains that at one point in time the code allowed payment-in-lieu for sidewalks that allowed developments to be built but would allow the sidewalk to be constructed at a later date in time.

Mrs. Ventress asks if there are any more questions for staff; none respond. Mrs. Ventress asks for a motion. Mr. McGrath advises the Board that they can break up the motions if they so desire.

Mr. Lester moved, Ms. Ross seconded to grant the variance to allow the applicant to not build the sidewalk off of 5th Avenue based on the hardship that this is a 600 foot cul-de-sac and there is a 500 foot length requirement; for criteria #2 that this is peculiar based upon staff's findings; for criteria #3, the request would not cause substantial detriment based upon staff's findings; and for criteria #4, this is the minimum relief necessary to alleviate this hardship.

Roll Call:	Walker	Ventress	Lester	Ross	Bale
	Absent	Yes	Yes	Yes	Yes

Mr. Lester moved, Ms. Ross seconded to deny the variance request along Country Club Road based upon the fact that the Board could not find a hardship.

Roll Call:	Walker	Ventress	Lester	Ross	Bale
	Absent	Yes	Yes	Yes	Yes

Time: 51 Minutes

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

- a. Approval of the regular meeting summary of March 3, 2016.

Mrs. Bale moved, Mrs. Ventress seconded to table the approval of the meeting summary until the August 4th, 2016 meeting.

Roll Call:	Walker	Ventress	Lester	Ross	Bale
	Absent	Yes	Yes	Yes	Yes

Time: 1 Minute

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

- a. Next regular meeting is scheduled for August 4, 2016.

5. **ADJOURNMENT**

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 7:16 p.m.

Prepared by – Cindy Gibson, Admin. Coordinator

Approved by: _____
Stillwater Board of Adjustment

DRAFT