

CC-21-168  
Attach VIII

Date: September 10, 2021

To: Stillwater City Council

From: Brian P. Correa and Jennifer Brakhage  
2401 W. 8<sup>th</sup> Ave.  
Stillwater, OK 74074

Re: Public Hearings  
Agenda Item 7.a. of Sept. 13, 2021 City Council Meeting  
Written Comments for Public Record  
Map Amendment Request # MA21-09  
CC-21-168

We are owner-occupied, affected property owners bordering some of the south and west borders of two (2) of the three (3) individual map amendments being requested. There are some concerns which are applicable to all 3 map amendments being requested, and there are some concerns which are applicable only to an individual map amendment. Each of the three (3) subject properties is unique and discussed separately below.

**2302 W. 8<sup>th</sup> Ave.**

1. History: The prior owner of this property requested a similar map amendment in 2015. To the best of our recollection, the map amendment request was denied by the Planning Commission. For certain though, on May 18, 2015, the City Council denied the map amendment; however we are uncertain of the voting results.

So, what has changed with the property since 2015 such that now, six (6) years later, the Planning Commission felt it was beneficial to approve the very same map amendment request by the new owner, and in doing so, overturn their own 2015 denial and overrule the 2015 City Council denial? Well, a lot has changed since 2015:

- the number of businesses/residents in southwest Stillwater has skyrocketed
- the traffic load (and related problems) on Western Road has increased
- no improvements (widening and/or adding lane(s)) have been made to Western Road
- the physical condition of West 8<sup>th</sup> Avenue has deteriorated greatly, no improvements made
- the traffic load (and related problems) on West 8<sup>th</sup> Avenue has increased
- by acquiring two (2) bordering properties, the current owner has created a much larger request which only multiplies the road and traffic issues

The essence of the reason for the City Council's denial of the map amendment in 2015 was traffic and road conditions, plain and simple. At the hearing, several City Council members spoke about the poor condition of West 8<sup>th</sup> Avenue. It is puzzling why the Planning Commission has reversed its position and feels that the basis for the City Council's denial in 2015 no longer exists, especially now with three (3) map amendments/ and a much larger request, which only compounds the exact same road and traffic issues that existed back in 2015.

The facts on the ground which shaped the reasoning for the 2015 City Council map amendment denial have not improved and only worsened due to age, wear, lack of maintenance, population growth, and commuter traffic load.

2. South Western Road, a two (2) lane road on the eastern boundary of this property is already beyond its capability to handle current traffic loads. Before, during, and after business hours, Western Road between 6<sup>th</sup> Avenue and 9<sup>th</sup> Avenues is the site of traffic jams, backups, and sometimes accidents. It is common during “rush” hours that Western is intermittently at a standstill between the Wicklow Center and 9<sup>th</sup> Avenue. The distance between the south Wicklow Professional Center ingress/egress and West 8<sup>th</sup> Avenue is only about 175 feet. This is also the narrowest part of Western Road between 6<sup>th</sup> Avenue and 12<sup>th</sup> Avenue, which would make a new ingress/egress to the subject property more difficult and dangerous.

Commercial Shopping (CS) use of the subject property would result in additional traffic and traffic problems on Western and also require a new ingress/egress on Western, further compounding the current traffic overload and creating another new bottleneck between 6<sup>th</sup> Avenue and 12<sup>th</sup> Avenue.

3. West 8<sup>th</sup> Avenue, on the southern boundary of this property, is somewhat difficult to describe and best experienced in person by driving, and walking, to allow a close examination. It is surely one of the worst heavily-used inner city streets in Stillwater. W. 8<sup>th</sup> Ave. is mainly a one (1) lane road 15-16 feet wide, occasionally widening to two (2) lanes if you pull over into the ditches, bushes, or resident’s yards. It is mostly of aged asphalt construction and devoid of traffic signs, curbing, or a stormwater drainage system. Potholes and an overall rough ride are its most distinguishing features. Occasionally, potholes are repaired, but this is a futile effort because new potholes develop and old potholes redevelop in a very short time. The pothole repair has been ongoing for decades. Potholes were very recently repaired, strangely. In sections, the road likely has more repaired potholes than it does the original asphalt surface. Heavy trucks, especially City trash trucks, cause the most significant regular damage, actually buckling the asphalt surface and road base (see in front of my home). Despite its failed condition, W. 8<sup>th</sup> Ave. between Western Rd. and S. Devon St. (to the west) is a favorite “shortcut” for drivers wishing to speed and avoid the clogged W. 6<sup>th</sup> Ave. and Western Rd. intersection and Wicklow Center traffic. There are two very unsafe, “blind” turns in this section of road.

CS use of the subject property would result in additional traffic on 8<sup>th</sup> Avenue between Western and Devon, a stretch of road which is already way beyond its capability. A Commercial Shopping (CS) ingress/egress on West 8<sup>th</sup> Avenue from the subject property would be absurd.

4. The lot is very large, about .95 acres total. The long dimension of the property penetrates deeply to the west off of Western Road for about 245 feet, equal to about three (3) typical nearby lots. The Comprehensive Plan 2030 (C3 Plan), Map 23 Future Land Use, page 10-8, depicts a concept for possible commercial development along Western Road. The C3 Plan envisions 2030 commercial development along Western Road “1 lot deep” or possibly “2 lots deep”. The subject property is closer to “3 lots deep”. The concept for the development is not depicted as “3 lots deep”. Regardless, the C3 Plan is not a goal, it is just one theoretical possibility. More importantly, the Plan is only one of many factors to weigh in determining commercial development suitability.

After Western Road is widened to at least three (3) lanes and West 8<sup>th</sup> Avenue is reconstructed, the eastern half of the subject property would be suitable for business use.

With abundant suitable sites for CS development within the city, it makes little sense to create a new CS intrusion nearly 250 feet deep into the neighborhood.

5. This property has a recently-occupied, large old home, originally built in 1920. Destruction or commercial use of viable inner city housing, pushing residents further and further away from the city, only exacerbates the current traffic problems on Western Road.

With abundant suitable sites for CS within the city, it makes little sense to displace an existing residence.

6. This property acts as a long-standing “wall” to separate commercial from residential areas all the way down to near 12<sup>th</sup> Avenue. By breaking down the wall, it invites the next adjacent residential property owner to launch a claim that they also border commercial property, and therefore, they too should be granted a map amendment. The ensuing “domino effect” of this logic could lead to even deeper westward intrusions into the neighborhood and additional southward marching of the commercial boundary.

The long-established, clear dividing line between commercial and residential property should be preserved. In fact, a good argument can be made that the entire corridor from the south sides of Wicklow Center and Western Professional Park to the north side of 12<sup>th</sup> Avenue should be preserved as residential property only.

#### **2324 W. 8<sup>th</sup> Ave.**

1. This residential property, on a stand-alone basis, has no justification whatsoever for a map amendment. The only possible argument for a map amendment is that it shares one border with 2302 W. 8<sup>th</sup> Avenue.

The practice of developers and land speculators acquiring multiple properties and requesting a “bundle” for approval to penetrate more deeply into a neighborhood off of a theoretically-possible future development corridor should be highly discouraged by the City.

2. See item 3. above under 2302 W. 8<sup>th</sup> Avenue.

3. The lot is large, around .60 acres total, and equal to about two (2) typical nearby lots. The west boundary of the lot is over 400 feet off of Western Road!! The C3 Plan, Map 23 Future Land Use, page 10-8, depicts a concept for possible commercial development along Western Road in this area. The C3 Plan envisions 2030 commercial development along Western Road “1 lot deep” or possibly “2 lots deep”. This property would be “5 lots deep” if approved along with 2302 W. 8<sup>th</sup> Ave. The concept for possible future development is definitely not shown as “5 lots deep”.

Even after Western Road is widened to at least three (3) lanes and West 8<sup>th</sup> Avenue is reconstructed, this property should not be suitable for business use until at least the time it reaches the end of its useful life.

4. The property has a recently-occupied, remodeled, four (4) bedroom home, originally built in 1956. Destruction or displacement of viable inner city housing, pushing residents further away from the city, only exacerbates the current traffic problems on Western Road.

With many other sites for CS development within the city, it makes little sense to displace an existing home.

5. See item 6. above under 2302 W.8th Avenue.

#### **802 S. Western Rd.**

1. This property shares the same issues with 2302 W. 8<sup>th</sup> Ave. regarding Western Road (see above). In addition, the distance between West 8<sup>th</sup> Avenue and the south property line is only about 165 feet. This is the narrowest part of Western Road where there are frequent stoppages and backups due to southbound vehicles trying to turn east onto 9<sup>th</sup> Avenue. A new ingress/egress to the subject property would create an additional traffic “knot”and gridlock at the most commonly stopped and congested part of Western Road.

Business use of the property would result in more traffic and traffic problems on Western and require a new ingress/egress to Western, further compounding the current traffic overload and creating new gridlock.

2. West 8<sup>th</sup> Avenue, on the northern boundary of this property, has already been discussed above.
3. The lot is very large, around 1.35 acres total. The long dimension of the lot penetrates deeply to the west off of Western Rd. for 355 feet, equal to about four (4) typical nearby lots. The C3 Plan, Map 23 Future Land Use, page 10-8, depicts a concept for possible commercial development along Western Road. The C3 Plan envisions 2030 commercial development along Western Road “1 lot deep” or possibly “2 lots deep”. The concept for the development corridor is not shown as “4 lots deep”.
4. In the recent past, there was a separate vacant lot between our residence at 2401 W. 8<sup>th</sup> Avenue and 802 S. Western Rd. The original owner of our property, the Chamberlain’s, also owned the vacant lot and sold it to the owner of 802 S. Western Rd. The buyer then “merged” or “combined” the vacant lot into the 802 S. Western Rd. Street address, thereby creating the very large lot you see today.

The idea of acquiring properties and “merging” them to create one lot to seek approval to penetrate more deeply into a neighborhood along a future development corridor should be highly discouraged by the City.

After Western Road is widened to at least three (3) lanes and West 8<sup>th</sup> Avenue is reconstructed, the eastern one-third of the subject property would be suitable for business use.

With abundant suitable sites for CS development within the city, it makes little sense to create a new CS intrusion over 350 feet deep into the neighborhood.

### **Additional Comments and Concerns**

#### **Comprehensive Plan 2030 (C3 Plan)**

Guidance document used to make decisions about:

- future growth and development
- lessening of congestion and overcrowding
- preservation
- capital improvements

Congestion and overcrowding will be worsened by this commercial development, not lessened. Inner city neighborhoods with established housing need to be preserved. Urban forests, wildlife, and wildways need to be preserved. Viable housing should be preserved. Destroying viable housing does not preserve natural resources and is unsustainable. Capital improvements of both Western Rd. and W. 8<sup>th</sup> Ave. to lessen congestion and overcrowding are needed **before** commercial development begins.

#### **Urban Wildlife and Biodiversity**

All three (3) of the subject properties are home to a diverse and abundant wildlife population, likely some of the best in inner City neighborhoods. From the insects (bees, dragonflies, butterflies, etc.) to the reptiles and amphibians (snakes, turtles, lizards, frogs, toads, etc.) to the birds (hummingbirds, bluebirds, woodpeckers, hawks, roadrunners, owls, etc.) to the larger mammals (rabbits, armadillos, opossums, racoon, deer, etc.), the properties are the homes and/or feeding grounds of a thriving urban wildlife ecosystem. The wildlife also provide valuable control of pests (mosquitoes, mice, etc.) to keep our properties healthy and in ecological balance. We should seek to preserve urban wildlife and biodiversity by preserving the residential habitats that provide their source of food and shelter. See “Promoting and Preserving Biodiversity in the Urban Forest” <https://www.sciencedirect.com/science/article/abs/pii/S1618866706000732>

### Urban Forests

All three (3) of the subject properties are heavily to moderately wooded with old growth trees and plentiful small trees, shrubbery, and border vegetation. These forests are the “keystone” component of a thriving and balanced residential ecosystem. Without the forests, the local ecosystem could be irreversibly damaged and become out of balance with poor biodiversity. Urban forests are also a vital tool in managing and reducing stormwater runoff due to their permeability. The forest endowments of the subject properties and their intrinsic value to the surrounding neighborhood, and the City, should be preserved for future generations. See the City of Edmond, OK Urban Forestry program. <https://www.edmondok.com/614/Urban-Forestry>

### Wildways

All three (3) of the subject properties are heavily to moderately wooded with large old growth trees and plentiful small trees and shrubbery and contain abundant border vegetation. These are all natural wildways. We should seek to preserve residential natural wildways to allow for the safe movement of species and provide shelter and food for wildlife. See <https://wildways.us/>

### Stormwater Run-Off (see W. 8<sup>th</sup> Ave. above)

All 3 lots (2.9 acres) slope to the west. Most stormwater runs through our yards and along the W. 8<sup>th</sup> Ave. “ditches”. W. 8<sup>th</sup> Ave. and downstream areas can not handle current run-off (from vegetated land), and more intense, frequent floods will result from rapid run-off of hardscape acreage. **An important, overlooked issue.**

### Sustainability

We need to reduce our waste generation, including the unnecessary disposal of viable housing and natural vegetation, which is an unsustainable practice. We need to maintain and use our existing inner city housing until it is beyond reasonable repair. By preserving the natural resources (metals, petroleum, lumber, minerals, etc.) we have already produced, we can help achieve a more sustainable society.

### Climate Change

Climate change problems will likely not be solved entirely on the “federal” level. Part of the solution depends on individuals, groups, and local governments voluntarily reducing their own carbon footprints. We suggest that no development proposal coming before the City should be considered without analysis of its impact on climate change. The destruction of viable housing, the construction of CS, the additional traffic delays and congestion, and the replacement of urban forests with impermeable and heat-radiating asphalt, metal, and concrete all contribute to further negative environmental impacts, more flooding, and adverse climate change.

### Online Shopping

Construction of additional CS at a time when the younger generation is purchasing more than ever through online shopping could result in an overabundance of underused and uncompetitive CS throughout the City.

### “Resolution” Request

Commercial development should not be permitted on Western Rd. between the south side of W. 6<sup>th</sup> Ave. and the north side of W. 12<sup>th</sup> Ave. until Western Rd. is widened to three or more lanes (one of which is a turning lane) **and** W. 8<sup>th</sup> Ave. is reconstructed as a typical city street comparable to other streets in the neighborhood.