

**STILLWATER PLANNING COMMISSION SUMMARY
SPECIAL MEETING OF September 1, 2020
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED August 28, 2020 IN THE
MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

MEMBERS PRESENT

Mike Buchert, Chair
Brad Rickelman, Vice Chair
Mike Shanahan, Member
Vicky Jerome, Member
Brett Allred, Member

STAFF PRESENT

John Dorman, City Attorney
Lanc Gross, Development Review Manager
Rian Harkins, Senior Planner
Chelsey Jones, Administrative Assistant

MEMBERS ABSENT

1. CALL MEETING TO ORDER.

Chair Buchert announces the beginning of the meeting, Ms. Jones took a verbal role call.

2. PUBLIC HEARINGS:

None

3. PLANS, POLICIES AND ORDINANCES FOR PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION:

- a. Text Amendment (**TXT20-02**) to Chapter 23, Land Development Code, Stillwater City Code, Chapter 23, Land Development Code, Article V, Use Categories and Limitations, Division 1, Generally, Section 23-96, Definitions.

Chair Buchert introduced the text amendment and asked staff to make their presentation.

Rian Harkins, Senior Planner presents staff's report:

- This is a text amendment that that comes after discussions with different developers about various commercial properties and potential redevelopment options.
- Staff, after looking at the code, noticed some varying definitions that were missing.
- This is one of the small steps to hopefully provide some clarity short term while staff works on a longer term code update.
- This is about definitions in the development code for better clarification about uses
- Included are some definitions for accommodations including some apartment-like hotels, and trying to separate out general accomodation from short term rentals, from accessory dwellings, as well as greek housing and dormitory.
- Added is a definition for dormitory, student housing, single family, two family, and multiple family housing.
- Have added a definition for family since that was not in the code.

- These are some of the varying definitions, are basic ones in most development codes
- Previously they were making it work based off of assumptions of what definitions would be but staff feels it would be appropriate at this time to start formalizing what those definitions might be.

Chair Buchert asked if the Planning Commission had any questions.

Vice-Chair Rickelman comments that occasionally there will be decisions that are made where something can't be a boarding house, however there are no regulations on them and ask should that be something that is on the list of definitions. Mr. Harkins responds that it is a possibility for something they could look at adding in a separate text amendment. Mr. Harkins states that staff is looking at making a broader code update and it could be added in there; and some of the other definitions may cover that so it might not be needed but it is something that they can definitely revisit.

Chair Buchert states that he had a question regarding family, that under the definition it reads three unrelated people, or two unrelated people and any children related to either of them so does that mean if you have a single family zoned property and a four bedroom house and you rent it to OSU students that you could only rent it to three students. Mr. Harkins responds that it could go to that direction. Mr. Harkins further explains that what staff was originally looking at the number of complaints regarding the demolition of an older single family home replaced by a new structure with 8 bedrooms and one kitchen calling it a single family be rented by the room. This becomes a single family structure with a large concrete parking lot, hardly any backyard and then the neighborhood would complain about all the people in one building that's single family with a sea of concrete in the front that created a bunch of runoff.

Chair Buchert asked John Dorman, City Attorney if it's a legitimate way of doing this to limit it to three. He's been in several hearings where someone has built 5-8 bedrooms in a single family, is this a legally defensible way to reduce this to three. Mr. Dorman responds that it is one way but it's not necessarily absolutely legally defensible but he has seen other university cities use a definition somewhat like this; also seen them use other definitions like what constitutes a family that's very unsettled. Mr. Dorman comments that with the Westwood overlay they got into that conversation of family and that definition evolved over time because of the way they amortize those uses; and it's not necessarily going to solve that problem, it is a way but not the only way to address that.

Chair Buchert asked how they came up with the number three and not the number four. Mr. Harkins responds that that definition is similar to some other college towns in the Big 12 like Iowa State, it is tailored very similar to their definition of family; it could be amended and approved with the number four instead of the three if they feel like that is something that is more defensible and it would be more like sharing a four bedroom apartment at that point.

Chair Buchert asked if any other Commissioners had any questions.

Commissioner Shanahan comments that number of three, in the early part of this century when there were two ordinances before the city trying to limit the number of students in single family neighborhoods the number three in terms of unrelated persons was used so this maybe a historical precedence in terms of a starting point for discussion or not but it's a point of information.

Chair Buchert asked if there were any other questions.

Commissioner Allred stated that he wanted to be thoughtful and deliberate on that specific language but asked if it is possible that a future problem is being created by just limiting to just three.

Chair Buchert states that his thought is that they need to open the public hearing and hear from the public if there is any one who would like to speak on the matter and then close the public hearing and have an open discussion in this area.

Chair Buchert opens the public hearing and asks if there is anyone that wishes to speak on this item; none respond. Chair Buckert closes the public hearing and asked for staff recommendation.

Mr. Harkins comes to the podium and presents staff's recommendatoin:

- The current development code has a lack of text that can lead to assumptions.
- A text amendment to the land development code is needed to further clarify individual uses.
- Staff has done some checking and that there is a definition of boarding within the development code and that he will go over that in a minute.
- Presents the alternatives.

Mr. Harkins comments that in terms of current code, the ordiance has boarding rooming houses as a building where by compensation or prearrangement for definite periods sleeping or living quarters be provided for four or more unrelated people. Mr. Harkins comments referencing Westwood, they have a definition for family in that zoning overlay, this proposed definition would not change that.

Chair Buchert asked if there were any other questions of staff.

Commissioner Allred said that he thinks an update to the language is fantastic; that it can only help but that need to be thoughtful and deliberate in how to use this language. Commissioner Allred then asked Mr. Dorman if he foresaw any legal or potential problems that would arise by that particular language.

Mr. Dorman responds that it is hard to predict, but in the past when they tinkered with the boarding house language it engendered a lot of public discussion; there are arangements in the city that probably exceed three persons living in a single family residence right now who are unrelated and it will impact those legal relationships; it is entirely possibly that the city will have to address that in one form or another; and in Westwood, they went through an ammorization process, in some places grandfathered these preexisting type uses or in some places just to go in and start enforcing it. Mr. Dorman comments that its hard to predict whether or not we will get sued but it will engender a lot of comment as it moves it forward.

Chair Buchert comments that Mr. Dorman isn't nessessarily saying that it's a slam dunk that we will loose in court and that we shouldn't be moving forward with this, nor is he saying that it is definitely going to hold up in court but he's saying that he is ok with it moving forward in this form.

Mr. Dorman responds that it is a grey area and as commented earlier, knows a lot of city attorney's from a lot of college towns and they all wrestle with the same issue and there are as many answers to this as there are college towns; it is not an area of settled law by an stretch, and he's not going to say that it's illegal but he's not going to say that they won't have any problems going forward with it.

Chair Buchert asked Mr. Harkins if he heard correctly that a boarding house has a number four in it. Mr. Harkins responds that that is correct - . boarding rooming house is a building where for compensation and by prearrangement for definite periods sleeping and living quarters provided for four or more unrelated people. Mr. Harkins comments that if the Planning Commission wanted to ammend that definition to four unrelated then it would essentially have a situation where four or more would be a boarding house situation and four or less would be more of a family situation.

Chair Buchert asked if a boarding house can be in a single family zoned area. Mr. Harkins and Mr. Dorman respond yes.

Further discussion is held regarding:

- the use of the boarding house ordinance to address some of these issues with large number of people inhabiting a single family residence in the past.
- If the intent of this ordiance is to go in and clarify things so that they can move forward to the next encarnation of the land development code, trying to define family and trying to define boarding house is probably a much larger issue than this was trying to address.
- Maybe the answer is to not move forward with that definition or the boarding house issue until you are able to address it on a larger scale.
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Mr. Dorman states that he would submit to the Planning Commission that they will see this again because there is a lot of interest in this; there is an industry that they are talking about regulating when talking about the size of rent houses and redefining what a boarding house is; the other thing that is not addressed here in the definition, for example the Westwood situation, that ordinance has minimum sizes for rooms and things like that but there are a number of things that has to be in place before you just arbitrarily come up with a number of unrelated individuals that can reside in a house.

Chair Buchert comments that he doesn't really have any issues with the definitions except the definition of family and not real sure what direction to go with that. Chair Buchert comments that Mr. Dorman has suggested that maybe we want to move forward with all the definitions and leave family to a later date; we are in the middle of a pandemic. on our virtual site and would prefer to wait until an in-person meeting with the public could be held in the City Council Meeting Room.

Commissioner Shanahan states that he agrees with Chair Buchert, there needs to be a more public discussion about this issue and that believes its required and needed.

Chair Buchert asked if there were any other comments.

Vice-Chair Rickelman states that he is amenable of taking the definitions other than family because obviously more conversation is needed on that definition; since the three bed, two bath is the most commonly built house, and the people that come to him are upset about mom and dad buying the house and the kid takes the master and their friends take the other two they don't like it; it is very common in the nicer, newer neighborhoods and when you start talking about number of unrelated people living in the same house there is a broader discussion that has to be don;the first part of the boarding house definition talks about an agreement financial or otherwise types of things but then it talks about four people; comes across like it is much stronger that you are having a business transaction going on other than the number of unrelated people; if theres someone in a polamorous relationship and they say they are a family, he doesn't want to tell them that they are not a family. Vice-Chair Rickleman states that he

agrees with Chair Buchert in that he would be amenable to accepting all the other definitions and striking family for now with the belief that they have to come back to this discussion it is going to be an issue that residents and business owners that have rental properties are going to be very interested in.

Vice-Chair Rickelman moved that the ordinance definitions excepting family be accepted as presented, Commissioner Allred seconded.

Roll call:	Buchert	Rickelman	Shanahan	Jerome	Allred
	Yes	Yes	Yes	Yes	Yes

Time: 27 minutes

4. MEETING SUMMARY FOR REVIEW AND POSSIBLE ACTION:

- a. Regular Meeting Summary of August 4, 2020

Chair Buchert asked if there was any corrections or a motion on the minutes.

Vice-Chair Rickelman moved for approval, Commissioner Allred seconded.

Roll call:	Buchert	Rickelman	Shanahan	Jerome	Allred
	Yes	Yes	Yes	Yes	Yes

Time: 1 minutes

5. MISCELLANEOUS ITEMS FROM STAFF, PLANNING COMMISSIONERS, OR CITY ATTORNEY:

- a. Next Planning Commission meeting September 15, 2020.

6. ADJOURN.

This special meeting of the Stillwater Planning Commission was called for adjournment by Commissioner Allred, seconded by Commissioner Shanahan at approximately 5:58 p.m. on September 1, 2020 with all members present in agreement, the next regularly scheduled meeting will be held September 15, 2020 at 5:30 p.m. in the City Commission Hearing Room, Municipal Building, 723 S. Lewis Street.

Prepared by – Chelsey Jones, Administrative Assistant

Approved by - [Approved by the Planning Commission on the 10/06/2020 Virtual Meeting](#)
Stillwater Planning Commission