

**STILLWATER PLANNING COMMISSION SUMMARY
SPECIAL MEETING OF October 6, 2020
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED October 2, 2020 IN THE
MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

MEMBERS PRESENT

Brad Rickelman, Chair
Jana Phillips, Vice-Chair
Mike Shanahan, Member
Vicky Jerome, Member
Brett Allred, Member

STAFF PRESENT

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

MEMBERS ABSENT

1. CALL MEETING TO ORDER.

Vice Chair Rickelman called the meeting to order and announced that Chair Buchert stepped down and that the Planning Commission has a new member Jana Phillips.

Ms. Jones took a verbal role call.

2. ELECTION:

a. Election of Chair

Commissioner Allred motioned to nominate Brad Rickelman as Chairman, Commissioner Shanahan seconded.

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

Time: 3 minutes

b. Election of Vice Chair

Commissioner Shanahan motioned to nominate Jana Phillips as Vice-Chair, Commissioner Allred seconded.

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

Time: 1 minutes

3. PUBLIC HEARINGS:

- a. IH Development, LLC, **FINAL PLAT (SUB20-14)**, requesting review and approval for the final plat of "Park Valley Addition" to create 329 new single family residential lots on property

currently addressed as 1823 W. 26th Avenue and zoned Residential Single Family Small Lot (RSS). Harkins

Chair Rickelman introduced the SUB20-14 and asked for staff to present.

Mr. Harkins presented the final plat and explained its location. Mr. Harkins said that the preliminary plat had some issues that staff had concerns about when it came to the Planning Commission back in May. Staff worked with the applicant and engineers to address the water pressure issues. Mr. Harkins asked if there were any questions of staff.

Chair Rickelman asked if there were any questions of staff.

Commissioner Shanahan said that in his audio it sounded like Mr. Harkins went in and out at a couple points of the presentation and asked if the sanitary sewer service was going to be addressed by gravity flow or a lift station.

Mr. Harkins said yes, they are looking at a lift station. When this subdivision and the subdivision to the south are at full build out there will be a lift station that is coming in as part of this phase the way staff understands it to connect to a gravity main along 26th. What staff has been told is that the lift station will have the capacity to serve not only areas that can't do gravity flow within this development but also developments without.

Commissioner Shanahan asked what improvements were made to the system to get the water pressure up to 40 PSI.

Mr. Harkins said that he would let the applicants engineer give a more detailed explanation, but what staff has been told by Water Utilities is that they have the pressure.

Commissioner Shanahan said regarding the traffic they had previous discussion and residents discussed their concerns about the amount of traffic that would be generated along with the development and he doesn't have in his notes where a traffic study was requested and wanted to know if one was requested.

Mr. Harkins said that they asked originally both the engineer for this project as well as the potential sub-division to the south to do a traffic impact analysis. They also encouraged them to do one jointly. At this point they do not have that.

Commissioner Shanahan asked if there was a deadline given for that to be submitted.

Mr. Harkins said that technically at the time that you submit a final plat that should be done if not done before. They have had a lot of time to work on that but told staff that they forgot about it. Mr. Harkins said that they are working on it now.

Commissioner Shanahan said that there were several points of the response that he couldn't hear because he was cutting out.

Mr. Harkins said that he would repeat it. Mr. Harkins said that right now they have not received the traffic impact analysis. They are trying to work through different variables regarding that. Because of that staff has not had a chance to review a traffic impact analysis from the applicant at this point. They should have given it to staff at the time of submittal but they forgot to do that. So if the commission wanted to postpone this item for 30 days in order to give them time to complete that it's something that staff would agree with.

Chair Rickelman asked if that answered his questions that he had. Commissioner Shanahan said yes. Chair Rickelman said that he was correct that it was chipping out and that he's glad they got

confirmation on what that last comment was.

Chair Rickelman asked if any of the rest of the commissioners had any more questions of staff before they asked the applicant to speak; none. Chair Rickelman opened the public hearing and asked if the applicant or a representative was there to speak.

Mr. Muhammed Khan with SMC Consulting Engineers 815 W Main OKC, commented on the following:

- What they have in front of them is a part of the original preliminary plat that was previously approved.
- The final plat in front of them is proposed for approximately 58 lots which is substantially reduced then what was preliminary plat approved with a conceptual preliminary design of overall utilities.
- As part of the preliminary plat for the final plat what they have in front of them is focused on the south or southern half of the overall property.
- The only access they are proposing is off Western Ave as well as access to the south to the future development of Frye addition.
- They have a network of internal streets for this final plat with one access point to Western Ave and one access point to the south boundary which will be extended into the future development of Frye addition so for this final plat there are two access points.
- There is a network of waterlines different in sizes 8 inch and 6 inch which are shown in the preliminary plat, the construction improvement plans have been submitted to the city for review.
- In the preliminary plat there were some discussions about low pressure and there were different pressure zones around the site. His understanding is that on the west side of Western that that side had the high pressure zone so a proposed connection is shown for the waterline to get the benefit of high pressure zone area from that side and then meet the city's DEQ requirement.
- As part of the submittal to the city along with the waterline improvement plans their engineers have also done the DEQ pressure analysis which was also submitted to staff with the construction plans. What he reads in that is that the normal static pressure for this subdivision will range from 55 PSI to 79 PSI which is well above the minimum required pressure of 40 PSI which was the initial comment from staff.
- For sanitary sewer services there is a combination of 8 inch water lines as well as 4 inch water lines.
- There is a provision made to allow the future connection to the south.
- The sanitary sewer lines that run within the subdivision itself are all gravity lines.
- The plan is to provide a lift station due to the limited capacity on the immediate downstream of the project.
- Lift station plans and DEQ engineering reports were submitted to the city.
- The plan is to serve the development with gravity sewer with a combination of 8 inch or 12 inch sewer line, allow drain to the lift station and from that lift station there will be a force main which will continue to the north and tie into the 24 inch main sanitary sewer which has

adequate capacity to receive the flows from this subdivision as well as the development to the south.

- The site typically drains in three directions therefore they have proposed three detention ponds which are numbered "A" "B" "C".
- "A" which accommodates the development in the northern part of the side would be the future pond their preliminary plat addresses to get the benefit of detention pond "B" which is located in the south southeast portion of the final plat.
- In the southeast corner of the final plat property there is an existing unnamed tributary distilled water creek that runs through that area that is part of the FEMA effective floodplain and special flood hazard area.
- Looking at the graded design, they have substantially lowered the flow rate from their side for this phase of the plan by using the detention pond "B".
- In the future when subsequent sections are added, those two detention ponds will be added as part of the future development of the subdivision.
- There will be a network of storm sewer system for the internal streets, the idea is to carry the storm water flows from the developed condition for these lots and take it to the detention system and then route it to the downstream receiving system.
- The traffic impact analysis was done on both subdivisions and due to COVID the amount of traffic on the existing street system was so low that they couldn't rely on the traffic count because schools were closed and offices were closed. They had to make projections there, they made some projections and then consulted with city staff.
- They have come to a future projection to account for the fully developed buildout and are comfortable using that traffic projection.
- There is a study to see if there is a need for a traffic signal at 26th Ave and Western Ave.
- The proposed final plat that is proposed to them is on the south portion of the site which is only gaining access to Western Ave. With the amount of lots that they have in front of them the existing traffic capacity of Western Ave is adequate to accommodate the projected traffic of these 58 lots.
- The idea of an ultimate buildout and a fully addressed traffic study is to look at the overall preliminary plat which is not what is in front of them. In front of them is a final plat with 58 lots with a direct access to Western Ave and no access to 26th Ave. The load carrying capacity of Western Ave will adequately satisfy the projected traffic from the 58 lots from this phase of the final plat.
- The traffic study from what he is told will be complete next week so their traffic consultant will be able to share.

Chair Rickelman asked if there were any questions of the applicant from the commission.

Vice-Chair Phillips said that there are 58 lots in the plat and that at 30 lots you are required to have two points of access to the development. With the one to the south it was indicated that one would not be available until the subdivision to the south is connected is that correct.

Mr. Muhammed said that subdivision to the south the preliminary plat is already approved so in the

larger scheme of things it is anticipated that that development is also going to come in front of them, therefore these two access points were considered as part of it. Since the development and the number of lots and the final plat in front of them is heavily set on the southern portion of the site therefore they are not showing any access to 26th Ave and this property as a final plat itself has only one access to Western Ave and one access to 26th Ave. 26th Ave is substantially further than the access to the southeast. There is also a discussion that is quite possible the access from the Frye addition would get the benefit of access from Park Valley addition to Western Ave. Their traffic engineers are also considering that scenario in their study to, if Frye gets the access from Frye addition to Western Ave will be used for Park Valley addition.

Vice-Chair Phillips asked if the access that goes from this addition into the Frye addition where does that outlet go, does it go to Western or does it go to 32nd.

Mr. Muhammed said that it goes to Western and that he doesn't have the preliminary plat in front of him for Frye addition but looking at the adjacent information it looks like it goes to Western.

Vice-Chair Phillips asked that regarding the lift station does he have an approximate location of where it would be located once it is installed.

Mr. Muhammed said that there are construction plans submitted for the lift station and that it will be in block 8 and east of lot 6 in block 8 is to the south of 26th Ave and this proposed street which is part of this subdivision is identified as west 28th street. Looking at the overall preliminary plat the location of the lift station is more like the northeast corner of it.

Vice-Chair Phillips thanked Mr. Muhammed.

Mr. Muhammed said that he would like to correct himself about the location of the lift station. The location of the lift station is between detention pond "B" and detention pond "C" which is more like the southeast portion of the site. That seems to be the low area in the overall subdivision.

Vice-Chair Phillips said that makes more sense, thank you.

Chair Rickelman asked if there were any other questions; seeing none Chair Rickelman asked if there was anyone on the zoom who wished to speak in favor of the item. Chair Rickelman asked if there was anyone wanting to speak in opposition to the item please make note so that they can unmute them.

Mr. Gross said that he believed Mr. Jimmy Hill is probably needing to unmute.

There was some discussion back and forth about how to get Mr. Hill unmuted.

Chair Rickelman asked Mr. Hill to say his name and address for the record.

Mr. Jimmy Hill 2700 S Western Rd, said that he did not choose this time to say that he opposes the project and that he does not oppose it and that he recognizes the residential use of that area as being proper and good just to clear that up. Mr. Hill said that at review time for the preliminary plat it was agreed that a sewer easement along the access road would be platted as an easement all the way west to the property line and it appears on the plat as best he can see it that that has not been done. Mr. Hill asked if there was any objection to the plat being revised to reflect the sewer line easement all the way to the west boundary that was agreed to at the preliminary plat review.

Mr. Muhammed said that yes there is a utility easement platted as part of the final plat and that it runs along the south boundary line of block one and that it comes all the way to the right-of-way of Western Rd.

Mr. Hill said that it doesn't appear to do that as best he can see it but that Mr. Muhammed has a large

plat there and he doesn't. Mr. Hill asked if they can be assured that that will happen.

Mr. Muhammed said yes and in fact as part of this final plat and part of the construction improvement plans for the sanitary sewer there is an eight inch sanitary sewer (Mr. Muhammed's screen froze).

Mr. Hill said that he didn't hear the last part of Mr. Muhammed's comment. Mr. Hill asked that if someone has the plat in front of them does it show a sewer easement all the way west to the property line.

Mr. Muhammed said that for some reason he lost connection and he wasn't sure how much Mr. Hill was able to hear him but that they do have an eight inch sanitary sewer line all the way to the eastern right-of-way to Western and that that is the possible future tie connection if they choose to do that.

Mr. Hill said that he appreciates it, that it just didn't appear on the plat that the easement was all the way west. Mr. Hill said that he had another question about the requirement for a sidewalk and that he understands that it will be required to have a sidewalk along Western Rd. and at what point in the development will it be required that that be installed and what is the timing for the sidewalk construction.

Mr. Muhammed said that the sidewalk along Western are proposed as part of this final plat and the paving and drainage improvement plans submitted to the city as part of the final plat does show sidewalks along Western.

Mr. Hill asked when that will be installed.

Mr. Muhammed said that it will be installed at the time of this phase as part of the construction work.

Mr. Hill asked if that was along with the first homes.

Mr. Muhammed said yes, that it is normally done at the time of the paving and driveways.

Mr. Hill said that he appreciates that and it is entirely proper as they do see a lot of people walking down Western which now does not have a sidewalk. Mr. Hill said that he has one other comment about the traffic that was discussed earlier. With the development here and the other development to the south which is considerable along Western, he thinks it's pretty clear just observing the traffic that they already have that there will need to be improvements sometime in the future. If the city should desire to acquire some extra road easement along Western as a part of the planning process he will donate an equal amount on the west side of Western that would enable the city to have more room for future development. He would donate that without charge.

Mr. Muhammed said that he would follow his lead as well and although there's a statutory right-of-way of 33 feet as part of this plat they are also dedicating an additional 17 feet of right-of-way to make 50 feet of the east half of the right-of-way for Western. So if things go as planned on the west side, there will be 100 feet of right-of-way.

Mr. Harkins said point of information and apologized to Mr. Hill for the interruption but could Mr. Muhammed share with Mr. Hill, the staff, and the commission how much of that right-of-way dedication is for utilities and how much can be for road.

Mr. Muhammed said that the overall right-of-way for this plat goes 50 feet wide. Out of that 50 feet you have 33 feet of statutory right-of-way, and there is 17 feet of gas right-of-way but the public right of way for Western seems to be 50 feet. The intersection of west 29th St which is part of the access to Western Rd shows an overall right-of-way along Western Rd to be 50 feet.

Mr. Harkins said thank you and apologized for interrupting Mr. Hill.

Mr. Hill said that it is no problem and that he appreciates the point of information and that he for sure wants to understand what they have and what they are doing. He thinks it is wise on the part of the city to acquire right-of-way while it can be done economically because once it is developed it can be quite expensive. Mr. Hill said that he would be willing to work with the city and donate an amount that is equal to what is taken on this development for additional road right-of-way. Mr. Hill said that that is the only questions that he had and thank you very much.

Chair Rickelman thanked Mr. Hill and said that he appreciates his comments. As far as the sidewalk, he gets the feeling that they will develop the sidewalk through this final plat but not all the way for the preliminary plat to 36th. They are going to do their first piece and then as they add the next sections they'll add the other pieces. The sidewalk will be there but it won't go all the way down until they've completely finished.

Mr. Muhammed said that is correct.

Chair Rickelman thanked Mr. Muhammed and said that he really appreciates his comments. Chair Rickelman asked if there was anyone else who wished to speak in opposition or comment thereof to the item.

Mr. Hill asked if he could make another comment.

Chair Rickelman said yes briefly.

Mr. Hill said that he would like the minutes to reflect that he did not speak in opposition.

Chair Rickelman said that yes it would be noted. Chair Rickelman asked if there was any other public comment; none. Chair Rickelman closed the public hearing and asked for staff's alternatives.

Mr. Harkins presented the findings and alternatives and asked if there were any questions of staff.

Commissioner Shanahan said that given that there will have to be considerable infrastructure put in to accommodate this development for this particular plat as well as in the future has there been any estimate of what that's going to be low, moderate, or high.

Mr. Harkins said that at this time to his knowledge public works and city engineering have not put together any cost estimates on what potential improvements would be. Right now we do not have a lot of teeth so to speak in code to require additional right-of-way dedications. They try to go case by case to get to get that knowing that sometimes that doesn't work very well but that's the reality of the code that they have. There has not been a specific cost estimate to his knowledge put together by city engineering to accommodate right-of-way acquisition, road widening, or intersection improvement along Western.

Commissioner Shanahan thanked Mr. Harkins for his comment.

Chair Rickelman asked if there were other questions of staff. Chair Rickelman asked if there was any discussion of the commission or a motion.

Chair Rickelman said not seeing any he would say it would be wonderful if they had a good traffic study given the circumstances and the limited scope of this small part of the development he would lean toward going with the final plat of this piece thereof with the hope that they will learn more. The traffic study is going to be an estimate because nobody is going to school, they don't have real numbers they are going to estimate what they think. He doesn't think that that will give us some magic answer of what is going to happen when we ever get reopened and that that is just a thought to get some discussion going.

Commissioner Shanahan said that he is right, however hope isn't a plan and he doesn't know at what point in time they address that. If there is further buildout they see further plats before the planning commission but it is kind of a quandary at how they should approach this at this time.

Chair Rickelman said that even if they set it for 30 more days, what are they going to know in 30 days.

Commissioner Shanahan said nothing more to your point.

Vice-Chair Phillips said to enter in for devil's advocate does anyone have a concern that if they go with alternative number one that they would be setting a precedent, move forward without the traffic study in hand.

Chair Rickelman said that it is a good comment, in general when they talk about setting a precedent or not setting it the general consensus has been that it doesn't set anything for any future piece per se accepting in so far as it might convince them to allow something to be. They are not saying we are allowing this thing going forward then this is what we've allowed. They are not setting a rule for the behavior per se.

Vice-Chair Phillips thanked Chair Rickelman.

Mr. Harkins said for a point of information that on Skyline Estates they waited 30 days while they at the preliminary plat stage while the developer did the traffic impact analysis and then did another delay for additional discussion based on that.

Chair Rickelman said that yes, they have certainly done it but that that didn't set a precedent per se is what her question was. Chair Rickelman asked did that set a precedent that they are always going to delay now.

Mr. Harkins said that they do run the risk if you go forward without the TIA that you would be essentially saying checklist items do not need to be dealt with at the time of submittal.

Vice-Chair Phillips said that thank you that is exactly what she is asking is if they are setting an expectation if not a precedent that they would move forward an item without all of the checklist items in hand.

Mr. Harkins said that the other thing that he would say to the commission is to think about the plats both preliminary and final that they have looked at in the last 12 months and any of the issues surrounding them. Even if they move the item back to the next meeting instead of 30 days, that would still give the applicant a chance to get that traffic study in to staff and they could start to review it.

Commissioner Shanahan said that he thinks that is a good point. They may not be able to generate the data they would prefer to have in a traffic study, but still they would have a traffic study. They wouldn't set the precedence by not having one. As everyone knows in a legal court which this is not, precedence does carry some weight.

Vice-Chair Phillips asked if she could make a motion.

Chair Rickelman said of course.

Vice-Chair Phillips motioned to table SUB20-14 until the next Planning Commission meeting of October 20, 2020; Commissioner Shanahan seconded.

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

Time: 50 minutes

- b. Remis Construction Corp., **MAP AMENDMENT (MA20-04)**, requesting review and approval to rezone property addressed as 122 E. Richmond Road from Commercial General (CG) to Two Family Residential (RT). **Harkins**

Chair Rickelman introduced MA20-04 and asked staff to present.

Mr. Harkins presented the map amendment and said that based on information that the applicant has given the request has been made to rezone the property to allow for a single family home to be constructed on the property. Right now that is not allowed under the current zoning ordinances so this would allow that to happen. Mr. Harkins asked if there were any questions staff could answer about this request.

Chair Rickelman said that he was not hearing any questions. Chair Rickelman opened the public hearing and asked if the applicant was there to speak on behalf of the item.

Kelly Harris 923 S Lowry, on behalf of the applicant said that the property is zoned commercial right now and that the person buying it does want to build their single family residential home for themselves at this property. Under the commercial zoning that is not allowed even with a specific use permit. They are requesting the RT zone because there is already existing RT zoned around it. They could have requested RSS but then it would have been spot zoning. Since RT zone allows residential single family homes as a use by right it still works for them and that is why they are seeing this before them tonight.

Chair Rickelman asked if there were any questions for the representative. Chair Rickelman asked if there was anyone else who was there to speak in favor of the proposal; none. Chair Rickelman asked that if there was anyone who was there to speak in opposition of the item to make a motion thereof; none. Chair Rickelman closed the public hearing and asked for staff findings and alternatives.

Mr. Harkins presented the finding and alternatives and asked if there were any questions of staff.

Chair Rickelman said seeing no questions is there any discussion or a motion by the commissioners.

Commissioner Jerome moved to accept the findings and recommend City Council approve the proposed map amendment as presented; Commissioner Shanahan seconded the motion.

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

Time: 7 minutes

Chair Rickelman said that he saw a text that Commissioner Jerome was going to have to step away.

Commissioner Jerome said yes gave her apologies.

Chair Rickelman said that that is ok and that they still have four commissioners so they should be ok since they have quorum.

- c. **SHORT TERM RENTAL (STR-0052)**, review of application from Cameron Moore for a short term rental property at 2712 W 21st CT in the Residential Single Family Small Lot (RSS) district.

Chair Rickelman introduced STR-0052 and asked staff to present.

Mr. Harkins said that the short term rental ordinance in the development code allows for an application and review process as well as notification of property owners within 300 ft. This application has had a number of objections which is why it comes before the Planning Commission tonight. Those

objections received before the packet went out were included. We did receive one other objection today from an individual within that 300 ft. The applicant is here to discuss their short term rental property. Mr. Harkins then showed the location of the property on the map and asked if there were any questions of staff.

Chair Rickelman said it didn't look like there were any. Chair Rickelman opened the public hearing and asked if the applicant or representative were there and if so if they would like to speak now is the time. Seeing none Chair Rickelman asked if there was anyone else who wished to speak in favor of the item; none.

Chair Rickelman asked if there was anyone who wished to speak in opposition to the item and asked if there was a list or if Ms. Jones had a way we wanted to call them up to speak, or if they would just unmute and say their name and address for the record.

Michael Ingram 2704 W 21st Ct, asked if he was allowed to share his screen..

Chair Rickelman said that he didn't think there was anything wrong with that if he is able to.

Mr. Ingram said that he just had some slides to guide him.

Dennis McGrath, Assistant City Attorney said that yes he can present as long as it is appropriate.

Chair Rickelman said that we are working with a difficult thing with zoom, so yes.

Mr. Ingram said that he has several objections and concerns about the request. Mr. Ingram said out of all honesty he doesn't understand a lot about this process or the purpose of the process but that he will speak to it anyways.

Mr. Ingram stated the following concerns:

- The home is already on Airbnb and is being rented out.
- Have already had issues with game day users at the property.
- People have parked in the cul-de-sac and in front of their house that has impeded traffic in the cul-de-sac.
- There are reviews already on Airbnb that date back to August.
- Worried about safety of his children because when people rent an Airbnb there is no requirement or background checking for sexual predators or any real extensive looking into their background.
- An actual resident that is a registered sex offender would have to notify the neighborhood and adjacent people.
- Stopchildpredators.org is a website for what he is discussing about child predators using Airbnb to get into neighborhoods.
- Property maintenance is a concern.
- The fence that is on their property between the two houses is falling apart. The post is broken and it is leaning over.
- Worried the fence will get worse since it became an Airbnb.
- Parking has already been an issue especially since they are in a cul de sac.

- People have already parked in front of their driveway and another in front of their mailbox on game days.
- There will be a smaller number of people that will want to buy a home next to an Airbnb knowing that it will be used for OSU events and things like that.
- It's easy to find out which homes are used for short term rentals on the internet, as well as because of the licensing process.
- Makes him question whether or not he wants to continue living and investing in a home that he knows will now be harder to sell in the future.
- In the Westwood Neighborhood Conservation Overlay District some of the verbiage talks about preserving the original use of the neighborhood.
- Moved into the neighborhood so that it could be a residential neighborhood for single family residents and not used for this purpose and he is hoping that that Planning Commission would preserve the original zoning district of Residential Small Lot Single Family homes that would prefer not to have short term rentals in the area.
- Completely objecting to the approval of this short term rental.

Chair Rickelman thanked Mr. Ingram for his comments and asked if we have others who would like to speak in opposition.

Rick Halley 2720 W 21st Ct, made the following comments:

- He has lived in his house for 25 years and never had any issues with their neighbors until now because of the short term rental next door.
- There are noise issues because their bedroom window is about 50-100ft from their front door so they hear the door slam and people outside talking.
- With the September rental they were awoken early in the morning because of people out on the driveway drinking beer, talking, and laughing because it was a morning game.
- Have concerns about emergency vehicles getting through when they are parking with their cars butting out into the road, inside the circle, and just outside the circle.
- They have a hard time getting in and out of their house because of the parking.
- Safety is also a concern since they don't know what kind of people are going to be there.
- They agree with everything Mr. Ingram said.

Chair Rickelman thanked Mr. Halley for his comments.

Joleen Royer 2001 S August Dr, made the following comments:

- Lives in close proximity of the property and received the notice from the City of Stillwater.
- Bought this house as a single family home and wants it to stay a single family neighborhood, not used for commercial purposes.
- Have already had problems with long term rentals not being kept up and devaluing the neighborhood.
- They like that it is a small quiet neighborhood and would like to keep it that way.

Chair Rickelman thanked Mrs. Royer for her comments and asked if anyone else would like to speak in opposition; none.

Mr. Ingram asked if he could make another note, because he had one thing he wanted to mention at the end.

Mr. McGrath let Chair Rickelman know that he is in control of the meeting and if he wants to let him speak again he will have to acknowledge that.

Chair Rickelman acknowledged Mr. Ingram and asked him if there was something he wanted to say.

Mr. Ingram said yes the last thing that he wanted to mention was that there is going to be a trend that they might have to deal with in the future. Tailgating is now being restricted due to the pandemic and COVID 19, so a lot of that tailgating is getting pushed into the neighborhoods and elsewhere. That trend is being seen very close to his home. Mr. Ingram said that he oppologizes that that was something that he ment to mention in his speal.

Chair Rickelman asked if there was anyone else who wanted to speak in opposition because he wanted to make sure he had gotten to everyone that wanted to; none.

Chair Rickelman closed the public hearing and asked for staff's alternatives.

Lanc Gross, Development Review Manager said that Mr. Harkins had left the meeting and that he doesn't have access to his presentation. What it comes down to is that Planning Commission can either approve or deny the request.

Chair Rickelman asked if there were any questions of staff.

Commissioner Shanahan asked if they turn down the applicant for this short term rental what would prevent them from continuing to utilize the structure as an Airbnb.

Mr. Gross said that they would not be able to operate as an Airbnb because it does require a permit. Commissioner Shanahan thanked Mr. Gross.

Chair Rickelman said that he believes that they recommend on City Council on this, either approval or disapproval and that he doesn't know that they make that final decision, and asked if that was correct.

Mr. Gross said that that is his understanding.

Chair Rickelman said that just so they understood that they could recommend yay or nah but that in the end they won't make that final decision.

Commissioner Allred said that they also have the ability to table and ask for further information.

Chair Rickelman said yes sir they can table as well. Recommend approval, recommend denial, or table to a date certain are the normal three options.

Commissioner Allred said that he would like to address Mr. Ingram for a minute. This body has no authority to create ordinances that have anything to do with tailgating just so he'll understand that that is a City Council issue not a Planning Commission issue.

Commissioner Allred said that he would like to ask Mr. Ingram some questions and asked him if he has addressed the owner directly and dealt with this on a local level with you and him to say hey if you're

going to have this can you please notify the residents or people that stay at your house that they won't park here or they won't park there and that they will keep their noise level down. There are ordinance in place such as you can certainly call the authorities, you can call code enforcement and things like that to kind of address some of these things as soon as they occur and is that something he is aware of.

Mr. Ingram said yes he is very aware that there are ordinances for things such as parking or noise and that will become something that he will have to call in and complain about when it occurs. To address his first question he has not spoken with them, they have only lived there a short period of time. From his assessment they bought the house and lived in it for the minimum amount of time you have to live in it to turn around and make it into an Airbnb. During this time it has been the COVID 19 pandemic and they haven't approached them at all other than short hellos and goodbyes that's about it. He has not spoken with them about this issue. The second question yes he understands that parking and noise that there are ordinances and this is something he will have to be calling the city about on a regular basis if that's what it comes down to, that is definitely understood. The other issues that are actually more of concern don't get addressed by the ordinances that he's describing. That is the background checks that are for the residents that come in there, and concerns of child predators, and concerns of the fence that is falling over towards his backyard.

Commissioner Allred said with respect to the background checks and all that that would have to go through City Council if he's not mistaken. With respect to the fence issue that can be addressed to the owner itself and then you can also file a code enforcement complaint and code enforcement can come out and site the owner for dilapidated property ect.

Mr. Ingram said understood.

Mr. Gross said that to make a clarification whatever decision is made tonight, either the applicant or the protesters can appeal the decision to the City Council, that's how it would get to City Council.

Commissioner Allred said he would like to address his commissioner colleagues, although he would certainly have to validate and address Mr. Ingram's concerns that they are legitimate and valid and they are to be respected. The other side of that is that if they deny this simply because there is one bad apple in an Airbnb bunch does that mean that they then have to deny future ones. This sounds more like an issue that if the applicant satisfies the requirements which he's understanding they do, he doesn't necessarily know that they can deny it just based on who they short term rent it to. So if they rent it to somebody for a weekend and that person or those people happen to party, it's not a continual party situation where they are always causing noise or always causing disruptions within that neighborhood.

Vice-Chair Phillips said that it appears that the documentation that they have, it looks that a license has been applied for but it looks like that applicant has not waited for that license to be granted before beginning a commercial business in the neighborhood. Also in full disclosure she wanted to share with the Planning Commission and those present tonight that she was a resident in this neighborhood for nearly 15 years she moved away about 4 ½ ago. It is a very nice, stable, single family type residence neighborhood and it is very quiet. Mrs. Royer did indicate that there have been some long term renters that have been an issue from time to time and she can vouch for that, there have also been renters that are long term renters that are very nice and fit into the neighborhood quite nicely and she thinks you have that anywhere you go. If they are looking particularly at a case by case basis which she thinks they probably should if this begins to come up repeatedly. It seems like if the property owner had in good faith gone to their neighbors and said that hey I'm thinking about doing this, it may impact you, these

are some ground rules that I would like to set for my clients. If they had been a responsible property owner in the past that might hold a little more weight than maybe some of what they are seeing in some of the evidence here. She wishes the applicant had been here so that they could hear that side of the story.

Commissioner Allred said to that end maybe it makes sense to table this down the road and give the applicant a chance to appear so that they can address this with them.

Chair Rickelman said that that is certainly an option, although they were informed that this was coming up tonight and this was something that they could speak to. Trying to think back of the cases that have come up in the past, the one that he remembers is there was something to do with or some discussion where the property owner had not prepared the property adequately at that time for that short term rental. The rest of them they passed all the way through. Not working from a lot of experience but he thinks that Vice-Chair Phillips' point that it's already being sold as one even though there is this application is an important point and one that is a little different than a lot of others where people are saying we are considering to do this in the future and here is our application. He thinks that it is a concern that he agrees with. If you do it and you don't apply for the license and you're already doing it, then you are already not following the requirements of the license. Back when they first started it there were people that were doing it and then they started this license and he gets that, but this isn't the case in this one. You can't just start doing it and then say well I'll get a license later when it comes.

Vice-Chair Phillips said that she believed that Mr. Gross pointed out that if it's denied here, that the applicant has the opportunity to challenge that, is that correct.

Chair Rickelman said that they can appeal to City Council.

Chair Rickelman asked if with that someone wanted to make a motion.

Commissioner Allred motioned to deny, Vice-Chair Phillips seconded.

Chair Rickelman asked if there was any final discussion on the motion and said that seeing none there has been a motion and a second to deny the application and that the Planning Commission will now vote.

Commissioner Allred motioned to deny, Vice-Chair Phillips seconded.

Roll call:	Rickelman	Phillips	Shanahan	Jerome	Allred
	Yes	Yes	Yes	Absent	Yes

Time: 29 minutes

4. MEETING SUMMARY FOR REVIEW AND POSSIBLE ACTION:

a. Special Meeting Summary of September 1, 2020

Commissioner Allred asked Mr. McGrath if they have to approve each of them separately or can they approve them together.

Mr. McGrath said that they have to be done seperately.

Commissioner Allred moved to approve the September 1, 2020 meeting summary; Commissioner Shanahan seconded.

Roll call:	Rickelman	Phillips	Shanahan	Jerome	Allred
	Yes	Abstain	Yes	Absent	Yes

Time: 1 minutes

Mr. McGrath said as a point of information even though Vice-Chair Phillips wasn't there for the meeting, she couldn't make the original motion but she could second it or vote on it although she doesn't have to.

Vice-Chair Phillips said thank you.

b. Special Meeting Summary of September 15, 2020

Commissioner Allred said that he would like to make some corrections. Mr Allred said that he was present via audio, that he was dialed in and that he even attempted to vote when the clerk would call his name. He attempted to vote, he voted on each item and for whatever reason due to technical difficulties was unable to be heard. The minutes as presented reflect that he was absent but he was in fact present.

Mr. McGrath said that we can make note of that in the record but they can't make note of how he would have voted or did vote.

Commissioner Allred said correct, and with those changes he would like to motion to approve.

Mr. McGrath said that since Commissioner Allred wasn't officially in that meeting and they didn't take a verbal role call so he can't make the original motion. He would ask that someone else make the motion and then he can second it.

Chair Rickelman asked if anyone else would like to make the motion that with those corrections that they approve the minutes of the 15th as corrected.

Commissioner Shanahan moved to accept the minutes of the September 15th meeting with the noted exceptions that Commissioner Allred has made; Commissioner Allred seconded.

Roll call:	Rickelman	Phillips	Shanahan	Jerome	Allred
	Yes	Yes	Yes	Absent	Yes

Time: 3 minutes

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

- a. Next Planning Commission meeting October 20, 2020.

6. ADJOURN.

This special meeting of the Stillwater Planning Commission was called for adjournment by Vice Chair Phillips, seconded by Commissioner Allred at approximately 7:05 p.m. on October 6, 2020 with all members present in agreement, the next regularly scheduled meeting will be held October 20, 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 - _____
Stillwater Planning Commission

DRAFT