

**STILLWATER PLANNING COMMISSION SUMMARY
SPECIAL MEETING OF June 1, 2021
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED May 27, 2021 IN THE
MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

MEMBERS PRESENT

Brad Rickelman, Chair
Jana Phillips, Vice-Chair
Mike Shanahan, Member
Brett Allred, Member
Preston Bobo, 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.

Chair Rickelman calls the meeting order at 5:30 PM. Commissioner Rickelman explains the procedures and process for the meeting.

2. PUBLIC HEARING:

- a. **SHORT TERM RENTAL (STR-0055)**, review of application from Jennifer Swick for a short term rental property at 5203 W 1st Ave in the Residential Family Small Lot (RSS) district.

Mr. Rian Harkins, Senior Planner explained the process for short term rental applications and presented STR-0055. Mr. Harkins comments that the city had received a number of objections so they did an analysis and the property owners within 300 Ft that were in objection to the application were less than 51%.

Chair Rickelman asked if there were any questions for staff; none responded. Chair Rickelman opened the public hearing and asked for anyone who wished to speak in favor of the item.

Jennifer Swick, 5203 W 1st Ave addressed the concerns that were made about the application and commented on the following:

- Purchased the property due to the increase in request from local residence as well as people from out of town for temporary rentals.
- Set rules for tenants at property; no parties, no trash left in or around the property, and no loud noise. Also provide them with the City's noise ordinance.
- 2 night minimum stay required
- Vet all request that come through to make sure they have good reviews from other people they have rented from as well as to make sure they do not intent to have large or noisy parties.
- Has not and does not intend to rent the property to anyone under the age of 29.
- Not aware of any city regulations restricting parking in the area but will add it if there is one.
- Does have a two car garage as well as parking in the driveway.

- For people speeding they will need to contact the City of Stillwater Police Department and she would want to be notified as well.
- Only rents whole home, not room by room.
- Current renters are local residence that had a pipe burst and they needed a place to stay for a few months and not a hotel.
- Has local ties to Stillwater and plans to use the home herself to visit her son here.

Chair Rickelman asked if there were any questions from the commissioners; none responded. Chair Rickelman asked if there was anyone else who would like to speak in favor; none responded. Chair Rickelman asked if there was anyone who wished to speak in opposition.

Sharon Schonhaler, 5110 W 1st Ave and Stan Ketterer, 5105 W 1st Ave expressed the following concerns that they and some of the neighbors that couldn't be there but did sign the petition had:

- The addition of unknown vehicles added to the streets due to the safety of the kids who play and ride bikes in the streets, the people who walk their dogs, as well as the elderly who use walkers up and down the street.
- Lack of curb parking space adding concerns about emergency vehicle access. If approved only allow for parking on one side of the street to allow room for emergency vehicles.
- Trash cans being left out for days with trash sometimes blowing out and even being left out after being emptied.
- There is security in knowing your neighbors, and a short term rental would challenge the integrity of a single family residential neighborhood.
- They are not any different from motels or hotels which would be a commercial business, and nobody wants to buy a house with a motel in the neighborhood.
- Already 7 hotels and motels within a few miles of the subdivision.
- Allows up to 8 guests and that's more than anyone in the neighborhood has living in their homes.
- Only rules he saw online was no pets and no smoking.
- Worried about drugs and alcohol.
- No background checks
- Theft and vandalism normally comes from people outside of the neighborhood in short term rentals such as hotel or motels.

Chair Rickelman asked if there were any questions from the commissioners; none responded. Chair Rickelman asked if there was anyone else who would like to speak in opposition; none responded. Chair Rickelman asked for staff to present.

Mr. Harkins explained the process for the short term rental application that after Planning Commission there could be an appeal to the City Council as well as the ordinances that were put in place to help regulate short term rentals.

Chair Rickelman asked if there were any questions of staff; none responded. Chair Rickelman asked if there was any commissioner discussion or motion.

Commissioner Allred asked Mrs. Swick since she lives in Edmond, who takes care of the property once the renters have vacated the property, and has she tried to make contact with the other property owners that are in objection.

Mrs. Swick said that she cleans the property and any trash there is, and that she has not made contact yet with any of the nearby property owner at that address.

Chair Rickelman asked if there were any other comments or discussion from the commissioners or a motion.

Commissioner Allred said that at this time they have received several objections however it seems Mrs. Swick has done everything correct so he would like to table the item to the next meeting to allow for Mrs. Swick and the neighbors to try and talk through some of the issues or concerns.

Commissioner Allred motioned to table the item to the June 15, 2021 Planning Commission meeting to allow for discussion between the applicant and the neighbors; Vice-Chair Phillips seconded.

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

Time: 25 minutes

- b. Larry & Lorraine Jimison, **MAP AMENDMENT (MA21-02)**, requesting review and approval of map amendment to rezone from current O (Office) to RT (Residential Two-Family) district for property addressed as 501 E 14th Ave. Harkins

Mr. Rian Harkins, Senior Planner presented the map amendment and asked if there were any questions for staff.

Chair Rickelman said that the request seemed to be for only part of the parcel and would some of it remain Office. Mr. Harkins said that it would change the entire parcel from Office to RT.

Chair Rickelman asked if there were any other questions from commissioners.

Commissioner Bobo asked about the existing daycare at the property and if the intent is to keep it there.

Mr. Harkins said that they are requesting RT so that the daycare and the homeowner can operate on the parcel as to where RSS wouldn't allow it.

Vice-Chair Phillips asked for confirmation that the childcare facility can only function in the RT not RSS.

Mr. Harkins said that in RSS they would have to have a SUP, however the way the property is setup they are requesting RT which will require a SUP as well, however if the Planning Commission felt that RSS would be a more appropriate zoning they could recommend to City Council that zoning.

Vice-Chair Phillips asked if someone was currently living in the residence making it in-home daycare or if it is a daycare business. Mr. Harkins said that someone is living in the home and it is a daycare. Vice-Chair Phillips asked if they have a SUP for the childcare facility. Mr. Harkins said they currently don't so they are looking at one use being non-conforming and if they expanded would have to come in for a SUP. Vice-Chair Phillips asked if it is a large child care facility or if there is a restriction on the number of children. Mr. Harkins said that staff is not informed on that at the time.

Chair Rickelman opened the public hearing and if anyone would like to speak in favor of the item.

Lorraine Jimison, property owner of 501 E 14th said that they rent the property to the woman that lives there and has the daycare. The renter is now wanting to buy the property and in order to get the loan it needs to be rezoned RT, however it will be the same use it has been for the past 25 years.

Chair Rickelman asked if there were any questions from the commissioners.

Vice-Chair Phillips asked if they can confirm that someone does in fact live in the property 24/7, and asked if it was a large or a small child care facility.

Larry Jimison, property owner of 501 E 14th confirmed that is correct, the lady that runs the daycare does live in the house. Mrs. Jimison said it is both small and large.

Vice-Chair Phillips said she is familiar with this property from years back when Planning Commission looked at large family child care ordinance for the City.

Chair Rickelman asked if there were any other questions from commissioners; none responded. Chair Rickelman asked if there was anyone else who would like to speak in favor of the item; none responded. Chair Rickelman asked if anyone would like to speak in opposition of the item; none responded. Chair Rickelman closed the public hearing and asked staff to present finding and alternatives.

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

Chair Rickelman asked if there was any discussion or a motion.

Vice-Chair Phillips said that she thinks that the request to rezone residential seems very reasonable and fitting giving the structure, use, and what is surrounding it.

Commissioner Bobo motioned to approve the map amendment to rezone from O to RT the property addressed as 501 E 14th Ave; Vice-Chair Phillips seconded.

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

Time: 14 minutes

- c. Josef Sauer, **MAP AMENDMENT (MA21-03)**, requesting review and approval of map amendment to rezone from Commercial General (CG) to Industrial Light (IL) at property addressed as 2805 E 6th Ave. Harkins

Mr. Harkins, Senior Planner presented the map amendment and said that the map amendment application is here to rezone so that they can apply later for a specific use permit to establish a medical marijuana dispensary. Mr. Harkins asked if there were any questions for staff.

Chair Rickelman asked if it was for a medical marijuana dispensary or a grow facility. Mr. Harkins corrected his comment and said that it would be a SUP request for a growing and processing facility.

Chair Rickelman asked about the reference in the packet about rezoning of some of the neighboring properties. Mr. Harkins confirmed that they have had interest from some of the other property owners that want to rezone as well from CG to IL making it less spot zoning and more of a cluster of IL.

Chair Rickelman asked for clarification on a grow facility in CG. Mr. Harkins said that dispensaries are allowed in CG, however grow operations and processing facilities are not; and that grow operations and processing facilities are only allowed in general or light industrial zonings.

Commissioner Shanahan inquired about the comment in the report that said that the proposed zoning district is not in conformance with the future land use element of the comprehensive plan and asked why IL wouldn't be a good use in this area along 6th Ave. Mr. Harkins said that the future land use map shows commercial along that corridor.

Chair Rickelman asked if there were any staff questions; none responded. Chair Rickelman opened the public hearing and asked for the applicant, representative, or anyone speaking in favor of the item to come forward.

Charles Meyers, legal representation for the applicant and owner of the property states that they are requesting to put a medical marijuana grow and processing facility in that building.

Josef Sauer comes to the podium and comments on the following:

- reviews the plan for the building saying that they will be growing medical marijuana after which they will harvest, and will be using the left over trim from the flower and make it into an oil.
- It is a private business and will not have any public traffic, they will also be hiring 10 employees.
- They will be renovating the property which will add more aesthetic value to 6th Ave and will bring business to the City of Stillwater from hiring the building contractors, security, and sub-contractors.
- It will also be good to have the three buildings there that have been vacant for a very long to be filled with businesses.
- Other benefits to the City of Stillwater for allowing this business would be the amount of tax revenue it will bring in and the electric and water utility bills they would be paying.

Mr. Meyers said that the building they are talking about was previously used as IL when there was a computer/electronic manufacturing business; and one of the adjacent property owners has also filed for a rezoning for a storage facility.

Commissioner Bobo asked about the process of generating oil from the trimmings. Mr. Sauer said that there are several different processes and forms that they can do and that yes they will be making oil from the trim. Commissioner Bobo asked if they would be storing hazardous materials there such as flammable liquids. Mr. Sauer said if they did a butane form of processing then yes they would be using ethanol or butane and he would be more than happy to install fire suppression system that are already required by state, as well as work with the fire department on any safety requirements he would need. Commissioner Bobo asked if they were going to have ammonium nitrate as the fertilizer. Mr. Sauer yes but they wouldn't be draining it into city lines, and that there is a permit they can get from ODEQ to haul it away and would treat it like a type of waste water.

Vice-Chair Phillips asked about the changes that will need to be made to meet the setback requirements for IL zoning. Mr. Sauer said the existing structure will remain exactly as it is. Vice-Chair Phillips asked if

that meets the required setbacks for IL. Mr. Sauer comments yes that he does believe so but that he does have an architect that can make sure of it.

Chair Rickelman asked if there were any further questions from the commissioners; none responded. Chair Rickelman asked if there was anyone else who would like to speak in favor.

Bill Basore, owner of the adjacent property comes to speak on the following:

- The building that he has always has been used for IL purposes from the Stillwater door company, Pente games, and then his company used it to manufacture speaker enclosures.
- He believes that his building and all the surrounding building are made for that sort of thing and it would be hard to do if they weren't allowed to rezone.

Chair Rickelman asked if there was anyone else who would like to speak in favor.

David Cunningham, owner of two of the surrounding properties said that they have also applied to have their properties rezoned to IL as well.

Chair Rickelman asked if there was anyone else who would like to speak in favor; none responded. Chair Rickelman asked if there was anyone who wanted to speak in opposition to the item; none responded. Chair Rickelman closed the public hearing and asked for staff to present the finding and alternatives.

Mr. Harkins presented the findings and alternatives.

Vice-Chair Phillips asked about the property being zoned CG while being used for IL and if it was just a non-conforming use or if something changed along the line.

Mr. Harkins said that he believes that when the current code was adopted the CG zoning was applied along 6th Ave for more intensive type of commercial uses that would fit in the zoning district and be a transition district between large commercial and smaller scale industrial.

Vice-Chair Phillips asked for confirmation that a medical marijuana grow facility is only allowed in IL even with a specific use permit. Mr. Harkins said that they have to be in either IL or IG zoning districts so if this map amendment isn't approved the SUP application would be null and void.

Chair Rickelman asked if there were any questions for staff; none responded. Chair Rickelman asked if there was any discussion from the commissioners or a motion.

Vice-Chair Phillips said that looking at the permitted uses by right for IL it is understandable why it was zoned CG since it is more aesthetically pleasing when looking to create an entry corridor into the city; the telecommunications tower that would be allowed by right is very visible and not appealing; and the empty buildings however would be better to have entrepreneurs using them to bring businesses into the city which makes the decision more difficult.

Commissioner Bobo said that he believes since they have everything in order and at this point in time any improvement to that site would be good, therefore he is favorable of the item.

Chair Rickelman said that he was surprised that it was not already zoned IL since he remembers some of the businesses that were there were IL and any improvement to the streetscape would be preferable and he is also in favor.

Commissioner Shanahan said that he thinks the aesthetic point is over-ridden by commercial concerns; there seems to have been an intent to create an entry point from the east on 6th for commercial businesses but it hasn't happened.; and there is a large demand for IL facilities and it would be good to go back to that use.

Chair Rickelman asked if there was a motion.

Commissioner Bobo motioned to approve the map amendment to rezone from CG to IL at property addressed as 2805 E 6th Ave; Commissioner Shanahan seconded.

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

Time: 30 minutes

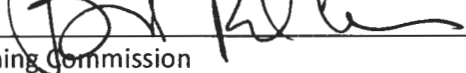
3. MISCELLANEOUS ITEMS FROM STAFF, PLANNING COMMISSIONERS, OR CITY ATTORNEY:

- a. Next Planning Commission meeting June 15, 2021.

4. ADJOURN.

This special meeting of the Stillwater Planning Commission was called for adjournment by Vice-Chair Phillips, seconded by Commissioner Shanahan at approximately 6:40 p.m. on June 1, 2021 with all members present in agreement, the next regularly scheduled meeting will be held June 15, 2021 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