

**STILLWATER BOARD OF ADJUSTMENT
REGULAR MEETING OF May 4, 2017
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED May 2, 2017
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

Members Present:

Ron Walker
Terri Ventress
Angie Bale
Brad Rickelman
Trey Lester

Staff Present:

Dennis McGrath, Assistant City Attorney
Tom Coots, Planner
Cindy Gibson, Administrative Coordinator

Guests:

Mrs. Kelly Harris

Members Absent:

1. **CALL MEETING TO ORDER.**

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

The following individuals are sworn in:

Mrs. Kelly Harris

Mr. Tom Coots

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

- a. Sigma Phi Epsilon Alumni Corp., **VARIANCE-BOARD OF ADJUSTMENT (PZ-17-2193)**, requesting review and granting of a variance to City of Stillwater Code, Chapter 23, Sec. 23.220 Table 4.2 to allow a reduction of the required vehicle parking spaces for property addressed as 1121 W 4th Ave.

Tom Coots, Planner presents staff's report. Tom asks for questions.

Chair Walker asks if staff knows if a OSU parking permit allows for a special parking places; Tom responds no, they are not willing to provide a special sign or signify spaces but they will provide a letter that says they provide so many parking passes.

Discussion is held about the pass/sticker that would be issued and then they are required to find their own parking spaces in designated areas.

Mrs. Bale asks for clarification about the parking plan not having being approved by staff. Tom responds that they just submitted their building permit application so it's under review as well as the request to the City Manager to provide public parking.

Chair Walker asks if there are any more questions for staff; none respond. Chair Walker asks if there is any one that wishes to speak in favor of this item.

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

- Here representing the applicant this evening.
- Did check in with OSU to verify if they had spaces available, they don't over sell parking permits so there would be plenty of spaces and the nearest parking garage is 1 1/2 blocks or approximately 1,200 feet north of the site by the way the crow flies and the Performing Arts Center doesn't allow over-night parking.
- Following the sidewalk, its 1,340 feet from the nearest door which is over the allowed distance by code for shared parking at 1,320 feet.
- Parking plan has not been approved as they submitted the variance before they submitted for the permit so staff hasn't had time to review the parking plan.
- There is on-street parking on Lincoln which requires the City Manager's approval for their use.
- Show 11 spots by the transformer but will have to determine whether or not they can safely provide those 11 spots.
- Proposing 77 beds which require 77 parking spaces. Of those, there are 49 on site, this includes counting 5 of the 11 on-street as their required so they are providing 54 at this time.
- Existing building has 60 beds and 30 parking spaces.
- Hardship: the existing parking ratio is 0.5 spaces per bed and are proposing 0.7 spaces per bed. Increasing by 17 beds and proposing an increase of 24 parking spaces so they are taking vehicles that would be parking on the street and providing on-site parking.
- This is done due to the unique design of the building which will be constructed over some of the parking spaces on the south end of the building.
- Peculiar to this property: Next to OSU Foundation property. The organization tried to purchase property to the south but was outbid by the Foundation as they were expanding as well. From the front door to the parking garage is 1,340 feet and code requirement is 1,320. Don't have a lot of options for parking and believe they done a good job with the layout.
- Relief if granted would not cause substantial detriment: Are improving from the existing parking ratio quite a bit. Increasing the beds but are increasing the parking spaces more.
- Minimum relief necessary: Believe that the unique building design allows the increase in the parking ratio maximizing the amount of parking spaces. Did look at the on-street parking on 4th but that is currently not allowed. This is a major thoroughfare for the fraternities and sororities so don't believe that an on-street parking request would be granted by the City Manager's office.
- Believe that the reduction to 54 spaces is the minimum relief necessary.
- In order to relieve any questions regarding the on-street parking or proposed plan, if we aren't able to get the full 11 – it was addressed in the past with the

FIJI variance in that the variance was worded such that the 54 grant as well as many as the City Manager approves and as many on-street spaces as safely designed.

- Asks if there are any questions for her.

Mr. Lester asks what the hardship would be if they only went to 54 beds in the building. Mrs. Harris responds that she really can't address that as she was not involved in the figuring for the number of beds but this is the number that they come up and need for the project to work; doesn't know if that is what the membership needs or how that determination was made.

Chair Walker states that he doesn't see what the problem is as they can still do the 77 beds if they do the lease agreement with OSU; Mrs. Harris responds yes. Chair Walker states that OSU has indicated that they can do that; Mrs. Harris responds yes but also doesn't know if the students would park in the garage so anticipate that there will be more on-street parking.

Mrs. Harris says that she hates to bring up money but please recognize that this would essentially be throwing money away.

Chair Walker asks if there are any more questions for Mrs. Harris; none respond. Chair Walker asks if there is any one that wishes to speak in opposition of this item; none respond. Chair Walker asks for staff to return.

Tom returns and presents alternatives. Tom states the code is a distance of 1,320 feet from property to property so all of OSU property is within that distance and even if they are half mile away, there is a transit system.

Chair Walker asks for Board discussion.

Mr. Rickelman and Mrs. Ventress talk about how they gained seven parking spaces.

Mr. Rickelman talks about how it seems hard to allow them to have a larger facility in an area that has very limited parking and expect them to be able to meet parking requirements.

Mrs. Ventress states that this isn't the most desirable situation but it is allowing the fraternity the most benefit with their property and makes the situation for the public better as well.

Chair Walker expresses concern about how to establish the minimum relief necessary; isn't concerned about the 1,320 feet and not worried about the students walk or not.

Mrs. Ventress states that these aren't what needs to be considered; what is to be considered is whether or not the plan makes things better or worse for the area; and yes, the Board can dismiss, as individuals, because it doesn't meet our thoughts of what they should do but again, we are here to make things work for everyone; they need to expand; they have the funds to do so; so we have to consider if this is a better

situation and who really loses out here; the public gets seven more parking spaces so it's not worse, not optimum, but better; can maybe work out options with Foundation for overnight parking; and students will always find parking.

Mr. Lester states that he appreciates Mrs. Ventress' point of view but doesn't disagree but the Board does have a stake in whether or not they have talked to OSU or not and maybe not deny but delay a final decision until we get more additional information.

Discussion is further held about shared parking with OSU; where students will find parking; using creative solutions to solve some public parking issues; the variance staying with the land; the Board needs to be careful about the legal ramifications of the minimum relief; and the City Council established the code for a reason.

Mr. Dennis McGrath, Assistant City Attorney reminds the Board of the need to identify the hardship then identify the minimum relief necessary; and if a hardship cannot be identified then the case is closed, however, if a hardship can be identified, then the Board must identify the minimum relief necessary.

Mr. Rickelman states there are all sorts of alternatives.

Chair Walker states that all four of the criteria has to be met and they don't meet any of them.

Chair Walker asks for further discussion for criteria #1.

Mr. Lester states that he is trying to figure out if the hardship is caused by them trying to put 77 beds in the house and that is the hard part for him.

Mrs. Bale asks if what they are trying to improve on today can be a factor or not. Mr. Lester states the Council set forth the Board's power and doesn't want to over-step that but believes that Mrs. Harris has something to add.

Mrs. Harris returns to the podium and adds that in regards to the hardship even if they weren't adding 77 beds trying to rebuild at 60 beds, they would still not be able to provide the required parking but the hardship could be that they city code allows them to do shared parking but its more than 1,320 feet away by sidewalk so they don't meet code requirement for shared parking but they are improving the ratio.

Mr. Lester states that the bother to him is what will keep them from doing that for other houses. Mrs. Harris responds that this was a personal decision on their part.

Chair Walker states that staff's interpretation is that the 1,320 feet is to the OSU property. Mrs. Harris responds that this would be to University.

Discussion is held about the parking garage and the distance; experiences with parking on campus as freshman; parking is always at a premium around campus; Board can't agree that there is a hardship and an approval motion would require a finding for each specific criteria.

Chair Walker moved, Mr. Rickelman seconded to deny the request based upon the failure to show that the application of the ordinance would create an unnecessary hardship.

Roll Call:	Walker	Ventress	Lester	Bale	Rickelman
	Yes	No	Abstain	Yes	Yes

Time: 41 Minutes

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

- a. Approval of the special meeting summary of October 16, 2014.

Chair Walker asks if there were changes and/or corrections; none respond.

Chair Walker moved, Mrs. Ventress seconded to approve the special meeting summary of October 16, 2014 as presented.

Roll Call:	Walker	Ventress	Lester	Bale	Rickelman
	Yes	Yes	Yes	Yes	Yes

- b. Approval of the regular meeting summary of September 1, 2016.

Chair Walker asks if there were changes and/or corrections; none respond.

Mr. Lester moved, Mrs. Bale seconded to approve the regular meeting summary of September 1, 2016 as presented.

Roll Call:	Walker	Ventress	Lester	Bale	Rickelman
	Yes	Yes	Yes	Yes	Yes

Time: 2 Minutes

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

- a. Next regular meeting is scheduled for June 1, 2017.

5. **ADJOURNMENT**

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 6:13 p.m.

Prepared by – Cindy Gibson, Admin. Coordinator

Approved by: _____

Stillwater Board of Adjustment

DRAFT