

Board of Adjustment Application to be granted relief from the Bulk Standards for C-3, “Community Commercial District” developments located in Table 6200.2: Office and Commercial District Bulk Standards, in Chapter 59 of the Oklahoma City Zoning Code, for property located just north of SW 104th Street on S Western Ave. in Oklahoma City. Relief is specifically sought from the Maximum Height requirements, to permit the construction of an indoor self-storage facility that is slightly higher than what is currently allowed when C-3 property abuts R-4 property (Palagio, LLC by Johnson & Associates).

Explanation for Variance Request:

On behalf of our clients, Palagio, LLC, we request a variance from the requirements in Chapter 59, Table 6200.2, regarding the maximum height allowable in the C-3 district. The project is located just north of SW 104th Street along S Western Ave. in southwest Oklahoma City. The property is currently zoned C-3, “Community Commercial District”.

The development consists of approximately 6.05 acres of land for commercial development. A commercial retail center has already been constructed on the property as part of the overall development. This variance request will permit the construction of a new indoor self-storage building at a height greater than what is allowed currently when a C-3 property abuts an R-4 property. If the property was not adjacent to R-4 zoned parcels, they would be permitted to construct up to 6-stories.

The subject site is currently zoned as C-3, “Community Commercial District” which has a maximum height of 35 feet and 2-Stories when abutting the R-4 District, according to Table 6200.2: Office and Commercial District Bulk Standards. Table 6200.2 establishes the Maximum Height as follows:

“Where abutting or within 75 feet of a R-4M or R-4 District: 35 ft and 2 stories, thereafter 6 stories.”

This development is surrounded by C-3 property to the south as well as C-3 to the west across S Western Ave. To the north and east, the subject site is bordered by R-4 property that is currently developed as a multi-family complex. The owner would like the ability to construct at a height approximately 40-feet with a total of 3-stories. We do not feel that this request is out of line given the surroundings. The owner wants to construct a commercial development only slightly higher than the permitted height and only one story above what would be permitted by right. If this property did not abut any R-4 property or was greater than 75-feet from an R-4 district, they would be permitted up to 6 stories. This is a heavily trafficked commercial corridor with several large office and retail uses nearby. By permitting the extra story on this commercial development, it will increase the amenities and number of businesses in this commercial corridor.

We believe that granting this variance request to permit a slight increase to the maximum height permitted is appropriate for the proposed development. We do not believe that the building proposed here will be out of place in the overall development or out of place along this commercial corridor of S Western Ave. Instead, by granting this variance to the code, the developers will be able to build a high-quality self-storage building that is consistent with the surrounding commercial corridor and will also bring needed amenities to the area. Height steps in zoning codes exist to protect lower intensity land uses from higher ones. In this instance, the personal storage is unoccupied and adjacent to two story multifamily.

It is for this reason; we are willing to condition the variance to the personal storage use. As noted in the provided examples of the buildings, this will be a very attractive new building.

Further, where this building is located, exceeds 75 feet from the nearest multifamily buildings which we believe meets the intent of the code. The C-3 height requirement within the code, however, is measured from the property line to property line and not building to building.

According to State Statutes, in order for a variance to be granted, the applicant must prove:

- (a) The application of the Ordinance to the particular piece of property would create an unnecessary hardship;
- (b) Such conditions are peculiar to the particular piece of property involved;
- (c) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance or Comprehensive Plan;
- (d) The Variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Variance Statute Explanation:

- A) The subject site is located just north of SW 104th Street on S Western Ave. in Oklahoma City. The site is currently vacant land. The plan is to develop the site as an indoor self-storage facility. There has been a large retail center built by the developer just south of the subject site and the desire is to continue developing this site to provide amenities for the Southwest Oklahoma City community. The adjacent R-4 property has already been built out as a multi-family development. As shown in the attached site plan, the proposed building is located southwest of the nearest residential structure and will be adjacent to a large open space area in the residential complex. We believe that allowing this structure to be constructed as proposed is in line with the intent of the code. While it may be within 75 feet of the property line, the proposed building will be +/-85 feet away from the nearest residential building, as shown on the attached exhibit. The adjacent apartment complex consists of several 2-story multi-family structures that are approximately 23-feet tall. We do not believe that allowing this new 3-story development will be out of line with the existing built environment. As can be seen in the provided exhibit, the proposed building is actually adjacent to undeveloped portions of the property and is not directly across from the closest residential structure. This proposed personal storage facility will not significantly impact the line of sight for the abutting residents, further minimizing the potential impact from the development.
- B) The conditions that necessitate this variance request are specific to this piece of property and this specific use. As previously mentioned, if this piece of property did not abut the R-4 zoning, 6 stories would be allowed by right. The apartment complex has been developed around two full sides of the subject property and consists of 2-story buildings. The personal storage use typically consists of one-story buildings sprawling out over more land. However, the current trend in the market is one multi-level building that includes air-conditioned space which brings a newer product to the area.

The depth of this commercial lot is unique. The lack of visibility to the frontage brings unique challenges to the development of this property, making personal storage an ideal use. The code permits 35 feet in height, this application seeks an additional 5 feet and one story.

Ultimately, given the use, the additional story does not create any privacy issues as the building is not occupied by workers or residents. Therefore, we feel that this variance is minor in nature and does not change the intent of the height requirement in the zoning code.

- C) The requested variance creates no negative externalities and does not cause any detrimental effects to the public good. We believe that this development will be a benefit to the surrounding community, adding a new indoor storage option for neighboring communities. The indoor self-storage use does not create high levels of traffic or noise that would affect the neighbors and the height of the structure will be similar to the height of the surrounding apartment complex. In addition, any external lighting will meet code requirements and will be directed away from the residential structures through the use of shields, shades or other appropriate methods. This is typical and mitigates any potential light pollution on the abutting residential properties. This variance is not seeking to drastically vary the code, instead, it is asking that 5 feet and one additional floor be permitted. The proposed building will not be occupied and therefore will not create any privacy concerns for the surrounding neighbors.
- D) The requested variance is the minimum necessary to alleviate the hardship and allow for the project to move forward. As stated, this requested variance to the code is minor and will not alter the desired intent of the code. Without this variance, this development will not be able to proceed.

The above-mentioned items outline a unique situation. By releasing the applicant from the C-3 maximum height requirements in their current form, the developer will be permitted to continue with the building permit application and construction process. We believe that the requested variance is the minimum necessary to permit the development as designed.