



Date of Meeting: January 21, 2016
Subject: Special Exception, CS (Commercial Shopping) zoning district
Location: 1515 N Boomer Road, Cimarron Plaza

BACKGROUND

The property at 1515 N Boomer Road, also known as Cimarron Plaza, is owned by Stillwater Public Schools. The property is zoned CS (Commercial Shopping) and currently has several tenants that comply with the CS zoning district. Cimarron Plaza is in a transition phase from a shopping center with a variety of uses to a publically focused School District facility. Several store fronts are occupied by school-related uses, while others are vacant. Some uses are proposed, to occupy the vacant storefronts, that are not allowed in the CS district: Arts & Entertainment uses and Recreation uses.

Arts & Entertainment are establishments:

- Providing cultural and entertainment to patrons
- Producing, promoting or participating in live performances, events or exhibits
- Preserve and exhibit objects and sites of historical, cultural or educational interest

Recreation are establishments:

- Providing facilities/services to meet varied recreational interest of patrons
- Enable patrons to participate in recreational activities
- Enable patrons to pursue amusement, hobby, and leisure-time interests

CODE APPLICATION

Sec. 23-20. - Powers.

(a) The board of adjustment shall have the power to:

- (1) Hear and decide appeals in accordance with the requirements as set forth in 11 O.S. §§ 44-104 and 44-109 if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter;
- (2) **Hear and decide special exceptions to the terms of articles VI through XV of this chapter, as prescribed herein, to allow a use, or a specifically designated element associated with a use, which is not permitted by right, in a particular district because of potential adverse effect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the board of adjustment where specifically authorized by the zoning chapter and in accordance with the substantive and procedural standards of this chapter;**
- (3) Authorize in specific cases, variances from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by article VI of this chapter when such cases are shown not to be contrary to the public interest, if, owing to special conditions, a literal enforcement of the provisions of the regulations will result in unnecessary hardship and so that the spirit of the regulations shall be observed and substantial justice done;

Where the **COLLEGE** atmosphere and **COWBOY** spirit make everything come **ALIVE**.

provided however, the board of adjustment shall have no power to authorize variances as to use except as provided in subsection (a)(4) of this section; and

- (4) Hear and decide oil and/or gas applications or appeals unless prohibited throughout by this Code. The board of adjustment shall be required to make findings prescribed by 11 O.S. § 44-107, in order to grant a variance as to use with respect to any such application or appeal.

DISCUSSION/ANALYSIS/FINDINGS

Section 23.66 Special exception considerations.

In determining whether or not the special exception should be granted the Board of Adjustment shall consider, and record in the official minutes of the meeting, the extent to which the evidence demonstrates that:

- (1) Granting of the special exception will not adversely affect the rights of adjacent property owners or residents; and

The addition of arts, entertainment and recreation uses will bring a variety of activity to this transitioning property while maintaining the historical uses. The surrounding uses are Stillwater High School, apartments and floodplain. The special exception should not adversely impact the adjacent properties.

- (2) Granting of the special exception will not cause substantial detriment to the public health, safety, convenience, or general welfare.

This property is in transition and owned by a public entity. Current school-related activities at this location include recreation. Approval of the request will enhance the area by filling vacant store fronts and possibly providing alternative uses to the community.

MINIMUM RELIEF NECESSARY

The applicant is requesting the approval of the special exception to the allowed uses in the CS zoning district. This avenue is recommended by staff for the following reasons: 1) the entire property is owned by a public entity, Stillwater School District, 2) although owned by the public entity, the site is not developed in public uses which would warrant the zoning to Public, 3) with the public ownership there is a need to continue the operation of the area as it transitions, and 4) there are potential uses that are complimentary to those existing yet are prohibited from the current zoning classification.

RECOMMENDATION

After reviewing the two (2) criteria as indicated above, staff finds that the applicant has met all items. Staff would recommend that the Board determine, if in the Board's opinion, the information provided in the report and by way of testimony, allows the Board to make findings in the applicant(s) favor and grant the request.

Prepared by: Patty Evans, Planner II
Date of Preparation: January 14, 2016

Attachments: Area/zoning map