

Date of Meeting: July 7, 2016
Subject: Mosaic Community Church
Project Name: Special Exception
Location: 1501 N Boomer, 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 being rented until the property is re-purposed for school activities or they are currently vacant.

Cimarron Plaza shopping center is zoned CS (Commercial Shopping). Churches and Religious Institutions are not identified as a use allowed in the CS zoning district. Another church is currently located in the shopping center without the approval of the City. Granting the Religious Organization use for Cimarron Plaza will bring the current church into compliance.

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; 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 churches and religious institutions use will bring a variety of activities to this transitioning property while maintaining the historical uses. Approval of the special exception will also bring the non-conforming church currently located in the shopping center into compliance. The uses surrounding Cimarron Plaza include Stillwater High School, apartments and open space. 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. Approval of the request could enhance the area by filling vacant storefronts 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 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 a rezoning to Public, 3) with the public ownership there is a need to continue the operation of the area as it transitions, 4) there are potential uses that are complimentary to those existing yet are prohibited from the current zoning classification, and 5) the use as a church and religious institution will be a temporary use until the property fully transitions to strictly school district activities.

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 as identified in the Minimum Relief Necessary.

Prepared by: Patty Evans, Planner II
Date of Preparation: June 28, 2016
Attachments: Area Map
Map Designation: NW