

## Oakview Lots 1 & 5B Modification Request

### FAR Modification Request

Oak View Capital Partners "OV" developed the 7 acres now known as "Oak View Addition" into 5 separate lots. Lot 1 was for the development of a climate controlled self storage development known as Public Storage. The original zoning prior to approval of the project and current zoning is PI, Planned Industrial. An SUP and site plan was approved for the climate controlled self storage project in 2017 that included a larger building and an FAR of 1.194. A preliminary plan for the entire development and a final plan for the climate controlled self storage were approved in 2018. The lot size and building area for the SUP, preliminary and final plan applications was consistent. When the plans were submitted for building permits the City determined that the FAR for the climate controlled self storage was slightly over the code allowance. Rather than complete a redesign or submit a revised plan at that time, the owner decided to include a portion of Lot 5 with Lot 1 in order to satisfy the City's FAR requirements and to avoid delays and maintain the project schedule. Originally Lot 5 was a larger lot with the plan to develop an office or hotel building that had part of the parking for Lot 5 located on Lot 1. Several months after the construction of the climate controlled self storage building, Whataburger purchased a portion of Lot 5 leaving a small remaining portion for future development which became Lot 5B.

After marketing the remaining Lot 5B for the last year it is evident that the lot is too small to properly develop for most users. OV recently sold the Lot 1 known as Public Storage to Public Storage. Through the relationship they are allowing OV to purchase approximately 15,324.26 SF of Lot 1 to increase Lot 5B to 37,739.94 SF. The FAR of the new Lot 1 will be 1.162, slightly over the code allowance, and the FAR of the new Lot 5B will be 0.265 well under the code allowance. If the site and building areas for Lot 1 and 5B are considered together, the FAR would be 0.836 which is considerably less than the code allowance of 1.0.

The revised preliminary plan application includes a modification request at allowed by UDO section 2.320.C in order to allow an FAR of 1.162 for Lot 1. The Owner of Lot 1 has provided authorization to the application for this request. The following are considerations that support the modification request.

1. The SUP and Preliminary Plan were approved with the lot size, dimensions and a similar FAR proposed in this request.
2. There are no impacts to the adjacent property.
  - a. The Lot 1 building is setback twice the distance of the required setback of the zoning district.
  - b. The amount of open space remains the same with this change.
3. If the land area and building area for lot 1 and lot 5B are combined the FAR would be 0.836 which is considerably less than the code allowance of 1.0.
4. The current configuration of Lots 1 & 5B combined with the existing access from the Whataburger parking lot does not allow for an efficient parking lot layout that would meet the City codes. Both Lot 1 & 5B would need to be modified to allow for a more typical code compliant parking lot.
5. The request is the minimum needed to allow Lot 5B to become a more developable lot.

### Lot 5B North Rear Building Setback Modification Request

The revised preliminary plan includes a modification request for the rear setback for Lot 5B. The modification request is to allow a 15' setback instead of a 20' setback. With the need to have a "looped" parking lot, there is not enough space to have a typical retail/office building depth. The following are considerations that support the modification request.

1. The parking lot on Lot 5A to the east has a 15' setback from the north property line.
2. The setback is similar to other similar buildings south of NE Skyline Drive.
3. The request is the minimum needed to allow Lot 5B to become a more developable lot.