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RE: Request for Variance at 8710 North Oracle Rd

Dear members of the Board of Adjustment:

Extra Space Storage (the “Owner”) is the second largest operator of self-storage facilities in the U.S. with over 1,800 stores. With decades of experience owning and operating self-storage facilities since 1977, the Owner is recognized as a premier self-storage operator. The Owner strives to be a positive contributor to every community it operates in and is specifically in tune with the community’s needs by providing self-storage that is secure, attractive, clean, and professionally managed.

In Oro Valley, the Owner owns and operates the existing self-storage facility at 8710 North Oracle Road, Tucson, Arizona 85704 (APN 22514169A) (the “Existing Facility”). The Owner is under contract to purchase adjacent parcels APN 22514166E and 22514166D (the “Adjacent Parcels”), on which they wish to expand the Existing Facility (together, the Existing Facility and Adjacent Parcels are the “Site”). In order to allow self-storage uses on the Adjacent Parcels and “clean up” legal non-conforming circumstances on the Existing Facility so that it can legally expand, a general plan amendment and a rezoning to Planned Area Development (“PAD”) is needed. Due to minimum district sizes in the Oro Valley Zoning Code (“ZC”) and the irregularity of the Adjacent Parcels and legal non-conforming circumstances impacting the Existing Facility, Town Staff informed us that a variance would be needed prior to the rezoning. As such, this correspondence requests a variance from ZC Sec. 24.4.C.1 pertaining to the minimum district size of 20 acres for PADs.

Please see the below aerial for a depiction of the Existing Facility and Adjacent Parcels’ location. Additionally, a conceptual site plan is provided with this request which shows the proposed expansion, as currently proposed.



Site Context and History

The Site is located on the east side of North Oracle Road, just south of the N. Oracle Rd. and Hardy Rd. intersection. The Existing Facility is on approximately 4.26 acres and is zoned C-2. The Existing Facility is legally non-conforming as it was constructed prior to the establishment of the current Zoning Code which currently requires a minimum of 10 acres for C-2 districts. Additionally, the Existing Facility maintains several legal non-conforming standards pertaining to front setbacks, frontage depth, rear and building setbacks, and buffer yards that impact the property.

The Adjacent Parcels are a combined 4.77 acres north of the Existing Facility and are zoned C-1. As depicted in the aerials provided, the Adjacent Parcels are irregular in shape, have a short frontage on N. Oracle Rd. which is a six-lane roadway, sloping topography, and has limited

visibility. As a result of these challenges, several proposed developments for the Adjacent Parcels have failed to be realized, so the Adjacent Parcels have remained vacant and undeveloped.

Together, the Existing Facility and Adjacent Parcels (the Site) consist of 9.03 acres.

Request

The Adjacent Parcels' existing C-1 zoning does not permit self-storage uses. Because the Zoning Code now requires that parcels zoned C-2 be a minimum of 10 acres (ZC Sec. 23.4, Table 23-2B), the Adjacent Parcels cannot simply be rezoned to C-2, like the Existing Facility, as they are 4.77 acres in size. Additionally, the Town Zoning Code does not have any provisions for a legal non-conforming structure, such as the Existing Facility, to be expanded without bringing existing buildings to conformance with current code. Therefore, Town Planning Staff informed us that we would need to rezone the entire Site to PAD (with underlying C-2) in order to permit self-storage uses on the Adjacent Parcel and simultaneously "clean up" the legal non-conforming standards in the Existing Facility so that it could expand. According to ZC Sec. 24.4.C.1, however, the minimum district size for PADs is 20 acres. As such, we are respectfully requesting the following variance:

Reduce the PAD's minimum district size requirement of 20 acres to the Site's size, which is approximately 9.03 acres.

Reducing the PAD's minimum district size requirement to approximately 9.03 acres will allow the Site to be rezoned to PAD to allow self-storage on the entire Site while simultaneously addressing legal non-conforming standards on the Existing Facility so that it can expand. To be clear, the proposed reduction is only for the Site and is not to reduce the minimum PAD size for all properties in the Town. Below we enumerate the many legal justifications for the variance, and we are hopeful you will agree that in this case, the variance is justified.

Variance Criteria

- 1. That there are special circumstances or conditions applying to the property strictly related to its size, shape, topography, location or surroundings which do not apply to other properties in the district. Existing building configuration shall be included only when constrained by the special circumstances or conditions of the property; and*

The following special circumstances and conditions are applicable to the Site, and relate to its size, shape, topography, location, and surroundings:

- The Adjacent Parcels, which are 4.77 acres zoned C-1, have failed to develop for any of the permitted uses under C-1 due to the property's size and irregular shape which make it undesirable for development. At 4.77 acres, the Adjacent Parcels are too small to be rezoned to C-2, like the adjacent Existing Facility which has been developed. The Adjacent Parcels are constrained by this condition because it is not legally non-conforming like the

adjacent 4.26-acre Existing Facility, and therefore cannot enjoy similar development prospects under the C-2 district.

- The Adjacent Parcels exhibit an oddly triangular shape – beginning narrow on one end and widening towards the other end. This odd shape detrimentally impacts the usability and desirability of the Adjacent Parcels as it significantly limits its development feasibility. Additionally, the triangular shape complicates the property's access and circulation options. Even if combined with the Existing Facility (together, the Site), the overall Site still exhibits an odd triangular shape. This condition does not apply to other properties in the same district.
- The Adjacent Parcels have just 156 feet of street frontage along North Oracle Road. This limited frontage causes the Adjacent Parcels to have limited visibility from the street, which negatively impacts its desirability for development. The Adjacent Parcels' short frontage, combined with its triangular shape and while sandwiched between the Existing Facility and a Circle K gas station to the north, causes the Adjacent Parcels to have further restricted visibility. If the property had minimal street frontage but was located on a corner it would certainly have better visibility, thereby increasing its development opportunities.
- The Adjacent Parcels experience topography which slopes eastwards, away from the street. This causes the Adjacent Parcels to have limited visibility, which again negatively impacts its desirability for development.
- The Existing Facility was developed before the current Zoning Code was adopted, and is therefore legally non-conforming as it is less than the 10 acre minimum now required for C-2 districts, and is not conforming with some current development standards. As a result, the Existing Facility cannot expand without bringing the existing buildings into conformance, unlike other properties in the C-2 district which can expand by right. Bringing existing buildings into conformance with current code would be a substantial burden. This special condition does not apply to other properties in the same district.

2. *That the special circumstances or conditions as defined in subsection C.1 of this section were not created by a previous or current owner; and*

These special circumstances were not created by the applicant or any previous owner of the Site. The previous and current owners did not have any control over the size, shape, topography, or location of the Site. After the Existing Facility was annexed into the Town, it was expanded as much as the code allowed at the time. There is now no mechanism to permit an expansion of the Existing Facility's legal non-conforming structures in the C-2 district, to the Adjacent Parcels, without bringing the Existing Facility into conformance with the current code. This is not a circumstance created by the property owner.

3. *That the authorizing of the variance is necessary for the preservation of privileges and rights enjoyed by other properties of the same classification in the same zoning district; and*

Currently, C-2 zoning district parcels must be at least 10 acres. The Existing Facility is only 4.26 acres but is zoned C-2 because it is legally non-conforming. Because it is legally non-

conforming, the Existing Facility cannot expand or redevelop without bringing existing buildings into compliance with the current code. If the same code applied since the time the Existing Facility was constructed, it could have redeveloped or expanded by right. Other properties in the same zoning district do not experience this same condition and may be altered without being subject to limitations caused by non-conformities. Bringing the Existing Facility into conformance with the current code would be a substantial burden that other properties of the same classification in the same zoning district would not be subject to. A variance to reduce the minimum PAD size for the Site will allow the Existing Facility's expansion to the Adjacent Parcels, which will preserve the Site's privileges and rights enjoyed by other properties.

4. *That any variance granted is subject to such conditions as will assure that the authorizing of the adjustment shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located; and*

The variance would not constitute a grant of special privileges. The variance would only allow the use of a PAD on the Site. The PAD rezoning process will still require review and comment by Town Staff and participation in the public hearing process by the Owner. This will include neighborhood meetings, Planning and Zoning Commission hearings, and a Town Council hearing. The public hearing process will ensure that the public, including nearby property owners, are properly noticed and given the opportunity to comment on the proposal prior to Town Council determination. As part of the PAD process, conditions can be added to ensure no special privileges are granted.

5. *That the authorizing of the variance will not be materially detrimental to persons residing in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.*

The authorizing of the variance will not be materially detrimental to persons residing in the vicinity, to adjacent property, to the neighborhood or the public welfare in general. The authorization of the variance will result in the ability to request PAD zoning for an expansion of the self-storage use on the Existing Facility property to the Adjacent Parcels. Since there is already an existing self-storage business, there will be no material impact on the surroundings. Self-storage uses are inherently low intensity uses with minimal impact. They generate minimal traffic as customers generally come to store their items and come back only periodically. Additionally, the Site is located near the intersection of two primary roadways and is therefore appropriate for commercial development.

Conclusion

As outlined above, the Site experiences special circumstances related to its size, shape, topography, location and surroundings that detrimentally affect its development feasibility. As such, a variance is needed to reduce the minimum PAD size to allow the long-standing Adjacent Parcels to develop with the expansion of the Existing Facility. Alone, the Adjacent Parcels have

already exhibited development challenges due to its irregular shape and difficult location between surrounding developments. The Existing Facility is legally non-conforming because it was developed before the current version of the code, which prevents it from being combined with the Adjacent Parcels for development. This unique combination of circumstances can be addressed by a variance to allow a PAD on the overall Site, which will allow the Adjacent Parcels to be developed with the Existing Facility's expansion. We believe this will be a great improvement for the Site and surrounding area. For these reasons, we respectfully request that you approve this variance request.

Sincerely,

Omar Abdallah