



City of Broken Arrow

Minutes Planning Commission

City Hall
220 S 1st Street
Broken Arrow OK
74012

Chairperson Lee Whelpley
Vice Chairperson Ricky Jones
Commission Member Fred Dorrell
Commission Member Jaylee Klempa
Commission Member Julea' Merriott

Thursday, January 21, 2021

Time 5:00 p.m.

Council Chambers

1. Call to Order

Chairperson Lee Whelpley called the meeting to order at approximately 5:00 p.m.

2. Roll Call

Present: 4 - Julea' Merriott, Jaylee Klempa, Ricky Jones, Lee Whelpley
Absent: 1 - Fred Dorrell

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

There was no Consent Agenda.

5. Consideration of Items Removed from Consent Agenda

There were no Items removed from the Consent Agenda; no action was taken or required.

6. Public Hearings

A. 21-162

Public hearing, consideration, and possible action regarding SP-299, Church on the Move, 7.55 acres, request for a Specific Use Permit for a Place of Assembly, south of Kenosha Street (71st Street), east of 9th Street (Lynn Lane/177th E. Avenue)

Senior Planner Brent Murphy reported SP-299 was a request for a Specific Use Permit for a "Place of Assembly" use on property presently zoned CG (Commercial General) located south of Kenosha Street (71st Street), east of 9th Street (Lynn Lane/177th E. Avenue); a shopping center containing approximately 68,000 square feet was located on the 7.55-acre parcel. He reported approximately 24,000 square feet on the northeast corner of the shopping center, which was previously used as a drug store and as a health fitness facility, was presently vacant. He reported this case was reviewed by the Planning Commission on December 17, 2020; the Planning Commission, based upon information provided by Staff, information provided by the applicant, and policies contained in the 2019 Comprehensive Plan, voted 3-1 to deny SP-298 for a Place of Assembly. He stated a couple of days after the decision by the Planning Commission, no records were available demonstrating zoning notice signs had been properly installed on the site; as a result, the City of Broken Arrow decided to readvertise the case and conduct a new Public Hearing on January 21, 2021, for SP-299. He stated new signs were posted and new notices were mailed and published. He stated on January 14, 2021, and on January 20, 2021, additional information was submitted by the applicant. He discussed the newly submitted information noting it was included in the Agenda Package and the only changes made were new landscaping provisions. He reported Church on the Move, which presently met in the Broken Arrow Performing Arts Center, wanted to hold church services in the existing vacant space on the northeast corner of the shopping center. He stated as a result, the church submitted a request for a Specific Use Permit for a Place of Assembly which would occupy approximately 24,000 square feet of tenant space. He noted, according to the applicant, the church would bring approximately 500-700 members of the church to the area each Sunday. He explained in making decisions on rezoning requests, including Specific Use Permits, the City of Broken Arrow placed heavy emphasis on what was contained in the Comprehensive Plan. He noted Policy LU1 of the Comprehensive Plan stated, "The City shall refrain from approving requests for Specific Use Permits and PUD's for uses which could affect the ability to attract quality commercial dining or entertainment facilities within or immediately adjacent to existing or future commercial districts (Level 4 and Level 6 areas) as identified in the Future Development Guide." He noted the new Development Standards submitted by the applicant stated, "Church on the Move will positively affect the ability to attract quality commercial and entertainment facilities to the Center and the area (LU1) and will bring significant activity to this intersection (QL3), with an influx of its members on Wednesday and Saturday evenings and approximately 500-700 members to the area each Sunday. As a condition of approval, Church on the Move agrees to waive the 300' spacing requirement applicable to liquor stores and bars in proximity of a church." He commented this was a new inclusion to the

application.

Mr. Brent Murphy reported municipalities in Oklahoma relied heavily on sales tax generated from retail sales to fund and provide the City services, along these lines, Policy LU10 of the Comprehensive Plan stated, “The City shall protect commercial areas from the encroachment of non-commercial uses.” He stated the Place of Assembly proposed with SP-299 would be an encroachment of a non-commercial use into a commercial area. He indicated the applicant proposed the following to be in compliance with the Comprehensive Plan, “SP-299 shall be valid for a period of ten (10) years, which period shall commence on June 1, 2021. In order to extend beyond the ten (10) year term, prior to the expiration thereof, the Specific Use Permit must be renewed by the Broken Arrow City Council through the review and approval procedures of the Broken Arrow Zoning Code for the continued use of the Leased Premises as a Place of Assembly. Notwithstanding the foregoing, SP-299 shall automatically expire at such time as Church on the Move is no longer located and operating as a Place of Assembly in the Leased Premises.” He noted this also was a new addition to the application.

Mr. Murphy stated as per Section 3.1.A.2.b of the Zoning Ordinance, an “S” designation in a given district did not constitute an authorization or an assurance that such use would be permitted; rather, each specific use permit application should be evaluated as to its probable effect on adjacent properties and surrounding areas and may be approved or denied as the findings indicated appropriate. He stated the new Development Standards submitted by the applicant also stated, “Landscaping will comply with the standards for commercial uses contained in Chapter 5 of the Broken Arrow Zoning Code. Approximate locations of new trees and additional landscaping are shown on the attached Conceptual Landscape Plan.” He explained according to Section 6.5.C.8 of the Zoning Ordinance, a Specific Use Permit could be approved only if the City Council found all seven criteria (included in the Agenda Package) were met and with the new Development Standards submitted by the applicant on January 14, 2021, in Staff’s opinion, SP-299 was consistent with the criteria. He stated based on the Development Standards submitted by the applicant on January 14, 2021, the policies contained in the Comprehensive Plan, the surrounding land uses, the location of the property, and requirements of the Zoning Ordinance, Staff recommended approval of SP-299 as presented in the January 20, 2021 document.

Chairperson Whelpley asked if the authority to waive the 300-foot distance between bars and churches belonged to the ABLE Commission.

Mr. Murphy responded in the affirmative; however, if he understood correctly if the church did not object to this requirement being waived prior to entering the premises this could be done.

Chairperson Whelpley noted the 300-foot requirement between churches and bar-type businesses was a state law.

Vice Chairperson Ricky Jones stated he believed there were provisions that allowed a church to waive this requirement. He asked legal counsel’s opinion. He thanked Staff and the applicant for meeting and working to make this application in accordance with the Comprehensive Plan.

The applicant, Nathalie Cornett, with Eller & Detrich, address 2727 E. 21st Street, Tulsa, indicated she was in agreement with Staff recommendations. She stated under state law when a liquor store or any establishment, applied for a liquor license, any churches near the applied for location were given the opportunity to waive this requirement. She explained there were procedures for this waiver which would be submitted to the ABLE Commission. She explained if a liquor store wished to be present in the shopping center, Church on the Move would follow said procedures to waive the requirement with the ABLE Commission and would be bound to do so in accordance with the proposed Development Standards. She noted Brenda Oakes, Pastor of Church on the Move, was present and wished to address the Planning Commission.

Chairperson Whelpley opened the public hearing.

Brenda Oakes, Church on the Move, Executive Pastor, address 6616 S. Indianapolis Avenue, Tulsa, stated Church on the Move wished to impact the City of Broken Arrow. She stated Church on the Move believed when a City and a Church worked in partnership amazing things were accomplished. She briefly reviewed a history of Church on the Move which opened in 2019, held 42 local outreaches, 2,164 hours of community service, partnerships with Broken Arrow Public Schools, Hope is Alive, Broken Arrow Neighbors, Treetop Apartments, Broken Arrow Police Department, Broken Arrow Fire Department, and Flourish Homes, and had financially contributed back to the Community of Broken Arrow \$374,000 dollars which included purchase of a safe house for individuals working to establish sobriety and reconnect with family. She discussed a food drive last year during COVID in partnership with Broken Arrow Public Schools. She stated the desire of the Church was not to be a

burden on the Community, but to bring hope, help, and healing to the families who call Broken Arrow home. She stated Church on the Move hoped to work more with Broken Arrow Public Schools. She stated Church on the Move planned to have a Wi-Fi space for students and families, as well as after school hours with volunteers present to help with homework and distribute snacks.

Citizen Valerie Radford stated her address was 3304 E. Louisville in Broken Arrow. She stated she was the McKinney-Vento Support Specialist for Broken Arrow Public Schools. She explained the McKinney-Vento Act provided rights and services for children and youth experiencing homelessness due to a temporary loss of housing. She noted Broken Arrow homeless were usually doubled up with friends or family, sleeping on couches, or in motels. She noted these families typically had great needs and limited resources. She stated Church on the Move stepped up to help in the last two years. She gave examples of this help including food donation and delivery, furniture and household donations, services donations (such as dental), and Christmas gift donations. She stated Church on the Move had a heart for the Community and a compassion for people. She stated Church on the Move was a wonderful addition to Broken Arrow and she looked forward to a continuing partnership as Church on the Move hopefully settled into its new building.

Citizen Braden Cheek, the property owner’s representative, address 202 E. 2nd Avenue, Owasso, stated this property was purchased with the hope of a lease from Church on the Move in the shopping center. He stated in his experience and through investor response, he was excited for Church on the Move to be in this space and he believed Church on the Move would be a better fit for the shopping center than Sky Fitness was. He stated there was an excellent response from the tenants regarding Church on the Move.

Chairperson Whelpley closed the public hearing.

MOTION: A motion was made by Julea’ Merriott, seconded by Jaylee Klempa.
Move to approve Item 6A per Staff recommendation following the modifications and compliance standards recommended by Staff.

The motion carried by the following vote:
Aye: 4 - Jaylee Klempa, Julea’ Merriott, Ricky Jones, Lee Whelpley

Chairperson Whelpley noted this Item would go before City Council on February 2, 2021 at 6:30 p.m.

7. Appeals

There were no Appeals.

8. General Commission Business

There was no General Commission Business.

9. Remarks, Inquiries, and Comments by Planning Commission and Staff (No Action)

There were no remarks, inquiries, or comments by Planning Commission or Staff.

10. Adjournment

The meeting adjourned at approximately 5:22 p.m.

MOTION: A motion was made by Ricky Jones, seconded by Julea’ Merriott.
Move to adjourn

The motion carried by the following vote:
Aye: 4 - Julea’ Merriott, Jaylee Klempa, Ricky Jones, Lee Whelpley