



# City of Broken Arrow

## Request for Action

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**File #: 25-103, Version: 1**

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**Broken Arrow Planning Commission  
1-16-2025**

**To:** Chairman and Commission Members  
**From:** Development Services Department  
**Title:**

Public hearing, consideration, and possible action regarding SP-001884-2024, an amendment to SP-299, Church on the Move, 7.55 acres, located south of Kenosha Street (71<sup>st</sup> Street), east of 9<sup>th</sup> Street (Lynn Lane/177<sup>th</sup> E. Avenue)

**Background:**

**Applicant:** Steven Torres  
**Owner:** Criterion Fund County Line Broken Arrow LLC  
**Developer:** Church on the Move  
**Architect:** N/A  
**Location:** South of Kenosha Street (71st Street), east of 9th Street (Lynn Lane/177th E. Avenue)  
**Size of Tract:** 7.55 acres  
**Number of Lots:** 1  
**Present Zoning:** CG (Commercial General)/SP-299  
**Comp Plan:** Level 6

SP-001884-2024 is a request to expand SP-299 Specific Use Permit for a “Place of Assembly” use on property presently zoned CG (Commercial General) that is located south of Kenosha Street (71<sup>st</sup> Street), east of 9<sup>th</sup> Street (Lynn Lane/177<sup>th</sup> E. Avenue). A shopping center containing approximately 68,000 square feet is located on the 7.55-acre parcel.

SP-299 was approved on 02-01-2021, which allowed place of assembly on approximately 24,000 square feet of the existing shopping center, and this is a request to increase the area used for “Place of Assembly” to 33,456 square feet.

The Zoning Ordinance defines Place of Assembly as “A building or structure, or group of buildings or structures, intended primarily for the conduction of organized assembly. May include, but are not limited to religious facilities, assembly halls, and fraternal/social clubs. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions.” Place of Assembly requires a Specific Use Permit in all agricultural, residential, and commercial zoning districts. Place of Assembly is a permitted use in the ON (Office Neighborhood district). Church on the Move wants to hold church services in the existing space on the northeast corner of the shopping center.

Kenosha Street, between 9<sup>th</sup> Street and 23<sup>rd</sup> Street, is classified as a primary arterial street. According to a 2019 traffic study, the average daily traffic count on Kenosha Street, east of 9<sup>th</sup> Street was 16,976. Kenosha Street between 23<sup>rd</sup> Street and 9<sup>th</sup> Street generally has the highest daily traffic count in Broken Arrow among arterial streets. Access to the church will be from both Kenosha Street and 9<sup>th</sup> Street.

In making decisions on rezoning requests, including Specific Use Permits, the City of Broken Arrow places heavy emphasis on what is contained in the Comprehensive Plan. Policy LU1 of the Comprehensive Plan states, “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.” Dining establishments that receive less than 50 percent of their revenue from alcohol sales are not impacted by the proximity of religious facilities. However, liquor stores and establishments that receive more than 50 percent of their revenue from alcohol sales do have to be located more than 300 feet from a religious facility or public/private school. The new Development Standards submitted by the applicant state, “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 (QI.3), 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.”

Municipalities in Oklahoma rely heavily on sales tax generated from retail sales to fund and provide the City services. Along these lines, Policy LU10 of the Comprehensive Plan states, “The City shall protect commercial areas from the encroachment of non-commercial uses.” The Place of Assembly previously approved with SP-299 was an encroachment of a non-commercial use into a commercial area, and SP-001884-2024 is an expansion of this encroachment. Additionally, when SP-299 was approved, it was approved for a 10-year period, which set it to expire in February of 2031. SP-001884-2024 proposes to reset this 10-year clock, which would mean that Specific Use Permit for this location will not expire until 2035.

When SP-299 was approved in 2021, there were stipulations for increased landscaping, and beautification of the area. These same stipulations are being continued with SP-001884-2024.

SURROUNDING LAND USES/ZONING/COMPREHENSIVE PLAN

The surrounding properties contain the following uses, along with the following development guide and zoning designations:

Location	Development Guide	Zoning	Land Use
North	Level 6	PUD-92/CH and CH	Convenience store, grocery store, and other retail uses.
East	Level 3 and 6	CN, CH, and RM	Restaurant and drive to multifamily complex.
South	Level 3	RM	Multifamily
West	Level 6	CN, CH, and PUD-205B/CG	Tire store, restaurant, and retail shopping center.

According to Section 6.5.C.8 of the Zoning Ordinance, a Specific Use Permit can be approved only if the City Council finds that all of the following criteria have been met:

- a. The proposed use is consistent with the comprehensive plan and all applicable provisions of this Ordinance and applicable state and federal regulations;
- b. The proposed use is consistent with the purpose and intent of the zoning district in which it is located;
- c. The proposed use is consistent with any applicable Specific Use Permit standards set forth in Section 3.2, *Specific Use Permit Standards*;
- d. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
- e. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable;

- f. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;
- g. Adequate assurances of continuing maintenance have been provided.

In Staff's opinion, SP-001884-2024 is not consistent with the Comprehensive Plan policies LU1 and LU10, but it does meet the criteria above, and staff believes that it meets the threshold for the extension of an existing use.

**Attachments:** Case map  
Aerial photo  
Conceptual Site Plan  
Rendering  
Amendment to Specific Use Permit 299

**Recommendation:**

Based on the surrounding land uses, staff recommends approval of SP-001884-2024, and that platting be waived.

**Reviewed By:** Amanda Yamaguchi

**Approved By:** Rocky Henkel