



City of Broken Arrow

Legislation Details (With Text)

File #: 17-1762 **Name:**
Type: Public Hearings **Status:** Agenda Ready
File created: 1/25/2017 **In control:** Planning Commission
On agenda: 2/9/2017 **Final action:**
Title: Public hearing, consideration, and possible action regarding SP 278, R & M Music, 2.93 acres, CH, east of the southeast corner of Washington Street and Elm Place between Atlanta Street and Washington Street
Sponsors:
Indexes:
Code sections:
Attachments: 1. 2-CASE MAP.SP-278, 2. 3-AERIAL.SP 278, 3. 4-CONCEPTUAL SITE PLAN, 4. 5-JMH SECOND PLAT

Date	Ver.	Action By	Action	Result
2/9/2017	1	Planning Commission		

Broken Arrow Planning Commission 02-09-2017

To: Chairman and Commission Members
From: Development Services Department
Title: Public hearing, consideration, and possible action regarding SP 278, R & M Music, 2.93 acres, CH, east of the southeast corner of Washington Street and Elm Place between Atlanta Street and Washington Street

Background:

Applicant: Kenneth Teague
Owner: Raymond Bagwell
Developer: N/A
Engineer: N/A
Location: East of the southeast corner of Washington Street and Elm Place between Atlanta Street and Washington Street
Size of Tract 2.93 acres
Number of Lots: 1
Present Zoning: CH
Comp Plan: Level 6

SP 278 is a request for a Specific Use Permit for a new church to be located in the Washington Square Center. The property, which contains 2.93 acres, is located east of the southeast corner of Washington and Elm Place

between Atlanta Street and Washington Street. The property is developed and was platted as JHM Second, a re-subdivision of Lots 6 & 7, Block 1, JHM Addition on May 11, 1977.

While the property associated with the application extends from Washington Street to Atlanta Street, applicant is proposing to use an existing tenant space located on the north half of the property near the center of the shopping center next to Washington Street as a church facility. The space provided for the church is approximately 3,500 square feet. Churches are classified as “Places of Assembly” in the Zoning Ordinance, which require a Specific Use Permit in the CH district.

Parking for the church shall be provided by the existing parking lot for the shopping center. Hours of operation of the church coincides with the hours of least traffic for the shopping center, mainly on Sundays and on Wednesday evenings.

There is an existing bar, Torchy’s, in the Washington Square Center, north of the proposed church. While churches can go in the vicinity of an existing bar, if the bar ever loses its State liquor license, it may be difficult to get a new license.

Right-of-way along Washington Street has not been dedicated in accordance with the Subdivision Regulations. The plat for JHM Addition was recorded in Tulsa County on March 23, 1978. When the plat was recorded, 50 feet of right-of-way was dedicated along Washington Street. Today, Washington Street is classified as a primary arterial street, which requires 60 feet of right-of-way from the section line. In addition, the Subdivision Regulations require 65 feet of right-of-way within 350 feet of the intersection of two arterial street. The west property line of the property associated with SP 278 is located 250 feet from the intersection with Elm Place. Therefore, in accordance with the Subdivision Regulations, 15 feet of additional right-of-way is needed on the west 100 feet of the property that will transition at a 30-degree angle to a point that is located 60 feet from the section line, which will continue to the east property line.

The Comprehensive Plan designation for this property is Level 6. CH zoning is considered to be in accordance with the Comprehensive Plan in Level 6. Places of assembly are allowed in the CH district with a Specific Use Permit.

Attachments: Case map
Aerial photo
Conceptual Site Plan
JHM Second plat

Recommendation:

Adding a church to the shopping center could impact future liquor license requirements for tenants in the shopping center. However, the owner of the shopping center is the one applying for the Specific Use Permit. Therefore, based on the Comprehensive Plan, Staff recommends that SP 278 be approved subject to the following conditions:

1. Right-of-Way and utility easements shall be dedicated along Washington Street in accordance with the City of Broken Arrow Subdivision Regulations. This will require 15 feet of additional right-of-way along Washington Street within 100 feet of the west boundary. After 100 feet, the right-of-way dedication will taper back at a 30-degree angle to a point that is 60 feet from the section line. The right-of-way dedication will then continue to the east property line 60 feet from the section line. In addition, a utility easement shall be provided along Washington Street in accordance with the Subdivision Regulations, which is 22.5 feet in width within 350 feet of the arterial street that transitions back to 17.5 feet in width.

2. The Specific Use Permit shall be for a church at the location shown on the site plan submitted with SP 278. SP 278 shall be valid for a two-year period from the date of City Council approval. Any renewals after the two-year period will require a new specific use permit application to be submitted and approved by the City Council.

Reviewed and Approved By: **Michael W. Skates**

MWS:ALY/BDM