

City of Broken Arrow

Legislation Details (With Text)

File #: 18-1007 **Name:**

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Title: Public hearing, consideration, and possible action regarding SP-290 (Specific Use Permit), Refiner's

Fire International Ministries, 1.43 acres, CH, West of Elm Place, 250 feet north of Houston Street

Sponsors:

Indexes:

Code sections:

Attachments: , ,

Date	Ver.	Action By	Action	Result
9/13/2018	1	Planning Commission		

Broken Arrow Planning Commission 09-13-2018

To: Chairman and Commission Members From: Development Services Department

Title:

Public hearing, consideration, and possible action regarding SP-290 (Specific Use Permit), Refiner's Fire International Ministries, 1.43 acres, CH, West of Elm Place, 250 feet north of Houston Street

Background:

Applicant: Pastors Eugene and Tosha Floyd

Owner: 504 S. Elm Place LLC

Developer: Pastors Eugene and Tosha Floyd

Engineer: None

Location: West of Elm Place, 250 feet north of Houston Street

Size of Tract 1.43 acres

Number of Lots: 1
Present Zoning: CH
Comp Plan: Level 6

SP-290 is a request for a Specific Use Permit for a place of assembly in an existing commercial center. The property is located west of Elm Place, 250 feet north of Houston Street.

The project site is platted as Lot 1 Block 1 of Meadow Heights Center and is zoned CH. With SP-290, applicant is requesting approval for a place of assembly in an existing commercial center. The proposed hours of operation are on Sunday from 11:00 a.m. until 3:00 p.m., Tuesday evening and Wednesday evening. The tenant space is approximately 2,000 square feet in area. While the current number of attendees at a service is 25-30

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people, based on the size of the lease area, the assembly use could accommodate up to 100 people. With a parking ratio of one space per four seats, the parking requirement would be 25 parking spaces. In considering the size of the lease area and the hours of operation, there is sufficient parking for this use at this retail center. A wall sign is proposed for the use. Currently, there are no uses within the commercial center that would pose a conflict for the place of assembly use.

Right-of-way along Elm Place has not been dedicated in accordance with the Subdivision Regulations and the Engineering Design Criteria Manual. The Meadow Heights Center plat was recorded in Tulsa County on October 27, 1976. When the plat was recorded, 50 feet of right-of-way was dedicated along Elm Place. Today, Elm Place is classified as a primary arterial street, which requires 60 feet of right-of-way from the section line. In addition, the Subdivision Regulations and the Engineering Design Criteria Manual require 65 feet of right-of-way within 350 feet of the intersection of two arterial streets. The southeast property corner associated with SP -290 is located 195 feet from the intersection with Houston Street. Therefore, in accordance with the Subdivision Regulations and the Engineering Design Criteria Manual, 15 feet of additional right-of-way is needed on the east property boundary for a distance of 155 feet, then transition at a 30-degree angle to a point that is located 60 feet from the section line, which will continue to the north property line. The property owner is not in agreement with dedicating additional right-of-way.

Surrounding land uses and zoning classifications include the following:

North: CH Medical Spa

East: CN and CH Elm Place, Auto Parts, Office

South: CH Service Station
West: RD Duplex Residences

The property associated with SP 290 is not located in a 100-year floodplain.

The property is designated as Level 6 in the Comprehensive Plan. The existing CH zoning is in conformance with the Comprehensive Plan in Level 6. Places of assembly are permitted in commercial zoning designations with a Specific Use Permit. SP-290 is therefore in accordance with the Comprehensive Plan and Zoning Ordinance.

Attachments: Case map

Aerial Narrative Sign Design

Recommendation:

There are not presently any businesses that would be impacted by a church locating as proposed in the shopping center. However, there could be an impact on future development related to businesses that need or desire separation from a church. In the past, the City has allowed places of assembly to locate in commercial areas with a two-year time limit. Therefore, based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that SP-290 be approved, subject to the following conditions of approval.

1. Right-of-way and utility easements shall be dedicated along Elm Place in accordance with the City of Broken Arrow Subdivision Regulations. This will require 15 feet of additional right-of-way along Elm Place from the southeast corner of the property extending northward for 155 feet, then transition at a 30-degree angle to a point that is 60 feet from the section line, which will continue to the north property line.

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- 2. SP-290 shall be approved for a two-year period with an expiration date of October 2, 2020.
- 3. The applicant shall obtain a sign permit for the wall-mounted sign.

Reviewed By: Larry R. Curtis

Approved By: Michael W. Skates

JMW