



# City of Broken Arrow

## Request for Action

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**File #: 17-2005, Version: 1**

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**Broken Arrow City Council  
Meeting of: 04-04-2017**

**To: Mayor and City Council Members  
From: Development Services Department  
Title:**

**Approval of SP 278 (Specific Use Permit), 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:**

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.

The Planning Commission, in their meeting of February 9, 2017, reviewed SP-278 and recommended approval, as recommended by Staff. SP 278 was presented to the City Council on March 7, 2017. The property owner, Ray Bagwell, requested that this item be tabled to the April 4, 2017 City Council meeting to allow time for the completion of the appraisal for the right-of-way dedication.

**Cost:** \$0

**Prepared By:** Larry R. Curtis/Brent Murphy

**Reviewed By:** Development Services Department  
Assistant City Manager, Operations  
Legal Department

**Approved By:** Michael L. Spurgeon, City Manager

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

**Recommendation:**

Approve SP 278 be approved for a period of two years subject to staff recommendation and dedication of Right-of-Way and utility easements in accordance with the City of Broken Arrow Subdivision Regulations.