



City of Broken Arrow

Request for Action

File #: 17-2688, Version: 1

**Broken Arrow Planning Commission
10-12-2017**

To: Chairman and Commission Members
From: Development Services Department
Title: Public hearing, consideration, and possible action regarding SP-285 (Specific Use Permit), and Abrogation of SP-164, The Ridge at Broken Arrow, 12.0028 acres, A-1, east of 37th Street, one-third mile south of Kenosha Street

Background:

Applicant: Tim Terral, Tulsa Engineering
Owner: JM Assets, LP
Developer: N/A
Engineer: Tim Terral, Tulsa Engineering
Location: East of 37th Street, one-third mile south of Kenosha Street
Size of Tract 12.0028 acres
Number of Lots: 1
Present Zoning: A-1
Comp Plan Present: Levels 4

SP-285 is a request for a Specific Use Permit for a place of assembly for The Ridge at Broken Arrow. The property is zoned A-1 and is located east of 37th Street, one-third mile south of Kenosha Street.

A Specific Use Permit was previously approved for this site (SP-164) for Tee Town Golf Ranch on January 22, 2002 to allow a golf driving range, subject to the property being platted. The property was platted on June 5, 2002 and filed in Wagoner County. Site improvements were completed in accordance with the conditions of approval including buildings, drive aisles, a parking lot, sidewalk, landscaping, signs, and site lighting. Tee Town Golf Ranch has since closed, and the applicant has requested to abrogate SP-164.

The recorded plat for Tee Town Golf Ranch includes use and development restrictions within the covenants that limit the use to outdoor recreation facilities and to uses accessory to a golf driving range. According to the restrictions, signs are limited to 14 feet in height and 100 square feet in sign area. No billboards, portable signs or banners of any type are allowed. Light standards are limited to 35 feet in height. The covenants allow for the restrictions to be amended or terminated by written instrument and signed by the Planning Commission, its successors, and owners of a majority of the lots within the subdivision. As such, the applicant will need to draft a separate written instrument for the Planning Commission's signature to amend the use restrictions on the plat and record it with Wagoner County.

The current proposal is for a Specific Use Permit for a place of assembly on a portion of the project site that will be used by The Ridge at Broken Arrow. Since submitting this application, the applicant has submitted an application for a lot split to subdivide the site into three parcels (BAL-2026). One of the proposed parcels is for the place of assembly that is the subject of this Specific Use Permit (SP-285). A mutual access and parking easement is proposed for these parcels. The Ridge at Broken Arrow proposes to remodel and use the existing 4,000-square-foot Pro Shop building on the site for the proposed church. The applicant would like to construct a larger building in the future and will return to the City for approval of a Specific Use Permit Extension at that time. The applicant also proposes to use the site for outdoor recreation including soccer and similar uses.

The Broken Arrow Zoning Ordinance (updated in 2008) requires all places of assembly within agricultural and residential zoning districts to have a Specific Use Permit (Section 3.2.B.6). A minimum of five acres is required for parcels utilizing a septic system. At just over 12 acres, this proposal meets the area requirement. There is an existing 12-inch water line along 37th Street. The existing buildings on site meet the setback requirements.

Section 5.4.D of the Zoning Ordinance indicates a parking requirement for places of assembly of one space per 4 seats in the meeting area or one space per 100 square feet in a meeting area without seats. Currently, The Ridge at Broken Arrow has a congregation of 80 to 100 people requiring 25 parking spaces. The existing parking on the site has 82 parking spaces including 79 standard and three handicap spaces, thereby exceeding the parking required for the assembly use. Per Section 3.2.B.6.c of the Zoning Ordinance, “No parking shall be permitted within a required front yard or building line setback, within an agriculture (A-1) or residential (R) zoning district.” The parking that exists at the front of the site was approved with the Tee Town Golf Ranch approval and is considered pre-existing. Vehicular access to the property will be from the existing driveways along 37th Street, south of Kenosha Street.

Landscaping and driving range lighting is existing. The applicant proposes to turn off the driving range lighting by 10:00 p.m. New parking lot and building lighting is proposed to be installed in accordance with Section 5.6 of the Zoning Ordinance. Parking lot lighting will include deflectors and directed downward. Building-mounted light fixtures will be hooded and directed downward to prevent spillover onto adjacent properties. Any modifications to the site will be subject to staff review of a site and landscape plan to ensure that it is completed in accordance with the Zoning Ordinance, and a photometric plan is to be submitted to show that light will not spill over onto adjacent properties.

According to Section 5.7.E.2, freestanding signs within agricultural and residential zoning districts, and are located on lots used for institutional uses, are permitted a sign that does not exceed 32 square feet in area or eight feet in height. Signs may exceed these requirements through the PUD or Specific Use Permit process. The applicant has indicated that signs will be installed in accordance with Section 5.7 of the City of Broken Arrow Zoning Ordinance.

Surrounding land uses and zoning classifications include the following:

North:	A-1	Undeveloped
East:	A-1	Creek Turnpike and Undeveloped beyond
South:	A-1	Undeveloped
West:	A-1	Undeveloped

According to the FEMA maps, the property is not located in a 100-year floodplain area. Three reserve areas

exist on the site that serve as stormwater detention facilities that serve the entire site.

The Comprehensive Plan designation for the subject parcel is Level 4 (Commercial/Employment Nodes). The zoning designation on the property of A-1 (Agricultural) is not consistent with the land use designation of Level 4 (Commercial/Employment Nodes); however, a place of assembly is permitted in an A-1 zoning district with approval of a Specific Use Permit.

Policy C-P1 of the Comprehensive Plan states, “The City shall refrain from approving requests for Special Permits for uses which could affect ability to attract quality dining or entertainment facilities within or immediately adjacent to existing or future commercial districts (Level 4 and 6 areas) as identified in the Future Development Guide.” According to the Oklahoma Alcohol Beverage Administrative Code (ABLE) Commission, Section 45:10-3-32, establishments that serve alcoholic beverages are prohibited from locating within three hundred feet of a school or church property. There are not presently any businesses that would be impacted by this separation requirement. In the past, the City has allowed places of assembly to locate in commercially zoned areas with a two-year time limit.

Attachments: Case map
Aerial photo
Tee Town Golf Ranch Plat
Specific Use Permit Proposal
Site Plan
Request to Abrogate SP-164

Recommendation:

Based on the uses in the area, the location of the property, and the surrounding land uses, Staff recommends that SP-164 be abrogated, and that SP-285 be approved, subject to the following conditions of approval.

1. SP-164 shall be abrogated. Staff will forward this abrogation request to the next available City Council meeting.
2. The applicant shall draft a separate written instrument for the Planning Commission’s signature to amend the use restrictions on the plat and record it with Wagoner County.
3. Consistent with previous Specific Use Permits for places of assembly, Staff recommends that SP-285 be approved for two years with an expiration date of October 17, 2019.
4. The applicant shall obtain approval of a Specific Use Permit for the development of any additional buildings on the site and for any modifications to the site other than the improvements included in SP-285.
5. Approval of the lot split (BAL-2026) of the project site into three parcels.
6. Subject to staff review of the site plan and landscape plan.
7. If needed, the building space associated with the place of assembly shall be upgraded to meet current building and fire codes.
8. Per the Development Standards for The Ridge at Broken Arrow, signs will be installed in accordance with Section 5.7 of the City of Broken Arrow Zoning Ordinance. The applicant may apply for approval of a Specific Use Permit to exceed the permitted sign area of 32 square feet and eight feet in height for signs for an institutional use in an agricultural zoning district if so desired.
9. Applicant to submit a photometric study to demonstrate that light will not spillover onto adjacent properties.
10. Existing area lighting for the former driving range shall be turned off by 10:00 p.m.

Reviewed By: **Larry R. Curtis**

Approved By: **Michael W. Skates**

JMW