

## ORDINANCE NO. 3827

**An ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1643, along with SP-001224-2023 generally located north of the northwest corner of County Line (South 193rd East Avenue), and East Albany Street (East 61st Street), granting CG (Commercial General) zoning classification upon the tract along with SP-001224-2023, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**

**WHEREAS**, the State of Oklahoma has granted cities, as governmental entities, the duty and power to enact zoning ordinances for the protection of persons and property residing within the City limits, and for securing the benefits of orderly development as a whole; and

**WHEREAS**, a series of governmental administrative hearings have been conducted at which time it was determined that the land in question would be proper for an CG (Commercial General) District; and

**WHEREAS**, rezoning case BAZ-1643 (A-1 to CG) was approved by the Broken Arrow City Council on July 6, 2004, subject to the property being platted; and

**WHEREAS**, Specific Use Permit SP-001224-2023 was approved by the Broken Arrow City Council on February 6, 2024, subject to property platting being waived; and

**WHEREAS**, the property is generally located north of the northwest corner of County Line (South 193rd East Avenue), and East Albany Street (East 61st Street); and

**WHEREAS**, the proposed zoning is compatible with the comprehensive plan and surrounding uses; and

**WHEREAS**, the granting of the application will not have an adverse effect on the other property in the area or in the community; and

**WHEREAS**, for these reasons, the City Council finds this request should be granted.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA:**

**SECTION I.** The zoning classification of the following described real estate situated in Tulsa County, State of Oklahoma, being more particularly described as follows:

**Legal Description for BAZ-1643 and SP-001224-2023**

A tract of land contained within the Southeast Quarter (SE/4) of Section Thirty-six (36), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows:

COMMENCING at the Southeast corner of said SE/4; Thence N 00°03'9" W along the East line of said SE/4 a distance of 660.50 feet; Thence S 89°59'47" W, parallel with the South line of said SE/4 a distance of 60.00 feet to the POINT OF BEGINNING, said point being on the West line of Permanent-Right-of-Way, Doc. No. 2021031632, as filed in the office of Tulsa County Clerk; Thence continuing S 89°59'47" W, parallel with the South line of said SE/4 a distance of 270.00 feet to the South-Southeast corner of FAIRWAY CROSSING, and Addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, Plat No. 5979, as filed in the office of the Tulsa County Clerk; Thence N 00°03'09" W along the East line of said Plat No. 5979, a distance of 242.00 feet; Thence N 89°59'47" E a distance of 270.00 feet to a point on the West line of said Permanent Right-of-Way; Thence S 00°03'09" E along said West line a distance of 242.00 feet to the POINT OF BEGINNING.

be and the same is hereby changed from the zoning A-1 to CG (Commercial General) along with SP-001224-2023.

**SECTION II.** Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

**SECTION III.** An emergency exists for the preservation of the public health, peace, and safety, and therefore this ordinance shall become effective from and after the time of its passage and approval.

PASSED AND APPROVED and the emergency clause ruled upon separately this 19<sup>th</sup> day of March, 2024.

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MAYOR

ATTEST:

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(Seal) CITY CLERK

APPROVED:

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ASSISTANT CITY ATTORNEY