

## **ORDINANCE NO. 3553**

**An ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1889, generally located one-third mile east of Aspen Avenue, north of Tucson Street, granting a CH zoning classification be placed upon the tract along with PUD-220, 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**, rezoning case BAZ-1889 (A-1 to CH) and PUD-220, which involved a 100.91 acre parcel, were approved by the Broken Arrow City Council on June 2, 2013, subject to the property being platted; and

**WHEREAS**, part of the property has been platted as Starbucks at Aspen Creek. The plat for Starbucks at Aspen Creek, which contains 1.42 acres, was recorded in Tulsa County on November 9, 2018; and

**WHEREAS**, the property is generally located one-third mile east of Aspen Avenue, north of Tucson Street, Broken Arrow, Oklahoma; 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:

All of Starbucks at Aspen Creek, a tract of land situated in the Southwest Quarter (SW/4) of Section 34, Township 18 North, Range 14 East, of the Indian Base and Meridian, City of Broken Arrow, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, document no. 6820.

be and the same is hereby changed from the zoning A-1 (Agricultural) to CH (Commercial Heavy), and PUD-220.

**SECTION II.** Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.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 5<sup>TH</sup> day of FEBRUARY, 2019.

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MAYOR

ATTEST:

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(Seal) CITY CLERK

APPROVED:

  
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ASSISTANT CITY ATTORNEY