

ORDINANCE NO. 3388

An ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1678, granting a CH zoning classification to be placed upon the tracts, generally located on the northeast corner of Albany Street and 23rd Street, 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 1678 (AC-5 to C-5) was approved by the City Council on August 1, 2005, subject to the property being platted and was granted a C-5 zoning classification; and

WHEREAS, on February 1, 2008, the C-5 district was changed to CH (Commercial Heavy District); and

WHEREAS, the plat for Casey's General Store 1, Lot 1, Block 1, which contains 1.32 acres, was recorded in Wagoner County on September 18, 2015; and

WHEREAS, the property is generally located on the northeast corner of Albany Street and 23rd 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 Wagoner County, State of Oklahoma, being more particularly described as follows:

All of Casey's General Store 1, Lot 1, Block 1, a re-plat of part of County Line Center BK. PLC4, Pg. 384, an addition to the City of Broken Arrow, Wagoner County, Oklahoma and a part of Government Lot 4 of Section 31, Township 19 North, Range 15 East of the Indian Base and Meridian, Book 2240, Page 895.

be and the same is hereby changed from the zoning classifications of A-1 to CH.

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 Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.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 2nd day of February, 2016.

MAYOR

ATTEST:

(Seal) ACTING CITY CLERK

APPROVED:

Lesli Myers

ASSISTANT CITY ATTORNEY