

ORDINANCE NO. 3612

An ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1789 and BAZ-1842, generally located near the northeast corner of Jasper Street (131st Street) and Aspen Avenue (145th E. Avenue), granting RS-3, RD, and FD zoning classifications upon the tract along with PUD-260, 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-1789 (A-1, R-2, and A-R-2 to R-3S and FD) and PUD-183 were approved by the Broken Arrow City Council on December 3, 2007, subject to the property being platted; and

WHEREAS, PUD 183A, a major amendment to PUD 183, was approved by the City Council on March 23, 2010, subject to the property being platted; and

WHEREAS, while both PUD 183 and PUD 183A expired, the rezoning approved with BAZ-1789 remained;

WHEREAS, on February 1, 2008, a new Zoning Ordinance was adopted and the R-3S District was changed to RS-3; and

WHEREAS, on March 23, 2010, the City Council approved BAZ 1842 to change the zoning on part of the property from A-1, AR-2, and R-2 to RD, subject to the property being platted; and

WHEREAS, PUD-260 was approved by the City Council on May 16, 2017, subject to the property being platted; and

WHEREAS, the property has been platted as Aspen Crossing I and Aspen Crossing Patio Homes. The plat for Aspen Crossing I, which contains 12.63 acres, was recorded in Tulsa County on February 21, 2019. The plat for Aspen Crossing Patio Homes, which contains 15.29 acres, was also recorded in Tulsa County on February 21, 2019; and

WHEREAS, the property is generally located near the northeast corner of Jasper Street (131st Street) and Aspen Avenue (145th E. Avenue); 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 PUD-260

All of Aspen Crossing I, a subdivision in the City of Broken Arrow, being a part of the SW/4 of Section 3, Township 17 North, Range 14 East of the Indian Meridian, Tulsa County, State of Oklahoma, Document #6843, and

All of Aspen Crossing Patio Homes, a subdivision in the City of Broken Arrow, being a part of the SW/4 of Section 3, Township 17 North, Range 14 East of the Indian Meridian, Tulsa County, State of Oklahoma, Document #6844.

Legal Description for RS-3

All of Aspen Crossing I, a subdivision in the City of Broken Arrow, being a part of the SW/4 of Section 3, Township 17 North, Range 14 East of the Indian Meridian, Tulsa County, State of Oklahoma, Document #6843.

Legal Description for RD

All of Aspen Crossing Patio Homes, a subdivision in the City of Broken Arrow, being a part of the SW/4 of Section 3, Township 17 North, Range 14 East of the Indian Meridian, Tulsa County, State of Oklahoma, Document #6844., less and except Reserve D.

Legal Description for FD

Reserve D of Aspen Crossing Patio Homes, a subdivision in the City of Broken Arrow, being a part of the SW/4 of Section 3, Township 17 North, Range 14 East of the Indian Meridian, Tulsa County, State of Oklahoma, Document #6844

be and the same is hereby changed from the zoning A-1, R-2, and A-R-2 to RS-3, RD, and FD, along with PUD-260.

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 _____ day of _____, 2020.

MAYOR

ATTEST:

(Seal) CITY CLERK

APPROVED:



ASSISTANT CITY ATTORNEY