



City of Broken Arrow
Meeting Agenda
Planning Commission

Robert Goranson Chairman
Jason Coan Vice Chairman
Jaylee Klempa Commissioner
Jonathan Townsend Commissioner
Mindy Payne Commissioner

Thursday, March 27, 2025

5:30 PM

City of Broken Arrow
Council Chambers
220 South 1st Street
Broken Arrow, OK
74012

1. Call To Order

2. Roll Call

3. Old Business

4. Consideration of Consent Agenda

- A. [25-407](#) Approval of Planning Commission meeting minutes of March 13, 2025

Attachments: [03-13-2025 Meeting Minutes](#)

- B. [25-402](#) Approval of PT-002053-2025|PR-000089-2022, Preliminary Plat, The Enclave at Southern Hills, approximately 20.13 acres, 3 Lots, located south of New Orleans Street (101st Street) and east of Olive Avenue (129th Avenue)

Attachments: [2-Checklist](#)
[3-Preliminary Plat and Covenants](#)

- C. [25-397](#) Approval of PT-002050-2025|PR-000784-2024, Conditional Final Plat for Hackberry Market, 30.54 acres, 6 lots, CN (Commercial Neighborhood), CG (Commercial General), RD (Residential Duplex), and R-2 (Single Family Residential) to CH (Commercial Heavy) and PUD-001818-2024 via BAZ-001817-2024, northeast corner of Tucson Street (121st Street) and Aspen Avenue (145th E. Avenue)

Attachments: [2-Checklist](#)
[3-Conditional Final Plat](#)

- D. [25-395](#) Approval of LOT-001770-2024 (Lot Split), Villas at Battle Creek, Lot Split, 11.45 acres, 1 lot to 2 lots, CG (Commercial General)/PUD (Planned Unit Development) 94, one-quarter mile south of Omaha Street (51st Street), east of Aspen Avenue (145th E. Avenue)

Attachments: [2- Case Map](#)
[3- Aerial](#)
[4- Exhibit](#)
[5- Exhibit](#)

- E. [25-403](#) Approval of LOT-002054-2025 (Lot Change), 2 Lots, Parcel A Lot 1, Block 1 Outlet Mall & Parcel B unplatted, 1 Proposed Lot, approximately 28.36 acres, located on east Aspen Avenue (145th Avenue), and one quarter mile south of Omaha Steet (51st Street)

Attachments: [2-Case Map](#)
[3-Aerial](#)
[4-Comprehensive Plan Map](#)
[Legal Description](#)

- F. [25-398](#) Approval of LOT-002055-2025 (Lot Consolidation), Villas at Battle Creek, 1 Proposed Lot, 12.93 acres, located south and east of the southeast corner of Omaha Street (51st Street) and Aspen Avenue (145th E. Avenue)

Attachments: [2-Case Map](#)
[3-Aerial](#)
[4-Exhibit](#)

5. Consideration of Items Removed from Consent Agenda

6. Public Hearings

- A. [25-394](#) Public hearing, consideration, and possible action regarding PUD-002031-2025, minor amendment to PUD-94V, Maverik 5396, 2.3 acres, Commercial Heavy (CH) and PUD-94V, located approximately one-half mile north of West Albany Street (East 61st Street) and east of Aspen Avenue (South 145th Avenue).

Attachments: [2- Case Map](#)
[3- Aerial](#)
[4- PUD-002031-2025 Design Statement](#)
[5- PUD 94V Design Statement](#)
[6- Exhibit](#)

7. Appeals

8. General Commission Business

- A. [25-416](#) Consideration, discussion, and possible approval of building elevations for SITE-001722-2024, National Grocer, 2.6 acres, CH (Commercial Heavy)/SP (Specific Use Permit) 233, located one-quarter mile north of Kenosha Street, one-third mile east of 9th Street (177th E. Avenue/Lynn Lane Road

Attachments: [2-Elevations](#)
[3-Material Details](#)

9. Remarks, Inquiries and Comments by Planning Commission and Staff (No Action)

10. Adjournment

NOTICE:

- 1. ALL MATTERS UNDER “CONSENT” ARE CONSIDERED BY THE PLANNING COMMISSION TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. HOWEVER, ANY CONSENT ITEM CAN BE REMOVED FOR DISCUSSION, UPON REQUEST.**
- 2. IF YOU HAVE A DISABILITY AND NEED ACCOMMODATION IN ORDER TO PARTICIPATE IN THE MEETING, PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT AT 918-259-8412, TO MAKE ARRANGEMENTS.**
- 3. EXHIBITS, PETITIONS, PICTURES, ETC. PRESENTED TO THE PLANNING COMMISSION MAY BE RECEIVED AND DEPOSITED IN CASE FILES TO BE MAINTAINED AT BROKEN ARROW CITY HALL.**
- 4. RINGING/SOUND ON ALL CELL PHONES AND PAGERS MUST BE TURNED OFF DURING THE PLANNING COMMISSION MEETING.**

A paper copy of this agenda is available upon request.

POSTED this ____ day of _____, _____, at _____ a.m./p.m.

City Clerk



City of Broken Arrow

Request for Action

File #: 25-407, **Version:** 1

**Broken Arrow Planning Commission
03-27-2025**

To: Chairman and Commission Members
From: Community Development Department
Title:

Background: Approval of Planning Commission meeting minutes of March 13, 2025
Minutes recorded for the Broken Arrow Planning Commission meeting.

Attachments: 03 13 2025 Planning Commission Minutes

Recommendation: Approve minutes of Planning Commission meeting held March 13, 2025.

Reviewed By: Amanda Yamaguchi

Approved By: Rocky Henkel



City of Broken Arrow

City of Broken Arrow
220 South 1st Street
Broken Arrow, OK
74012

Minutes

Planning Commission

Robert Goranson Chairman
Jason Coan Vice Chairman
Jaylee Klempa Commissioner
Jonathan Townsend Commissioner
Mindy Payne Commissioner

Thursday, March 13, 2025

5:30 p.m.

Council Chambers

1. Call to Order

Chairman Robert Goranson called the meeting to order at approximately 5:31 p.m.

2. Roll Call

Present: 5 - Mindy Payne, Jonathan Townsend, Jaylee Klempa, Jason Coan, Robert Goranson

3. Old Business - NONE

4. Consideration of Consent Agenda

- A. 25-327 Approval of Planning Commission meeting minutes of February 13, 2025
- B. 25-328 Approval of Planning Commission meeting minutes of February 27, 2025
- C. 25-310 Approval of PR-000762-2024|PT-002024-2025, Preliminary Plat, Ferguson Kia, approximately 6.37 acres, 1 Lot, PUD- 001972-2025/CH (Commercial Heavy), located approximately at the southeast corner of Elm Place and the Broken Arrow Expressway and one-third mile south of Albany Street (61st Street)
- D. 25-313 Approval of PR-000671-2024 | PT-002022-2025, Conditional Final Plat, Arrow Forge Innovation District, approximately 92.20 acres, 4 proposed lot, A-1 (Agricultural), located approximately one-eighth mile east of Olive Avenue (129th East Avenue), south of Florence Street (111th Street)
- E. 25-317 Approval of LOT-002002-2025, Bintree Lift Station, 1 lot to 2 lots, 9.60 acres, located approximately one-third mile east of 23rd Street (County Line Road), south of Albany Street (61st Street)
- F. 25-309 Approval of LOT-002023-2025 Vandever East, 1 lot to 2 lots, 3.34 acres, Commercial General (CG), PUD-4C, and UG3+, located approximately northeast of the northeast corner of New Orleans Street (101st Street) and Elm Place (161st E. Avenue)

MOTION: A motion was made by Robert Goranson, seconded by Jonathon Townsend
Move to Motion to approve items 4 A, B, D, & E of Consent Agenda

The motion carried by the following vote:

Aye: 4 - Mindy Payne, Jonathan Townsend, Jaylee Klempa, Robert Goranson
Absent: 1 - Jason Coan (absent – arrived at 5:36 p.m.)

5. Consideration of Items Removed from Consent Agenda

- C. 25-310 Approval of PR-000762-2024|PT-002024-2025, Preliminary Plat, Ferguson Kia, approximately 6.37 acres, 1 Lot, PUD- 001972-2025/CH (Commercial Heavy), located approximately at the southeast corner of Elm Place and the Broken Arrow Expressway and one-third mile south of Albany Street (61st Street)

Hannah Rystedt, Planning Intern, presented Item 25-310, the preliminary plat for Ferguson Kia, covering approximately 6.37 acres as a single commercial lot within PUD 1972-2025, is under development at the southeast corner of Elm Place and the Broken Arrow Expressway, about one-third mile south of Albany Street. The lot complies with CH zoning district standards, except where modified by the PUD. An overland drainage easement is planned for a blue-lined stream, though the property is not in a 100-year floodplain per FEMA maps. Primary access will be west Oakland Place, with a temporary turnaround easement to the east. City water and sanitary sewer services are available. Reviewed by the Technical Advisory Committee on March 4, 2025, staff recommends approval, subject to attached comments.

Henry Bibelheimer, Planner II, read a public comment into the record, John Lindman, a resident of 1201 North Kenwood Avenue, expresses concerns about excessive light pollution from the

proposed Ferguson Kia expansion (Agenda Item 4C) for the March 13, 2025, Planning Commission meeting. After a previous expansion, he experienced a significant increase in light pollution, requiring light-blocking curtains to sleep. While he supports the project, he urges the Commission to enforce dark sky regulations or, at a minimum, require the developer to submit a plan to limit light pollution. He also reiterates his request for reduced lighting at existing dealership lots, citing similar ordinances adopted by other municipalities.

MOTION: A motion was made by Mindy Payne, seconded by Jaylee Klempa
Move to approve Item 25-310 PR-000762-2024|PT-002024-2025, Preliminary Plat, Ferguson Kia, approximately 6.37 acres, 1 Lot, PUD- 001972-2025/CH (Commercial Heavy), located approximately at the southeast corner of Elm Place and the Broken Arrow Expressway and one-third mile south of Albany Street (61st Street)

The motion carried by the following vote:

Aye: 5 -

Mindy Payne, Jonathan Townsend, Jaylee Klempa, Jason Coan, Robert Goranson

F. 25-309 Approval of LOT-002023-2025 Vandever East, 1 lot to 2 lots, 3.34 acres, Commercial General (CG), PUD-4C, and UG3+, located approximately northeast of the northeast corner of New Orleans Street (101st Street) and Elm Place (161st E. Avenue)

Henry Bibelheimer, Planner II, presented Item 25-309, the approval of Lot 2023-2025 Vandiver East involves splitting one lot into two on approximately 3.34 acres, zoned Commercial General and PUD 4C, with UG3 Plus designation from the New Orleans Square Overlay. Located northeast of the New Orleans Street and Elm Place intersection, the split is requested to facilitate the sale of part of the shopping center. The site follows base-zoning ordinance frontage requirements, as modified by the New Orleans Square Overlay, which sets a minimum frontage of 125 feet. Tract A meets this requirement and provides more parking than required (57 spaces vs. 31 required), as does Tract B (62 spaces vs. 33 required). The New Orleans Square Overlay reduces standard zoning parking requirements by half. The property is not in a 100-year floodplain, and water and sanitary sewer services are available. Reviewed by the Technical Advisory Committee on March 4, 2025, with no objections from ONG, PSO, Windstream, or Cox, staff recommends approval, contingent on new warranty deeds for all parcels stamped by the Planning Development Division before recording with Tulsa County.

Robert Getchell, GableGotwals Counsel, attorney for the applicant, stated the lot split would not alter the existing functionality of the property, as the driveways and access points have historically operated in this manner. The primary change is ownership, with a party seeking to own the building and surrounding property instead of leasing it. The subdivision's mutual access and parking easements will remain unchanged, ensuring the property continues functioning as it has for the past 20 years.

The commission further discussed the lot split for Vandiver East and focused on frontage concerns, as the required 125 feet of frontage is spread across multiple arterials, creating a fragmented appearance. However, the lot will functionally operate as it has historically, with existing driveways, mutual access, and parking easements remaining unchanged. The primary intent of the split is for a current tenant to purchase and relocate their business within the shopping center. There are no immediate plans to modify buildings or pavement.

Concerns about potential redevelopment and whether the lot configuration might create challenges were raised. While the zoning ordinance does not explicitly prohibit distributed frontage across multiple arterials, some members questioned whether this interpretation aligns with its original intent. Additionally, the split provides an opportunity to secure an extra 10 feet of right-of-way along New Orleans Street, which was not included in the original staff report. A motion was made to approve the lot split per staff recommendations, with the added condition of dedicating the right-of-way along the arterial street frontages.

MOTION: A motion was made by Jaylee Klempa, seconded by Robert Goranson
Move to approve Item 25-309 with the addition of dedicating ultimate right-of-way, LOT-002023-2025 Vandever East, 1 lot to 2 lots, 3.34 acres, Commercial General (CG), PUD-4C, and UG3+, located approximately northeast of the northeast corner of New Orleans Street (101st Street) and Elm Place (161st E. Avenue)

The motion carried by the following vote:

Aye: 5 -

Mindy Payne, Jonathan Townsend, Jaylee Klempa, Jason Coan, Robert Goranson

6. Public Hearings

A. 25-314 Public hearing, consideration, and possible action regarding PUD-001977-2025, minor amendment to PUD-290A, RiverBrook, 6.1 acres, Residential Multifamily (RM) and PUD-290A, located approximately one-half mile south of East Jasper Street (East 131st Street South) and east of Aspen Avenue (South 145th Avenue).

Henry Bibelheimer, Planner II, presented Item 25-314, a public hearing concerning a minor

amendment, PUD 1977-2025, to PUD 290A for Riverbrook Apartments, a 6.1-acre multifamily residential development located south of East Jasper Street and east of Aspen Avenue. Initially approved in 2019, PUD 290 allowed apartment construction on 14 acres, setting fencing and landscaping requirements and capping Phase 2 at 95 units. PUD 290A later modified fencing and landscaping requirements along Aspen.

The current amendment facilitates Phase 2 development, proposing 54 dwelling units and allowing parking within 150 linear feet of the 1,330-foot-long green space. It also includes parking within a 130-foot electrical transmission easement relocating a required buffer fence to the south side of the parking lot. Portions of the site fall within a 100-year floodplain per FEMA maps. Staff recommends approval based on the comprehensive plan, location, and surrounding land uses and suggests waiving the platting requirement.

Derrick Hamilton, Belmont Development, the developer and owner, who will also serve as the general contractor for Phase 2, currently owns the adjacent Phase 1 project. They are requesting a minor modification to allow additional parking closer to the buildings and to relocate the required fence to the south side of the property, separating it from the soccer fields.

Further discussion clarified that the red text in the PUD amendment narrative indicates additions rather than general changes. There was some confusion regarding a color rendering included in the documents, with questions about its relevance to the proposed amendment. Staff explained that the rendering, which highlights the parking on the south side near the transmission line and easement, was originally part of a previous PUD submission rather than the current amendment. Ultimately, it was confirmed that no changes were made to the rendering, and the consensus was that it looked good as initially presented.

**MOTION: A motion was made by Jason Coan, seconded by Jaylee Klempa
Move to approve Item 25-314 PUD-001977-2025, minor amendment to PUD-290A, RiverBrook, 6.1 acres, Residential Multifamily (RM) and PUD-290A, located approximately one-half mile south of East Jasper Street (East 131st Street South) and east of Aspen Avenue (South 145th Avenue).**

The motion carried by the following vote:

Aye: 5 -

Mindy Payne, Jonathan Townsend, Jaylee Klempa, Jason Coan, Robert Goranson

B. 25-316 Public hearing, consideration, and possible action regarding SP-001966-2025 (Specific Use Permit), Church of St. Benedict Signage, 4.84 acres, R-2 (Single Family Residential) and RD (Residential Duplex)/SP (Specific Use Permit) 27, one-quarter mile north of New Orleans Street (101st Street), west of Aspen Avenue (145th E. Avenue)

Mackenzie Hackett, Staff Planner, presented Item 25-316, a public hearing concerning SP-01966-2025, a request for a specific use permit to install a digital monument sign for the Church of St. Benedict on its 4.84-acre property, located west of Aspen Avenue and north of New Orleans Street. The proposed sign, now revised from its original submission, will be 12 feet tall with a 60-square-foot display area, including a 30.94-square-foot digital display, a masonry base, and architectural details.

The City Council originally approved a specific use permit for the church in 1982. The request was previously discussed at the February 27, 2025, Planning Commission meeting, where concerns about the sign's size led to modifications, reducing the height from 13 to 12 feet and the display area from 80 to 60 square feet.

Per zoning regulations, institutional uses in residential districts may have freestanding signs limited to 8 feet in height and 32 square feet in display areas unless an exception is granted through a specific use permit or PUD. The zoning ordinance allows illuminated signs for institutional uses like places of assembly. Given that SP-1966 aligns with the comprehensive plan, zoning ordinance, and surrounding land uses, staff recommends approval of the request.

**MOTION: A motion was made by Mindy Payne, seconded by Jonathan Townsend
Move to approve Item 25-316 SP-001966-2025 (Specific Use Permit), Church of St. Benedict Signage, 4.84 acres, R-2 (Single Family Residential) and RD (Residential Duplex)/SP (Specific Use Permit) 27, one-quarter mile north of New Orleans Street (101st Street), west of Aspen Avenue (145th E. Avenue)**

The motion carried by the following vote:

Aye: 5 -

Mindy Payne, Jonathan Townsend, Jaylee Klempa, Jason Coan, Robert Goranson

7. Appeals - NONE

8. General Commission Business

A. 25-312 Approval of PT-001942-2024|PR-000627-2024, Conditional Final Plat, Timber Ridge Residential, approximately 35.30 acres, 140 Lots, A-1 (Agricultural) to RS-4 (Single-

Family Residential) and RD (Residential Duplex)/PUD-334, located south and west of the southwest corner of Albany Street (61st Street) and 37th Street (209th E. Avenue)

Amanda Yamaguchi, Planning and Development Manager, presented Item 25-312; the conditional final plat for Timber Ridge Residential proposes 140 lots on approximately 35.3 acres, located southwest of Albany Street and 37th Street. The Planning Commission initially recommended approval on January 23, 2025, but the City Council removed it from the consent agenda on February 18 after concerns were raised about neighborhood connectivity and school traffic. Following discussions with the applicant on March 3, an additional stub street was added to improve connectivity. This revised plat is now recommended for approval and will be sent back to the City Council for consideration at the March 18 meeting to keep the project on track.

Further discussion with John Wealer of Glenwood Homes and the commission focused on the conditional final plat for Timber Ridge Residential and its coordination with the adjacent Albany 40 development. Initially approved by the Planning Commission, the City Council referred to the plat due to concerns about connectivity to surrounding neighborhoods and the school. The applicant, John Wheeler of Glenwood Homes, confirmed that a stub street, originally included in the 2022 PUD but removed in later plans, has been reinstated to improve access.

Staff confirmed that meetings were held with engineers from Timber Ridge and Albany 40 to ensure alignment and connectivity, particularly addressing discrepancies in North 32nd Street's alignment due to a retention pond. Coordination is ongoing to adjust Albany 40's plans accordingly.

Planning Commission members emphasized the importance of a comprehensive view of the area's development, including Timber Ridge phases, Albany 40, new RS-4 zoning near Walmart, and the planned road to Timber Ridge Elementary. They stressed avoiding a disjointed approach and ensuring all developments integrate correctly. With staff satisfied that connectivity issues are addressed, the recommendation is to approve the plat and forward it to the City Council.

MOTION: A motion was made by Jaylee Klempa, seconded by Jason Coan
Move to approve Item 25-312 PT-001942-2024/PR-000627-2024, Conditional Final Plat, Timber Ridge Residential, approximately 35.30 acres, 140 Lots, A-1 (Agricultural) to RS-4 (Single-Family Residential) and RD (Residential Duplex)/PUD-334, located south and west of the southwest corner of Albany Street (61st Street) and 37th Street (209th E. Avenue)

The motion carried by the following vote:

Aye: 5 - Mindy Payne, Jonathan Townsend, Jaylee Klempa, Jason Coan, Robert Goranson

B. 25-315 Consideration, discussion, and possible approval of building elevations for SITE-001903-2024, Ziggi's Coffee, 1.24 acres, CN (Commercial Neighborhood)/SP (Specific Use Permit) 001773-2024, located south of the southeast corner of Albany Street (61st Street) and 23rd Street (193rd E. Avenue/County Line Road)

Mackenzie Hackett, Staff Planner, presented Item 25-315, considering approval of building elevations for Site-001903-2024, Ziggy's Coffee, a 1.24-acre site zoned CN Commercial Neighborhood with a specific use permit (001773-2024). The proposed drive-thru coffee shop is located south of the southeast corner of Albany Street and 23rd Street.

A site plan was initially submitted on November 27, 2024, and on February 24, 2025, the applicant requested a facade variance, submitting updated elevations. According to Section 5.8.G.1 of the zoning ordinance, street-facing facades in CN districts must be constructed from approved materials such as masonry, concrete panels, glass block, glass curtain walls, EIFS, or stucco, with EIFS not being the primary material.

The west-facing facade, visible from the street, is primarily composed of EIFS, with stone and metal wall accents. The design includes a decorative metal parapet cap (7.02%) and metal wall panels (9.67%) as accent materials. Since the zoning ordinance allows facade variances on a case-by-case basis, staff recommends approval of the updated building elevations submitted on February 24, 2025.

The applicant for Ziggy's Coffee was present but had no additional comments. The primary goal of the variance is to maintain consistency with the brand's existing buildings. Commissioners acknowledged concerns about metal facades but found the proposed design acceptable, as the metal panels are flat or horizontal rather than rounded corrugated farmhouse-style metal.

The commission suggested that, in the future, applicants using metal wall panels should provide

profile details or cut sheets to help visualize the material. However, it was noted that such documentation is not currently a requirement in the zoning ordinance. No samples or color options were deemed necessary.

EIFS was discussed as a material, with some noting that its quality has improved over time, making it more acceptable than in the past. The building design was well-received, and the commission appreciated the staff's proactive review. The general sentiment was positive, with one commissioner noting that local high schoolers would enjoy the new coffee shop.

MOTION: A motion was made by Jason Coan, seconded by Mindy Payne
Move to approve Item 25-315 building elevations for SITE-001903-2024, Ziggi's Coffee, 1.24 acres, CN (Commercial Neighborhood)/SP (Specific Use Permit) 001773-2024, located south of the southeast corner of Albany Street (61st Street) and 23rd Street (193rd E. Avenue/County Line Road)

The motion carried by the following vote:

Aye: 5 -

Mindy Payne, Jonathan Townsend, Jaylee Klempa, Jason Coan, Robert Goranson

9. Remarks, Inquiries, and Comments by Planning Commission and Staff (No Action)

Rocky Henkel thanked the Planning Commission for attending the long meeting for the Zoning Ordinance, which will be previewed on April 18. Mindy Payne gave a shout-out to City staff for the improvements at the events park.

10. Adjournment

The meeting adjourned at 6:15 p.m.

MOTION: A motion was made by Mindy Payne, seconded by Robert Goranson

Move to adjourn

The motion carried by the following vote:

Aye: 5 -

Mindy Payne, Jonathan Townsend, Jaylee Klempa, Jason Coan, Robert Goranson



City of Broken Arrow

Request for Action

File #: 25-402, Version: 1

**Broken Arrow Planning Commission
03-27-2025**

To: Chairman and Commission Members
From: Community Development Department
Title:

Approval of PT-002053-2025|PR-000089-2022, Preliminary Plat, The Enclave at Southern Hills, approximately 20.13 acres, 3 Lots, located south of New Orleans Street (101st Street) and east of Olive Avenue (129th Avenue)

Background:

Applicant: Tanner Consulting, Erik Enyart

Owner: Perkins Development Corporation, Mark Perkins

Developer: N/A

Engineer: Tanner Consulting, Megan Pasco

Location: Southeast and south of New Orleans Street (101st Street) and east of Olive Avenue (129th Avenue)

Size of Tract Approximately 20.13 acres

Number of Lots: 3

Zoning: CM (Community Mixed-Use), RM (Residential Multi-family), & CG (Commercial General)

Comp Plan: Level 3 - Transition Area & Level 4 - Commercial/Employment

PT-002053-2025, the preliminary plat for The Enclave at Southern Hills proposes 3 lots totaling approximately 20.13 acres. This property, which is located south of New Orleans Street (101st Street) and east of Olive Avenue (129th Avenue), has been approved for rezoning from A-1 (Agricultural) to Major Amendment PUD-001815-2024 (Planned Unit Development) with underlying CM (Community Mixed-Use), RM (Residential Multi-family), & CG (Commercial General zoning, subject to the property being platted).

The zoning districts and land use designations associated with the plat are in line with the PUD which dictates the development standards. This plat generally meets the minimum standards of the outlined in PUD-001815-2024. Primary access is shown from Olive Avenue and New Orleans Street the final access locations will be identified on the Conditional Final Plat. Additionally, the applicant may apply for an engineering variance to increase access and reduce driveway separation.

According to FEMA maps, none of the property is located in the 100-year floodplain. Water and sanitary sewer are available from the City of Broken Arrow. This preliminary plat was reviewed by the Technical Advisory Committee on March 18, 2025.

File #: 25-402, Version: 1

Attachments: Checklist and Preliminary Plat

Recommendation:

Staff recommends approval of PT-002053-2025|PR-000089-2022, Preliminary Plat for The Enclave at Southern Trails, subject to the attached comments.

Reviewed by: Amanda Yamaguchi

Approved by: Rocky Henkel

JTH

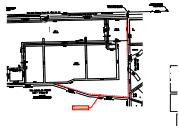
Preliminary Plat Checklist

[1] FP1 (19)



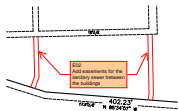
Page Label: [1] FP1
Author: jdickeson

U01
The sanitary will need to be revised to remove the acute angle where the new line connects with the existing line.



Page Label: [1] FP1
Author: jdickeson

E01
Add an 11' perimeter U/E



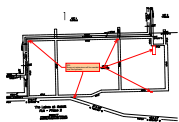
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Author: jdickeson

E02
Add easements for the sanitary sewer between the buildings



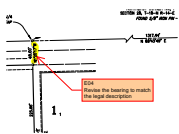
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Author: jdickeson

E02
Bump out extensions will be needed over the hydrants.



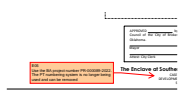
Page Label: [1] FP1
Author: jdickeson

E03
Bump out extensions will be needed over the hydrants.



Page Label: [1] FP1
Author: jdickeson

E04
Revise the bearing to match the legal description



Page Label: [1] FP1
Author: jdickeson

E05
Use the BA project number PR-000089-2022. The PT numbering system is no longer being used and can be removed



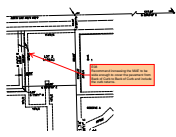
Page Label: [1] FP1
Author: jdickeson

E06
Add the firm panel number, effective date and zone X identification



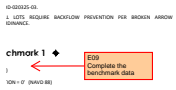
Page Label: [1] FP1
Author: jdickeson

E07
Add the zoning classification(s) and areas for development areas A, B, & C



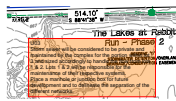
Page Label: [1] FP1
Author: jdickeson

E08
Recommend increasing the MAE to be wide enough to cover the pavement from Back of Curb to Back of Curb and include the curb returns.



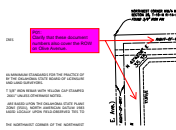
Page Label: [1] FP1
Author: jdickeson

E09
Complete the benchmark data



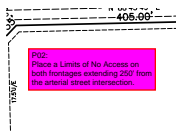
Page Label: [1] FP1
Author: jdickeson

U03
Storm sewer will be considered to be private and maintained by the complex for the portion within lot 3 and sized accordingly to handle the flow from lots 1 & 2. Lots 1 & 2 will be responsible for the maintenance of their respective systems. Place a manhole or junction box for future development and to delineate the separation of the different networks.



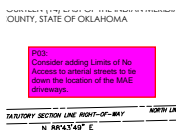
Page Label: [1] FP1
Author: Amanda

P01:
Clarify that these document numbers also cover the ROW on Olive Avenue.



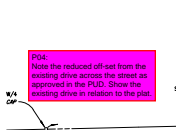
Page Label: [1] FP1
Author: Amanda

P02:
Place a Limits of No Access on both frontages extending 250' from the arterial street intersection.



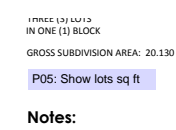
Page Label: [1] FP1
Author: Amanda

P03:
Consider adding Limits of No Access to arterial streets to tie down the location of the MAE driveways.



Page Label: [1] FP1
Author: Amanda

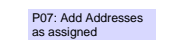
P04:
Note the reduced off-set from the existing drive across the street as approved in the PUD. Show the existing drive in relation to the plat.



Page Label: [1] FP1
Author: Amanda

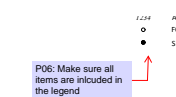
P05: Show lots sq ft

Notes:



Page Label: [1] FP1
Author: Amanda

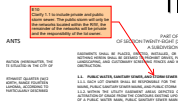
P07: Add Addresses as assigned



Page Label: [1] FP1
Author: Amanda

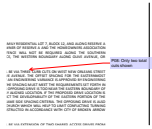
P06: Make sure all items are included in the legend

[1] FP2 (2)



Page Label: [1] FP2
Author: jdickeson

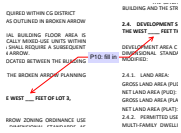
E10
Clarify 1.1 to include private and public storm sewer. The public storm will only be the networks located within the R/W, the remainder of the networks will be private and the responsibility of the lot owner.



Page Label: [1] FP2
Author: Amanda

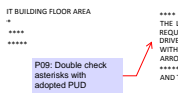
P08: Only two total cuts shown

[1] FP3 (2)



Page Label: [1] FP3
Author: Amanda

P10: fill in



Page Label: [1] FP3
Author: Amanda

P09: Double check asterisks with adopted PUD

Preliminary Plat

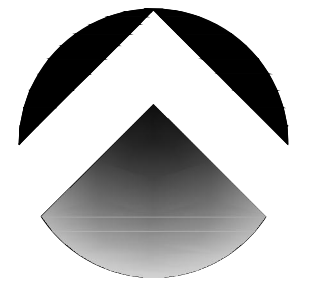
PUD-001815-2024

The Enclave AT SOUTHERN TRAILS

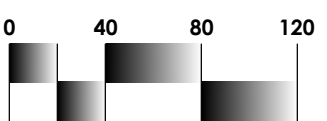
PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 NW/4)
OF SECTION TWENTY-EIGHT (28), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN
A SUBDIVISION WITHIN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA

OWNER:
Perkins Development Corporation
CONTACT: MARK PERKINS
EMAIL: MARK@THEPERKINSFIRM.COM
P.O. Box 1527
Tulsa, Oklahoma 74101-1527
Phone: (918) 724-5990

SURVEYOR/ENGINEER:
Tanner Consulting, L.L.C.
DAN E. TANNER, P.L.S. NO. 1435
OK CA NO. 2661, EXPIRES 6/30/2025
EMAIL: DAN@TANNERBAITSHOP.COM
5323 South Lewis Avenue
Tulsa, Oklahoma 74105
Phone: (918) 745-9929



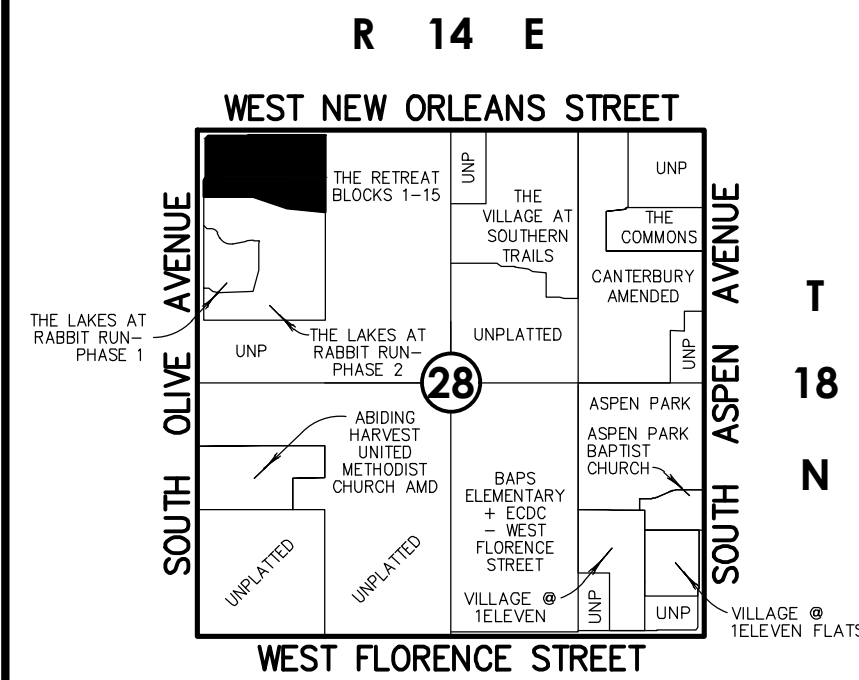
NORTH



Scale: 1"= 80'
Tanner Consulting

LEGEND

B/L	BUILDING LINE
B/U	BUILDING LINE & UTILITY EASEMENT
BK PG	BOOK & PAGE
CB	CHORD BEARING
CD	CHORD DISTANCE
CL	CENTERLINE
Δ	DELTA ANGLE
DOC	DOCUMENT
ESMT	EASEMENT
GOV/T	GOVERNMENT
LNA	LIMITS OF NO ACCESS
MAE	MUTUAL ACCESS EASEMENT
ODE	OVERLAND DRAINAGE EASEMENT
RES.	RESERVE
R/W	RIGHT-OF-WAY
U/E	UTILITY EASEMENT
1234	ADDRESS ASSIGNED
○	FOUND MONUMENT
●	SET MONUMENT (SEE NOTE 2)



Location Map
Scale: 1"= 2000'

SUBDIVISION CONTAINS:
THREE (3) LOTS
IN ONE (1) BLOCK
GROSS SUBDIVISION AREA: 20.130 ACRES
P05: Show lots sq ft

Notes:

- THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- ALL PROPERTY CORNERS ARE SET 3/8" IRON REBAR WITH YELLOW CAP STAMPED "TANNER 1435" OR "TANNER CA 2661" UNLESS OTHERWISE NOTED.
- THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83); SAID BEARINGS ARE BASED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING MONUMENTS:
 - FOUND 3/4" IRON PIN AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION 28;
 - FOUND 5/8" IRON PIN AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION 28;
 THE BEARING BETWEEN SAID MONUMENTS BEING NORTH 88°43'49" EAST.
- ADDRESSES SHOWN ON THIS PLAT WERE PROVIDED BY THE CITY OF BROKEN ARROW AND WERE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.
- ACCESS AT THE TIME OF PLAT WAS PROVIDED BY WEST NEW ORLEANS STREET AND BY SOUTH OLIVE AVENUE, BOTH BEING PUBLIC STREETS.
- STORMWATER DETENTION ACCOMMODATIONS FOR THIS SITE ARE PROVIDED IN ACCORDANCE WITH FEE-IN-LIEU OF DETENTION DETERMINATION #DD-020325-03.
- ALL LOTS REQUIRE BACKFLOW PREVENTION PER BROKEN ARROW CITY ORDINANCE.

Benchmark 1

TBD.
(ON, OE)
ELEVATION = 0' (NAVD 88)

E09
Complete the benchmark data

E06
Add the firm panel number, effective date and zone X identification

E07
Add the zoning classification(s) and areas for development areas A, B, & C

P01:
Clarify that these document numbers also cover the ROW on Olive Avenue.

P02:
Place a Limits of No Access on both frontages extending 250' from the arterial street intersection.

P03:
Consider adding Limits of No Access to arterial streets to tie down the location of the MAE driveways.

P04:
Note the reduced off-set from the existing drive across the street as approved in the PUD. Show the existing drive in relation to the plat.

E04
Revise the bearing to match the legal description

E08
Recommend increasing the MAE to be wide enough to cover the pavement from Back of Curb to Back of Curb and include the curb returns.

P06: Make sure all items are included in the legend

P07: Add Addresses as assigned

LOT 1
6.575AC

LOT 2
14.32AC

LOT 3
12.422AC

The Lakes at Rabbit Run - Phase 2
RESERVE "0"
STORMWATER DETENTION/OVERLAND DRAINAGE/CONSERVATION EASEMENT

The Retreat
Blocks 1-5

12

E01
Add an 11' perimeter U/E

E03
Bump out extensions will be needed over the hydrants.

E02
Add easements for the sanitary sewer between the buildings

APPROVED _____ by the City Council of the City of Broken Arrow, Oklahoma.
Mayor _____
Attest: City Clerk _____

E05
Use the BA project number PR-000089-2022. The PT numbering system is no longer being used and can be removed

The Enclave at Southern Trails
CASE NO. PT TBD
DEVELOPMENT NO. TBD
SHEET 1 OF 3

Preliminary Plat

PUD-001815-2024

The Enclave

AT SOUTHERN TRAILS

PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 NW/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN A SUBDIVISION WITHIN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA

E10
Clarify 1.1 to include private and public storm sewer. The public storm will only be the networks located within the R/W, the remainder of the networks will be private and the responsibility of the lot owner.

DEED OF DEDICATION & RESTRICTIVE COVENANTS

KNOW ALL PERSONS BY THESE PRESENTS:

THAT PERKINS DEVELOPMENT CORPORATION, AN OKLAHOMA CORPORATION (HEREINAFTER, THE "OWNER"), IS THE OWNER OF THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA:

A TRACT OF LAND THAT IS A PART OF THE WEST HALF OF THE NORTHWEST QUARTER (W/2 NW/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID W/2 NW/4; THENCE NORTH 88°43'49" EAST AND ALONG THE NORTH LINE OF THE W/2 NW/4, FOR A DISTANCE OF 1317.40 FEET TO THE NORTHEAST CORNER OF SAID W/2 NW/4; THENCE SOUTH 1°20'17" EAST AND ALONG THE EAST LINE OF THE W/2 NW/4, FOR A DISTANCE OF 60.00 FEET TO THE NORTHWEST CORNER OF "THE RETREAT BLOCKS 1-15", A SUBDIVISION WITHIN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 7065), SAID POINT BEING THE POINT OF BEGINNING;

THENCE SOUTH 1°20'17" EAST AND ALONG THE WEST LINE OF SAID SUBDIVISION, FOR A DISTANCE OF 801.74 FEET TO THE NORTHEAST CORNER OF RESERVE "O", "THE LAKES AT RABBIT RUN - PHASE 2", A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 7022); THENCE ALONG THE NORTH LINE OF RESERVE "O" FOR THE FOLLOWING THREE (3) COURSES:

NORTH 85°34'07" WEST FOR A DISTANCE OF 402.23 FEET; THENCE NORTH 72°29'45" WEST FOR A DISTANCE OF 373.55 FEET; THENCE SOUTH 88°41'38" WEST FOR A DISTANCE OF 514.10 FEET TO A POINT THE CURRENT EAST RIGHT-OF-WAY LINE OF SOUTH OLIVE AVENUE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE FOR THE FOLLOWING THREE (3) COURSES:

NORTH 1°18'12" WEST FOR A DISTANCE OF 167.19 FEET; THENCE NORTH 28°42'02" EAST FOR A DISTANCE OF 40.06 FEET; THENCE NORTH 5°18'12" WEST FOR A DISTANCE OF 405.00 FEET;

THENCE NORTH 43°42'06" EAST FOR A DISTANCE OF 35.35 FEET TO A POINT ON THE CURRENT SOUTH RIGHT-OF-WAY LINE OF EAST NEW ORLEANS STREET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR THE FOLLOWING THREE (3) COURSES:

NORTH 88°43'49" EAST FOR A DISTANCE OF 405.00 FEET; THENCE NORTH 58°38'23" EAST FOR A DISTANCE OF 19.92 FEET; THENCE NORTH 88°43'49" EAST FOR A DISTANCE OF 800.16 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 876,848 SQUARE FEET OR 20.130 ACRES.

THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83); SAID BEARINGS ARE BASED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING MONUMENTS:

- 3/4" IRON PIN FOUND AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION 28;
- 5/8" IRON PIN FOUND AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION 28;

THE BEARING BETWEEN SAID MONUMENTS BEING NORTH 88°43'49" EAST.

AND THAT THE OWNER HAS CAUSED THE ABOVE-DESCRIBED REAL ESTATE TO BE SURVEYED, STAKED, PLATTED, ACCESS RIGHTS RESERVED, AND SUBDIVIDED INTO THREE (3) LOTS IN ONE (1) BLOCK, ALL AS SHOWN BY THE ACCOMPANYING PLAT AND SURVEY THEREOF, AND WHICH PLAT IS MADE A PART HEREOF; AND THE OWNER HAS GIVEN TO SAID PLAT THE NAME OF "THE ENCLAVE AT SOUTHERN TRAILS". A SUBDIVISION WITHIN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA (WHEREVER THE WORD "SUBDIVISION" APPEARS HEREIN THE SAME SHALL CONCLUSIVELY BE DEEMED TO MEAN "THE ENCLAVE AT SOUTHERN TRAILS" UNLESS THE CONTEXT CLEARLY DICTATES OTHERWISE, LIKEWISE, WHEREVER THE WORD "CITY" APPEARS HEREIN THE SAME SHALL CONCLUSIVELY BE DEEMED TO MEAN THE CITY OF BROKEN ARROW, OKLAHOMA, UNLESS THE CONTEXT CLEARLY DICTATES OTHERWISE.)

NOW, THEREFORE, THE OWNER, FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION AND FOR THE PURPOSE OF INSURING ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF THE OWNER, ITS SUCCESSORS, GRANTEEES, AND ASSIGNS, AND THE BENEFICIARIES OF THE COVENANTS AS SET FORTH HEREIN, DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS, WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND WHICH SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

SECTION I. PUBLIC EASEMENTS AND UTILITIES

THE OWNER HEREBY DEDICATES TO THE PUBLIC THE UTILITY EASEMENTS DESIGNATED AS "U/E" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, ELECTRIC POWER LINES AND TRANSFORMERS, COMMUNICATION LINES, GAS LINES, AND WATERLINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS, MANHOLES, AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, TOGETHER WITH SIMILAR EASEMENT RIGHTS IN THE PUBLIC STREETS, PROVIDED HOWEVER, THE OWNER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY, AND REPAIR OR REPLACE WATERLINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING, REPAIRING, AND REPLACING OVER, ACROSS, AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT. THE OWNER HEREBY IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE THAT, WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, NO BUILDING, STRUCTURE, OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH THE ABOVE SET FORTH USES AND PURPOSES OF THE UTILITY

EASEMENTS SHALL BE PLACED, ERECTED, INSTALLED, OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, SIDEWALKS, LANDSCAPING, AND CUSTOMARY SCREENING FENCES AND WALLS THAT DO NOT CONSTITUTE AN OBSTRUCTION.

1.1. PUBLIC WATER, SANITARY SEWER, AND STORM SEWER SERVICE

1.1.1. EACH LOT OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, PUBLIC SANITARY SEWER MAINS, AND PUBLIC STORM SEWERS LOCATED ON THEIR LOT.

1.1.2. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF INSTALLATION OF A PUBLIC WATER MAIN, PUBLIC SANITARY SEWER MAIN, OR PUBLIC STORM SEWER, OR ANY CONSTRUCTION ACTIVITY WHICH, IN THE JUDGMENT OF THE CITY OF BROKEN ARROW, WOULD INTERFERE WITH PUBLIC WATER MAINS, PUBLIC SANITARY SEWER MAINS, OR PUBLIC STORM SEWERS, SHALL BE PROHIBITED.

1.1.3. THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, PUBLIC SANITARY SEWER MAINS, AND PUBLIC STORM SEWERS, BUT THE LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER OR SAID OWNER'S AGENTS OR CONTRACTORS.

1.1.4. THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF UNDERGROUND PUBLIC WATER, PUBLIC SANITARY SEWER, OR PUBLIC STORM SEWER FACILITIES.

1.1.5. THE FOREGOING COVENANTS SET FORTH IN THIS SECTION 1.1. SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, AND EACH LOT OWNER AGREES TO BE BOUND HEREBY.

1.2. PAVING AND LANDSCAPING WITHIN EASEMENTS

EACH LOT OWNER SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY INSTALLATION OR NECESSARY MAINTENANCE OF UNDERGROUND PUBLIC WATER, PUBLIC SANITARY SEWER, PUBLIC STORM SEWER, NATURAL GAS, COMMUNICATION, OR ELECTRIC FACILITIES WITHIN THE EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, OR THE SUPPLIER OF THE UTILITY SERVICE, SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

1.3. UNDERGROUND SERVICE

1.3.1. OVERHEAD POLES FOR THE SUPPLY OF ELECTRIC AND COMMUNICATION SERVICE MAY BE LOCATED WITHIN THE PERIMETER UTILITY EASEMENTS OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS SHALL BE SERVED BY UNDERGROUND CABLE AND, EXCEPT AS PROVIDED IN THE IMMEDIATELY-PRECEDING SENTENCE, ALL SUPPLY LINES INCLUDING ELECTRIC, COMMUNICATION, AND GAS LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENTS DEDICATED FOR GENERAL UTILITY SERVICES AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE UTILITY EASEMENTS.

1.3.2. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH ARE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL, OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON THE LOT, PROVIDED THAT, UPON THE INSTALLATION OF A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE, AND NON-EXCLUSIVE RIGHT-OF-WAY EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE OR LINE EXTENDING FROM THE GAS MAIN, SERVICE PEDESTAL, OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.

1.3.3. THE SUPPLIER OF ELECTRIC, COMMUNICATION, AND GAS SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS SHOWN ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, COMMUNICATION, OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.

1.3.4. EACH LOT OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON SAID OWNER'S LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, COMMUNICATION, OR GAS FACILITIES. EACH SUPPLIER OF SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER OR SAID OWNER'S AGENTS OR CONTRACTORS.

1.3.5. THE COVENANTS SET FORTH IN THIS SECTION 1.3. SHALL BE ENFORCEABLE BY EACH SUPPLIER OF ELECTRIC, COMMUNICATION, OR GAS SERVICE AND EACH LOT OWNER AGREES TO BE BOUND HEREBY.

1.4. SURFACE DRAINAGE

ALL LOTS SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS, RESERVE AREAS, AND DRAINAGE AREAS OF HIGHER ELEVATION WITHIN AND OUTSIDE OF THE SUBDIVISION, AND NO OWNER WITHIN THE SUBDIVISION SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS THE OWNER'S LOT OR RESERVE AREA. THE FOREGOING COVENANTS SET FORTH IN THIS SECTION 1.4. SHALL BE ENFORCEABLE BY EACH LOT OWNER.

1.5. SIDEWALKS

SIDEWALKS SHALL BE CONSTRUCTED AND MAINTAINED ALONG STREETS DESIGNATED BY AND IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF BROKEN ARROW, OKLAHOMA, AND IN CONFORMANCE WITH THE CITY OF BROKEN ARROW ENGINEERING DESIGN CRITERIA MANUAL STANDARDS. PRIOR TO THE ISSUANCE OF AN OCCUPANCY PERMIT, THE OWNER OF THE PARTICULAR LOT SHALL CONSTRUCT, AND THEREAFTER MAINTAIN, A SIDEWALK WITHIN THOSE PORTIONS OF THE STREET RIGHTS-OF-WAY OF WEST NEW ORLEANS STREET AND SOUTH OLIVE AVENUE (SOUTH 129TH EAST AVENUE) EXTENDING ALONG THE FULL PUBLIC STREET FRONTAGE ADJACENT TO THE OWNER'S LOT. SIDEWALKS SHALL BE CONTINUOUS WITH ADJOINING SIDEWALKS.

1.6. ACCESS RESTRICTIONS

THE OWNERS HEREBY RELINQUISH RIGHT OF INGRESS AND EGRESS TO THE ABOVE DESCRIBED PROPERTY WITHIN THE BOUNDS DESIGNATED ON THE ACCOMPANYING PLAT AS "LIMITS OF NO ACCESS" OR "LNA" EXCEPT AS MAY HEREAFTER BE RELEASED, ALTERED, OR AMENDED BY THE AFFECTED LOT OWNER AND THE BROKEN ARROW PLANNING COMMISSION, OR ITS SUCCESSORS, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA PERTAINING THERETO. THE FOREGOING COVENANT CONCERNING "LIMITS OF NO ACCESS" SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OR ITS SUCCESSORS, AND EACH LOT OWNER AGREES TO BE BOUND HEREBY.

1.7. MUTUAL ACCESS EASEMENTS

THE OWNER DOES HEREBY ESTABLISH NONEXCLUSIVE, PERPETUAL EASEMENTS, DEPICTED AS "MUTUAL ACCESS EASEMENT" OR "MAE" ON THE ACCOMPANYING PLAT, FOR THE PURPOSES OF PERMITTING VEHICULAR AND PEDESTRIAN ACCESS TO AND FROM ALL STREETS AND AREAS WITHIN THE SUBDIVISION ADJACENT THERETO. SUCH EASEMENTS SHALL BE FOR THE MUTUAL USE AND BENEFIT OF OWNERS OF LOTS WITHIN THE SUBDIVISION, THEIR RESPECTIVE GUESTS, INVITEES, SUCCESSORS AND ASSIGNS, AND SHALL BE APPURTENANT TO EACH AFFECTED LOT.

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS

WHEREAS, THE PROPERTY COMPRISING ENCLAVE AT SOUTHERN TRAILS WAS SUBMITTED AS A PLANNED UNIT DEVELOPMENT (DESIGNATED AS PUD NO. PUD-001815-2024 "THE ENCLAVE AT SOUTHERN TRAILS"), BEING A MAJOR AMENDMENT OF PUD-000126-2022 "THE ENCLAVE AT SOUTHERN TRAILS", ALL AS PROVIDED WITHIN THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE ZONING ORDINANCE OF THE CITY OF BROKEN ARROW, OKLAHOMA, AS THE SAME EXISTED ON OCTOBER 14, 2024 (DATE OF APPLICATION FILING); AND

WHEREAS, PUD-000126-2022 WAS RECOMMENDED UPON BY THE BROKEN ARROW PLANNING COMMISSION IN 2022 AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BROKEN ARROW ON JANUARY 3, 2023; AND

WHEREAS, PUD-001815-2024 "THE ENCLAVE AT SOUTHERN TRAILS", A MAJOR AMENDMENT OF PUD-000126-2022, WAS RECOMMENDED FOR APPROVAL BY THE BROKEN ARROW PLANNING COMMISSION NOVEMBER 21, 2024 AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BROKEN ARROW ON DECEMBER 17, 2024; AND

WHEREAS, THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BROKEN ARROW ZONING ORDINANCE REQUIRE THE ESTABLISHMENT OF COVENANTS OF RECORD, INURING TO AND ENFORCEABLE BY THE CITY OF BROKEN ARROW, SUFFICIENT TO INSURE THE IMPLEMENTATION AND CONTINUED COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT; AND

WHEREAS, THE OWNERS DESIRE TO ESTABLISH COVENANTS OF RECORD FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY DEVELOPMENT AND TO INSURE ADEQUATE COMPLIANCE WITH PUD NO. PUD-001815-2024 FOR THE MUTUAL BENEFIT OF THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND THE CITY OF BROKEN ARROW.

NOW, THEREFORE, THE OWNERS DO HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNERS, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

2.1. GENERAL DEVELOPMENT STANDARDS

2.1.1. FINAL DEVELOPMENT AREA BOUNDARIES:

PUD NO. PUD-001815-2024 DID NOT ESTABLISH THE BOUNDARY BETWEEN DEVELOPMENT AREAS "A", "B", AND "C". ALTHOUGH DESCRIBED IN SECTION III. OF THE PUD, FOR PURPOSES OF PUD-001815-2024, THE LAND AREAS OF THE DEVELOPMENT AREAS WERE APPROXIMATE AND THE LAND AREAS AND THE BOUNDARY BETWEEN SUCH DEVELOPMENT AREAS WERE TO BE ESTABLISHED UPON PLATTING; PROVIDED, HOWEVER, IN NO EVENT SHALL THE OVERALL RESIDENTIAL DENSITY, AS MEASURED BY MAXIMUM DWELLING UNITS WITHIN DEVELOPMENT AREA "C", NOR NONRESIDENTIAL INTENSITY, AS MEASURED BY MAXIMUM AGGREGATE NONRESIDENTIAL BUILDING FLOOR AREA WITHIN DEVELOPMENT AREAS "A", "B", AND "C", EXCEED THE ORIGINAL NUMBERS AS PROVIDED WITHIN THE PUD.

THEREFORE, DEVELOPMENT AREA BOUNDARIES AND AREAS ARE HEREBY ESTABLISHED BY THIS PUD SUBDIVISION PLAT AS FOLLOWS: LOT ONE (1) AND LOT TWO (2) OF BLOCK ONE (1) SHALL COMPRISE THE NET LAND AREA OF DEVELOPMENT AREA "A"; LOT THREE (3), BLOCK 1, SHALL COMPRISE THE GROSS LAND AREA OF DEVELOPMENT AREAS "B" AND "C".

2.1.2. DEVELOPMENT IN ACCORDANCE WITH PLANNED UNIT DEVELOPMENT:

THE DEVELOPMENT OF THE ENCLAVE AT SOUTHERN TRAILS SHALL BE SUBJECT TO PUD NO. PUD-001815-2024 AND THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BROKEN ARROW ZONING ORDINANCE AS SUCH PROVISIONS EXISTED ON OCTOBER 14, 2024 (DATE OF APPLICATION FILING), OR AS MAY BE SUBSEQUENTLY AMENDED.

2.1.3. LANDSCAPING AND SCREENING STANDARDS:

LANDSCAPING AND SCREENING WITHIN THE DEVELOPMENT SHALL MEET THE STANDARDS OF THE CITY OF BROKEN ARROW ZONING ORDINANCE. IN ADDITION, A LANDSCAPE BUFFER 30' IN WIDTH SHALL BE REQUIRED ALONG THE EAST PROPERTY LINE, AND A LANDSCAPE BUFFER 10' IN WIDTH SHALL BE REQUIRED ALONG THE SOUTH PROPERTY LINE. WITHIN THIS BUFFER, ONE MEDIUM TO LARGER EVERGREEN TREE SHALL BE PLANTED FOR EVERY 30 LINEAR FEET OF LANDSCAPE EDGE AND 10 MEDIUM SHRUBS (3 GALLONS AT TIME OF PLANTING AND 6-10 FEET IN HEIGHT FULL GROWN) SHALL BE PLANTED FOR EVERY 50 LINEAR FEET OF LANDSCAPED EDGE. PATIOS MAY ENCRACH ON THIS LANDSCAPE BUFFER UP TO 5 FEET AND SIDEWALKS AND TRAILS SHALL NOT BE EXCLUDED FROM THE WIDTH CALCULATION. IN LIEU OF LANDSCAPE BUFFERS INTERNAL TO THE SITE, RESIDENTIAL YARDS ADJOINING COMMERCIAL DEVELOPMENT AREAS WILL BE LANDSCAPED WITH AT LEAST ONE (1) TREE PER DWELLING UNIT ALONG THE COMMON BOUNDARY LINE. LANDSCAPING TREES MAY BE CLUSTERED AT LANDSCAPED NODES.

THE EASTERN BOUNDARY IS SHARED WITH COMMERCIAL LOT 1, BLOCK 1, OPEN SPACE RESERVE A, AND PART OF THE WESTERLY LINE OF SINGLE-FAMILY RESIDENTIAL LOT 7, BLOCK 12, ALL IN "THE RETREAT." SCREENING IS NOT NECESSARY BETWEEN COMMERCIAL LOTS. THE EASTERNMOST DWELLING UNITS ARE DESIGNED TO FACE OPEN SPACE RESERVE A. HOWEVER, A SCREENING FENCE WOULD BLOCK THE VIEW OF THE OPEN SPACE. THEREFORE, A SCREENING FENCE WITH A MINIMUM 6 FEET IN HEIGHT WILL BE PROVIDED ALONG THE EASTERN BOUNDARY OF THE PROPERTY COMMON

WITH THE WESTERLY LINE OF SINGLE-FAMILY RESIDENTIAL LOT 7, BLOCK 12, AND ALONG RESERVE A UNLESS WAIVED IN WRITING BY THE OWNER OF RESERVE A AND THE HOMEOWNERS ASSOCIATION FOR "THE RETREAT." A SCREENING FENCE WILL NOT BE REQUIRED ALONG THE SOUTHERN BOUNDARY ABUTTING THE GREENSPACE, THE WESTERN BOUNDARY ALONG OLIVE AVENUE, OR INTERNAL TO THE SITE.

2.1.4. STREET DESIGN AND ACCESS:

ACCESS TO DEVELOPMENT AREA A WILL BE VIA THREE CURB CUTS ON WEST NEW ORLEANS STREET AND TWO CURB CUTS ON SOUTH OLIVE AVENUE. THE OFFSET SPACING FOR THE EASTERNMOST DRIVE MAY BE REDUCED TO 100 FEET IF AN ENGINEERING VARIANCE IS APPROVED BY ENGINEERING & CONSTRUCTION. IF NOT APPROVED, THE SPACING MUST MEET THE REQUIREMENTS SET FORTH IN THE ZONING ORDINANCE. THE EXISTING OPPOSING DRIVE IS TOO NEAR THE EASTERN BOUNDARY OF THE TRACT TO PROVIDE AN ADEQUATELY ALIGNED LOCATION. IF THE PROPOSED DRIVE LOCATION IS SHIFTED FURTHER WEST IT WILL RESTRICT THE DEVELOPABILITY OF THE EASTERN PORTION OF THE COMMERCIAL TRACT OR VIOLATE THE SAME SIDE SPACING CRITERIA. THE OPPOSING DRIVE IS ALSO A SECONDARY ACCESS POINT FOR THE CHURCH WHICH WILL HELP TO LIMIT CONFLICTING TURNING MOVEMENTS. SIDEWALKS WILL BE CONSTRUCTED IN ACCORDANCE WITH CITY OF BROKEN ARROW SUBDIVISION REGULATIONS.

ACCESS TO DEVELOPMENT AREA C WILL BE VIA EXTENSION OF TWO SHARED ACCESS DRIVES FROM WEST NEW ORLEANS STREET AND THE SOUTHERN ACCESS DRIVE FROM SOUTH OLIVE AVENUE. CONNECTIVITY WITHIN THE OVERALL SITE LAYOUT WILL BE PROVIDED VIA MUTUAL ACCESS EASEMENTS. THIS LAYOUT SHALL BE COORDINATED WITH CITY STAFF.

2.1.5. UTILITIES:

THE CITY OF BROKEN ARROW WILL PROVIDE WATER, SANITARY SEWER, AND STORM SEWER SERVICE TO THE PROPERTY. DOMESTIC WATER SERVICE AND FIRE PROTECTION FOR THE SITE WILL BE PROVIDED VIA CONNECTION TO EXISTING WATERLINES ALONG NEW ORLEANS STREET AND OLIVE AVENUE. SANITARY SEWER WILL BE EXTENDED FROM EXISTING LINES ALONG THE SITE BOUNDARY THROUGHOUT THE DEVELOPMENT. A DETENTION FACILITY HAS BEEN CONSTRUCTED SOUTH OF THE PUD BOUNDARY AS PART OF THE LAKES AT RABBIT RUN. THE DETENTION VOLUME WAS SIZED TO ACCOMMODATE UNDETAINED RUNOFF FROM THIS PUD AREA. ALL DRAINAGE INFRASTRUCTURE SHALL CONFORM TO CITY CODE REQUIREMENTS AND THE DETENTION DETERMINATION AND DESIGN STANDARDS AND THE LAYOUT AND DESIGN SHALL BE COORDINATED THROUGH CITY STAFF.

FRANCHISE UTILITIES WILL ALSO SERVE THE PROJECT WITH COMMUNICATIONS, NATURAL GAS, AND ELECTRICITY. WE ANTICIPATE UNDERGROUND SERVICES THROUGHOUT THE DEVELOPMENT.

2.1.6. STREETS:

MULTIFAMILY BUILDING AND SITE DESIGN STANDARDS:
DUE TO THE UNIQUE, LOW-DENSITY TOWNHOUSE-STYLE MULTIFAMILY RESIDENTIAL DEVELOPMENT PROPOSED FOR DEVELOPMENT AREA C, CERTAIN DESIGN ELEMENTS BENEFIT FROM A RELAXATION OF BROKEN ARROW ZONING ORDINANCE SECTION 5.5.C.

BUILDINGS SHALL HAVE A MINIMUM SEPARATION OF 10 FEET FROM ALL FRONT, SIDE AND REAR WALLS.

THERE IS NO LIMIT TO THE NUMBER OF BUILDINGS CONTINUOUSLY ON THE SAME BUILDING LINE.

BUILDINGS SHALL BE ARRANGED SO THAT THE FRONTS OF THE BUILDINGS ARE SET TO THE FRONT OR BACK OF EACH ADJACENT FRONT BUILDING LINE BY AT LEAST THIRTY FEET (30') OR MORE.

PARKING LOTS SHALL BE NO MORE THAN FIVE HUNDRED FEET (500') IN LENGTH WITHOUT AN OFFSET CHANGE IN DIRECTION OF THIRTY FEET (30') OR MORE, CENTERLINE TO CENTERLINE, OR AN INTERSECTION WITH ANOTHER CENTERLINE. OFF-STREET PARKING SHALL OTHERWISE MEET THE REQUIREMENTS OF THE BROKEN ARROW ZONING ORDINANCE.

THE MAXIMUM LENGTH OF ANY MULTI-FAMILY BUILDING SHALL BE 250'.

EACH FACADE GREATER THAN 180' IN LENGTH, MEASURED HORIZONTALLY, SHALL INCORPORATE WALL PLANE PROJECTIONS OR RECESSES HAVING A DEPTH OF AT LEAST TEN PERCENT (10%) OF THE LENGTH OF THE FACADE, AND EXTENDING AT LEAST TWENTY PERCENT (20%) OF THE LENGTH OF THE FACADE. NO FACADE SHALL EXCEED FIFTY HORIZONTAL FEET (50') UNLESS INTERRUPTED BY WALL PLACE PROJECTIONS OR RECESSES HAVING A DEPTH OF AT LEAST 1/3'.

ALL STANDARD DWELLING UNITS WILL HAVE THEIR OWN ENCLOSED GARAGE, PROVIDING COVERED, ENCLOSED, AND SECURE STORAGE AREAS FOR BICYCLES AND OTHER BELONGINGS THAT TYPICALLY CANNOT BE ACCOMMODATED WITHIN INDIVIDUAL DWELLING UNITS. LIVE WORK UNITS ARE CURRENTLY DESIGNED TO BE SERVED BY CARPORTS. THEREFORE, NO SPECIAL STORAGE BUILDINGS ARE PROPOSED FOR INDIVIDUAL TENANT USE.

PLATTING AND DETAILED SITE PLAN REVIEW:

NO BUILDING PERMIT SHALL BE ISSUED FOR ANY STRUCTURE UNTIL A DETAILED SITE PLAN INCLUDING LANDSCAPING AND BUILDING ELEVATIONS IS SUBMITTED TO AND APPROVED BY THE BROKEN ARROW PLANNING COMMISSION AND CITY COUNCIL AS IN CONFORMANCE WITH THE STANDARDS AND DEVELOPMENT CONCEPT OF THIS PUD. THE SITE PLAN SHALL BE CONSIDERED IN A PUBLIC HEARING AND APPROPRIATE NOTICES SHALL BE MAILED TO THE SURROUNDING PROPERTY THE PLANNING COMMISSION AND/OR CITY COUNCIL SPECIFICALLY RESERVES THE RIGHT TO REQUIRE UP TO 100% MASONRY ON ANY FACADE WITHIN THE DEVELOPMENT.

P08: Only two total cuts shown

Preliminary Plat

PUD-001815-2024

The Enclave

AT SOUTHERN TRAILS

PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 NW/4)
OF SECTION TWENTY-EIGHT (28), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN
A SUBDIVISION WITHIN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION & RESTRICTIVE COVENANTS (CONTINUED)

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS (CONTINUED)

2.2. DEVELOPMENT STANDARDS FOR DEVELOPMENT AREA A (LOTS 1 AND 2 OF BLOCK 1)

DEVELOPMENT AREA A SHALL BE GOVERNED BY THE BROKEN ARROW ZONING ORDINANCE USE AND DIMENSIONAL STANDARDS AS ESTABLISHED BY THE CG DISTRICT EXCEPT AS HEREINAFTER MODIFIED:

2.2.1. LAND AREA:		
GROSS LAND AREA (PUD):	460,944 SQUARE FEET	10.582 ACRES
NET LAND AREA (PUD):	343,274 SQUARE FEET	7,880 ACRES
GROSS LAND AREA (PLAT):		
NET LAND AREA (PLAT):		

2.2.2. PERMITTED USES:
USES PERMITTED AS A MATTER OF RIGHT IN THE CG DISTRICT (EXCEPT AS SPECIFIED BELOW); THE FOLLOWING USES ALLOWED BY SPECIFIC USE PERMIT SHALL ALSO BE ALLOWED BY RIGHT: MICRO FOOD AND BEVERAGE PRODUCTION; AND USES CUSTOMARILY ACCESSORY TO USES PERMITTED HEREIN, PROVIDED THAT EACH USE MEETS THE MINIMUM STANDARDS OF SECTION 3.3 OF THE ZONING ORDINANCE. EXCLUDED USES: MEDICAL MARIJUANA DISPENSARIES, PAWN SHOPS, BAIL BONDING, AND CHECK CASHER/PAYDAY LENDERS (DEFINED AS AN ESTABLISHMENT THAT IS SUBSTANTIALLY IN THE BUSINESS OF CHARGING A FEE TO CASH A CHECK AND/OR NEGOTIATING, ARRANGING, AIDING, OR ASSISTING A CONSUMER IN PROCURING PAYDAY LOANS).

2.2.3. MAXIMUM LOT AND BUILDING COVERAGE:	N/A
2.2.4. MAXIMUM FLOOR AREA:	295,481 **
2.2.5. MAXIMUM BUILDING HEIGHT:	52 FEET OR 3 STORIES
2.2.6. MINIMUM LOT FRONTAGE AND MINIMUM LOT WIDTH: 100 FT	
2.2.7. MINIMUM BUILDING SETBACKS:	
FROM ARTERIAL STREET RIGHT-OF-WAY:	50 FT ***
FROM DEVELOPMENT AREAS B AND C BOUNDARIES:	10 FT
FROM EAST PUD BOUNDARY:	0 FT
FROM ALL OTHER BOUNDARIES:	0 FT

2.2.8. MINIMUM AND MAXIMUM PARKING RATIOS:
AS PER BROKEN ARROW ZONING ORDINANCE ****

2.2.9. OTHER BULK AND AREA REQUIREMENTS: AS REQUIRED WITHIN CG DISTRICT
* USE IS SUBJECT TO ADDITIONAL DEVELOPMENT STANDARDS AS OUTLINED IN BROKEN ARROW ZONING ORDINANCE SECTION 3.2.

** AN INITIAL TRANSFER OF 4,520 SF OF NONRESIDENTIAL BUILDING FLOOR AREA IS TRANSFERRED BY THIS AMENDMENT TO COVER THE SIX (6) VERTICALLY MIXED-USE UNITS WITHIN DEVELOPMENT AREA B; ANY FUTURE TRANSFERS OF FLOOR AREA SHALL REQUIRE A SUBSEQUENT AMENDMENT OR AS OTHERWISE REQUIRED BY THE CITY OF BROKEN ARROW.

*** THE SETBACK IS REDUCED TO 25 FT WHERE NO PARKING IS LOCATED BETWEEN THE BUILDING AND THE STREET.

**** MINIMUM AND MAXIMUM PARKING MAY BE MODIFIED BY THE BROKEN ARROW PLANNING COMMISSION UPON APPROVAL OF A PUD MINOR AMENDMENT.

2.3. DEVELOPMENT STANDARDS FOR DEVELOPMENT AREA B (THE WEST FEET OF LOT 3, BLOCK 1)

DEVELOPMENT AREA B SHALL BE GOVERNED BY THE BROKEN ARROW ZONING ORDINANCE USE STANDARDS AS ESTABLISHED BY THE CM DISTRICT AND THE DIMENSIONAL STANDARDS AS ESTABLISHED BY THE RM DISTRICT EXCEPT AS HEREINAFTER MODIFIED:

2.3.1. LAND AREA:		
GROSS LAND AREA (PUD):	40,539 SQUARE FEET	0.931 ACRES
NET LAND AREA (PUD):	33,225 SQUARE FEET	0.763 ACRES
GROSS LAND AREA (PLAT):		
NET LAND AREA (PLAT):		

2.3.2. PERMITTED USES:
MULTI-FAMILY DWELLINGS; VERTICALLY MIXED-USE BUILDINGS INCLUDING SECOND-FLOOR DWELLING UNITS AND GROUND FLOOR NONRESIDENTIAL USES LIMITED TO THE FOLLOWING USES: CATERING SERVICE, MICRO FOOD AND BEVERAGE PRODUCTION (SUBJECT TO ZONING ORD. SECTION 3.2), BUSINESS OR PROFESSIONAL OFFICES, FITNESS AND RECREATIONAL SPORTS CENTER, ART GALLERY OR STUDIO, GENERAL PERSONAL SERVICES, INSTRUCTIONAL SERVICES, GENERAL RETAIL (BUT EXCLUDING PAWN SHOPS), AND MAKERSPACES (DEFINED AS FACILITIES FOR SMALL-SCALE, CRAFT PRODUCTION, THAT PRODUCE OR MAKE ITEMS THAT BY THEIR NATURE, ARE DESIGNED OR MADE BY AN ARTIST OR CRAFTSMAN BY USING HAND SKILLS); NEIGHBORHOOD COMMUNITY PLAYFIELDS AND PARKS, INCLUDING CLUBHOUSES, POOLS, AND SIMILAR NEIGHBORHOOD AMENITIES; MINOR UTILITY FACILITIES; AND USES CUSTOMARILY ACCESSORY TO USES PERMITTED HEREIN, PROVIDED THAT EACH USE MEETS THE MINIMUM STANDARDS OF SECTION 3.3 OF THE ZONING ORDINANCE. NO MORE THAN 4 DWELLING UNITS SHALL BE ATTACHED UNLESS IN A ROWHOUSE* TYPE OF CONFIGURATION.

2.3.3. MAXIMUM NUMBER OF DWELLING UNITS:	6
2.3.4. MINIMUM LOT WIDTH:	100 FT
2.3.5. MINIMUM LOT FRONTAGE:	100 FT
2.3.6. MINIMUM LOT AREA:	2,300 SF PER DWELLING UNIT
2.3.7. MINIMUM LAND AREA PER DWELLING UNIT:	2,200 SF **
2.3.8. MAXIMUM BUILDING HEIGHT:	2 STORIES AND 35 FT ***
2.3.9. MINIMUM OFF-STREET PARKING:	
1.5 PER SINGLE BEDROOM DWELLING UNIT	
2 PER TWO OR MORE BEDROOMS DWELLING UNIT	
1 ADDITIONAL PER EACH 750 SF OF VERTICALLY MIXED-USE UNIT BUILDING FLOOR AREA	
2.3.10. MAXIMUM LOT AND BUILDING COVERAGE:	60% ****
2.3.11. MINIMUM LIVABILITY OPEN SPACE PER DU:	1,200 SF *****
2.3.12. MAXIMUM NONRESIDENTIAL BUILDING FLOOR AREA: 4,520 SF *****	

P09: Double check asterisks with adopted PUD

2.3.13. MINIMUM YARD SETBACKS:		
FROM ARTERIAL STREET RIGHT-OF-WAY:	75 FT *****	
FROM DEVELOPMENT AREA A:	10 FT	
FROM DEVELOPMENT AREA C:	5 FT	
FROM SOUTH PUD BOUNDARY:	20 FT	
2.3.14. OTHER BULK AND AREA REQUIREMENTS: AS REQUIRED WITHIN THE RM DISTRICT		

* A ROWHOUSE IS DEFINED BY A SERIES OF ATTACHED DWELLING UNITS WHERE ALL VERTICAL STORIES OF A UNIT ARE INHABITED BY A SINGLE FAMILY.

** MINIMUM LAND AREA PER DWELLING UNIT IS SATISFIED BY THE PROPORTION OF MAXIMUM NUMBER OF DWELLING UNITS TO GROSS LAND AREA AS PROVIDED IN SECTION 4.1.E.1.B. OF THE BROKEN ARROW ZONING ORDINANCE. LOTS ARE THEREFORE NOT SUBJECT TO THIS REQUIREMENT ON AN INDIVIDUAL BASIS.

*** ARCHITECTURAL FEATURES MAY EXTEND A MAX. OF FIVE (5) FEET ABOVE MAXIMUM PERMITTED BUILDING HEIGHT.

**** MAXIMUM AGGREGATE LOT COVERAGE BY BUILDINGS, PARKING, AND DRIVES IS LIMITED TO THE LESSER OF 60% OR THAT AMOUNT NECESSARY TO MEET MINIMUM LIVABILITY OPEN SPACE REQUIREMENTS. LIVABILITY OPEN SPACE, DEFINED AS OPEN SPACE NOT UTILIZED FOR PARKING OR DRIVES, AND INCLUDING SIDEWALKS AND TRAILS, MAY BE LOCATED ON A LOT OR CONTAINED WITHIN COMMON OPEN SPACE OF THE DEVELOPMENT, AS PER SECTION 4.1.E.1.D. OF THE BROKEN ARROW ZONING ORDINANCE.

***** AN INITIAL TRANSFER OF 4,520 SF OF NONRESIDENTIAL BUILDING FLOOR AREA IS TRANSFERRED FROM DEVELOPMENT AREA A TO THIS DEVELOPMENT AREA B BY THIS AMENDMENT TO COVER THE SIX (6) VERTICALLY MIXED-USE UNITS WITHIN DEVELOPMENT AREA B; ANY FUTURE TRANSFERS OF FLOOR AREA SHALL REQUIRE A SUBSEQUENT AMENDMENT OR AS OTHERWISE REQUIRED BY THE CITY OF BROKEN ARROW.

***** THE SETBACK IS REDUCED TO 35 FT WHERE NO PARKING IS LOCATED BETWEEN THE BUILDING AND THE STREET

2.4. DEVELOPMENT STANDARDS FOR DEVELOPMENT AREA C (LOT 3, BLOCK 1, LESS AND EXCEPT THE WEST FEET THEREOF)

DEVELOPMENT AREA C SHALL BE GOVERNED BY THE BROKEN ARROW ZONING ORDINANCE USE AND DIMENSIONAL STANDARDS AS ESTABLISHED BY THE RM DISTRICT EXCEPT AS HEREINAFTER MODIFIED:

2.4.1. LAND AREA:		
GROSS LAND AREA (PUD):	500,424 SQUARE FEET	11.488 ACRES
NET LAND AREA (PUD):	500,424 SQUARE FEET	11.488 ACRES
GROSS LAND AREA (PLAT):		
NET LAND AREA (PLAT):		

2.4.2. PERMITTED USES:
MULTI-FAMILY DWELLINGS; NEIGHBORHOOD COMMUNITY PLAYFIELDS AND PARKS, INCLUDING CLUBHOUSES, POOLS, AND SIMILAR NEIGHBORHOOD AMENITIES; MINOR UTILITY FACILITIES; AND USES CUSTOMARILY ACCESSORY TO USES PERMITTED HEREIN, PROVIDED THAT EACH USE MEETS THE MINIMUM STANDARDS OF SECTION 3.3 OF THE ZONING ORDINANCE. NO MORE THAN 4 DWELLING UNITS SHALL BE ATTACHED UNLESS IN A ROWHOUSE* TYPE OF CONFIGURATION.

2.4.3. MAXIMUM NUMBER OF DWELLING UNITS:	154	
2.4.4. MINIMUM LOT WIDTH:	200 FT	
2.4.5. MINIMUM LOT FRONTAGE:	100 FT	
2.4.6. MINIMUM LOT AREA:	2,300 SF PER DWELLING UNIT	
2.4.7. MINIMUM LAND AREA PER DWELLING UNIT:	2,200 SF **	
2.4.8. MAXIMUM BUILDING HEIGHT:	2 STORIES AND 35 FT ***	
2.4.9. MINIMUM OFF-STREET PARKING:		
1.5 PER SINGLE BEDROOM DWELLING UNIT		
2 PER TWO OR MORE BEDROOMS DWELLING UNIT		
2.4.10. MAXIMUM LOT AND BUILDING COVERAGE:	60% ****	
2.4.11. MINIMUM LIVABILITY OPEN SPACE PER DU:	1,200 SF *****	
2.4.12. MINIMUM YARD SETBACKS:		
FROM ARTERIAL STREET RIGHT-OF-WAY:	75 FT *****	
FROM DEVELOPMENT AREAS A AND B:	10 FT	
FROM EAST PUD BOUNDARY:	15 FT	
FROM SOUTH PUD BOUNDARY:	20 FT	
2.4.13. OTHER BULK AND AREA REQUIREMENTS: AS REQUIRED WITHIN THE RM DISTRICT		

* A ROWHOUSE IS DEFINED BY A SERIES OF ATTACHED DWELLING UNITS WHERE ALL VERTICAL STORIES OF A UNIT ARE INHABITED BY A SINGLE FAMILY.

** MINIMUM LAND AREA PER DWELLING UNIT IS SATISFIED BY THE PROPORTION OF MAXIMUM NUMBER OF DWELLING UNITS TO GROSS LAND AREA AS PROVIDED IN SECTION 4.1.E.1.B. OF THE BROKEN ARROW ZONING ORDINANCE. LOTS ARE THEREFORE NOT SUBJECT TO THIS REQUIREMENT ON AN INDIVIDUAL BASIS.

*** ARCHITECTURAL FEATURES MAY EXTEND A MAX. OF FIVE (5) FEET ABOVE MAXIMUM PERMITTED BUILDING HEIGHT.

**** MAXIMUM AGGREGATE LOT COVERAGE BY BUILDINGS, PARKING, AND DRIVES IS LIMITED TO THE LESSER OF 60% OR THAT AMOUNT NECESSARY TO MEET MINIMUM LIVABILITY OPEN SPACE REQUIREMENTS. LIVABILITY OPEN SPACE, DEFINED AS OPEN SPACE NOT UTILIZED FOR PARKING OR DRIVES, AND INCLUDING SIDEWALKS AND TRAILS, MAY BE LOCATED ON A LOT OR CONTAINED WITHIN COMMON OPEN SPACE OF THE DEVELOPMENT, AS PER SECTION 4.1.E.1.D. OF THE BROKEN ARROW ZONING ORDINANCE.

***** THE SETBACK IS REDUCED TO 35 FT WHERE NO PARKING IS LOCATED BETWEEN THE BUILDING AND THE STREET.

SECTION III. PROPERTY OWNERS' ASSOCIATION

3.1. FORMATION

THE OWNER HAS FORMED OR SHALL CAUSE TO BE FORMED, IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, AN ASSOCIATION OF ALL OWNERS OF RESIDENTIAL AND NONRESIDENTIAL LOTS WITHIN "THE ENCLAVE AT SOUTHERN TRAILS" (THE "PROPERTY OWNERS' ASSOCIATION" OR "ASSOCIATION"). A NOT-FOR-PROFIT CORPORATE ENTITY ESTABLISHED AND FORMED OR TO BE ESTABLISHED AND FORMED FOR THE GENERAL PURPOSES OF MAINTAINING THE PRIVATE MUTUAL ACCESS DRIVES AND PRIVATE STORM SEWERS, AND ANY OTHER COMMON AREA EASEMENTS, PROPERTY, AND FACILITIES THAT ARE FOR THE COMMON USE AND BENEFIT OF THE LOTS AS THE SAME MAY BE AGREED TO BY THE MEMBERS OF THE ASSOCIATION AND ENHANCING THE VALUE, DESIRABILITY, AND ATTRACTIVENESS OF THE SUBDIVISION AND OF ANY OTHER RESIDENTIAL AND/OR NONRESIDENTIAL SUBDIVISION WHICH MAY SUBSEQUENTLY BE MERGED WITH OR ANNEXED TO THE GEOGRAPHIC JURISDICTION OF THE PROPERTY OWNERS' ASSOCIATION.

3.2. PRIVATE RESTRICTIONS AND COVENANTS

FOR THE BENEFIT OF THE ASSOCIATION AND OF ALL OWNERS WITHIN THE SUBDIVISION, THE OWNERS SHALL ESTABLISH AN ARCHITECTURAL REVIEW COMMITTEE AND VARIOUS PRIVATE RESTRICTIONS AND COVENANTS FOR THE PURPOSE OF PROVIDING ORDERLY DEVELOPMENT OF THE SUBDIVISION AND CONFORMITY AND COMPATIBILITY OF IMPROVEMENTS THEREIN. SAID PRIVATE RESTRICTIONS AND COVENANTS SHALL BE FILED OF RECORD WITH THE TULSA COUNTY CLERK, SHALL BE APPLICABLE TO THE LOTS WITHIN THE SUBDIVISION, AND SHALL BE COVENANTS RUNNING WITH THE LAND AND BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS FURTHER STATED IN SAID FILED DOCUMENT.

3.3. MEMBERSHIP

EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST IN A LOT IN THE SUBDIVISION SHALL BE A MEMBER OF THE ASSOCIATION, ALL AS GOVERNED BY THE ASSOCIATION'S ARTICLES OF INCORPORATION AND AS DESCRIBED IN THE SUBDIVISION'S SEPARATE COVENANTS, CONDITIONS AND RESTRICTIONS FILED AFTER THIS PLAT. MEMBERSHIP SHALL BE APPURTENANT TO AND SHALL NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT. THE RIGHTS, RESPONSIBILITIES, ASSESSMENTS, AND OTHER MEMBERSHIP PARTICULARS, AND THE MEMBERSHIP ITSELF MAY BE SUBSIDIVED BY SUBSEQUENT DOCUMENT, SUCH AS BETWEEN THE OWNERS OF NONRESIDENTIAL AND RESIDENTIAL LOTS WITHIN THE SUBDIVISION.

3.4. ASSESSMENT

THE OWNER OF A LOT, BY ACCEPTANCE OF A DEED THEREFOR, COVENANTS AND AGREES TO PAY TO THE ASSOCIATION ANNUAL AND SPECIAL ASSESSMENTS FOR THE PURPOSE OF IMPROVEMENT AND MAINTENANCE OF PRIVATE MUTUAL ACCESS DRIVES AND ANY OTHER COMMON AREA EASEMENTS, PROPERTY, AND FACILITIES THAT, FROM TIME TO TIME, ARE FOR THE COMMON USE AND BENEFIT OF THE OWNERS OF THE LOTS AS THE SAME MAY BE AGREED TO BY THE MEMBERS OF THE ASSOCIATION, TO BE ESTABLISHED BY THE ASSOCIATION IN ACCORDANCE WITH A DECLARATION TO BE EXECUTED AND RECORDED BY THE OWNER. ALL UNPAID ASSESSMENTS SHALL BE A LIEN UPON THE LOT(S) AGAINST WHICH IT IS MADE.

3.5. ASSOCIATION TO BE BENEFICIARY

WITHOUT LIMITATION OF SUCH OTHER POWERS AND RIGHTS AS THE ASSOCIATION MAY HAVE, THE ASSOCIATION SHALL BE DEEMED A BENEFICIARY OF THE VARIOUS COVENANTS SET FORTH WITHIN THIS DEED OF DEDICATION AND RESTRICTIVE COVENANTS TO THE SAME EXTENT AS ALL OTHER BENEFICIARIES THEREOF, INCLUDING EACH LOT OWNER, THE CITY, AND THE SUPPLIER OF ANY UTILITY OR OTHER SERVICE WITHIN THE SUBDIVISION, AND SHALL HAVE THE RIGHT TO ENFORCE THESE COVENANTS AND AGREEMENTS.

SECTION IV. ENFORCEMENT, DURATION, AMENDMENT OR TERMINATION, AND SEVERABILITY

4.1. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I. EASEMENTS AND UTILITIES, SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS, AND SECTION IV. ENFORCEMENT, DURATION, AMENDMENT OR TERMINATION, AND SEVERABILITY ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO, AND ADDITIONALLY THE COVENANTS WITHIN SECTIONS I., II., AND IV., WHETHER OR NOT SPECIFICALLY THEREIN SO STATED, SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA. IF THE UNDERSIGNED OWNER OR ITS SUCCESSORS OR ASSIGNS SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTIONS I., II., OR IV., IT SHALL BE LAWFUL FOR THE CITY OF BROKEN ARROW OR ANY OWNER OF LAND WITHIN THE SUBDIVISION TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT SUCH PERSON OR PERSONS FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT. THE PROVISIONS OF SECTION III. PROPERTY OWNERS' ASSOCIATION SHALL BE ENFORCEABLE BY THE OWNER, ITS SUCCESSORS AND ASSIGNS, ANY OWNER OF A LOT WITHIN THE SUBDIVISION, AND THE ASSOCIATION. IN ANY JUDICIAL ACTION BROUGHT TO ENFORCE THE COVENANTS ESTABLISHED WITHIN THIS DEED OF DEDICATION, THE DEFENSE THAT THE PARTY INITIATING THE EQUITABLE PROCEEDING HAS AN ADEQUATE REMEDY AT LAW IS HEREBY WAIVED.

4.2. DURATION

THESE RESTRICTIONS, TO THE EXTENT PERMITTED BY APPLICABLE LAW, SHALL BE PERPETUAL BUT IN ANY EVENT SHALL BE IN FORCE AND EFFECT FOR A TERM OF NOT LESS THAN THIRTY (30) YEARS FROM THE DATE OF THE RECORDING OF THIS DEED OF DEDICATION UNLESS TERMINATED OR AMENDED AS HEREINAFTER PROVIDED.

4.3. AMENDMENT OR TERMINATION

THE COVENANTS CONTAINED WITHIN SECTION I. PUBLIC EASEMENTS AND UTILITIES AND SECTION IV. ENFORCEMENT, DURATION, AMENDMENT OR TERMINATION, AND SEVERABILITY MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE BROKEN ARROW PLANNING COMMISSION, OR ITS SUCCESSORS, AND THE CITY OF BROKEN ARROW, OKLAHOMA. THE COVENANTS CONTAINED WITHIN SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE BROKEN ARROW PLANNING COMMISSION, OR ITS SUCCESSORS. NOTWITHSTANDING THE FOREGOING, THE COVENANTS CONTAINED WITHIN SECTION II. SHALL BE DEEMED AMENDED (WITHOUT NECESSITY OF EXECUTION OF AN AMENDING DOCUMENT) UPON APPROVAL OF A MINOR AMENDMENT TO PUD NO. PUD-001815-2024 BY THE BROKEN ARROW PLANNING COMMISSION, OR ITS SUCCESSORS, AND RECORDING OF A COPY OF THE MINUTES OF THE BROKEN ARROW PLANNING COMMISSION OR ITS SUCCESSORS WITH THE TULSA COUNTY CLERK. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AND RESTRICTIONS SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

4.4. SEVERABILITY

INVALIDATION OF ANY RESTRICTION SET FORTH HEREIN, OR ANY PART THEREOF, BY AN ORDER, JUDGMENT, OR DECREE OF ANY COURT, OR OTHERWISE, SHALL NOT INVALIDATE OR AFFECT ANY OF THE OTHER RESTRICTIONS OR ANY PART THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, PERKINS DEVELOPMENT CORPORATION HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS _____ DAY OF _____, 2025.

PERKINS DEVELOPMENT CORPORATION
AN OKLAHOMA CORPORATION

By _____
[NAME], [TITLE]

STATE OF OKLAHOMA)
) SS
COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS _____ DAY OF _____, 2025, PERSONALLY APPEARED [NAME], TO ME KNOWN TO BE THE IDENTICAL PERSON WHO EXECUTED THE FOREGOING INSTRUMENT, AS [TITLE] OF PERKINS DEVELOPMENT CORPORATION, AND ACKNOWLEDGED TO ME THAT _____ EXECUTED THE SAME AS _____ FREE AND VOLUNTARY ACT AND DEED, AND AS THE FREE AND VOLUNTARY ACT AND DEED OF PERKINS DEVELOPMENT CORPORATION FOR THE USES AND PURPOSES THEREIN SET FORTH.

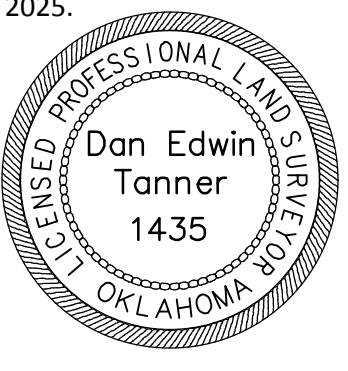
GIVEN UNDER MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

CERTIFICATE OF SURVEY

I, DAN E. TANNER, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND HEREIN DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT IS A TRUE REPRESENTATION OF A SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED PRACTICES, AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 2025.



By: _____
DAN E. TANNER
LICENSED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1435

STATE OF OKLAHOMA)
) SS
COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THE _____ DAY OF _____, 2025, PERSONALLY APPEARED TO ME DAN E. TANNER KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS LICENSED PROFESSIONAL LAND SURVEYOR TO THE FOREGOING CERTIFICATE, AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.
03/08/2028
MY COMMISSION EXPIRES _____ JENNIFER MILLER, NOTARY PUBLIC



Conceptual Utility Plan

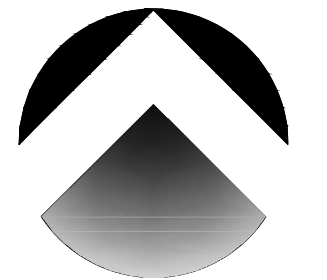
PUD-001815-2024

The Enclave AT SOUTHERN TRAILS

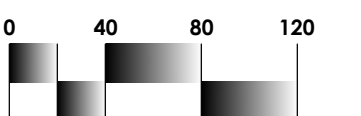
PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 NW/4)
OF SECTION TWENTY-EIGHT (28), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN
A SUBDIVISION WITHIN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA

SURVEYOR/ENGINEER:
Tanner Consulting, L.L.C.

DAN E. TANNER, P.L.S. NO. 1435
OK CA NO. 2661, EXPIRES 6/30/2025
EMAIL: DAN@TANNERBAITSHOP.COM
5323 South Lewis Avenue
Tulsa, Oklahoma 74105
Phone: (918) 745-9929

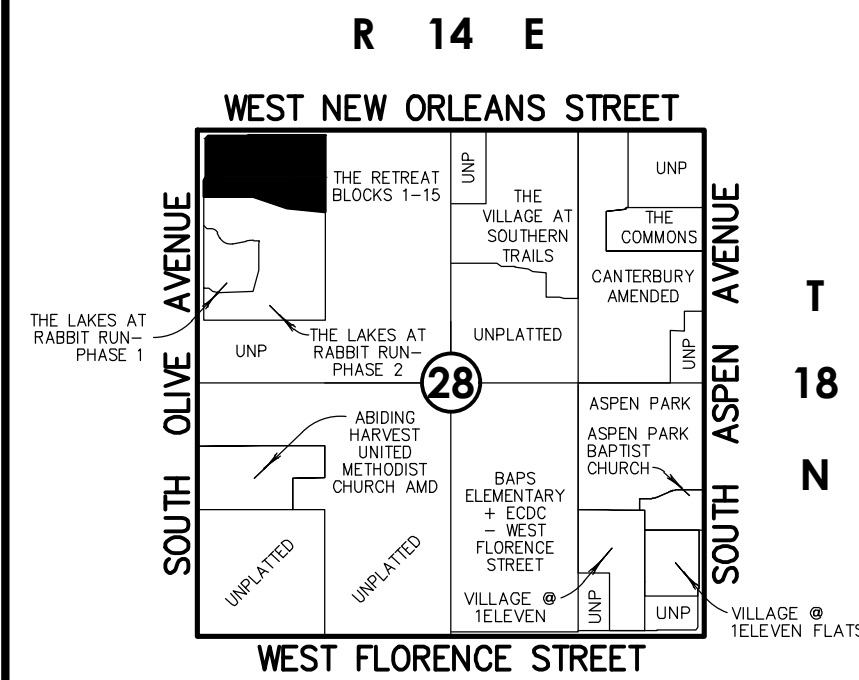


NORTH



Scale: 1"= 80'
Tanner Consulting

OWNER:
Perkins Development Corporation
CONTACT: MARK PERKINS
EMAIL: MARK@THEPERKINSFIRM.COM
P.O. Box 1527
Tulsa, Oklahoma 74101-1527
Phone: (918) 724-5990



Location Map
Scale: 1"= 2000'

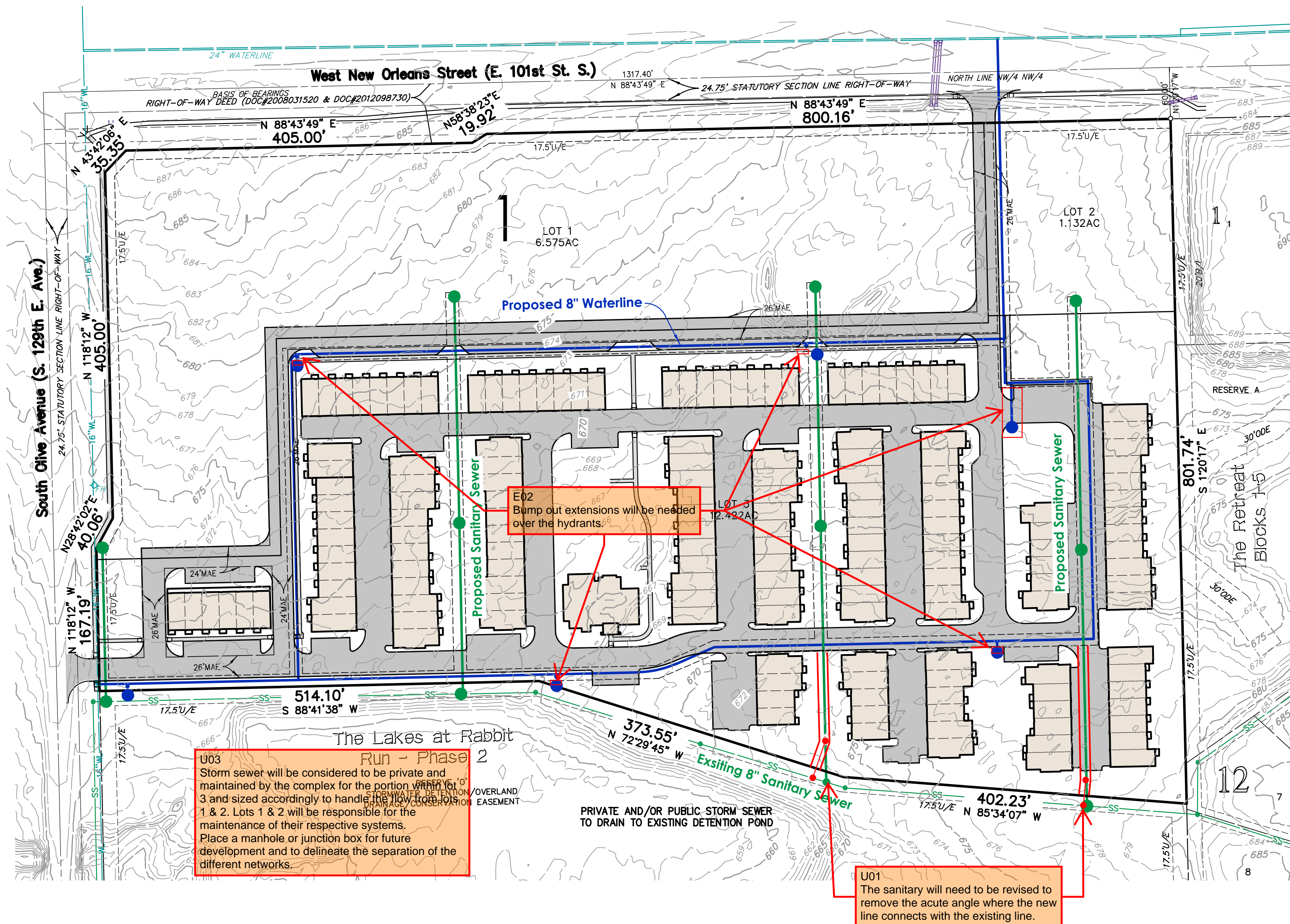
SUBDIVISION CONTAINS:
THREE (3) LOTS
IN ONE (1) BLOCK
GROSS SUBDIVISION AREA: 20.130 ACRES

Notes:

- THIS PLAN MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- ALL PROPERTY CORNERS ARE SET 3/8" IRON REBAR WITH YELLOW CAP STAMPED "TANNER 1435" OR "TANNER CA 2661" UNLESS OTHERWISE NOTED.
- THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83); SAID BEARINGS ARE BASED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING MONUMENTS:
 - FOUND 3/4" IRON PIN AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION 28;
 - FOUND 5/8" IRON PIN AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION 28;
 THE BEARING BETWEEN SAID MONUMENTS BEING NORTH 88°43'49" EAST.
- ADDRESSES SHOWN ON THIS PLAN WERE PROVIDED BY THE CITY OF BROKEN ARROW AND WERE ACCURATE AT THE TIME THE PLAN WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.
- ACCESS AT THE TIME OF PLAT WAS PROVIDED BY WEST NEW ORLEANS STREET AND BY SOUTH OLIVE AVENUE, BOTH BEING PUBLIC STREETS.
- STORMWATER DETENTION ACCOMMODATIONS FOR THIS SITE ARE PROVIDED IN ACCORDANCE WITH FEE-IN-LIEU OF DETENTION DETERMINATION #DD-020325-03.
- ALL LOTS REQUIRE BACKFLOW PREVENTION PER BROKEN ARROW CITY ORDINANCE.

Benchmark 1

TBD.
(ON, OE)
ELEVATION = 0' (NAVD 88)



U03
Storm sewer will be considered to be private and maintained by the complex for the portion within Lot 3 and sized accordingly to handle the flow from lots 1 & 2. Lots 1 & 2 will be responsible for the maintenance of their respective systems. Place a manhole or junction box for future development and to delineate the separation of the different networks.

E02
Bump out extensions will be needed over the hydrants.

U01
The sanitary will need to be revised to remove the acute angle where the new line connects with the existing line.

LEGEND

- B/L BUILDING LINE
- B/U BUILDING LINE & UTILITY EASEMENT
- BK PG BOOK & PAGE
- CB CHORD BEARING
- CD CHORD DISTANCE
- CL CENTERLINE
- Δ DELTA ANGLE
- DOC DOCUMENT
- ESMT EASEMENT
- F/E FENCE EASEMENT
- GOV'T GOVERNMENT
- LNA LIMITS OF NO ACCESS
- PDE PRIVATE DRAINAGE EASEMENT
- RES. RESERVE
- R/W RIGHT-OF-WAY
- U/E UTILITY EASEMENT
- STORM SEWER INLET
- FIRE HYDRANT
- SEWER MANHOLE

APPROVED _____ by the City Council of the City of Broken Arrow, Oklahoma.
Mayor _____
Attest: City Clerk _____

The Enclave at Southern Trails
CASE NO. PT TBD
DEVELOPMENT NO. TBD
SHEET 1 OF 1

Preliminary Plat

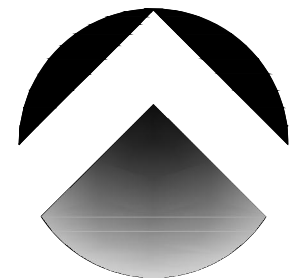
PUD-001815-2024

The Enclave AT SOUTHERN TRAILS

PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 NW/4)
OF SECTION TWENTY-EIGHT (28), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN
A SUBDIVISION WITHIN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA

OWNER:
Perkins Development Corporation
CONTACT: MARK PERKINS
EMAIL: MARK@THEPERKINSFIRM.COM
P.O. Box 1527
Tulsa, Oklahoma 74101-1527
Phone: (918) 724-5990

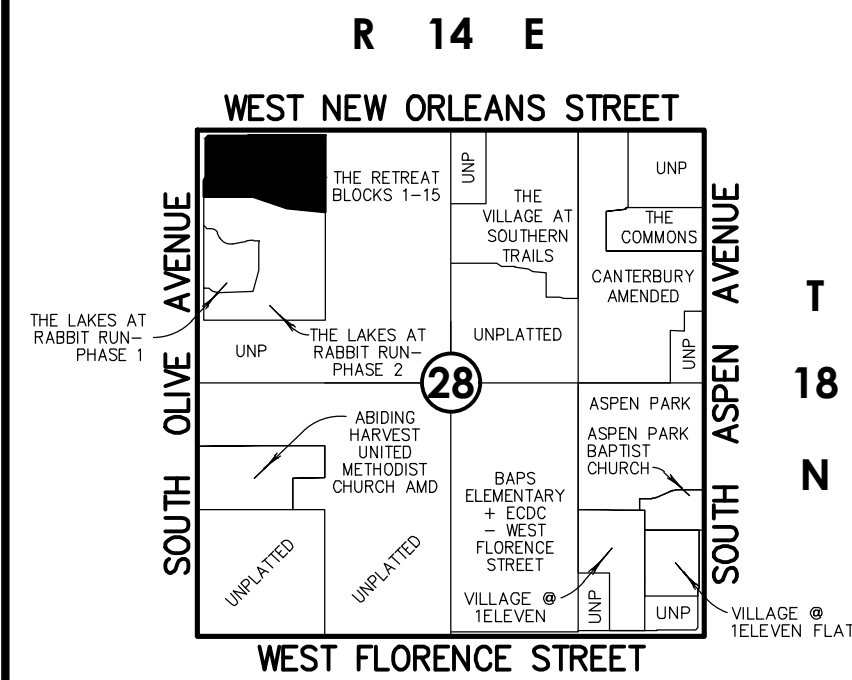
SURVEYOR/ENGINEER:
Tanner Consulting, L.L.C.
DAN E. TANNER, P.L.S. NO. 1435
OK CA NO. 2661, EXPIRES 6/30/2025
EMAIL: DAN@TANNERBAITSHOP.COM
5323 South Lewis Avenue
Tulsa, Oklahoma 74105
Phone: (918) 745-9929



NORTH
0 40 80 120
Scale: 1"= 80'
Tanner Consulting

LEGEND

B/L	BUILDING LINE
B/U	BUILDING LINE & UTILITY EASEMENT
BK PG	BOOK & PAGE
CB	CHORD BEARING
CD	CHORD DISTANCE
CL	CENTERLINE
Δ	DELTA ANGLE
DOC	DOCUMENT
ESMT	EASEMENT
GOV'T	GOVERNMENT
LNA	LIMITS OF NO ACCESS
MAE	MUTUAL ACCESS EASEMENT
ODE	OVERLAND DRAINAGE EASEMENT
RES.	RESERVE
R/W	RIGHT-OF-WAY
U/E	UTILITY EASEMENT
1234	ADDRESS ASSIGNED
○	FOUND MONUMENT
●	SET MONUMENT (SEE NOTE 2)



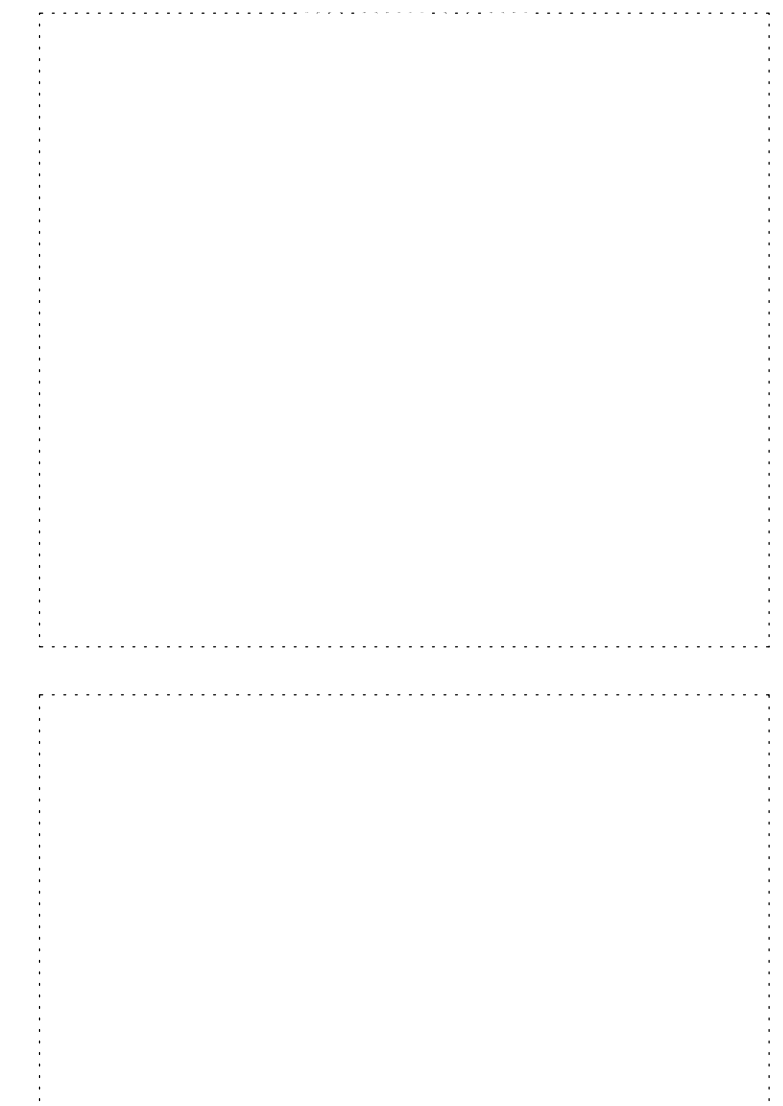
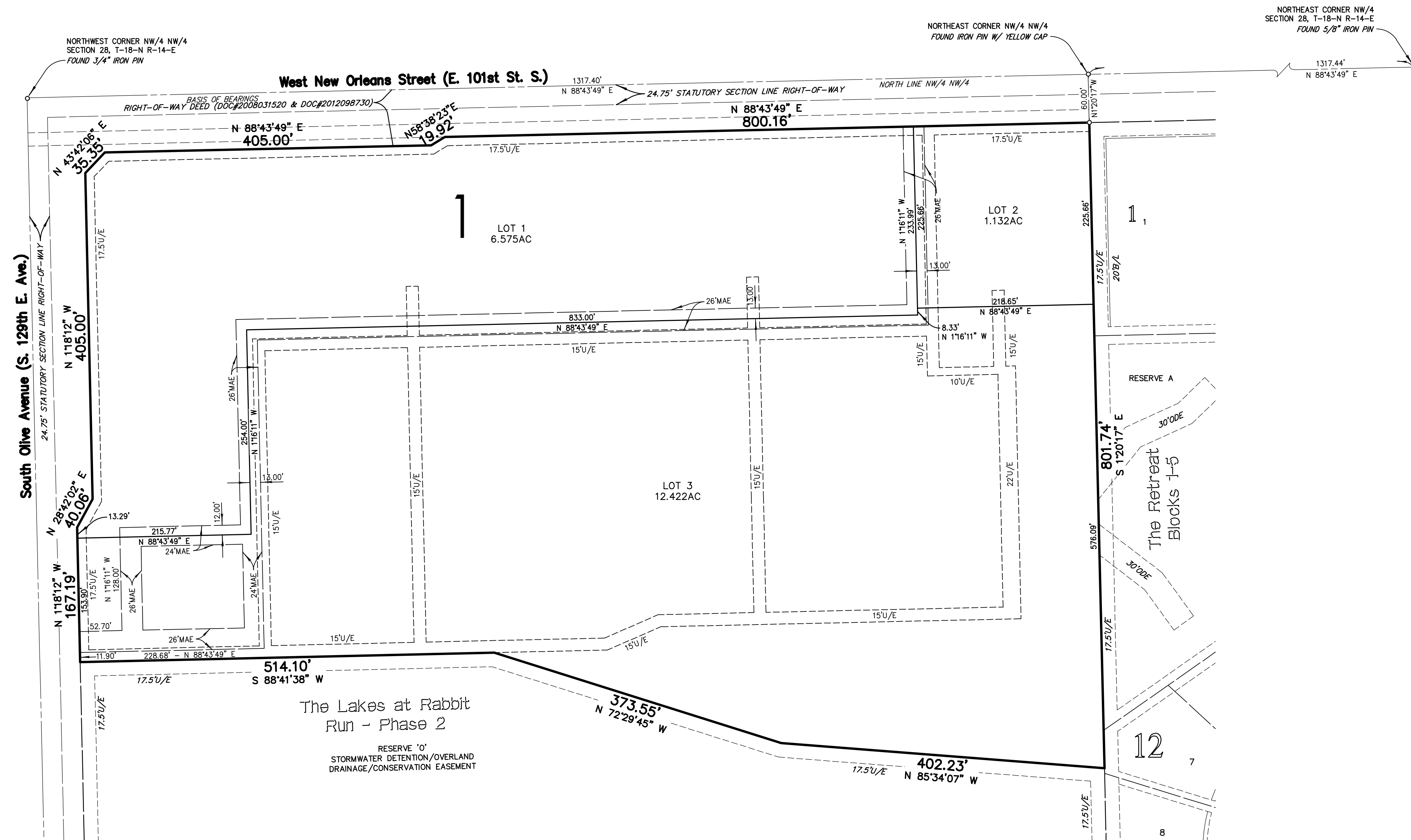
Location Map
Scale: 1"= 2000'

SUBDIVISION CONTAINS:
THREE (3) LOTS
IN ONE (1) BLOCK
GROSS SUBDIVISION AREA: 20.130 ACRES

Notes:

- THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
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 - FOUND 5/8" IRON PIN AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION 28;
 THE BEARING BETWEEN SAID MONUMENTS BEING NORTH 88°43'49" EAST.
- ADDRESSES SHOWN ON THIS PLAT WERE PROVIDED BY THE CITY OF BROKEN ARROW AND WERE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.
- ACCESS AT THE TIME OF PLAT WAS PROVIDED BY WEST NEW ORLEANS STREET AND BY SOUTH OLIVE AVENUE, BOTH BEING PUBLIC STREETS.
- STORMWATER DETENTION ACCOMMODATIONS FOR THIS SITE ARE PROVIDED IN ACCORDANCE WITH FEE-IN-LIEU OF DETENTION DETERMINATION #DD-020325-03.
- ALL LOTS REQUIRE BACKFLOW PREVENTION PER BROKEN ARROW CITY ORDINANCE.

Benchmark 1
TBD.
(ON, OE)
ELEVATION = 0' (NAVD 88)



APPROVED _____ by the City Council of the City of Broken Arrow, Oklahoma.
Mayor _____
Attest: City Clerk _____

The Enclave at Southern Trails
CASE NO. PT TBD
DEVELOPMENT NO. TBD
SHEET 1 OF 3

Preliminary Plat
PUD-001815-2024
The Enclave
AT SOUTHERN TRAILS

PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 NW/4)
OF SECTION TWENTY-EIGHT (28), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN
A SUBDIVISION WITHIN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION & RESTRICTIVE COVENANTS

KNOW ALL PERSONS BY THESE PRESENTS:

THAT PERKINS DEVELOPMENT CORPORATION, AN OKLAHOMA CORPORATION (HEREINAFTER, THE "OWNER"), IS THE OWNER OF THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA:

A TRACT OF LAND THAT IS A PART OF THE WEST HALF OF THE NORTHWEST QUARTER (W/2 NW/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID W/2 NW/4; THENCE NORTH 88°43'49" EAST AND ALONG THE NORTH LINE OF THE W/2 NW/4, FOR A DISTANCE OF 1317.40 FEET TO THE NORTHEAST CORNER OF SAID W/2 NW/4; THENCE SOUTH 1°20'17" EAST AND ALONG THE EAST LINE OF THE W/2 NW/4, FOR A DISTANCE OF 60.00 FEET TO THE NORTHWEST CORNER OF "THE RETREAT BLOCKS 1-15", A SUBDIVISION WITHIN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 7065), SAID POINT BEING THE POINT OF BEGINNING;

THENCE SOUTH 1°20'17" EAST AND ALONG THE WEST LINE OF SAID SUBDIVISION, FOR A DISTANCE OF 801.74 FEET TO THE NORTHEAST CORNER OF RESERVE "O", "THE LAKES AT RABBIT RUN - PHASE 2", A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 7022); THENCE ALONG THE NORTH LINE OF RESERVE "O" FOR THE FOLLOWING THREE (3) COURSES:

NORTH 85°34'07" WEST FOR A DISTANCE OF 402.23 FEET; THENCE NORTH 72°29'45" WEST FOR A DISTANCE OF 373.55 FEET; THENCE SOUTH 88°41'38" WEST FOR A DISTANCE OF 514.10 FEET TO A POINT THE CURRENT EAST RIGHT-OF-WAY LINE OF SOUTH OLIVE AVENUE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE FOR THE FOLLOWING THREE (3) COURSES:

NORTH 1°18'12" WEST FOR A DISTANCE OF 167.19 FEET; THENCE NORTH 28°42'02" EAST FOR A DISTANCE OF 40.06 FEET; THENCE NORTH 5°18'12" WEST FOR A DISTANCE OF 405.00 FEET;

THENCE NORTH 43°42'06" EAST FOR A DISTANCE OF 35.35 FEET TO A POINT ON THE CURRENT SOUTH RIGHT-OF-WAY LINE OF EAST NEW ORLEANS STREET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR THE FOLLOWING THREE (3) COURSES:

NORTH 88°43'49" EAST FOR A DISTANCE OF 405.00 FEET; THENCE NORTH 58°38'23" EAST FOR A DISTANCE OF 19.92 FEET; THENCE NORTH 88°43'49" EAST FOR A DISTANCE OF 800.16 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 876,848 SQUARE FEET OR 20.130 ACRES.

THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83); SAID BEARINGS ARE BASED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING MONUMENTS:

- 3/4" IRON PIN FOUND AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION 28;
- 5/8" IRON PIN FOUND AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION 28;

THE BEARING BETWEEN SAID MONUMENTS BEING NORTH 88°43'49" EAST.

AND THAT THE OWNER HAS CAUSED THE ABOVE-DESCRIBED REAL ESTATE TO BE SURVEYED, STAKED, PLATTED, ACCESS RIGHTS RESERVED, AND SUBDIVIDED INTO THREE (3) LOTS IN ONE (1) BLOCK, ALL AS SHOWN BY THE ACCOMPANYING PLAT AND SURVEY THEREOF, AND WHICH PLAT IS MADE A PART HEREOF; AND THE OWNER HAS GIVEN TO SAID PLAT THE NAME OF "THE ENCLAVE AT SOUTHERN TRAILS". A SUBDIVISION WITHIN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA (WHEREVER THE WORD "SUBDIVISION" APPEARS HEREIN) THE SAME SHALL CONCLUSIVELY BE DEEMED TO MEAN "THE ENCLAVE AT SOUTHERN TRAILS" UNLESS THE CONTEXT CLEARLY DICTATES OTHERWISE. LIKEWISE, WHEREVER THE WORD "CITY" APPEARS HEREIN THE SAME SHALL CONCLUSIVELY BE DEEMED TO MEAN THE CITY OF BROKEN ARROW, OKLAHOMA, UNLESS THE CONTEXT CLEARLY DICTATES OTHERWISE.)

NOW, THEREFORE, THE OWNER, FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION AND FOR THE PURPOSE OF INSURING ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF THE OWNER, ITS SUCCESSORS, GRANTEEES, AND ASSIGNS, AND THE BENEFICIARIES OF THE COVENANTS AS SET FORTH HEREIN, DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS, WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND WHICH SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

SECTION I. PUBLIC EASEMENTS AND UTILITIES

THE OWNER HEREBY DEDICATES TO THE PUBLIC THE UTILITY EASEMENTS DESIGNATED AS "U/E" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, ELECTRIC POWER LINES AND TRANSFORMERS, COMMUNICATION LINES, GAS LINES, AND WATERLINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS, MANHOLES, AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, TOGETHER WITH SIMILAR EASEMENT RIGHTS IN THE PUBLIC STREETS, PROVIDED HOWEVER, THE OWNER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY, AND REPAIR OR REPLACE WATERLINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING, REPAIRING, AND REPLACING OVER, ACROSS, AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT. THE OWNER HEREBY IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE THAT, WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, NO BUILDING, STRUCTURE, OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH THE ABOVE SET FORTH USES AND PURPOSES OF THE UTILITY

EASEMENTS SHALL BE PLACED, ERECTED, INSTALLED, OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, SIDEWALKS, LANDSCAPING, AND CUSTOMARY SCREENING FENCES AND WALLS THAT DO NOT CONSTITUTE AN OBSTRUCTION.

1.1. PUBLIC WATER, SANITARY SEWER, AND STORM SEWER SERVICE

1.1.1. EACH LOT OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, PUBLIC SANITARY SEWER MAINS, AND PUBLIC STORM SEWERS LOCATED ON THEIR LOT.

1.1.2. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF INSTALLATION OF A PUBLIC WATER MAIN, PUBLIC SANITARY SEWER MAIN, OR PUBLIC STORM SEWER, OR ANY CONSTRUCTION ACTIVITY WHICH, IN THE JUDGMENT OF THE CITY OF BROKEN ARROW, WOULD INTERFERE WITH PUBLIC WATER MAINS, PUBLIC SANITARY SEWER MAINS, OR PUBLIC STORM SEWERS, SHALL BE PROHIBITED.

1.1.3. THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, PUBLIC SANITARY SEWER MAINS, AND PUBLIC STORM SEWERS, BUT THE LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER OR SAID OWNER'S AGENTS OR CONTRACTORS.

1.1.4. THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF UNDERGROUND PUBLIC WATER, PUBLIC SANITARY SEWER, OR PUBLIC STORM SEWER FACILITIES.

1.1.5. THE FOREGOING COVENANTS SET FORTH IN THIS SECTION 1.1. SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, AND EACH LOT OWNER AGREES TO BE BOUND HEREBY.

1.2. PAVING AND LANDSCAPING WITHIN EASEMENTS

EACH LOT OWNER SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY INSTALLATION OR NECESSARY MAINTENANCE OF UNDERGROUND PUBLIC WATER, PUBLIC SANITARY SEWER, PUBLIC STORM SEWER, NATURAL GAS, COMMUNICATION, OR ELECTRIC FACILITIES WITHIN THE EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, OR THE SUPPLIER OF THE UTILITY SERVICE, SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

1.3. UNDERGROUND SERVICE

1.3.1. OVERHEAD POLES FOR THE SUPPLY OF ELECTRIC AND COMMUNICATION SERVICE MAY BE LOCATED WITHIN THE PERIMETER UTILITY EASEMENTS OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS SHALL BE SERVED BY UNDERGROUND CABLE AND, EXCEPT AS PROVIDED IN THE IMMEDIATELY-PRECEDING SENTENCE, ALL SUPPLY LINES INCLUDING ELECTRIC, COMMUNICATION, AND GAS LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENTS DEDICATED FOR GENERAL UTILITY SERVICES AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE UTILITY EASEMENTS.

1.3.2. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH ARE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL, OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON THE LOT, PROVIDED THAT, UPON THE INSTALLATION OF A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE, AND NON-EXCLUSIVE RIGHT-OF-WAY EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE OR LINE EXTENDING FROM THE GAS MAIN, SERVICE PEDESTAL, OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.

1.3.3. THE SUPPLIER OF ELECTRIC, COMMUNICATION, AND GAS SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS SHOWN ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, COMMUNICATION, OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.

1.3.4. EACH LOT OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON SAID OWNER'S LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, COMMUNICATION, OR GAS FACILITIES. EACH SUPPLIER OF SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER OR SAID OWNER'S AGENTS OR CONTRACTORS.

1.3.5. THE COVENANTS SET FORTH IN THE THIS SECTION 1.3. SHALL BE ENFORCEABLE BY EACH SUPPLIER OF ELECTRIC, COMMUNICATION, OR GAS SERVICE AND EACH LOT OWNER AGREES TO BE BOUND HEREBY.

1.4. SURFACE DRAINAGE

ALL LOTS SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS, RESERVE AREAS, AND DRAINAGE AREAS OF HIGHER ELEVATION WITHIN AND OUTSIDE OF THE SUBDIVISION, AND NO OWNER WITHIN THE SUBDIVISION SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS THE OWNER'S LOT OR RESERVE AREA. THE FOREGOING COVENANTS SET FORTH IN THIS SECTION 1.4. SHALL BE ENFORCEABLE BY EACH LOT OWNER.

1.5. SIDEWALKS

SIDEWALKS SHALL BE CONSTRUCTED AND MAINTAINED ALONG STREETS DESIGNATED BY AND IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF BROKEN ARROW, OKLAHOMA, AND IN CONFORMANCE WITH THE CITY OF BROKEN ARROW ENGINEERING DESIGN CRITERIA MANUAL STANDARDS. PRIOR TO THE ISSUANCE OF AN OCCUPANCY PERMIT, THE OWNER OF THE PARTICULAR LOT SHALL CONSTRUCT, AND THEREAFTER MAINTAIN, A SIDEWALK WITHIN THOSE PORTIONS OF THE STREET RIGHTS-OF-WAY OF WEST NEW ORLEANS STREET AND SOUTH OLIVE AVENUE (SOUTH 129TH EAST AVENUE) EXTENDING ALONG THE FULL PUBLIC STREET FRONTAGE ADJACENT TO THE OWNER'S LOT. SIDEWALKS SHALL BE CONTINUOUS WITH ADJOINING SIDEWALKS.

1.6. ACCESS RESTRICTIONS

THE OWNERS HEREBY RELINQUISH RIGHT OF INGRESS AND EGRESS TO THE ABOVE DESCRIBED PROPERTY WITHIN THE BOUNDS DESIGNATED ON THE ACCOMPANYING PLAT AS "LIMITS OF NO ACCESS" OR "LNA" EXCEPT AS MAY HEREAFTER BE RELEASED, ALTERED, OR AMENDED BY THE AFFECTED LOT OWNER AND THE BROKEN ARROW PLANNING COMMISSION, OR ITS SUCCESSORS, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA PERTAINING THERETO. THE FOREGOING COVENANT CONCERNING "LIMITS OF NO ACCESS" SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OR ITS SUCCESSORS, AND EACH LOT OWNER AGREES TO BE BOUND HEREBY.

1.7. MUTUAL ACCESS EASEMENTS

THE OWNER DOES HEREBY ESTABLISH NONEXCLUSIVE, PERPETUAL EASEMENTS, DEPICTED AS "MUTUAL ACCESS EASEMENT" OR "MAE" ON THE ACCOMPANYING PLAT, FOR THE PURPOSES OF PERMITTING VEHICULAR AND PEDESTRIAN ACCESS TO AND FROM ALL STREETS AND AREAS WITHIN THE SUBDIVISION ADJACENT THERETO. SUCH EASEMENTS SHALL BE FOR THE MUTUAL USE AND BENEFIT OF OWNERS OF LOTS WITHIN THE SUBDIVISION, THEIR RESPECTIVE GUESTS, INVITEES, SUCCESSORS AND ASSIGNS, AND SHALL BE APPURTENANT TO EACH AFFECTED LOT.

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS

WHEREAS, THE PROPERTY COMPRISING ENCLAVE AT SOUTHERN TRAILS WAS SUBMITTED AS A PLANNED UNIT DEVELOPMENT (DESIGNATED AS PUD NO. PUD-001815-2024 "THE ENCLAVE AT SOUTHERN TRAILS"), BEING A MAJOR AMENDMENT OF PUD-000126-2022 "THE ENCLAVE AT SOUTHERN TRAILS", ALL AS PROVIDED WITHIN THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE ZONING ORDINANCE OF THE CITY OF BROKEN ARROW, OKLAHOMA, AS THE SAME EXISTED ON OCTOBER 14, 2024 (DATE OF APPLICATION FILING); AND

WHEREAS, PUD-000126-2022 WAS RECOMMENDED UPON BY THE BROKEN ARROW PLANNING COMMISSION IN 2022 AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BROKEN ARROW ON JANUARY 3, 2023; AND

WHEREAS, PUD-001815-2024 "THE ENCLAVE AT SOUTHERN TRAILS", A MAJOR AMENDMENT OF PUD-000126-2022, WAS RECOMMENDED FOR APPROVAL BY THE BROKEN ARROW PLANNING COMMISSION NOVEMBER 21, 2024 AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BROKEN ARROW ON DECEMBER 17, 2024; AND

WHEREAS, THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BROKEN ARROW ZONING ORDINANCE REQUIRE THE ESTABLISHMENT OF COVENANTS OF RECORD, INURING TO AND ENFORCEABLE BY THE CITY OF BROKEN ARROW, SUFFICIENT TO INSURE THE IMPLEMENTATION AND CONTINUED COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT; AND

WHEREAS, THE OWNERS DESIRE TO ESTABLISH COVENANTS OF RECORD FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY DEVELOPMENT AND TO INSURE ADEQUATE COMPLIANCE WITH PUD NO. PUD-001815-2024 FOR THE MUTUAL BENEFIT OF THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND THE CITY OF BROKEN ARROW.

NOW, THEREFORE, THE OWNERS DO HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNERS, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

2.1. GENERAL DEVELOPMENT STANDARDS

2.1.1. FINAL DEVELOPMENT AREA BOUNDARIES:

PUD NO. PUD-001815-2024 DID NOT ESTABLISH THE BOUNDARY BETWEEN DEVELOPMENT AREAS "A", "B", AND "C". ALTHOUGH DESCRIBED IN SECTION III. OF THE PUD, FOR PURPOSES OF PUD-001815-2024, THE LAND AREAS OF THE DEVELOPMENT AREAS WERE APPROXIMATE AND THE LAND AREAS AND THE BOUNDARY BETWEEN SUCH DEVELOPMENT AREAS WERE TO BE ESTABLISHED UPON PLATTING; PROVIDED, HOWEVER, IN NO EVENT SHALL THE OVERALL RESIDENTIAL DENSITY, AS MEASURED BY MAXIMUM DWELLING UNITS WITHIN DEVELOPMENT AREA "C", NOR NONRESIDENTIAL INTENSITY, AS MEASURED BY MAXIMUM AGGREGATE NONRESIDENTIAL BUILDING FLOOR AREA WITHIN DEVELOPMENT AREAS "A", "B", AND "C", EXCEED THE ORIGINAL NUMBERS AS PROVIDED WITHIN THE PUD.

THEREFORE, DEVELOPMENT AREA BOUNDARIES AND AREAS ARE HEREBY ESTABLISHED BY THIS PUD SUBDIVISION PLAT AS FOLLOWS: LOT ONE (1) AND LOT TWO (2) OF BLOCK ONE (1) SHALL COMPRISE THE NET LAND AREA OF DEVELOPMENT AREA "A"; LOT THREE (3), BLOCK 1, SHALL COMPRISE THE GROSS LAND AREA OF DEVELOPMENT AREAS "B" AND "C".

2.1.2. DEVELOPMENT IN ACCORDANCE WITH PLANNED UNIT DEVELOPMENT:

THE DEVELOPMENT OF THE ENCLAVE AT SOUTHERN TRAILS SHALL BE SUBJECT TO PUD NO. PUD-001815-2024 AND THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BROKEN ARROW ZONING ORDINANCE AS SUCH PROVISIONS EXISTED ON OCTOBER 14, 2024 (DATE OF APPLICATION FILING), OR AS MAY BE SUBSEQUENTLY AMENDED.

2.1.3. LANDSCAPING AND SCREENING STANDARDS:

LANDSCAPING AND SCREENING WITHIN THE DEVELOPMENT SHALL MEET THE STANDARDS OF THE CITY OF BROKEN ARROW ZONING ORDINANCE. IN ADDITION, A LANDSCAPE BUFFER 30' IN WIDTH SHALL BE REQUIRED ALONG THE EAST PROPERTY LINE, AND A LANDSCAPE BUFFER 10' IN WIDTH SHALL BE REQUIRED ALONG THE SOUTH PROPERTY LINE. WITHIN THIS BUFFER, ONE MEDIUM TO LARGER EVERGREEN TREE SHALL BE PLANTED FOR EVERY 30 LINEAR FEET OF LANDSCAPE EDGE AND 10 MEDIUM SHRUBS (3 GALLONS AT TIME OF PLANTING AND 6-10 FEET IN HEIGHT FULL GROWN) SHALL BE PLANTED FOR EVERY 50 LINEAR FEET OF LANDSCAPED EDGE. PATIOS MAY ENCROACH ON THIS LANDSCAPE BUFFER UP TO 5 FEET AND SIDEWALKS AND TRAILS SHALL NOT BE EXCLUDED FROM THE WIDTH CALCULATION. IN LIEU OF LANDSCAPE BUFFERS INTERNAL TO THE SITE, RESIDENTIAL YARDS ADJOINING COMMERCIAL DEVELOPMENT AREAS WILL BE LANDSCAPED WITH AT LEAST ONE (1) TREE PER DWELLING UNIT ALONG THE COMMON BOUNDARY LINE. LANDSCAPING TREES MAY BE CLUSTERED AT LANDSCAPED NODES.

THE EASTERN BOUNDARY IS SHARED WITH COMMERCIAL LOT 1, BLOCK 1, OPEN SPACE RESERVE A, AND PART OF THE WESTERLY LINE OF SINGLE-FAMILY RESIDENTIAL LOT 7, BLOCK 12, ALL IN "THE RETREAT." SCREENING IS NOT NECESSARY BETWEEN COMMERCIAL LOTS. THE EASTERNMOST DWELLING UNITS ARE DESIGNED TO FACE OPEN SPACE RESERVE A. HOWEVER, A SCREENING FENCE WOULD BLOCK THE VIEW OF THE OPEN SPACE. THEREFORE, A SCREENING FENCE WITH A MINIMUM 6 FEET IN HEIGHT WILL BE PROVIDED ALONG THE EASTERN BOUNDARY OF THE PROPERTY COMMON

WITH THE WESTERLY LINE OF SINGLE-FAMILY RESIDENTIAL LOT 7, BLOCK 12, AND ALONG RESERVE A UNLESS WAIVED IN WRITING BY THE OWNER OF RESERVE A AND THE HOMEOWNERS ASSOCIATION FOR "THE RETREAT." A SCREENING FENCE WILL NOT BE REQUIRED ALONG THE SOUTHERN BOUNDARY ABUTTING THE GREENSPACE, THE WESTERN BOUNDARY ALONG OLIVE AVENUE, OR INTERNAL TO THE SITE.

2.1.4. STREET DESIGN AND ACCESS:

ACCESS TO DEVELOPMENT AREA A WILL BE VIA THREE CURB CUTS ON WEST NEW ORLEANS STREET AND TWO CURB CUTS ON SOUTH OLIVE AVENUE. THE OFFSET SPACING FOR THE EASTERNMOST DRIVE MAY BE REDUCED TO 100 FEET IF AN ENGINEERING VARIANCE IS APPROVED BY ENGINEERING & CONSTRUCTION. IF NOT APPROVED, THE SPACING MUST MEET THE REQUIREMENTS SET FORTH IN THE ZONING ORDINANCE. THE EXISTING OPPOSING DRIVE IS TOO NEAR THE EASTERN BOUNDARY OF THE TRACT TO PROVIDE AN ADEQUATELY ALIGNED LOCATION. IF THE PROPOSED DRIVE LOCATION IS SHIFTED FURTHER WEST IT WILL RESTRICT THE DEVELOPABILITY OF THE EASTERN PORTION OF THE COMMERCIAL TRACT OR VIOLATE THE SAME SIDE SPACING CRITERIA. THE OPPOSING DRIVE IS ALSO A SECONDARY ACCESS POINT FOR THE CHURCH WHICH WILL HELP TO LIMIT CONFLICTING TURNING MOVEMENTS. SIDEWALKS WILL BE CONSTRUCTED IN ACCORDANCE WITH CITY OF BROKEN ARROW SUBDIVISION REGULATIONS.

ACCESS TO DEVELOPMENT AREA C WILL BE VIA EXTENSION OF TWO SHARED ACCESS DRIVES FROM WEST NEW ORLEANS STREET AND THE SOUTHERN ACCESS DRIVE FROM SOUTH OLIVE AVENUE. CONNECTIVITY WITHIN THE OVERALL SITE LAYOUT WILL BE PROVIDED VIA MUTUAL ACCESS EASEMENTS. THIS LAYOUT SHALL BE COORDINATED WITH CITY STAFF.

2.1.5. UTILITIES:

THE CITY OF BROKEN ARROW WILL PROVIDE WATER, SANITARY SEWER, AND STORM SEWER SERVICE TO THE PROPERTY. DOMESTIC WATER SERVICE AND FIRE PROTECTION FOR THE SITE WILL BE PROVIDED VIA CONNECTION TO EXISTING WATERLINES ALONG NEW ORLEANS STREET AND OLIVE AVENUE. SANITARY SEWER WILL BE EXTENDED FROM EXISTING LINES ALONG THE SITE BOUNDARY THROUGHOUT THE DEVELOPMENT. A DETENTION FACILITY HAS BEEN CONSTRUCTED SOUTH OF THE PUD BOUNDARY AS PART OF THE LAKES AT RABBIT RUN. THE DETENTION VOLUME WAS SIZED TO ACCOMMODATE UNDETAINED RUNOFF FROM THIS PUD AREA. ALL DRAINAGE INFRASTRUCTURE SHALL CONFORM TO CITY CODE REQUIREMENTS AND THE DETENTION DETERMINATION AND DESIGN STANDARDS AND THE LAYOUT AND DESIGN SHALL BE COORDINATED THROUGH CITY STAFF.

FRANCHISE UTILITIES WILL ALSO SERVE THE PROJECT WITH COMMUNICATIONS, NATURAL GAS, AND ELECTRICITY. WE ANTICIPATE UNDERGROUND SERVICES THROUGHOUT THE DEVELOPMENT.

2.1.6. STREETS:

MULTIFAMILY BUILDING AND SITE DESIGN STANDARDS:
DUE TO THE UNIQUE, LOW-DENSITY TOWNHOUSE-STYLE MULTIFAMILY RESIDENTIAL DEVELOPMENT PROPOSED FOR DEVELOPMENT AREA C, CERTAIN DESIGN ELEMENTS BENEFIT FROM A RELAXATION OF BROKEN ARROW ZONING ORDINANCE SECTION 5.5.C.

BUILDINGS SHALL HAVE A MINIMUM SEPARATION OF 10 FEET FROM ALL FRONT, SIDE AND REAR WALLS.

THERE IS NO LIMIT TO THE NUMBER OF BUILDINGS CONTINUOUSLY ON THE SAME BUILDING LINE.

BUILDINGS SHALL BE ARRANGED SO THAT THE FRONTS OF THE BUILDINGS ARE SET TO THE FRONT OR BACK OF EACH ADJACENT FRONT BUILDING LINE BY AT LEAST THIRTY FEET (30') OR MORE.

PARKING LOTS SHALL BE NO MORE THAN FIVE HUNDRED FEET (500') IN LENGTH WITHOUT AN OFFSET CHANGE IN DIRECTION OF THIRTY FEET (30') OR MORE, CENTERLINE TO CENTERLINE, OR AN INTERSECTION WITH ANOTHER CENTERLINE. OFF-STREET PARKING SHALL OTHERWISE MEET THE REQUIREMENTS OF THE BROKEN ARROW ZONING ORDINANCE.

THE MAXIMUM LENGTH OF ANY MULTI-FAMILY BUILDING SHALL BE 250'.

EACH FAÇADE GREATER THAN 180' IN LENGTH, MEASURED HORIZONTALLY, SHALL INCORPORATE WALL PLANE PROJECTIONS OR RECESSES HAVING A DEPTH OF AT LEAST TEN PERCENT (10%) OF THE LENGTH OF THE FAÇADE, AND EXTENDING AT LEAST TWENTY PERCENT (20%) OF THE LENGTH OF THE FAÇADE. NO FAÇADE SHALL EXCEED FIFTY HORIZONTAL FEET (50') UNLESS INTERRUPTED BY WALL PLACE PROJECTIONS OR RECESSES HAVING A DEPTH OF AT LEAST 1/3'.

ALL STANDARD DWELLING UNITS WILL HAVE THEIR OWN ENCLOSED GARAGE, PROVIDING COVERED, ENCLOSED, AND SECURE STORAGE AREAS FOR BICYCLES AND OTHER BELONGINGS THAT TYPICALLY CANNOT BE ACCOMMODATED WITHIN INDIVIDUAL DWELLING UNITS. LIVE WORK UNITS ARE CURRENTLY DESIGNED TO BE SERVED BY CARPORTS. THEREFORE, NO SPECIAL STORAGE BUILDINGS ARE PROPOSED FOR INDIVIDUAL TENANT USE.

PLATTING AND DETAILED SITE PLAN REVIEW:

NO BUILDING PERMIT SHALL BE ISSUED FOR ANY STRUCTURE UNTIL A DETAILED SITE PLAN INCLUDING LANDSCAPING AND BUILDING ELEVATIONS IS SUBMITTED TO AND APPROVED BY THE BROKEN ARROW PLANNING COMMISSION AND CITY COUNCIL AS IN CONFORMANCE WITH THE STANDARDS AND DEVELOPMENT CONCEPT OF THIS PUD. THE SITE PLAN SHALL BE CONSIDERED IN A PUBLIC HEARING AND APPROPRIATE NOTICES SHALL BE MAILED TO THE SURROUNDING PROPERTY THE PLANNING COMMISSION AND/OR CITY COUNCIL SPECIFICALLY RESERVES THE RIGHT TO REQUIRE UP TO 100% MASONRY ON ANY FAÇADE WITHIN THE DEVELOPMENT.

Preliminary Plat
PUD-001815-2024
The Enclave
AT SOUTHERN TRAILS

PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 NW/4)
OF SECTION TWENTY-EIGHT (28), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN
A SUBDIVISION WITHIN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION & RESTRICTIVE COVENANTS
(CONTINUED)

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS (CONTINUED)

2.2. DEVELOPMENT STANDARDS FOR DEVELOPMENT AREA A (LOTS 1 AND 2 OF BLOCK 1)

DEVELOPMENT AREA A SHALL BE GOVERNED BY THE BROKEN ARROW ZONING ORDINANCE USE AND DIMENSIONAL STANDARDS AS ESTABLISHED BY THE CG DISTRICT EXCEPT AS HEREINAFTER MODIFIED:

2.2.1. LAND AREA:
GROSS LAND AREA (PUD) 460,944 SQUARE FEET 10.582 ACRES
NET LAND AREA (PUD): 343,274 SQUARE FEET 7,880 ACRES
GROSS LAND AREA (PLAT)
NET LAND AREA (PLAT):

2.2.2. PERMITTED USES:
USES PERMITTED AS A MATTER OF RIGHT IN THE CG DISTRICT (EXCEPT AS SPECIFIED BELOW); THE FOLLOWING USES ALLOWED BY SPECIFIC USE PERMIT SHALL ALSO BE ALLOWED BY RIGHT: MICRO FOOD AND BEVERAGE PRODUCTION*; AND USES CUSTOMARILY ACCESSORY TO USES PERMITTED HEREIN, PROVIDED THAT EACH USE MEETS THE MINIMUM STANDARDS OF SECTION 3.3 OF THE ZONING ORDINANCE. EXCLUDED USES: MEDICAL MARIJUANA DISPENSARIES, PAWN SHOPS, BAIL BONDING, AND CHECK CASHIER/PAYDAY LENDERS (DEFINED AS AN ESTABLISHMENT THAT IS SUBSTANTIALLY IN THE BUSINESS OF CHARGING A FEE TO CASH A CHECK AND/OR NEGOTIATING, ARRANGING, AIDING, OR ASSISTING A CONSUMER IN PROCURING PAYDAY LOANS).

2.2.3. MAXIMUM LOT AND BUILDING COVERAGE: N/A
2.2.4. MAXIMUM FLOOR AREA: 295,481 **
2.2.5. MAXIMUM BUILDING HEIGHT: 52 FEET OR 3 STORIES
2.2.6. MINIMUM LOT FRONTAGE AND MINIMUM LOT WIDTH: 100 FT
2.2.7. MINIMUM BUILDING SETBACKS:
FROM ARTERIAL STREET RIGHT-OF-WAY: 50 FT ***
FROM DEVELOPMENT AREAS B AND C BOUNDARIES: 10 FT
FROM EAST PUD BOUNDARY: 0 FT
FROM ALL OTHER BOUNDARIES: 0 FT

2.2.8. MINIMUM AND MAXIMUM PARKING RATIOS:
AS PER BROKEN ARROW ZONING ORDINANCE ****

2.2.9. OTHER BULK AND AREA REQUIREMENTS: AS REQUIRED WITHIN CG DISTRICT
* USE IS SUBJECT TO ADDITIONAL DEVELOPMENT STANDARDS AS OUTLINED IN BROKEN ARROW ZONING ORDINANCE SECTION 3.2.

** AN INITIAL TRANSFER OF 4,520 SF OF NONRESIDENTIAL BUILDING FLOOR AREA IS TRANSFERRED BY THIS AMENDMENT TO COVER THE SIX (6) VERTICALLY MIXED-USE UNITS WITHIN DEVELOPMENT AREA B; ANY FUTURE TRANSFERS OF FLOOR AREA SHALL REQUIRE A SUBSEQUENT AMENDMENT OR AS OTHERWISE REQUIRED BY THE CITY OF BROKEN ARROW.

*** THE SETBACK IS REDUCED TO 25 FT WHERE NO PARKING IS LOCATED BETWEEN THE BUILDING AND THE STREET.

**** MINIMUM AND MAXIMUM PARKING MAY BE MODIFIED BY THE BROKEN ARROW PLANNING COMMISSION UPON APPROVAL OF A PUD MINOR AMENDMENT.

2.3. DEVELOPMENT STANDARDS FOR DEVELOPMENT AREA B (THE WEST ___ FEET OF LOT 3, BLOCK 1)

DEVELOPMENT AREA B SHALL BE GOVERNED BY THE BROKEN ARROW ZONING ORDINANCE USE STANDARDS AS ESTABLISHED BY THE CM DISTRICT AND THE DIMENSIONAL STANDARDS AS ESTABLISHED BY THE RM DISTRICT EXCEPT AS HEREINAFTER MODIFIED:

2.3.1. LAND AREA:
GROSS LAND AREA (PUD): 40,539 SQUARE FEET 0.931 ACRES
NET LAND AREA (PUD): 33,225 SQUARE FEET 0.763 ACRES
GROSS LAND AREA (PLAT)
NET LAND AREA (PLAT):

2.3.2. PERMITTED USES:
MULTI-FAMILY DWELLINGS; VERTICALLY MIXED-USE BUILDINGS INCLUDING SECOND-FLOOR DWELLING UNITS AND GROUND FLOOR NONRESIDENTIAL USES LIMITED TO THE FOLLOWING USES: CATERING SERVICE, MICRO FOOD AND BEVERAGE PRODUCTION (SUBJECT TO ZONING ORD. SECTION 3.2), BUSINESS OR PROFESSIONAL OFFICES, FITNESS AND RECREATIONAL SPORTS CENTER, ART GALLERY OR STUDIO, GENERAL PERSONAL SERVICES, INSTRUCTIONAL SERVICES, GENERAL RETAIL (BUT EXCLUDING PAWN SHOPS), AND MAKERSPACES (DEFINED AS FACILITIES FOR SMALL-SCALE, CRAFT PRODUCTION, THAT PRODUCE OR MAKE ITEMS THAT BY THEIR NATURE, ARE DESIGNED OR MADE BY AN ARTIST OR CRAFTSMAN BY USING HAND SKILLS); NEIGHBORHOOD COMMUNITY PLAYFIELDS AND PARKS, INCLUDING CLUBHOUSES, POOLS, AND SIMILAR NEIGHBORHOOD AMENITIES; MINOR UTILITY FACILITIES; AND USES CUSTOMARILY ACCESSORY TO USES PERMITTED HEREIN, PROVIDED THAT EACH USE MEETS THE MINIMUM STANDARDS OF SECTION 3.3 OF THE ZONING ORDINANCE. NO MORE THAN 4 DWELLING UNITS SHALL BE ATTACHED UNLESS IN A ROWHOUSE* TYPE OF CONFIGURATION.

2.3.3. MAXIMUM NUMBER OF DWELLING UNITS: 6
2.3.4. MINIMUM LOT WIDTH: 100 FT
2.3.5. MINIMUM LOT FRONTAGE: 100 FT
2.3.6. MINIMUM LOT AREA: 2,300 SF PER DWELLING UNIT
2.3.7. MINIMUM LAND AREA PER DWELLING UNIT: 2,200 SF **
2.3.8. MAXIMUM BUILDING HEIGHT: 2 STORIES AND 35 FT ***
2.3.9. MINIMUM OFF-STREET PARKING:
1.5 PER SINGLE BEDROOM DWELLING UNIT
2 PER TWO OR MORE BEDROOMS DWELLING UNIT
1 ADDITIONAL PER EACH 750 SF OF VERTICALLY MIXED-USE UNIT BUILDING FLOOR AREA
2.3.10. MAXIMUM LOT AND BUILDING COVERAGE: 60% ****
2.3.11. MINIMUM LIVABILITY OPEN SPACE PER DU: 1,200 SF *****
2.3.12. MAXIMUM NONRESIDENTIAL BUILDING FLOOR AREA: 4,520 SF *****

2.3.13. MINIMUM YARD SETBACKS:
FROM ARTERIAL STREET RIGHT-OF-WAY: 75 FT *****
FROM DEVELOPMENT AREA A: 10 FT
FROM DEVELOPMENT AREA C: 5 FT
FROM SOUTH PUD BOUNDARY: 20 FT
2.3.14. OTHER BULK AND AREA REQUIREMENTS: AS REQUIRED WITHIN THE RM DISTRICT

* A ROWHOUSE IS DEFINED BY A SERIES OF ATTACHED DWELLING UNITS WHERE ALL VERTICAL STORIES OF A UNIT ARE INHABITED BY A SINGLE FAMILY.

** MINIMUM LAND AREA PER DWELLING UNIT IS SATISFIED BY THE PROPORTION OF MAXIMUM NUMBER OF DWELLING UNITS TO GROSS LAND AREA AS PROVIDED IN SECTION 4.1.E.1.B. OF THE BROKEN ARROW ZONING ORDINANCE. LOTS ARE THEREFORE NOT SUBJECT TO THIS REQUIREMENT ON AN INDIVIDUAL BASIS.

*** ARCHITECTURAL FEATURES MAY EXTEND A MAX. OF FIVE (5) FEET ABOVE MAXIMUM PERMITTED BUILDING HEIGHT.

**** MAXIMUM AGGREGATE LOT COVERAGE BY BUILDINGS, PARKING, AND DRIVES IS LIMITED TO THE LESSER OF 60% OR THAT AMOUNT NECESSARY TO MEET MINIMUM LIVABILITY OPEN SPACE REQUIREMENTS. LIVABILITY OPEN SPACE, DEFINED AS OPEN SPACE NOT UTILIZED FOR PARKING OR DRIVES, AND INCLUDING SIDEWALKS AND TRAILS, MAY BE LOCATED ON A LOT OR CONTAINED WITHIN COMMON OPEN SPACE OF THE DEVELOPMENT, AS PER SECTION 4.1.E.1.D. OF THE BROKEN ARROW ZONING ORDINANCE.

***** AN INITIAL TRANSFER OF 4,520 SF OF NONRESIDENTIAL BUILDING FLOOR AREA IS TRANSFERRED FROM DEVELOPMENT AREA A TO THIS DEVELOPMENT AREA B BY THIS AMENDMENT TO COVER THE SIX (6) VERTICALLY MIXED-USE UNITS WITHIN DEVELOPMENT AREA B; ANY FUTURE TRANSFERS OF FLOOR AREA SHALL REQUIRE A SUBSEQUENT AMENDMENT OR AS OTHERWISE REQUIRED BY THE CITY OF BROKEN ARROW.

***** THE SETBACK IS REDUCED TO 35 FT WHERE NO PARKING IS LOCATED BETWEEN THE BUILDING AND THE STREET

2.4. DEVELOPMENT STANDARDS FOR DEVELOPMENT AREA C (LOT 3, BLOCK 1, LESS AND EXCEPT THE WEST ___ FEET THEREOF)

DEVELOPMENT AREA C SHALL BE GOVERNED BY THE BROKEN ARROW ZONING ORDINANCE USE AND DIMENSIONAL STANDARDS AS ESTABLISHED BY THE RM DISTRICT EXCEPT AS HEREINAFTER MODIFIED:

2.4.1. LAND AREA:
GROSS LAND AREA (PUD): 500,424 SQUARE FEET 11.488 ACRES
NET LAND AREA (PUD): 500,424 SQUARE FEET 11.488 ACRES
GROSS LAND AREA (PLAT):
NET LAND AREA (PLAT):

2.4.2. PERMITTED USES:
MULTI-FAMILY DWELLINGS; NEIGHBORHOOD COMMUNITY PLAYFIELDS AND PARKS, INCLUDING CLUBHOUSES, POOLS, AND SIMILAR NEIGHBORHOOD AMENITIES; MINOR UTILITY FACILITIES; AND USES CUSTOMARILY ACCESSORY TO USES PERMITTED HEREIN, PROVIDED THAT EACH USE MEETS THE MINIMUM STANDARDS OF SECTION 3.3 OF THE ZONING ORDINANCE. NO MORE THAN 4 DWELLING UNITS SHALL BE ATTACHED UNLESS IN A ROWHOUSE* TYPE OF CONFIGURATION.

2.4.3. MAXIMUM NUMBER OF DWELLING UNITS: 154
2.4.4. MINIMUM LOT WIDTH: 200 FT
2.4.5. MINIMUM LOT FRONTAGE: 100 FT
2.4.6. MINIMUM LOT AREA: 2,300 SF PER DWELLING UNIT
2.4.7. MINIMUM LAND AREA PER DWELLING UNIT: 2,200 SF **
2.4.8. MAXIMUM BUILDING HEIGHT: 2 STORIES AND 35 FT ***
2.4.9. MINIMUM OFF-STREET PARKING:
1.5 PER SINGLE BEDROOM DWELLING UNIT
2 PER TWO OR MORE BEDROOMS DWELLING UNIT
2.4.10. MAXIMUM LOT AND BUILDING COVERAGE: 60% ****
2.4.11. MINIMUM LIVABILITY OPEN SPACE PER DU: 1,200 SF *****
2.4.12. MINIMUM YARD SETBACKS:
FROM ARTERIAL STREET RIGHT-OF-WAY: 75 FT *****
FROM DEVELOPMENT AREAS A AND B: 10 FT
FROM EAST PUD BOUNDARY: 15 FT
FROM SOUTH PUD BOUNDARY: 20 FT
2.4.13. OTHER BULK AND AREA REQUIREMENTS: AS REQUIRED WITHIN THE RM DISTRICT

* A ROWHOUSE IS DEFINED BY A SERIES OF ATTACHED DWELLING UNITS WHERE ALL VERTICAL STORIES OF A UNIT ARE INHABITED BY A SINGLE FAMILY.

** MINIMUM LAND AREA PER DWELLING UNIT IS SATISFIED BY THE PROPORTION OF MAXIMUM NUMBER OF DWELLING UNITS TO GROSS LAND AREA AS PROVIDED IN SECTION 4.1.E.1.B. OF THE BROKEN ARROW ZONING ORDINANCE. LOTS ARE THEREFORE NOT SUBJECT TO THIS REQUIREMENT ON AN INDIVIDUAL BASIS.

*** ARCHITECTURAL FEATURES MAY EXTEND A MAX. OF FIVE (5) FEET ABOVE MAXIMUM PERMITTED BUILDING HEIGHT.

**** MAXIMUM AGGREGATE LOT COVERAGE BY BUILDINGS, PARKING, AND DRIVES IS LIMITED TO THE LESSER OF 60% OR THAT AMOUNT NECESSARY TO MEET MINIMUM LIVABILITY OPEN SPACE REQUIREMENTS. LIVABILITY OPEN SPACE, DEFINED AS OPEN SPACE NOT UTILIZED FOR PARKING OR DRIVES, AND INCLUDING SIDEWALKS AND TRAILS, MAY BE LOCATED ON A LOT OR CONTAINED WITHIN COMMON OPEN SPACE OF THE DEVELOPMENT, AS PER SECTION 4.1.E.1.D. OF THE BROKEN ARROW ZONING ORDINANCE.

***** THE SETBACK IS REDUCED TO 35 FT WHERE NO PARKING IS LOCATED BETWEEN THE BUILDING AND THE STREET.

SECTION III. PROPERTY OWNERS' ASSOCIATION

3.1. FORMATION

THE OWNER HAS FORMED OR SHALL CAUSE TO BE FORMED, IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, AN ASSOCIATION OF ALL OWNERS OF RESIDENTIAL AND NONRESIDENTIAL LOTS WITHIN "THE ENCLAVE AT SOUTHERN TRAILS" (THE "PROPERTY OWNERS' ASSOCIATION" OR "ASSOCIATION"), A NOT-FOR-PROFIT CORPORATE ENTITY ESTABLISHED AND FORMED OR TO BE ESTABLISHED AND FORMED FOR THE GENERAL PURPOSES OF MAINTAINING THE PRIVATE MUTUAL ACCESS DRIVES AND PRIVATE STORM SEWERS, AND ANY OTHER COMMON AREA EASEMENTS, PROPERTY, AND FACILITIES THAT ARE FOR THE COMMON USE AND BENEFIT OF THE LOTS AS THE SAME MAY BE AGREED TO BY THE MEMBERS OF THE ASSOCIATION AND ENHANCING THE VALUE, DESIRABILITY, AND ATTRACTIVENESS OF THE SUBDIVISION AND OF ANY OTHER RESIDENTIAL AND/OR NONRESIDENTIAL SUBDIVISION WHICH MAY SUBSEQUENTLY BE MERGED WITH OR ANNEXED TO THE GEOGRAPHIC JURISDICTION OF THE PROPERTY OWNERS' ASSOCIATION.

3.2. PRIVATE RESTRICTIONS AND COVENANTS

FOR THE BENEFIT OF THE ASSOCIATION AND OF ALL OWNERS WITHIN THE SUBDIVISION, THE OWNERS SHALL ESTABLISH AN ARCHITECTURAL REVIEW COMMITTEE AND VARIOUS PRIVATE RESTRICTIONS AND COVENANTS FOR THE PURPOSE OF PROVIDING ORDERLY DEVELOPMENT OF THE SUBDIVISION AND CONFORMITY AND COMPATIBILITY OF IMPROVEMENTS THEREIN. SAID PRIVATE RESTRICTIONS AND COVENANTS SHALL BE FILED OF RECORD WITH THE TULSA COUNTY CLERK, SHALL BE APPLICABLE TO THE LOTS WITHIN THE SUBDIVISION, AND SHALL BE COVENANTS RUNNING WITH THE LAND AND BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS FURTHER STATED IN SAID FILED DOCUMENT.

3.3. MEMBERSHIP

EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST IN A LOT IN THE SUBDIVISION SHALL BE A MEMBER OF THE ASSOCIATION, ALL AS GOVERNED BY THE ASSOCIATION'S ARTICLES OF INCORPORATION AND AS DESCRIBED IN THE SUBDIVISION'S SEPARATE COVENANTS, CONDITIONS AND RESTRICTIONS FILED AFTER THIS PLAT. MEMBERSHIP SHALL BE APPURTENANT TO AND SHALL NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT. THE RIGHTS, RESPONSIBILITIES, ASSESSMENTS, AND OTHER MEMBERSHIP PARTICULARS, AND THE MEMBERSHIP ITSELF MAY BE SUBSIDIVED BY SUBSEQUENT DOCUMENT, SUCH AS BETWEEN THE OWNERS OF NONRESIDENTIAL AND RESIDENTIAL LOTS WITHIN THE SUBDIVISION.

3.4. ASSESSMENT

THE OWNER OF A LOT, BY ACCEPTANCE OF A DEED THEREFOR, COVENANTS AND AGREES TO PAY TO THE ASSOCIATION ANNUAL AND SPECIAL ASSESSMENTS FOR THE PURPOSE OF IMPROVEMENT AND MAINTENANCE OF PRIVATE MUTUAL ACCESS DRIVES AND ANY OTHER COMMON AREA EASEMENTS, PROPERTY, AND FACILITIES THAT, FROM TIME TO TIME, ARE FOR THE COMMON USE AND BENEFIT OF THE OWNERS OF THE LOTS AS THE SAME MAY BE AGREED TO BY THE MEMBERS OF THE ASSOCIATION, TO BE ESTABLISHED BY THE ASSOCIATION IN ACCORDANCE WITH A DECLARATION TO BE EXECUTED AND RECORDED BY THE OWNER. ALL UNPAID ASSESSMENTS SHALL BE A LIEN UPON THE LOT(S) AGAINST WHICH IT IS MADE.

3.5. ASSOCIATION TO BE BENEFICIARY

WITHOUT LIMITATION OF SUCH OTHER POWERS AND RIGHTS AS THE ASSOCIATION MAY HAVE, THE ASSOCIATION SHALL BE DEEMED A BENEFICIARY OF THE VARIOUS COVENANTS SET FORTH WITHIN THIS DEED OF DEDICATION AND RESTRICTIVE COVENANTS TO THE SAME EXTENT AS ALL OTHER BENEFICIARIES THEREOF, INCLUDING EACH LOT OWNER, THE CITY, AND THE SUPPLIER OF ANY UTILITY OR OTHER SERVICE WITHIN THE SUBDIVISION, AND SHALL HAVE THE RIGHT TO ENFORCE THESE COVENANTS AND AGREEMENTS.

SECTION IV. ENFORCEMENT, DURATION, AMENDMENT OR TERMINATION, AND SEVERABILITY

4.1. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I. EASEMENTS AND UTILITIES, SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS, AND SECTION IV. ENFORCEMENT, DURATION, AMENDMENT OR TERMINATION, AND SEVERABILITY ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO, AND ADDITIONALLY THE COVENANTS WITHIN SECTIONS I., II., AND IV., WHETHER OR NOT SPECIFICALLY THEREIN SO STATED, SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA. IF THE UNDERSIGNED OWNER OR ITS SUCCESSORS OR ASSIGNS SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTIONS I., II., OR IV., IT SHALL BE LAWFUL FOR THE CITY OF BROKEN ARROW OR ANY OWNER OF LAND WITHIN THE SUBDIVISION TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT SUCH PERSON OR PERSONS FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT. THE PROVISIONS OF SECTION III. PROPERTY OWNERS' ASSOCIATION SHALL BE ENFORCEABLE BY THE OWNER, ITS SUCCESSORS AND ASSIGNS, ANY OWNER OF A LOT WITHIN THE SUBDIVISION, AND THE ASSOCIATION. IN ANY JUDICIAL ACTION BROUGHT TO ENFORCE THE COVENANTS ESTABLISHED WITHIN THIS DEED OF DEDICATION, THE DEFENSE THAT THE PARTY INITIATING THE EQUITABLE PROCEEDING HAS AN ADEQUATE REMEDY AT LAW IS HEREBY WAIVED.

4.2. DURATION

THESE RESTRICTIONS, TO THE EXTENT PERMITTED BY APPLICABLE LAW, SHALL BE PERPETUAL BUT IN ANY EVENT SHALL BE IN FORCE AND EFFECT FOR A TERM OF NOT LESS THAN THIRTY (30) YEARS FROM THE DATE OF THE RECORDING OF THIS DEED OF DEDICATION UNLESS TERMINATED OR AMENDED AS HEREINAFTER PROVIDED.

4.3. AMENDMENT OR TERMINATION

THE COVENANTS CONTAINED WITHIN SECTION I. PUBLIC EASEMENTS AND UTILITIES AND SECTION IV. ENFORCEMENT, DURATION, AMENDMENT OR TERMINATION, AND SEVERABILITY MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE BROKEN ARROW PLANNING COMMISSION, OR ITS SUCCESSORS, AND THE CITY OF BROKEN ARROW, OKLAHOMA. THE COVENANTS CONTAINED WITHIN SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE BROKEN ARROW PLANNING COMMISSION, OR ITS SUCCESSORS. NOTWITHSTANDING THE FOREGOING, THE COVENANTS CONTAINED WITHIN SECTION II. SHALL BE DEEMED AMENDED (WITHOUT NECESSITY OF EXECUTION OF AN AMENDING DOCUMENT) UPON APPROVAL OF A MINOR AMENDMENT TO PUD NO. PUD-001815-2024 BY THE BROKEN ARROW PLANNING COMMISSION, OR ITS SUCCESSORS, AND RECORDING OF A COPY OF THE MINUTES OF THE BROKEN ARROW PLANNING COMMISSION OR ITS SUCCESSORS WITH THE TULSA COUNTY CLERK. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AND RESTRICTIONS SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

4.4. SEVERABILITY

INVALIDATION OF ANY RESTRICTION SET FORTH HEREIN, OR ANY PART THEREOF, BY AN ORDER, JUDGMENT, OR DECREE OF ANY COURT, OR OTHERWISE, SHALL NOT INVALIDATE OR AFFECT ANY OF THE OTHER RESTRICTIONS OR ANY PART THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, PERKINS DEVELOPMENT CORPORATION HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS _____ DAY OF _____, 2025.

PERKINS DEVELOPMENT CORPORATION
AN OKLAHOMA CORPORATION

By _____
[NAME], [TITLE]

STATE OF OKLAHOMA)
) SS
COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS _____ DAY OF _____, 2025, PERSONALLY APPEARED [NAME], TO ME KNOWN TO BE THE IDENTICAL PERSON WHO EXECUTED THE FOREGOING INSTRUMENT, AS [TITLE] OF PERKINS DEVELOPMENT CORPORATION, AND ACKNOWLEDGED TO ME THAT _____ EXECUTED THE SAME AS _____ FREE AND VOLUNTARY ACT AND DEED, AND AS THE FREE AND VOLUNTARY ACT AND DEED OF PERKINS DEVELOPMENT CORPORATION FOR THE USES AND PURPOSES THEREIN SET FORTH.

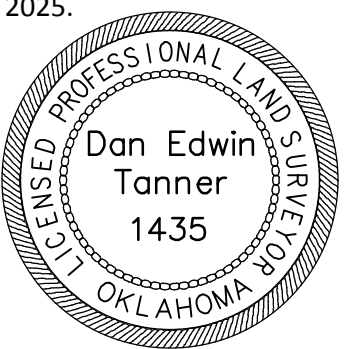
GIVEN UNDER MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

CERTIFICATE OF SURVEY

I, DAN E. TANNER, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND HEREIN DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT IS A TRUE REPRESENTATION OF A SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED PRACTICES, AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 2025.



By: _____
DAN E. TANNER
LICENSED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1435

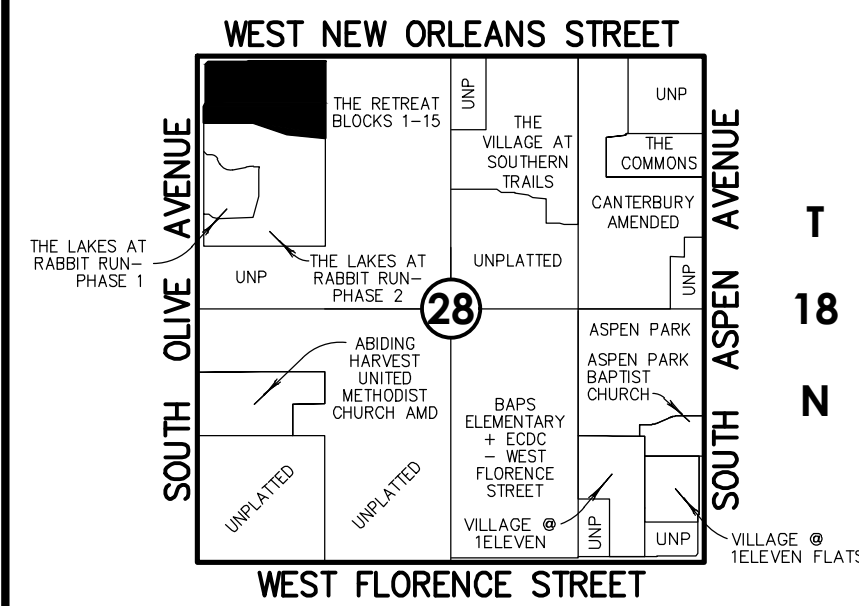
STATE OF OKLAHOMA)
) SS
COUNTY OF TULSA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THE _____ DAY OF _____, 2025, PERSONALLY APPEARED TO ME DAN E. TANNER KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS LICENSED PROFESSIONAL LAND SURVEYOR TO THE FOREGOING CERTIFICATE, AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN SET FORTH.
GIVEN UNDER MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.



03/08/2028
MY COMMISSION EXPIRES _____ JENNIFER MILLER, NOTARY PUBLIC

R 14 E



Location Map
Scale: 1" = 2000'

OWNER:
Perkins Development Corporation
CONTACT: MARK PERKINS
EMAIL: MARK@THEPERKINSFIRM.COM
P.O. Box 1527
Tulsa, Oklahoma 74101-1527
Phone: (918) 724-5990

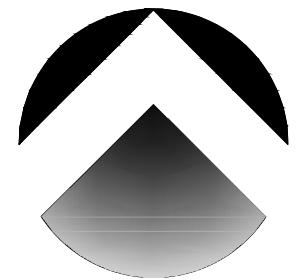
Conceptual Utility Plan

PUD-001815-2024

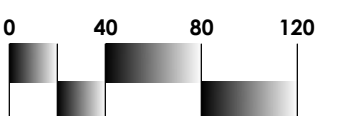
The Enclave AT SOUTHERN TRAILS

PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 NW/4)
OF SECTION TWENTY-EIGHT (28), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN
A SUBDIVISION WITHIN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA

SURVEYOR/ENGINEER:
Tanner Consulting, L.L.C.
DAN E. TANNER, P.L.S. NO. 1435
OK CA NO. 2661, EXPIRES 6/30/2025
EMAIL: DAN@TANNERBAITSHOP.COM
5323 South Lewis Avenue
Tulsa, Oklahoma 74105
Phone: (918) 745-9929



NORTH



Scale: 1" = 80'
Tanner Consulting

LEGEND

B/L	BUILDING LINE
B/U	BUILDING LINE & UTILITY EASEMENT
BK PG	BOOK & PAGE
CB	CHORD BEARING
CD	CHORD DISTANCE
CL	CENTERLINE
Δ	DELTA ANGLE
DOC	DOCUMENT
ESMT	EASEMENT
F/E	FENCE EASEMENT
GOV'T	GOVERNMENT
LNA	LIMITS OF NO ACCESS
PDE	PRIVATE DRAINAGE EASEMENT
RES.	RESERVE
R/W	RIGHT-OF-WAY
U/E	UTILITY EASEMENT
■	STORM SEWER INLET
●	FIRE HYDRANT
●	SEWER MANHOLE

SUBDIVISION CONTAINS:

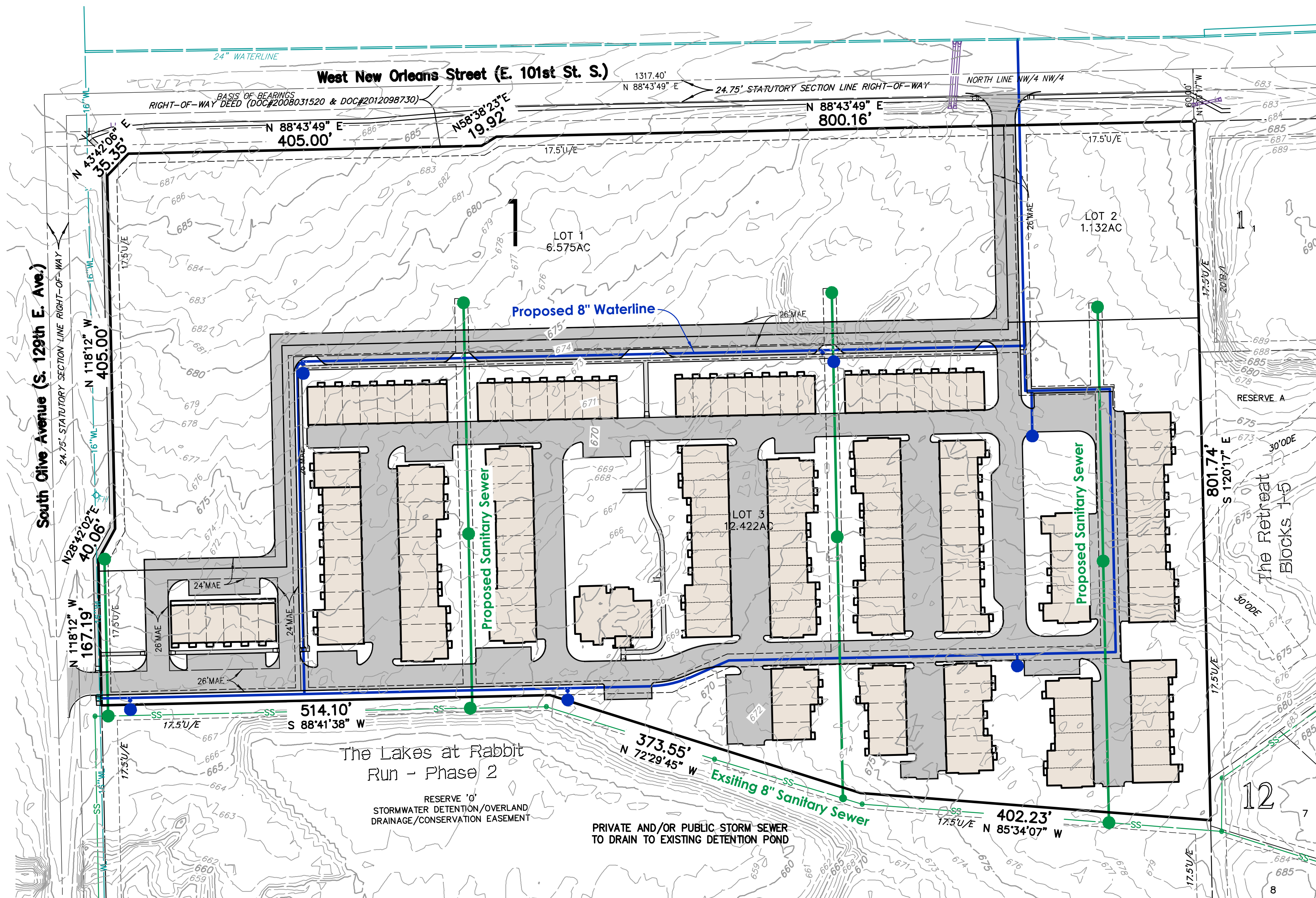
THREE (3) LOTS
IN ONE (1) BLOCK
GROSS SUBDIVISION AREA: 20.130 ACRES

Notes:

- THIS PLAN MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- ALL PROPERTY CORNERS ARE SET 3/8" IRON REBAR WITH YELLOW CAP STAMPED "TANNER 1435" OR "TANNER CA 2661" UNLESS OTHERWISE NOTED.
- THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83); SAID BEARINGS ARE BASED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING MONUMENTS:
 - FOUND 3/4" IRON PIN AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION 28;
 - FOUND 5/8" IRON PIN AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SECTION 28;
 THE BEARING BETWEEN SAID MONUMENTS BEING NORTH 88°43'49" EAST.
- ADDRESSES SHOWN ON THIS PLAN WERE PROVIDED BY THE CITY OF BROKEN ARROW AND WERE ACCURATE AT THE TIME THE PLAN WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.
- ACCESS AT THE TIME OF PLAT WAS PROVIDED BY WEST NEW ORLEANS STREET AND BY SOUTH OLIVE AVENUE, BOTH BEING PUBLIC STREETS.
- STORMWATER DETENTION ACCOMMODATIONS FOR THIS SITE ARE PROVIDED IN ACCORDANCE WITH FEE-IN-LIEU OF DETENTION DETERMINATION #DD-020325-03.
- ALL LOTS REQUIRE BACKFLOW PREVENTION PER BROKEN ARROW CITY ORDINANCE.

Benchmark 1 ⚡

TBD.
(ON, OE)
ELEVATION = 0' (NAVD 88)



APPROVED _____ by the City Council of the City of Broken Arrow, Oklahoma.
Mayor _____
Attest: City Clerk _____

The Enclave at Southern Trails
CASE NO. PT TBD
DEVELOPMENT NO. TBD
SHEET 1 OF 1



City of Broken Arrow

Request for Action

File #: 25-397, Version: 1

**Broken Arrow Planning Commission
03-27-2025**

To: Chairman and Commission Members
From: Community Development Department
Title:

Approval of PT-002050-2025|PR-000784-2024, Conditional Final Plat for Hackberry Market, 30.54 acres, 6 lots, CN (Commercial Neighborhood), CG (Commercial General), RD (Residential Duplex), and R-2 (Single Family Residential) to CH (Commercial Heavy) and PUD-001818-2024 via BAZ-001817-2024, northeast corner of Tucson Street (121st Street) and Aspen Avenue (145th E. Avenue)

Background:

Applicant: Mark Capron (Wallace Design Collective)
Owner: Chris Challis (Sooner Investment)
Developer: Chris Challis (Sooner Investment)
Engineer: Mark Capron
Location: On the northeast corner of Tucson Street and Aspen Avenue
Size of Tract 30.54 acres
Number of Lots: 6
Present Zoning: CN (Commercial Neighborhood), CG (Commercial General), RD (Residential Duplex) and R-2 (Single Family Residential)
Proposed Zoning: CH (Commercial Heavy) and PUD-001818-2024 via BAZ-001817-2024
Comp Plan: Level 6 (Regional Employment/Commercial)

PT-002050-2025, the conditional final plat for Hackberry Market (formerly Aspen Market), contains 6 lots on 30.54 acres. This property is generally located on the northeast corner of Tucson Street (121st Street) and Aspen Avenue (145th E. Avenue). The property is currently unplatted and undeveloped.

PUD-001818-2024 and BAZ-001817-2024 are requests to rezone the subject property. The PUD and rezoning were heard by Planning Commission on November 21, 2024 when Planning Commission recommended approval subject to the property being platted. City Council approved these items on December 17, 2024.

This development is proposed to be served by a combination of drives and a private street. The private street is shown on the plat as Reserve Area A, and will be maintained by the property owner as laid out in PUD-001818-2024 and the covenants of this plat. Access to the proposed development is shown with two driveways off of Aspen Avenue and one private street with a signalized intersection. Additionally, two driveways and one private street are proposed to give access onto Tucson Street. There is an existing Limits of No Access (LNA) on Aspen Avenue, which does not align with the proposed access points.

According to FEMA's National Flood Hazard Layer, none of the property is located in the 100-year floodplain. Water and sanitary sewer are available from the City of Broken Arrow.

PT-002050-2025 was heard by the Technical Advisory Committee (TAC) on March 18th, where none of the stakeholders had any concerns.

Attachments: Preliminary Plat and Deed of Dedications with comments

Recommendation:

Staff recommends PT-002050-2025|PR-000784-2024, conditional final plat for Hackberry Market, be approved subject to the attached checklist.

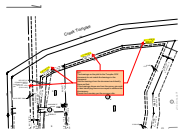
Reviewed by: Amanda Yamaguchi

Approved by: Rocky Henkel

MEH

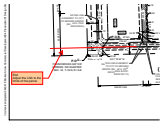
Conditional Final Plat Checklist

[1] 2440478 Final Plat-Sheet 1 (10)



Page Label: [1] 2440478 Final Plat-Sheet 1
Author: jdickeson

E01
 The bearings on the plat for the Turnpike R/W document do not match the bearings in the document.
 Add the bearings from the document and identify these as filed.
 If the bearings shown are from the survey pins add a label identifying them as surveyed to address the discrepancy.
 Revise the boundary per the surveyor alta.



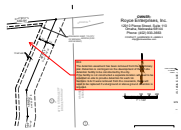
Page Label: [1] 2440478 Final Plat-Sheet 1
Author: jdickeson

E02
 Adjust the LNA to the limits of the parcel



Page Label: [1] 2440478 Final Plat-Sheet 1
Author: jdickeson

E03
 Use a separate label to identify the line as a temporary construction easement, if it is in effect. If it is not an active easement it does not need to be shown.
 The label of the commissioners report is identifying it as R/W and a non buildable area



Page Label: [1] 2440478 Final Plat-Sheet 1
Author: jdickeson

E04
 The detention easement has been removed from the preliminary plat. Detention is contingent on the development of the off-site detention facility to be constructed by the city.
 If the facility is not constructed a separate location will need to be provided on-site to provide detention for each lot.
 Sections G & H were removed from the covenants, these will need to be replaced if underground or above ground detention is required.



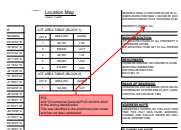
Page Label: [1] 2440478 Final Plat-Sheet 1
Author: jdickeson

E05
 The plat shows that there is a discrepancy between what is identified in the legal description and what is shown on the face of the plat.
 Revise the plat bearing or the legal bearing to match each other.
 This was identified in the preliminary plat review and has not been addressed.
 Revise the plat and the legal to match the ALTA.



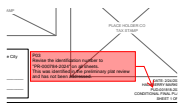
Page Label: [1] 2440478 Final Plat-Sheet 1
Author: jdickeson

P01
 Revise the location map to show the platted Aspen Ridge Business Park
 This was identified in the preliminary plat review and has not been addressed.



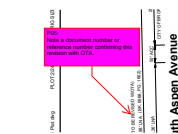
Page Label: [1] 2440478 Final Plat-Sheet 1
Author: jdickeson

P02
 Add "(Commercial General)/PUD-001818-2024" to the zoning identification.
 This was identified in the preliminary plat review and has not been addressed.



Page Label: [1] 2440478 Final Plat-Sheet 1
Author: jdickeson

P03
Revise the identification number to "PR-000784-2024" on all sheets.
This was identified in the preliminary plat review and has not been addressed.



Page Label: [1] 2440478 Final Plat-Sheet 1
Author: Amanda

P05:
Note a document number or reference number confirming this revision with OTA.



Page Label: [1] 2440478 Final Plat-Sheet 1
Author: Amanda

[2] 2440478 DOD-Sheet 2 (5)



Page Label: [2] 2440478 DOD-Sheet 2
Author: jdickeson

E06
The plat shows that there is a discrepancy between what is identified in the legal description and what is shown on the face of the plat.
Revise the plat bearing or the legal bearing to match each other.
This was identified in the preliminary plat review and has not been addressed.
Revise the plat and the legal to match the ALTA.



Page Label: [2] 2440478 DOD-Sheet 2
Author: jdickeson

E07
Remove the city as an enforcer of the overland flow between lot owners, this is a dispute between the private land owners and the city will not be a part of.
This was identified in the preliminary plat review and was not addressed for this submittal.



Page Label: [2] 2440478 DOD-Sheet 2
Author: jdickeson

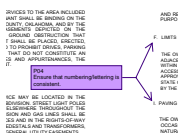
E08
The sidewalk section under access and circulation would be better suited under the sidewalk; public access easement section.



Page Label: [2] 2440478 DOD-Sheet 2
Author: jdickeson

E09
The clouded section needs to be revised with a statement that allows for an access to be provided through all of the lots to all adjacent lots.
If this statement is not defined in the covenants, the plat will need to show mutual access easements from the private road to the R/W connecting all parcels and access points.

This was noted on the preliminary plat review and not addressed in this submittal.



Page Label: [2] 2440478 DOD-Sheet 2
Author: Mackenzie Hackett

P04
Ensure that numbering/lettering is consistent.

PLACE HOLDER CO RECORDING STAMP

CONDITIONAL FINAL PLAT

HACKBERRY MARKET

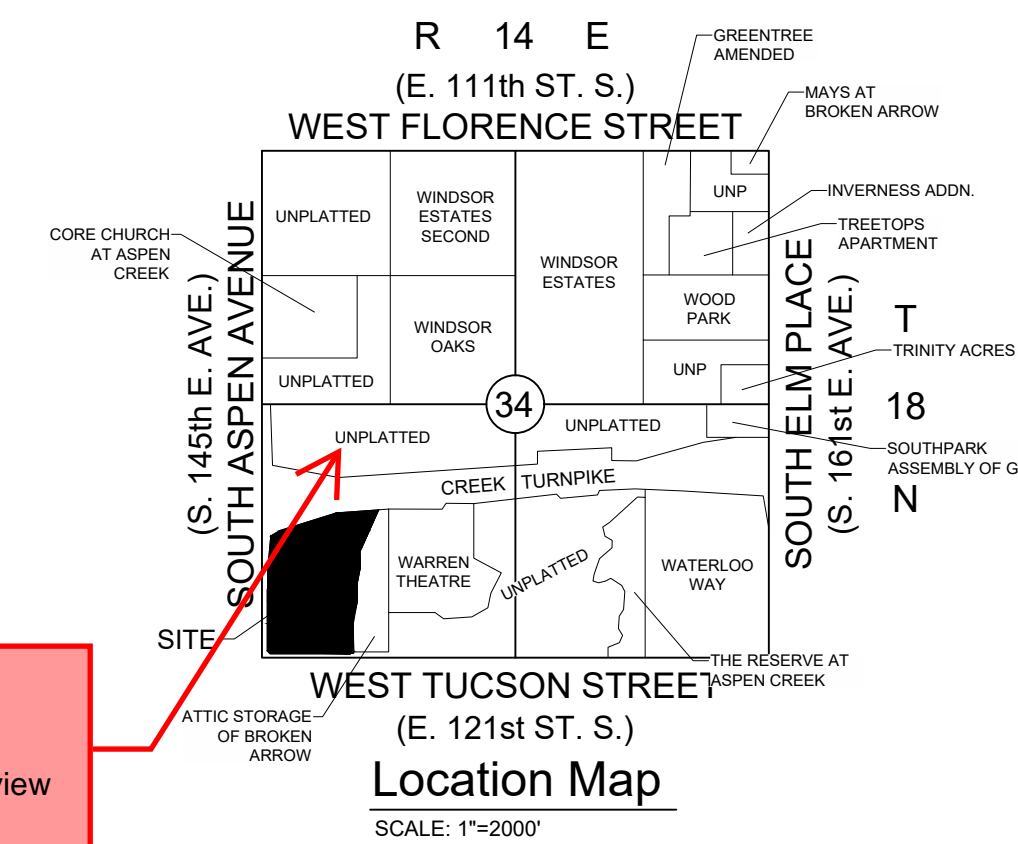
PART OF THE WEST HALF OF THE SOUTHWEST QUARTER (W/2 SW/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA

PUD-001818-2024

OWNER: Royce Enterprises, Inc. 12910 Pierce Street, Suite 110 Omaha, Nebraska 68144 Phone: (402) 933-3663 CONTACT: LAWRENCE R. JAMES II chip@lockwooddev.com

ENGINEER: Wallace Design Collective, PC 123 North Martin Luther King Jr Blvd. Tulsa, Oklahoma, 74103 Phone: (918) 584-5858 OK CA NO. 1460, EXPIRES 6/30/2025 A. NICOLE WATTS, P.E. nicole.watts@wallace.design

SURVEYOR: Sisemore & Associates, Inc. 6660 South Sheridan Road, Suite 210 Tulsa, Oklahoma, 74133 Phone: (918) 665-3600 OK CA NO. 2421, EXPIRES 6/30/2025 SHAWN A. COLLINS, PLS 1788 scollins@sw-assoc.com



LEGEND table with symbols for Building Setback, Access, Limits of No Access, Right-of-Way, Utility Easement, Easement, Book/Page, Oklahoma Turnpike Authority, Point of Beginning, Point of Commencement, Address, Block Number, Lot Number, and Iron Pin Found.

SUBDIVISION STATISTICS table showing subdivision contains six (6) lots in two (2) blocks and one (1) reserve area. Includes acreage and square foot details.

MONUMENTATION: 3/8" IRON PIN FOUND AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED. 3/8" IRON PINS TO BE SET AT ALL PROPERTY CORNERS.

BENCHMARK: CHISELED SQUARE ON CONCRETE CURB NORTHING=366998.0560 EASTING=2815937.0190 ELEV=661.19

BASIS OF BEARINGS: HORIZONTAL DATUM BASED UPON OKLAHOMA STATE PLANE COORDINATE SYSTEM NAD 83 (2011) NORTH ZONE 3501. VERTICAL DATUM NAVD 1988

ADDRESS NOTE: ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THIS PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF LEGAL DESCRIPTION.

FLOODPLAIN NOTE: WE HAVE EXAMINED A MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, TULSA COUNTY, OKLAHOMA AND INCORPORATED AREAS, MAP NO. 40143C0452L, MAP REVISED: OCTOBER 16, 2012, WHICH SHOWS THE ENTIRE PORTION OF THE PROPERTY DESCRIBED HEREON AS LOCATED IN ZONE (X)(UNSHADED) WHICH IS CLASSIFIED AS AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.

SURVEYOR'S LAST SITE VISIT: FEBRUARY 17, 2025

E04 The detention easement has been removed from the preliminary plat. Detention is contingent on the development of the off-site detention facility to be constructed by the city. If the facility is not constructed a separate location will need to be provided on-site to provide detention for each lot. Sections G & H were removed from the covenants, these will need to be replaced if underground or above ground detention is required.

P01 Revise the location map to show the platted Aspen Ridge Business Park. This was identified in the preliminary plat review and has not been addressed.

LINE TABLE with columns for Line #, Length, and Bearing. Lists lines L1 through L33 with their respective dimensions and bearings.

LOT AREA TABLE (BLOCK 1) and (BLOCK 2) showing lot numbers, areas in square feet and acres.

P02 Add "(Commercial General)/PUD-001818-2024" to the zoning identification. This was identified in the preliminary plat review and has not been addressed.

E05 The plat shows that there is a discrepancy between what is identified in the legal description and what is shown on the face of the plat. Revise the plat bearing or the legal bearing to match each other. This was identified in the preliminary plat review and has not been addressed. Revise the plat and the legal to match the ALTA.

E01 The bearings on the plat for the Turnpike R/W document do not match the bearings in the document. Add the bearings from the document and identify these as filed. If the bearings shown are from the survey pins add a label identifying them as surveyed to address the discrepancy. Revise the boundary per the surveyor alta.

E03 Use a separate label to identify the line as a temporary construction easement, if it is in effect. If it is not an active easement it does not need to be shown. The label of the commissioners report is identifying it as R/W and a non buildable area

P05 Note a document number or reference number confirming this revision with OTA.

E02 Adjust the LNA to the limits of the parcel

PLACE HOLDER CO CLERK STAMP

PLACE HOLDER CO TAX STAMP

APPROVED by the City Council of the City of Broken Arrow, Oklahoma. Mayor Attest: City Clerk

P03 Revise the identification number to "PR-000784-2024" on all sheets. This was identified in the preliminary plat review and has not been addressed.

BACKFLOW PREVENTER NOTE: *ALL NEW BUILDINGS THAT ARE SERVED BY SANITARY SEWER SERVICE SHALL INSTALL A BACKWATER DEVICE (BACKFLOW PREVENTER). INSTALLATION OF THESE DEVICES AND ALL MAINTENANCE SHALL BE AT THE SOLE EXPENSE OF THE PROPERTY OWNER.*

STORMWATER DETENTION ACCOMODATIONS FOR THIS SITE ARE PROVIDED IN ACCORDANCE WITH FEE-IN-LIEU OF DETENTION DETERMINATION NO.: DD-090924-52

CONDITIONAL FINAL PLAT

HACKBERRY MARKET

PUD-001818-2024

DEED OF DEDICATION AND RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

ROYCE ENTERPRISES, INC., A NEBRASKA CORPORATION, HEREINAFTER REFERRED TO AS THE "OWNER", IS THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND THAT IS PART OF THE WEST HALF OF THE SOUTHWEST QUARTER (W/2 SW/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID W/2 SW/4; THENCE NORTH 88°41'18" EAST ALONG THE SOUTH LINE OF SAID W/2 SW/4 FOR 85.00 FEET; THENCE NORTH 01°18'44" WEST FOR 40.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF WEST TUCSON STREET AND POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE NORTH 46°18'39" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR 42.43 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SOUTH ASPEN AVENUE; THENCE NORTH 01°18'33" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE FOR 632.02 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE CREEK TURNPIKE; THENCE NORTH 04°24'05" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 50.25 FEET; THENCE NORTH 01°18'33" WEST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 156.23 FEET (155.86' - deed); THENCE NORTH 03°52'12" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 361.23 FEET; THENCE NORTH 57°56'37" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 111.80 FEET; THENCE NORTH 71°22'29" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 616.12 FEET; THENCE NORTH 84°30'33" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 440.91 FEET TO A POINT THAT IS THE NORTHWEST CORNER OF LOT THREE (3), BLOCK ONE (1), ATTIC STORAGE OF BROKEN ARROW; AN ADDITION TO THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE SOUTH 22°39'32" WEST ALONG THE WESTERLY LINE OF SAID LOT 3 FOR 477.11 FEET; THENCE SOUTH 02°23'20" EAST CONTINUING ALONG SAID WESTERLY LINE FOR 164.52 FEET; THENCE SOUTH 09°40'18" WEST CONTINUING ALONG SAID WESTERLY LINE FOR 174.44 FEET TO A POINT THAT IS THE NORTHWEST CORNER OF RESERVE "B" OF SAID ATTIC STORAGE OF BROKEN ARROW; THENCE SOUTH 02°27'01" EAST ALONG THE WESTERLY LINE OF SAID RESERVE "B" FOR 178.06 FEET; THENCE SOUTH 12°13'43" WEST CONTINUING ALONG SAID WESTERLY LINE FOR 165.65 FEET; THENCE SOUTH 02°51'04" WEST CONTINUING ALONG SAID WESTERLY LINE FOR 74.73 FEET; THENCE SOUTH 02°11'22" EAST CONTINUING ALONG SAID WESTERLY LINE FOR 305.38 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF WEST TUCSON STREET; THENCE SOUTH 88°41'18" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR 32.24 FEET; THENCE SOUTH 03°52'12" EAST CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR 10.00 FEET; THENCE SOUTH 88°41'18" WEST CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR 639.48 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

* THIS LEGAL DESCRIPTION WAS PREPARED BY THE SURVEYOR TO OMIT STATUTORY SECTION LINE RIGHT OF WAY AND CREATE A METES AND BOUNDS LEGAL DESCRIPTION. THIS LEGAL DESCRIPTION IS WHOLLY CONTAINED WITHIN THE TITLE COMMITMENT LEGAL DESCRIPTION.

AND HAS CAUSED THE ABOVE-DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO SIX LOTS, TWO BLOCKS, AND ONE RESERVE AREA IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLAT"), AND HAS ENTITLED AND DESIGNATED THE SUBDIVISION AS "HACKBERRY MARKET", A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA (HEREINAFTER THE "SUBDIVISION" OR "PLATTED AREA" OR "HACKBERRY MARKET").

SECTION I. EASEMENTS AND UTILITIES

A. GENERAL UTILITY EASEMENTS

THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC THE UTILITY EASEMENTS DESIGNATED AS "UTILITY EASEMENT" FOR THE PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS, AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, PROVIDED HOWEVER, THE OWNER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RELAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT. THE OWNER HEREBY IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON THE LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, TULSA COUNTY, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH THE ABOVE SET FORTH USES AND PURPOSES OF AN EASEMENT SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES AND WALLS THAT DO NOT CONSTITUTE AN OBSTRUCTION. FURTHERMORE, IN ADDITION TO THE ABOVE DESCRIBED FACILITIES AND APPURTENANCES, THE WESTERN 20 FOOT UTILITY EASEMENT SHALL ALSO FUNCTION AS A SIDEWALK EASEMENT.

E06
The plat shows that there is a discrepancy between what is identified in the legal description and what is shown on the face of the plat. Revise the plat bearing or the legal bearing to match each other. This was identified in the preliminary plat review and has not been addressed.
Revise the plat and the legal to match the ALTA.

B. UNDERGROUND SERVICE

1. OVERHEAD POLES FOR THE SUPPLY OF ELECTRIC AND COMMUNICATION SERVICE MAY BE LOCATED IN THE PERIMETER UTILITY EASEMENT AND IN THE PERIMETER RIGHT-OF-WAYS OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD OR UNDERGROUND CABLE, AND ELSEWHERE THROUGHOUT THE SUBDIVISION, ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN EASEMENTS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS AS DEPICTED UPON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE GENERAL UTILITY EASEMENTS.

1. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED ON ALL LOTS IN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON EACH SAID LOT, PROVIDED THAT UPON THE INSTALLATION OF SUCH A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT AND EFFECTIVE EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE, EXTENDING FROM THE SERVICE PEDESTAL, TRANSFORMER OR GAS MAIN TO THE SERVICE ENTRANCE ON THE STRUCTURE OR A POINT OF METERING.

2. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AUTHORIZED AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL SUCH EASEMENTS SHOWN ON THE PLAT OF THE SUBDIVISION OR PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE FACILITIES SO INSTALLED BY IT. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION ALSO RESERVES THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CUT DOWN, TRIM, OR TREAT ANY TREES AND UNDERGROWTH ON SAID EASEMENT.

3. THE LOT OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND ELECTRIC FACILITIES LOCATED ON THE OWNER'S PROPERTY AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. THE SUPPLIER OF SERVICE WILL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE LOT OWNER WILL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR THEIR AGENTS OR CONTRACTORS. THE FOREGOING COVENANTS CONCERNING UNDERGROUND FACILITIES SHALL BE ENFORCEABLE BY THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION, OR GAS SERVICES.

C. WATER MAINS, SANITARY SEWERS, AND STORM SEWER SERVICES

1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS IN THIS ADDITION.

2. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GROUND ELEVATIONS FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN, OR STORM SEWER MAIN, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS, SHALL BE PROHIBITED.

3. THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWER MAINS, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, THEIR AGENTS OR CONTRACTORS.

4. THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THE DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER OR STORM SEWER FACILITIES.

5. ALL STORM SEWER OUTSIDE OF THE RIGHT OF WAY WILL BE CONSIDERED PRIVATE AND IDENTIFIED IN THE PLANS AS PRIVATE OF PUBLIC.

6. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

D. SURFACE DRAINAGE

EACH LOT DEPICTED ON THE PLAT OF HACKBERRY MARKET, SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM STREETS AND EASEMENTS. NO LOT OWNER(S) SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS ANY LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF BROKEN ARROW, TULSA COUNTY, OKLAHOMA.

E. RESERVE AREA "A" (PRIVATE STREET AND PUBLIC UTILITY EASEMENT)

THE INTERIOR STREET WITHIN HACKBERRY MARKET, AS DEPICTED ON THE PLAT, IS HEREBY DEDICATED BY THE OWNER/DEVELOPER AS A PRIVATE STREET AND BENEFIT OF THE OWNERS OF HACKBERRY MARKET, THEIR GUESTS AND INVITEES, FOR THE PURPOSE OF PROVIDING VEHICULAR ACCESS TO AND FROM THE VARIOUS LOTS, TO AND FROM THE PUBLIC STREETS, FOR SUBSEQUENT CONVEYANCE TO THE DECLARANT PARCEL OWNER AS SET FORTH BELOW.

THE PRIVATE STREET WITHIN RESERVE AREA "A" SHALL BE MAINTAINED BY THE DECLARANT PARCEL OWNER IDENTIFIED IN A DECLARATION OF RESTRICTIVE COVENANTS TO BE FILED OF RECORD FOR HACKBERRY MARKET ALSO, THE PRIVATE STREET WILL BE MAINTAINED TO CITY OF BROKEN ARROW STANDARDS.

IN ADDITION, RESERVE AREA "A" SHALL BE DESIGNATED AS A PUBLIC UTILITY EASEMENT. THE OWNER FURTHER DEDICATES FOR PUBLIC USE THE UTILITY EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAT AS "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES INCLUDING STORM SEWER, SANITARY SEWERS, WATER LINES, TOGETHER WITH ALL FITTINGS, CONDUITS, PIPES, VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENT FOR THE USES AND PURPOSES AFORESAID, PROVIDED HOWEVER, THE OWNER/DEVELOPER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE PUBLIC UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT.

F. LIMITS OF NO ACCESS

THE OWNER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO WEST TUCSON STREET (EAST 121ST STREET SOUTH) AND SOUTH ASPEN AVENUE (SECTION 145TH EAST AVENUE) WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" (LNA) ON THE ACCOMPANYING PLAT, WHICH LIMITS OF NO ACCESS MAY BE AMENDED OR RELEASED BY THE BROKEN ARROW PLANNING COMMISSION, OR ITS SUCCESSOR, WITH THE APPROVAL OF THE CITY OF BROKEN ARROW, OKLAHOMA, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA PERTAINING THERETO, AND THE LIMITS OF NO ACCESS ESTABLISHED ABOVE SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA.

I. PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF THE LOT AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY NECESSARY PLACEMENTS, REPLACEMENTS, OR MAINTENANCE OF WATER, SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION, OR ELECTRIC FACILITIES WITHIN THE UTILITY EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, THE CITY OF BROKEN ARROW, TULSA COUNTY, OKLAHOMA OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

J. SIDEWALKS; PUBLIC ACCESS EASEMENT

SIDEWALKS SHALL BE CONSTRUCTED AND MAINTAINED BY THE LOT OWNER IN ACCORDANCE WITH THE CITY OF BROKEN ARROW SUBDIVISION REGULATIONS AND IN ACCORDANCE WITH THE STANDARDS OF THE CITY OF BROKEN ARROW. ALL SUCH SIDEWALKS SHALL BE CONSTRUCTED PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY FOR ANY BUILDING WITHIN THE SUBDIVISION, TO THE EXTENT SAID SIDEWALKS EXTEND OUTSIDE OF THE RIGHT-OF-WAY, ONTO THE LOT, THE OWNER HEREBY DEDICATES TO THE PUBLIC A PERPETUAL EASEMENT ON, OVER, AND ACROSS THE LOT FOR CONSTRUCTION, MAINTENANCE, AND USE AS A PUBLIC SIDEWALK.

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS (PUD-001818-2024)

WHEREAS, HACKBERRY MARKET WAS SUBMITTED AS PART OF A PLANNED UNIT DEVELOPMENT (DESIGNATED AS PUD-001818-2024) AS PROVIDED WITHIN SECTIONS 6.4 ET SEQ. OF THE CITY OF BROKEN ARROW ZONING CODE, AS THE SAME EXISTED ON 12-17-24, WHICH P.U.D. NO. 001818-2024 WAS APPROVED BY THE BROKEN ARROW PLANNING COMMISSION 11-21-24, AND BY THE BROKEN ARROW CITY COUNCIL ON 12-17-24; AND

WHEREAS, THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BROKEN ARROW ZONING CODE REQUIRE THE ESTABLISHMENT OF COVENANTS OF RECORD, INJURING TO AND ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, SUFFICIENT TO ASSURE THE IMPLEMENTATION AND CONTINUED COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT; AND

WHEREAS, OWNER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY DEVELOPMENT AND TO INSURE ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF OWNER, ITS SUCCESSORS AND ASSIGNS, AND THE CITY OF BROKEN ARROW, OKLAHOMA.

THEREFORE, OWNER DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE

COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

DEVELOPMENT STANDARDS

THE PROPERTY MAY BE USED FOR ANY PURPOSE CONSISTENT WITH THE COMMERCIAL GENERAL (CG) ZONING DISTRICT AS PROVIDED IN THE CITY OF BROKEN ARROW'S ZONING ORDINANCE. IN ADDITION TO THE FOREGOING, CAR WASHES SHALL BE A PERMITTED USE. DESIGN STANDARDS FOR THE PROPERTY SHALL BE CONSISTENT WITH THE COMMERCIAL GENERAL (CG) ZONING DISTRICT AS PROVIDED IN THE CITY OF BROKEN ARROW'S ZONING ORDINANCE, EXCEPT AS EXPRESSLY SET FORTH BELOW:

MINIMUM LOT FRONTAGE ON PUBLIC ROW OR PRIVATE STREET	100 FEET
SETBACKS	
ENTIRE DEVELOPMENT	
FROM NORTH BOUNDARY (CREEK TURNPIKE)	30 FEET
FROM EAST BOUNDARY	30 FEET
FROM SOUTH BOUNDARY (WEST TUCSON STREET)	20 FEET
FROM WEST BOUNDARY (SOUTH ASPEN AVENUE)	50 FEET
INTERIOR	
JR. ANCHOR SIDE (ATTACHED SIDE)	0 FEET
SIDE (NOT ATTACHED)	10 FEET
OFF-STREET PARKING	
THE PROPERTY SHALL COMPLY WITH THE CITY OF BROKEN ARROW'S ZONING ORDINANCE FOR OFF-STREET PARKING REQUIREMENTS; PROVIDED EXCEPT AS AMENDED BELOW:	
HOME IMPROVEMENT RETAIL USE IN EXCESS OF 100,000 SQ.FT.	
STORE	1 PARKING SPACE PER 310 SQ.FT.
GARDEN CENTER	1 PARKING SPACE PER 310 SQ.FT.
SEASONAL SALES	1 PARKING SPACE PER 2,000 SQ.FT.
OUTDOOR VEHICLE DISPLAY/STORAGE	1 PARKING SPACE PER 2,000 SQ.FT.
JR ANCHOR AREA	
RETAIL	1 PARKING SPACE PER 300 SQ.FT.
RESTAURANT	1 PARKING SPACE PER 100 SQ.FT.
PARKING REQUIREMENTS MAY BE MET WITHIN THE ENTIRE DEVELOPMENT ACROSS LOT LINES.	
OUTPARCELS AND ANY USES NOT LISTED ABOVE WILL BE PER TABLE 5.4.1 OF THE CITY OF BROKEN ARROW ZONING CODE.	
MAXIMUM PARKING	135% OF REQUIRED PARKING

LANDSCAPING
LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY OF BROKEN ARROW ZONING ORDINANCE.

SIGNAGE

PUD-001818-2024 CREATES AN INTEGRATED DEVELOPMENT IDENTIFICATION (IDI) PER THE CITY OF BROKEN ARROW ZONING CODE EXCEPT AS MODIFIED AS BELOW. PYLON AND MONUMENT SIGNS SHALL BE PERMITTED IN THE DEVELOPMENT CONSISTENT WITH THE COMPREHENSIVE SIGNAGE PLAN, ATTACHED HERETO AS EXHIBIT E.

WALL SIGNAGE SHALL COMPLY WITH THE CITY OF BROKEN ARROW'S ZONING ORDINANCE. PYLON SIGNS WITHIN THE DEVELOPMENT SHALL BE PERMITTED TO DISPLAY NAMES AND TRADEMARKS OF BUSINESSES LOCATED WITHIN THE PROPERTY, WHICH SHALL NOT CONSTITUTE OFF PREMISES SIGNAGE.

SIGN 1 (CREEK TURNPIKE)	
DISPLAY SURFACE AREA	320 SQ.FT.
SIGN HEIGHT	40 FEET
SIGN 2 (MAIN ENTRANCE - SOUTH ASPEN AVENUE)	
DISPLAY SURFACE AREA	300 SQ.FT.
SIGN HEIGHT	30 FEET*
*THIS HEIGHT IS ONLY PERMITTED WITH A MIN. 20' SETBACK	
SIGN 3 (WEST TUCSON STREET)	
DISPLAY SURFACE AREA	62 SQ.FT.
SIGN HEIGHT	9.5 FEET
SIGN 4 (TENANT SIGNS)	
DISPLAY SURFACE AREA	50 SQ.FT.
SIGN HEIGHT	8.5 FEET

E09
The clouded section needs to be revised with a statement that allows for a access to be provided through all of the lots to all adjacent lots. If this statement is not defined in the covenants, the plat will need to show mutual access easements from the private road to the R/W connecting all parcels and access points.
This was noted on the preliminary plat review and not addressed in this submittal.

ACCESS AND CIRCULATION

THE PROPERTY SHALL BE PERMITTED A SIGNALIZED MAIN ENTRANCE DRIVE AND ANOTHER UNSIGNALIZED ENTRANCE ON S. ASPEN AVE. AS SHOWN ON EXHIBIT B, AND SUBJECT TO PERMITS AND APPROVALS FROM APPLICABLE GOVERNMENT AGENCIES (E.G., OKLAHOMA TURNPIKE AUTHORITY AND THE CITY OF BROKEN ARROW).

THE PROPERTY SHALL BE PERMITTED TWO UNSIGNALIZED ENTRANCES ON WEST TUCSON STREET AS SHOWN ON EXHIBIT B, SUBJECT TO PERMITS AND APPROVALS FROM THE CITY OF BROKEN ARROW.

FINAL PLANS FOR ACCESS TO THE PROPERTY FROM ALL PUBLIC RIGHTS-OF-WAY WILL BE DETERMINED DURING THE PLATTING PROCESS APPROVED BY THE CITY OF BROKEN ARROW AND OKLAHOMA TURNPIKE AUTHORITY.
A PRIVATE STREET WILL SERVE HACKBERRY MARKET AS SHOWN ON EXHIBIT F. THIS STREET WILL CONNECT TO SOUTH ASPEN AT THE MAIN SIGNALIZED ENTRANCE TRAVERSE THROUGH THE DEVELOPMENT AND WILL CONNECT WEST TUCSON STREET. THE PRIVATE STREET WILL BE IN A RESERVE AREA, MAINTAINED BY THE DECLARANT PARCEL OWNER IDENTIFIED IN A DECLARATION OF RESTRICTIVE COVENANTS TO BE FILED OF RECORD FOR THE PROPERTY DESCRIBED IN EXHIBIT A. ALSO, THE PRIVATE STREET WILL BE MAINTAINED TO CITY OF BROKEN ARROW STANDARDS.

IN THE EVENT THE DECLARANT SHOULD FAIL TO PROPERLY MAINTAIN THE PRIVATE STREET ADJACENT TO THE SIGNALIZED INTERSECTION ON SOUTH ASPEN AVENUE OR, IN THE EVENT THE CITY OF BROKEN ARROW WISHES TO IMPROVE SAID INTERSECTION PAVING, THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER AND PERFORM MAINTENANCE OR IMPROVEMENTS NECESSARY TO ACHIEVE THE INTENDED STREET FUNCTIONS.

PUBLIC SIDEWALKS SHALL BE CONSTRUCTED ALONG S. ASPEN AVE. AND W. TUCSON ST. AS EACH STREET-ABUTTING LOT IS DEVELOPED. ALL PUBLIC SIDEWALKS WILL BE BUILT TO THE DEVELOPMENT STANDARDS OF THE CITY OF BROKEN ARROW. PUBLIC SIDEWALKS SHALL BE A MINIMUM OF FIVE (5) FEET IN WIDTH, ADA COMPLIANCE, AND SHALL TIE INTO OTHER SIDEWALKS ABUTTING THE SITE BOUNDARIES.

HACKBERRY MARKET WILL ALSO BE SERVED BY INTERNAL SIDEWALKS ALSO SHOWN ON EXHIBIT F. AN EAST-WEST SIDEWALK WILL BE ALONG ONE SIDE OF THE MAIN ENTRANCE FROM SOUTH ASPEN AVENUE. IN ADDITION, A NORTH-SOUTH SIDEWALK WILL BE IN FRONT OF THE HOME IMPROVEMENT AND JR. ANCHOR STORES AND WILL CONNECT TO THE PUBLIC SIDEWALK ALONG WEST TUCSON STREET.

ORIG SIZE: 24" X 36"

PLAT: 2/24/25

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CONDITIONAL FINAL PLAT
HACKBERRY MARKET
PUD-001818-2024
DEED OF DEDICATION AND RESTRICTIVE COVENANTS

SECTION III. ENFORCEMENT, DURATION, AMENDMENT, AND SEVERABILITY

A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I. EASEMENTS, AND UTILITIES ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO. IF THE UNDERSIGNED OWNER OR ITS SUCCESSORS OR ASSIGNS SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION I, IT SHALL BE LAWFUL FOR ANY PERSON OR PERSONS OWNING ANY LOT SITUATED WITHIN THE SUBDIVISION, OR THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSOR, TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT HIM OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT OR TO RECOVER DAMAGES.

B. DURATION

THESE RESTRICTIONS, TO THE EXTENT PERMITTED BY APPLICABLE LAW, SHALL BE PERPETUAL AND SHALL BE IN FORCE AND EFFECT FOR A TERM OF NOT LESS THAN THIRTY (30) YEARS FROM THE DATE OF THE RECORDING OF THIS DEED OF DEDICATION UNLESS TERMINATED OR AMENDED AS HEREINAFTER PROVIDED.

C. AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I. EASEMENTS, AND UTILITIES MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE CITY OF BROKEN ARROW PLANNING COMMISSION, OR ITS SUCCESSORS WITH THE APPROVAL OF THE CITY OF BROKEN ARROW, TULSA COUNTY, OKLAHOMA.

D. SEVERABILITY

INVALIDATION OF ANY RESTRICTION SET FORTH HEREIN OR ANY PART THEREOF, BY AN ORDER, JUDGMENT, OR DECREE OF ANY COURT, OR OTHERWISE, SHALL NOT INVALIDATE OR AFFECT ANY OF THE OTHER RESTRICTIONS OR ANY PART THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

CERTIFICATE OF OWNERSHIP

IN WITNESS WHEREOF: ROYCE ENTERPRISES, INC., BEING THE SOLE OWNER OF HACKBERRY MARKET, HEREBY APPROVES THE FOREGOING DEED OF DEDICATION, AND COVENANTS THIS ____ DAY OF _____, 2025.

OWNER _____
NAME

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
) SS:
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2025,
BY _____, AS _____ OF _____

NOTARY PUBLIC
MY COMMISSION NO: _____
MY COMMISSION EXPIRES: _____

[SEAL]

CERTIFICATE OF SURVEY

I, SHAWN COLLINS, RPLS, OF SISEMORE & ASSOCIATES, A LICENSED LAND SURVEYOR REGISTERED IN THE STATE OF OKLAHOMA, HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS HACKBERRY MARKET, A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, IS A REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED LAND SURVEYING PRACTICES AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED.

WITNESS MY HAND AND SEAL THIS ____ DAY OF _____, 2025.



SHAWN A. COLLINS, PLS
OKLAHOMA NO. 1788

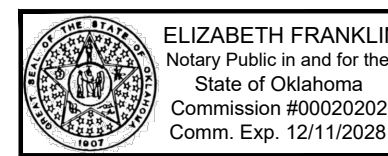
ACKNOWLEDGMENT

STATE OF OKLAHOMA)
) SS:
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2025, BY SHAWN A. COLLINS, AS PRESIDENT OF SISEMORE & ASSOCIATES.

NOTARY PUBLIC
MY COMMISSION EXPIRES: 12/11/2028
MY COMMISSION NUMBER: 00020202

[SEAL]



ORIG SIZE: 24" X 36"

PLOT: 2/24/25

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PLACE HOLDER CO RECORDING STAMP

CONDITIONAL FINAL PLAT

HACKBERRY MARKET

PART OF THE WEST HALF OF THE SOUTHWEST QUARTER (W/2 SW/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA

PUD-001818-2024

OWNER:
Royce Enterprises, Inc.
12910 Pierce Street, Suite 110
Omaha, Nebraska 68144
Phone: (402) 933-3663
CONTACT: LAWRENCE R. JAMES II
lrx@lockwooddev.com

ENGINEER:
Wallace Design Collective, PC
123 North Martin Luther King Jr Blvd.
Tulsa, Oklahoma, 74103
Phone: (918) 584-5858
OK CA NO. 1460, EXPIRES 6/30/2025
A. NICOLE WATTS, P.E.
nicole.watts@wallace.design

SURVEYOR:
Sisemore & Associates, Inc.
6660 South Sheridan Road, Suite 210
Tulsa, Oklahoma, 74133
Phone: (918) 665-3600
OK CA NO. 2421, EXPIRES 6/30/2025
SHAWN A. COLLINS, PLS 1788
scollins@sw-assoc.com

LEGEND

- B/L = BUILDING SETBACK
- ACC = ACCESS
- LNA = LIMITS OF NO ACCESS
- R/W = RIGHT-OF-WAY
- U/E = UTILITY EASEMENT
- ESMT. = EASEMENT
- BK./PG. = BOOK/PAGE
- OTA = OKLAHOMA TURNPIKE AUTHORITY
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT

5991 ADDRESS

1 BLOCK NUMBER

2 LOT NUMBER

○ IRON PIN FOUND

SUBDIVISION STATISTICS

SUBDIVISION CONTAINS SIX (6) LOTS IN TWO (2) BLOCKS AND ONE (1) RESERVE AREA.

RESERVE AREA A CONTAINS 29,548 SF (0.68 ACRES)

SUBDIVISION CONTAINS 1,330,506 SF (30.54 ACRES)

R/W DEDICATED BY PLAT CONTAINS 23,827 SF (0.55 ACRES)

PROPERTY ZONED: CG

MONUMENTATION

3/8" IRON PIN FOUND AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.

3/8" IRON PINS TO BE SET AT ALL PROPERTY CORNERS.

BENCHMARK

CHISELED SQUARE ON CONCRETE CURB

NORTHING=366998.0560

EASTING=2815937.0190

ELEV=661.19

BASIS OF BEARINGS

HORIZONTAL DATUM BASED UPON OKLAHOMA STATE PLANE COORDINATE SYSTEM NAD 83 (2011) NORTH ZONE 3501.

VERTICAL DATUM NAVD 1988

ADDRESS NOTE

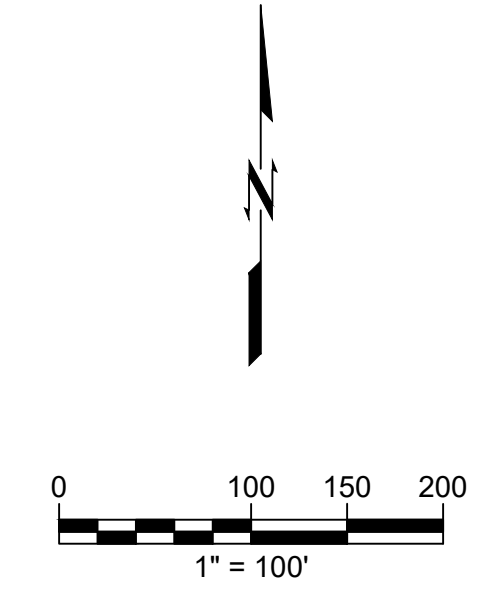
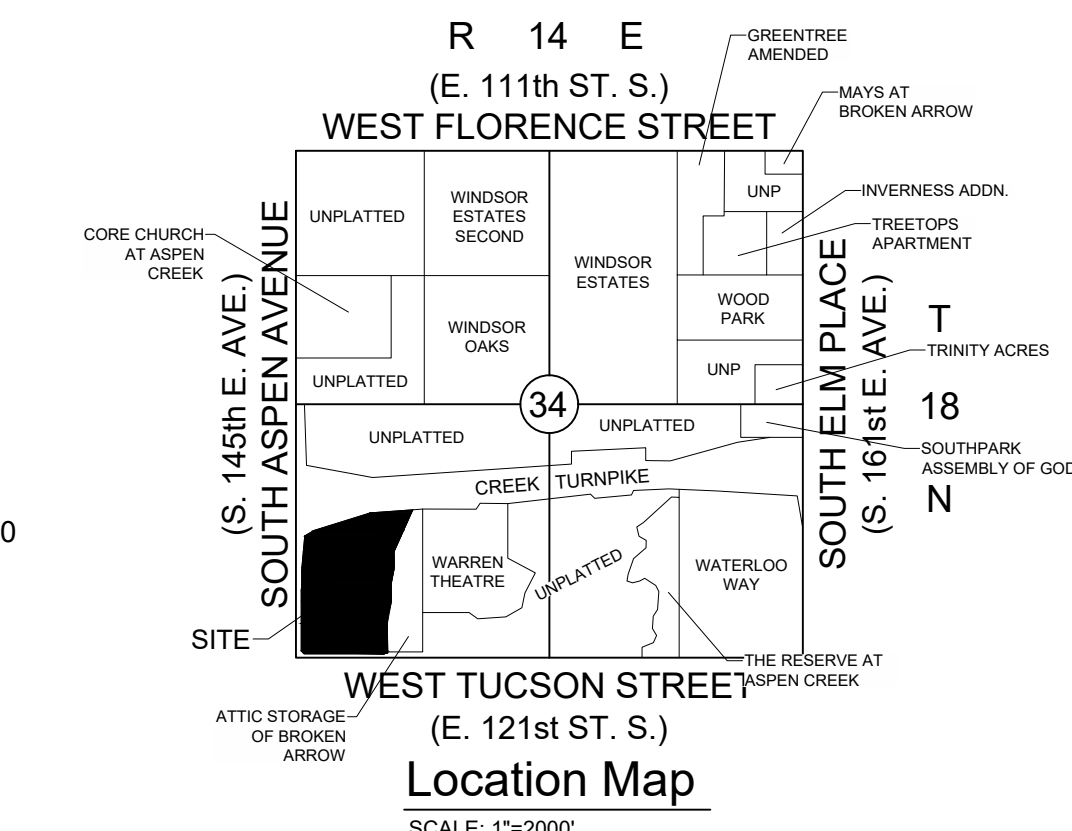
ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THIS PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF LEGAL DESCRIPTION.

FLOODPLAIN NOTE

WE HAVE EXAMINED A MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, TULSA COUNTY, OKLAHOMA AND INCORPORATED AREAS, MAP NO. 40143C0452L, MAP REVISED: OCTOBER 16, 2012, WHICH SHOWS THE ENTIRE PORTION OF THE PROPERTY DESCRIBED HEREON AS LOCATED IN ZONE (X)(UNSHADED) WHICH IS CLASSIFIED AS AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.

SURVEYOR'S LAST SITE VISIT:

FEBRUARY 17, 2025



LINE #	LENGTH	BEARING
L1	25.00'	S 88°04'59\" W
L2	22.63'	S 55°02'50\" E
L3	2.27'	S 02°51'04\" W
L4	10.00'	S 02°11'22\" E
L5	10.00'	N 61°18'44\" W
L6	35.35'	N 46°18'39\" W
L7	10.00'	N 31°18'33\" W
L8	12.65'	S 01°55'01\" E
L9	204.70'	S 88°04'59\" W
L10	225.86'	N 88°04'59\" E
L11	165.60'	S 01°55'01\" E
L12	30.00'	N 01°55'01\" W
L13	24.66'	N 88°04'59\" E
L14	15.00'	S 01°55'01\" E
L15	10.66'	S 88°04'59\" W
L16	171.37'	S 01°55'01\" E
L17	10.78'	N 88°32'49\" E
L18	15.00'	S 01°30'02\" E
L19	10.67'	S 88°29'58\" W
L20	120.87'	S 01°55'01\" E
L21	10.84'	N 88°04'59\" E
L22	15.00'	S 01°34'27\" E
L23	10.75'	S 88°04'59\" W
L24	32.58'	S 62°55'36\" W
L25	228.56'	S 88°02'07\" W
L26	35.17'	S 79°05'01\" W
L27	59.68'	S 01°55'01\" E
L28	10.46'	N 01°57'53\" W
L29	15.00'	N 88°02'07\" E
L30	10.46'	S 01°57'53\" E
L31	10.46'	N 01°57'53\" W
L32	15.00'	N 88°02'07\" E
L33	10.46'	S 01°57'53\" E

LOT AREA TABLE (BLOCK 1)		
LOT #	AREA (SF)	(ACRE)
1	66,125	1.52
2	599,681	13.77
3	62,100	1.43
4	185,067	4.25
5	219,929	5.05

LOT AREA TABLE (BLOCK 2)		
LOT #	AREA (SF)	(ACRE)
1	144,228	3.31

STORMWATER DETENTION ACCOMODATIONS FOR THIS SITE ARE PROVIDED IN ACCORDANCE WITH FEE-IN-LIEU OF DETENTION DETERMINATION NO.: DD-090924-52

BACKFLOW PREVENTER NOTE

"ALL NEW BUILDINGS THAT ARE SERVED BY SANITARY SEWER SERVICE SHALL INSTALL A BACKWATER DEVICE (BACKFLOW PREVENTER). INSTALLATION OF THESE DEVICES AND ALL MAINTENANCE SHALL BE AT THE SOLE EXPENSE OF THE PROPERTY OWNER." BROKEN ARROW ORDINANCE NO. 3527, SECTION 24303, ADOPTED MAY 15, 2018. ALL LOTS REQUIRE A BACKFLOW PREVENTER VALVE.

APPROVED _____ by the City Council of the City of Broken Arrow, Oklahoma.

Mayor _____

Attest: City Clerk _____

DATE: 2/24/2025
HACKBERRY MARKET
PUD-001818-2024
CONDITIONAL FINAL PLAT
SHEET 1 OF 3

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CONDITIONAL FINAL PLAT

HACKBERRY MARKET

PUD-001818-2024

DEED OF DEDICATION AND RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

ROYCE ENTERPRISES, INC., A NEBRASKA CORPORATION, HEREINAFTER REFERRED TO AS THE "OWNER", IS THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND THAT IS PART OF THE WEST HALF OF THE SOUTHWEST QUARTER (W/2 SW/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID W/2 SW/4; THENCE NORTH 88°41'18" EAST ALONG THE SOUTH LINE OF SAID W/2 SW/4 FOR 85.00 FEET; THENCE NORTH 01°18'44" WEST FOR 40.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF WEST TUCSON STREET AND POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE NORTH 46°18'39" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR 42.43 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SOUTH ASPEN AVENUE; THENCE NORTH 01°18'33" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE FOR 632.02 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE CREEK TURNPIKE; THENCE NORTH 04°24'05" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 50.25 FEET; THENCE NORTH 01°18'33" WEST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 156.23 FEET (155.86' - deed); THENCE NORTH 03°52'12" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 361.23 FEET; THENCE NORTH 57°56'37" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 111.80 FEET; THENCE NORTH 71°22'29" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 616.12 FEET; THENCE NORTH 84°30'33" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 440.91 FEET TO A POINT THAT IS THE NORTHWEST CORNER OF LOT THREE (3), BLOCK ONE (1), ATTIC STORAGE OF BROKEN ARROW; AN ADDITION TO THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE SOUTH 22°39'32" WEST ALONG THE WESTERLY LINE OF SAID LOT 3 FOR 477.11 FEET; THENCE SOUTH 02°23'20" EAST CONTINUING ALONG SAID WESTERLY LINE FOR 164.52 FEET; THENCE SOUTH 09°40'18" WEST CONTINUING ALONG SAID WESTERLY LINE FOR 174.44 FEET TO A POINT THAT IS THE NORTHWEST CORNER OF RESERVE "B" OF SAID ATTIC STORAGE OF BROKEN ARROW; THENCE SOUTH 02°27'01" EAST ALONG THE WESTERLY LINE OF SAID RESERVE "B" FOR 178.06 FEET; THENCE SOUTH 12°13'43" WEST CONTINUING ALONG SAID WESTERLY LINE FOR 165.65 FEET; THENCE SOUTH 02°51'04" WEST CONTINUING ALONG SAID WESTERLY LINE FOR 74.73 FEET; THENCE SOUTH 02°11'22" EAST CONTINUING ALONG SAID WESTERLY LINE FOR 305.38 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF WEST TUCSON STREET; THENCE SOUTH 88°41'18" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR 32.24 FEET; THENCE SOUTH 01°18'43" EAST CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR 10.00 FEET; THENCE SOUTH 88°41'18" WEST CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR 639.48 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

* THIS LEGAL DESCRIPTION WAS PREPARED BY THE SURVEYOR TO OMIT STATUTORY SECTION LINE RIGHT OF WAY AND CREATE A METES AND BOUNDS LEGAL DESCRIPTION. THIS LEGAL DESCRIPTION IS WHOLLY CONTAINED WITHIN THE TITLE COMMITMENT LEGAL DESCRIPTION.

AND HAS CAUSED THE ABOVE-DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO SIX LOTS, TWO BLOCKS, AND ONE RESERVE AREA IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLAT"), AND HAS ENTITLED AND DESIGNATED THE SUBDIVISION AS "HACKBERRY MARKET", A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA (HEREINAFTER THE "SUBDIVISION" OR "PLATTED AREA" OR "HACKBERRY MARKET").

SECTION I. EASEMENTS AND UTILITIES

A. GENERAL UTILITY EASEMENTS

THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC THE UTILITY EASEMENTS DESIGNATED AS "UIE" OR "UTILITY EASEMENT", FOR THE PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS, AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, PROVIDED HOWEVER, THE OWNER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RELAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT. THE OWNER HEREBY IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON THE LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, TULSA COUNTY, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH THE ABOVE SET FORTH USES AND PURPOSES OF AN EASEMENT SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES AND WALLS THAT DO NOT CONSTITUTE AN OBSTRUCTION. FURTHERMORE, IN ADDITION TO THE ABOVE DESCRIBED FACILITIES AND APPURTENANCES, THE WESTERN 20 FOOT UTILITY EASEMENT SHALL ALSO FUNCTION AS A SIDEWALK EASEMENT.

B. UNDERGROUND SERVICE

1. OVERHEAD POLES FOR THE SUPPLY OF ELECTRIC AND COMMUNICATION SERVICE MAY BE LOCATED IN THE PERIMETER UTILITY EASEMENT AND IN THE PERIMETER RIGHT-OF-WAYS OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD OR UNDERGROUND CABLE, AND ELSEWHERE THROUGHOUT THE SUBDIVISION, ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN EASEMENTS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS AS DEPICTED UPON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE GENERAL UTILITY EASEMENTS.

1. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED ON ALL LOTS IN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON EACH SAID LOT, PROVIDED THAT UPON THE INSTALLATION OF SUCH A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT AND EFFECTIVE EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE, EXTENDING FROM THE SERVICE PEDESTAL, TRANSFORMER OR GAS MAIN TO THE SERVICE ENTRANCE ON THE STRUCTURE OR A POINT OF METERING.

2. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AUTHORIZED AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL SUCH EASEMENTS SHOWN ON THE PLAT OF THE SUBDIVISION OR PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE FACILITIES SO INSTALLED BY IT. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION ALSO RESERVES THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CUT DOWN, TRIM, OR TREAT ANY TREES AND UNDERGROWTH ON SAID EASEMENT.

3. THE LOT OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND ELECTRIC FACILITIES LOCATED ON THE OWNER'S PROPERTY AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. THE SUPPLIER OF SERVICE WILL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE LOT OWNER WILL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR THEIR AGENTS OR CONTRACTORS. THE FOREGOING COVENANTS CONCERNING UNDERGROUND FACILITIES SHALL BE ENFORCEABLE BY THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION, OR GAS SERVICES.

C. WATER MAINS, SANITARY SEWERS, AND STORM SEWER SERVICES

1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS IN THIS ADDITION.

2. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GROUND ELEVATIONS FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN, OR STORM SEWER MAIN, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS, SHALL BE PROHIBITED.

3. THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWER MAINS, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, THEIR AGENTS OR CONTRACTORS.

4. THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENTWAYS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THE DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER OR STORM SEWER FACILITIES.

5. ALL STORM SEWER OUTSIDE OF THE RIGHT OF WAY WILL BE CONSIDERED PRIVATE AND IDENTIFIED IN THE PLANS AS PRIVATE OF PUBLIC.

6. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

D. SURFACE DRAINAGE

EACH LOT DEPICTED ON THE PLAT OF HACKBERRY MARKET, SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM STREETS AND EASEMENTS. NO LOT OWNER(S) SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS ANY LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF BROKEN ARROW, TULSA COUNTY, OKLAHOMA.

E. RESERVE AREA "A" (PRIVATE STREET AND PUBLIC UTILITY EASEMENT)

THE INTERIOR STREET WITHIN HACKBERRY MARKET, AS DEPICTED ON THE ACCOMPANYING PLAT AS RESERVE AREA "A", IS HEREBY DEDICATED BY THE OWNER/DEVELOPER AS A PRIVATE STREET FOR THE COMMON USE AND BENEFIT OF THE OWNERS OF HACKBERRY MARKET, THEIR GUESTS AND INVITEES, FOR THE PURPOSE OF PROVIDING VEHICULAR ACCESS TO AND FROM THE VARIOUS LOTS, TO AND FROM THE PUBLIC STREETS, FOR SUBSEQUENT CONVEYANCE TO THE DECLARANT PARCEL OWNER AS SET FORTH BELOW.

THE PRIVATE STREET WITHIN RESERVE AREA "A" SHALL BE MAINTAINED BY THE DECLARANT PARCEL OWNER IDENTIFIED IN A DECLARATION OF RESTRICTIVE COVENANTS TO BE FILED OF RECORD FOR HACKBERRY MARKET ALSO, THE PRIVATE STREET WILL BE MAINTAINED TO CITY OF BROKEN ARROW STANDARDS.

IN ADDITION, RESERVE AREA "A" SHALL BE DESIGNATED AS A PUBLIC UTILITY EASEMENT. THE OWNER FURTHER DEDICATES FOR PUBLIC USE THE UTILITY EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAT AS "UIE" OR "UTILITY EASEMENT", FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES INCLUDING STORM SEWER, SANITARY SEWERS, WATER LINES, TOGETHER WITH ALL FITTINGS, CONDUITS, PIPES, VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENT FOR THE USES AND PURPOSES AFORESAID, PROVIDED HOWEVER, THE OWNER/DEVELOPER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE PUBLIC UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT.

F. LIMITS OF NO ACCESS

THE OWNER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO WEST TUCSON STREET (EAST 121ST STREET SOUTH) AND SOUTH ASPEN AVENUE (SOUTH 145TH EAST AVENUE) WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" (LNA) ON THE ACCOMPANYING PLAT, WHICH LIMITS OF NO ACCESS MAY BE AMENDED OR RELEASED BY THE BROKEN ARROW PLANNING COMMISSION, OR ITS SUCCESSOR, WITH THE APPROVAL OF THE CITY OF BROKEN ARROW, OKLAHOMA, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA PERTAINING THERETO, AND THE LIMITS OF NO ACCESS ESTABLISHED ABOVE SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA.

I. PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF THE LOT AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY NECESSARY PLACEMENTS, REPLACEMENTS, OR MAINTENANCE OF WATER, SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION, OR ELECTRIC FACILITIES WITHIN THE UTILITY EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, THE CITY OF BROKEN ARROW, TULSA COUNTY, OKLAHOMA OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

J. SIDEWALKS; PUBLIC ACCESS EASEMENT

SIDEWALKS SHALL BE CONSTRUCTED AND MAINTAINED BY THE LOT OWNER IN ACCORDANCE WITH THE CITY OF BROKEN ARROW SUBDIVISION REGULATIONS AND IN ACCORDANCE WITH THE STANDARDS OF THE CITY OF BROKEN ARROW. ALL SUCH SIDEWALKS SHALL BE CONSTRUCTED PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY FOR ANY BUILDING WITHIN THE SUBDIVISION, TO THE EXTENT SAID SIDEWALKS EXTEND OUTSIDE OF THE RIGHT-OF-WAY, ONTO THE LOT, THE OWNER HEREBY DEDICATES TO THE PUBLIC A PERPETUAL EASEMENT ON, OVER, AND ACROSS THE LOT FOR CONSTRUCTION, MAINTENANCE, AND USE AS A PUBLIC SIDEWALK.

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS (PUD-001818-2024)

WHEREAS, HACKBERRY MARKET WAS SUBMITTED AS PART OF A PLANNED UNIT DEVELOPMENT (DESIGNATED AS PUD-001818-2024) AS PROVIDED WITHIN SECTIONS 6.4 ET SEQ. OF THE CITY OF BROKEN ARROW ZONING CODE, AS THE SAME EXISTED ON 12-17-24, WHICH P.U.D. NO. 001818-2024 WAS APPROVED BY THE BROKEN ARROW PLANNING COMMISSION 11-21-24, AND BY THE BROKEN ARROW CITY COUNCIL ON 12-17-24; AND

WHEREAS, THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BROKEN ARROW ZONING CODE REQUIRE THE ESTABLISHMENT OF COVENANTS OF RECORD, INJURING TO AND ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, SUFFICIENT TO ASSURE THE IMPLEMENTATION AND CONTINUED COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT; AND

WHEREAS, OWNER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY DEVELOPMENT AND TO INSURE ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF OWNER, ITS SUCCESSORS AND ASSIGNS, AND THE CITY OF BROKEN ARROW, OKLAHOMA.

THEREFORE, OWNER DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE

COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

DEVELOPMENT STANDARDS

THE PROPERTY MAY BE USED FOR ANY PURPOSE CONSISTENT WITH THE COMMERCIAL GENERAL (CG) ZONING DISTRICT AS PROVIDED IN THE CITY OF BROKEN ARROW'S ZONING ORDINANCE. IN ADDITION TO THE FOREGOING, CAR WASHES SHALL BE A PERMITTED USE. DESIGN STANDARDS FOR THE PROPERTY SHALL BE CONSISTENT WITH THE COMMERCIAL GENERAL (CG) ZONING DISTRICT AS PROVIDED IN THE CITY OF BROKEN ARROW'S ZONING ORDINANCE, EXCEPT AS EXPRESSLY SET FORTH BELOW:

MINIMUM LOT FRONTAGE ON PUBLIC ROW OR PRIVATE STREET	100 FEET
SETBACKS	
ENTIRE DEVELOPMENT	
FROM NORTH BOUNDARY (CREEK TURNPIKE)	30 FEET
FROM EAST BOUNDARY	30 FEET
FROM SOUTH BOUNDARY (WEST TUCSON STREET)	20 FEET
FROM WEST BOUNDARY (SOUTH ASPEN AVENUE)	50 FEET
INTERIOR	
JR. ANCHOR SIDE (ATTACHED SIDE)	0 FEET
SIDE (NOT ATTACHED)	10 FEET
OFF-STREET PARKING	
THE PROPERTY SHALL COMPLY WITH THE CITY OF BROKEN ARROW'S ZONING ORDINANCE FOR OFF-STREET PARKING REQUIREMENTS; PROVIDED EXCEPT AS AMENDED BELOW:	
HOME IMPROVEMENT RETAIL USE IN EXCESS OF 100,000 SQ.FT.	
STORE	1 PARKING SPACE PER 310 SQ.FT.
GARDEN CENTER	1 PARKING SPACE PER 310 SQ.FT.
SEASONAL SALES	1 PARKING SPACE PER 2,000 SQ.FT.
OUTDOOR VEHICLE DISPLAY/STORAGE	1 PARKING SPACE PER 2,000 SQ.FT.
JR ANCHOR AREA	
RETAIL	1 PARKING SPACE PER 300 SQ.FT.
RESTAURANT	1 PARKING SPACE PER 100 SQ.FT.

PARKING REQUIREMENTS MAY BE MET WITHIN THE ENTIRE DEVELOPMENT ACROSS LOT LINES. OUTPARCELS AND ANY USES NOT LISTED ABOVE WILL BE PER TABLE 5.4.1 OF THE CITY OF BROKEN ARROW ZONING CODE.

MAXIMUM PARKING 135% OF REQUIRED PARKING

LANDSCAPING

LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY OF BROKEN ARROW ZONING ORDINANCE.

SIGNAGE

PUD-001818-2024 CREATES AN INTEGRATED DEVELOPMENT IDENTIFICATION (IDI) PER THE CITY OF BROKEN ARROW ZONING CODE EXCEPT AS MODIFIED AS BELOW. PYLON AND MONUMENT SIGNS SHALL BE PERMITTED IN THE DEVELOPMENT CONSISTENT WITH THE COMPREHENSIVE SIGNAGE PLAN, ATTACHED HERETO AS EXHIBIT E.

WALL SIGNAGE SHALL COMPLY WITH THE CITY OF BROKEN ARROW'S ZONING ORDINANCE. PYLON SIGNS WITHIN THE DEVELOPMENT SHALL BE PERMITTED TO DISPLAY NAMES AND TRADEMARKS OF BUSINESSES LOCATED WITHIN THE PROPERTY, WHICH SHALL NOT CONSTITUTE OFF PREMISES SIGNAGE.

SIGN 1 (CREEK TURNPIKE)	
DISPLAY SURFACE AREA	320 SQ.FT.
SIGN HEIGHT	40 FEET
SIGN 2 (MAIN ENTRANCE - SOUTH ASPEN AVENUE)	
DISPLAY SURFACE AREA	300 SQ.FT.
SIGN HEIGHT	30 FEET*
*THIS HEIGHT IS ONLY PERMITTED WITH A MIN. 20' SETBACK	
SIGN 3 (WEST TUCSON STREET)	
DISPLAY SURFACE AREA	62 SQ.FT.
SIGN HEIGHT	9.5 FEET
SIGN 4 (TENANT SIGNS)	
DISPLAY SURFACE AREA	50 SQ.FT.
SIGN HEIGHT	8.5 FEET

ACCESS AND CIRCULATION

THE PROPERTY SHALL BE PERMITTED A SIGNALIZED MAIN ENTRANCE DRIVE AND ANOTHER UNSIGNALIZED ENTRANCE ON S. ASPEN AVE. AS SHOWN ON EXHIBIT B, AND SUBJECT TO PERMITS AND APPROVALS FROM APPLICABLE GOVERNMENT AGENCIES (E.G., OKLAHOMA TURNPIKE AUTHORITY AND THE CITY OF BROKEN ARROW).

THE PROPERTY SHALL BE PERMITTED TWO UNSIGNALIZED ENTRANCES ON WEST TUCSON STREET AS SHOWN ON EXHIBIT B, SUBJECT TO PERMITS AND APPROVALS FROM THE CITY OF BROKEN ARROW.

FINAL PLANS FOR ACCESS TO THE PROPERTY FROM ALL PUBLIC RIGHTS-OF-WAY WILL BE DETERMINED DURING THE PLATTING PROCESS APPROVED BY THE CITY OF BROKEN ARROW AND OKLAHOMA TURNPIKE AUTHORITY.

A PRIVATE STREET WILL SERVE HACKBERRY MARKET AS SHOWN ON EXHIBIT F. THIS STREET WILL CONNECT TO SOUTH ASPEN AT THE MAIN SIGNALIZED ENTRANCE TRAVERSE THROUGH THE DEVELOPMENT AND WILL CONNECT WEST TUCSON STREET. THE PRIVATE STREET WILL BE IN A RESERVE AREA, MAINTAINED BY THE DECLARANT PARCEL OWNER IDENTIFIED IN A DECLARATION OF RESTRICTIVE COVENANTS TO BE FILED OF RECORD FOR THE PROPERTY DESCRIBED IN EXHIBIT A. ALSO, THE PRIVATE STREET WILL BE MAINTAINED TO CITY OF BROKEN ARROW STANDARDS.

IN THE EVENT THE DECLARANT SHOULD FAIL TO PROPERLY MAINTAIN THE PRIVATE STREET ADJACENT TO THE SIGNALIZED INTERSECTION ON SOUTH ASPEN AVENUE OR, IN THE EVENT THE CITY OF BROKEN ARROW WISHES TO IMPROVE SAID INTERSECTION PAVING, THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER AND PERFORM MAINTENANCE OR IMPROVEMENTS NECESSARY TO ACHIEVE THE INTENDED STREET FUNCTIONS.

PUBLIC SIDEWALKS SHALL BE CONSTRUCTED ALONG S. ASPEN AVE. AND W. TUCSON ST. AS EACH STREET-ABUTTING LOT IS DEVELOPED. ALL PUBLIC SIDEWALKS WILL BE BUILT TO THE DEVELOPMENT STANDARDS OF THE CITY OF BROKEN ARROW. PUBLIC SIDEWALKS SHALL BE A MINIMUM OF FIVE (5) FEET IN WIDTH, ADA COMPLIANCE, AND SHALL TIE INTO OTHER SIDEWALKS ABUTTING THE SITE BOUNDARIES.

HACKBERRY MARKET WILL ALSO BE SERVED BY INTERNAL SIDEWALKS ALSO SHOWN ON EXHIBIT F. AN EAST-WEST SIDEWALK WILL BE ALONG ONE SIDE OF THE MAIN ENTRANCE FROM SOUTH ASPEN AVENUE. IN ADDITION, A NORTH-SOUTH SIDEWALK WILL BE IN FRONT OF THE HOME IMPROVEMENT AND JR. ANCHOR STORES AND WILL CONNECT TO THE PUBLIC SIDEWALK ALONG WEST TUCSON STREET.

\\civl-server\projects\24\0478 Broken Arrow Commercial Development\04 Production\01 Design Drawings\04 Plat\24\0478 DOD.dwg PLOT:2/24/25 ORIG SIZE:24"x36"

CONDITIONAL FINAL PLAT
HACKBERRY MARKET
PUD-001818-2024
DEED OF DEDICATION AND RESTRICTIVE COVENANTS

SECTION III. ENFORCEMENT, DURATION, AMENDMENT, AND SEVERABILITY

A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I. EASEMENTS, AND UTILITIES ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO. IF THE UNDERSIGNED OWNER OR ITS SUCCESSORS OR ASSIGNS SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION I, IT SHALL BE LAWFUL FOR ANY PERSON OR PERSONS OWNING ANY LOT SITUATED WITHIN THE SUBDIVISION, OR THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSOR, TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT HIM OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT OR TO RECOVER DAMAGES.

B. DURATION

THESE RESTRICTIONS, TO THE EXTENT PERMITTED BY APPLICABLE LAW, SHALL BE PERPETUAL AND SHALL BE IN FORCE AND EFFECT FOR A TERM OF NOT LESS THAN THIRTY (30) YEARS FROM THE DATE OF THE RECORDING OF THIS DEED OF DEDICATION UNLESS TERMINATED OR AMENDED AS HEREINAFTER PROVIDED.

C. AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I. EASEMENTS, AND UTILITIES MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE CITY OF BROKEN ARROW PLANNING COMMISSION, OR ITS SUCCESSORS WITH THE APPROVAL OF THE CITY OF BROKEN ARROW, TULSA COUNTY, OKLAHOMA.

D. SEVERABILITY

INVALIDATION OF ANY RESTRICTION SET FORTH HEREIN OR ANY PART THEREOF, BY AN ORDER, JUDGMENT, OR DECREE OF ANY COURT, OR OTHERWISE, SHALL NOT INVALIDATE OR AFFECT ANY OF THE OTHER RESTRICTIONS OR ANY PART THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

CERTIFICATE OF OWNERSHIP

IN WITNESS WHEREOF: ROYCE ENTERPRISES, INC., BEING THE SOLE OWNER OF HACKBERRY MARKET, HEREBY APPROVES THE FOREGOING DEED OF DEDICATION, AND COVENANTS THIS ____ DAY OF _____, 2025.

OWNER _____
NAME

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
) SS:
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2025,
BY _____, AS _____ OF _____

NOTARY PUBLIC

MY COMMISSION NO: _____

MY COMMISSION EXPIRES: _____

[SEAL]

CERTIFICATE OF SURVEY

I, SHAWN COLLINS, RPLS, OF SISEMORE & ASSOCIATES, A LICENSED LAND SURVEYOR REGISTERED IN THE STATE OF OKLAHOMA, HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS HACKBERRY MARKET, A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, IS A REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED LAND SURVEYING PRACTICES AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED.

WITNESS MY HAND AND SEAL THIS ____ DAY OF _____, 2025.



SHAWN A. COLLINS, PLS
OKLAHOMA NO. 1788

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
) SS:
COUNTY OF TULSA)

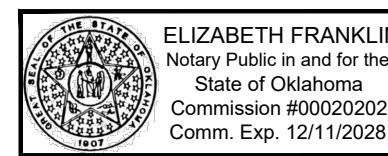
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2025, BY SHAWN A. COLLINS, AS PRESIDENT OF SISEMORE & ASSOCIATES.

NOTARY PUBLIC

MY COMMISSION EXPIRES: 12/11/2028

MY COMMISSION NUMBER: 00020202

[SEAL]



ORIG SIZE: 24" X 36"

PLOT: 2/24/25

\\civl-server\projects\2404078 Broken Arrow Commercial Development\04 Production\01 Design Drawings\04 Plat\2404078 DOD.dwg



City of Broken Arrow

Request for Action

File #: 25-395, Version: 1

**Broken Arrow Planning Commission
03-27-2025**

To: Chair and Commission Members
From: Community Development Department
Title:

Approval of LOT-001770-2024 (Lot Split), Villas at Battle Creek, Lot Split, 11.45 acres, 1 lot to 2 lots, CG (Commercial General)/PUD (Planned Unit Development) 94, one-quarter mile south of Omaha Street (5^{1st} Street), east of Aspen Avenue (145th E. Avenue)

Background:

Applicant: TEP
Owner: Brian Beam
Developer: Brian Beam
Engineer: Route 66 Engineering
Location: One-quarter mile south of Omaha Street (51st Street), east of Aspen Avenue (145th E. Avenue)
Size of Tract: 11.45
Number of Lots: 1 lot to 2 lots
Present Zoning: CG (Commercial General)/PUD-94
Comp Plan: Level 4 (Commercial/Employment Nodes) and Level 6 (Regional Employment/Commercial)

Lot split request LOT-001770-2024 involves 11.45 acres being split into an 8.13-acre tract (Tract A) and a 3.32-acre tract (Tract C). One-quarter mile south of Omaha Street (51st Street), east of Aspen Avenue (145th E. Avenue).

LOT-001770-2024 is a lot split application which is running concurrently with LOT-002054-2025 and LOT-002055-2025. Tract A is proposed to be combined in LOT-002054-2025, which gives the proposed lot frontage on Granger Street and Aspen Avenue and is proposed to be used as the lot for the existing Battle Creek Church. Tract C is proposed to be combined with LOT-002054-2025 to create the parcel that is proposed to be used for the Villas at Battle Creek Residential Development.

Water and sanitary sewer are available from the City of Broken Arrow. LOT-001770-2024 was heard at Technical Advisory Committee (TAC) on March 18, 2025, where stakeholders did not indicate that they had any problems with the proposed lot consolidation.

Attachments: Case Map
Aerial
Exhibit
Exhibit

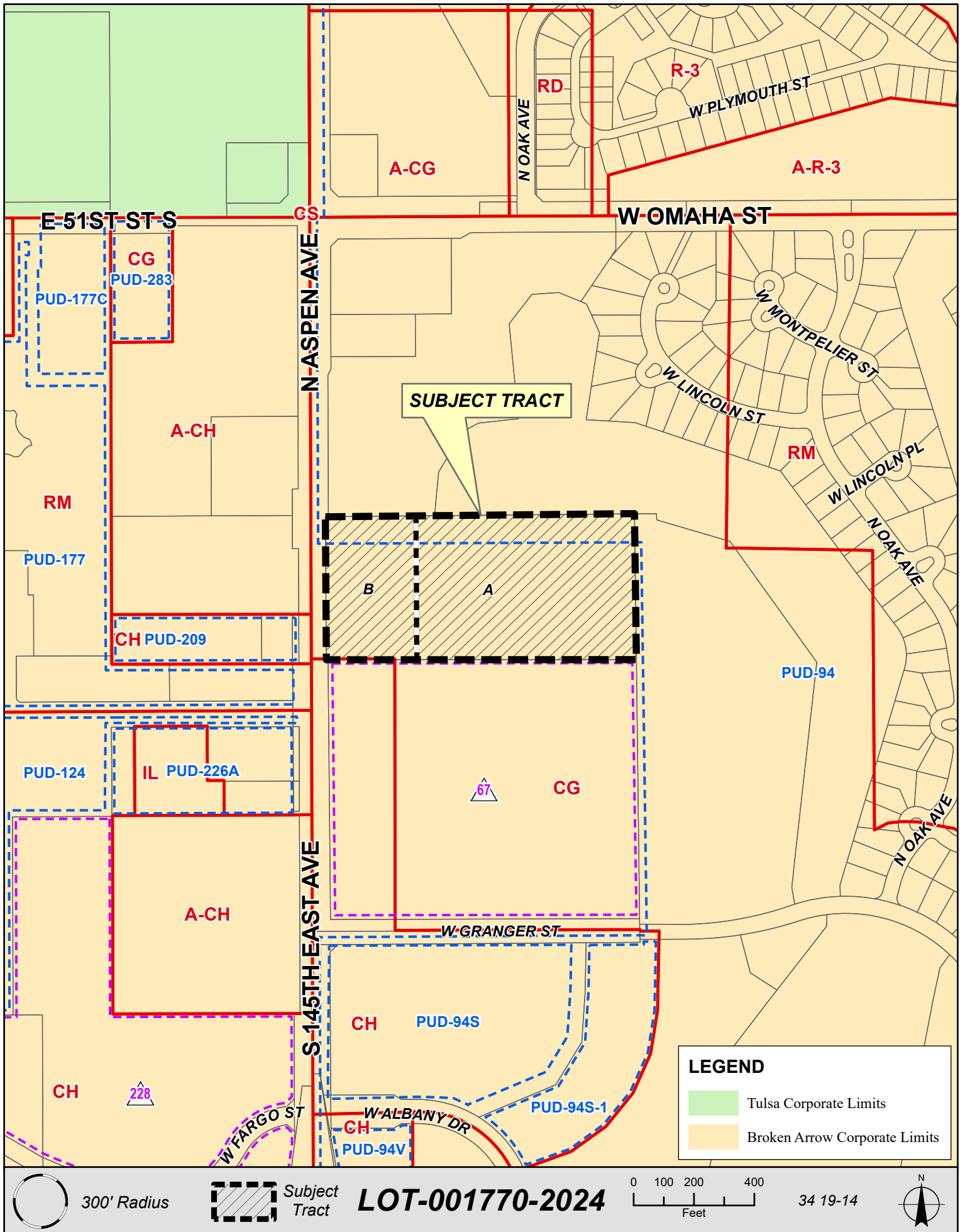
Recommendation:

Staff recommends LOT-001770-2024 be approved subject to a new deed for the consolidated parcels, from LOT-002055-2025 and LOT-002054-2025, being brought to the Planning & Development Division to be stamped prior to being recorded in Tulsa County.

Reviewed by: Amanda Yamaguchi

Approved by: Rocky Henkel

HMB



SUBJECT TRACT

B

A

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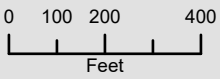
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LEGEND

- Tulsa Corporate Limits
- Broken Arrow Corporate Limits

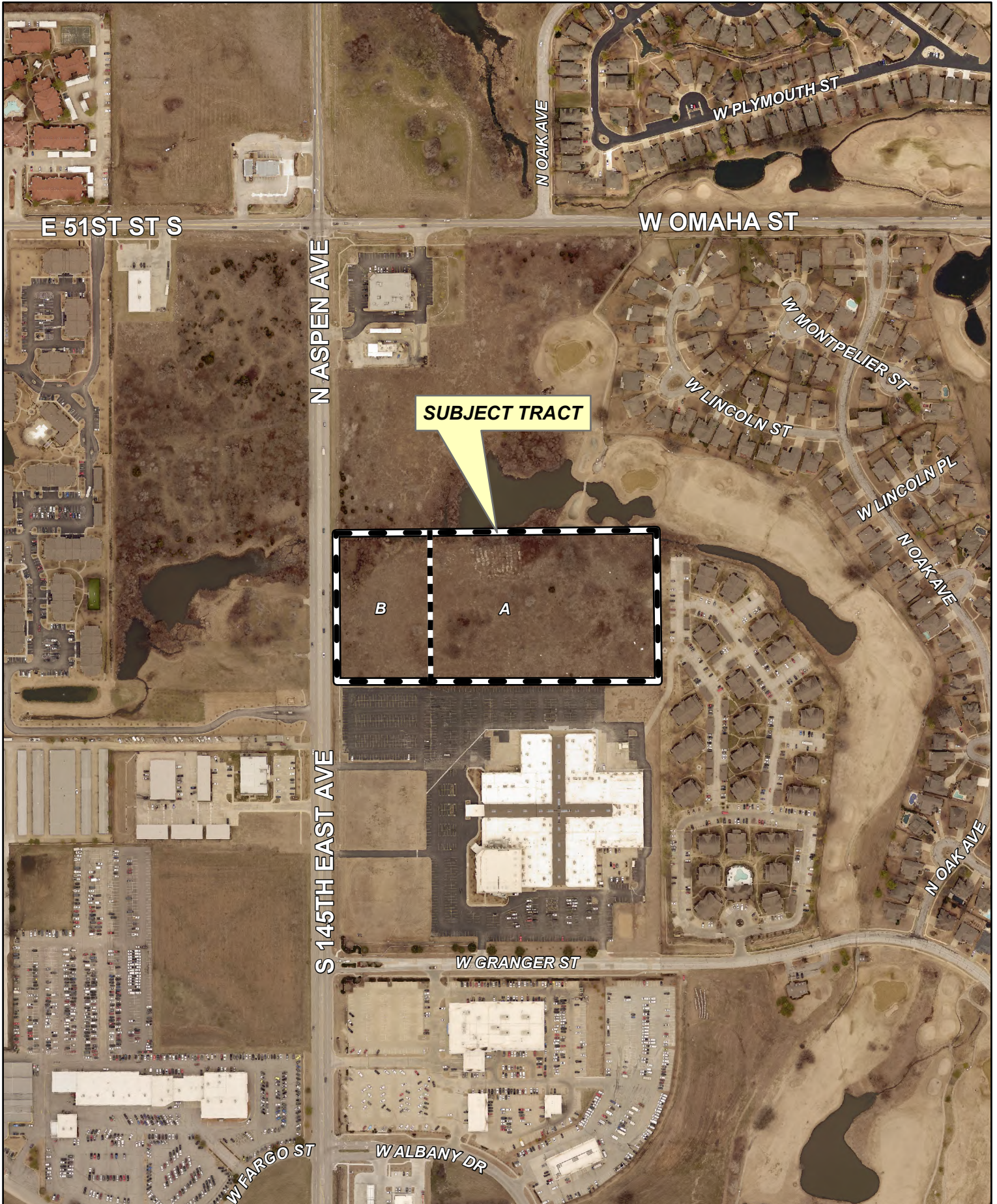


LOT-001770-2024

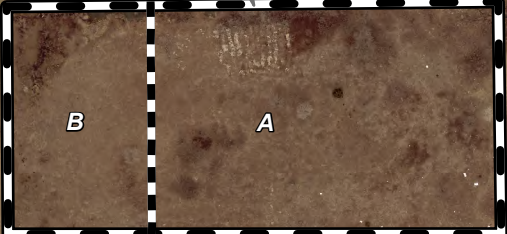


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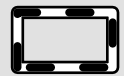




SUBJECT TRACT

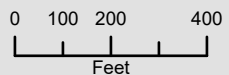


Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2023



Subject Tract

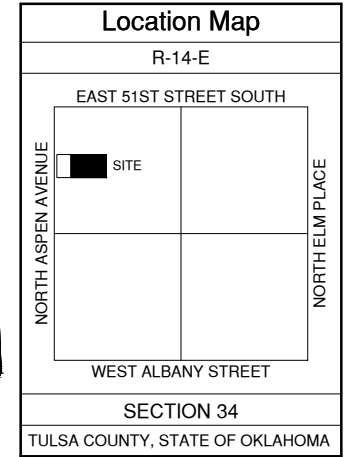
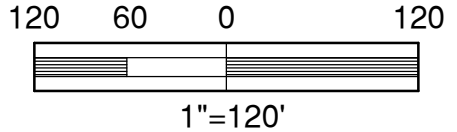
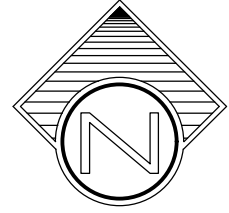
LOT-001770-2024



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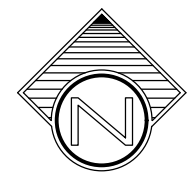


Exhibit "A"



Tulsa Engineering & Planning Associates
 9810 E. 42nd Street, Suite 100 Tulsa, Oklahoma 74146
 Phone: 918-252-9621 Fax: 918-340-5999
 Civil Engineering, Land Surveying, Land Planning
 Certificate of Authorization No. CA 531 PE/LS Renewal Date June 30, 2025

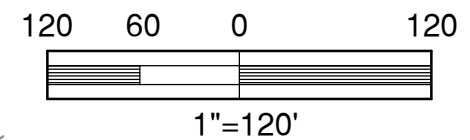
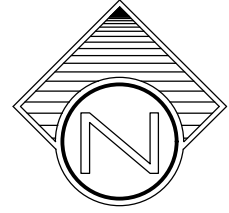
TRACT 'A' EXHIBIT
 Part of the NW/4, Section 34, T-19-N, R-14-E
 Tulsa County, State of Oklahoma



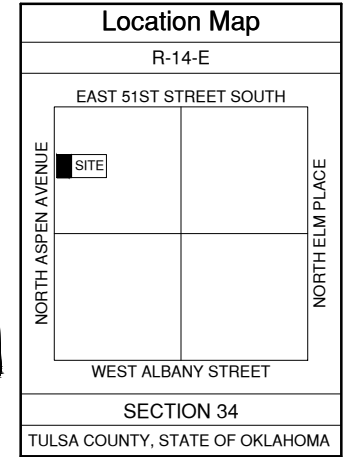
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 Scale: 1" = 120'
 Date: 8/28/2024

Sheet 1 of 2

Exhibit "A"

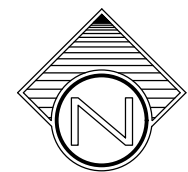


The Heights at Battle Creek
 Lot 1, Block 1
 (Plat No. 5986)
 Owner: Heights at
 Battle Creek, LLC



Tulsa Engineering & Planning Associates
 9810 E. 42nd Street, Suite 100 Tulsa, Oklahoma 74146
 Phone: 918-252-9621 Fax: 918-340-5999
 Civil Engineering, Land Surveying, Land Planning
 Certificate of Authorization No. CA 531 PE/LS Renewal Date June 30, 2025

REMAINDER TRACT EXHIBIT
 Part of the NW/4, Section 34, T-19-N, R-14-E
 Tulsa County, State of Oklahoma



Job No: 21-056
 Scale: 1" = 120'
 Date: 8/28/2024

Sheet 1 of 2



City of Broken Arrow

Request for Action

File #: 25-403, Version: 1

**Broken Arrow Planning Commission
03-27-2025**

To: Chair and Commission Members
From: Community Development Department
Title:

Approval of LOT-002054-2025 (Lot Change), 2 Lots, Parcel A Lot 1, Block 1 Outlet Mall & Parcel B unplatted, 1 Proposed Lot, approximately 28.36 acres, located on east Aspen Avenue (145th Avenue), and one quarter mile south of Omaha Steet (51st Street)

Background:

Applicant: Tim Terral, Tulsa Engineering & Planning

Owner: Brian Beam, BC Land Holding Co LLC

Developer: N/A

Engineer: Russ Fischer, Brent Cox, Jack Taber, Tulsa Engineering & Planning

Location: Located on east Aspen Avenue (145th Avenue), and one quarter mile south of Omaha Steet (51st Street)

Size of Tract 2.36

Number of Lots: Two existing, one proposed

Present Zoning: CG (Commercial CG) with SP (Specific Use Permit) 94 & 67

Comp Plan: Level 6 (Regional Employment/Commercial)

Lot Change request LOT-002054-2025 involves 28.36 acres that is proposed to be consolidated into a single lot. The property is located east Aspen Avenue, and south of Omaha Steet, consists of two parcels that are Parcel A Lot 1, Block 1 Outlet Mall & Parcel B unplatted.

The CG zoning district has no minimum lot area and a 200 feet frontage requirement. The lot created by this lot change meets the dimensional requirements of the zoning district.

According to FEMA Maps, none of this property is located within the 100-year floodplain.

Water and sanitary sewer are available from the City of Broken Arrow. LOT-002054-2025 was heard at Technical Advisory Committee (TAC) on March 18, 2025, where Public Service Company of Oklahoma (PSO), Windstream, and Cox Communications did not indicate that they had any issues with the proposed lot consolidation.

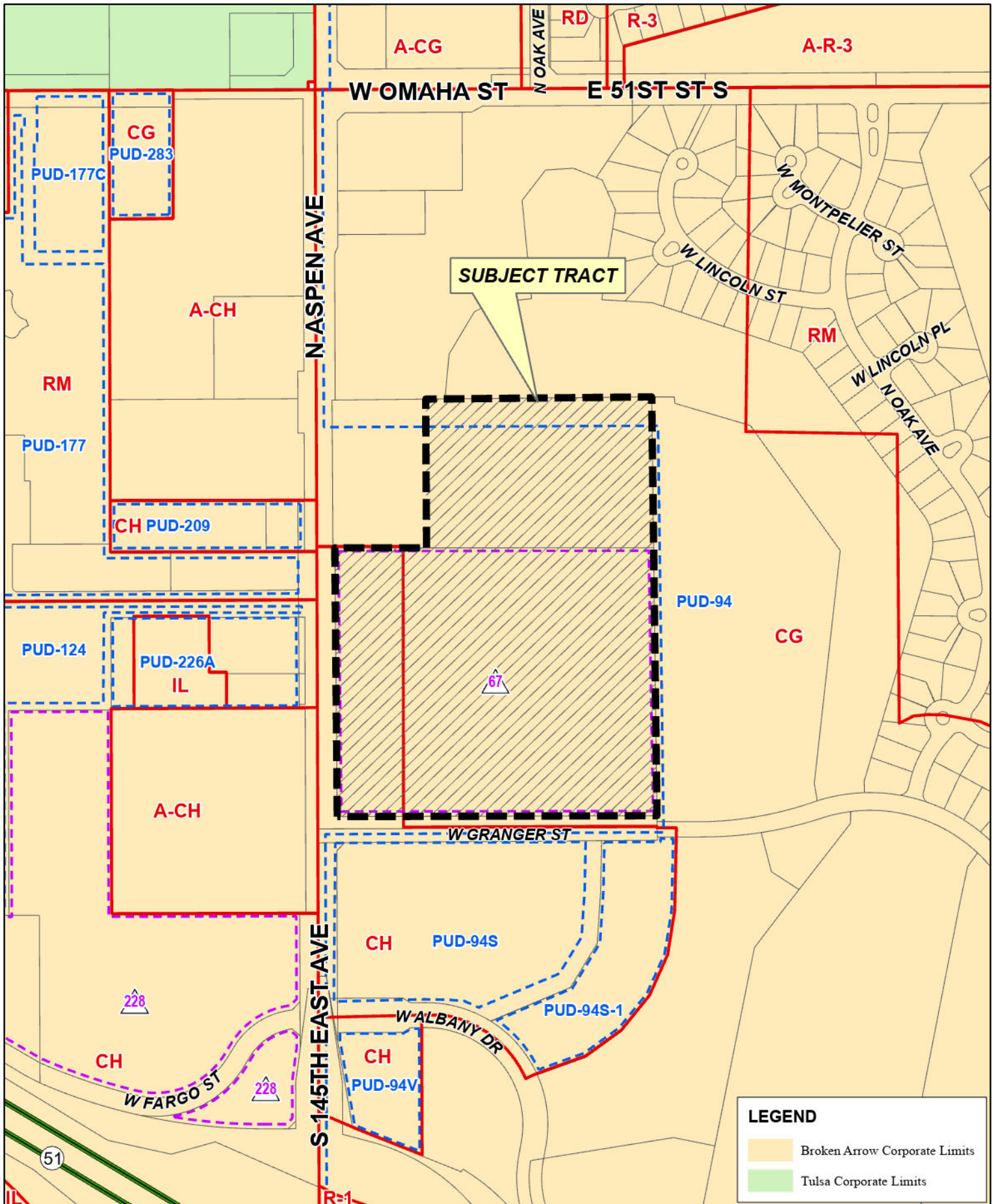
Attachments: Case Map
Aerial Image
Comprehensive Plan
Legal Description

Recommendation:

Staff recommends LOT-002054-2025 be approved subject to a new deed for the consolidated parcels being brought to the Planning & Development Division to be stamped prior to being recorded in Tulsa County.

Reviewed by: Amanda Yamaguchi

Approved by: Rocky Henkel



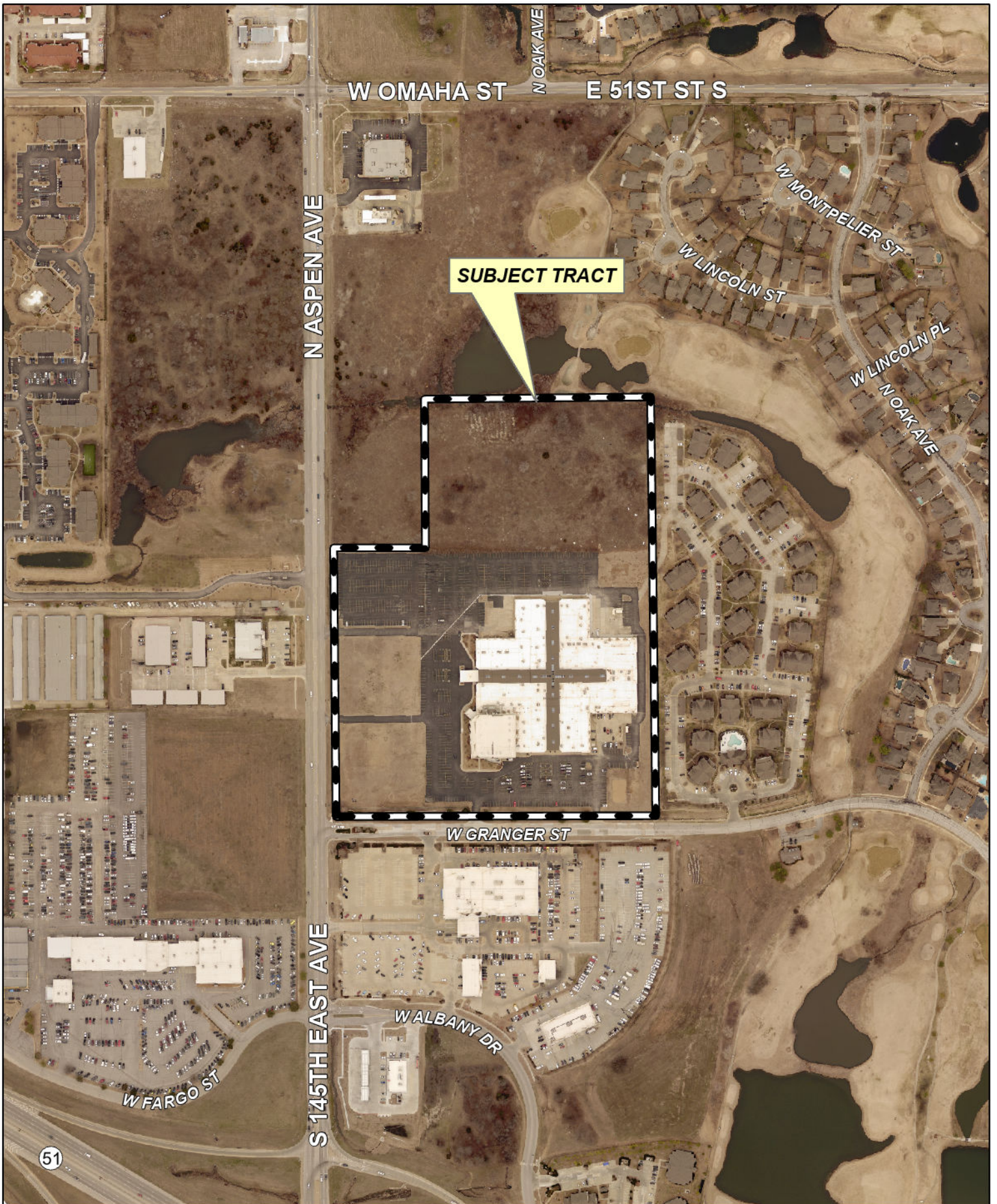
LEGEND

- Broken Arrow Corporate Limits
- Tulsa Corporate Limits

300' Radius
 Subject Tract
 LOT-002054-2025

 0 100 200 400
 Feet

 34 19-14



SUBJECT TRACT

W OMAHA ST

E 51ST ST S

N ASPEN AVE

N OAK AVE

W MONTPELIER ST

W LINCOLN ST

W LINCOLN PL

N OAK AVE

W GRANGER ST

S 145TH EAST AVE

W ALBANY DR

W FARGO ST

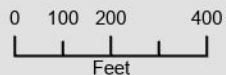
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Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2023



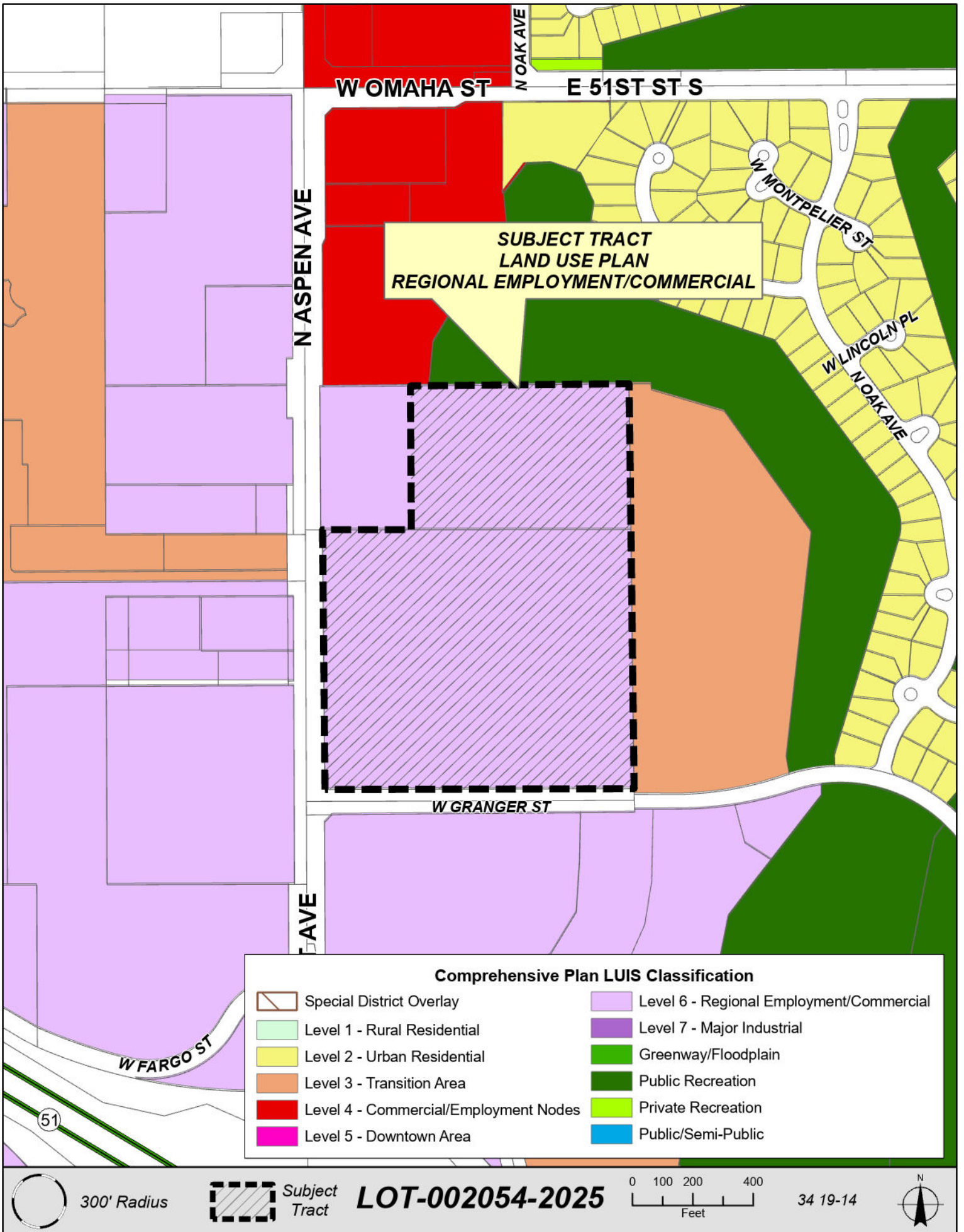
Subject Tract

LOT-002054-2025



34 19-14





**SUBJECT TRACT
LAND USE PLAN
REGIONAL EMPLOYMENT/COMMERCIAL**

Comprehensive Plan LUIS Classification

	Special District Overlay		Level 6 - Regional Employment/Commercial
	Level 1 - Rural Residential		Level 7 - Major Industrial
	Level 2 - Urban Residential		Greenway/Floodplain
	Level 3 - Transition Area		Public Recreation
	Level 4 - Commercial/Employment Nodes		Private Recreation
	Level 5 - Downtown Area		Public/Semi-Public

300' Radius

Subject Tract

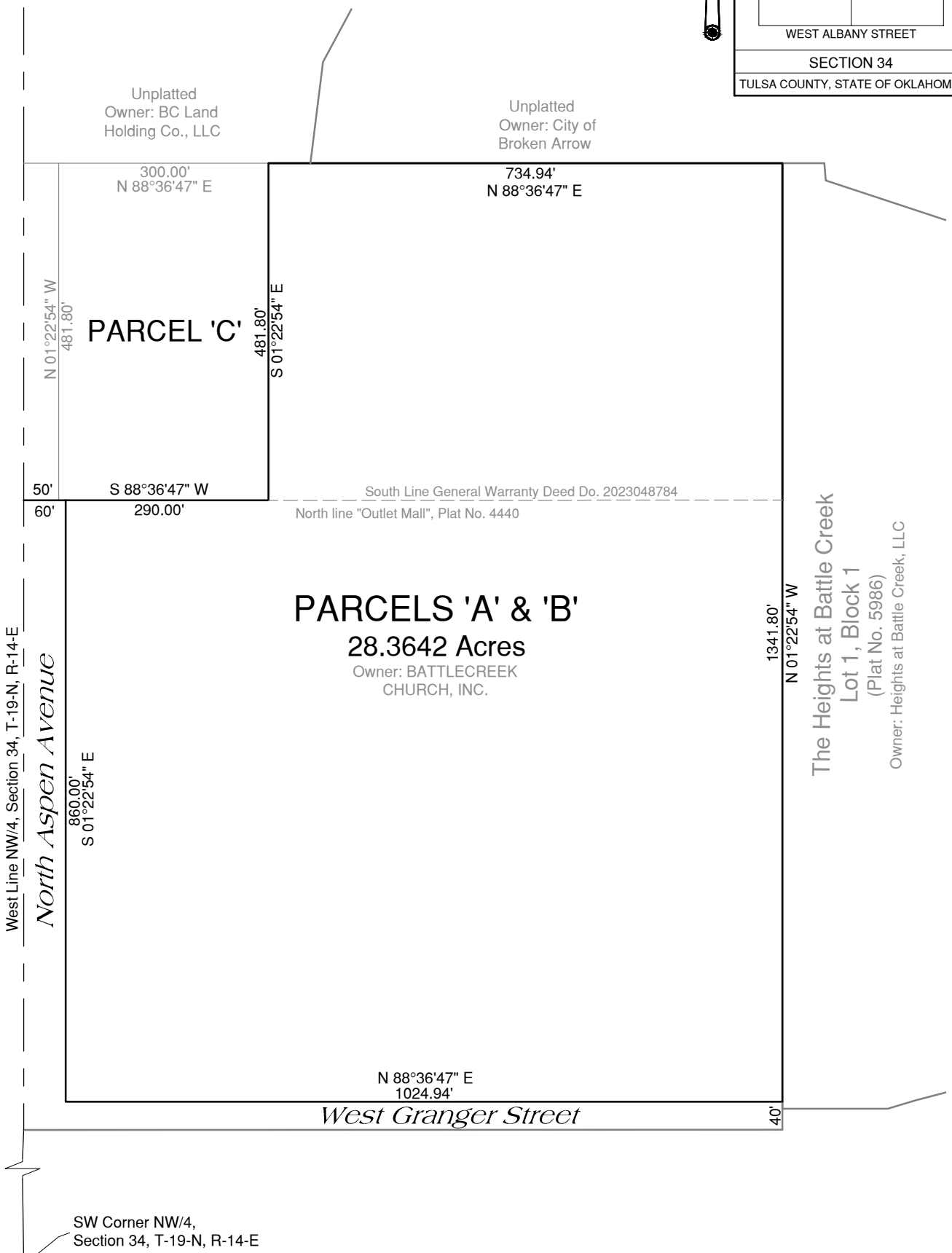
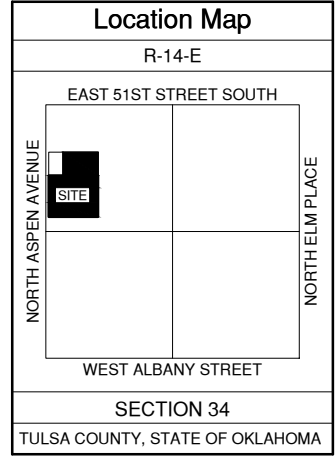
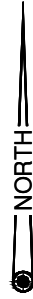
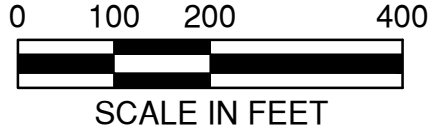
LOT-002054-2025

0 100 200 400
Feet

34 19-14



Exhibit "A"



PARCELS 'A' & 'B' LOT CONSOLIDATION

Sheet 1 of 2



Tulsa Engineering & Planning Associates
9810 E. 42nd Street, Suite 100 Tulsa, Oklahoma 74146
Phone: 918-252-9621 Fax: 918-340-5999
Civil Engineering, Land Surveying, Land Planning
Certificate of Authorization No. CA 531 PE/LS Renewal Date June 30, 2025



Job No: 21-056
Scale: 1" = 200'
Date: 3/17/2025

Exhibit "A"

Legal Description Parcel 'A'

Lot 1, Block 1, Outlet Mall, an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to Plat No. 4440, as recorded in the office of the Tulsa County Clerk.

Containing 881,450 square feet or 20.2353 acres.

Together with:

Legal Description Parcel 'B'
(General Warrant Deed, Doc. No. 2023048784)

A tract of land located in the Northwest Quarter (NW/4) of Section Thirty-four (34) in Township Nineteen (19) North and Range Fourteen (14) East of the Indian Base and Meridian (I.B.&M.), according to the U.S. Government Survey thereof, Tulsa County, State of Oklahoma, being more particularly described as follows:

Commencing at the SW corner of the NW/4 of Sec. 34, T-19-N, R-14-E, I.B.&M.; N 01°22'54" W along the west line of said NW/4 a distance of 1170.00 feet; Thence N 88°36'47" E a distance of 50.00 feet to the Point of Beginning being on the present right-of-way of North Aspen Avenue; Thence N 01°22'54" W along said present right-of-way a distance of 481.80 feet; Thence N 88°36'47" E a distance of 1034.94 feet; Thence S 01°22'54" E a distance of 481.80 feet; Thence S 88°36'47" W a distance of 1034.94 feet to the Point of Beginning, Less and Except the West 300.00 feet thereof.

Said tract contains 354,094 square feet or 8.1289 acres.

Parcel 'A', together with Parcel 'B', contain 1,235,544 square feet or 28.3642 acres.

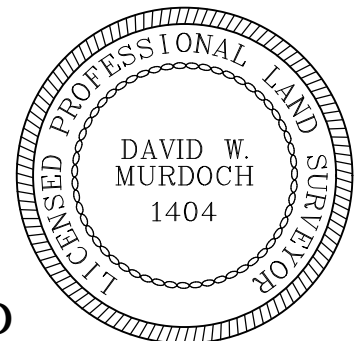
The basis of bearings contained herein is the Oklahoma State Plane Coordinate System-North Zone-NAD83 (2011).

Certificate

I, David W. Murdoch, of Tulsa Engineering & Planning Associates, Inc. and a Professional Land Surveyor registered in the State of Oklahoma, hereby certify that the foregoing legal description closes in accord with existing records and is a true representation of the real property as described and meets or exceeds the "Minimum Standards for Property Descriptions" as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.

David W. Murdoch, P.L.S. No. 1404

E-mail: d.murdoch@tulsaengineering.com
Telephone: (918) 252-9621



PARCELS 'A' & 'B' COMBINED

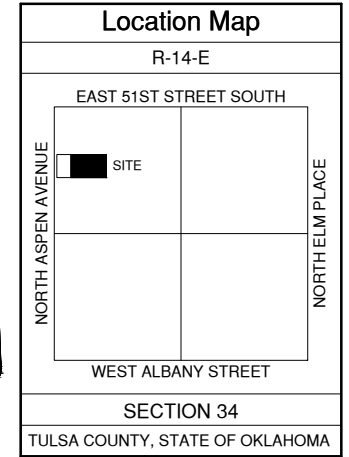
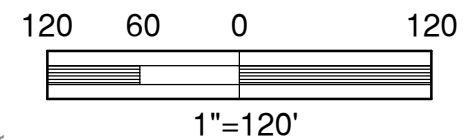
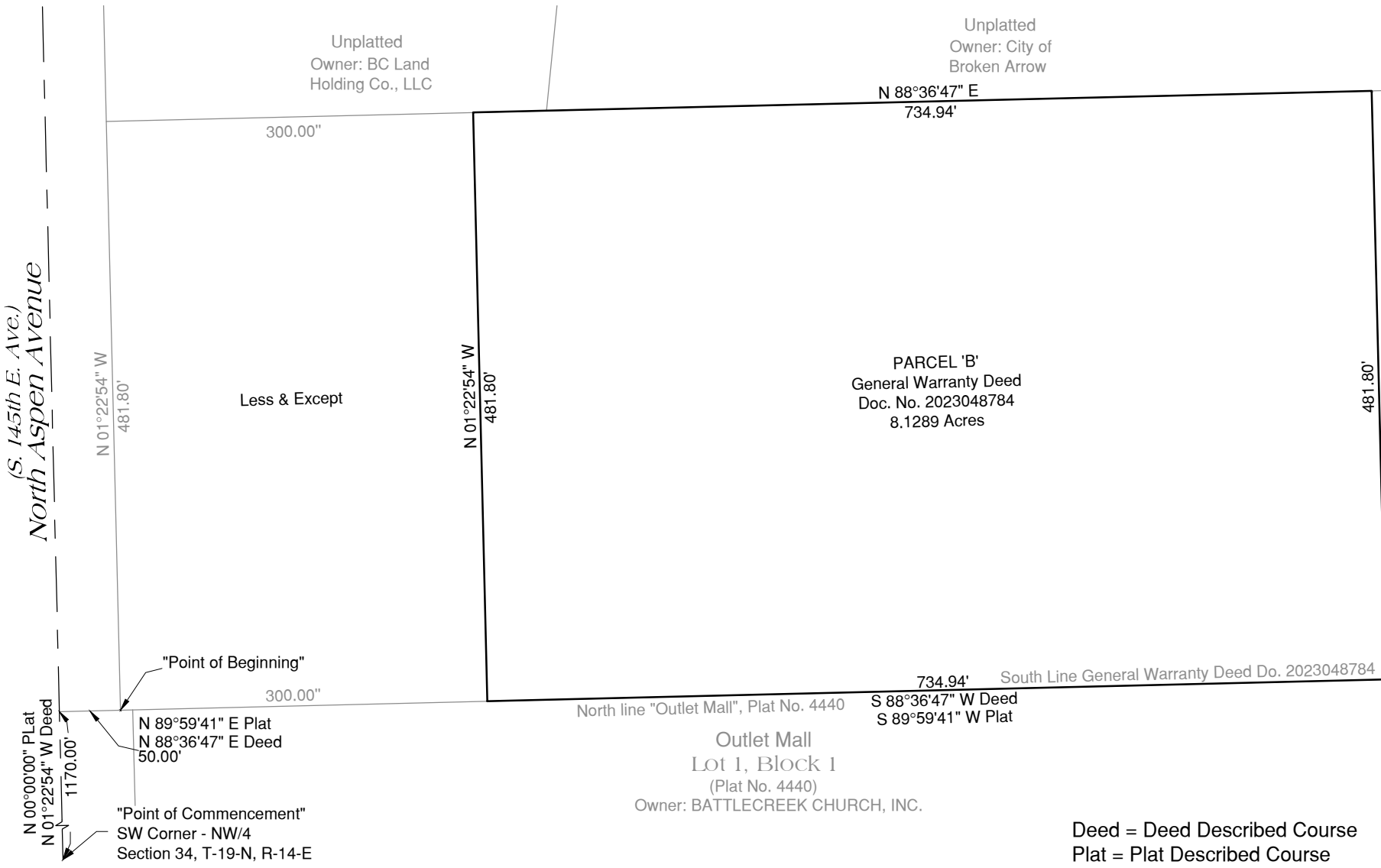


Tulsa Engineering & Planning Associates
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Job No: 21-056
Scale: N/A
Date: 3/17/2025

Sheet 2 of 2

Exhibit "A"



Deed = Deed Described Course
Plat = Plat Described Course



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PARCEL 'B' EXHIBIT
 Part of the NW/4, Section 34, T-19-N, R-14-E
 Tulsa County, State of Oklahoma



Job No: 21-056
 Scale: 1" = 120'
 Date: 3/17/2025

Sheet 1 of 2

Exhibit "A"

Legal Description (General Warrant Deed, Doc. No. 2023048784)

A tract of land located in the Northwest Quarter (NW/4) of Section Thirty-four (34) in Township Nineteen (19) North and Range Fourteen (14) East of the Indian Base and Meridian (I.B.&M.), according to the U.S. Government Survey, thereof, Tulsa County, State of Oklahoma, being more particularly described as follows:

Commencing at the SW corner of the NW/4 of Sec. 34, T-19-N, R-14-E, I.B.&M.;

N 01°22'54" W along the west line of said NW/4 a distance of 1170.00 feet;

Thence N 88°36'47" E a distance of 50.00 feet to the Point of Beginning being on the present right-of-way of North Aspen Avenue;

Thence N 01°22'54" W along said present right-of-way a distance of 481.80 feet;

Thence N 88°36'47" E a distance of 1034.94 feet;

Thence S 01°22'54" E a distance of 481.80 feet;

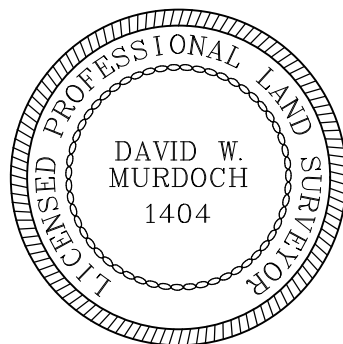
Thence S 88°36'47" W a distance of 1034.94 feet to the Point of Beginning, Less and Except the West 300.00 feet thereof.

Said tract contains 354,094 square feet or 8.1289 acres.

The basis of bearings contained herein is the Oklahoma State Plane Coordinate System-North Zone-NAD83 (2011).

CERTIFICATE:

I, David W. Murdoch, of Tulsa Engineering & Planning Associates, Inc. and a Professional Land Surveyor registered in the State of Oklahoma, hereby certify that the foregoing legal description closes in accord with existing records and is a true representation of the real property as described and meets or exceeds the "Minimum Standards for Property Descriptions" as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.



David W. Murdoch, P.L.S. No. 1404

E-mail: d.murdoch@tulsaengineering.com
Telephone: (918) 252-9621

PARCEL 'B' EXHIBIT

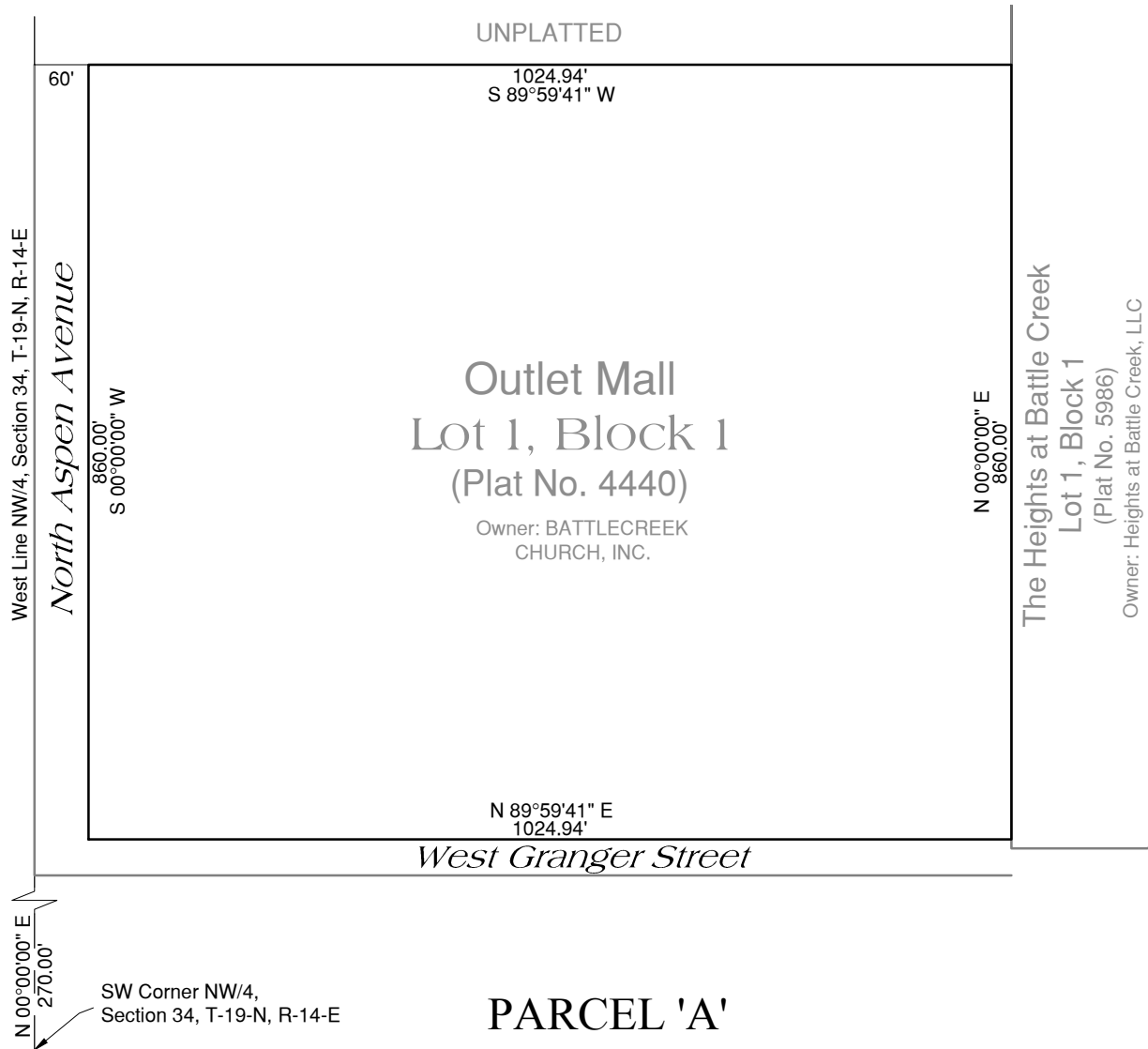
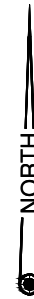
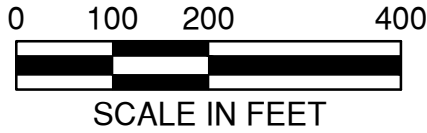


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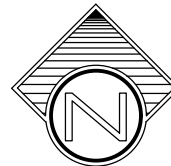
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Scale: N/A
Date: 3/17/2025

Sheet 2 of 2

Exhibit "A"



Tulsa Engineering & Planning Associates
9810 E. 42nd Street, Suite 100 Tulsa, Oklahoma 74146
Phone: 918-252-9621 Fax: 918-340-5999
Civil Engineering, Land Surveying, Land Planning
Certificate of Authorization No. CA 531 PE/LS Renewal Date June 30, 2025



Job No: 21-056
Scale: 1" = 200'
Date: 3/17/2025

Exhibit "A"

Legal Description

Lot 1, Block 1, Outlet Mall, an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to Plat No. 4440, as recorded in the office of the Tulsa County Clerk.

Containing 881,450 square feet or 20.2353 acres.

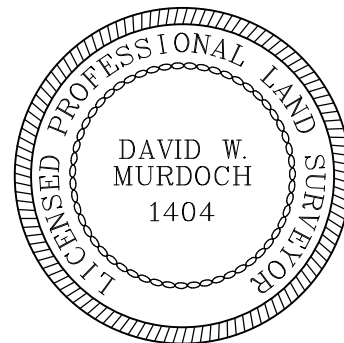
Certificate

I, David W. Murdoch, of Tulsa Engineering & Planning Associates, Inc. and a Professional Land Surveyor registered in the State of Oklahoma, hereby certify that the foregoing legal description closes in accord with existing records and is a true representation of the real property as described and meets or exceeds the "Minimum Standards for Property Descriptions" as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.

David W. Murdoch, P.L.S. No. 1404

E-mail: d.murdoch@tulsaengineering.com

Telephone: (918) 252-9621



PARCEL 'A'



Tulsa Engineering & Planning Associates

9810 E. 42nd Street, Suite 100 Tulsa, Oklahoma 74146

Phone: 918-252-9621 Fax: 918-340-5999

Civil Engineering, Land Surveying, Land Planning

Certificate of Authorization No. CA 531 PE/LS Renewal Date June 30, 2025

Job No: 21-056

Scale: N/A

Date: 3/17/2025

Sheet 2 of 2



City of Broken Arrow

Request for Action

File #: 25-398, Version: 1

**Broken Arrow Planning Commission
03-27-2025**

To: Chair and Commission Members
From: Community Development Department
Title:

Approval of LOT-002055-2025 (Lot Consolidation), Villas at Battle Creek, 1 Proposed Lot, 12.93 acres, located south and east of the southeast corner of Omaha Street (51st Street) and Aspen Avenue (145th E. Avenue)

Background:

Applicant: TEP
Owner: Brian Beam
Developer: Brian Beam
Engineer: Route 66 Engineering
Location: South and east of the southeast corner of Omaha Street and Aspen Avenue
Size of Tract: 12.93
Number of Lots: Two existing, one proposed
Present Zoning: CG (Commercial General)/PUD-94
Comp Plan: Level 3 (Transition Area) & Level 4 (Commercial/Employment Nodes)

Lot consolidation request LOT-002055-2025 involves a 9.61-acre tract and a 3.32-acre tract which are proposed to be consolidated into a single 12.93-acre lot. The property is located south and east of the southeast corner of Omaha Street and Aspen Avenue.

Water and sanitary sewer are available from the City of Broken Arrow. LOT-002055-2025 was heard at Technical Advisory Committee (TAC) on March 18, 2025, where stakeholders did not indicate that they had any problems with the proposed lot consolidation.

Attachments: Case Map
Aerial Image
Exhibit

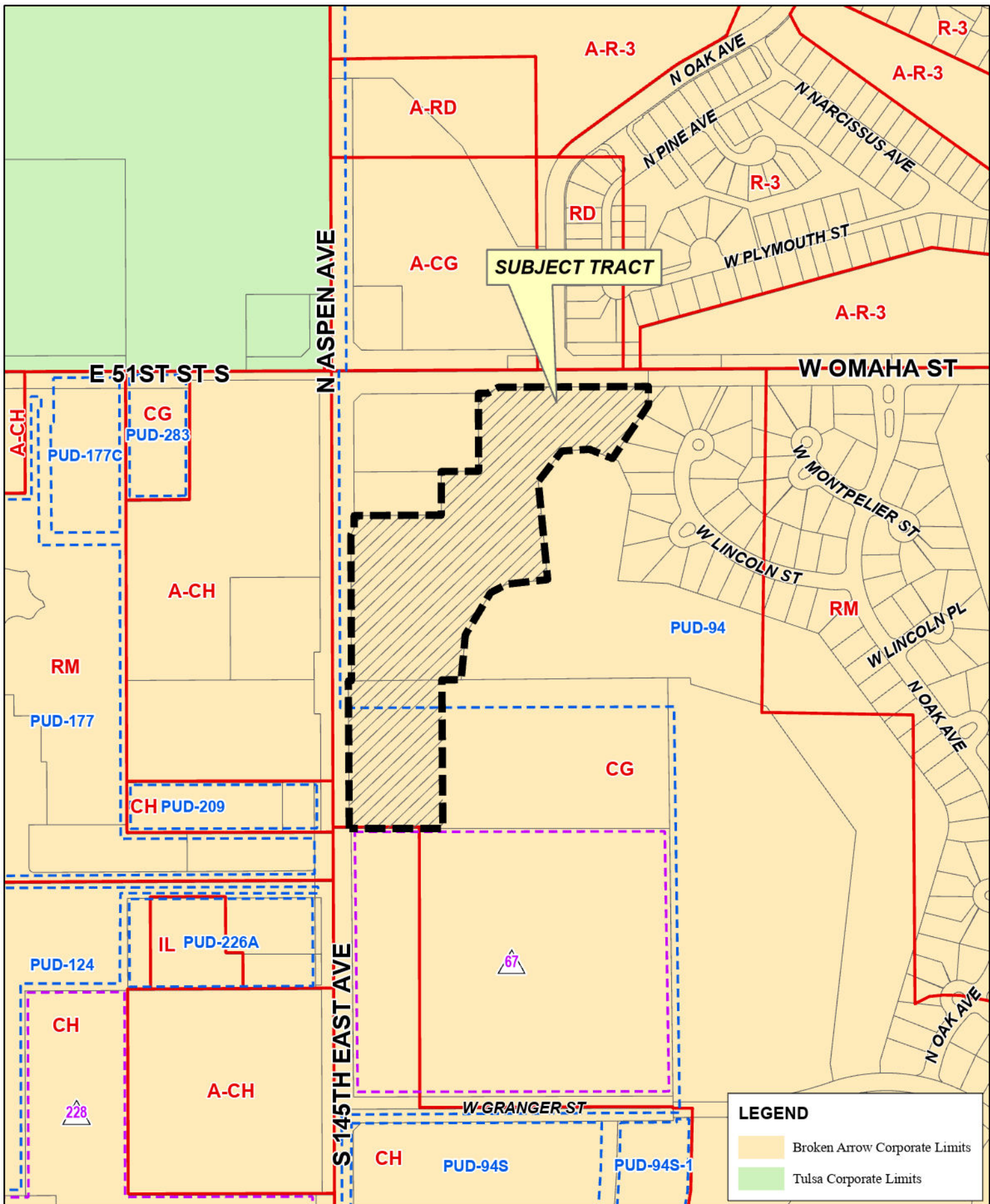
Recommendation:

Staff recommends LOT-002055-2025 be approved subject to a new deed for the consolidated parcels being brought to the Planning & Development Division to be stamped prior to being recorded in Tulsa County.

Reviewed by: Amanda Yamaguchi

Approved by: Rocky Henkel

MEH



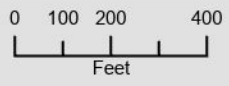
SUBJECT TRACT

LEGEND

- Broken Arrow Corporate Limits
- Tulsa Corporate Limits



LOT-002055-2025



34 19-14





SUBJECT TRACT

E 51ST ST S

N ASPEN AVE

W OMAHA ST

W LINCOLN ST

W MONTPELIER ST

W LINCOLN PL

N OAK AVE

N OAK AVE

S 145TH EAST AVE

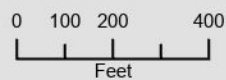
W GRANGER ST

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Aerial Photo Date: 2023



Subject Tract

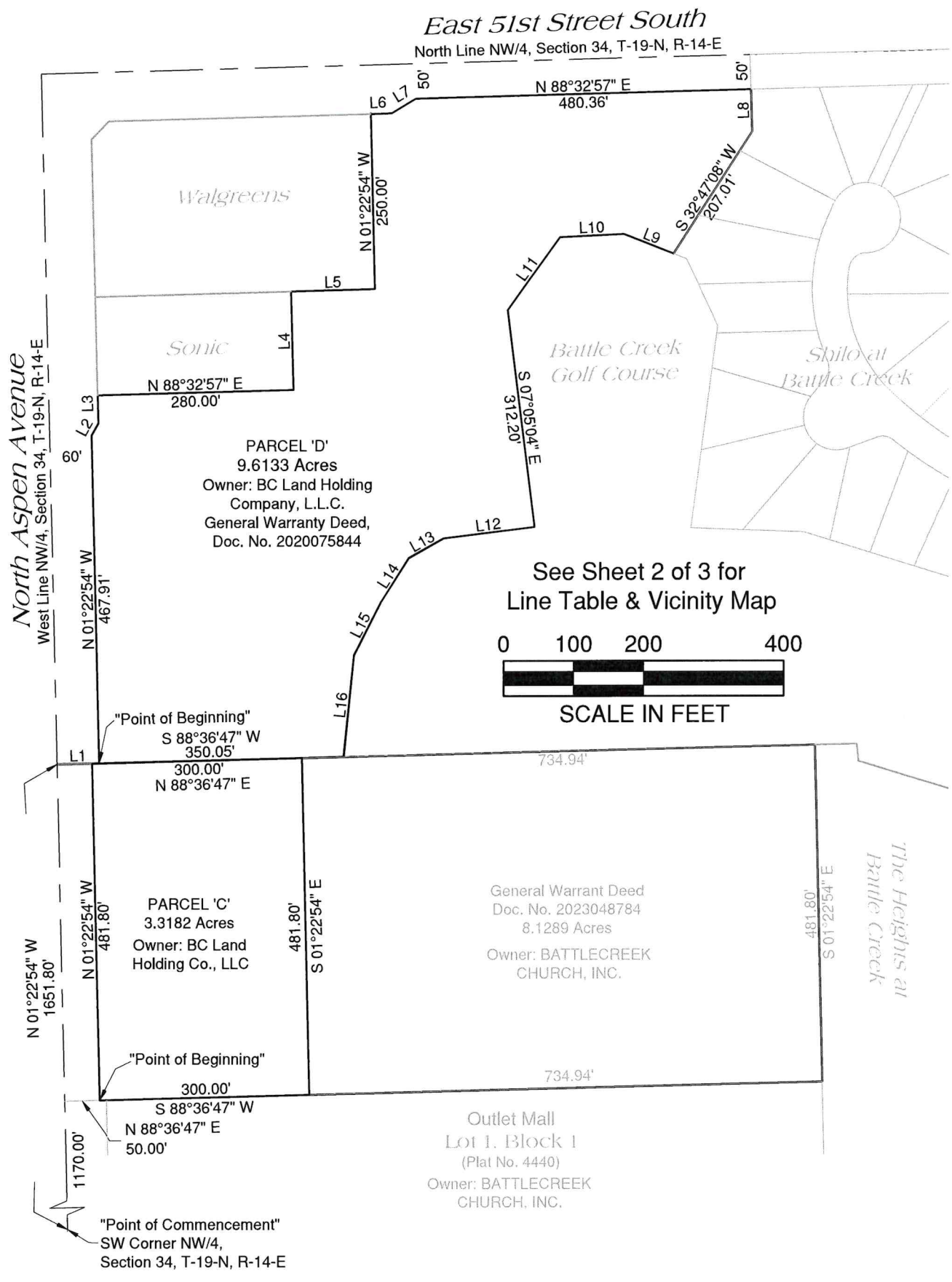
LOT-002055-2025



34 19-14



Exhibit "A"



PARCELS 'C' & 'D' COMBINED

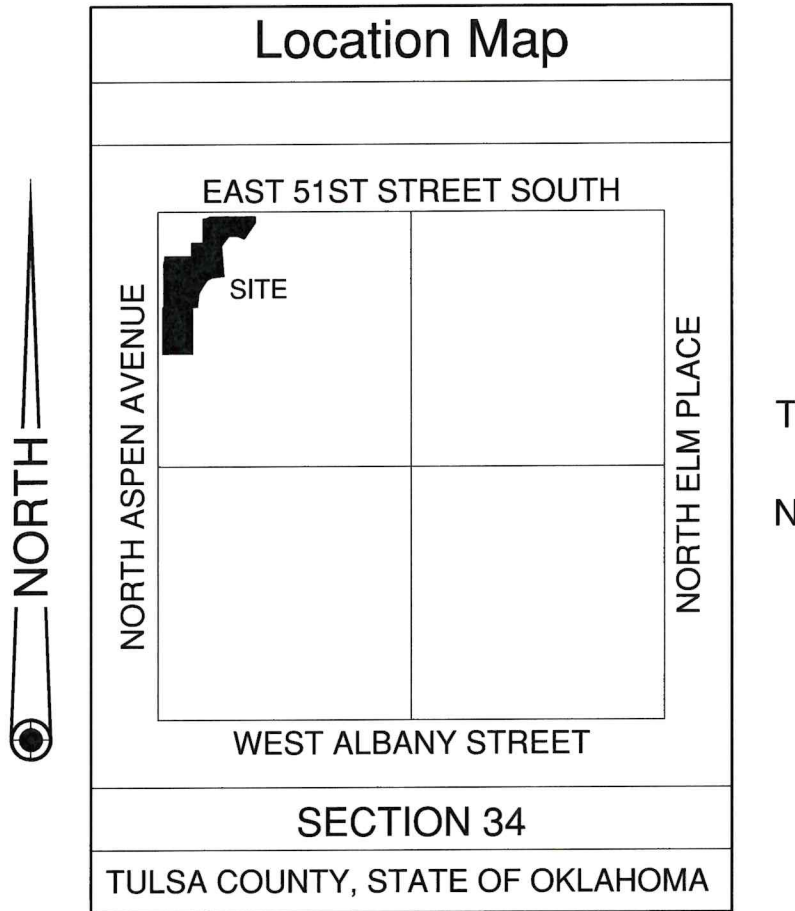


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 Phone: 918-252-9621 Fax: 918-340-5999
 Civil Engineering, Land Surveying, Land Planning
 Certificate of Authorization No. CA 531 PE/LS Renewal Date June 30, 2025



Job No: 21-056
 Scale: 1"=200'
 Date: 10/28/2024

Exhibit "A"



Line Table

No.	Bearing	Distance	No.	Bearing	Distance	No.	Bearing	Distance
L1	N 88°36'47" E	60.00'	L7	N 58°32'57" E	40.00'	L12	S 82°54'56" W	131.03'
L2	N 28°37'04" E	20.00'	L8	S 01°27'03" E	60.13'	L13	S 60°50'28" W	57.71'
L3	N 01°22'54" W	40.00'	L9	N 68°23'45" W	76.07'	L14	S 32°26'46" W	73.10'
L4	N 01°22'54" W	140.00'	L10	S 87°17'53" W	91.84'	L15	S 26°57'55" W	85.76'
L5	N 88°32'57" E	120.00'	L11	S 35°49'34" W	127.56'	L16	S 05°44'21" W	145.28'
L6	N 88°32'57" E	30.08'						

PARCELS 'C' & 'D' COMBINED



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 Civil Engineering, Land Surveying, Land Planning
 Certificate of Authorization No. CA 531 PE/LS Renewal Date June 30, 2025

Job No: 21-056
 Scale: N/A
 Date: 10/28/2024

Exhibit "A"

Legal Description -Parcel 'C'

A tract of land located in the Northwest Quarter (NW/4) of Section Thirty-four (34) in Township Nineteen (19) North and Range Fourteen (14) East of the Indian Base and Meridian (I.B.&M.), according to the U.S. Government Survey, thereof, Tulsa County, State of Oklahoma, being more particularly described as follows:

The West 300.00 feet of the following described tract:

Commencing at the SW corner of the NW/4 of Sec. 34, T-19-N, R-14-E, I.B.&M.; N 01°22'54" W along the west line of said NW/4 a distance of 1170.00 feet; Thence N 88°36'47" E a distance of 50.00 feet to the Point of Beginning being on the present right-of-way of North Aspen Avenue; Thence N 01°22'54" W along said present right-of-way a distance of 481.80 feet; Thence N 88°36'47" E a distance of 1034.94 feet; Thence S 01°22'54" E a distance of 481.80 feet; Thence S 88°36'47" W a distance of 1034.94 feet to the Point of Beginning.

Said tract contains 144,540 square feet or 3.3182 acres.

Together with:

Legal Description - Parcel 'D'

A tract of land located in the Northwest Quarter (NW/4) of Section Thirty-four (34) in Township Nineteen (19) North and Range Fourteen (14) East of the Indian Base and Meridian (I.B.&M.), according to the U.S. Government Survey thereof, Tulsa County, State of Oklahoma, being more particularly described as follows:

Commencing at the southwest corner of said Northwest Quarter (NW/4); Thence N 01°22'54" W, along the west line of said Northwest Quarter (NW/4), a distance of 1651.80 feet; Thence N 88°36'47" E a distance of 60.00 feet to the "Point of Beginning";

Thence N 01°22'54" W a distance of 467.91 feet; Thence N 28°37'04" E a distance of 20.00 feet; Thence N 01°22'54" W a distance of 40.00 feet; Thence N 88°32'57" E a distance of 280.00 feet; Thence N 01°22'54" W a distance of 140.00 feet; Thence N 88°32'57" E a distance of 120.00 feet; Thence N 01°22'54" W a distance of 250.00 feet; Thence N 88°32'57" E a distance of 30.08 feet; Thence N 58°32'57" E a distance of 40.00 feet; Thence N 88°32'57" E a distance of 480.36 feet; Thence S 01°27'03" E a distance of 60.13 feet; Thence S 32°47'08" W a distance of 207.01 feet; Thence N 68°23'45" W a distance of 76.07 feet; Thence S 87°17'53" W a distance of 91.84 feet; Thence S 35°49'34" W a distance of 127.56 feet; Thence S 07°05'04" E a distance of 312.20 feet; Thence S 82°54'56" W a distance of 131.03 feet; Thence S 60°50'28" W a distance of 57.71 feet; Thence S 32°26'46" W a distance of 73.10 feet; Thence S 26°57'55" W a distance of 85.76 feet; Thence S 05°44'21" W a distance of 145.28 feet; Thence S 88°36'47" W a distance of 350.05 feet to the "Point of Beginning".

Said tract contains 418,756 square feet or 9.6133 acres.

The basis of bearings contained herein is the Oklahoma State Plane Coordinate System-North Zone-NAD83 (2011).

Parcels 'C' & 'D' combined contain 563,296 square feet or 12.9315 acres.

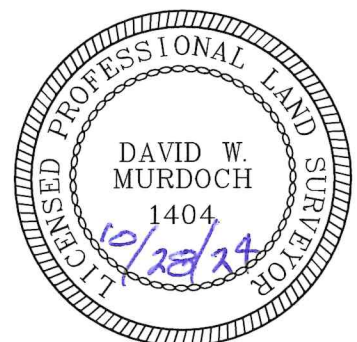
CERTIFICATE:

I, David W. Murdoch, of Tulsa Engineering & Planning Associates, Inc. and a Professional Land Surveyor registered in the State of Oklahoma, hereby certify that the foregoing legal description closes in accord with existing records and is a true representation of the real property as described and meets or exceeds the "Minimum Standards for Property Descriptions" as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.



David W. Murdoch, P.L.S. No. 1404

E-mail: d.murdoch@tulsaengineering.com
Telephone: (918) 252-9621



PARCELS 'C' & 'D' COMBINED



Tulsa Engineering & Planning Associates
9810 E. 42nd Street, Suite 100 Tulsa, Oklahoma 74146
Phone: 918-252-9621 Fax: 918-340-5999
Civil Engineering, Land Surveying, Land Planning
Certificate of Authorization No. CA 531 PE/LS Renewal Date June 30, 2025

Job No: 21-056
Scale: N/A
Date: 10/28/2024

Sheet 3 of 3



City of Broken Arrow

Request for Action

File #: 25-394, **Version:** 1

**Broken Arrow Planning Commission
03-27-2025**

To: Chair and Commission Members
From: Community Development Department
Title:

Public hearing, consideration, and possible action regarding PUD-002031-2025, minor amendment to PUD-94V, Maverik 5396, 2.3 acres, Commercial Heavy (CH) and PUD-94V, located approximately one-half mile north of West Albany Street (East 61st Street) and east of Aspen Avenue (South 145th Avenue).

Background:

- Applicant:** Will Sanford
- Owner:** Clint Carver (Maverik)
- Developer:** Maverik
- Engineer:** N/A
- Location:** Approximately one-half mile north of West Albany Street (East 61st Street) and east of Aspen Avenue (South 145th Avenue).
- Size of Tract** 2.3 acres
- Present Zoning:** Commercial Heavy (CH) and PUD-94V
- Proposed Zoning:** Commercial Heavy (CH) and PUD-94V, and PUD-002031-2025
- Comp Plan:** Level 6 (Regional Employment/Commercial)

PUD-002031-2025 is a minor amendment to PUD-94V. This property is located approximately one-half mile north of West Albany Street (East 61st Street) and east of Aspen Avenue (South 145th Avenue). The land is currently platted as Lot 1 Block 1 of the Kum and Go #3866.

PUD-002031-2025 is a proposed minor amendment to PUD-94, to modify the signage requirements put in place by PUD-94V. PUD-94V, a major amendment to PUD-94, was approved by City Council on November 11th, 2020. This major amended PUD-94 to limit the signage on the site to:

Only one pylon sign shall be allowed for the overall PUD, and it shall be limited to 25 feet in height. A separate application for a Specific Use Permit is not required.

All freestanding signs shall have a monument type base of substantially the same material as the exterior of the principal building on the lot.

PUD-002031-2025 proposed to change this language to:

Only one pylon sign shall be allowed for the overall PUD, and it shall be limited to 50' in height. A

separate application for a specific use permit is not required.

All freestanding signs less than 25' in height shall have a monument type base of substantially the same material as the exterior of the building and lot.

The applicant is requesting this minor amendment so that they can build a 50' for increased visibility along the Broken Arrow Expressway. In Section 5.7.C.5 the zoning ordinance regulates the height of signs. Sub-section b states that:

On lots that are adjacent to a designated turnpike right-of-way or limited access highway, the height of the sign may be increased to fifty feet (50') using the formula herein stated measured from the right-of-way line provided the sign is located within one-hundred feet (100') of the turnpike or limited access highway right-of-way line. However, a sign that is adjacent to a designated turnpike right of-way or limited access highway, which sign's set back is located at the minimum distance allowed of ten feet (10'), shall have a maximum height of twenty-five feet (25').

The formula that is referenced in the above section is found in section b, and states that additional height may be granted for additional setbacks measured from the ultimate Right-of-Way on a one-foot vertical to a two-foot horizontal bases.

This means that if a sign is within 100' of a limited access highway, then the sign can be increased to up to 50', as long as the sign is at least 10' from the Right-of-Way, and then every 2' the sign is set back from there will allow an additional 1' in height. This means that if this sign were going by the zoning ordinance, then as long as it is set back between 60' and 100' from the ultimate Right-of-Way, then a 50' sign would be allowed on this site. PUD-002031-2025 is a proposed minor amendment, which proposed to allow the 50' sign as it would be allowed under the current zoning ordinance.

SURROUNDING LAND USES/ZONING/COMPREHENSIVE PLAN

The surrounding properties contain the following zoning designation, land use, and Comprehensive Plan future development guide levels:

Direction	Comprehensive Plan	Zoning	Land Use
North	Level 3	CH/PUD-94	Car Dealership
East	Floodplain District	CH/PUD-94	Car Dealership
South	Floodplain District	R-1	Highway
West	Level 3	CH/PUD-94	Car Dealership

According to FEMA maps, none of the property is located in the 100-year floodplain.

Attachments: Case Map
Aerial Map

PUD-002031-2025 Design Statement
PUD-94V Design Statement
Exhibit

Recommendation:

Based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-002031-2025 be approved, and platting be waived.

Reviewed by: Amanda Yamaguchi

Approved by: Rocky Henkel

HMB



SUBJECT TRACT

S 145th E AVE

W GRANGER ST

W LINCOLN ST

N OAK AVE

W JUNEAU ST

51

N HEMLOCK CR

N HEMLOCK CT

W CONCORD ST

W WICHITA ST

N HEMLOCK AVE

BROKEN ARROW EXPWY

WALBANY DR

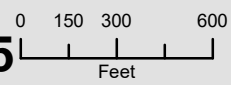
E 61st ST S

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2021

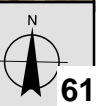


Subject Tract

PUD-002031-2025



34 19-14



Maverik
3001 N Aspen Ave
Broken Arrow OK 74012

Application: PUD-002031-2025

PUD-94V

Current PUD-94V Reads:

All freestanding signs within this PUD shall be installed in accordance with Section 5.7.D of the Broken Arrow Zoning Ordinance except as follows:

Only one pylon sign shall be allowed for the overall PUD, and it shall be limited to 25 feet in height. A separate application for a Specific Use Permit is not required.

All freestanding signs shall have a monument type base of substantially the same material as the exterior of the principal building and lot.

Maverik Inc. is requesting the following adjustments to the PUD:

All freestanding signs within this PUD shall be installed in accordance with Section 5.7.D of the Broken Arrow Zoning Ordinance except as follows:

Only one pylon sign shall be allowed for the overall PUD, and it shall be limited to 50 feet in height. A separate application for a Specific Use Permit is not required. If a sign is within 100' of a limited access highway, then the sign can be increased to up to 50', as long as the sign is at least 10' from the Right-of-Way, and then every 2' the sign is set back from there will allow an additional 1' in height.

All freestanding signs less than 25 feet in height shall have a monument type base of substantially the same material as the exterior of the principal building and lot.

Thank you,

Pete Webb
Claude Neon Federal Signs
www.cnfsigns.com
cell: 918-277-5719
office: 918-587-7171
pete@cnfsigns.com

Aspen Circle

City of Broken Arrow, Tulsa County, Oklahoma
PUD Major Amendment
Planned Unit Development Number 94V
September 2020

Prepared For:

Tahoe II Properties, LLC
9809 South Memorial Drive
Tulsa, OK 74113

Prepared By:



SACK AND ASSOCIATES, INC.

3530 East 31st Street South, Suite A, Tulsa, Oklahoma 74135-1519
Ph: 918.592.4111 Fax: 918.592.4229 E-mail: sai@sackandassociates.com
CA Number 1783 (PE/LS)

BATTLE CREEK
NORTHEAST CORNER OF THE
BROKEN ARROW EXPRESSWAY AND ASPEN AVENUE

ASPEN CIRCLE PUD-94V

Major Amendment of PUD-940

September 2020

LIST OF EXHIBITS

- A.....Illustration Concept Plan
- B.....Proposed Zoning and Development Areas
- C.....Topography, Floodplain and Existing Vegetation Map
- D.....Adjacent Land Use and Zoning
- E.....Circulation and Access Plan
- F.....Landscape and Open Space Concept Plan
- G.....Existing and Proposed Utilities Plan
- H.....Aerial Photograph
- I..... Screening Fence for Collision Center

DEVELOPMENT CONCEPT

The subject property comprises approximately 6.9 acres (gross) which is South of the Jim Norton Chevrolet Dealership on Lot 1, Block 1, “Ronda Norton Center”, located at the Northeast corner of North Aspen Avenue (South 145th East Avenue) and the Broken Arrow Expressway. The 6.9 acre tract lies south of West Albany Drive. The possible uses are an automotive collision center, convenience store with fuel sales, vehicle sales and rental, and other restricted uses permitted in the CH-Commercial Heavy district. The Aspen Circle PUD will require rezoning of the CG zoning to CH and IL zoning.

This PUD is a major amendment to a portion of PUD-94O that was approved by the Broken Arrow City Council on November 16, 2010. The development standards of this PUD are similar to those approved with PUD-94S, with the addition of the Highway Design Overlay (HDO) district standards added since the 2010 approval. The remainder of PUD-94O, and all of PUD-94S, remain unchanged and are not part of this application.

With the filing of the application for the major amendment to PUD-94O, applications for rezoning Development Area A from CG-Commercial General to CH-Commercial Heavy and Development Area B from CG-Commercial General to IL-Industrial Light will be filed to run concurrently with the PUD application.

DEVELOPMENT STANDARDS

Development Area A shall be developed in accordance with the City of Broken Arrow Zoning Ordinance and the use and development regulations of the CH-Commercial Heavy district, except as modified herein. Vehicle sales and rental shall be recognized as a permitted use and not require a Specific Use Permit. Sexually oriented businesses, however, shall not be allowed.

Development Area B shall be developed in accordance with the City of Broken Arrow Zoning Ordinance and the use and development regulations of the CH-Commercial Heavy and IL-Industrial Light districts, except as modified herein. It is recognized a vehicle service and major repair facility is proposed to be located in Development Area B.

The Subject Property is located within the City of Broken Arrow Highway Design Overlay (HDO) district. The HDO standards are intended to ensure that development along designated highways within Broken Arrow present an attractive image of the community to city residents and highway drivers, thus contributing to the overall quality of life and economic development in the city.

DEVELOPMENT STANDARDS

Development Area A

HIGHWAY DESIGN OVERLAY (HDO) DESIGN STANDARDS

Building design orientation, wall articulation, entrances, and fencing shall meet the HDO standards and multiple buildings in commercial centers shall employ a consistent architectural style or theme, be constructed of similar materials, and feature similar colors.

GROSS LAND AREA 129,415 SF / 2.9710 AC

NET LAND AREA* 87,120 SF / 2.0000 AC

*The net land area is conceptual and may be modified pursuant to the subdivision platting process.

PERMITTED USES

As allowed in the CH-Commercial Heavy district except vehicle sales and rental shall be recognized as a permitted use. Sexually oriented businesses, however, shall not be allowed.

MAXIMUM FLOOR AREA RATIO Not Applicable

MAXIMUM BUILDING HEIGHT 2 Stories
(35 feet)

BUILDING MATERIALS

Building design will be in accordance with the Highway Design Overlay district standards in Section 5.8.I.4. Any poles used to support canopies associated with convenience stores shall be wrapped in brick.

MINIMUM BUILDING SETBACK

From each boundary fronting a public street, including the Broken Arrow Expressway off ramp, the minimum building setback from the right-of-way shall be fifty (50) feet.

From interior boundaries, the minimum building setback is zero (0) feet, provided that building code requirements are met.

MINIMUM LANDSCAPING PERCENTAGE 10% of net lot

MINIMUM LANDSCAPING EDGE

A landscape edge of at least 10 feet in width shall be provided adjacent to all highway and public street frontages.

MINIMUM SCREENING Not applicable

MINIMUM OFF-STREET PARKING

As required for the applicable use within the CH District

OTHER BULK AND AREA REQUIREMENTS

As required for the applicable use within the CH District

LANDSCAPING

Landscaping shall meet the requirements of the Broken Arrow Zoning Ordinance (the “Zoning Ordinance”) except as hereinafter modified. In addition to the requirements of the Zoning Ordinance, the following landscaping standards shall be applicable:

In addition to required trees, shrubs shall be provided as set forth within Section 5.2 of the Zoning Ordinance, provided however, shrubs may be evenly spaced or grouped.

Broken Arrow Expressway off ramp and North Aspen Avenue: Not less than one tree shall be planted for each 25 feet of highway and public street frontage. All trees shall be medium to large except where there are conflicts with overhead power lines. The width of the landscape edge shall be as depicted on Exhibit F.

West Albany Drive: Not less than one tree shall be planted for each 30 feet of street frontage. All trees shall be medium to large except where there are conflicts with overhead power lines. The width of the landscape edge shall be as depicted on Exhibit F.

All landscaping within this PUD shall be maintained in accordance with the requirements of Section 5.2 of the Zoning Ordinance. Any landscaping material that fails shall be replaced in accordance with the Zoning Ordinance.

LIGHTING

Exterior lighting shall be in accordance with Section 5.6 of the Zoning Ordinance.

ACCESS AND CIRCULATION

Principal access is derived from West Albany Drive. Direct access to Aspen Avenue (South 145th East Avenue) and to the Broken Arrow Expressway shall be prohibited. All access points on West Albany Drive shall align with any access points on the north side of the street and shall be spaced at least 150 feet apart, centerline to centerline, on both sides of the street, except as follow:

If the westernmost drive serving the Jim Norton Chevrolet dealership remains as it exists in September 2020, only one access point shall be permitted on West Albany Drive from Development Area A, and it shall align with said westernmost drive;

If the westernmost drive serving the Jim Norton Chevrolet dealership is permanently closed and physically removed, two access points shall be permitted on West Albany Drive from Development Area A as depicted on Exhibit E. The centerline of the western access point shall be 150 feet from the existing east curb line of Aspen Avenue, and the two drives serving Development Area A shall be separated by 120 feet, centerline to centerline.

Sidewalks, not less than 5 feet in width, shall be constructed along Aspen Avenue (South 145th East Avenue) and West Albany Drive by the developer in accordance with the City Subdivision Regulations.

SIGNAGE

All freestanding signs within this PUD shall be installed in accordance with Section 5.7.D of the Broken Arrow Zoning Ordinance except as follows:

Only one pylon sign shall be allowed for the overall PUD, and it shall be limited to 25 feet in height. A separate application for a Specific Use Permit is not required.

All freestanding signs shall have a monument type base of substantially the same material as the exterior of the principal building on the lot.

Directional and Wayfinding Signs

Directional and wayfinding signs are allowed and shall not be considered as a freestanding sign as long as the sign is less than 25 square feet in size and less than 5 feet in height.

Wall Signs

Wall signs shall be installed in accordance with Section 5.7 of the Zoning Ordinance and the Highway Design Overlay district, except as hereinafter modified.

FENCING

The use of chain link, barbed, or razor wire shall be prohibited.

UTILITIES

Utilities are at the site or accessible by customary extension. The drainage system will be designed in accordance with the City of Broken Arrow standard specifications.

SITE PLAN REVIEW

Development areas may be developed in phases and no building permit shall issue until a detailed site plan (including landscaping) of the proposed improvements has been

submitted to the City and approved as being consistent with the development concept and the development standards. No certificate of occupancy shall be issued for a building until the landscaping of the applicable phase of development has been installed in accordance with a landscaping plan and phasing schedule submitted to and approved by the City.

PLATTING REQUIREMENT

Development areas may be developed in phases, and no building permit shall be issued until the development phase for which a permit is sought has been included within a subdivision plat submitted to and reviewed by the Broken Arrow Planning Commission and approved by the City Council and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved planned unit development and the City shall be a beneficiary thereof. Nothing above set forth shall preclude the exercise of the authority of the City to issue a building permit upon site plan approval, which may include conditions such as a requirement that the applicable phase shall be platted prior to the issuance of an occupancy permit.

DEVELOPMENT STANDARDS

Development Area B

HIGHWAY DESIGN OVERLAY (HDO) DESIGN STANDARDS

Building design orientation, wall articulation, entrances, and fencing shall meet the HDO standards and multiple buildings in commercial centers shall employ a consistent architectural style or theme, be constructed of similar materials, and feature similar colors.

GROSS LAND AREA 171,406 SF / 3.9349 AC

NET LAND AREA* 134,989 SF / 3.0989 AC

*The net land area is conceptual and may be modified pursuant to the subdivision platting process.

PERMITTED USES

The only permitted uses in Development Area B are as follows:

- Restaurant, drive-in
- Restaurant, drive-thru
- Convenience store with gas sales
- Alcoholic beverages, retail store
- Vehicle sales and rental
- Vehicle services and repair, major
- Vehicle services and repair, minor

MAXIMUM FLOOR AREA RATIO Not Applicable

MAXIMUM BUILDING HEIGHT 2 Stories
(35 feet)

BUILDING MATERIALS

Building design will be in accordance with the Highway Design Overlay district standards in Section 5.8.I.4.

Blue and white metal wall panels will be used on the vehicle service and repair – major use Collision Center building consistent with the other corporate branded Jim Norton Chevrolet Buildings within PUD-94S located north of West Albany Drive.

Within Development Area B, East facing walls shall include masonry accents consistent with Section 5.8.G.1 of the Broken Arrow Zoning Ordinance.

MINIMUM BUILDING SETBACK

From each boundary fronting a public street, including the Broken Arrow Expressway off ramp, the minimum building setback from the right-of-way shall be fifty (50) feet, provided however; overhead doors used for service and repair and oriented toward a street shall have a minimum setback of 150 feet.

From interior boundaries, the minimum building setback is 0 feet, provided that building code requirements are met.

MINIMUM LANDSCAPING PERCENTAGE 10% of net lot

MINIMUM LANDSCAPING EDGE

A landscape edge of at least 10 feet in width shall be provided adjacent to all highway and public street frontages.

MINIMUM SCREENING

To screen vehicles awaiting repairs, a six foot high masonry and wood screening fence as depicted on Exhibit I, along with trees as set forth below, shall be installed around the area used for storing damaged vehicles. The use of chain link, barbed wire, or razor wire shall be prohibited.

MINIMUM OFF-STREET PARKING As required for the applicable use

OTHER BULK AND AREA REQUIREMENTS As required for the applicable use within the CH and IL Districts

LANDSCAPING

Landscaping shall meet the requirements of the Broken Arrow Zoning Ordinance (the "Zoning Ordinance") except as hereinafter modified. In addition to the requirements of the Zoning Ordinance, the following landscaping standards shall be applicable:

In addition to required trees, shrubs shall be provided as set forth within Section 5.2 of the Zoning Ordinance, provided however, shrubs may be evenly spaced or grouped.

Broken Arrow Expressway off ramp: Not less than one tree shall be planted for each 25 feet of highway frontage. No less than 90% of the required trees along the frontage shall be evergreen. The majority of required trees shall be planted along the south side of the collision center as depicted on Exhibit F to screen damaged vehicles. All trees shall be medium to large except where there are conflicts with overhead power lines. The width of the landscape edge shall be as depicted on Exhibit F.

West Albany Drive: Not less than one tree shall be planted for each 30 feet of street frontage. No less than 75% of the required trees along the frontage shall be evergreen. All trees shall be medium to large except where there are conflicts with overhead power lines. The width of the landscape edge shall be as depicted on Exhibit F.

All landscaping within this PUD shall be maintained in accordance with the requirements of Section 5.2 of the Zoning Ordinance. Any landscaping material that fails shall be replaced in accordance with the Zoning Ordinance.

LIGHTING

Exterior lighting shall be in accordance with Section 5.6 of the Zoning Ordinance.

ACCESS AND CIRCULATION

Principal access is derived from West Albany Drive. Direct access to the Broken Arrow Expressway shall be prohibited. All access points on West Albany Drive shall align with any access points on the north side of the street and shall be spaced at least 150 feet apart, centerline to centerline, on both sides of the street.

Sidewalks, not less than 5 feet in width, shall be constructed along West Albany Drive by the developer in accordance with the City Subdivision Regulations.

SIGNAGE

All freestanding signs within this PUD shall be installed in accordance with Section 5.7.D of the Broken Arrow Zoning Ordinance except as follows:

Only one pylon sign shall be allowed for the overall PUD, and it shall be limited to 25 feet in height. A separate application for a Specific Use Permit is not required.

All freestanding signs shall have a monument type base of substantially the same material as the exterior of the principal building on the lot.

Directional and Wayfinding Signs

Directional and wayfinding signs are allowed and shall not be considered as a freestanding sign as long as the sign is less than 25 square feet in size and less than 5 feet in height.

Wall Signs

Wall signs shall be installed in accordance with Section 5.7 of the Zoning Ordinance and the Highway Design Overlay district, except as hereinafter modified.

OPERATIONAL LIMITATIONS

All damaged vehicles awaiting repairs shall be parked or stored on surfaces paved with asphalt or concrete.

UTILITIES

Utilities are at the site or accessible by customary extension. The drainage system will be designed in accordance with the City of Broken Arrow standard specifications.

SITE PLAN REVIEW

Development areas may be developed in phases and no building permit shall issue until a detailed site plan (including landscaping) of the proposed improvements has been submitted to the City and approved as being consistent with the development concept and the development standards. No certificate of occupancy shall be issued for a building until the landscaping of the applicable phase of development has been installed in accordance with a landscaping plan and phasing schedule submitted to and approved by the City.

PLATTING REQUIREMENT

Development areas may be developed in phases, and no building permit shall be issued until the development phase for which a permit is sought has been included within a subdivision plat submitted to and approved by the Broken Arrow Planning Commission and the City Council and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved planned unit development and the City shall be a beneficiary thereof. Nothing above set forth shall preclude the exercise of the authority of the City to issue a building permit upon site plan approval, which may include conditions such as a requirement that the applicable phase shall be platted prior to the issuance of an occupancy permit.

LEGAL DESCRIPTION
(GROSS AREA)

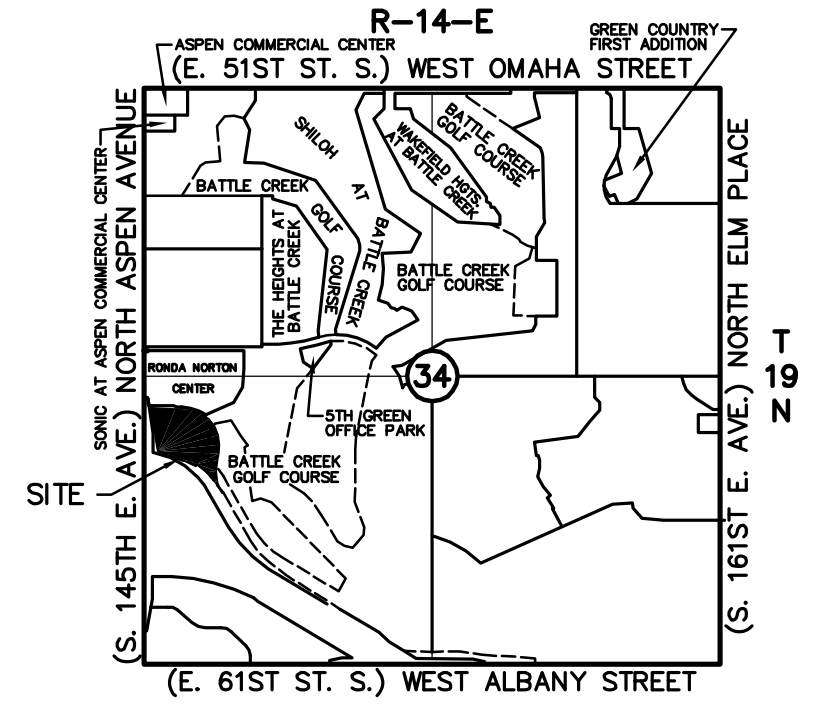
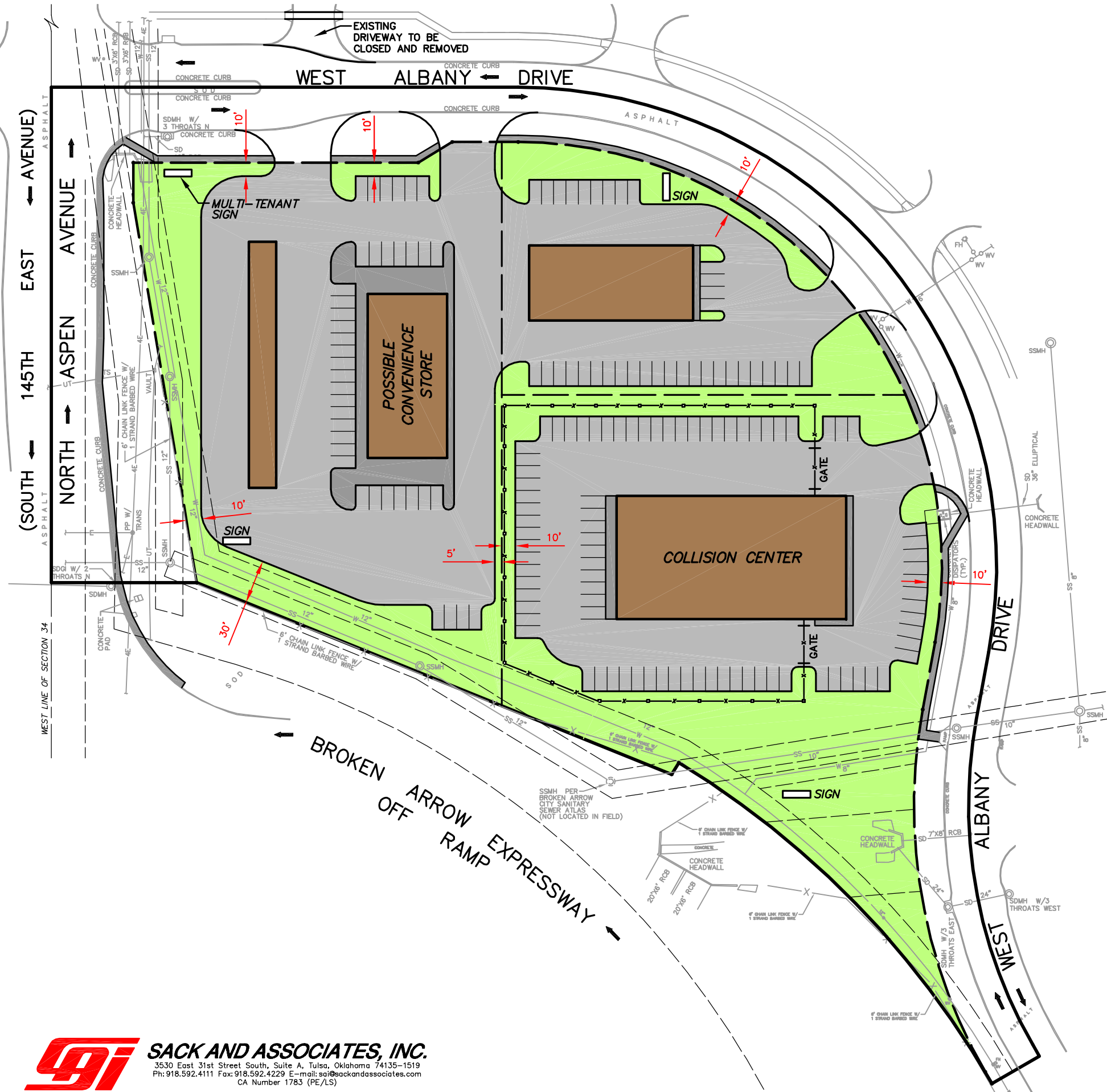
A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SECTION 34; THENCE SOUTH 00°00'00" WEST ALONG THE WESTERLY LINE OF SECTION 34 FOR 2960.94 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE RIGHT-OF-WAY CENTERLINE OF WEST ALBANY DRIVE SOUTH, SAID POINT ALSO BEING THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE ALONG SAID RIGHT-OF-WAY CENTERLINE OF WEST ALBANY DRIVE SOUTH FOR THE FOLLOWING FIVE (5) DESCRIBED COURSES: THENCE SOUTH 90°00'00" EAST FOR 341.63 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY AND SOUTHERLY ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 100°21'48", A RADIUS OF 350.00 FEET, A CHORD BEARING OF SOUTH 39°49'06" EAST, A CHORD LENGTH OF 537.66 FEET, FOR AN ARC LENGTH OF 613.08 FEET; THENCE SOUTH 10°21'48" WEST FOR 50.00 FEET; THENCE SOUTHERLY AND SOUTHEASTERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 40°20'59", A RADIUS OF 350.00 FEET, A CHORD BEARING OF SOUTH 09°48'41" EAST, A CHORD LENGTH OF 241.42 FEET, FOR AN ARC LENGTH OF 246.48 FEET; THENCE SOUTH 29°59'11" EAST FOR 9.70 FEET; THENCE SOUTH 60°00'49" WEST FOR 40.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE BROKEN ARROW EXPRESSWAY; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND NORTHWESTERLY ALONG A CURVE TO THE LEFT, WITH A CENTRAL ANGLE OF 28°38'25", A RADIUS OF 662.96 FEET, A CHORD BEARING OF NORTH 44°18'24" WEST, A CHORD LENGTH OF 327.95 FEET, FOR AN ARC LENGTH OF 331.39 FEET; THENCE SOUTH 31°22'24" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 10.00 FEET; THENCE NORTH 68°02'57" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 374.62 FEET; THENCE NORTH 90°00'00" WEST FOR 106.53 FEET TO A POINT ON THE WESTERLY LINE OF SECTION 34; THENCE NORTH 00°00'00" EAST ALONG SAID WESTERLY LINE FOR 362.24 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

LEGAL DESCRIPTION
(GROSS DEVELOPMENT AREA A)

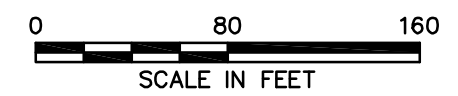
A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SECTION 34; THENCE SOUTH 00°00'00" WEST ALONG THE WESTERLY LINE OF SECTION 34 FOR 2960.94 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE RIGHT-OF-WAY CENTERLINE OF WEST ALBANY DRIVE SOUTH, SAID POINT ALSO BEING THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE SOUTH 90°00'00" EAST ALONG SAID RIGHT-OF-WAY CENTERLINE OF WEST ALBANY DRIVE SOUTH FOR 329.58 FEET; THENCE SOUTH 00°00'00" WEST AND PARALLEL WITH THE WESTERLY LINE OF SECTION 34 FOR 452.14 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE BROKEN ARROW EXPRESSWAY; THENCE NORTH 68°02'57" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 240.49 FEET; THENCE NORTH 90°00'00" WEST FOR 106.53 FEET TO A POINT ON THE WESTERLY LINE OF SECTION 34; THENCE NORTH 00°00'00" EAST ALONG SAID WESTERLY LINE FOR 362.24 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

LEGAL DESCRIPTION
(GROSS DEVELOPMENT AREA B)

A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION THIRTY-FOUR (34), 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, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SECTION 34; THENCE SOUTH 00°00'00" WEST ALONG THE WESTERLY LINE OF SECTION 34 FOR 2960.94 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE RIGHT-OF-WAY CENTERLINE OF WEST ALBANY DRIVE SOUTH; THENCE SOUTH 90°00'00" EAST ALONG SAID RIGHT-OF-WAY CENTERLINE OF WEST ALBANY STREET SOUTH FOR 329.58 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE ALONG SAID RIGHT-OF-WAY CENTERLINE OF WEST ALBANY DRIVE SOUTH FOR THE FOLLOWING FIVE (5) DESCRIBED COURSES: THENCE CONTINUING SOUTH 90°00'00" EAST FOR 12.05 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY AND SOUTHERLY ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 100°21'48", A RADIUS OF 350.00 FEET, A CHORD BEARING OF SOUTH 39°49'06" EAST, A CHORD LENGTH OF 537.66 FEET, FOR AN ARC LENGTH OF 613.08 FEET; THENCE SOUTH 10°21'48" WEST FOR 50.00 FEET; THENCE SOUTHERLY AND SOUTHEASTERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 40°20'59", A RADIUS OF 350.00 FEET, A CHORD BEARING OF SOUTH 09°48'41" EAST, A CHORD LENGTH OF 241.42 FEET, FOR AN ARC LENGTH OF 246.48 FEET; THENCE SOUTH 29°59'11" EAST FOR 9.70 FEET; THENCE SOUTH 60°00'49" WEST FOR 40.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE BROKEN ARROW EXPRESSWAY; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND NORTHWESTERLY ALONG A CURVE TO THE LEFT, WITH A CENTRAL ANGLE OF 28°38'25", A RADIUS OF 662.96 FEET, A CHORD BEARING OF NORTH 44°18'24" WEST, A CHORD LENGTH OF 327.95 FEET, FOR AN ARC LENGTH OF 331.39 FEET; THENCE SOUTH 31°22'24" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 10.00 FEET; THENCE NORTH 68°02'57" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 134.13 FEET; THENCE NORTH 00°00'00" EAST AND PARALLEL WITH THE WESTERLY LINE OF SECTION 34 FOR 452.14 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.



Location Map



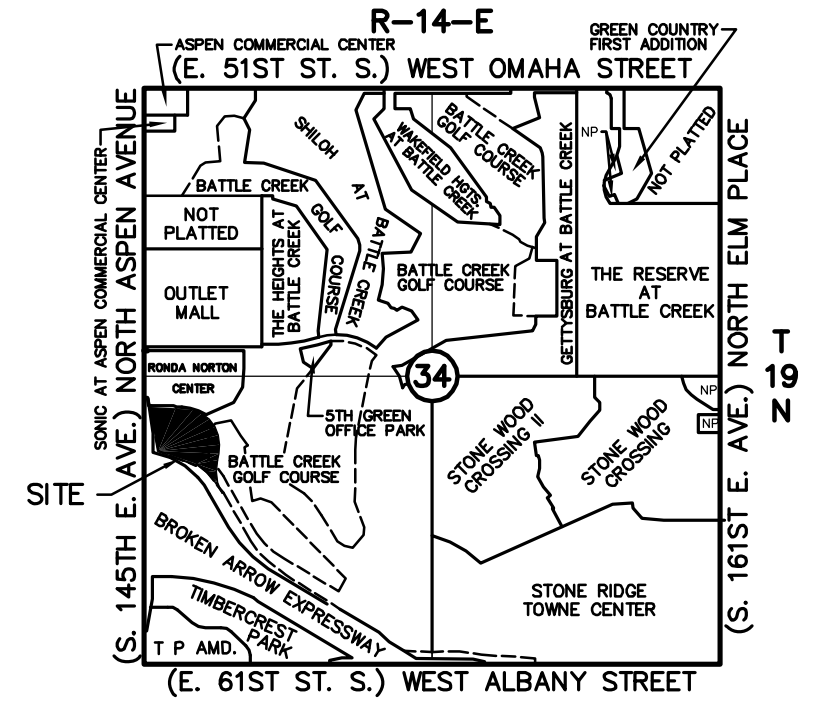
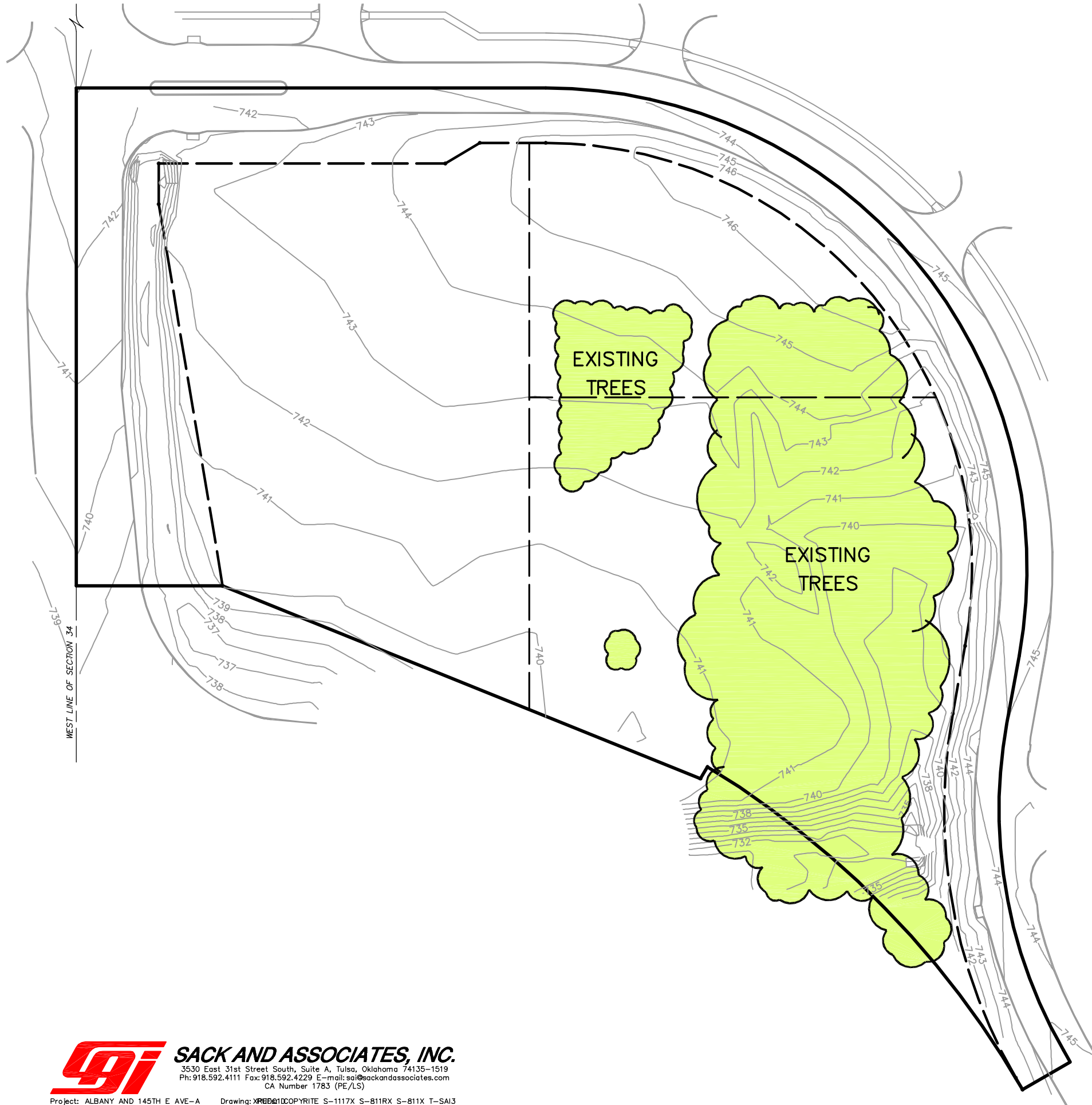
Aspen Circle
Broken Arrow, Oklahoma

Illustration
Concept Plan
EXHIBIT 'A'

Planned Unit Development No. 94V
September 2020

SACK AND ASSOCIATES, INC.
3530 East 31st Street South, Suite A, Tulsa, Oklahoma 74135-1519
Ph: 918.592.4111 Fax: 918.592.4229 E-mail: sai@sackandassociates.com
CA Number 1783 (PE/LS)

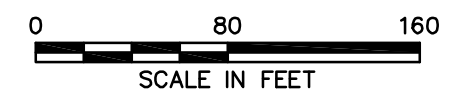
Project: ALBANY AND 145TH E AVE--A Drawing: XREFD11COPYRITE S-1117X S-811RX S-811X T-SAI3
Drawn: CDH Order: G234D File: 1914.34 Drawer: Plotted: 18 SEP 2020



Location Map

Note

THE SUBJECT PROPERTY IS LOCATED IN ZONE X (NOT SHADED) ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP NO. 40143C0379L, WITH A REVISED DATE OF OCTOBER 16, 2012.



Aspen Circle
 Broken Arrow, Oklahoma

Topography, Floodplain and
 Existing Vegetation Map

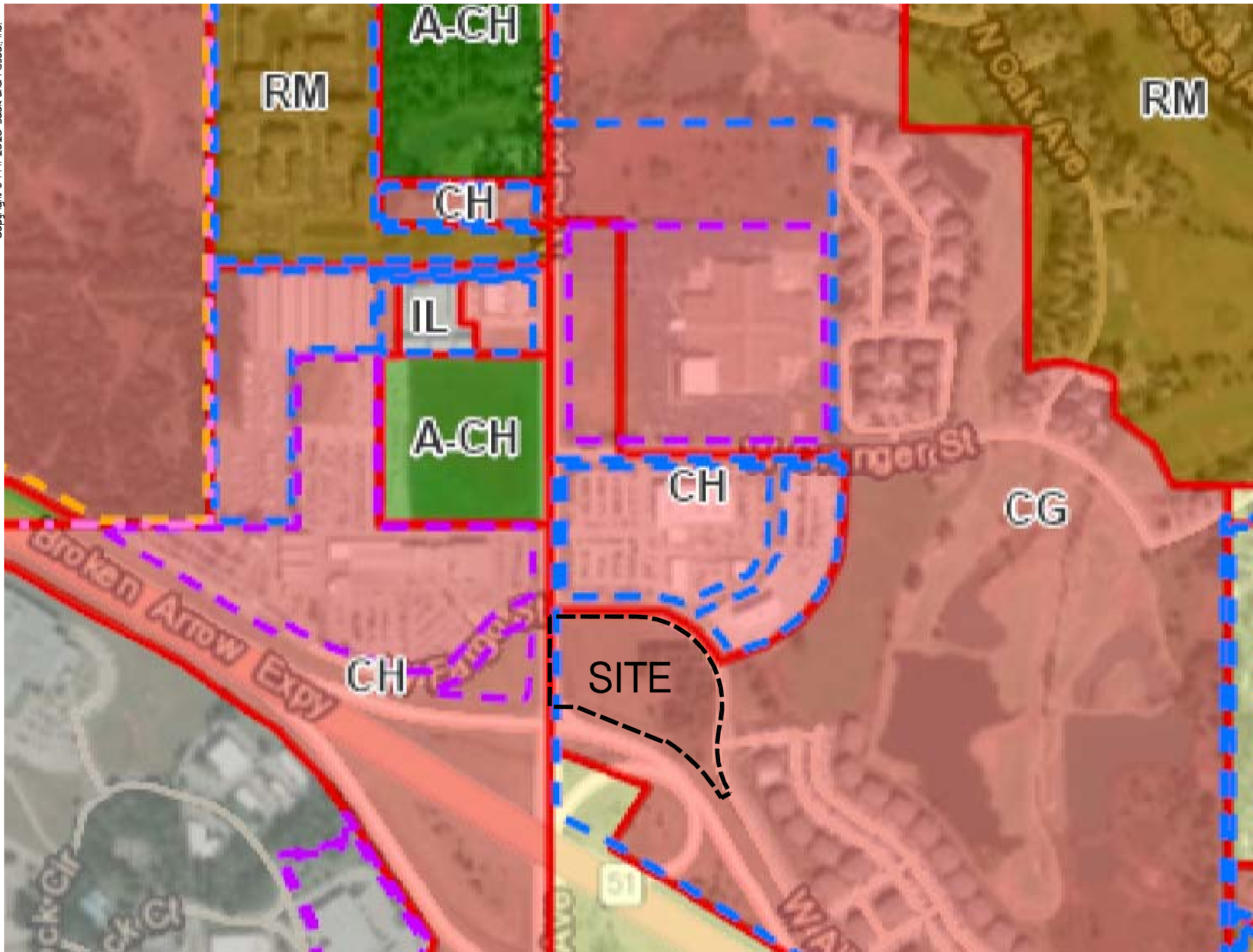
EXHIBIT 'C'

Planned Unit Development No. 94V

September 2020

SACK AND ASSOCIATES, INC.
 3530 East 31st Street South, Suite A, Tulsa, Oklahoma 74135-1519
 Ph: 918.592.4111 Fax: 918.592.4229 E-mail: sai@sackandassociates.com
 CA Number 1783 (PE/LS)

Project: ALBANY AND 145TH E AVE--A Drawing: XREF©RITE S-1117X S-811RX S-811X T-SAI3
 Drawn: CDH Order: G234D File: 1914.34 Drawer: Plotted: 18 SEP 2020

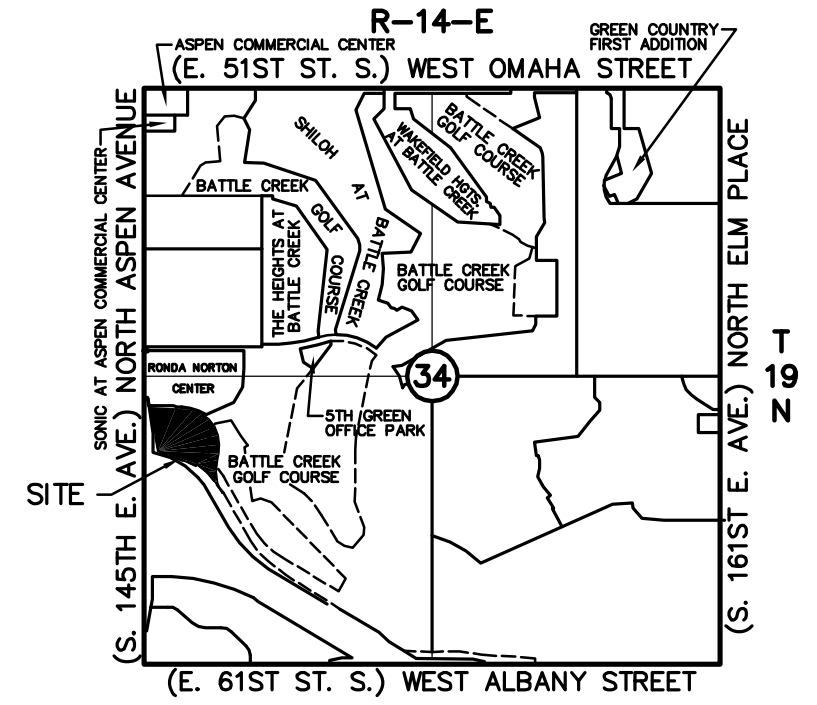
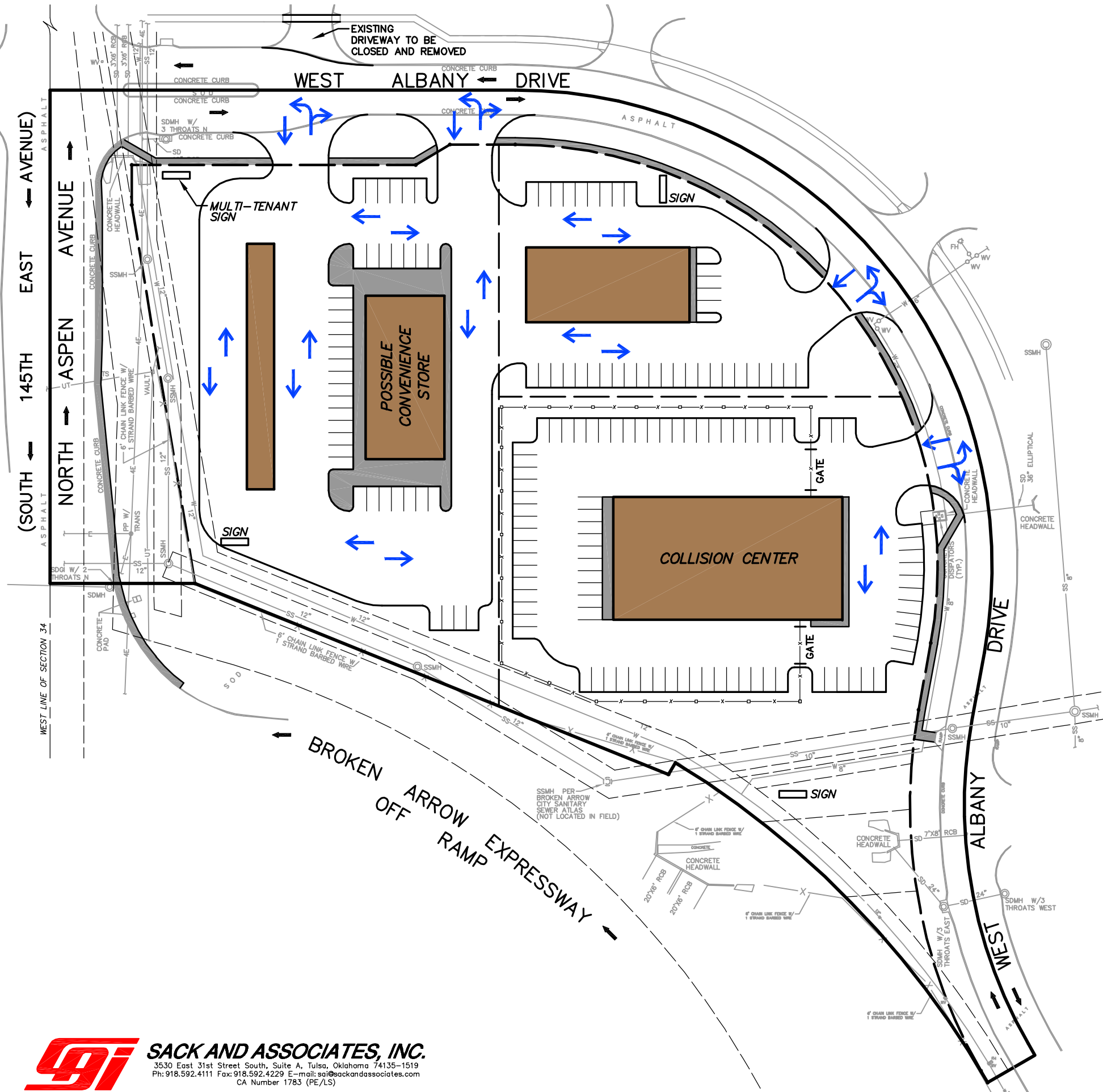


Aspen Circle
Broken Arrow, Oklahoma

Adjacent Land Use
and Zoning

EXHIBIT 'D'

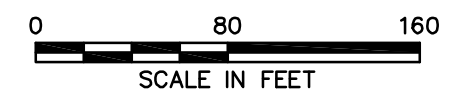
Planned Unit Development No. 94V
September 2020



Location Map

Legend

- DIRECTION OF TRAFFIC FLOW
- SIDEWALK



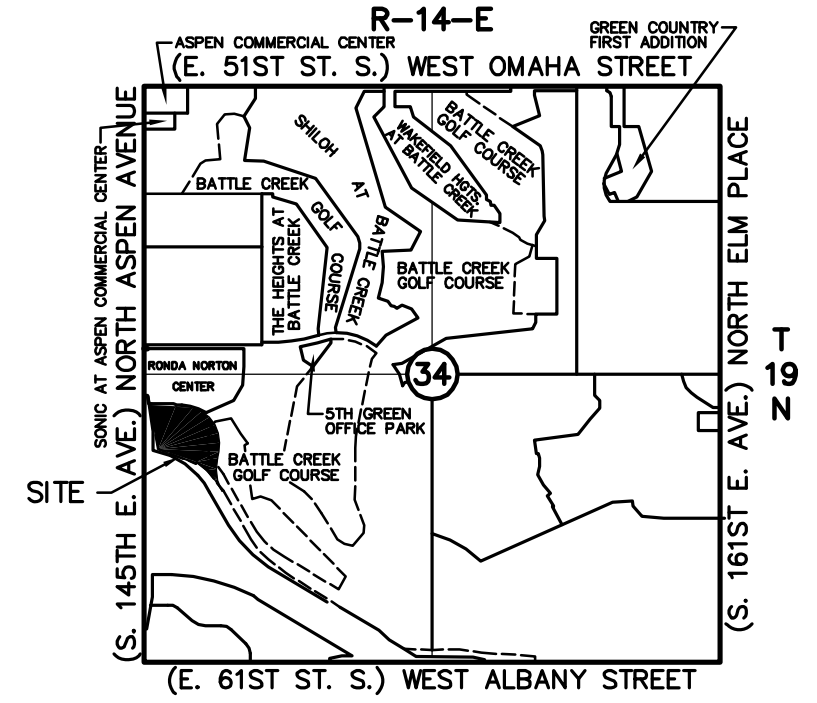
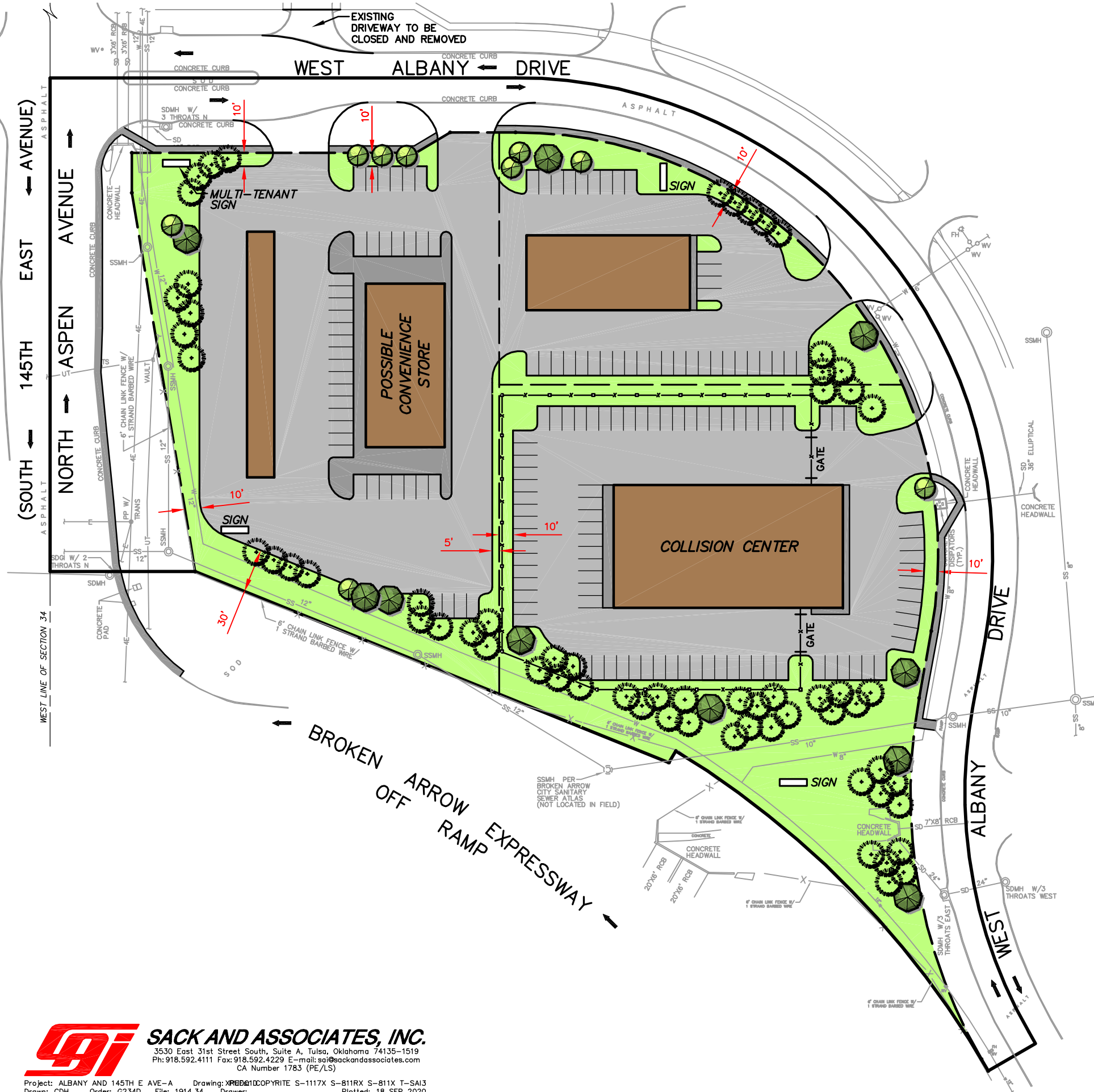
Aspen Circle
Broken Arrow, Oklahoma

Circulation
and Access Plan
EXHIBIT 'E'

Planned Unit Development No. 94V
September 2020

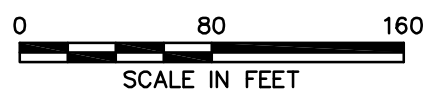
SACK AND ASSOCIATES, INC.
3530 East 31st Street South, Suite A, Tulsa, Oklahoma 74135-1519
Ph: 918.592.4111 Fax: 918.592.4229 E-mail: sai@sackandassociates.com
CA Number 1783 (PE/LS)

Project: ALBANY AND 145TH E AVE--A Drawing: XREF&11COPYRITE S--1117X S--811RX S--811X T--SA13
Drawn: CDH Order: G234D File: 1914.34 Drawer: Plotted: 18 SEP 2020



Location Map

- Legend**
-  SHADE TREES
 -  EVERGREEN TREE



Aspen Circle
Broken Arrow, Oklahoma

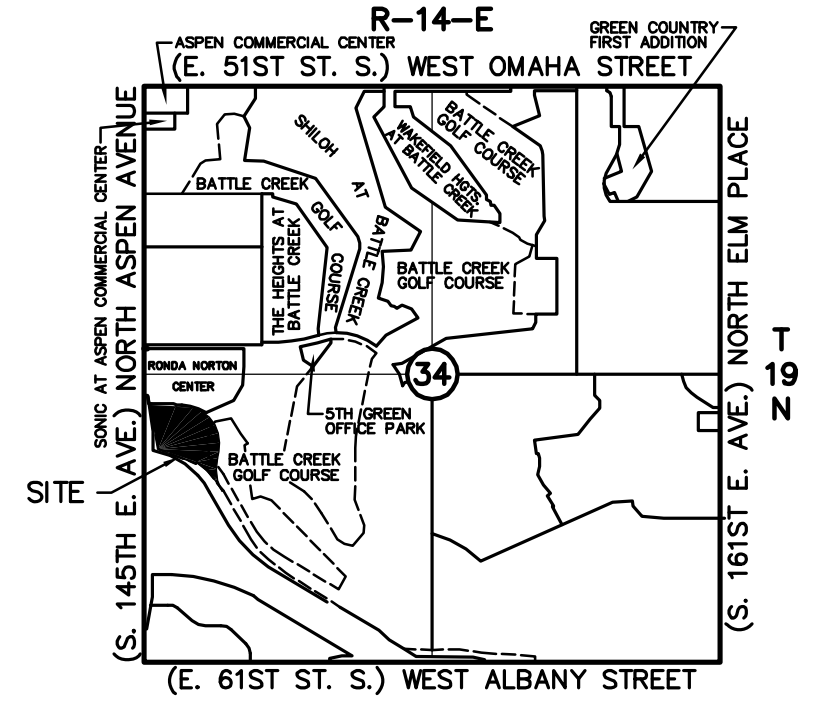
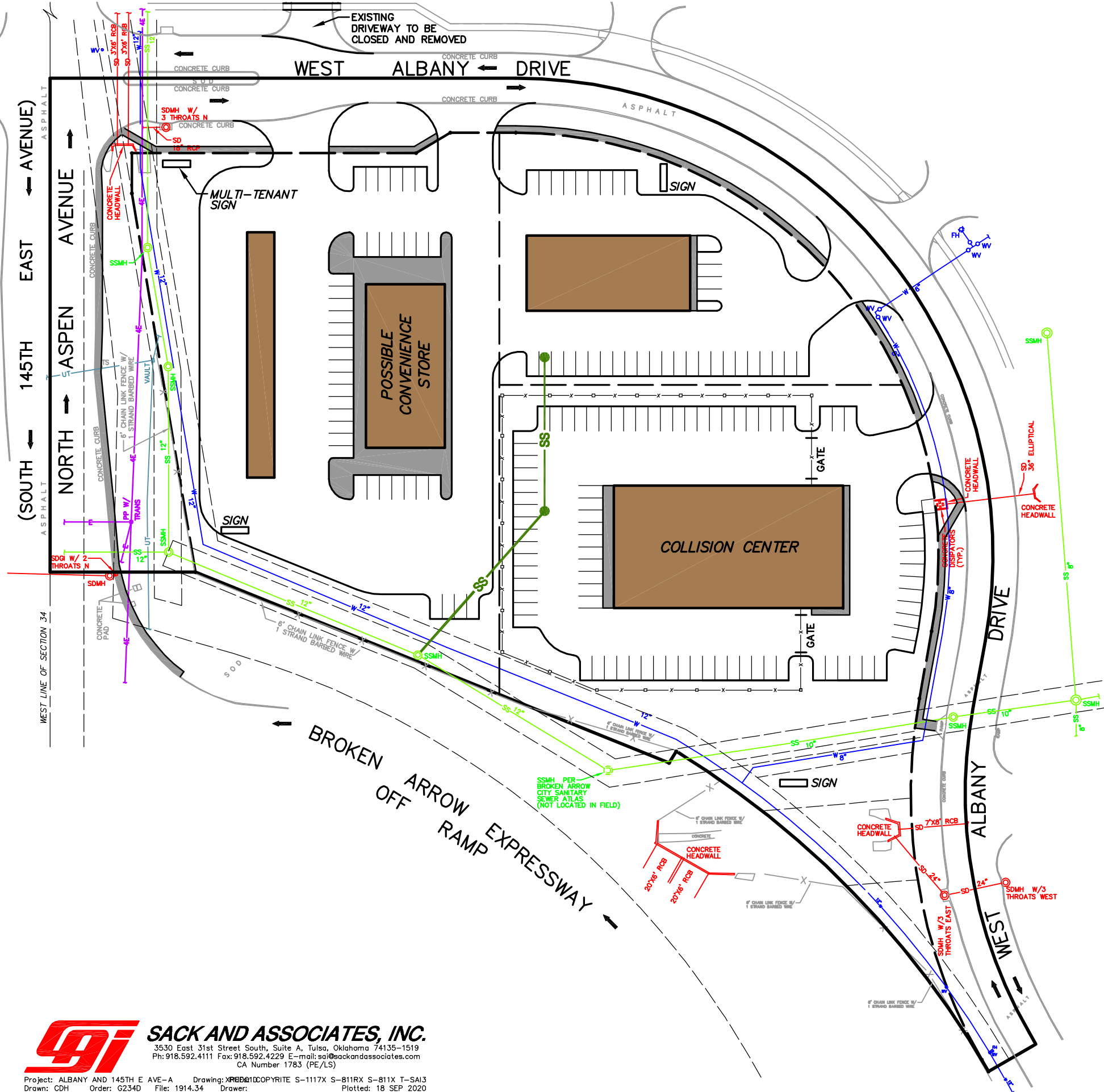
Landscape and Open Space Concept Plan

EXHIBIT 'F'

Planned Unit Development No. 94V
September 2020

SACK AND ASSOCIATES, INC.
3530 East 31st Street South, Suite A, Tulsa, Oklahoma 74135-1519
Ph: 918.592.4111 Fax: 918.592.4229 E-mail: sai@sackandassociates.com
CA Number 1783 (PE/LS)

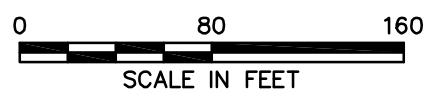
Project: ALBANY AND 145TH E AVE--A Drawing: XREB@11COPYRITE S--1117X S--811RX S--811X T--SAI3
Drawn: CDH Order: G234D File: 1914.34 Drawer: Plotted: 18 SEP 2020



Location Map

Legend

- PROPOSED DRAINAGE FLOW
- EXISTING FIRE HYDRANT
- EXISTING WATERLINE
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- EXISTING OVERHEAD POWER
- EXISTING UNDERGROUND TELEPHONE
- PROPOSED STORM SEWER
- PROPOSED SANITARY SEWER



Aspen Circle
Broken Arrow, Oklahoma

Existing and Proposed
Utility Plan

EXHIBIT 'G'

Planned Unit Development No. 94V

September 2020

SACK AND ASSOCIATES, INC.
3530 East 31st Street South, Suite A, Tulsa, Oklahoma 74135-1519
Ph: 918.592.4111 Fax: 918.592.4229 E-mail: sai@sackandassociates.com
CA Number 1783 (PE/LS)

Project: ALBANY AND 145TH E AVE--A Drawing: XREF&11COPYRITE S-1117X S-811RX S-811X T-SAI3
Drawn: CDH Order: G234D File: 1914.34 Drawer: Plotted: 18 SEP 2020



Aspen Circle
Broken Arrow, Oklahoma

Aerial
Photograph

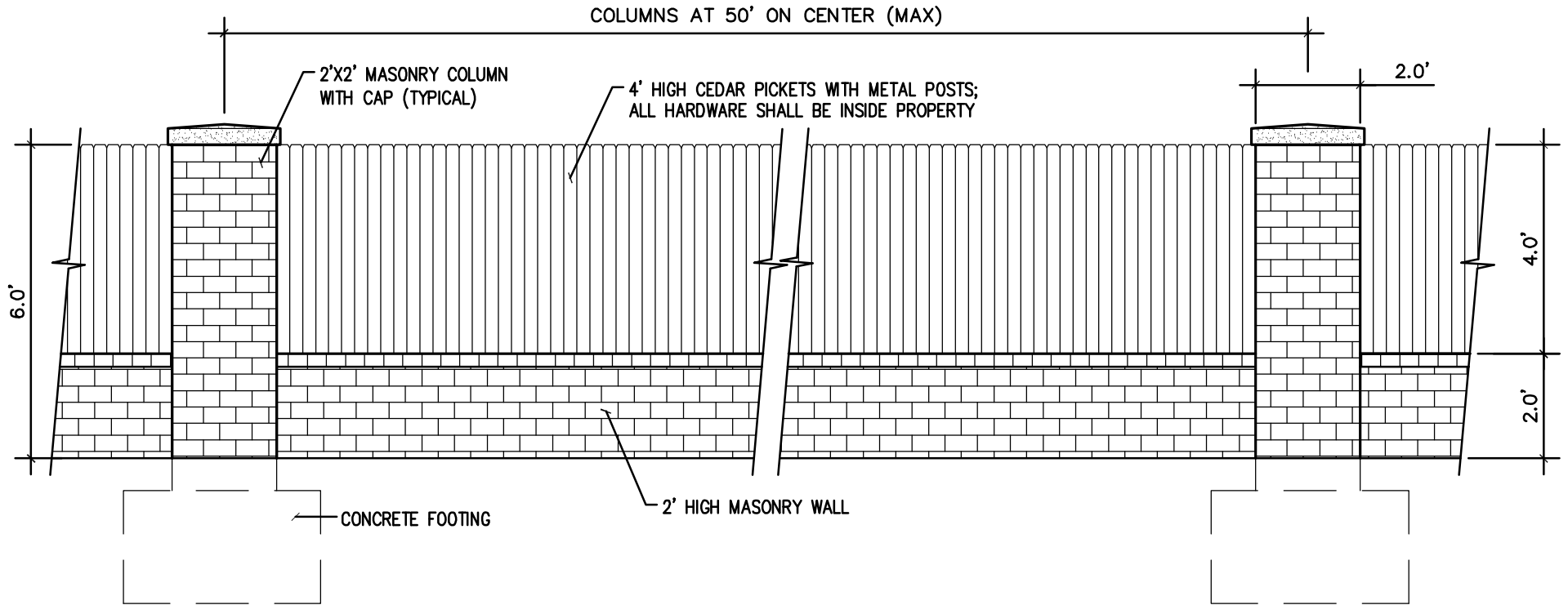
EXHIBIT 'H'

Planned Unit Development No. 94V
September 2020

PHOTOGRAPH DATE: OCTOBER 2018

SACK AND ASSOCIATES, INC.
3530 East 31st Street South, Suite A, Tulsa, Oklahoma 74135-1519
Ph: 918.592.4111 Fax: 918.592.4229 E-mail: sai@sackandassociates.com
CA Number 1783 (PE/LS)

Project: ALBANY AND 145TH E AVE-A Drawing: PUD01B XREFs: COPYRITE S-1117X S-811X T-SAI3
Drawn: CDH Order: G234D File: 1914.34 Drawer: Plotted: 11 SEP 2020



Aspen Circle

Broken Arrow, Oklahoma

Screening Fence
for Collision Center

EXHIBIT 'I'

Planned Unit Development No. 94V

September 2020



1225 NORTH LANSING AVENUE
TULSA, OKLAHOMA 74106
PH: 918.587.7171
FAX: 918.587.7176
WEB: CNFSIGNS.COM

APPROVED AS SHOWN APPROVED AS NOTED

X
CLIENT NAME _____ DATE _____

HEREBY GIVE MY APPROVAL TO PROCEED WITH FABRICATION OF THE SIGNAGE DEPICTED IN THESE DRAWINGS IN ORDER TO MEET THE PROJECT DEADLINE IN A TIMELY FASHION. I UNDERSTAND THAT ANY CHANGES (ADDITIONS, DELETIONS, OR MODIFICATIONS) TO THE FUNDAMENTAL STRUCTURE, UNDERLYING DESIGN, OR THE SPECIFIC FEATURES OF THE SIGNAGE MAY RESULT IN SLIPPAGE OF THE COMPLETION DATE, ADDITIONAL RESOURCE REQUIREMENTS OR ADDITIONAL COST.



Store #5396
Address: 3001 N Aspen Ave
Broken Arrow Oklahoma

ACCOUNT EXEC:
Pete Webb

DESIGNER:
W.R.S.

DATE OF ORIGINAL DWG:
8/19/24

REVISION HISTORY:

SIGN TYPE/DESCRIPTION:
Site Map
Map is NOT TO SCALE



APPROVED AS SHOWN APPROVED AS NOTED

X
CLIENT NAME _____ DATE _____

HEREBY GIVE MY APPROVAL TO PROCEED WITH FABRICATION OF THE SIGNAGE DEPICTED IN THESE DRAWINGS IN ORDER TO MEET THE PROJECT DEADLINE IN A TIMELY FASHION. I UNDERSTAND THAT ANY CHANGES (ADDITIONS, DELETIONS, OR MODIFICATIONS) TO THE FUNDAMENTAL STRUCTURE, UNDERLYING DESIGN, OR THE SPECIFIC FEATURES OF THIS SIGNAGE MAY RESULT IN SLIPPAGE OF THE COMPLETION DATE, ADDITIONAL RESOURCE REQUIREMENTS OR ADDITIONAL COST.



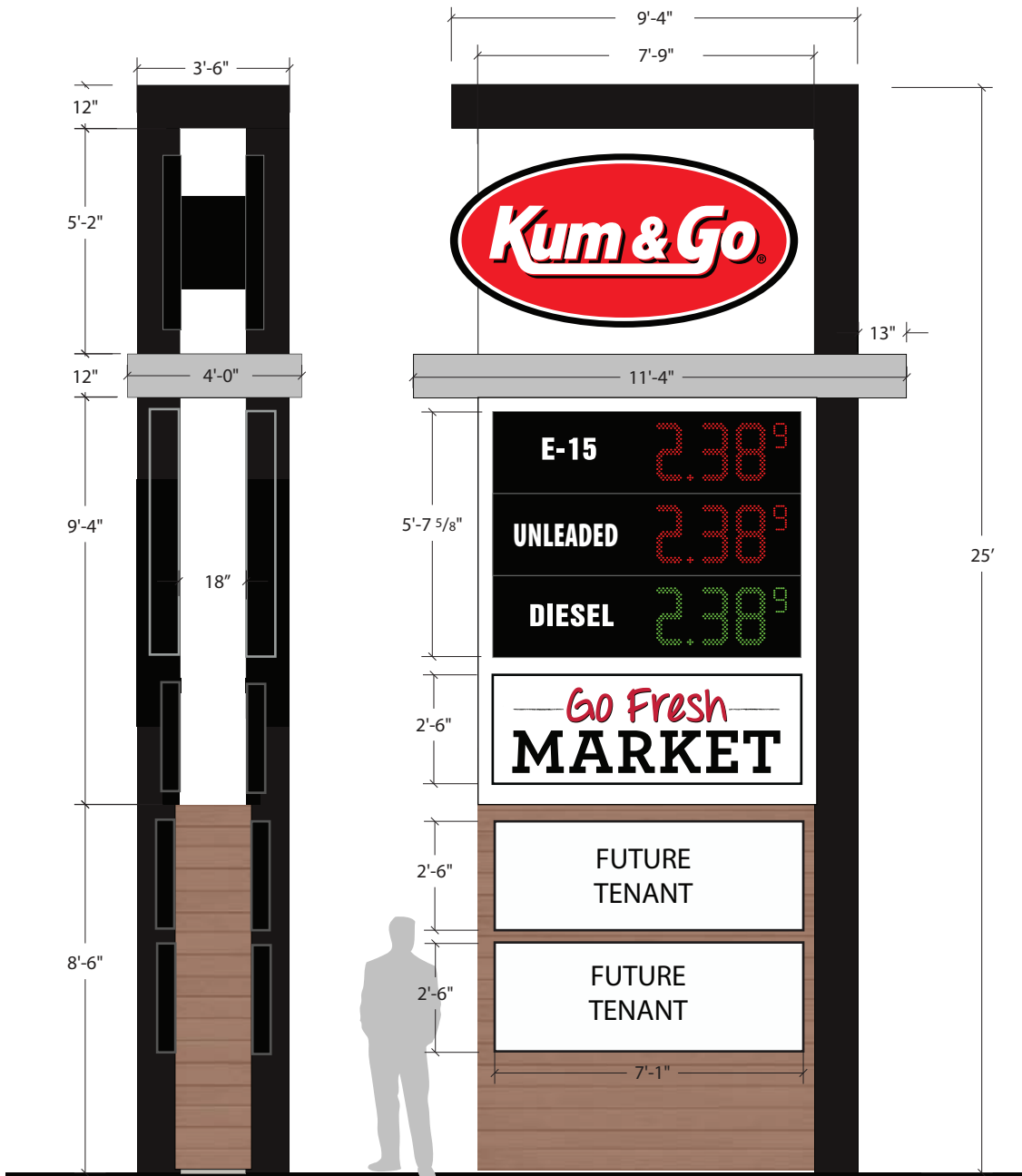
ACCOUNT EXEC:
Pete Webb

DESIGNER:
W.R.S.

DATE OF ORIGINAL DWG:
8/19/24

REVISION HISTORY:
11/15/24

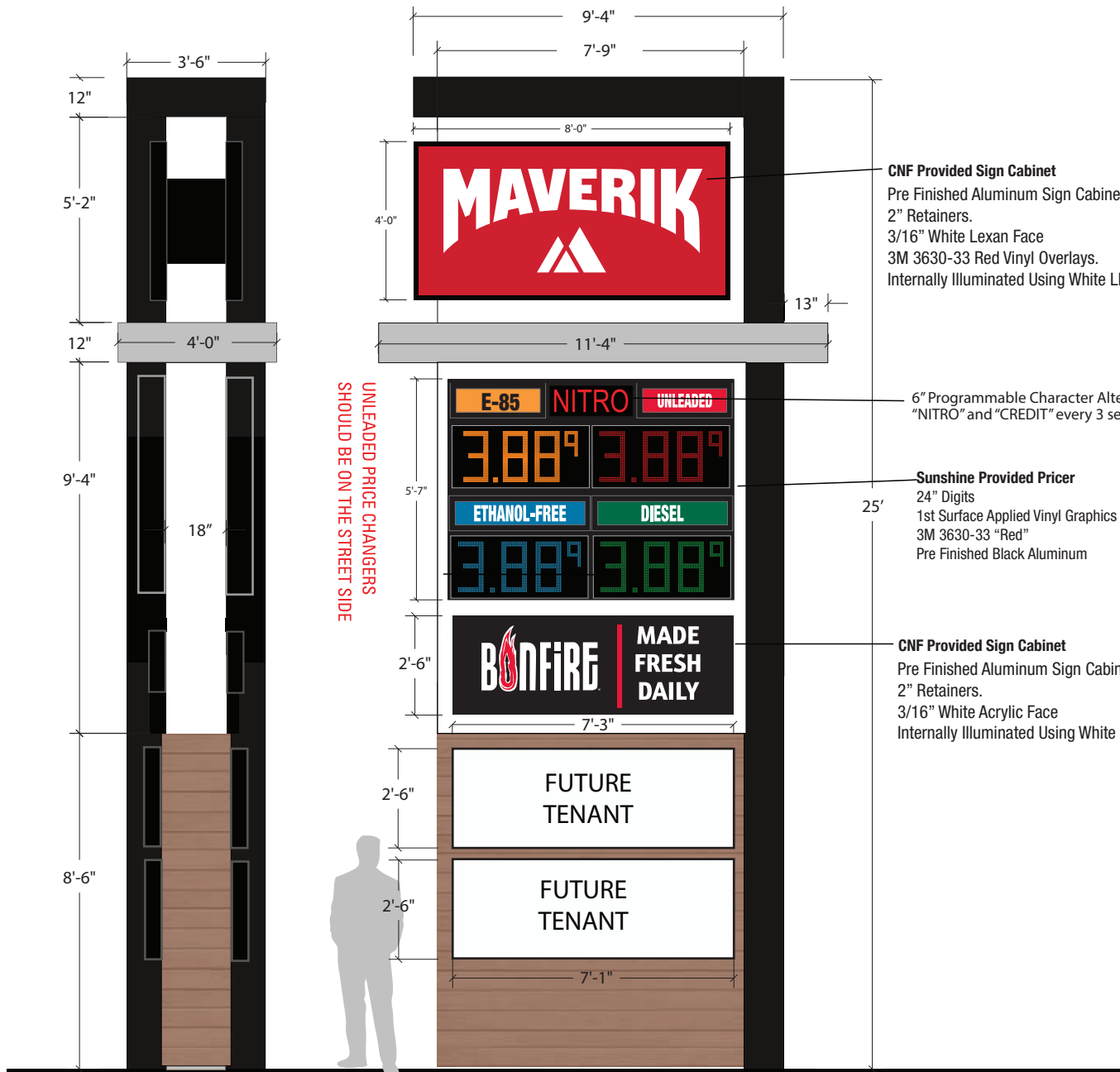
SIGN TYPE/DESCRIPTION:
25' Monument



SIGN 1

Existing Scale:
1/4" = 1'

Existing Kum & Go Signage = 90.15 sq. ft.
with 35.4 square feet of Future Tenant Signage.



SIGN 1

Proposed Scale:
1/4" = 1'

Proposed Maverik Signage = 90.15 sq. ft.
with 35.4 square feet of Future Tenant Signage.

CNF Provided Sign Cabinet
Pre Finished Aluminum Sign Cabinet with 2" Retainers.
3/16" White Lexan Face
3M 3630-33 Red Vinyl Overlays.
Internally Illuminated Using White LEDs.

6" Programmable Character Alternates "NITRO" and "CREDIT" every 3 seconds

Sunshine Provided Pricer
24" Digits
1st Surface Applied Vinyl Graphics
3M 3630-33 "Red"
Pre Finished Black Aluminum

CNF Provided Sign Cabinet
Pre Finished Aluminum Sign Cabinet with 2" Retainers.
3/16" White Acrylic Face
Internally Illuminated Using White LEDs.



1225 NORTH LANSING AVENUE
TULSA, OKLAHOMA 74106
PH: 918.587.7171
FAX: 918.587.7176
WEB: CNFSIGNS.COM

APPROVED AS SHOWN APPROVED AS NOTED

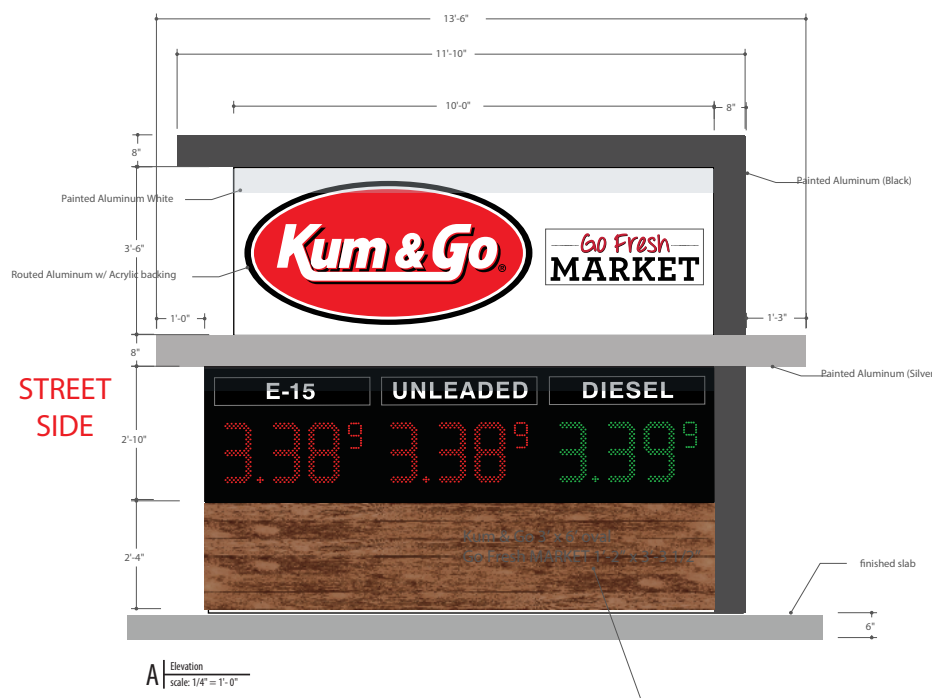
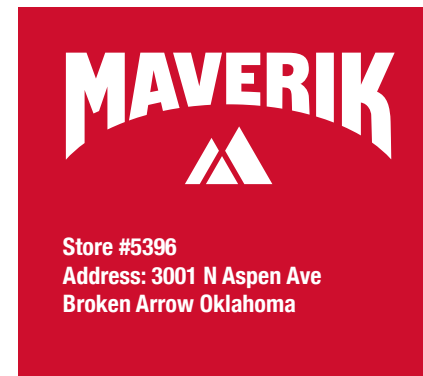
X
CLIENT NAME _____ DATE _____

I HEREBY GIVE MY APPROVAL TO PROCEED WITH FABRICATION OF THE SIGNAGE DEPICTED IN THESE DRAWINGS IN ORDER TO MEET THE PROJECT DEADLINE IN A TIMELY FASHION, UNDERSTANDING THAT ANY CHANGES (ADDITIONS, DELETIONS, OR MODIFICATIONS) TO THE FUNDAMENTAL STRUCTURE, UNDERLYING DESIGN, OR THE SPECIFIC FEATURES OF THIS SIGNAGE MAY RESULT IN SUPRAGE OF THE COMPLETION DATE, ADDITIONAL RESOURCE REQUIREMENTS OR ADDITIONAL COSTS.

D/F HIGH-RISE POLE SIGN - HORIZONTAL

Maverik Cabinet	Aluminum
Paint / Color	SW Std. Black
Face Material / Color	Polycarbonate White
Face Graphics	3M Vinyl: 3630-33 "Red"
Internal Lighting	White L.E.D.
Optimal Viewing Distance	1200 ft
Pipe Support / Size	
Paint / Color	TBD by Engineer
Approx. Footing Size	SW Std. Black
Electrical Requirements	20' x 20' x 6'
Power Draw	30 Amp - 110 Volt
	12 - 15 Amp Draw

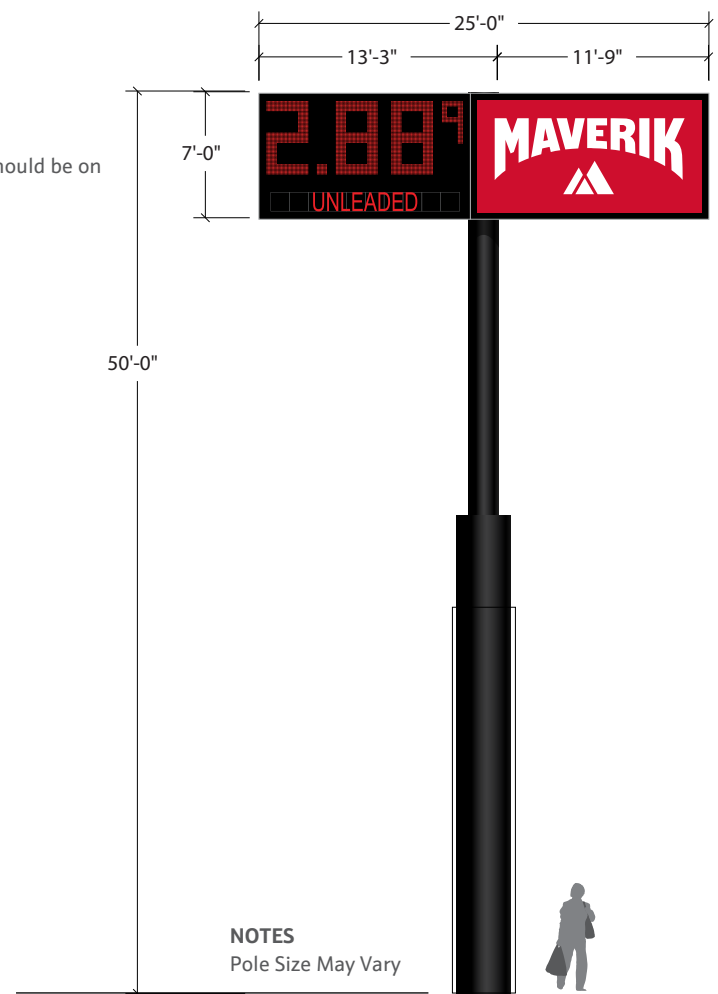
Electronic Price Changer	Aluminum
Paint / Color	SW Std. Black
Digit Size	48"
Color	Red / Green
Message Content	"UNLEADED" - "DIESEL"
Message Frequency	Alternates Every 3 Seconds
Electrical Requirements	30 Amp - 120 Volt



Skyline price sign: two (2) single face 2'-10" x 10'-7 1/2" x 8" deep cabinets.
E-85 / DEF panels 1' x 4'-2" x 1 1/2" aluminum pans,

SIGN 2
EXISTING SIGN TO BE REMOVED
SCALE:
1/4" - 1'

NOTES
Price changers should be on the freeway side.



NOTES
Pole Size May Vary

SIGN 2
PROPOSED 50' POLE SIGN
SCALE:
3/32" - 1'

ACCOUNT EXEC:
Pete Webb

DESIGNER:
W.T.S.

DATE OF ORIGINAL DWG:
8/19/24

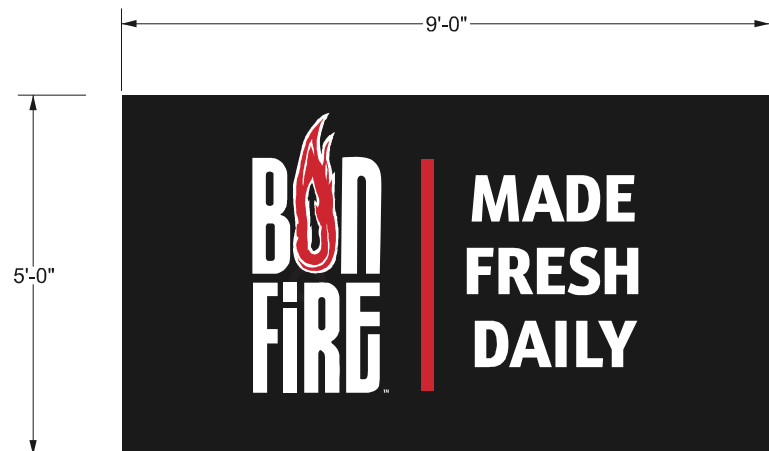
REVISION HISTORY:

SIGN TYPE/DESCRIPTION:
10' Monument



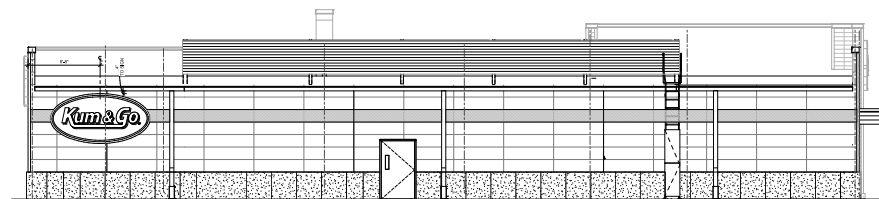
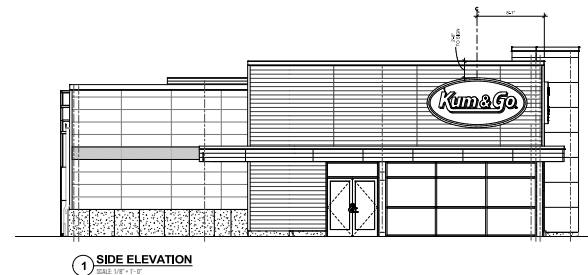
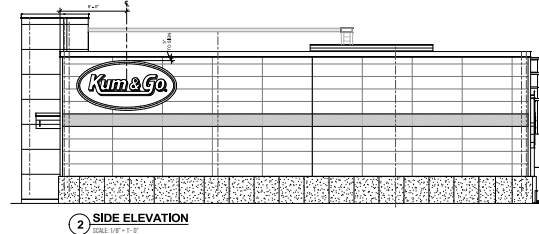
SIGN 3A

Replacement
Pre Finished Black Aluminum Sign Cabinet with hang bar and 2-1/2" Retainers.
SCALE: 3/8" = 1'
3/16" White Lexan Face with 3M 3630-33 Red Vinyl Overlay.
Internally Illuminated Using White LEDs.

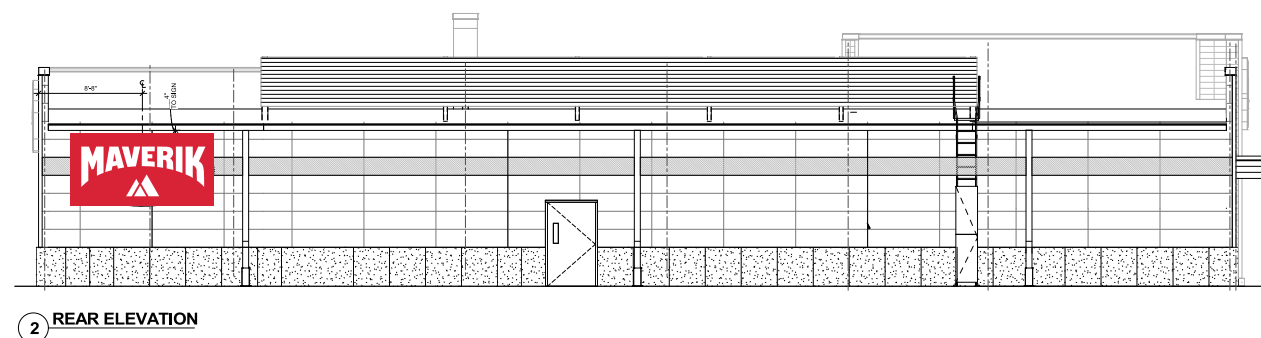
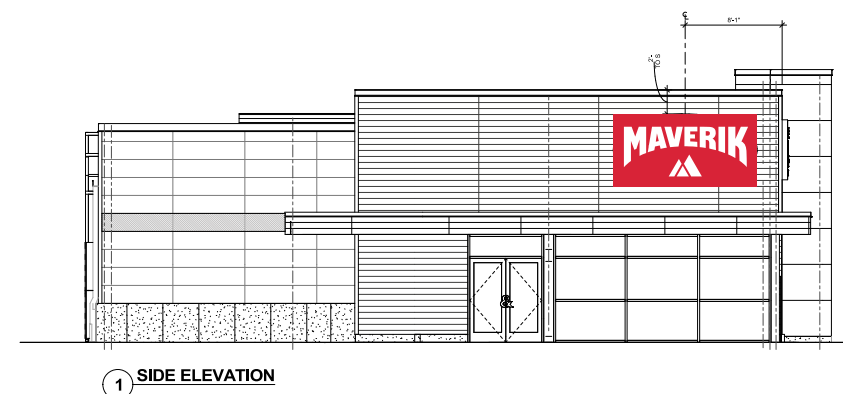
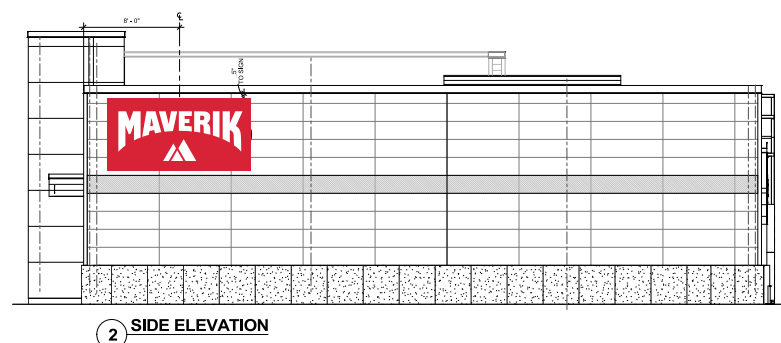
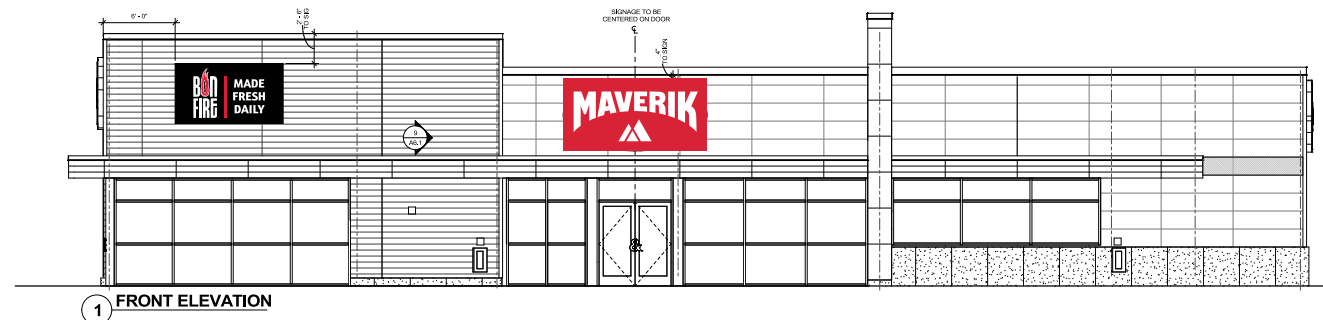


SIGN 4

Replacement
Flex Faces to Fit Existing Bleed Face Frame.
SCALE: 3/8" = 1'



EXISTING
SCALE: NTS



PROPOSED
SCALE: 1/16" = 1'

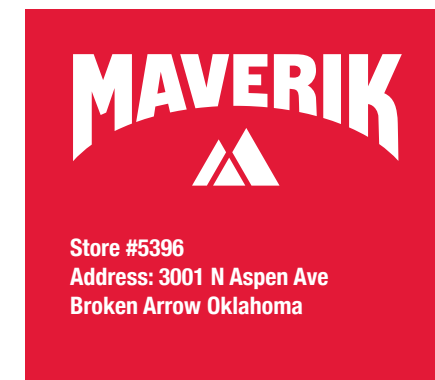


1225 NORTH LANSING AVENUE
 TULSA, OKLAHOMA 74106
 PH: 918.587.7171
 FAX: 918.587.7176
 WEB: CNFSIGNS.COM

APPROVED AS SHOWN APPROVED AS NOTED

X
 CLIENT NAME _____ DATE _____

HEREBY GIVE MY APPROVAL TO PROCEED WITH FABRICATION OF THE SIGNAGE DEPICTED IN THESE DRAWINGS IN ORDER TO MEET THE PROJECT DEADLINE IN A TIMELY FASHION. I UNDERSTAND THAT ANY CHANGES (ADDITIONS, DELETIONS, OR MODIFICATIONS) TO THE FUNDAMENTAL STRUCTURE, UNDERLYING DESIGN, OR THE SPECIFIC FEATURES OF THIS SIGNAGE MAY RESULT IN SLIPPAGE OF THE COMPLETION DATE, ADDITIONAL RESOURCE REQUIREMENTS OR ADDITIONAL COST.



ACCOUNT EXEC:
Pete Webb

DESIGNER:
W.R.S.

DATE OF ORIGINAL DWG:
8/19/24

REVISION HISTORY:

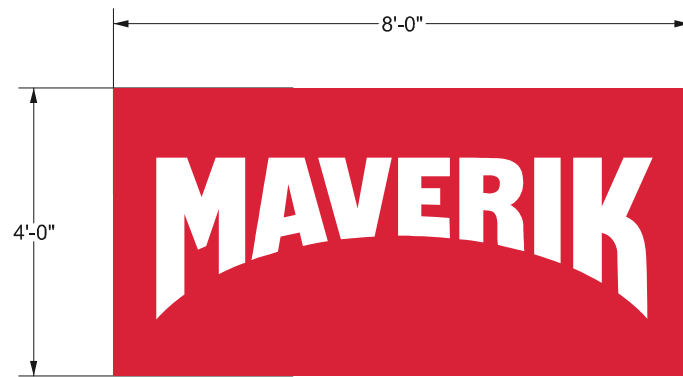
SIGN TYPE/DESCRIPTION:
Building Elevations

SHEET NAME: **ST-3.0**

APPROVED AS SHOWN APPROVED AS NOTED

X
CLIENT NAME _____ DATE _____

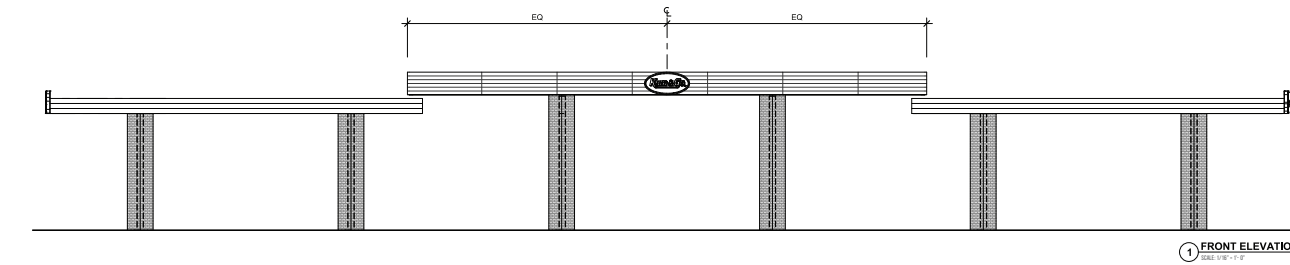
HEREBY GIVE MY APPROVAL TO PROCEED WITH FABRICATION OF THE SIGNAGE DEPICTED IN THESE DRAWINGS IN ORDER TO MEET THE PROJECT DEADLINE IN A TIMELY FASHION. I UNDERSTAND THAT ANY CHANGES (ADDITIONS, DELETIONS, OR MODIFICATIONS) TO THE FUNDAMENTAL STRUCTURE, UNDERLYING DESIGN, OR THE SPECIFIC FEATURES OF THE SIGNAGE MAY RESULT IN SLIPPAGE OF THE COMPLETION DATE, ADDITIONAL RESOURCE REQUIREMENTS OR ADDITIONAL COST.



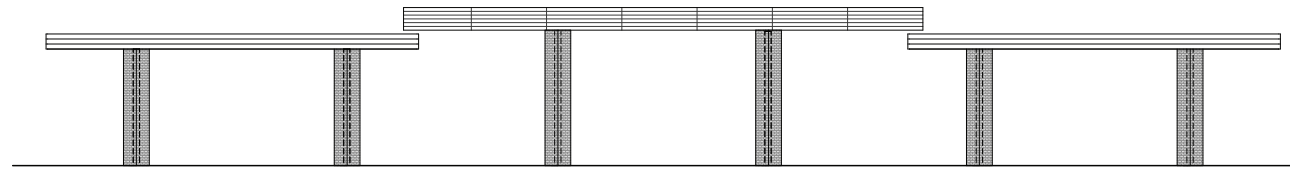
SIGN 5A

SCALE: 3/8" = 1'

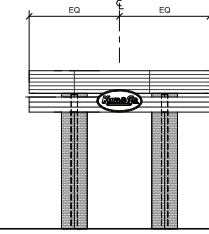
Replacement
Pre Finished Black Aluminum Sign Cabinet with hang bar and
2-1/2" Retainers.
3/16" White Lexan Face with
3M 3630-33 Red Vinyl Overlay.
Internally Illuminated Using White LEDs.



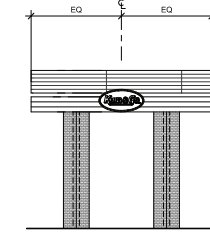
1 FRONT ELEVATION
SCALE: 3/8" = 1'



3 REAR ELEVATION



2 SIDE ELEVATION



4 SIDE ELEVATION

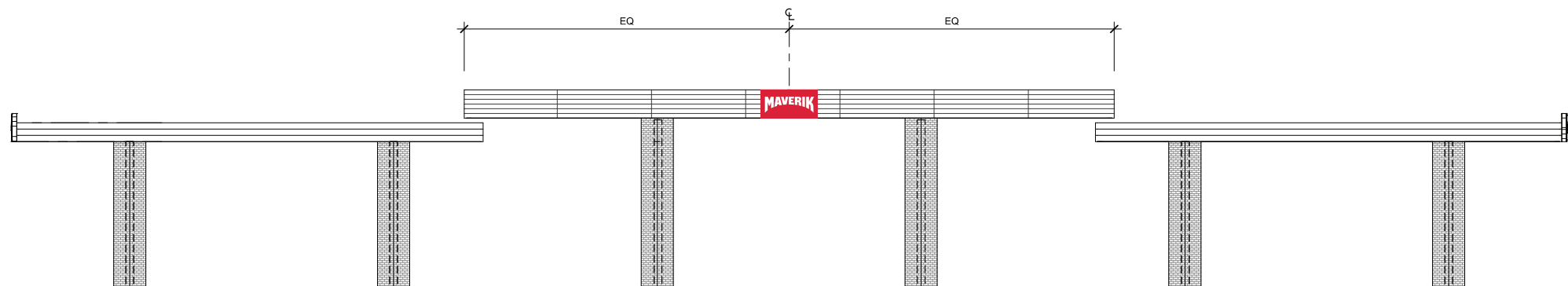
EXISTING - SCALE: NTS



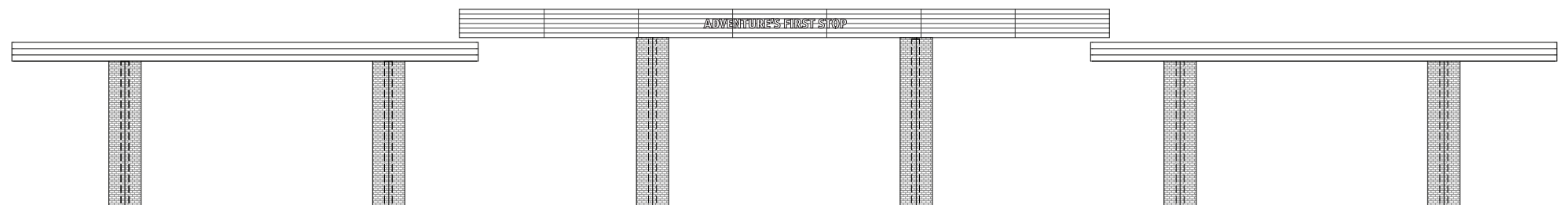
SIGN 6

SCALE: 3/8" = 1'

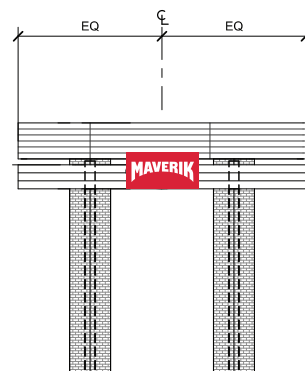
12" Tall Flat Cut Out 1/4" Aluminum Letters
Painted White
Stud Mounted



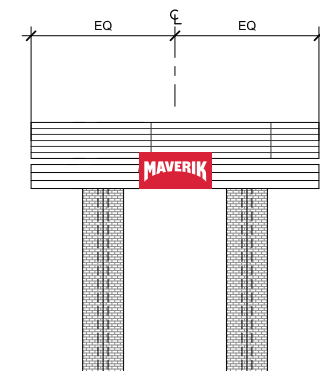
1 FRONT ELEVATION
SCALE: 1/16" = 1'-0"



3 REAR ELEVATION
SCALE: 1/16" = 1'-0"



2 SIDE ELEVATION



4 SIDE ELEVATION

PROPOSED - SCALE: 1/16" = 1'



ACCOUNT EXEC:
Pete Webb

DESIGNER:
W.R.S.

DATE OF ORIGINAL DWG:
8/19/24

REVISION HISTORY:

SIGN TYPE/DESCRIPTION:
Canopy Sign

SHEET NAME: **ST-4.0**



City of Broken Arrow

Request for Action

File #: 25-416, **Version:** 1

Broken Arrow Planning Commission
03-27-2025

To: Chair and Commission Members
From: Community Development Department
Title:

Consideration, discussion, and possible approval of building elevations for SITE-001722-2024, National Grocer, 2.6 acres, CH (Commercial Heavy)/SP (Specific Use Permit) 233, located one-quarter mile north of Kenosha Street, one-third mile east of 9th Street (177th E. Avenue/Lynn Lane Road

Background:

Applicant: Simon Cox, Tatco Construction
Owner: JMCR Broken Arrow, LLC
Developer: Kimley-Horn
Engineer: Ryan Fairsheets, Kimley-Horn
Location: One-quarter mile north of Kenosha Street, one-third mile east of Lynn Lane Road
Size of Tract: 2.6 acres
Number of Lots: 1
Present Zoning: CH (Commercial Heavy)/SP (Specific Use Permit) 233
Comp Plan: Level 6 (Regional Employment/Commercial)

A site plan was submitted on August 23, 2024 for a proposed grocery store located one-quarter mile north of Kenosha Street (71st Street), one-third mile east of 9th Street (177th E. Avenue/Lynn Lane Road), south of Hillside Drive. The property is zoned CH (Commercial Heavy) with Specific Use Permit SP-223. The site plan was approved November 12, 2024. On March 21, 2025 the applicant requested a façade variance and provided updated elevations.

According to Section 5.8.G.1 of the Zoning Ordinance, all new construction in the CH district shall have street-facing façades constructed of masonry, concrete panels, glass block, glass curtain walls, EIFS (Exterior Insulated Finished Systems), or stucco, and that EIFS shall not be the primary façade material. In this section, Planning Commission is given the power to grant façade variances to these requirements on a case-by-case basis.

The national grocer has requested that EIFS be approved as the primary building material, with stone and metal accents as shown in the attached elevations.

File #: 25-416, Version: 1

Attachments: Elevations
Material Details

Recommendation:

Staff recommends that the building elevations submitted March 21, 2025 be approved.

Reviewed By: Amanda Yamaguchi

Approved By: Rocky Henkel

MEH

NATIONAL SPECIALTY GROCER

BROKEN ARROW, OK

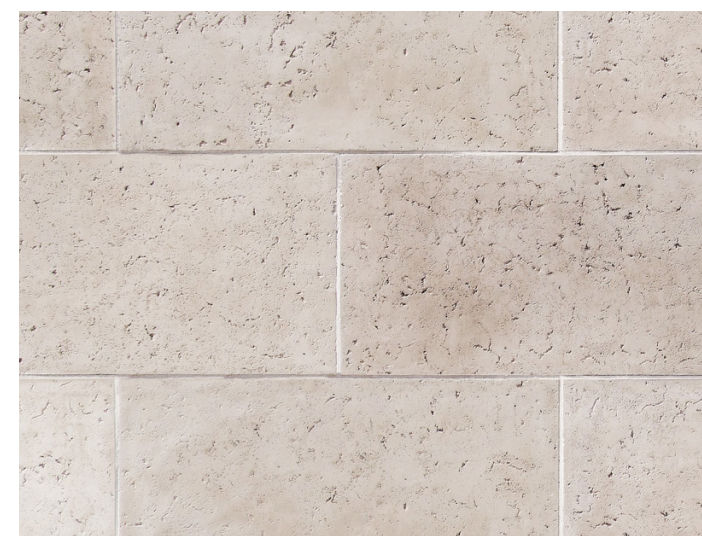
DESIGN ELEVATIONS

03/21/2025

RAMROCK REAL ESTATE



STONE & CMU



CORONADO THIN STONE
FRENCH LIMESTONE
FRENCH WHITE



ABC BLOCK & BRICK
ARKSAND

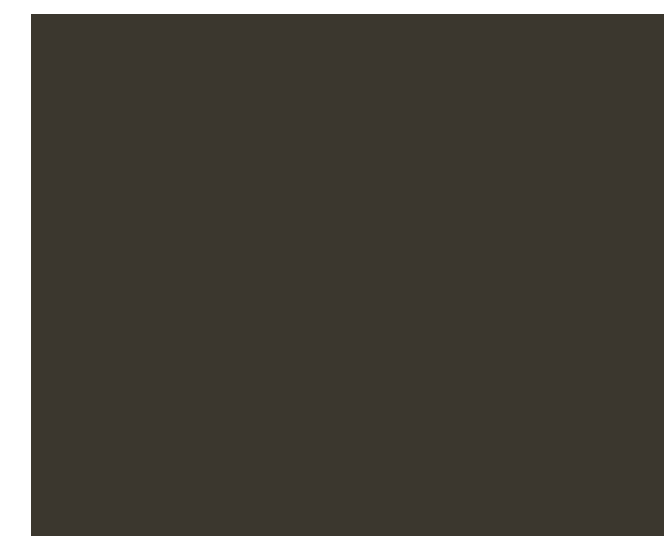


ABC BLOCK & BRICK
SANDSTONE



ABC BLOCK & BRICK
MOCHA

METALS

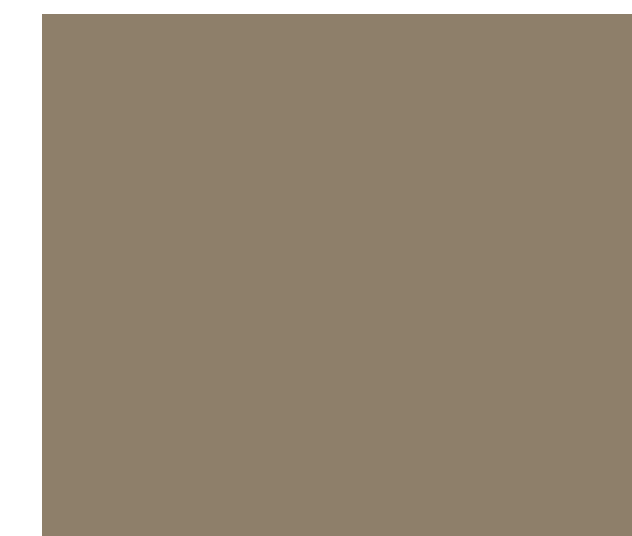


STOREFRONT & COPING
DARK BRONZE

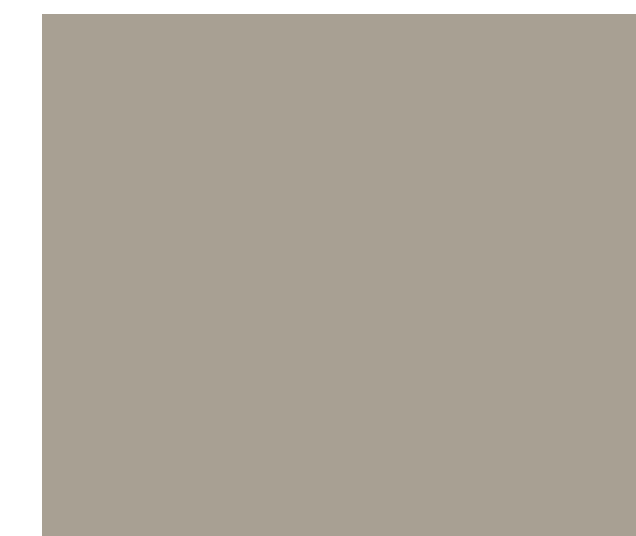
StoTherm ci EIFS COLORS



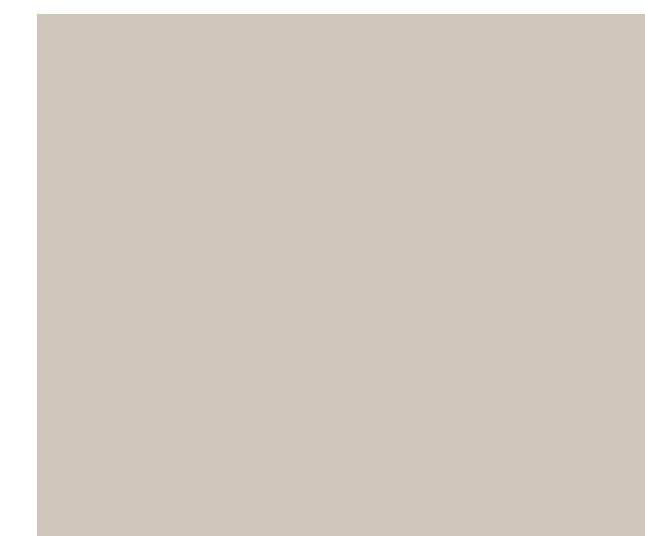
SW 7048
URBAN BRONZE



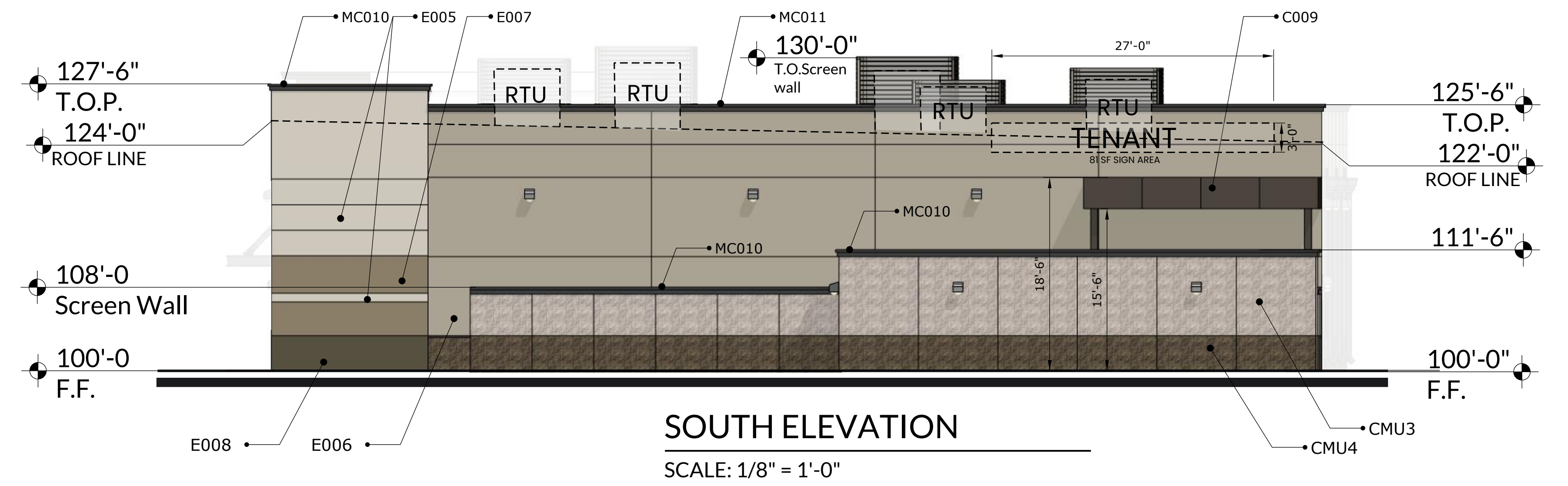
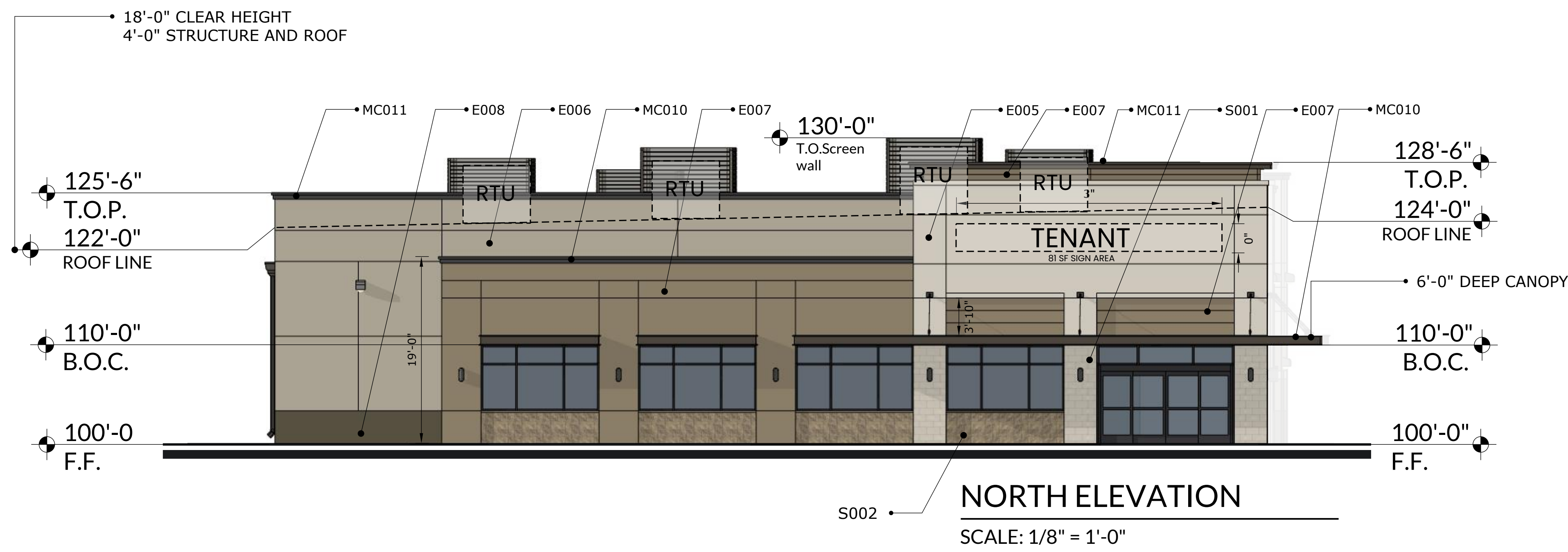
SW 6151
QUIVER TAN



SW 7045
INTELLECTUAL GRAY

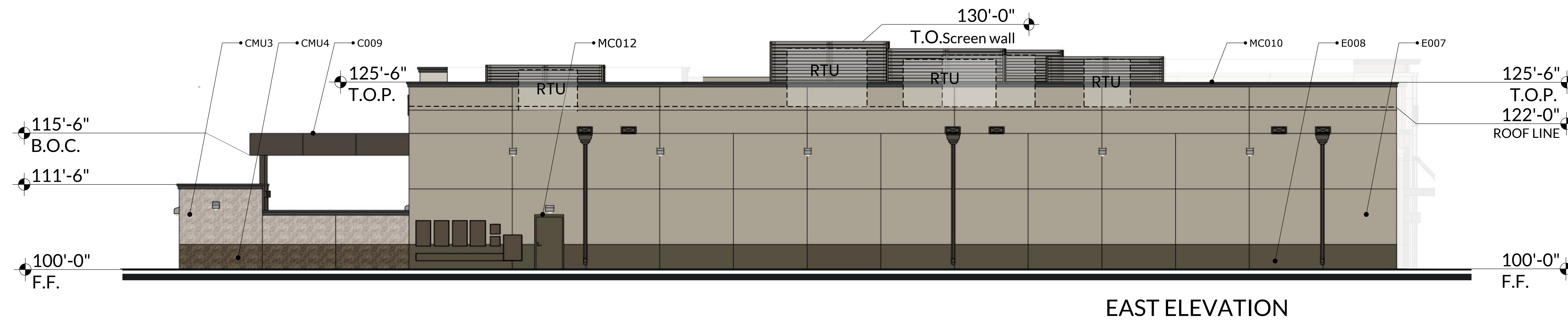
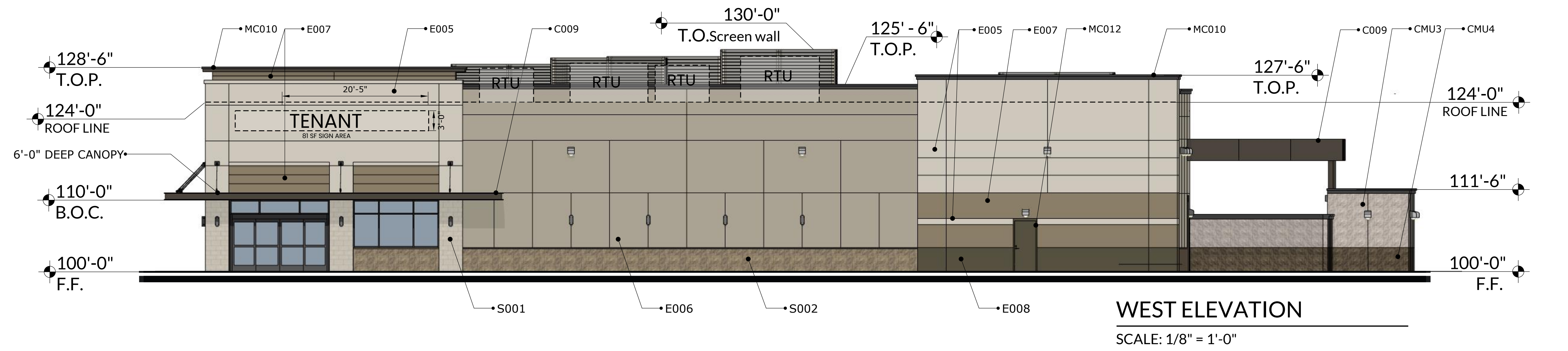


SW 7043
WORDLY GRAY



MATERIALS LIST

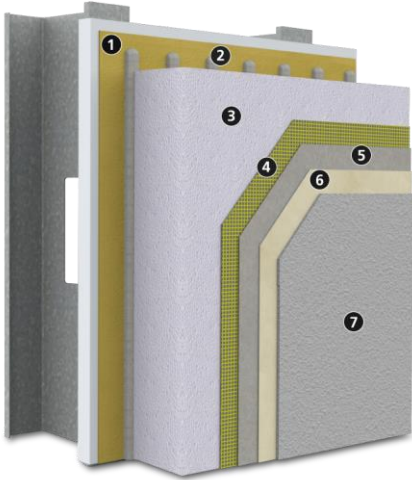
THIN STONE:	
(S001)	CORONADO STONE - FRENCH LIMESTONE FRENCH WHITE
(S002)	ABC BLOCK & BRICK SANDSTONE
SPLIT CMU:	
(CMU3)	ABC BLOCK & BRICK ARKSAND
(CMU4)	ABC BLOCK & BRICK MOCHA
StoTherm ci EIFS COLORS:	
(E005)	SW 7043 WORDLY GRAY
(E006)	SW7045 INTELLECTUAL GRAY
(E007)	SW 6151 QUIVER TAN
(E008)	SW7048 URBANE BRONZE
METALS:	
(C009)	METAL CANOPY PAINTED SW 7048 URBAN BRONZE
(MC010)	METAL COPING & EIFS CORNICE DARK BRONZE
(MC011)	METAL COPING & EIFS CORNICE BUCKSKIN
(MC012)	METAL MAN DOORS TO BE PAINTED SW 7048 URBANE BRONZE



MATERIAL PERCENTAGES	FRONT	BACK	SIDE	SIDE
	NORTH ELEVATION	SOUTH ELEVATION	WEST ELEVATION	EAST ELEVATION
TOTAL SURFACE AREA SQ.FT.	2,712	2,580	4,143	3,398
CORONADO STONE - URBANA SMOOTH - FRENCH WHITE	4%	0%	3%	0%
ABC BLOCK & BRICK - SANDSTONE	4%	0%	6%	0%
ABC BLOCK & BRICK - MOCHA	0%	11%	7%	3%
ABC BLOCK & BRICK - ARKSAND	0%	19%	0%	5%
StoTherm ci EIFS COLOR: SW 7043 WORDLY GRAY	25%	47%	35%	85%
StoTherm ci EIFS COLOR: SW 7044 INTELLECTUAL GRAY	18%	4%	17%	0%
StoTherm ci EIFS COLOR: SW 6151 QUIVER TAN	24%	10%	15%	0%
StoTherm ci EIFS COLOR: SW 7048 URBANE BRONZE	2%	2%	3%	1%
TOTAL MASONRY	77%	93%	85%	94%
Metal Canopy	2%	3%	2%	2%
Metal Coping & EIFS TRIM	5%	4%	3%	4%
TOTAL SECONDARY MATERIALS	7%	7%	4%	6%

StoTherm® ci

Decorative cladding with continuous insulation and StoGuard® Air and Water-resistive Barrier combined with Sto high performance finishes. Includes Sto Lamella Fireblocking where required by local code jurisdictions.¹



Substrate: Glass Mat Gypsum sheathing in compliance with ASTM C 1177, Exterior or Exposure I wood-based sheathing (plywood or OSB), cement board in compliance with ASTM C1325, or code compliant concrete, concrete masonry or portland cement plaster, existing structurally sound, uncoated brick or other masonry wall construction.

- | | |
|----|---|
| 1) | Air Barrier and Water-resistive Barrier: StoGuard |
| 2) | Adhesive options: Sto TurboStick®, Sto BTS® Plus, Sto BTS Xtra, Sto Primer/Adhesive-B, or Sto Primer/Adhesive |
| 3) | Insulation: Sto EPS Insulation Board |
| 4) | Reinforcement: Sto Mesh (embedded in Sto base coat) |
| 5) | Base Coat options: Sto BTS Plus, Sto BTS Xtra, Sto RFP, Sto Primer/Adhesive-B, or Sto Primer/Adhesive |
| 6) | Primer: StoPrime Sand (optional) |
| 7) | Finish: choose among, <ul style="list-style-type: none"> • Sto Textured Finishes • StoCast Finishes • Sto Signature and Sto Specialty Finishes |

System Accessory: StoSeal STPE Sealant for use as an exterior weather seal around wall penetrations, at dynamic joints in wall construction, and as an interior air seal for air barrier continuity

1. For compliance with 2022 NYC BC fireblocking requirements, only NFPA 285 tested components are permitted unless approved by the applicant or registered design professional and determined to pass the NFPA 285 acceptance criteria. Refer to StoTherm ci Design Guide and Detail Booklet for tested components.

System Description

StoTherm ci is a decorative and protective exterior wall cladding that combines superior air and weather tightness with excellent thermal performance and durability. It incorporates continuous exterior insulation and StoGuard Air and Water-resistive Barrier with Sto’s high performance finishes in a fully tested wall cladding assembly.

Uses

StoTherm ci can be used in residential or commercial wall construction where energy efficiency, superior aesthetics, and air and moisture control are essential in the climate extremes of North America.

Features	Benefits
Design versatility	Aesthetic and curb appeal easy to achieve
Continuous exterior insulation, no mechanical fasteners	Energy efficient, reduced heating and cooling costs
Lightweight	Reduced structural costs
Continuous air and water-resistive barrier	Protects against mold and moisture problems
ICC-ES listed and evaluated	Fully tested building code compliant assembly

Properties

Weight (not including sheathing and frame)	< 2 psf (10 kg/m2)
Thickness (insulation)	1 to 12 inches (25 – 305 mm)
R-value (not including sheathing and frame)	3.6 – 43.2 ft ² •h•°F / Btu (0.63 – 7.60 m ² •K / W)
Wind Load Resistance	Tested up to ± 188 psf (9.00 kPa)
Compliance	<ul style="list-style-type: none"> • IBC, IRC, IECC- 2018, 2021 • 2022 NYC BC Fireblocking • ASHRAE 90.1-2019
Construction Types and Fire Resistance	<ul style="list-style-type: none"> • I-V, NFPA 285 tested for types I-IV • ASTM E119 tested for 1&2 hour walls

Warranty

10, 12, or 15 year Limited Warranty, depending on options selected

Maintenance

Requires periodic cleaning to maintain appearance, repair to cracks and impact damage if they occur, recoating to enhance appearance of weathered finish. Sealants and other façade components must be maintained to prevent water infiltration.

StoTherm® ci

Decorative cladding with continuous insulation and StoGuard® Air and Water-resistive Barrier combined with Sto high performance finishes. Includes Sto Lamella Fireblocking where required by local code jurisdictions.

Limitations
Minimum insulation board thickness 1 inch (25 mm). Maximum insulation board thickness 12 inches (305 mm), 6 inches (152mm) if StoCast Finishes are used on Types I-IV (Noncombustible) construction.
Fire resistance rated assemblies limited to 4 inch (102 mm) maximum insulation board thickness.
Structural back-up wall must be level to ¼ inch in 10 ft (6mm in 3.0m)
Wind load resistance: ± 188 psf (9.00 kPa) ultimate loads achieved. Ultimate wind load resistance also depends on sheathing, sheathing attachment, and stiffness of supporting construction. Design for maximum allowable deflection of L/240.
Impact resistance: supplemental reinforcing mesh layers, cement board overlay or other design adjustments may be prudent for areas adjacent to heavy pedestrian traffic or other areas of high impact or abuse. Refer to Sto Guide Details.
For use on vertical above grade walls only. Do not use below grade or on roofs or roof-like surfaces.
Insulation material is flammable. Keep away from flame, ignition sources, high heat, and temperatures in excess of 165°F [74° C]).
Dark finish colors with LRV (Light Reflectance Value) < 20 are not recommended.
Air Barrier, insulation board, and base coat materials are not intended for prolonged weather exposure. Allow 180 days maximum between application of air and water-resistive barrier and insulation board.
Refer to specific component product bulletins and packaging for other limitations that may apply involving use, handling, and storage of component materials.

Sustainable Design	
Air Quality and VOC Compliance	
All finish coatings, adhesives, air barrier detail components and coatings meet US EPA (40 CFR 59) and South Coats AQMD (Rule 1113) emission standards for Building Envelope Coatings: VOC less than 50 g/L.	
Sustainability	
The system has high potential for LEED and other sustainability program credits based on efficient and effective use of a continuous air barrier and continuous exterior insulation and the resulting reductions in energy use and greenhouse gas emissions. The use of light weight metal studs and light weight finishes has positive impacts on life cycle energy use by reducing dead loads and structural support requirements when compared to mass wall and full thickness/weight veneer units.	
Regulatory Compliance and Standards Testing	
ICC ESR No. 1748 covering StoTherm ci	Complies with 2018 and 2021 IBC, IRC and IECC
ICC ESR No. 1233 covering StoGuard	Complies with 2018 and 2021 IBC, IRC and IECC
2022 New York City Building Code	Complies with fireblocking requirements, NFPA 285 with 6-in Sto EPS Insulation Board & Sto Lamella Fireblocking
ASHRAE 90.1-2019 ¹	Complies with Section 5, Building Envelope, air barrier and continuous insulation requirements
ASTM E 2357 ²	AWRB meets air leakage resistance criteria of ≤ 0.04 cfm/ft ² at 1.57 psf (0.2 L/s•m ² at 75 Pa)
NFPA 285 ³	Meets flame propagation criteria for use on Types I, II, III, IV construction with up to 12 inches (305 mm) of Sto EPS insulation board, 6 inches (152mm) for StoCast Finishes (refer to ICC-ESR 1748 for details)
ASTM E 119 ⁴	Meets requirements for use over fire-resistance-rated wall assemblies with maximum 4 inches (102mm) thick insulation board (refer to ICC ESR-1748 for details)

1. *Energy Standard for Buildings Except Low-Rise Residential Buildings*
2. *Standard Test Method for Determining Air Leakage Rate of Air Barrier Assemblies*
3. *Standard Fire Test Method for Evaluation of Fire Propagation Characteristics of Exterior Non-Load-Bearing Wall Assemblies Containing Combustible Components*
4. *Standard Test Methods for Fire Test of Building Construction and Materials*

Sto Corp. 3800 Camp Creek Parkway Building 1400, Suite 120 Atlanta, GA 30331 Tel: 404-346-3666 Toll Free: 1-800-221-2397 Fax: 404 346-3119 www.stocorp.com	SB-5200 Revision: 009 Date: 08/2024	<p style="text-align: center;">Attention</p> <p>Sto products are intended for use by qualified professional contractors, not consumers, as a component of a larger construction assembly as specified by a qualified design professional, general contractor or builder. They should be installed in accordance with those specifications and Sto's instructions. Sto Corp. disclaims all, and assumes no, liability for on-site inspections, for its products applied improperly, or by unqualified persons or entities, or as part of an improperly designed or constructed building, for the nonperformance of adjacent building components or assemblies, or for other construction activities beyond Sto's control. Improper use of Sto products or use as part of an improperly designed or constructed larger assembly or building may result in serious damage to this product, and to the structure of the building or its components. STO CORP. DISCLAIMS ALL WARRANTIES EXPRESS OR IMPLIED EXCEPT FOR EXPLICIT LIMITED WRITTEN WARRANTIES ISSUED TO AND ACCEPTED BY BUILDING OWNERS IN ACCORDANCE WITH STO'S WARRANTY PROGRAMS WHICH ARE SUBJECT TO CHANGE FROM TIME TO TIME. For the fullest, most current information on proper application, clean-up, mixing and other specifications and warranties, cautions and disclaimers, please refer to the Sto Corp. website, www.stocorp.com.</p>
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