



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, July 24, 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. [25-1049](#) Approval of Planning Commission meeting minutes of July 10, 2025

Attachments: [07-10-2025 Meeting Minutes](#)

- B. [25-1053](#) Approval of PR-0000833-2025|PT-002297-2025, Preliminary Plat, Whiskey Ridge III, approximately 22.95 acres, 92 proposed lots, A-1 (Agricultural) to RS-3 (Single Family Residential)/PUD (Planned Unit Development) 256 via BAZ-1969, located one-half mile south of Rockford Street (31st Street), one-eighth mile east of 23rd Street (193rd E. Avenue/County Line Road)

Attachments: [2-Checklist](#)
 [3-Preliminary Plat & Covenants](#)
 [4-Conceptual Utility Plans](#)

5. Consideration of Items Removed from Consent Agenda

6. Public Hearings

- A. [25-1052](#) Public hearing, consideration, and possible action regarding PUD-002281-2025 (Planned Unit Development) and BAZ-002280-2025 (Rezoning), Aequitas Tucson Development, 11.72 acres, A-1 (Agricultural) to CH (Commercial Heavy), IL (Industrial Light), and RM (Residential Multi-Family), located approximately one-eighth mile south of Tucson Street (121st Street) and one-half mile west of Elm Place (161st East Avenue), abrogation of PUD-340

Attachments: [2-Case Map](#)
[3-Aerial](#)
[4-Aequitas Tucson Development PUD](#)

7. Appeals

8. General Commission Business

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 #: 25-1049, **Version:** 1

Broken Arrow Planning Commission
07-24-2025

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

Background: Approval of Planning Commission meeting minutes of July 10, 2025
Minutes recorded for the Broken Arrow Planning Commission meeting.

Attachments: 07 10 2025 Planning Commission Minutes

Recommendation: Approve minutes of Planning Commission meeting held July 10, 2025.

Reviewed By: Amanda Yamaguchi

Approved By: Rocky Henkel



City of Broken Arrow

Minutes

Planning Commission

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

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

Thursday, July 10, 2025	5:30 p.m.	Council Chambers
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1. Call to Order

Chairman Robert Goranson called the meeting to order at 5:30 p.m.

2. Roll Call

Present: 4 - Jonathan Townsend, Jaylee Klempa, Jason Coan, Robert Goranson
Absent: 1 - Mindy Payne

3. Old Business - NONE

4. Consideration of Consent Agenda

- A. 25-971 Approval of Planning Commission meeting minutes of June 26, 2025
- B. 25-981 Approval of LOT-002270-2025, 315 W Freeport Street, 1 lot to 2 lots, 0.48 acres, R-3 (Single Family Residential)/DROD (Downtown Residential Overlay District) Area 1, located one-third mile south of Kenosha Street (71st Street), one-quarter mile east of Elm Place (161st E. Avenue)
- C. 25-987 Approval of BAL-001578-2025, 21060 E 45th Street, 1 lot to 2 lots, 2.32 acres, RS-4 (Single Family Residential), located approximately one-half mile south of Dearborn Street (41st Street), one-eighth mile west of 37th Street (209th E. Avenue)
- D. 25-988 Approval of LOT-002272-2025, Lynn Corner, 1 lot to 2 lots, 28.35 acres, Zoning District, located on the northeast corner of 9th Street (Lynn Lane) and Washington Street (91st Street)
- E. 25-984 Approval of PT-002271-2025|PR-000800-2025, Preliminary Plat for Lynn Corner, 23.18 acres, 79 lots, A-1 (Agricultural) to RS-4 (Single-Family Residential) via BAZ-002200-2025, located at the northeast corner of Washington Street (91st Street) and 9th Street (Lynn Lane Road)

MOTION: A motion was made by Robert Goranson, seconded by Jaylee Klempa.
Move to Approve Consent Agenda

The motion carried by the following vote:

Aye: 4 - Jonathan Townsend, Jaylee Klempa, Jason Coan, Robert Goranson

5. Consideration of Items Removed from Consent Agenda - NONE

6. Public Hearings - NONE

7. Appeals - NONE

8. General Commission Business - NONE

9. Remarks, Inquiries, and Comments by Planning Commission and Staff (No Action) - NONE

10. Adjournment

The meeting was adjourned at 5:31 p.m.

MOTION: A motion was made by Jason Coan, seconded by Jaylee Klempa.
Move to Adjourn

The motion carried by the following vote:

Aye: 4 - Jonathan Townsend, Jaylee Klempa, Jason Coan, Robert Goranson



City of Broken Arrow

Request for Action

File #: 25-1053, **Version:** 1

Broken Arrow Planning Commission
07-24-2025

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

Approval of PR-0000833-2025|PT-002297-2025, Preliminary Plat, Whiskey Ridge III, approximately 22.95 acres, 92 proposed lots, A-1 (Agricultural) to RS-3 (Single Family Residential)/PUD (Planned Unit Development) 256 via BAZ-1969, located one-half mile south of Rockford Street (31st Street), one-eighth mile east of 23rd Street (193rd E. Avenue/County Line Road)

Background:

Applicant: Matthew Fortkamp, Engineered by Design
Owner: Steve Brown, Whiskey Ridge LLC
Developer: Steve Brown, Whiskey Ridge LLC
Engineer: Engineered by Design
Location: One-half mile south of Rockford Street, one-eighth mile east of 23rd Street
Size of Tract 22.95 acres
Number of Lots: 92
Zoning: A-1 to RS-3/PUD-256 via BAZ-1969
Comp Plan: Level 2 (Urban Residential)

PT-002297-2025, the preliminary plat for the proposed Whiskey Ridge III residential development, proposes to have 92 lots on approximately 22.95 acres. This property is located one-half mile south of Rockford Street (31st Street), one-eighth mile east of 23rd Street (103rd E. Avenue/County Line Road). PUD-256 and BAZ-1969, a request to rezone this property from A-1 to RS-3, were approved by City Council on February 7, 2017, subject to the property being platted.

The City of Broken is not involved in providing water and sanitary sewer service to this property. Water to the addition will be provided by Rural Water District 4, while sanitary sewer service to the addition will be provided by Green Country. The treatment facility for Green Country is located adjacent to the southeast corner of Whiskey Ridge. The streets in the addition will be public streets that will be maintained by the City of Broken Arrow.

Access to this development will be provided through two stub streets provided by Whiskey Ridge Phase I to the north and two stub streets provided by Whiskey Ridge Phase II to the north and east.

According to FEMA maps, none of the property is in a 100-year floodplain area. Water and sanitary sewer service are available from the City of Broken Arrow.

Attachments: Checklist
Preliminary Plat & Covenants
Conceptual Utility Plans

Recommendation:

Staff recommends PR-0000833-2025|PT-002297-2025, preliminary plat for Whiskey Ridge III, be approved, subject to the attached checklist.

Reviewed by: Amanda Yamaguchi

Approved by: Rocky Henkel

MEH

2025.07.14 - Whiskey Ridge III (PRELIMINARY PLAT - REVISED AFTER TAC)_v1.pdf Markup Summary

Jason Comments (1)

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P01: Ensure areas with restricted access are labeled RA rather than LNA.

Subject: Jason Comments
Page Label: [1] 2279_PLAT v2-PLAT
Author: Mackenzie Hackett
Date: 7/18/2025 4:27:41 PM
Status:
Color: ■
Layer:
Space:

P01: Ensure areas with restricted access are labeled RA rather than LNA.

Lot Area & Minimum Finished Floor Table

BLOCK	LOT	LOT AREA (SF)	MIN. FF ELEV.
1	1	13,757.70	T.B.D.
	2	10,527.02	T.B.D.
	3	9,236.19	T.B.D.
	4	9,045.90	T.B.D.
	5	9,509.19	T.B.D.
	6	10,910.60	T.B.D.
	7	14,922.31	T.B.D.
	8	14,240.75	T.B.D.
	9	7,657.82	T.B.D.
	10	7,424.99	T.B.D.
	11	7,200.00	T.B.D.
	12	7,200.00	T.B.D.
	13	7,200.00	T.B.D.
	14	7,200.00	T.B.D.
	15	7,200.00	T.B.D.
	16	11,265.87	T.B.D.
	17	8,863.47	T.B.D.
	18	8,143.26	T.B.D.
	19	7,314.84	T.B.D.
	20	14,795.78	T.B.D.
2	1	13,054.61	T.B.D.
	2	13,729.56	T.B.D.
	3	8,896.13	T.B.D.
	4	9,358.57	T.B.D.
	5	9,360.71	T.B.D.
	6	9,362.85	T.B.D.
	7	9,364.99	T.B.D.
	8	9,367.13	T.B.D.
	9	9,369.27	T.B.D.
	10	9,371.42	T.B.D.
	11	9,373.56	T.B.D.
	12	9,375.70	T.B.D.
	13	9,377.84	T.B.D.
	14	13,154.48	T.B.D.
3	1	8,869.95	T.B.D.
	2	8,400.23	T.B.D.
	3	8,175.04	T.B.D.
	4	15,224.41	T.B.D.
	5	10,119.80	T.B.D.
	6	7,200.00	T.B.D.
	7	7,200.00	T.B.D.
	8	8,265.87	T.B.D.
	9	8,263.64	T.B.D.
	10	7,198.08	T.B.D.
	11	7,198.08	T.B.D.
	12	7,498.01	T.B.D.
	13	7,498.01	T.B.D.
	14	7,796.99	T.B.D.
4	1	7,800.00	T.B.D.
	2	6,937.28	T.B.D.
	3	14,865.15	T.B.D.
	4	8,415.25	T.B.D.
	5	6,846.12	T.B.D.
	6	7,200.00	T.B.D.
	7	7,200.00	T.B.D.
	8	7,200.00	T.B.D.
	9	7,200.00	T.B.D.
	10	7,200.00	T.B.D.
	11	7,200.00	T.B.D.
	12	10,240.27	T.B.D.
	13	8,585.98	T.B.D.
	14	7,200.01	T.B.D.
5	15	7,200.02	T.B.D.
	16	7,200.02	T.B.D.
	17	7,200.03	T.B.D.
	18	7,200.03	T.B.D.
	19	7,200.04	T.B.D.
	20	6,846.07	T.B.D.
	21	10,190.44	T.B.D.
	22	11,035.48	T.B.D.
	23	6,591.90	T.B.D.
	24	7,800.00	T.B.D.
	25	7,800.00	T.B.D.
	26	8,862.03	T.B.D.
	27	8,862.03	T.B.D.
	28	7,800.00	T.B.D.
6	29	7,800.00	T.B.D.
	30	8,579.86	T.B.D.
	31	13,384.33	T.B.D.
	32	9,164.96	T.B.D.
	33	7,791.68	T.B.D.
	34	7,800.06	T.B.D.
	35	8,865.90	T.B.D.
	36	8,403.09	T.B.D.
7	1	10,224.55	T.B.D.
	2	7,321.90	T.B.D.
	3	7,200.07	T.B.D.
	4	7,200.07	T.B.D.
	5	7,200.07	T.B.D.
	6	7,200.07	T.B.D.
	7	7,200.07	T.B.D.
	8	8,966.25	T.B.D.

Subdivision Statistics

SUBDIVISION CONTAINS NINETY-TWO (92) LOTS IN FIVE (5) BLOCKS
GROSS SUBDIVISION AREA: 999,767.98 SF OR 22.95 AC

Basis of Bearings

BEARINGS ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, (3501 OK N), NORTH AMERICAN DATUM 1983 (NAD83) USING THE SOUTH LINE OF THE SW/4 OF SECTION 6, T-17-N, R-14-E AS SOUTH 88°36'37" WEST.

Monumentation

ALL LOT CORNERS SHOWN HEREON WERE SET USING A 3/8" x 18" STEEL PIN WITH A GREEN PLASTIC CAP STAMPED "FRITZ CA5848".

Utility Providers

WATER: WAGONER COUNTY RWD#4
SANITARY SEWER: GREEN COUNTRY SEWER

Detention Determination

DETENTION DETERMINATION NUMBER: DD-120424-70

Floodplain Data

FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, CITY OF BROKEN ARROW, OKLAHOMA, COMMUNITY PANEL NO. 40145C0085J - SEPTEMBER 30, 2016, WHICH INDICATES THE SUBJECT PROPERTY TO BE WITHIN SHADED ZONE X (AREAS DETERMINED TO BE WITHIN THE 0.2% ANNUAL CHANCE FLOODPLAIN) AND ZONE AE (AREAS DETERMINED TO BE WITHIN THE 1% ANNUAL CHANCE FLOODPLAIN WITH A BASE FLOOD ELEVATION AS SHOWN HEREON.

Notes

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.

RESTRICTIVE ACCESS - NO VEHICULAR ACCESS SHALL BE ALLOWED ALONG LOT LINES WITH 15' BUILDING SETBACKS. IN THE EVENT GARAGE ACCESS IS PLANNED FROM THE SIDE YARD, THE MINIMUM BUILDING SETBACK ALONG THE SIDE YARD SHALL BE 20 FEET. ONLY ONE GARAGE ACCESS FRONTAGE ALLOWED ON EACH LOT.

ALL WEDGE LOTS ARE AT LEAST 60' WIDE AT THE BUILDING SETBACK LINE.

PUD 256

Whiskey Ridge III

A SUBDIVISION IN THE CITY OF BROKEN ARROW, WAGONER COUNTY, OKLAHOMA BEING A PART OF THE WEST HALF (W/2) OF SECTION NINETEEN (19), TOWNSHIP NINETEEN (19) NORTH, RANGE FIFTEEN (15) EAST, OF THE INDIAN BASE AND MERIDIAN.

Owner / Developer

WHISKEY RIDGE, LLC
2267 N 9TH STREET, SUITE 109
BROKEN ARROW, OK 74012
PHONE: (918) 893-3450
MR. STEVE BROWN

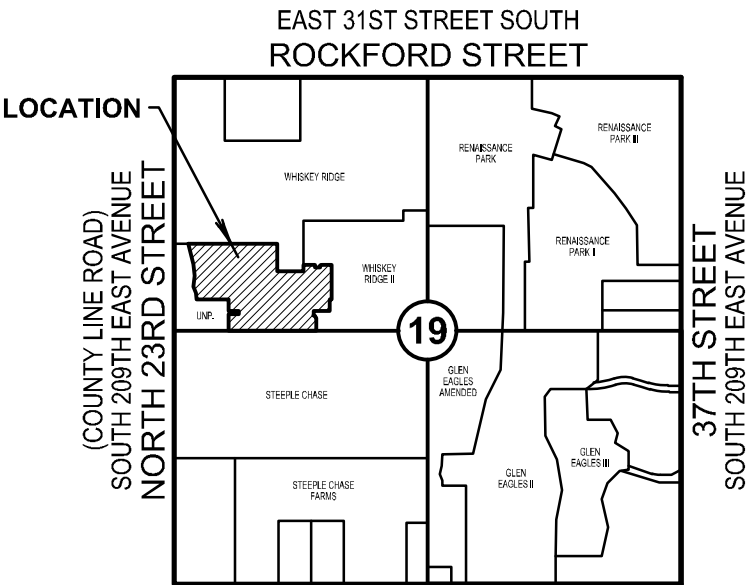
Surveyor

FRITZ LAND SURVEYING, LLC
2017 WEST 91ST STREET
TULSA, OKLAHOMA 74132
PHONE: (918) 231-0575
EMAIL: fritzlandsurveying@gmail.com
C.A. # 5848 EXPIRES: 6-30-2026
MR. ANDY FRITZ, PLS

Engineer

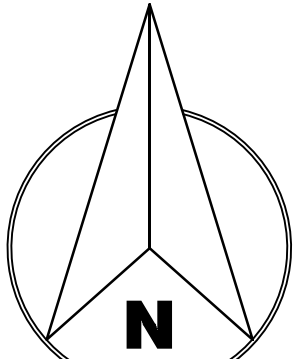
ENGINEERED BY DESIGN, PLLC
P.O. BOX 15567
DEL CITY, OK 73155
PHONE: (405) 234-0980
EMAIL: ahale@engineeredbydesign.pro
C.A. # 7655 EXPIRES: 6-30-2026
MR. AARON S. HALE, P.E.

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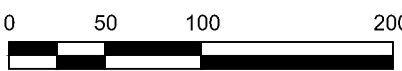


Location Map

SCALE: 1"=2000'



Scale: 1" = 100'



Line Table

LINE	BEARING	DISTANCE
L1	N 09°09'11" W	387.19'
L2	S 88°30'21" W	415.59'
L3	S 01°29'39" W	189.97'
L4	N 88°30'21" E	99.62'
L5	S 88°30'21" W	677.56'
L6	S 01°29'39" E	129.33'
L7	S 88°30'21" W	169.31'
L8	S 01°29'39" E	189.97'
L9	N 88°30'21" E	187.92'
L10	S 01°29'39" E	135.03'
L11	S 88°30'21" W	169.31'
L12	S 01°29'39" E	184.28'
L13	S 88°30'21" W	190.00'
L14	N 01°29'39" W	184.28'
L15	S 88°30'21" W	421.26'
L16	N 09°09'11" W	187.21'
L17	N 80°50'49" E	25.11'
L18	N 88°30'21" E	404.67'
L19	N 01°29'39" W	89.31'
L20	S 01°29'39" E	95.00'
L21	S 88°30'21" W	410.36'
L22	S 80°50'49" W	25.11'
L23	N 09°09'11" W	104.62'

Curve Table

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	18.10'	25.00'	41°29'21.53"	N 11°35'29" E	17.71'
C2	144.27'	50.00'	165°19'09.10"	N 50°19'25" W	99.18'
C3	18.10'	25.00'	41°29'20.65"	S 67°45'41" W	17.71'
C4	39.27'	25.00'	90°00'00.00"	N 46°29'39" W	35.36'
C5	39.27'	25.00'	90°00'00.05"	N 43°30'21" E	35.36'
C6	21.03'	25.00'	48°11'27.20"	N 67°23'55" W	20.41'
C7	100.05'	50.00'	114°39'15.55"	N 79°22'10" E	84.18'
C8	110.49'	50.00'	126°36'45.33"	N 76°22'35" W	89.34'
C9	21.03'	25.00'	48°11'18.53"	S 64°24'42" W	20.41'
C10	39.27'	25.00'	89°59'59.95"	S 46°29'39" E	35.36'
C11	39.27'	25.00'	90°00'00.00"	S 43°30'21" W	35.36'
C12	17.52'	25.00'	40°09'19.60"	S 71°24'59" E	17.16'
C13	148.64'	50.00'	170°19'33.97"	N 43°29'54" E	99.64'
C14	17.53'	25.00'	40°10'14.37"	N 21°34'46" W	17.17'
C15	39.27'	25.00'	90°00'00.00"	S 43°30'21" W	35.36'
C16	17.52'	25.00'	40°09'19.60"	S 71°24'59" E	17.16'
C17	148.62'	50.00'	170°18'39.59"	S 43°30'21" W	99.64'
C18	17.52'	25.00'	40°09'20.75"	N 21°34'19" W	17.16'
C19	39.27'	25.00'	90°00'00.05"	S 43°30'21" W	35.36'
C20	39.27'	25.00'	89°59'59.95"	S 46°29'39" E	35.36'
C21	17.52'	25.00'	40°09'20.21"	S 18°35'00" W	17.16'
C22	148.62'	50.00'	170°18'39.20"	S 46°29'39" E	99.64'
C23	17.52'	25.00'	40°09'19.60"	S 68°25'41" W	17.16'
C24	35.93'	25.00'	82°20'27.60"	N 50°19'25" W	32.92'
C25	39.27'	25.00'	90°00'00.88"	S 35°50'48" W	35.36'
C26	17.52'	25.00'	40°09'20.21"	N 71°24'59" W	17.16'
C27	148.62'	50.00'	170°18'38.89"	S 43°30'21" W	99.64'
C28	17.52'	25.00'	40°09'19.60"	N 21°34'19" W	17.16'
C29	39.27'	25.00'	90°00'00.00"	S 43°30'21" W	35.36'
C30	26.73'	200.00'	7°39'32.20"	N 84°40'35" E	26.71'
C31	39.27'	25.00'	90°00'00.00"	N 54°09'11" W	35.36'

STATE OF OKLAHOMA }
COUNTY OF WAGONER } SS

I, LORI HICKS, WAGONER COUNTY CLERK, IN AND FOR THE COUNTY AND STATE ABOVE, DO HEREBY CERTIFY THAT THE FORGOING IS A TRUE AND CORRECT COPY OF A LIKE INSTRUMENT NOW ON FILE IN MY OFFICE.

DATED THE _____ DAY OF _____, 2025.

LORI HICKS, WAGONER COUNTY CLERK

DEPUTY

APPROVED BY THE CITY COUNCIL OF THE
CITY OF BROKEN ARROW, OKLAHOMA ON
_____, 2025

MAYOR

ATTEST: CITY CLERK

PRELIMINARY PLAT

REVISION #1 - TAC COMMENTS 7-14-2025

Deed of Dedication & Restrictive Covenants

WHISKEY RIDGE III
Planned Unit Development No. 256

KNOW ALL MEN BY THESE PRESENTS:

WHISKEY RIDGE, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS THE OWNER/DEVELOPER, IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF BROKEN ARROW, WAGONER COUNTY, STATE OF OKLAHOMA, TO-WIT;

A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION NINETEEN (19), TOWNSHIP NINETEEN (19) NORTH, RANGE FIFTEEN (15) EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NW/4 OF SAID SECTION 19; THENCE NORTH 88°32'24" EAST ALONG THE SOUTH LINE THEREOF 568.85 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°29'39" WEST 170.79 FEET;THENCE NORTH 88°30'21" EAST 106.02 FEET TO A POINT OF CURVATURE;THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 30.64 FEET, A CHORD BEARING OF NORTH 04°29'10" EAST AND A CHORD LENGTH OF 30.16 FEET;THENCE SOUTH 88°30'21" WEST 109.16 FEET;THENCE NORTH 01°29'39" WEST 125.00 FEET;THENCE SOUTH 88°30'21" WEST 334.29 FEET;THENCE NORTH 05°30'08" WEST 66.07 FEET;THENCE NORTH 25°48'16" WEST 69.50 FEET;THENCE NORTH 05°26'20" EAST 118.16 FEET;THENCE NORTH 07°51'38" WEST 122.53 FEET;THENCE NORTH 16°27'48" WEST 219.12 FEET TO THE SOUTH LINE OF LOT ONE (1), BLOCK NINE (9), WHISKEY RIDGE;THENCE NORTH 88°30'21" EAST ALONG THE SOUTHERLY LINE OF WHISKEY RIDGE, DOCUMENT #2019-8115 A DISTANCE OF 928.97 FEET TO THE WEST LINE OF RESERVE 'B' OF SAID WHISKEY RIDGE;THENCE SOUTH 01°29'39" EAST 290.00 FEET TO THE SOUTHWEST CORNER OF SAID RESERVE 'B';THENCE NORTH 88°30'21" EAST ALONG THE SOUTH LINE THEREOF 275.00 FEET TO THE SOUTHEAST CORNER OF SAID RESERVE 'B';THENCE NORTH 01°29'39" WEST ALONG THE EAST LINE THEREOF 70.03 FEET TO THE SOUTHWEST CORNER OF LOT SEVEN (7), BLOCK ONE (1), WHISKEY RIDGE PHASE II, RECORDED AS DOCUMENT #2023-15043;THENCE NORTH 88°30'21" EAST ALONG THE SOUTH LINE THEREOF 120.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7, BLOCK 1;THENCE SOUTH 01°29'39" EAST 30.00 FEET;THENCE NORTH 88°30'21" EAST 50.00 FEET TO A POINT OF CURVATURE;THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.28 FEET, A CHORD BEARING OF NORTH 43°30'21" EAST AND A CHORD LENGTH OF 35.36 FEET;THENCE NORTH 88°30'21" EAST 95.00 FEET TO THE NORTHWEST CORNER OF LOT ONE (1), BLOCK FOUR (4) OF SAID WHISKEY RIDGE PHASE II;THENCE SOUTH 01°29'39" EAST ALONG THE WEST LINE OF SAID BLOCK 4 A DISTANCE OF 355.00 FEET TO THE NORTH LINE OF LOT SEVEN (7) OF SAID BLOCK 4;THENCE SOUTH 88°30'21" WEST ALONG SAID NORTH LINE 15.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 7, BLOCK 4;THENCE SOUTH 01°29'39" EAST ALONG THE WEST LINE THEREOF 120.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7, BLOCK 4;THENCE SOUTH 88°30'21" WEST 167.07 FEET;THENCE SOUTH 01°29'43" EAST 50.00 FEET TO A POINT OF CURVATURE;THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.28 FEET, A CHORD BEARING OF SOUTH 46°29'39" EAST AND A CHORD LENGTH OF 35.36 FEET;THENCE SOUTH 01°29'39" EAST 131.36 FEET TO THE SOUTH LINE OF THE NW/4 OF SAID SECTION 19;THENCE SOUTH 88°32'24" WEST ALONG SAID SOUTH LINE 913.45 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 999,768.0 SQ. FEET OR 22.95 ACRES.

BEARINGS ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, (3501 OK N), NORTH AMERICAN DATUM 1983 (NAD83) USING THE SOUTH LINE OF THE NW/4 OF SEC.19, T19N, R15E AS NORTH 88°32'24" EAST.

AND HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO LOTS, BLOCKS AND PUBLIC STREETS, IN CONFORMITY WITH THE ACCOMPANYING PLAT, AND HAS DESIGNATED THE SUBDIVISION AS "WHISKEY RIDGE III", A SUBDIVISION IN THE CITY OF BROKEN ARROW, WAGONER COUNTY, OKLAHOMA.

SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES

- A. PUBLIC STREETS AND GENERAL UTILITY EASEMENTS
- THE OWNER/DEVELOPER DOES HEREBY DEDICATE FOR PUBLIC USE THE STREETS DEPICTED ON THE ACCOMPANYING PLAT AND DOES FURTHER DEDICATE FOR PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "UE" OR "UTILITY EASEMENT". FOR OWNER/DEVELOPER AND ALL UTILITY SERVICES WITH FRANCHISE RIGHTS WITHIN THE CITY OF BROKEN ARROW FOR THE SEVERAL 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/DEVELOPER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY ALL UTILITY LINES, INCLUDING WATER LINES AND SEWER LINES, EXCLUDING GAS LINES AND GAS SERVICE 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 UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER SERVICE, SEWER SERVICE AND ALL UTILITY SERVICES, EXCLUDING NATURAL GAS, TO THE AREA INCLUDED IN THE PLAT AND ELSEWHERE, AS MAY BE REQUIRED. THE OWNER/DEVELOPER HEREIN 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, HVAC EQUIPMENT, POOL PUMPS AND FILTERS, OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING, CUSTOMARY SCREENING FENCES AND WALLS THAT DO NOT CONSTITUTE AN OBSTRUCTION.
- B. UTILITY LINES AND SERVICE
1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES AND OTHER COMMUNICATION SERVICES MAY BE LOCATED ALONG THE PERIMETER EASEMENTS OF THE SUBDIVISION. OTHERWISE, ALL SUPPLY LINES SHALL BE LOCATED UNDERGROUND IN THE GENERAL UTILITY EASEMENTS AND IN THE RIGHTS-OF-WAY FOR PUBLIC STREETS AS DEPICTED BY THE PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE GENERAL UTILITY EASEMENTS.

2. UNDERGROUND SERVICE CABLES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST 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 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 OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.

3. THE SUPPLIER OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES AND OTHER COMMUNICATION SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL GENERAL 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 THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR COMMUNICATION FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.

4. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON HIS LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY THAT WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR COMMUNICATION FACILITIES. THE SUPPLIER OF SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.

5. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH B SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR OTHER COMMUNICATION SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.
- C. WATER, SANITARY SEWER AND STORM SEWER SERVICE
1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS LOCATED ON THEIR LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID PUBLIC WATER MAIN, PUBLIC SANITARY SEWER MAIN OR STORM SEWER.

2. WITHIN THE UTILITY AND DRAINAGE EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN, STORM SEWER OR DRAINAGE WAYS, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS SHALL BE PROHIBITED. THE CITY OF BROKEN ARROW, INTER ALIA, MAY SPECIFICALLY ENFORCE THIS PROVISION.

3. WAGONER COUNTY RURAL WATER DISTRICT #4, OR ITS SUCCESSORS AS THE PROVIDER, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.

4. GREEN COUNTRY SEWER, OR ITS SUCCESSORS AS THE PROVIDER, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF SANITARY SEWER MAINS, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.

5. THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL 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 STORM WATER FACILITIES. WAGONER COUNTY RURAL WATER DISTRICT #4 SHALL HAVE SUCH RIGHT OF ACCESS FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF POTABLE WATER FACILITIES. ITS SUCCESSOR UTILITY OR MUNICIPALITY PROVIDING WATER SERVICE SHALL HAVE SIMILAR RIGHT OF ACCESS. GREEN COUNTRY SEWER SHALL HAVE SUCH RIGHT OF ACCESS FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF SANITARY SEWER FACILITIES. ITS SUCCESSOR UTILITY OR MUNICIPALITY PROVIDING SEWER SERVICE SHALL HAVE SIMILAR RIGHT OF ACCESS.

6. WHERE WATER LINES ARE INSTALLED WITHIN A UTILITY EASEMENT, THAT PORTION OF THE UTILITY EASEMENT IS FOR THE USE OF WAGONER COUNTY RURAL WATER DISTRICT #4, OKLAHOMA, OR ITS SUCCESSORS. THE UTILITY EASEMENTS DEDICATED HEREIN FOR THE PURPOSE OF PROVIDING POTABLE WATER ARE DEDICATED TO WAGONER COUNTY RURAL WATER DISTRICT #4, OR ITS SUCCESSORS OR ASSIGNS, AS THE EXCLUSIVE PROVIDER OF POTABLE WATER TO THE SUBDIVISION. GREEN COUNTRY SEWER COMPANY, GAS, ELECTRIC, COMMUNICATION, CABLE, SOLID WASTE MANAGEMENT, AND OTHER PROVIDERS OF UTILITIES. OTHER THAN POTABLE WATER, MAY ALSO USE SAID EASEMENTS.

7. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH C SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, WAGONER COUNTY RURAL WATER DISTRICT #4, GREEN COUNTRY SEWER, THEIR SUCCESSORS, OR ANY UTILITY PROVIDER OF SERVICES AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

D. 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 INSTALLATION OR MAINTENANCE OF UNDERGROUND WATER, SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION OR ELECTRIC FACILITIES WITHIN THE EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED, HOWEVER, THE CITY OF BROKEN ARROW, OKLAHOMA, OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

E. GAS SERVICE

1. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED ON THE LOT.

2. WITHIN THE DEPICTED UTILITY EASEMENT AREAS, THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY, WHICH MAY INTERFERE WITH THE UNDERGROUND GAS FACILITIES, SHALL BE PROHIBITED.

3. THE SUPPLIER OF GAS SERVICE OR ITS SUCCESSORS SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE GAS FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.

4. THE SUPPLIER OF GAS SERVICE OR ITS SUCCESSORS SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL EASEMENT-WAYS DEPICTED ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND GAS FACILITIES.

5. UNDERGROUND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN 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 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 LINE, EXTENDING FROM THE GAS MAIN TO THE SERVICE ENTRANCE ON THE STRUCTURE.

6. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION E SHALL BE ENFORCEABLE BY THE SUPPLIER OF GAS SERVICE OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

F. OVERLAND DRAINAGE EASEMENTS

1. THE OWNER/DEVELOPER DOES HEREBY DEDICATE TO THE PUBLIC PERPETUAL EASEMENTS ON, OVER, AND ACROSS THOSE AREAS DESIGNATED ON THE ACCOMPANYING PLAT AS "OVERLAND DRAINAGE EASEMENT" FOR THE PURPOSE OF PERMITTING THE OVERLAND FLOW, CONVEYANCE, AND DISCHARGE OF STORM WATER RUNOFF FROM WITHIN THE SUBDIVISION AND FROM PROPERTIES OUTSIDE THE SUBDIVISION.

2. DRAINAGE FACILITIES LOCATED WITHIN OVERLAND DRAINAGE EASEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ADOPTED STANDARDS OF THE CITY OF BROKEN ARROW, STATE OF OKLAHOMA, AND PLANS AND SPECIFICATIONS APPROVED BY THE CITY OF BROKEN ARROW, STATE OF OKLAHOMA.

3. NO WALL, BUILDING, HVAC EQUIPMENT, POOL PUMPS AND FILTERS, OR OTHER OBSTRUCTION SHALL BE PLACED OR MAINTAINED WITHIN AN OVERLAND DRAINAGE EASEMENT NOR SHALL THERE BE ANY ALTERATION OF THE GRADE IN THE EASEMENTS UNLESS APPROVED BY THE STORMWATER MANAGER - CITY OF BROKEN ARROW, STATE OF OKLAHOMA, PROVIDED THAT THE PLANTING OF TURF SHALL NOT REQUIRE THE APPROVAL OF THE CITY OF BROKEN ARROW, STATE OF OKLAHOMA. FENCING MAY BE PLACED AND MAINTAINED WITHIN AN OVERLAND DRAINAGE EASEMENT AT-RISK.

4. OVERLAND DRAINAGE EASEMENTS LOCATED WITHIN A LOT SHALL BE MAINTAINED BY THE OWNER OF THE LOT AT THE OWNER'S EXPENSE IN ACCORDANCE WITH STANDARDS PRESCRIBED BY THE CITY OF BROKEN ARROW, STATE OF OKLAHOMA. IN THE EVENT THE OWNER OF THE LOT FAILS TO PROPERLY MAINTAIN THE EASEMENTS LOCATED THEREON OR, IN THE EVENT OF THE PLACEMENT OF AN OBSTRUCTION WITHIN SUCH EASEMENTS, OR THE ALTERATION OF GRADE THEREIN, THE HOMEOWNERS' ASSOCIATION, OR ITS DESIGNATED CONTRACTOR MAY ENTER THE EASEMENTS AND PERFORM MAINTENANCE NECESSARY TO ACHIEVE THE INTENDED DRAINAGE FUNCTIONS AND MAY REMOVE ANY OBSTRUCTION OR CORRECT ANY ALTERATION OF GRADE, AND THE COSTS SHALL BE PAID BY THE LOT OWNER. IN THE EVENT THE LOT OWNER FAILS TO PAY THE COST OF MAINTENANCE AFTER RECEIPT OF A STATEMENT OF COSTS FROM THE HOMEOWNERS' ASSOCIATION, THE ASSOCIATION MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS IN THE LAND RECORDS OF THE WAGONER COUNTY CLERK, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST THE LOT. A LIEN ESTABLISHED AS PROVIDED ABOVE MAY BE FORECLOSED BY THE HOMEOWNERS' ASSOCIATION.

G. LIMITS OF NO ACCESS

THE UNDERSIGNED OWNER/DEVELOPER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO ROCKFORD STREET AND NORTH 23RD STREET WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" (L.N.A.) ON THE ACCOMPANYING PLAT, WHICH "LIMITS OF NO ACCESS" MAY BE AMENDED OR RELEASED BY THE BROKEN ARROW AREA 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 ABOVE ESTABLISHED SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW.

H. SIDEWALKS

SIDEWALKS ARE REQUIRED ALONG STREETS DESIGNATED BY AND IN ACCORDANCE WITH SUBDIVISION REGULATIONS. REQUIRED SIDEWALKS SHALL BE CONSTRUCTED IN CONFORMANCE WITH CITY OF BROKEN ARROW ENGINEERING DESIGN STANDARDS. THE OWNER/DEVELOPER SHALL CONSTRUCT REQUIRED SIDEWALKS WITHIN ANY RESERVE AREAS, COMMON AREAS AND ALONG ARTERIAL STREET FRONTAGES OF ABUTTING LOTS HAVING ACCESS ONTO MINOR STREETS. THE OWNER/DEVELOPER SHALL CONSTRUCT ALL ADA RAMPS AT THE TIME OF STREET CONSTRUCTION PER THE ENGINEERING PLANS AND MEET ALL LOCAL, STATE, OR FEDERAL CRITERIA. WHERE SIDEWALKS ARE NOT CONSTRUCTED BY THE OWNER/DEVELOPER, THE BUILDER OF A RESIDENCE ON EACH LOT SHALL CONSTRUCT THE REQUIRED SIDEWALK.

I. MINIMUM BUILDING SETBACKS AND YARDS

1. NO BUILDING SHALL BE LOCATED NEARER TO THE RIGHT OF WAY OF AN ADJOINING PUBLIC STREET THAN THE BUILDING LINE DEPICTED ON THE ACCOMPANYING PLAT.

2. EACH LOT SHALL MAINTAIN SIDE YARDS WHICH IN THE AGGREGATE ARE NOT LESS THAN TEN (10) FEET IN WIDTH AND NO SIDE YARD SHALL BE LESS THAN FIVE (5) FEET IN WIDTH. SIDE YARDS ABUTTING A STREET SHALL NOT BE LESS THAN FIFTEEN (15) FEET, UNLESS THE GARAGE ENTRY IS LOCATED ON SUCH SIDE, WHERE IT WILL BE NO LESS THAN TWENTY (20) FEET.

3. THE MINIMUM REAR YARD SHALL BE TWENTY (20) FEET. CUSTOMARY ACCESSORY STRUCTURES MAY BE LOCATED IN THE REQUIRED REAR YARD, BUT NO BUILDING SHALL BE ERECTED NEARER THAN FIVE (5) FEET TO ANY LOT LINE.

4. NO BUILDING, WHETHER PRINCIPAL OR ACCESSORY, SHALL ENCROACH UPON ANY UTILITY EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAT.

J. CERTIFICATE OF OCCUPANCY RESTRICTIONS

NO CERTIFICATE OF OCCUPANCY SHALL BE ISSUED BY THE CITY OF BROKEN ARROW UNTIL COMPLETION OF THE ENTIRE DEVELOPMENT AND ITS FORMAL ACCEPTANCE BY THE CITY OF BROKEN ARROW. ANY AND ALL CONSTRUCTION PURSUANT TO ANY BUILDING PERMIT, BUT PRIOR TO THE CITY OF BROKEN ARROWS FORMAL ACCEPTANCE OF THE ENTIRE DEVELOPMENT, SHALL BE AT THE OWNER/DEVELOPER'S, CONTRACTOR'S/BUILDER'S OR INVESTOR'S OWN RISK.

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS

A. PLANNED UNIT DEVELOPMENT RESTRICTIONS

WHEREAS WHISKEY RIDGE WAS SUBMITTED AS A PLANNED UNIT DEVELOPMENT, DESIGNATED AS PUD 256 PURSUANT TO SECTION 3, ARTICLE VII OF THE ZONING ORDINANCE OF THE CITY OF BROKEN ARROW, OKLAHOMA, (ORDINANCE NO. 1560) AS AMENDED AND EXISTED ON MAY 2, 2005 (HEREINAFTER REFERRED TO AS THE "BROKEN ARROW ZONING ORDINANCE"), WHICH PUD - 256 WAS RECOMMENDED FOR APPROVAL BY THE PLANNING COMMISSION ON JANUARY 12, 2017, AND WAS APPROVED BY THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA, ON FEBRUARY 7, 2017; 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, OKLAHOMA, SUFFICIENT TO ASSURE CONTINUED COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT AND AMENDMENTS THERETO; AND WHEREAS, THE OWNER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF ACHIEVING AN ORDERLY DEVELOPMENT FOR THE MUTUAL BENEFIT OF THE OWNER, THE OWNERS SUCCESSORS IN TITLE, AND THE CITY OF BROKEN ARROW OKLAHOMA, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

B.	PERMITTED USES	SINGLE FAMILY DETACHED DWELLINGS
C.	GROSS RESIDENTIAL AREA	142.16 ACRES FOR PUD-256
D.	MINIMUM GROSS LAND AREA PER DWELLING UNIT: (DU)	8,500 SQUARE FEET
E.	MAXIMUM NUMBER OF DWELLING UNITS	450 FOR PUD-256
F.	MINIMUM FRONT BUILDING SETBACK	20 FEET
G.	MINIMUM REAR BUILDING SETBACK (ALONG ROCKFORD ST.)	20 FEET
H.	MINIMUM LOT WIDTH	60 FEET
I.	MINIMUM LOT SIZE	6,000 SQUARE FEET
J.	MINIMUM LIVABILITY SPACE PER LOT	1,000 SQUARE FEET
K.	MINIMUM CORNER LOT SIDE YARD ABUTTING A PUBLIC STREET *	15' ON SIDE YARD
L.	MINIMUM REAR YARD	20 FEET, INCLUDING LOTS ADJACENT TO THE 15' WIDE RESERVE AREA PARALLELING 23RD STREET

* AGGREGATE LIVABILITY SPACE FOR EACH LOT SHALL BE AT LEAST 3000 SQUARE FEET. GREEN SPACE AND/OR

** NO GARAGE OPENING SHALL BE ALLOWED ALONG LOT LINES WITH 15' BUILDING LINE SETBACKS. RESTRICTED ACCESS WILL BE SHOWN ACROSS THE PORTION OF THE LOT WITH THE 15 FOOT BUILDING SETBACK. ON CORNER LOTS WITH A 15 FOOT BUILDING LINE SETBACK, FENCES SHALL NOT BE LOCATED BEYOND THE FRONT BUILDING LINE SETBACK. IN THE EVENT THAT GARAGE ACCESS IS PLANNED FROM THE SIDE YARD, THE MINIMUM BUILDING SETBACK ALONG THE SIDE YARD WILL BE 20'. ONLY ONE GARAGE ACCESS FRONTAGE IS ALLOWED ON EACH LOT.

M. STREET DESIGN AND ACCESS LIMITATIONS

ALL STREETS SHALL BE CONSTRUCTED AS REQUIRED TO MEET PUBLIC STREET STANDARDS AS DESCRIBED IN THE CITY OF BROKEN ARROW ENGINEERING STANDARDS, HOWEVER, STRAIGHT STREET LENGTHS IN EXCESS OF 900 FEET WILL BE ALLOWED, SIDEWALKS SHALL BE CONSTRUCTED BY THE DEVELOPER ALONG 23RD STREET AND ROCKFORD STREET. SIDEWALKS WILL ALSO BE CONSTRUCTED BY THE OWNER/DEVELOPER WHERE THEY ARE ADJACENT TO RESERVES AND/OR OPEN SPACES. NO RESIDENTIAL LOTS SHALL BE ALLOWED TO HAVE DIRECT ACCESS TO ROCKFORD STREET OR 23RD STREET. THE PROJECT WILL ALSO CONNECT TO THE EXISTING STUB STREET WITHIN STEEPLE CHASE.

N. UTILITIES

WATER SERVICE TO THE DEVELOPMENT WILL BE PROVIDED BY WAGONER COUNTY RURAL WATER DISTRICT 4. SANITARY SEWER SERVICE WILL BE PROVIDED BY GREEN COUNTRY SEWER. AS PART OF THE GREEN COUNTRY SEWER SERVICE PLAN A LIFT STATION WILL BE CONSTRUCTED IN THE NORTHWESTERN PORTIONS OF THE PROPERTY. THIS LIFT STATION WILL BE CONSTRUCTED TO OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY STANDARDS AND WILL BE MAINTAINED BY THEM. STORM SEWER WILL BE DESIGNED ACCORDING TO CITY OF BROKEN ARROW STANDARDS AND INSTALLED BY THE DEVELOPER. TWO DETENTION FACILITIES ARE CURRENTLY PROPOSED AS PART OF THE PROJECT. THESE FACILITIES WILL BE DESIGNED TO REDUCE THE PEAK STORMWATER RUNOFF RATES TO AN AMOUNT EQUAL TO OR LESS THAN EXISTING CONDITION RATES. THE DETENTION AND OPEN SPACE AREAS WILL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

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

O. LANDSCAPE AND SCREENING STANDARDS

LANDSCAPING AND SCREENING ALONG ROCKFORD ST. SHALL CONFORM TO THE CITY OF BROKEN ARROW ZONING ORDINANCE. A 5' WIDE FENCE AND LANDSCAPE EASEMENT IS PROVIDED ALONG ROCKFORD STREET AND WILL BE MODIFIED AS NECESSARY TO ACCOMMODATE CODE REQUIRED FENCE ARTICULATION. IN ADDITION, A LANDSCAPE/OPEN SPACE RESERVE AREA OF AT LEAST 15 FEET IN WIDTH IS PROVIDED ALONG 23RD STREET. AT LEAST ONE TREE FROM THE APPROVED TREE LIST IN THE BROKEN ARROW ZONING ORDINANCE SHALL BE INSTALLED IN THE RESERVE AREA FOR EVERY 50' OF FRONTAGE ALONG 23RD STREET AND ROCKFORD STREET HOWEVER EXISTING TREES THAT MAY BE PRESERVED WILL BE USED TO SATISFY THE REQUIREMENT. REQUIRED STREET TREES ALONG 23RD STREET MAY BE INSTALLED ANYWHERE WITHIN THE ABUTTING RESERVE AREA, HOWEVER, STREET TREES ALONG ROCKFORD ST. MUST BE LOCATED ON THE STREET SIDE OF THE ADJOINING FENCE.

ALL OPEN SPACE RESERVE AREAS SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION UNLESS OTHERWISE ACCEPTED BY THE CITY OF BROKEN ARROW FOR PERPETUAL MAINTENANCE AS PART OF THE BROKEN ARROW FLOODPLAIN POLICY. THE NORMAL 35' BUILDING LINE REQUIRED ADJACENT TO 23RD STREET SHALL BE MEASURED FROM THE ULTIMATE RIGHT OF WAY AND MAY FULLY CONTAIN THE LANDSCAPE RESERVE.

DUE TO THE LARGE FLOODPLAIN AREA ALONG 23RD STREET A SCREENING FENCE ADJACENT TO THE STREET RIGHT OF WAY WILL NOT BE REQUIRED, WHERE THE STORM WATER DETENTION OR FLOODPLAIN IS ADJACENT TO ANY PUBLIC STREET OUR GOAL IS TO ENCOURAGE A VISUAL CONNECTION FROM THE STREET TO THE FLOODPLAIN AREA TO ADD VARIETY TO THE VISUAL CHARACTER OF THE STREETScape.

FENCING PLANS SHALL BE PRESENTED TO AND APPROVED BY THE CITY OF BROKEN ARROW AT THE SAME TIME THE LANDSCAPE PLANS ARE SUBMITTED FOR REVIEW.

ALL TRAFFIC ISLANDS SURROUNDED BY STREET RIGHT OF WAY SHALL INCLUDE APPROPRIATE LANDSCAPING AND BERMS TO ADD VISUAL CHARACTER TO THE COMMUNITY AND AID IN SLOWING TRAFFIC PATTERNS THROUGH THE PROJECT SITE.

SECTION III. PRIVATE RESTRICTIONS

THE OWNER/DEVELOPER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE LOTS IN THE SUBDIVISION AND CONFORMITY AND COMPATIBILITY OF IMPROVEMENTS THEREIN. THEREFOR, THE OWNER/DEVELOPER DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE APPLICABLE TO ALL LOTS AND SHALL BE COVENANTS RUNNING WITH THE LAND, AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE BY THE OWNER OF A LOT AND BY THE HOMEOWNER'S ASSOCIATION.

PRELIMINARY PLAT
REVISION #1 - TAC COMMENTS 7-14-2025

A. ARCHITECTURAL COMMITTEE

1. PLAN REVIEW. NO BUILDING, STRUCTURE, FENCE, WALL, PAVING, HARDSCAPE, LANDSCAPING, SWIMMING POOL, EXTERIOR LIGHTING, EXTERIOR ANTENNAE, EXTERIOR WINDOWS, EXTERIOR DOORS, EXTERIOR FINISH (INCLUDING EXTERIOR PAINTING AND COLORS AND WINDOW COVERINGS VISIBLE FROM THE EXTERIOR), GARBAGE RECEPTACLE ENCLOSURE, OR FREE STANDING MAIL BOX SHALL AT ANY TIME BE ERECTED, PLACED OR ALTERED ON ANY LOT UNTIL THE PLANS AND SPECIFICATIONS HAVE BEEN APPROVED IN WRITING BY THE OWNER/DEVELOPER OR ITS AUTHORIZED REPRESENTATIVES OR SUCCESSORS, WHICH ARE HEREINAFTER REFERRED TO AS THE "ARCHITECTURAL COMMITTEE". FOR EACH BUILDING OR STRUCTURE, THE REQUIRED PLANS AND SPECIFICATIONS SHALL BE SUBMITTED IN DUPLICATE AND INCLUDE A SITE PLAN; A FLOOR PLAN; EXTERIOR ELEVATIONS, INCLUDING DESIGNATION OF EXTERIOR MATERIALS, COLOR SCHEME AND LIGHTING; A LANDSCAPE PLAN, INCLUDING LANDSCAPE, HARDSCAPE AND LIGHTING; AND DRAINAGE AND GRADING PLANS. APPROVAL OF PLANS IS AT THE SOLE DISCRETION OF THE ARCHITECTURAL COMMITTEE EXERCISED IN ACCORDANCE WITH THE PURPOSES OF THE COMMITTEE HEREINAFTER SET FORTH. THE DEVELOPMENT AND USE OF THE SUBJECT LOT SHALL THEREAFTER BE IN SUBSTANTIAL COMPLIANCE WITH THE APPROVED PLANS OR APPROVED AMENDMENTS THERETO.

2. COMMITTEE PURPOSE. THE ARCHITECTURAL COMMITTEE'S PURPOSE IS TO PROMOTE GOOD DESIGN AND COMPATIBILITY WITHIN THE SUBDIVISION AND IN ITS REVIEW OF PLANS OR DETERMINATION OF ANY WAIVER AS HEREINAFTER AUTHORIZED MAY TAKE INTO CONSIDERATION THE NATURE AND CHARACTER OF THE PROPOSED BUILDING OR STRUCTURE, THE MATERIALS OF WHICH IT IS TO BE BUILT, THE AVAILABILITY OF ALTERNATIVE MATERIALS, THE PROPOSED COLOR SCHEME, THE SITE UPON WHICH IT IS PROPOSED TO BE ERECTED AND THE HARMONY THEREOF WITH THE SURROUNDING AREA. THE ARCHITECTURAL COMMITTEE SHALL NOT BE LIABLE FOR ANY APPROVAL, DISAPPROVAL OR FAILURE TO APPROVE HEREUNDER, AND ITS APPROVAL OF BUILDING PLANS SHALL NOT CONSTITUTE A WARRANTY OR RESPONSIBILITY FOR BUILDING METHODS, MATERIALS, PROCEDURES, STRUCTURAL DESIGN, GRADING OR DRAINAGE OR CODE VIOLATIONS. THE APPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION. NOTHING HEREIN CONTAINED SHALL BE DEEMED TO PREVENT ANY LOT OWNER IN THE SUBDIVISION FROM PROSECUTING ANY LEGAL ACTION RELATING TO IMPROVEMENTS WITHIN THE SUBDIVISION WHICH THEY WOULD OTHERWISE BE ENTITLED TO PROSECUTE. THE ARCHITECTURAL COMMITTEE RESERVES THE RIGHT, IN THEIR SOLE DISCRETION AND WITHOUT JOINDER OF ANY OWNER AT ANY TIME SO LONG AS OWNER/DEVELOPER IS THE OWNER OF ANY LOT TO AMEND, REVISE, OR ABOLISH ANY ONE OR MORE OF THE COVENANTS AND RESTRICTIONS IN THIS SECTION III BY AN INSTRUMENT DULY EXECUTED AND ACKNOWLEDGED BY THEM AS THE ARCHITECTURAL COMMITTEE AND FILED IN THE COUNTY CLERK'S OFFICE IN THE COURTHOUSE OF WAGONER COUNTY, STATE OF OKLAHOMA.

3. TRANSFER OF DUTIES. THE OWNER/DEVELOPER MAY ASSIGN THE POWERS AND DUTIES OF THE ARCHITECTURAL COMMITTEE TO THE HOMEOWNERS' ASSOCIATION AT ANY TIME, AT THE DISCRETION OF THE OWNER/DEVELOPER, BY A WRITTEN INSTRUMENT. UNLESS ASSIGNED TO IT IN WRITING BY THE ARCHITECTURAL COMMITTEE PRIOR TO SUCH TIME, THE POWERS AND DUTIES OF THE ARCHITECTURAL COMMITTEE SHALL BE DEEMED TRANSFERRED TO THE HOMEOWNERS' ASSOCIATION AT SUCH TIME AS THE OWNER/DEVELOPER (OR ITS SUCCESSOR BY ASSIGNMENT) OWNS NO LOTS OR RESERVE AREAS, AND THEREAFTER THE FOREGOING POWERS AND DUTIES SHALL BE EXERCISED BY THE BOARD OF DIRECTORS OF THE HOMEOWNERS' ASSOCIATION.

B. USE OF LOTS

THE LOTS SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS AND LIMITATIONS:

1. USE. THE USE OF THE LOTS SHALL BE LIMITED TO DETACHED SINGLE FAMILY RESIDENCES AND CUSTOMARY ACCESSORY USES.

2. FLOOR AREA. A SINGLE STORY DWELLING SHALL HAVE A MINIMUM OF 1700 SQUARE FEET OF LIVING FLOOR AREA. A TWO STORY DWELLING SHALL HAVE A MINIMUM OF 2100 SQUARE FEET OF LIVING FLOOR AREA. THE COMPUTATION OF LIVING AREA SHALL EXCLUDE BASEMENTS, ATTICS, GARAGES, OPEN SPACE AND BREEZEWAYS.

3. ORIENTATION OF DWELLINGS. THE ORIENTATION OF THE DWELLING WITHIN A LOT (DIRECTION FACED BY FRONT OF THE DWELLING) SHALL BE SUBJECT TO THE APPROVAL OF THE ARCHITECTURAL COMMITTEE.

4. GARAGES. WITHIN EACH LOT THERE SHALL BE PROVIDED A MINIMUM OF 2 PARKING SPACES WITHIN AN ATTACHED GARAGE. GARAGES SHALL BE ENCLOSED, AND CARPORTS ARE PROHIBITED. GLASS IN GARAGE DOORS IS PROHIBITED.

5. FOUNDATIONS. ANY EXPOSED FOUNDATION SHALL BE BRICK, STONE OR STUCCO. NO STEM WALL SHALL BE EXPOSED.

6. EXTERIOR WALLS. THE EXTERIOR SURFACE OF THE FIRST STORY OF A DWELLING, EXCEPTING WINDOWS AND DOORS, SHALL BE BRICK, STONE, OR STUCCO, NO STEEL, ALUMINUM, VINYL, OR PLASTIC SIDING SHALL BE PERMITTED. THE ARCHITECTURAL COMMITTEE MAY, UPON WRITTEN REQUEST, WAIVE THE REQUIREMENTS OF THIS PARAGRAPH 6.

7. WINDOWS. WINDOWS SHALL BE VINYL, WOOD, OR VINYL CLAD WOOD. ALUMINUM WINDOWS ARE PROHIBITED.

8. ROOF PITCH. NO DWELLING SHALL HAVE A ROOF PITCH OF LESS THAN 7/12, EXCEPT FOR PORCHES AND PATIOS WHICH SHALL HAVE A ROOF PITCH OF NOT LESS THAN 4/12.

9. ROOFING MATERIALS. ROOFING FOR A DWELLING SHALL BE COMPOSITION ARCHITECTURAL SIMULATED "WEATHERED WOOD" SHINGLES, PROVIDED, HOWEVER, THAT IF SUCH ROOFING SHOULD NOT BE REASONABLY AVAILABLE, ALTERNATIVE ROOFING APPROVED BY THE ARCHITECTURAL COMMITTEE SHALL BE PERMITTED UPON DETERMINATION OF THE ARCHITECTURAL COMMITTEE THAT THE ALTERNATIVE IS OF EQUAL OR SUPERIOR QUALITY AND OF A DESIGN AND COLOR COMPATIBLE WITH THE ROOFING MATERIAL ABOVE SPECIFIED. IN NO EVENT SHALL WOOD SHINGLES BE PERMITTED. ROOF FLASHING AND VALLEYS SHALL BE BRONZE OR COPPER OR SHALL BE PAINTED TO MATCH THE ROOF OF THE DWELLING. SHEET METAL, ALUMINUM VENTS, FLUE LINER TERMINALS, CHIMNEY CAPS OR OTHER ROOFTOP PROTRUSIONS SHALL BE PAINTED TO MATCH THE ROOF OF THE DWELLING. ROOF MOUNTED EQUIPMENT, INCLUDING BUT NOT LIMITED TO MECHANICAL EQUIPMENT, AIR CONDITIONING AND SOLAR EQUIPMENT, IS PROHIBITED.

10. CHIMNEYS. THE EXTERIOR SURFACE OF CHIMNEYS SHALL BE SUBJECT TO THE APPROVAL OF THE ARCHITECTURAL COMMITTEE.

11. DRIVEWAYS. DRIVEWAYS SHALL BE CONCRETE AND SHALL BE THE SAME COLOR AS THE SIDEWALKS AND CURBS WITHIN THE SUBDIVISION, PROVIDED HOWEVER, THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, WAIVE THIS RESTRICTION.

12. FENCING. FENCING OR WALLS WITHIN A LOT ARE SUBJECT TO THE APPROVAL OF THE ARCHITECTURAL COMMITTEE. APPROVAL SHALL ALSO BE REQUIRED FOR ANY PAINTING OR STAINING OF AN EXISTING FENCE. FENCING OR WALLS WITHIN A LOT SHALL NOT EXTEND BEYOND THE FRONT BUILDING LINE DEPICTED WITHIN THE ACCOMPANYING PLAT. IF A DWELLING IS BUILT BEHIND THE FRONT BUILDING LINE, NO FENCE MAY EXTEND BEYOND THAT POINT NEAREST THE STREET AT EACH CORNER OF THE FRONT BUILDING WALL OF THE DWELLING. ALL FENCES SHALL BE PRIVACY FENCES CONSTRUCTED OF WOOD OR MASONRY AND SHALL BE SIX FEET (6 FT.) IN HEIGHT, PROVIDED HOWEVER, THAT THE ARCHITECTURAL COMMITTEE MAY IN THE PARTICULAR INSTANCE, AND UPON WRITTEN REQUEST, WAIVE THE REQUIREMENTS OF THIS PARAGRAPH. ALL FENCE TYPES PROPOSED FOR LOCATION ADJACENT TO RESERVE AREAS, PONDS, AND GREEN BELTS SHALL BE SUBMITTED TO THE ARCHITECTURAL COMMITTEE FOR DETERMINATIONS AND SHALL NOT BE INSTALLED PRIOR TO APPROVAL OF THE ARCHITECTURAL COMMITTEE. NO FENCES SHALL BE PERMITTED WITHIN THE FLOODPLAIN AREAS AND RESERVES.

13. LANDSCAPING OF LOTS; IRRIGATION SYSTEMS. LANDSCAPING WITHIN A LOT IS SUBJECT TO THE APPROVAL OF THE ARCHITECTURAL COMMITTEE. PRIOR TO THE OCCUPANCY OF A DWELLING, THE OWNER OF THE LOT SHALL HAVE PROFESSIONALLY LANDSCAPED THE FRONT (AND SIDE OF DWELLING ON CORNER LOTS), ENTIRE BACK YARD SHALL BE SODDED.

14. ON-SITE CONSTRUCTION. NO DWELLING OR BUILDING BUILT OFF-SITE SHALL BE MOVED TO, OR PLACED ON, ANY LOT.

15. OUTBUILDINGS. OUTBUILDINGS ARE PROHIBITED, PROVIDED HOWEVER, THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE, WAIVE THIS RESTRICTION.

16. SWIMMING POOLS. ABOVE GROUND SWIMMING POOLS ARE PROHIBITED. ALL POOLS MUST BE APPROVED BY THE ARCHITECTURAL COMMITTEE.

17. ANTENNAS. EXTERIOR TELEVISION, RADIO OR OTHER TYPE ANTENNAS INCLUDING SATELLITE DISHES SHALL BE PROHIBITED, PROVIDED HOWEVER THAT ONE SATELLITE DISH NOT EXCEEDING TWO (2) FEET IN DIAMETER, AND IN A LOCATION NOT VISIBLE FROM A PUBLIC OR PRIVATE STREET, SHALL BE PERMITTED WITHIN A LOT.

18. LOT MAINTENANCE. NO INOPERATIVE VEHICLE OR MACHINERY SHALL BE STORED ON ANY LOT AND EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION FREE OF RUBBISH, TRASH AND OTHER DEBRIS AND SHALL BE CUT, TRIMMED OR MOWED TO PREVENT GROWTH OF WEEDS OR TALL GRASS.

19. RECREATIONAL VEHICLES AND EQUIPMENT. NO BOATS, RECREATIONAL TRAILERS, PERSONAL WATER CRAFT, CAMPERS, MOTOR HOMES OR OTHER RECREATIONAL VEHICULAR EQUIPMENT, SHALL BE STORED, PLACED OR PARKED ON ANY STREET WITHIN THE SUBDIVISION OR ON ANY LOT, EXCEPT WITHIN AN ENCLOSED GARAGE.

20. TRAILERS, MACHINERY AND EQUIPMENT; COMMERCIAL VEHICLES. NO TRAILERS, MACHINERY OR EQUIPMENT, OR COMMERCIAL VEHICLES, SHALL BE STORED, PLACED OR PARKED ON ANY STREET WITHIN THE SUBDIVISION OR ON ANY LOT, EXCEPT WITHIN AN ENCLOSED GARAGE. PROVIDED HOWEVER, NOTHING HEREIN SHALL PROHIBIT THE PARKING OF VEHICLES, TRAILERS, MACHINERY OR EQUIPMENT WHEN BEING UTILIZED IN CONNECTION WITH SERVICES PERTAINING TO A RESIDENCE IN THE SUBDIVISION; FURTHER PROVIDED THAT NOTHING HEREIN SHALL PROHIBIT THE PARKING OF LIGHT TRUCKS WITHOUT COMMERCIAL SIGNAGE (MAXIMUM 3/4 TON).

21. ALL-TERRAIN VEHICLES AND UNLICENSED MOTOR VEHICLES. NO ALL-TERRAIN VEHICLES (ATVS) OR UNLICENSED MOTOR VEHICLES SHALL BE OPERATED WITHIN THE SUBDIVISION.

22. BASKETBALL GOALS/PLAY STRUCTURES/TRAMPOLINES. ALL BASKETBALL GOALS MUST BE APPROVED BY THE ARCHITECTURAL COMMITTEE. NO TEMPORARY BASKETBALL GOALS SHALL BE PERMITTED. PLAY STRUCTURES AND TRAMPOLINES ARE RESTRICTED TO BACK AND SIDE YARDS AND MUST BE SETBACK A MINIMUM OF FIVE FEET (5 FT.) FROM ALL PROPERTY LINES. PLAY STRUCTURES IN EXCESS OF TEN FEET (10 FT.) IN HEIGHT MUST BE APPROVED BY THE ARCHITECTURAL COMMITTEE PRIOR TO INSTALLATION. TRAMPOLINES ARE PERMITTED IN REAR YARDS PROVIDED THEY DO NOT EXCEED SIX FEET (6 FT.) IN HEIGHT AND ARE OUT OF VIEW OF ADJOINING LOT OWNERS.

23. ON-STREET PARKING PROHIBITED. ON-STREET PARKING BY OWNERS OF LOTS OR THEIR TENANTS IS PROHIBITED, PROVIDED THAT THE HOMEOWNERS' ASSOCIATION MAY PERMIT, BY RULES AND REGULATIONS, ON-STREET PARKING DURING OCCASIONAL EVENTS WITHIN THE SUBDIVISION.

24. CLOTHESLINES AND GARBAGE RECEPTACLES. CLOTHESLINES POLES OR OTHER OUTSIDE DRYING APPARATUS ARE PROHIBITED, AND NO EXPOSED GARBAGE CAN OR ANY TRASH BURNING APPARATUS OR STRUCTURE SHALL BE PLACED ON ANY LOT. ALL TRASH CONTAINERS SHALL BE STORED OUT OF PUBLIC VIEW EXCEPT FOR A 12-HOUR PERIOD DURING COLLECTION.

25. MAILBOXES. MAILBOXES SHALL BE OF A UNIFORM DESIGN TO BE SELECTED BY THE ARCHITECTURAL COMMITTEE AND SHALL BE PLACED AT A HEIGHT AND LOCATION WITHIN THE LOT TO BE DESIGNATED BY THE ARCHITECTURAL COMMITTEE.

26. ANIMALS. NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND MAY BE MAINTAINED, BRED, SOLD OR KEPT EXCEPT THAT TWO CUSTOMARY HOUSEHOLD PETS, INCLUDING BUT NOT LIMITED TO DOGS AND/OR CATS, MAY BE KEPT, PROVIDED THAT THEY ARE NOT USED FOR COMMERCIAL PURPOSES, EXCEPT WHEN ACCOMPANIED BY THE OWNER OF THE LOT, THE OWNER'S FAMILY MEMBER OR GUEST. DOGS SHALL BE KEPT INSIDE THE DWELLING ON THE LOT BETWEEN THE HOURS OF 10:00 P.M. AND 7:00 A.M. FOR THE PURPOSE OF THIS SECTION 26, POT-BELLIED PIGS, PONIES AND KANGAROOS, AND OTHER "EXOTIC" ANIMALS, ARE NOT CUSTOMARY HOUSEHOLD PETS.

27. NOXIOUS ACTIVITY. NO NOXIOUS OR OFFENSIVE TRADE OR ACTIVITY SHALL BE CARRIED OUT UPON ANY LOT NOR SHALL ANYTHING BE DONE THEREON THAT MAY BE OR MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.

28. SIGNAGE. NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT EXCEPT ONE SIGN OF NOT MORE THAN 5 SQUARE FEET ADVERTISING THE PROPERTY FOR SALE OR RENT OR SIGNS USED BY THE OWNER/DEVELOPER OR A BUILDER TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD.

29. MATERIALS AND STORAGE. NO LOT SHALL BE USED FOR THE STORAGE OF MATERIALS FOR A PERIOD OF GREATER THAN THIRTY DAYS PRIOR TO THE START OF CONSTRUCTION AND THE CONSTRUCTION SHALL BE COMPLETED WITHIN SIX (6) MONTHS THEREAFTER. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION.

C. FENCE AND LANDSCAPE EASEMENT

THE OWNER HEREBY ESTABLISHES AND RESERVES FOR SUBSEQUENT CONVEYANCE TO THE HOMEOWNER'S ASSOCIATION AN EXCLUSIVE PERPETUAL EASEMENT TO ERECT AND MAINTAIN FENCING, WALLS AND LANDSCAPING ALONG THE NORTH BOUNDARY OF THE SUBDIVISION WITHIN THE EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT AS "FENCE LANDSCAPE EASEMENT" OR "FLE".

SECTION IV. HOMEOWNER'S ASSOCIATION

A. FORMATION

THE OWNER/DEVELOPER HAS FORMED OR SHALL CAUSE TO BE FORMED THE ASSOCIATION OF THE OWNERS OF THE RESIDENTIAL LOTS WITHIN "WHISKEY RIDGE" TO BE FORMED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, AND TO BE FORMED FOR THE GENERAL PURPOSE OF MAINTAINING THE COMMON AREAS OF THE SUBDIVISION INCLUDING BUT WITHOUT LIMITATION, RESERVES A, B, C, D, E, F, G, H AND THE FENCE & LANDSCAPE EASEMENT FOR THE FURTHER PURPOSES OF ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF ALL PHASES OF "WHISKEY RIDGE". THE DETAILS OF THE ASSOCIATION MEMBERSHIP, INCLUDING ASSESSMENTS SHALL BE ESTABLISHED BY A DECLARATION RECORDED OR TO BE RECORDED IN THE OFFICE OF THE COUNTY CLERK, WAGONER COUNTY, OKLAHOMA

B. MEMBERSHIP

EACH RECORD OWNER OF A RESIDENTIAL LOT WITHIN "WHISKEY RIDGE" SHALL BE SUBJECT TO ASSESSMENT BY THE ASSOCIATION FOR THE PURPOSES OF IMPROVEMENT AND MAINTENANCE OF THE STORMWATER DETENTION FACILITIES, FENCE & LANDSCAPE EASEMENT AND OTHER COMMON AREAS OF THE SUBDIVISION. SUCH ASSESSMENT SHALL BE MADE IN ACCORDANCE WITH THE HOMEOWNER'S ASSOCIATION BY LAWS.

C. ASSESSMENTS

EACH RECORD OWNER OF A LOT, BY ACCEPTANCE OF A DEED THERETO, ARE DEEMED TO COVENANTS AND AGREE TO PAY TO THE HOMEOWNERS' ASSOCIATION AN ANNUAL ASSESSMENT WHICH SHALL BE NO LESS THAN THE MINIMUM AMOUNT NECESSARY TO MAINTAIN AND SUPPORT ALL COMMON AREAS OF THE SUBDIVISION AND OPERATIONS OF THE ASSOCIATION. SUCH ASSESSMENTS SHALL BE ESTABLISHED BY THE BOARD OF DIRECTORS FOR THE ASSOCIATION IN ACCORDANCE WITH THE DECLARATION AND THE BYLAWS OF THE HOMEOWNERS' ASSOCIATION. ANNUAL ASSESSMENTS, TOGETHER WITH THE LEGAL RATE OF INTEREST, LATE FEES, FINES, COSTS AND REASONABLE ATTORNEY'S FEES INCURRED IN COLLECTION OF A PAST DUE ACCOUNT (INCLUDING DEMAND LETTERS, FILING LIENS AND ANY ACTION TO COLLECT), SHALL BE A CONTINUING LIEN ON THE LOT AND THE PERSONAL OBLIGATION OF THE OWNER OF THE LOT AT THE TIME OF ASSESSMENT. IN THE EVENT OF A TRANSFER OF TITLE TO A LOT, THE GRANTEE SHALL BE JOINTLY AND SEVERALLY LIABLE FOR SUCH PORTION OF THE ASSESSMENT ACCOUNT FOR SUCH LOT AS MAY BE DUE AND PAYABLE AT THE TIME OF CONVEYANCE.

THE OWNER/DEVELOPER SHALL BE EXEMPT FROM PAYING ANY ASSESSMENTS TO ASSOCIATION FOR LOTS OWNED OF RECORD BY THE OWNER/DEVELOPER SO LONG AS THE OWNER/DEVELOPER IS THE RECORD OWNER OF AT LEAST ONE LOT IN THE SUBDIVISION. LOTS DEEDED TO BUILDERS BY THE OWNER/DEVELOPER SHALL BE EXEMPT FROM PAYMENT OF ASSESSMENTS ON ANY LOTS OWNED BY SAID BUILDER FOR A PERIOD OF TWO YEARS FROM THE DATE THE DEED IS RECORDED OR UNTIL THE LOT HAS A DWELLING WITH A CERTIFICATE OF OCCUPANCY, WHICHEVER OCCURS FIRST.

SECTION V. 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/DEVELOPER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I, PUBLIC STREETS, EASEMENTS AND UTILITIES, ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO; AND ADDITIONALLY THE COVENANTS WITHIN SECTION I, WHETHER OR NOT SPECIFICALLY THEREIN SO STATED SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA. THE COVENANTS CONTAINED IN SECTION II, PLANNED UNIT DEVELOPMENT RESTRICTIONS ARE ESTABLISHED PURSUANT TO THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BROKEN ARROW ZONING CODE AND SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, ANY OWNER OF A LOT AND THE HOMEOWNERS' ASSOCIATION. IF THE UNDERSIGNED OWNER/DEVELOPER OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION II, IT SHALL BE LAWFUL FOR THE CITY OF BROKEN ARROW, ANY OWNER OF A LOT OR THE HOMEOWNERS' ASSOCIATION 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. THE COVENANTS CONTAINED IN SECTION III, PRIVATE RESTRICTIONS AND COVENANTS SHALL INURE TO THE BENEFIT OF ANY OWNER OF A LOT AND THE HOMEOWNERS' ASSOCIATION. IF THE UNDERSIGNED OWNER/DEVELOPER, OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTIONS III IT SHALL BE LAWFUL FOR ANY OWNER OF A LOT OR THE HOMEOWNERS' ASSOCIATION 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, 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. IN ANY JUDICIAL ACTION BROUGHT BY ANY OWNER OF A LOT OR THE ASSOCIATION, WHICH ACTION SEEKS TO ENFORCE THE COVENANTS CONTAINED IN SECTION III AND/OR TO RECOVER DAMAGES FOR THE BREACH THEREOF, THE PREVAILING PARTY SHALL BE ENTITLED TO RECEIVE REASONABLE ATTORNEY FEES AND COSTS AND EXPENSES INCURRED IN SUCH ACTION.

B. 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.

C. AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I, PUBLIC STREETS, EASEMENTS AND UTILITIES 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.

ALL REMAINING PROVISIONS OF THE DEED OF DEDICATION MAY BE AMENDED OR TERMINATED AT ANY TIME AND FROM TIME TO TIME, BY THE OWNER/DEVELOPER SO LONG AS THE OWNER/DEVELOPER IS THE OWNER OF AT LEAST ONE LOT WITHIN THE SUBDIVISION.

THE PROVISIONS OF THE DEED OF DEDICATION MAY ALSO BE AMENDED BY A WRITTEN INSTRUMENT ADOPTED BY A VOTE OF A MAJORITY OF OWNERS OF LOTS. AN INSTRUMENT AMENDING THIS DEED OF DEDICATION SHALL BE RECORDED IN THE OFFICE OF THE COUNTY CLERK OF WAGONER 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: WHISKEY RIDGE, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, HAS EXECUTED THIS INSTRUMENT THIS _____ DAY OF _____, 2025.

WHISKEY RIDGE, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY

BY: _____
STEVE BROWN, MANAGER

STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, ON THIS _____ DAY OF _____, 2025, PERSONALLY APPEARED STEVE BROWN TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME, AS ITS MANAGER, THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED, AND AS THE FREE AND VOLUNTARY ACT AND DEED OF SAID OKLAHOMA LIMITED LIABILITY COMPANY, FOR THE USES AND PURPOSE THEREIN SET FORTH.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

MY COMMISSION NUMBER:

CERTIFICATE OF SURVEY

I, ANDY FRITZ, OF FRITZ LAND SURVEYING, LLC, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA UNDER CERTIFICATE OF AUTHORIZATION #5848, DO 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 "BELVEDERE RESERVE", A SUBDIVISION IN THE CITY OF BROKEN ARROW, WAGONER COUNTY, STATE OF OKLAHOMA, IS A TRUE REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED PRACTICES, AND MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

ANDY FRITZ
LICENSED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1694

STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, ON THIS _____ DAY OF _____, 2025, PERSONALLY APPEARED ANDY FRITZ TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME, AS ITS MANAGER, THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED, AND AS THE FREE AND VOLUNTARY ACT AND DEED OF SAID OKLAHOMA LIMITED LIABILITY COMPANY, FOR THE USES AND PURPOSE THEREIN SET FORTH.

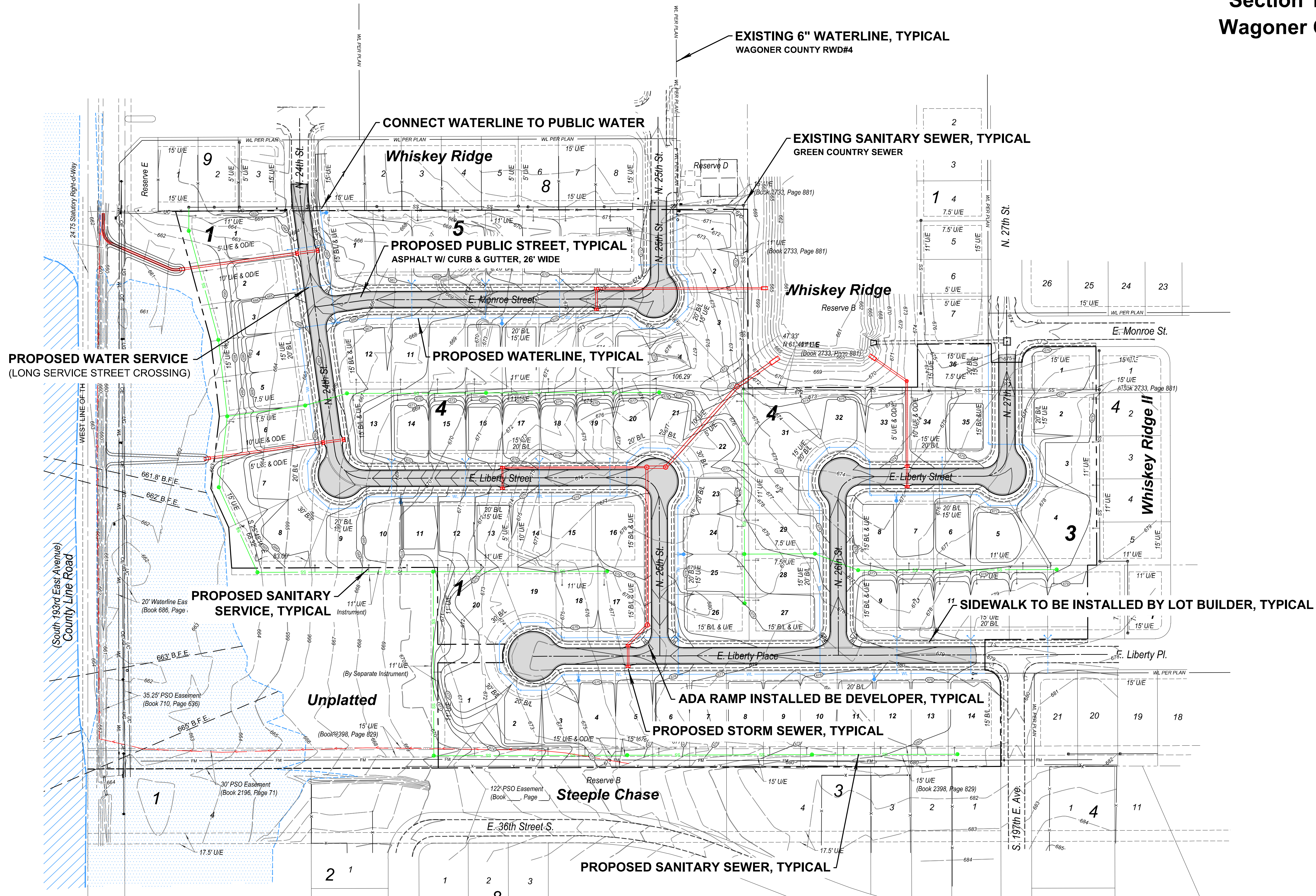
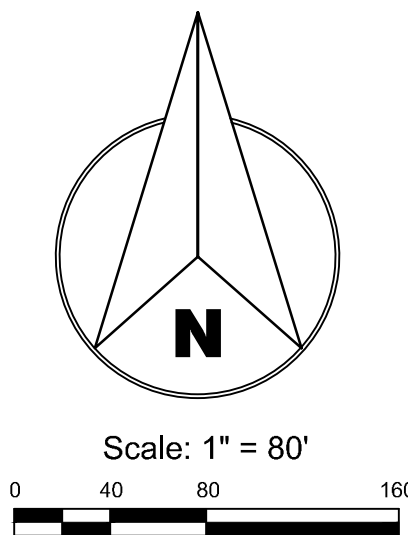
JENNIFER FRITZ
MY COMMISSION EXPIRES: 6/23/2026
MY COMMISSION NUMBER: 14005589



Whiskey Ridge III

Conceptual Utility Plan

Section 19, T-19-N, R-15-E
Wagoner County, Oklahoma





City of Broken Arrow

Request for Action

File #: 25-1052, **Version:** 1

Broken Arrow Planning Commission
07-24-2025

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

Public hearing, consideration, and possible action regarding PUD-002281-2025 (Planned Unit Development) and BAZ-002280-2025 (Rezoning), Aequitas Tucson Development, 11.72 acres, A-1 (Agricultural) to CH (Commercial Heavy), IL (Industrial Light), and RM (Residential Multi-Family), located approximately one-eighth mile south of Tucson Street (121st Street) and one-half mile west of Elm Place (161st East Avenue), abrogation of PUD-340

Background:

Applicant: Wallace Design Collective

Owner: Aequitas Holdings, LLC

Developer: N/A

Engineer: Wallace Design Collective

Location: Approximately one-eighth mile south of Tucson Street (121st Street) and one-half mile west of Elm Place (161st East Avenue)

Size of Tract 11.72 acres

Number of Lots: 1

Present Zoning: A-1 (Agricultural) to CH (Commercial Heavy), (IL) Industrial Light, and RM (Residential Multi-Family)

Comp Plan: Levels 3, 6, & Greenway/Floodplain

PUD-002281-2025 (Planned Unit Development) and BAZ-002280-2025 (Rezoning), are a request to change the zoning designation from A-1 (Agricultural) to CH (Commercial Heavy), (IL) Industrial Light, and RM (Residential Multi-Family) on approximately 11.72 acres which is currently unplatted. The property is located approximately one-eighth mile south of Tucson Street (121st Street) and one-half mile west of Elm Place (161st East Avenue).

COMP-002093-2025, a request to change the Comprehensive Plan designation from Levels 2 (Urban Residential) & 3 (Transition Area) to Levels 3 (Transition Area), 6 (Regional Employment/Commercial), & Greenway/Floodplain was approved by the City Council on June 2, 2025, subject to the approval of a PUD similar in context being approved on the property and the property being platted.

The eastern portion of this property was approved by the City Council on July 19, 2022 for RM zoning with PUD-340. PUD-340 and BAZ-2113 were approved subject to the property being platted. At this time there were no plats filed on the property. If this rezoning and PUD request is approved, the previous zoning case and PUD will be abrogated.

The applicant is requesting this rezoning and PUD for the purpose of developing the property for three separate uses, divided by an area of floodplain. The applicant has submitted a rezoning request to change the zoning to RM (Residential Multi-Family) on the west, IL (Industrial Light) towards the center of the property and CH (Commercial Heavy) on the east, along with a PUD. More details can be found in the attached draft PUD document.

	Development Area A Proposed CH Standards	Development Area B Proposed IL Standards	Development Area C Proposed RM Standards
Permitted Uses	See PUD, specified uses that would normally be permitted in CH zoning	See PUD, specified uses that would normally be permitted in IL zoning	Duplex and Multi-Family dwellings, age restricted to 55 and older
Number of Units	N/A	N/A Executive Garage/storage maximum of 32,000 square feet No maximum for all other uses	Maximum of 55 units
Lot Frontage	100 feet for the development area, internal lots within the development do not have a minimum lot frontage	100 feet for the development area, internal lots within the development do not have a minimum lot frontage	100 feet for the development area, internal lots within the development do not have a minimum lot frontage
Building Height	4 stories or 50 Feet NOT abutting residential uses 2 stories or 35 Feet abutting residential uses	4 stories or 50 Feet NOT abutting residential uses 2 stories or 35 Feet abutting residential uses	2 stories or 35 Feet
Building Setbacks	Tucson: 50' South Boundary of A: 0' West Boundary of A: 0' South Boundary of A: 15'	Tucson: 20' South Boundary of A: 20' East Boundary of A: 15' South Boundary of A: 0'	Tucson: 20' South Boundary of B: 20' East Boundary of B: 0' South Boundary of B: 20'
Landscape Buffer	No Landscape buffer required	A 20' landscape buffer shall be provided along the southern boundary of Development Area B	A 20' landscape buffer shall be provided along the southern boundary of Development Area B

The density of multi-family units meets what is permitted by the Zoning Ordinance within a PUD.

- The RM district requires a minimum gross land area per dwelling of 2,200 square feet.
- Development Area C contains approximately 150,000 square feet dedicated to residential development.
- This allows approximately 68 units in the area shown to be developed as multi-family.

SURROUNDING LAND USES/ZONING/COMPREHENSIVE PLAN

The surrounding properties contain the following uses, along with the following development guide and zoning designations:

Location	Comprehensive Plan	Zoning	Land Use
North	Levels 6, 3, and Greenway/Floodplain	CH & RM	Undeveloped commercial and apartments

East	Level 4	A-1	Large Lot Single-Family Residential
South	Levels 2, 3, and Greenway/Floodplain	A-1	Large Lot Single-Family Residential
West	Level 2	R-2	Single-Family Residential

According to FEMA Maps, the center portion of this property is located within the 100-year floodplain. Future surveys done during the engineering and platting phases will ensure none of this property is located within the 100-year floodplain or require that any such area to be placed in a reserve area. Water and Sanitary Sewer are available from the City of Broken Arrow.

Attachments: Case Map
Aerial Photo
Aequitas Tucson Development PUD

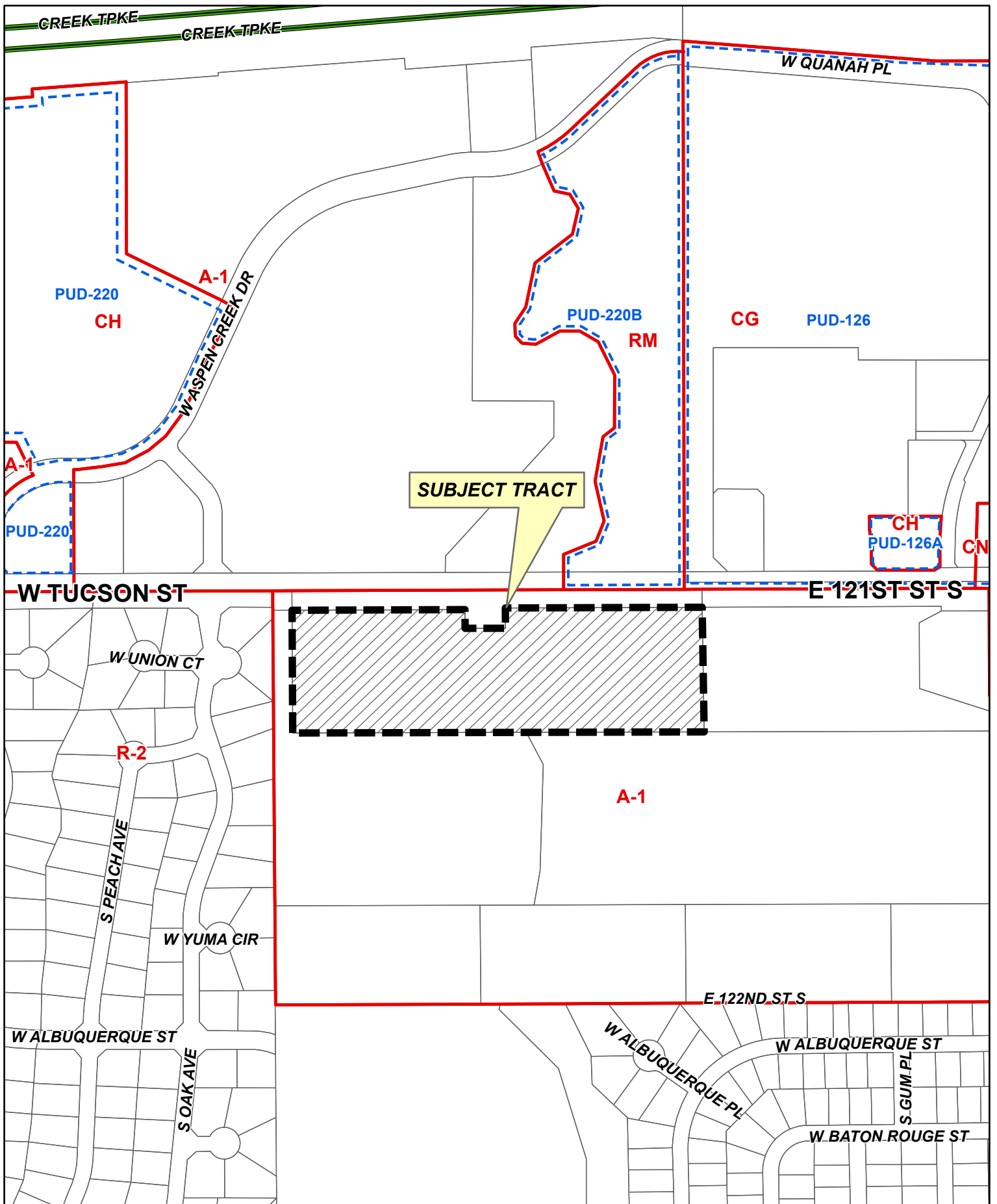
Recommendation:

Based on the location of the property and surrounding land uses, Staff recommends PUD-002281-2025 (Planned Unit Development) and BAZ-002280-2025 (Rezoning) be approved.

Reviewed by: Amanda Yamaguchi

Approved by: Rocky Henkel

ALY

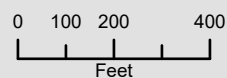


300' Radius



Subject
Tract

PUD-002281-2025
BAZ-002280-2025



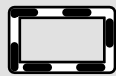
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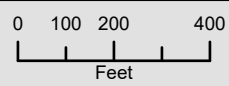
SUBJECT TRACT

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



Subject Tract

PUD-002281-2025
BAZ-002280-2025



03 17-14



Aequitas Tuscon Development Planned Unit Development

An aerial photograph of a residential area in Tulsa, Oklahoma. A white rectangular box in the center of the image is labeled "SUBJECT SITE". The site is located on a lot bounded by W Aspen Creek Dr to the north and east, and E 121st St S to the south. To the west of the subject site is a large, undeveloped area with some trees and a few small buildings. To the east of the subject site is a residential neighborhood with many houses and trees. To the south of the subject site is a large, undeveloped area with some trees and a few small buildings. The map shows several streets: Creek Tpke at the top, W Tucson St to the west, E 121st St S to the south, S Redbud Ave, S Peach Ave, S Oak Ave, and S Elm Pl to the east. Other streets visible include W Aspen Creek Dr, W Albuquerque St, and W Baton Rouge St. The map also shows various landmarks, including a large white building with a blue roof, a large parking lot, and a large green field.



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I. LEGAL DESCRIPTION:

The East 1321.6 feet of the West 1381.6 feet of the North 450 feet of the Northeast Quarter (NE/4) of Section Three (3), Township Seventeen (17) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, subject to that part deeded to the City Of Broken Arrow as permanent Right of Way, and subject to that part lying within the 24.75 foot statutory Right of Way running along the North line of said Northeast Quarter (NE/4), said parts being more particularly described as follows:

Commencing at the Northwest corner of Said Northeast Quarter (NE/4); Thence North 88°37'29" East along the North line of said Northeast Quarter (NE/4) a distance of 60.00 feet to the Point Of Beginning; Thence North 88°37'29" East along the North line of said North East Quarter (NE/4) a distance of 1321.11 feet; Thence South 01°31'54" East a distance of 55.00 feet; Thence South 88°37'29" West Parallel to the North line of said Northeast Quarter (NE/4) a distance of 631.26 feet; Thence South 01°22'31" East perpendicular to the North line of said Northeast Quarter (NE/4) a distance of 65.00 feet; Thence South 88°37'29" West parallel to the North line of said Northeast Quarter (NE/4) a distance of 130.00 feet; Thence North 01°22'31" West perpendicular to the North line of said North East Quarter (NE/4) a distance of 60.00 feet; Thence South 88°37'29" West parallel to the north line of said North East Quarter (NE/4) a distance of 559.80 feet; Thence North 01°33'53" West a distance of 60.00 feet to the Point Of Beginning.

II. DEVELOPMENT CONCEPT:

Aequitas Tucson Development is a proposed mixed-use development submitted as a Planned Unit Development (PUD) pursuant to the provisions of the City of Broken Arrow Zoning Code. The site consists of 11.72 acres, located approximately one quarter mile west of the intersection of West Tucson Street (E 121st Street South). The site is bounded on the east by undeveloped land zoned A-1 (Agriculture); to the west is the Wood Meadow residential development, zoned R-2 (Single Family Residential); to the north is a commercial area known as The Shops at Aspen Creek.

On June 9th, 2025 the Broken Arrow City Council approved a change to the Comprehensive Plan designation from Levels 2 (Urban Residential) & 3 (Transition Area) to Levels 3 (Transition Area), 6 (Regional Employment/Commercial), and Greenway/Floodplain for the subject site. The PUD site currently has an underlying zoning of A-1 (Agriculture); submitted concurrently with this PUD application is a rezoning request from A-1 (Agriculture) to RM (Residential Multi-Family), CH (Commercial Heavy Industrial), I-L (Industrial Light District), and Floodplain District (FD) to allow for a development of row houses/townhomes for individuals 55 years and old, “executive garage/storage” mini-storage, retail, office/warehouse, and traditional mini-storage development.

The site will be split in three Development Areas, A, B, and C. Development Area A located in the northeast portion of the site will include mixed uses, including office/warehouse. Development Area B, which is located adjacent to the floodplain through the middle of the site, will include mini storage uses and “executive garage/storage”. The row houses/townhomes will be within Development Area C. There are a maximum of 55 row homes/townhomes proposed and a maximum of 32,000 square feet of executive garage/storage space. There are several stormwater detention facilities proposed on the site. The PUD will also include a buffer along the western and southern boundary adjacent to the residential uses. The buffers and stormwater detention facilities will all be placed in reserve areas. The total reserve area provided in Development Area B exceeds 18 percent.

As mentioned above, the PUD site is split through the middle by a floodplain and a USGS blue line. This gives the site significant elevation change with the western half having over a 30-foot change in grade over approximately 625 feet. The existing drainage patterns will be maintained with the proposed development. The soil types for the project are typical for the area and should create no unusual developmental problems.

The PUD will be served by private drives, with 4 access points off of West Tucson Street. There will be cross access within the Development Areas; however, a connection is not provided between the eastern and western halves of the property due to the floodplain and USGS blue line.

III. DEVELOPMENT STANDARDS

III.A DEVELOPMENT AREA “A” STANDARDS:

Net Land Area:	3.51 acres
Underlying Zoning:	Unless otherwise specified, the CH District standards and regulations shall apply.
Permitted Uses:	<ul style="list-style-type: none"> ○ Government administration & civic buildings ○ Places of assembly ○ Public safety facility ○ Art gallery or museum, public ○ Library, public ○ Medical office or clinic ○ Broadcasting or recording studio (no tower) ○ Veterinary clinic/animal hospital ○ Financial institution, without drive-thru ○ Catering service ○ Micro food or beverage production ○ Office, business or professional ○ Research laboratory ○ Art gallery or museum, private ○ Fitness & recreational sports center ○ General indoor recreation ○ Dry cleaning & laundry service ○ General personal services ○ Instructional services ○ Retail, general ○ Office warehouse ○ Storage yard ○ Warehouse ○ Wholesale establishment
Lot Area:	None
PUD Minimum Frontage along West Tucson Street:	100 feet Note: This is the PUD minimum frontage. Individual lots with the development do not have a minimum lot frontage.
Maximum Building Coverage:	None
Maximum Building Height:	<ul style="list-style-type: none"> ○ 4 stories or 50 feet for buildings not abutting residential uses. 2 stories or 35 feet for buildings abutting residential uses.
Minimum Yard Setbacks: Other than the setback listed below, there shall be no internal setbacks within the development, other than those required to meet building and fire code.	
From West Tucson Street:	50 feet (from West Tucson Street)

Southern Boundary of Development Area A:	0 feet
Eastern Boundary of Development Area A:	15 feet
Western Boundary of Development Area A:	0 feet
Off-street Parking:	<p>As required for the applicable use type as set forth within the City of Broken Arrow Code.</p> <p>Cross parking will be allowed within Development Area A and B.</p>
Other Bulk and Area Requirements:	As required within the CH District
Exterior Materials:	<p>All structures along West Tucson shall have vertical exteriors that are facing the arterial street constructed of but not limited to: masonry, concrete panels, glass block, glass curtain walls, Exterior Insulated Finished Systems (EIFS), stucco, or architectural metal. EIFS, however, shall not be used as the primary exterior building material.</p> <p>All other structure shall be constructed of masonry, concrete panels, glass block, glass curtain walls, Exterior Insulated Finished Systems (EIFS), stucco, or architectural metal.</p>
Screening:	Outdoor storage areas shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall between six feet and eight feet in height that incorporates at least one of the predominant materials and one of the predominant colors used in the primary structure.
Signage:	<p>All signage shall meet the requirements of the City of Broken Arrow Code.</p> <p>Lots within this PUD that do not have frontage along West Tucson shall be permitted an off-premise sign along West Tucson within Development Area A frontage. This sign shall not exceed 100 square feet.</p> <p>A maximum of 5 signs shall be permitted along the West Tucson frontage of the PUD.</p>
Landscape Buffer:	There shall be no landscape buffers required within Development Area A.

III.B DEVELOPMENT AREA “B” STANDARDS:

Net Land Area:	4.74 acres
Underlying Zoning:	Unless otherwise specified, the IL District standards and regulations shall apply.
Permitted Uses:	<ul style="list-style-type: none">○ Government administration & civic buildings○ Places of assembly○ Public safety facility○ Art gallery or museum, public○ Library, public○ Medical office or clinic○ Broadcasting or recording studio (no tower)○ Veterinary clinic/animal hospital○ Financial institution, without drive-thru○ Catering service○ Micro food or beverage production○ Office, business or professional○ Research laboratory○ Art gallery or museum, private○ Fitness & recreational sports center○ General indoor recreation○ Dry cleaning & laundry service○ General personal services○ Instructional services○ Retail, general○ Mini-storage○ Office warehouse○ Storage yard○ Warehouse○ Wholesale establishment○ “Executive garage/storage” mini-storage – this use will be restricted to luxury garage units/storage with potential loft space but restrictions to overnight stays in the space. These units may be available for rent or purchase and will include options for temperature controls and utilities, such as water, sewer, gas, electricity, cable & internet. <i>See Exhibit A concept images of this use unit.</i>
Lot Area:	None
PUD Minimum Frontage along West Tucson Street:	100 feet Note: This is the PUD minimum frontage. Individual lots with the development do not have a minimum lot frontage.
Maximum Building Coverage:	None

Maximum Number Square Footage:	<ul style="list-style-type: none"> o “Executive garage/storage” mini-storage: maximum of 32,000 square feet. o No maximum for all other uses in this Development Area.
Maximum Building Height:	<ul style="list-style-type: none"> o 4 stories or 50 feet for buildings not abutting residential uses. o 2 stories or 35 feet for buildings abutting residential uses.
Minimum Yard Setbacks: Other than the setback listed below, there shall be no internal setbacks within the development, other than those required to meet building and fire code.	
From West Tucson Street:	20 feet (from West Tucson Street)
Southern Boundary of Development Area A:	20 feet
Eastern Boundary of Development Area A:	15 feet
Western Boundary of Development Area A:	0 feet
Off-street Parking:	<p>As required for the applicable use type as set forth within the City of Broken Arrow Code.</p> <p>Cross parking will be allowed within Development Area A and B.</p> <p>There shall be no minimum parking requirement for the “executive garage/storage” mini-storage use.</p>
Other Bulk and Area Requirements:	As required within the IL District
Exterior Materials:	<p>All structures along West Tucson shall have vertical exteriors that are facing the arterial street constructed of but not limited to: masonry, concrete panels, glass block, glass curtain walls, Exterior Insulated Finished Systems (EIFS), stucco, or architectural metal. EIFS, however, shall not be used as the primary exterior building material.</p> <p>All other structure shall be constructed of masonry, concrete panels, glass block, glass curtain walls, Exterior Insulated Finished Systems (EIFS), stucco, or architectural metal.</p>
Screening:	<ul style="list-style-type: none"> o Outdoor storage areas shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall between six feet and eight feet in height that incorporates at least one of the predominant materials and one of the predominant colors used in the primary structure. o A brick or other masonry perimeter wall of no less than six feet in height shall be provided along the southern and eastern boundary of the mini-storage facility.

Signage:	<p>All signage shall meet the requirements of the City of Broken Arrow Code.</p> <p>Lots within this PUD that do not have frontage along West Tucson shall be permitted an off-premise sign along West Tucson within Development Area A and B frontages. This sign shall not exceed 100 square feet.</p> <p>A maximum of 5 signs shall be permitted along the West Tucson frontage of the PUD.</p>
Landscape Buffer:	<p>A 20-foot landscape buffer shall be provided along the southern boundary of Development Area B.</p>

III.C DEVELOPMENT AREA “C” STANDARDS:

Net Land Area:	3.47 acres
Underlying Zoning:	Unless otherwise specified, the RMF District standards and regulations shall apply.
Permitted Uses:	<ul style="list-style-type: none"> ○ Dwelling, duplex - – this use will be restricted to row houses/ townhomes for individuals aged 55 years and over. ○ Dwelling, multi-family – this use will be restricted to row houses/townhomes for individuals aged 55 years and over.
Lot Area:	None
PUD Minimum Frontage along West Tucson Street:	<p>100 feet</p> <p>Note: This is the PUD minimum frontage. Individual lots with the development do not have a minimum lot frontage.</p>
Maximum Building Coverage:	None
Maximum Number of Units:	○ Dwelling, duplex and/or multi-family: maximum of 55 units.
Maximum Building Height:	2 stories or 35 feet
<p>Minimum Yard Setbacks: Other than the setback listed below, there shall be no internal setbacks within the development, other than those required to meet building and fire code. Mechanical equipment and screening shall be permitted within the setbacks listed below.</p>	
From West Tucson Street:	20 feet (from West Tucson Street)
Southern Boundary of Development Area B:	20 feet
Eastern Boundary of Development Area B:	0 feet
Western Boundary of Development Area B:	20 feet

Off-street Parking:	As required for the applicable use type as set forth within the City of Broken Arrow Code for dwelling uses.
Other Bulk and Area Requirements:	As required within the R-M District
Exterior Materials:	At least sixty percent (60%) of the exterior of the building, excluding doors and windows, shall be constructed of but not limited to masonry, concrete panels, Exterior Insulated Finished Systems, and/or stucco. In addition, twenty percent (20%) of the street facing facade shall be constructed of natural brick or masonry rock.
Screening:	<ul style="list-style-type: none"> ○ An opaque fence or wall between six feet and eight feet in height shall be provided along the southern and western boundary of Development Area C.
Signage:	<p>All signage shall meet the requirements of the City of Broken Arrow Code.</p> <p>Lots within this PUD that do not have frontage along West Tucson shall be permitted an off-premise sign along West Tucson within Development Area C frontage. This sign shall not exceed 100 square feet.</p> <p>A maximum of 5 signs shall be permitted along the West Tucson frontage of the PUD.</p>
Landscape Buffer:	A 20-foot landscape buffer shall be provided along the western and southern boundary of Development Area C.

IV. ACCESS AND CIRCULATION:

The subject property has frontage along West Tucson Street and four curb cuts are proposed along the 1,191-foot frontage. The eastern two curb cuts will serve Development Area A and a portion of Development Area B and the western two curb cuts will serve Development Areas B and C. Cross-access from the proposed curb cuts will be provided within Development Area A and a portion of Development Area B; whereas, Development Area B and C shall have an emergency access connection between the proposed townhomes and “executive garage/storage” uses. There is no cross access between the Development Area across the floodplain that separates the property. Limits of No Access (LNA) will be provided along West Tucson Street outside of the proposed entrances to the development.

All Development Areas will be served by private drives that will meet fire access requirements.

V. SIDEWALKS:

A sidewalk will be constructed along the West Tucson Street frontage of this PUD and shall be provided in accordance with the City of Broken Arrow Subdivision Regulations.

Sidewalks shall be provided internally, as shown on the Conceptual Site Plan.

VI. PRIVATE AMENITIES:

Not less than 18% of the net land area shall be preserved as common open space for the enjoyment of the residents of this Development Area B. These areas may include, but are not limited to, the onsite stormwater detention pond reserve areas and landscape buffer areas. All City of Broken Arrow engineering standards shall be met for the detention pond reserve areas.

VII. TOPOGRAPHY, UTILITIES, AND DRAINAGE:

The property is split by a USGS blue line stream and Flood Zone A through the middle of the site, creating an eastern and western divide. The eastern portion of the site is fairly flat and slopes to the west towards the floodplain. The western portion of the site slopes eastward with a difference of elevation of approximately 30 feet. The same drainage patterns will be maintained with the proposed development. An internal storm water collection system will be constructed and piped to the proposed detention areas throughout the property in accordance with the City of Broken Arrow design standards. A detailed hydraulic analysis report will be submitted to the City of Broken Arrow for approval during the engineering process.

VIII. SCHEDULE OF DEVELOPMENT AND PHASING:

Initial site development is anticipated to commence in 2025, market conditions permitting.

Phasing shall be permitted within this PUD and shall be determined during the platting process.

IX. PLATTING:

No building permit shall be issued until the PUD project area has been included within a subdivision plat submitted to and approved by the Broken Arrow Planning Commission and the Broken Arrow City Council, and duly filed of record. The property shall be platted in accordance with the City of Broken Arrow subdivision code. The deed of dedication of the required subdivision plat shall include covenants of record, enforceable by the City of Broken Arrow, setting forth the development standards of the planned unit development.

X. EXHIBITS:

The following exhibit are hereby attached and incorporated into this PUD. These exhibits are:

- Exhibit A: Concept images for “executive garage/storage” mini-storage
- Exhibit B: Aerial Photography and Boundary Depiction
- Exhibit C: Existing Zoning Map
- Exhibit D: Conceptual Site Plan
- Exhibit E: Development Areas Plan

Exhibit A – “Executive garage/storage” mini-storage” Concept Images



Source: www.toybarnstorage.com



Source: www.personalwarehouse.com/car-condos/



Source: www.personalwarehouse.com/play



Source: www.vehiclevault.com/garage-condos/



wallace
design
collective

wallace design collective, pc
structural · civil · landscape · survey
123 north martin luther king jr. blvd.
tulsa, oklahoma 74103
918.584.5858
oklahoma ca1460
exp: 6-30-25



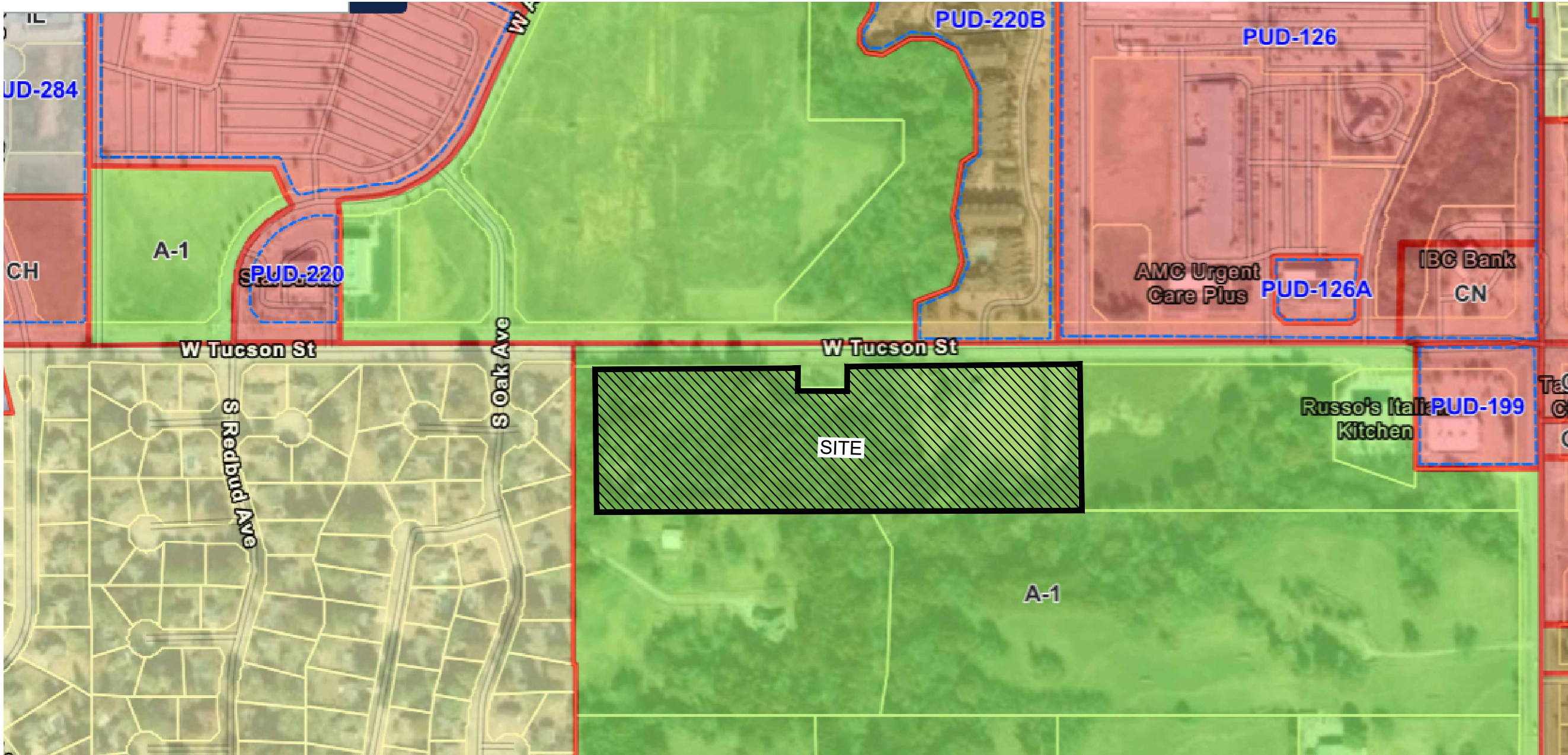
EXHIBIT 'B'

AERIAL PHOTOGRAPHY AND BOUNDARY DEPICTION

AEQUITAS TUCSON DEVELOPMENT

PUD-XXXXXX-2025

Date: June 16, 2025



wallace
design
collective

wallace design collective, pc
structural · civil · landscape · survey
123 north martin luther king jr. blvd.
tulsa, oklahoma 74103
918.584.5858
oklahoma ca1460
exp: 6-30-25

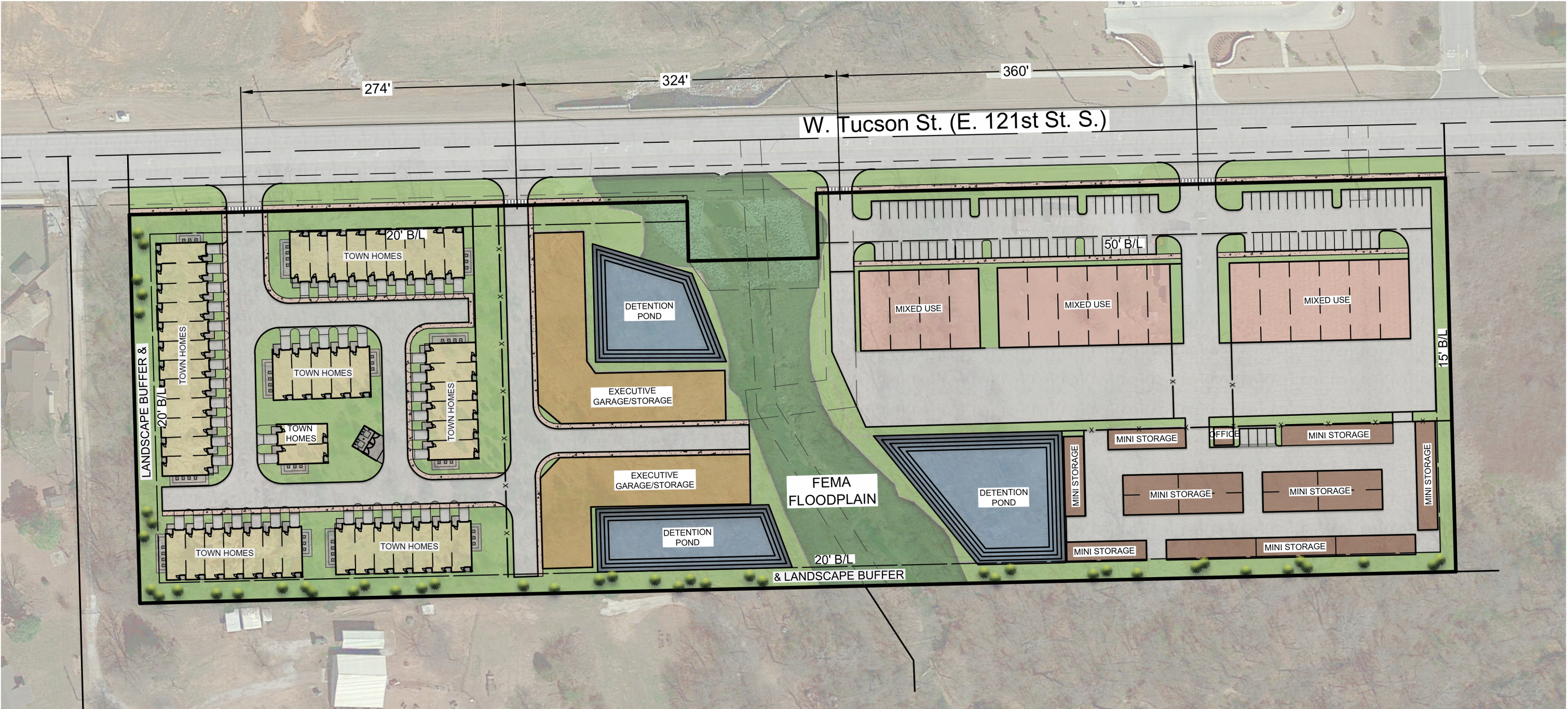


EXHIBIT 'C'
EXISTING ZONING MAP
AEQUITAS TUCSON DEVELOPMENT

PUD-XXXXXX-2025

Date: June 16, 2025

\\civil-server\projects\2440418 Aequitas Development - BA\04 Production\01 Design Drawings\03 PUD Exhibits\2440418 Exhibit C-Site Plan.dwg



wallace
design
collective

wallace design collective, pc
structural · civil · landscape · survey
123 north martin luther king jr. blvd.
tulsa, oklahoma 74103
918.584.5858
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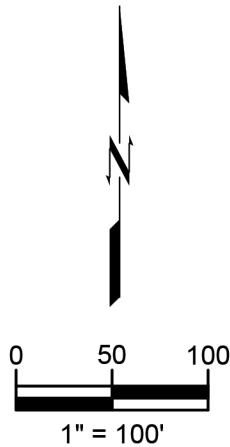
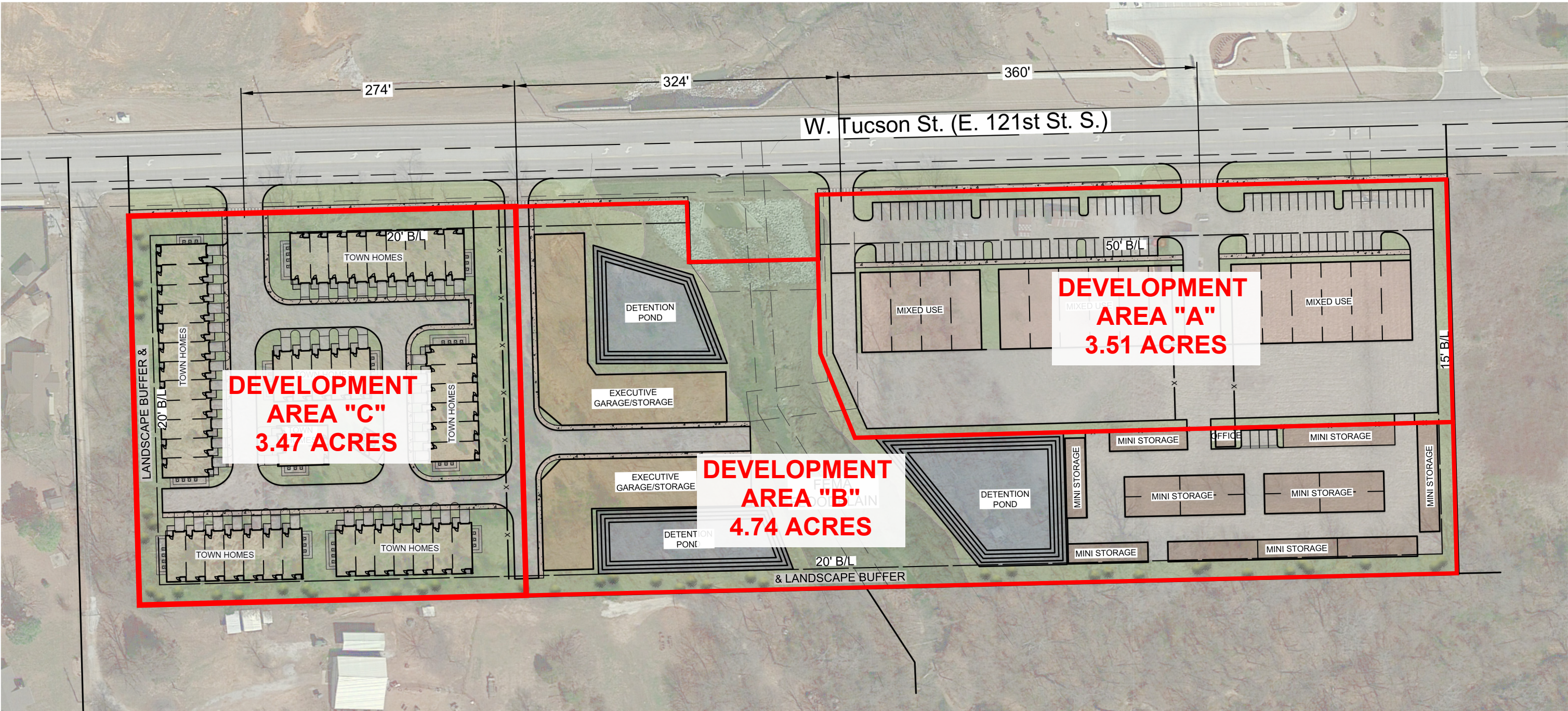


EXHIBIT 'D'

CONCEPTUAL SITE PLAN

AEQUITAS TUCSON DEVELOPMENT

PUD-XXXXXX-2025



wallace
design
collective

wallace design collective, pc
structural · civil · landscape · survey
123 north martin luther king jr. blvd.
tulsa, oklahoma 74103
918.584.5858
oklahoma ca1460
exp: 6-30-25

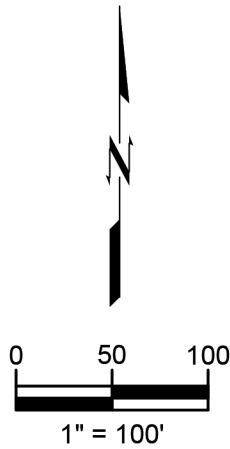


EXHIBIT 'E'
DEVELOPMENT AREAS PLAN
AEQUITAS TUCSON DEVELOPMENT

PUD-XXXXXX-2025