



City of Broken Arrow
Meeting Agenda
Board of Adjustment

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

Judd Hatch Chairman
Rebecca Hinkle Vice Chair
Kamara Washington Board Member
George Ghesquire Board Member
Michelle Bergwall Board Member

Wednesday, January 22, 2025

5:00 PM

Council Chambers

NOTICE AND AGENDA OF SPECIAL MEETING

1. Call to Order

2. Roll Call

3. Consideration of Consent Agenda

- A. [25-90](#) Approval of Board of Adjustment meeting minutes of November 13, 2024

Attachments: [11-13-2024 Board of Adjustment Minutes](#)

4. Public Hearings

- A. [25-109](#) Public hearing, consideration, and possible action regarding VAR-001913-2024, 2210 South Aspen Place Variance, 0.5 acres, Commercial General (CG)/ PUD-50, request to reduce the side building setback line from 35 feet to 31 feet along the north property line of 2210 South Aspen Place, located approximately southwest of the southwest corner of West Washington Street (91st Street), and South Aspen Avenue (145th East Avenue) at 2210 South Aspen Place

Sponsors: Planning Commission

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

5. General Board Business

6. Remarks, Inquiries, and/or Comments by the Board and/or Staff (No Action)

7. Adjournment

NOTICE:

- 1. IF YOU HAVE A DISABILITY AND NEED ACCOMMODATION IN ORDER TO PARTICIPATE IN THE MEETING, PLEASE CONTACT COMMUNITY DEVELOPMENT AT 918 259 8412 TO MAKE ARRANGEMENTS.**
- 2. EXHIBITS, PETITIONS, PICTURES, ETC. PRESENTED TO THE BOARD OF ADJUSTMENT MAY BE RECEIVED AND DEPOSITED IN CASE FILES TO BE MAINTAINED AT BROKEN ARROW CITY HALL.**
- 3. RINGING/SOUND ON ALL CELL PHONES AND PAGERS MUST BE TURNED OFF DURING THE 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 #: 25-90, **Version:** 1

**Broken Arrow Board of Adjustment
01-22-2025**

To: Chairman and Board Members
From: Community Development Department

Title: Approval of Board of Adjustment meeting minutes of November 13, 2024

Background: Minutes recorded for the Broken Arrow Board of Adjustment meeting.

Attachments: 11 13 2024 Board of Adjustment Minutes

Recommendation: Approve minutes of Board of Adjustment meeting held November 13, 2024.

Reviewed By: Amanda Yamaguchi

Approved By: Rocky Henkel



City of Broken Arrow

Minutes Board of Adjustment

City Hall
220 S 1st Street
Broken Arrow OK
74012

Judd Hatch Chairman
Rebecca Hinkle Vice Chair
Kamara Washington Board Member
George Ghesquire Board Member
Michelle Bergwall Board Member

Wednesday, November 13, 2024

Time 5:30 p.m.

Council Chambers

1. Call to Order

Chairman Judd Hatch called the meeting to order at approximately 5:30 p.m.

2. Roll Call

Present: 4 - Judd Hatch, Rebecca Hinkle, George Ghesquire, Michelle Bergwall

3. Consideration of Consent Agenda

A. 24-1513 Approval of Board of Adjustment Meeting Minutes of October 14, 2024

Rebecca Hinkle made a motion to approve Board of Adjustment Minutes from October 14, 2024

MOTION: A motion was made by Rebecca Hinkle, seconded by George Ghesquire.

Move to approve

The motion carried by the following vote:

Aye: 4 - Michele Bergwall, George Ghesquire, Judd Hatch, Rebecca Hinkle

4. Public Hearings

A. 24-1514 Public hearing, consideration, and possible action regarding VAR-001786-2024, 2807 N Lions Drive Variance, 0.21 acres, R-3/PUD130A, request to reduce the front building setback line from 25 feet to 20 feet along the front property line of North Lions Drive, located approximately one-quarter mile north of Albany Street (61st Street), one-quarter mile west of Elm Place (161st East Avenue) at 2807 North Lions Drive

Henry Bibelheimer, Staff Planner, presented Variance 1786 for 2807 North Lyons Drive, a 0.21-acre property zoned R3/PUD 130A. The applicant, Patrick Delahanty, Villa Homes, requests reducing the front setback from 25 feet to 20 feet along North Lyons Drive to allow driveway access there despite restricted access requirements. Initially, the building permit (issued May 29, 2024) allowed a 20-foot setback and a driveway onto North Lyons, but staff later identified a 25-foot requirement due to restricted access. Consequently, the builder adjusted plans to access West Elmira Street, keeping the 20-foot setback but resulting in a nontraditional driveway layout.

To grant this variance, the Board of Adjustment must confirm six conditions are met. Staff found that (1) the property's corner location imposes unique conditions; (2) these conditions are not typical in the neighborhood; (3) the applicant is not responsible for the initial setback oversight; (4) the property can conform by using Elmira Street but with non-preferred access; (5) granting the variance will not alter neighborhood character; and (6) the variance represents the minimum needed for relief.

Given these findings, staff recommends approving Variance 1786 to reduce the front setback to 20 feet, allowing the preferred driveway access onto North Lyons Drive.

The board discussed the significant development. The builder for this lot is the same one responsible for most of the lots. Initially, the city approved a driveway onto North Lyons Drive, but after construction had started, staff realized that this did not meet setback requirements. They informed the builder, who shifted the driveway to West Elmira Street, to avoid construction delays. As the house nears completion, the potential buyer prefers a driveway onto North Lyons, prompting the builder to request a variance from the Board of Adjustment to revert the driveway access back to North Lyons.

Patrick Delahanty, from Villa Homes explained that construction began after the initial application and approval. However, the HOA raised concerns based on the PUD requirements, prompting the builder to approach the city, which recommended finding an alternative driveway solution or going through the Board of Adjustment (BOA). Due to the homeowner's tight timeline, especially with an upcoming baby, they opted for an alternative driveway on West Elmira Street to avoid construction delays. The permit was updated accordingly.

Later, HOA members expressed a preference for the driveway on Lyons Drive. This led Villa Homes to pursue the BOA process for approval, as both the HOA and the homeowners favored the original plan. Access from Lyons is also more practical, as the Elmira entry requires a longer, less convenient driveway that would interfere with a required accessible ramp at the front corner. Thus, a driveway onto Lyons Drive remains the most suitable option.

Jerry Bayles, president of the Stonewood Crossing HOA, clarified that the HOA became aware of the construction after it was well underway and reviewed the plans from Villa Homes, identifying an error related to the setback off Lyons Drive. While the HOA does not have the authority to decide on setbacks or driveway placement, it supports the driveway on Lyons Drive to maintain architectural integrity and neighborhood appearance. Bayles emphasized the HOA's backing of the builder's plan but acknowledged that the decision ultimately lies with the city.

Courtney Miller, a former HOA board member at Stonewood Crossing, expressed strong opposition to granting the driveway variance for the home on North Lyons Drive. She highlighted safety concerns, noting that the location near a busy intersection and school bus stops creates a risk for children, as cars parked in the shortened driveway might extend onto the sidewalk, forcing children into the street. She argued that the additional five feet are essential for safety and pedestrian access.

Ms. Miller emphasized that the lot's smaller size and high-traffic area make it unsuitable for such a large home with limited setback. She pointed out that other homes in the development followed setback guidelines and fit within their lots without issues. Additionally, she mentioned ongoing traffic and speed challenges on Lyons Drive, emphasizing the need to prioritize neighborhood safety over the builder's preference.

Jerry Bayles clarified that 32 feet from the garage to the sidewalk provides sufficient space for cars to park without overhanging onto the sidewalk. Additionally, the home features an oversized three-car garage, which they believe will mitigate parking issues and prevent safety concerns related to children crossing the street. They acknowledged the busy intersection but emphasized that the setback space should be adequate.

Mr. Bayles explained that the only reason the Board of Adjustment was revisiting this issue was due to the HOA's preference for the driveway off Lyons Drive. The delay in finalizing this driveway decision has impacted the construction timeline, and they expressed a desire to complete the project and clear the streets. They acknowledged the HOA's concerns but maintained that the current setup should be safe and sufficient.

Mr. Bayles clarified several points regarding the driveway variance request for the property on North Lyons Drive. The board and Mr. Bayles discussed the setback of 20 feet requested due to easement issues, but it was explained that 32 feet between the garage and sidewalk should prevent cars from obstructing the sidewalk. Currently, a secondary plan approved by the city routes the driveway off of Elmira, although the HOA and homeowners prefer the original driveway off Lyons Drive.

Mr. Bayles and the board discussed issues that surfaced because the building permit was initially issued based on the mistaken 20-foot setback off Lyons. When the HOA flagged the PUD requirement, the city issued a new permit for the Elmira driveway option. However, stakeholders' broad preference for access off Lyons prompted the current appeal. The driveway construction is on hold pending the board's decision.

It was also noted that other nearby homes have setbacks and driveway configurations adhering to the PUD requirements, with some accessing Lyons and others Elmira. The final decision will address concerns about traffic, safety near a bus stop, and compliance with setback requirements.

Michele Bergwall made a motion to approve the required change.

MOTION: A motion was made by Michele Bergwall, seconded by George Ghesquire.

Move to approve

The motion carried by the following vote:

Aye: 3 -

Michele Bergwall, George Ghesquire, Judd Hatch

Nay 1 -

Rebecca Hinkle

5. General Board Business - NONE

6. Remarks, Inquiries, and/or Comments by the Board and/or Staff (No Action) - NONE

7. Adjournment

MOTION: A motion to adjourn was made by George Ghesquire, seconded by Rebecca Hinkle.

Move to adjourn

The motion carried by the following vote:

Aye: 4 -

Michele Bergwall, George Ghesquire, Judd Hatch, Rebecca Hinkle

The meeting was adjourned at approximately 6:00 p.m.

Mayor

City Clerk



City of Broken Arrow

Request for Action

File #: 25-109, Version: 1

**Broken Arrow Board of Adjustment
1-22-2025**

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

Public hearing, consideration, and possible action regarding VAR-001913-2024, 2210 South Aspen Place Variance, 0.5 acres, Commercial General (CG)/ PUD-50, request to reduce the side building setback line from 35 feet to 31 feet along the north property line of 2210 South Aspen Place, located approximately southwest of the southwest corner of West Washington Street (91st Street), and South Aspen Avenue (145th East Avenue) at 2210 South Aspen Place

Background:

Applicant: Jeff Lord
Owner: Jonathon Pride
Developer: NA
Surveyor: N/A
Location: Approximately southwest of the southwest corner of West Washington Street (91st Street), and South Aspen Avenue (145th East Avenue) at 2210 South Aspen Place
Size of Tract: 0.5 acres
Number of Lots: 1
Present Zoning: Commercial General (CG)/ PUD-50
Comp Plan: Level 4 (Commercial/Employment Nodes)

VAR-001913-2024 involves a request for a variance to reduce the side building setback line from 35 feet to 31 feet along the northern property line at 2210 South Aspen Place. The property is located approximately southwest of the southwest corner of West Washington Street (91st Street), and South Aspen Avenue (145th East Avenue) at 2210 South Aspen Place and is platted as Lot 7, Block 1, Brentwood Center.

This property has one existing building, and there is a proposed 22' x 70' expansion on the west side of the building, as shown on the attached exhibit. The existing building was built in 2014 at a slight angle. On the north side of the property line, the building is built over the build line approximately 1.3' on the east side of the building, increasing to 2.8' on the west side of the existing building. The applicant is proposing for the expansion to be built on the west side of the building and continue with the existing slant of the building. This means that the building expansion would encroach on the northern building line approximately 3.1'.

VAR-001913-2024 is proposed to bring the existing building into conformance, and to allow for the proposed expansion, as shown in the attached exhibit.

For a variance to be granted, there are six conditions that must be found by the Board of Adjustment.

1. There are unique physical circumstances or conditions, such as irregularity, narrowness, or shallowness of lot, or exceptional topographical or other physical conditions peculiar to the affected property.

Analysis:

The unique circumstance is that the existing building is built over the build line.

2. The unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located.

Analysis:

No other non-conforming buildings have been found in the neighborhood.

3. Such physical circumstances or conditions were not created by the applicant.

Analysis:

The applicant was not aware of any encroachment until they began the process of expanding the building.

4. Because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this Ordinance.

Analysis:

The existing building could be expanded with a non-conventional building shape which follows the build line instead of the existing building, but a variance would still be required to bring the existing building into compliance.

5. The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property.

Analysis:

A variance on this property would not alter the character of the neighborhood.

6. The variance, if granted, would be the minimum variance that will afford relief and is the least modification possible of the provisions of this Ordinance that are in question.

Analysis:

Granting VAR-001913-2024 would be the minimum variance that will allow the expansion to follow the existing building shape.

Attachments: Case map
Aerial
Exhibit
Brentwood Center Plat

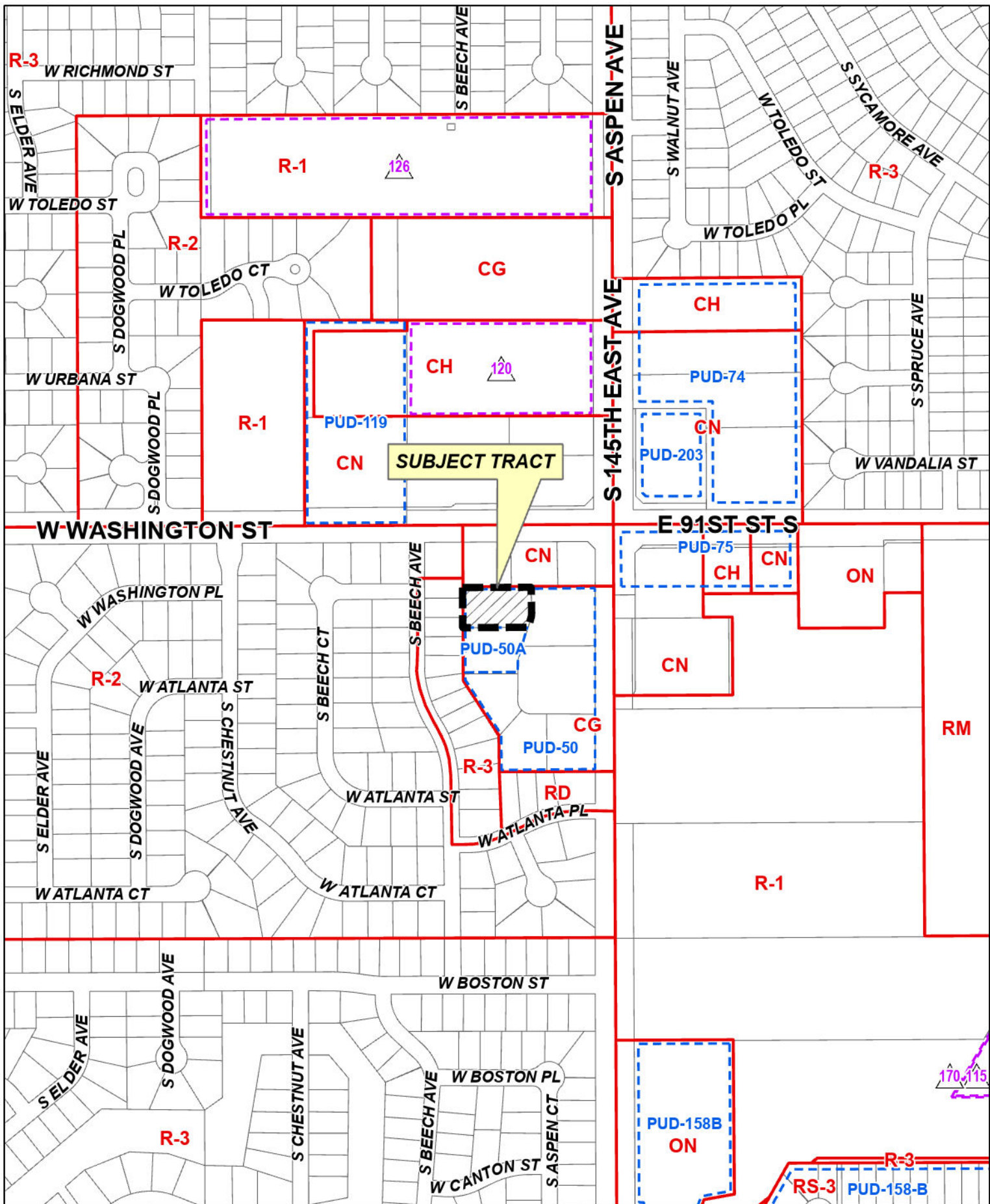
Recommendation:

By State law and by the City of Broken Arrow Zoning Ordinance, for a variance to be granted, all six conditions listed above must be met. In Staff's opinion, the request for a variance to reduce the building setback line for the existing structure, and proposed expansion, at 2210 South Aspen Avenue, meets the six conditions for the Board to grant a variance. Therefore, Staff recommends that VAR-001913-2024 be approved to reduce side building setback line from 35 feet to 31 feet along the north property line.

Reviewed by: Amanda Yamaguchi

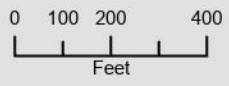
Approved by: Rocky Henkel

HMB



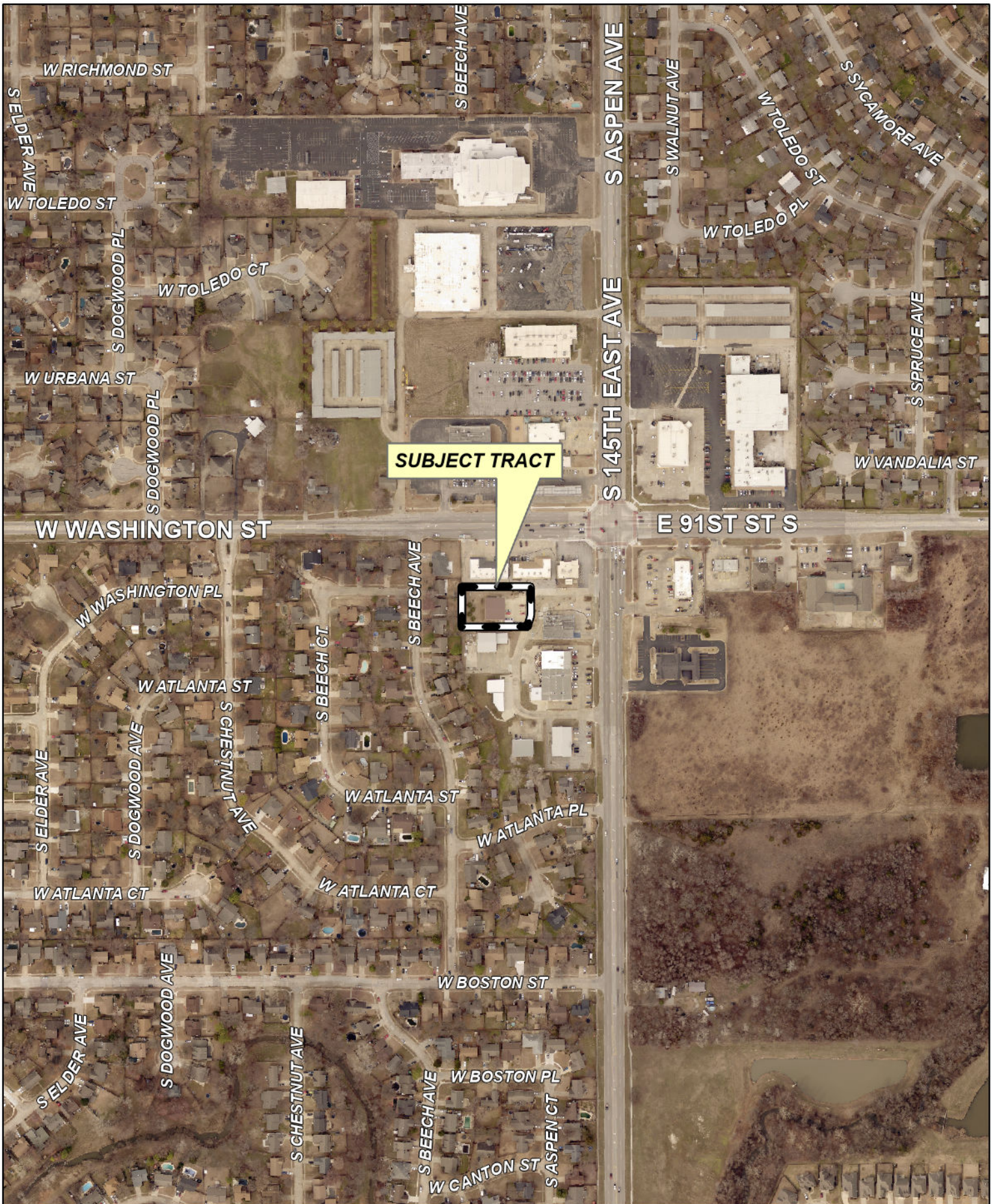
SUBJECT TRACT

VAR-001913-2024



21 18-14





SUBJECT TRACT

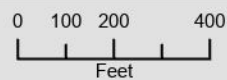


Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2023



Subject Tract

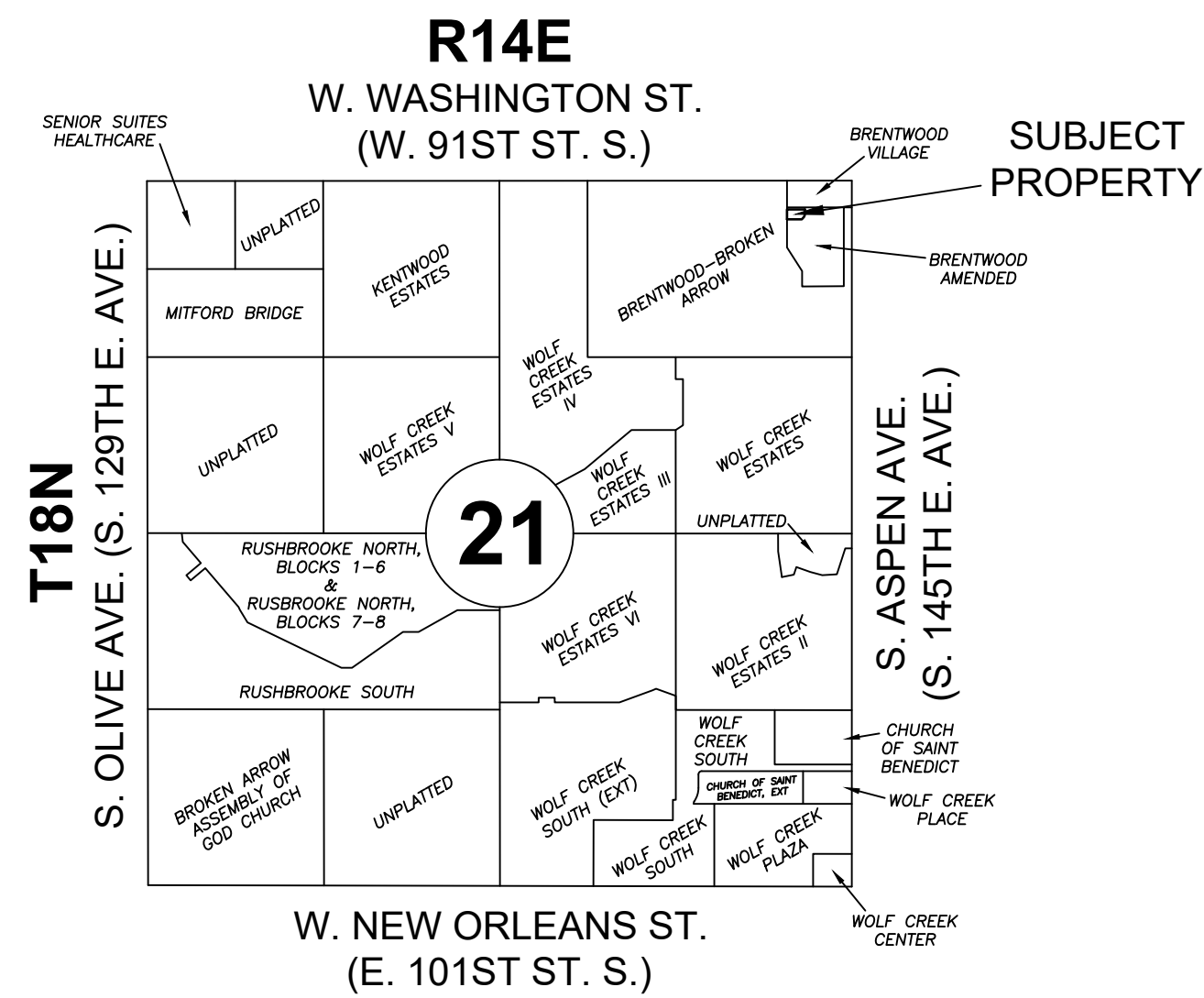
VAR-001913-2024



21 18-14

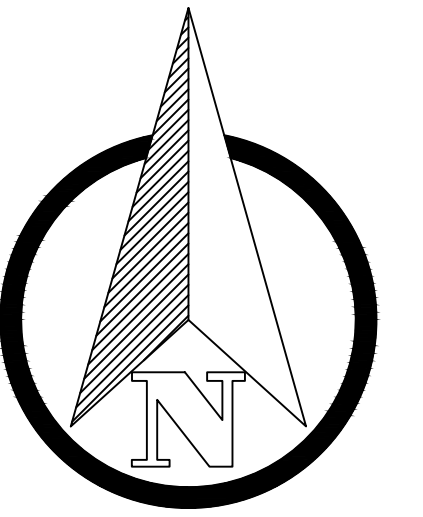
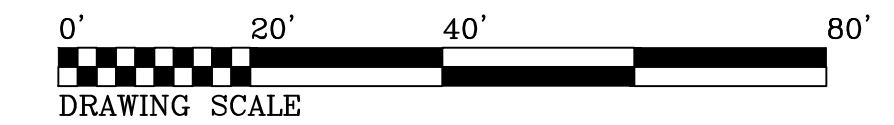


VICINITY MAP (NOT TO SCALE)



ALTA/NSPS LAND TITLE SURVEY

LOT 7 OF BLOCK 1 OF BRENTWOOD CENTER IN BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA



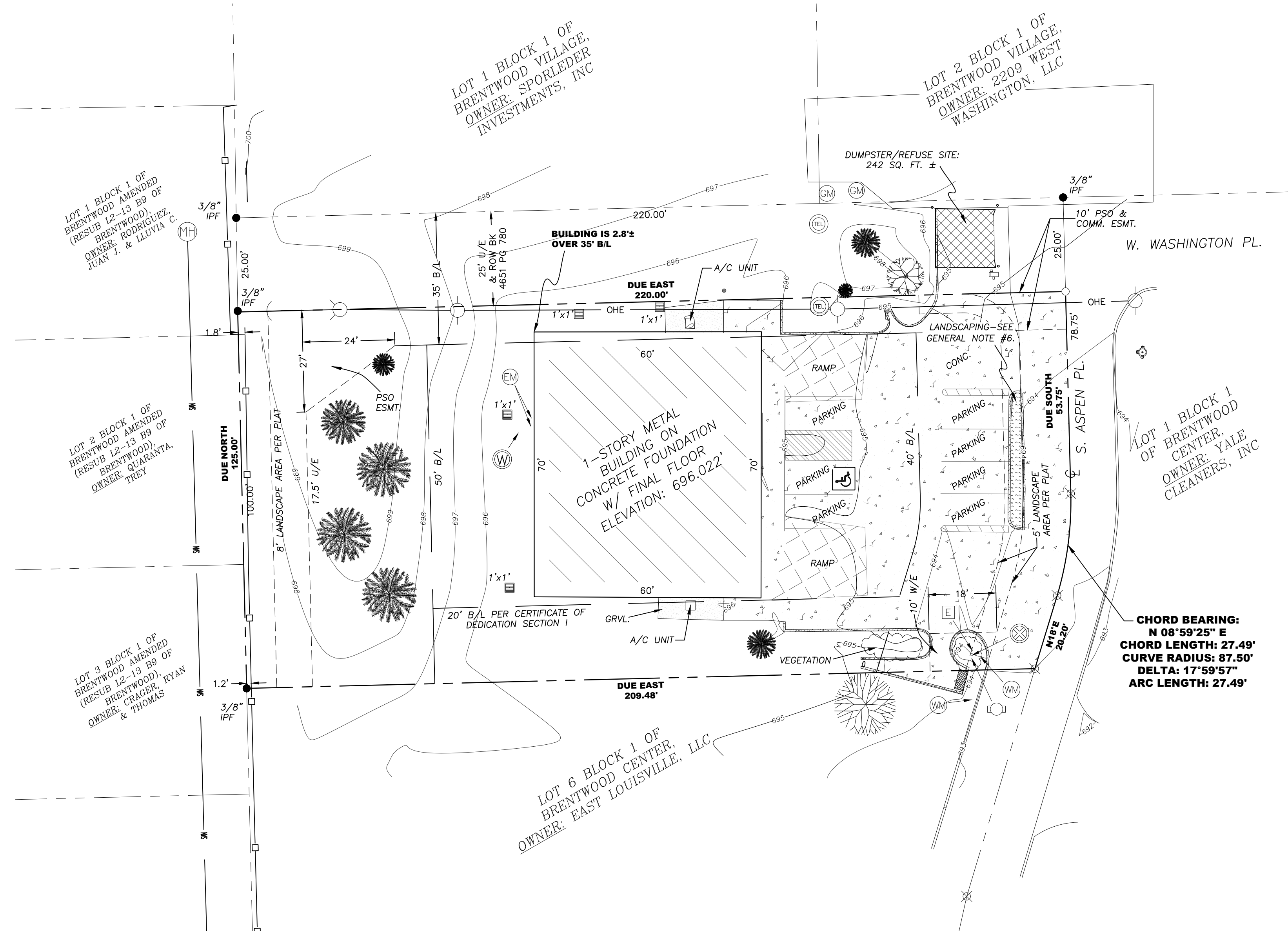
LEGAL DESCRIPTION: General Warranty Deed, Doc. #2023058040

Lot Seven (7), Block One (1), BRENTWOOD CENTER, A resubdivision of Lot 4, Block 1 of BRENTWOOD VILLAGE, an addition lying in Northeast Quarter (NE/4) Northeast Quarter (NE/4) of Section 21, Township 18 North, Range 14 East in the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded Plat No. 4562. (Containing 21,819 square feet, or 0.50 Acres, more or less).

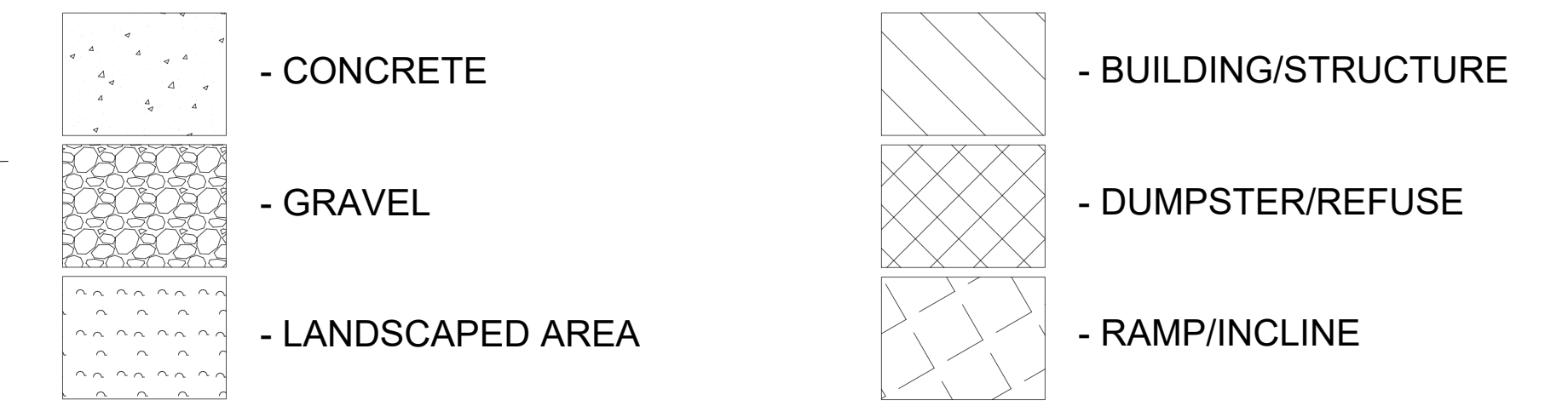
Site Address(es):
2208 South Aspen Place, Broken Arrow, OK 74011
AND
2210 South Aspen Place, Broken Arrow, OK 74011

TABLE-A NOTES:

- Monuments placed (or a reference monument or witness to the corner) at all major corners of the boundary of the surveyed property, unless already marked or referenced by existing monuments or witnesses in close proximity to the corner.
- Address(es) of the surveyed property if disclosed in documents provided to or obtained by the surveyor, or observed while conducting the fieldwork.
- Gross land area (and other areas if specified by the client).
- (a) If the current zoning classification, setback requirements, the height and floor space area restrictions, and parking requirements specific to the surveyed property are set forth in a zoning report or letter provided to the surveyor by the client or the client's designated representative, list the above items on the plat or map and identify the date and source of the report or letter.
- (a) Exterior dimensions of all buildings at ground level.
(b) Square footage of:
(1) exterior footprint of all buildings at ground level.
(2) other areas as specified by the client.
- Substantial features observed in the process of conducting the fieldwork (in addition to the improvements and features required pursuant to Section 5 above) (e.g., parking lots, billboards, signs, swimming pools, landscaped areas, substantial areas of refuse).
- Number and type (e.g., disabled, motorcycle, regular, and other marked specialized types) of clearly identifiable parking spaces on surface parking areas, lots, and in parking structures. Stripping of clearly identifiable parking spaces on surface parking areas and lots.
- Number and type (e.g., disabled, motorcycle, regular, and other marked specialized types) of clearly identifiable parking spaces on surface parking areas, lots, and in parking structures.
Stripping of clearly identifiable parking spaces on surface parking areas and lots.
- Evidence of underground utilities existing on or serving the surveyed property (in addition to the observed evidence of utilities required pursuant to Section 5.E.iv.) as determined by:
(b) markings coordinated by the surveyor pursuant to a private utility locate request.
- Names of adjoining owners according to current tax records. If more than one owner, identify the first owner's name listed in the tax records followed by "et al."



HATCH LEGEND:



LEGEND OF SYMBOLS & ABBREVIATIONS:

- | | | | |
|-------|---|--|--------------------------|
| | - FOUND MONUMENT, AS DESCRIBED | | - IRRIGATION VALVE |
| | - FOUND CHISELED "X" IN PAVEMENT | | - WATER METER |
| | - SET MAG NAIL WITH WASHER MARKED, "GREENHEAD CA 9083 | | - POWER POLE |
| | - CALCULATED POINT, NOTHING SET | | - POWER POLE W/ GUY WIRE |
| ROW | - RIGHT-OF-WAY | | - GUY WIRE |
| (M) | - MEASURED BEARING AND/OR DISTANCE | | - GAS METER |
| (R) | - RECORD BEARING AND/OR DISTANCE | | - TELEPHONE PEDESTAL |
| | - WOOD FENCE | | - PLASTIC RUNOFF INLET |
| -OHE- | - OVERHEAD ELECTRIC CABLE | | - PIPE INLET |
| ESMT | - EASEMENT | | - MAILBOX |
| B/L | - BUILDING LINE | | - FIRE HYDRANT |
| S/E | - SPECIAL EXCEPTIONS LIST # | | - ELECTRIC METER |
| | - MANHOLE | | - WATER PUMP |
| | - STORM SEWER INLET | | - EVERGREEN TREE |
| | - ELECTRIC BOX | | - PINE TREE |
| | - WATER VALVE | | - SPRUCE TREE |

ZONING NOTES:

Zoned: CG - Commercial
Permitted Use Classification: Personal Services - General Personal Services
Observed Use(s): Personal Services
Existing site conditions appear (from outside observations) to fall within permitted uses as listed above in the City of Broken Arrow's Zoning Regulations Section 10.3-D-8-C. Zoning Regulations are subject to change and interpretation, for further information contact: City of Broken Arrow (phone: 918-251-5311)

Site Restrictions:

- Minimum building setbacks:
Front: 50 Feet
Side (abutting property in same district): 0 Feet
Side (abutting property in non-res district): 30 Feet
Side (abutting property in residential or A-1 district): 1-story = 50 Feet
Rear: 50 Feet
- Minimum lot size: None
- Minimum lot frontage: 200 Feet (min. provided: [insert measurement])
- Maximum building height: None (max. provided: [insert measured height])

Parking Tabulation:

Total regular spaces provided: 6
Total handicap spaces provided: 1
Total combined spaced provided: 7

FLOOD ZONE NOTE:

By graphic plotting only, this property is in **Zone X (Unshaded)** of the Flood Insurance Rate Map, Community Panel No. 40143C0387L and Panel No. 40143C0389L with effective date of October 16, 2012.

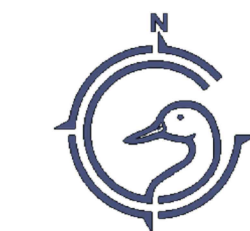
GENERAL NOTES:

- The bearing base for this survey originated from The Plat of Brentwood Center.
- This property has an area of 21,819 square feet or 0.5009 acres of land.
- This property is designated by Tulsa County, as Tax Map Parcel 78445-84-21-49830.
- There was no observable evidence of cemeteries found at the time of this survey.
- The property has access via South Aspen Place, which is a public right of way.
- In response to Table A, item number 8, subject property is granted approximately 1,258 square feet of landscaped area per plat. Observed landscaped area on site is approximately 105 square feet.

REVISIONS:

- 1 - 08/21/2024:
Per the request of the client, face of plat to include topographic data.

GREENHEAD SURVEYING
1620 S BOULDER AVE, TULSA, OK 74119
(918) 212-0946 | OK CA#9083



GREENHEAD

SURVEYOR'S CERTIFICATION:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS and includes Items 1-2, 4, 6-9, 11B, AND 13 of Table A thereof.

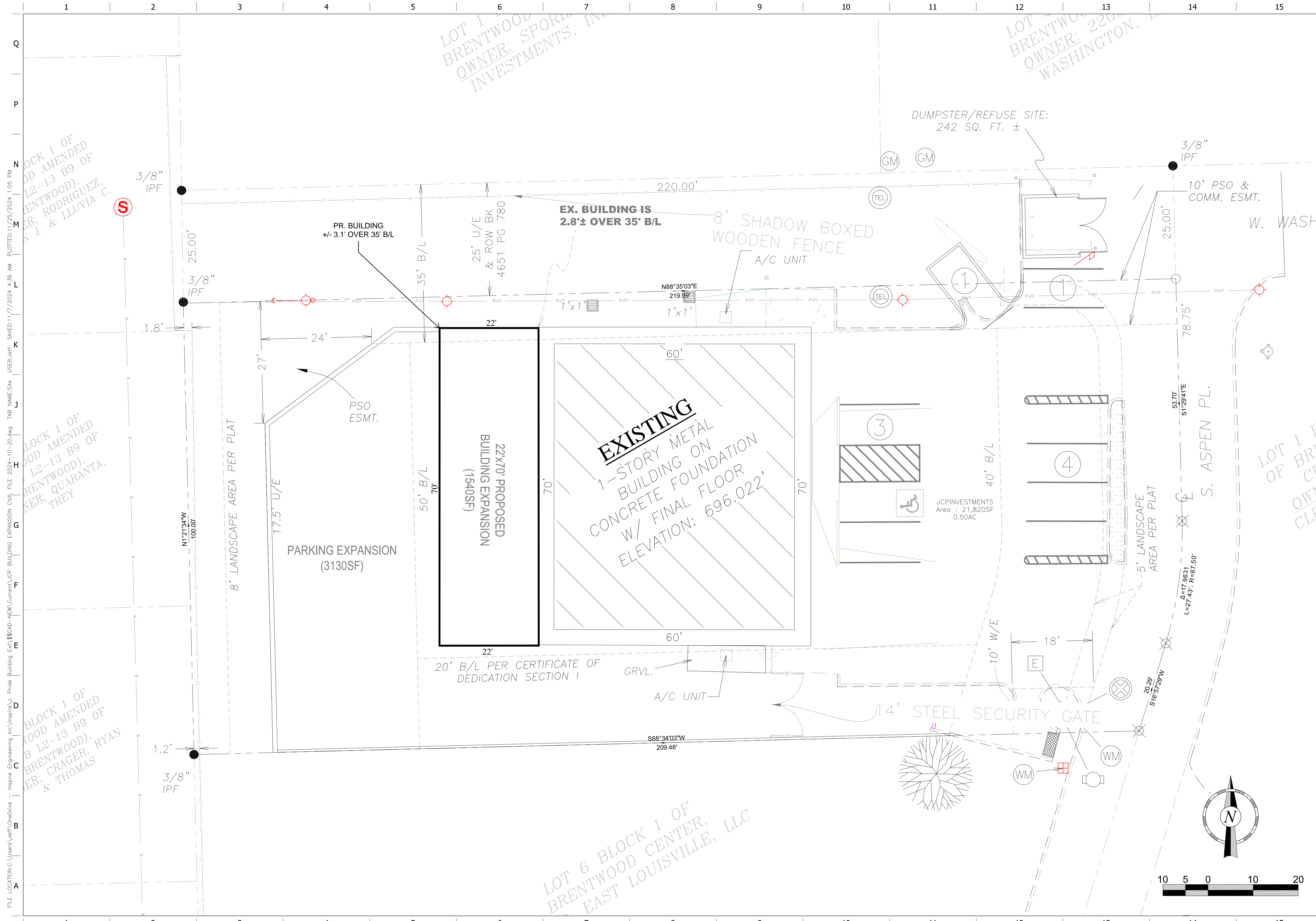
The field work was completed on July 3rd, 2024.

Date of Plat or Map: August 21st, 2024. [REV1]

Salvador Titone

Registered Surveyor: Salvador Titone
Registration Number: 1460
In the State of: Oklahoma





BLOCK 1 OF (GOOD AMENDED L2-13 B9 OF BRENTWOOD), OWNER: RODRIGUEZ, J. & LLUVIA C.
 BLOCK 1 OF (GOOD AMENDED L2-13 B9 OF BRENTWOOD), OWNER: QUARANTA, TROY
 BLOCK 1 OF (GOOD AMENDED L2-13 B9 OF BRENTWOOD), OWNER: CRAGER, RYAN & THOMAS

FILE LOCATION: C:\Users\Jeff\OneDrive\Inspire Engineering Inc\Inspire\J. Price Building Exp\335340-NEW\Current\JCP BUILDING EXPANSION CIVIL FILE 2024-10-20.dwg
 TAB NAME: Site USER: Jeff DATE: 11/27/2024 4:36 AM PLOTTED: 11/25/2024 1:05 PM

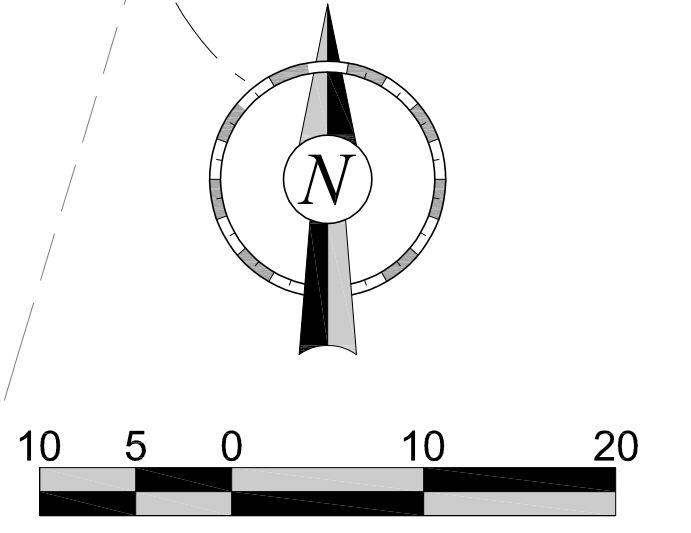
PREPARED BY:
 JEFFREY K. LORD, P.E., M.ENG, MBA
 P.E. NO.: 29703
 expires: July 31st, 2026

INSPIRE ENGINEERING, INC.
 10430 S. QUEBEC AVE.
 TULSA, OK 74137
 jlord@inspire-engineers.com
 (918) 606-7950
(CERTIFICATE OF AUTHORIZATION NO. 6262) Expires: 07-31-2026

JCP INVESTMENTS
BUILDING EXPANSION PROJECT
 CIVIL SITE DEVELOPMENT PLANS
 2208/2210 SOUTH ASPEN PLACE
 BROKEN ARROW, OKLAHOMA

SHEET TITLE:
 PROPOSED

SHEET NUMBER:
 XX

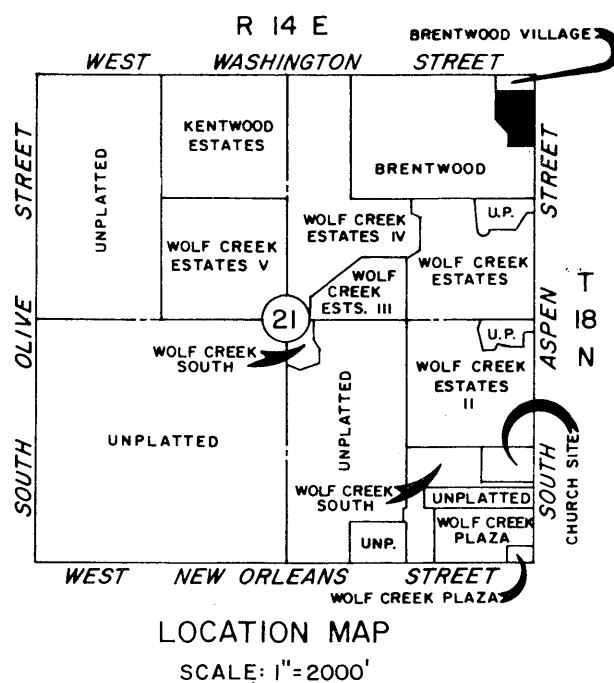
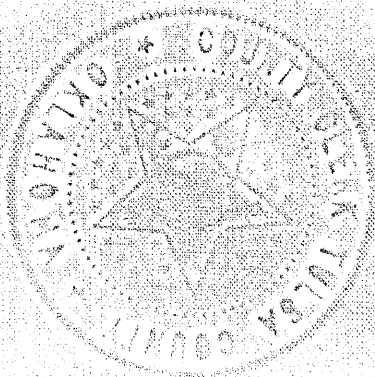


STATE OF OKLAHOMA
TULSA COUNTY
FILED OR RECORDED
1985 JAN 22 PM 2:38
JOAH HASTINGS
TULSA COUNTY CLERK

4562

BRENTWOOD CENTER

A RESUBDIVISION OF LOT 4, BLOCK I OF BRENTWOOD VILLAGE, AN ADDITION LYING IN NORTHEAST QUARTER (NE/4) NORTHEAST QUARTER (NE/4) OF SECTION 21, TOWNSHIP 18 NORTH, RANGE 14 EAST IN THE CITY OF BROKEN ARROW, TULSA COUNTY, OKLAHOMA.

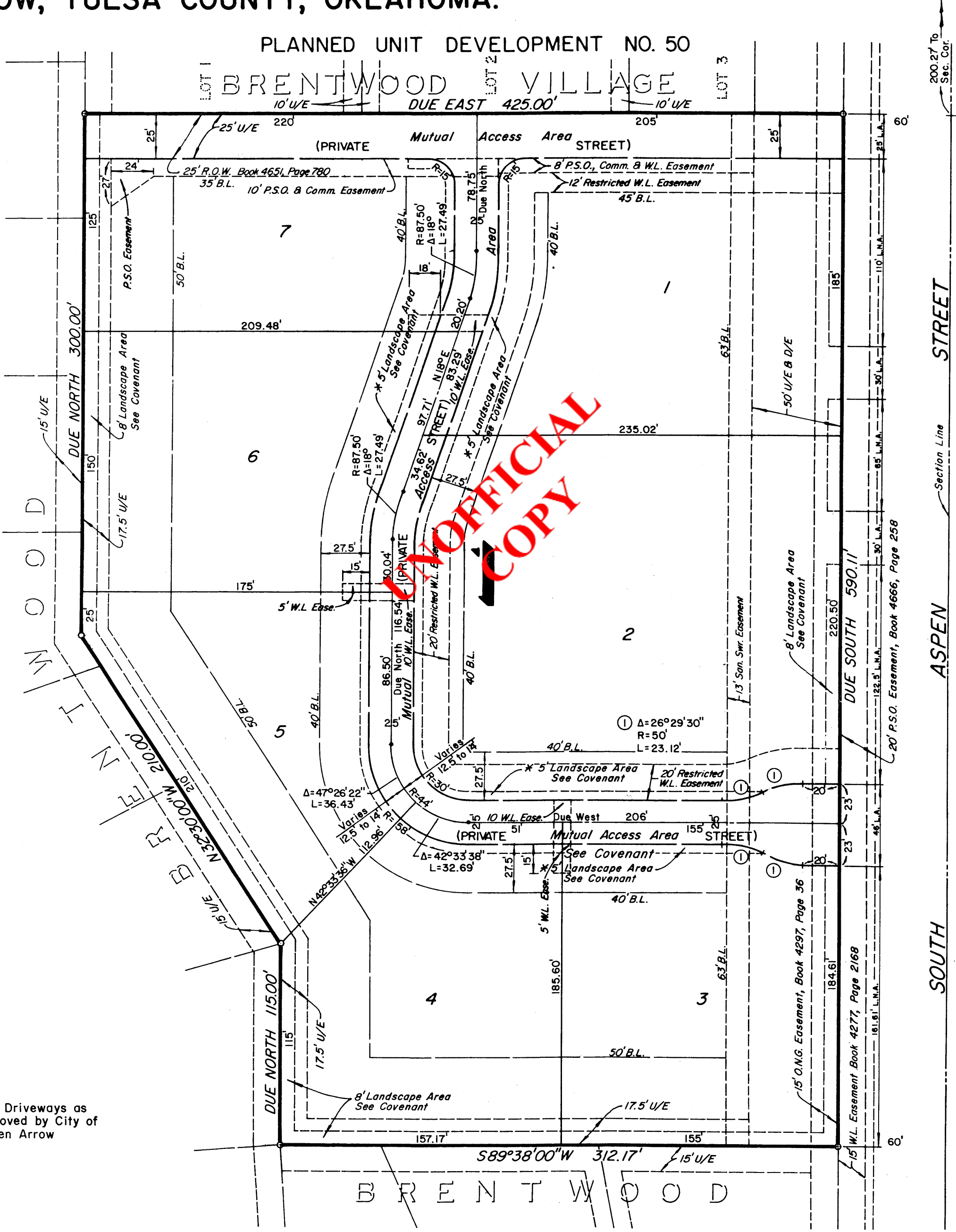


OWNER:
GREEN HAY, INC.
P.O. Box 701411
Tulsa, Oklahoma 74170
Tel. (918) 299-5064

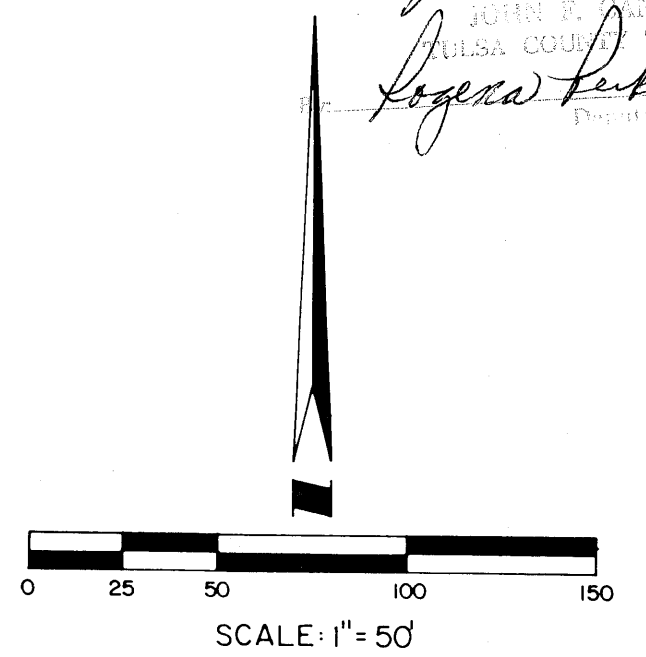
ENGINEER:
COX & ASSOCIATES, INC.
1323 South Baltimore
Tulsa, Oklahoma 74119
Tel. (918) 583-7588

APPROVED 10-1-84 by the City Council of the City of Broken Arrow, Oklahoma
Nick Hood
May 30
Larry Spurlock
Attest: City Clerk

* Less Driveways as Approved by City of Broken Arrow



CERTIFICATE
As provided in Title 11, Chapter 13, Section 514 of the Oklahoma Statutes I hereby certify that as to all real estate taxes involved in this plat, all such taxes have been paid as reflected by the current tax rolls and security as required by said section 514, has been provided in the amount of \$6114.00 to be applied to the taxes of 1985.
This plat is hereby approved for payment of 1985 taxes on 1/22/85 in order that this plat may be filed of record.
I, *Joah Hastings*, County Clerk, do hereby certify that the amount of the security deposit is \$65.
Dated *Jan 22*, 1985
JOAH HASTINGS
TULSA COUNTY TREASURER
Rogera Perkins



7 LOTS
5.24258 ACRES

- LEGEND
- B.L. - Denotes Building Line
 - U/E - Denotes Utility Easement
 - D/E - Denotes Drainage Easement
 - L.A. - Limits of Access
 - L.N.A. - Denotes Limits of No Access
 - W.L. - Denotes Water Line
 - R.O.W. - Denotes Right of Way
 - P.S.O. - Denotes Public Service Company of Oklahoma
 - Comm. - Denotes Communication, General Telephone & Cable Television.

341205

PLAT NO. 4562	PAGE 1 OF 2
-------------------------	----------------

CERTIFICATE OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

THAT GREEN HAY, INC., an Oklahoma Corporation, is the OWNER of the following described property:

All of Lot 4, Block 1 of BRENTWOOD VILLAGE, an addition to the City of Broken Arrow, Tulsa County, Oklahoma, according to the recorded plat thereof in Section 21, Township 18 North, Range 14 East, more particularly described as follows:

Beginning at the Northeast corner of said Lot 4, said point lying 200.27 feet Due South and 60.00 feet Due West of the Northeast corner of said Section 21; thence Due South and parallel to the East line of said Section 21 a distance of 590.11 feet to a point; thence S89°38'00"W a distance of 312.17 feet to a point; thence Due North a distance of 115.00 feet to a point; thence N32°30'00"W a distance of 210.00 feet to a point; thence Due North a distance of 300.00 feet to a point; thence Due East a distance of 425.00 feet to the point of Beginning, containing 5.24258 acres more or less.

WHEREAS, the said OWNER has caused the above described property to be surveyed, platted and staked in conformity with the accompanying plat which it hereby adopts as the plat of the above described land as BRENTWOOD CENTER, an Addition to the City of Broken Arrow, State of Oklahoma.

NOW, THEREFORE, the undersigned OWNER does hereby dedicate for public use forever, the easements and rights-of-way as shown on the accompanying plat for the several purpose of constructing, maintaining, operating, repairing, removing and replacing any and all public utilities, including storm and sanitary sewers, telephone lines, cable television, electric power lines and transformers, gas lines and water lines, together with all fitting and equipment for each of such facilities, including the poles, wires, conduits, pipes, valves, meters and any other appurtenances thereto with the right of ingress and egress to and upon said easements and rights-of-way for the uses and purposes aforesaid, PROVIDED, HOWEVER, that the OWNER hereby reserves the right to construct, maintain, operate, lay and relay water and sewer lines together with the right of ingress and egress over, across and along all strips of land included within the easements shown on the plat, both for the furnishing of water and/or sewer services to the area included in said plat and to any other areas.

AND, WHEREAS, BRENTWOOD CENTER was processed as Planned Unit Development No. 50 pursuant to Section 1, Article 8 of Ordinance 302 and subsequent amendments thereto of the City of Broken Arrow, as the same existed on June 14, 1984, which Planned Unit Development No. 14 was approved by the Broken Arrow Planning Commission on June 14, 1984, and by the Broken Arrow City Council on June 18, 1984.

NOW, THEREFORE, the OWNER hereby relinquishes any and all right of vehicular ingress or egress from any portion of the property adjacent to South Aspen within the bounds designated as "Limits of No Access" as shown on the attached plat, which "Limits of No Access" or any part or portion thereof may be modified, amended, or revised with the approval of the City Engineer and the Planning Commission of the City of Broken Arrow, Oklahoma.

NOW, THEREFORE, the undersigned OWNER, for the purpose of providing an orderly development of the Planned Unit Development property above described and for the purpose of insuring adequate restrictions for the mutual benefit of the undersigned OWNER, its successors and assigns and the City of Broken Arrow, does hereby impose the following restrictions and covenants, which shall be covenants running with the land and which shall be enforceable by the owners of the above described lots and by the City of Broken Arrow, Oklahoma.

PROTECTIVE COVENANTS AND RESTRICTIONS

SECTION I

PLANNED UNIT DEVELOPMENT STANDARDS

- Maximum Floor Area Coverage:

Lot 1 - 11,284 s.f.	Lot 5 - 6,319 s.f.
Lot 2 - 19,628 s.f.	Lot 6 - 10,714 s.f.
Lot 3 - 9,468 s.f.	Lot 7 - 9,015 s.f.
Lot 4 - 8,931 s.f.	

By mutual consent of two or more lot owners, allowable coverage may be transferred between lots, except that the total maximum coverage of the affect lots may not exceed the total maximum coverage allowed for said affected lots.
- Maximum Building Heights:

Lots 1, 3, 4, 5, 6 & 7 - 1 story
Lot 2 - 2 stories
- Minimum Building Set Back from Property Lines:

Along South Aspen Street - 50 feet
Adjacent to residential development - 50 feet for 1 story
Along North Property Line of Addition - 30 feet
From lot line within mutual access area - 40 feet
From side lot line - 20 feet for 1 story
30 feet for 2 story
- Minimum Parking Requirements:

One parking space for each 200 s.f. of building floor area will be provided.
- Uses Permitted:

Lots 1, 3, 4, 5, 6 & 7 - Per Section 23.3, Column C-2 of the Zoning Ordinance except that no vehicular repair will be permitted.
Lot 2 - Per Section 23.3, Column C-2 of the Zoning Ordinance plus auto repair as a secondary use to an auto parts store will be allowed except that no vehicle under major repair shall be parked outside overnight.
- Screening Fence:

An opaque screening fence a minimum of 6 feet in height shall be constructed along the South and West property lines of this addition.
- Signs:

Ground signs to be limited in number to one per parcel along the Aspen frontage and located at least 50 feet from the Aspen right-of-way. All other provisions of the sign ordinance should apply. No temporary or mobile signs should be permitted in this addition other than temporary permitted signs not to exceed 60 days. All mobile signs to conform with existing sign ordinances.
- Acceleration-Deceleration Lane:

An acceleration-deceleration lane shall be constructed adjacent to the existing surfacing of South Aspen Street for the entire length of the East line of this addition. The design and construction standards shall be per the direction of the City Engineer.
- Landscaping:

Landscaping will be required within the 8 feet wide landscape area adjacent to the East, West and South line of this addition as shown on the plat. This landscaping shall include the planting and maintenance of Bradford Pear Trees (approximately 6 feet high) at 25 feet centers. The cost of replacement of any landscaping removed, damaged or killed by the installation, replacement or repair of any utility within the landscape area will be at the expense of the lot owner upon which the occurrence happens.

Landscaping will also be required within a 5 feet wide strip of land either side of and adjacent to the mutual access roadway, less that portion occupied by driveways.

In addition to the above landscaping requirement, each lot shall have the following square feet of landscaping required:

Lot 1 - 500 s.f.	Lot 5 - 360 s.f.
Lot 2 - 430 s.f.	Lot 6 - 600 s.f.
Lot 3 - 320 s.f.	Lot 7 - 300 s.f.
Lot 4 - 350 s.f.	

*This landscaping shall be located on any affected lot so as to provide a pleasing and esthetic value to the plot plan layout.
- Plot Plan and Landscaping Approval:

Prior to application for a building permit, on any affected lot, a site plan application shall be submitted to the Planning Commission, with the landscaping plan, for approval. All trees and plants to be shown with their common name.

SECTION II

REVIEW OF PLANS BY DEVELOPER

- Prior to submittal of the plot plan and landscaping plan to the Planning Commission, as required under the P.U.D., 2 sets of the site plan and landscaping plan shall be submitted to the developer (Green Hay, Inc.) for their review and approval. If no response is made by the developer within 2 weeks after submittal, the plans shall be considered approved.

APPROVED 10-1-84 by the City Council of the City of Broken Arrow, Oklahoma.
 Nick Hood
 Larry Burlock
 Mayor
 Council City Clerk

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SECTION III

MUTUAL ACCESS ROADWAY, CONSTRUCTION AND MAINTENANCE

- The initial construction of the mutual access roadway and storm sewers will be made at the expense of the developer.
 - The cost of any repair or maintenance of the storm sewer and repair or resurfacing of the mutual access roadway will be paid for by all the lot owners, said cost to be paid for at the following percentages:

Lot 1 - 13%	Lot 5 - 8%
Lot 2 - 26%	Lot 6 - 14%
Lot 3 - 13%	Lot 7 - 12%
Lot 4 - 12%	

Instigation of any repair or resurfacing shall be initiated by a petition signed by Lot owners responsible for a minimum of 50% of the cost of said repair or resurfacing.

Upon refusal of any lot owner to pay his, her or their share of the cost of the repair or resurfacing, the owner of any lot in the addition shall have the right to file a Material or Mechanic's Lien on the lot of the non-paying lot owner.
 - Developer hereby expressly grants to the City of Broken Arrow as a governmental entity, and as trustee for all other governmental entities, the right of free access over all private mutual access roadways contained within this development, such access to be utilized by governmental employees in the performance of their official duties. This right of access shall include but not be limited to access by all emergency vehicles. However, the grant of this right of access does not alter the essential character of the private mutual access roadways contained within the subdivision, and such mutual access roadways remain privately owned and privately maintained.
- Developer hereby grants to the U.S. Postal Service free right of access over all private mutual access roadway within this subdivision.

SECTION IV

ELECTRICAL AND COMMUNICATION SERVICE

- Overhead pole lines for the supply of electric or communication service may be located along the perimeters of this addition. Street light poles or standards may be served by underground cable and elsewhere throughout said Addition all supply lines shall be located underground in the easement-ways reserved for general utility services and streets, shown on the attached plat. Service pedestals and transformers, as sources of supply at secondary voltages and communication pedestals, may also be located in said easement-ways.
- Except to structures on lots described in paragraph 1 above, which may be served from overhead electric and communication service lines, underground service cables to all structures which may be located on all lots in said Addition may be run from the nearest service pedestal or transformer to the point of usage determined by the location and construction of such structures as may be located upon each said lot, provided that upon the installation of such a service cable to a particular structure, the supplier of electric or communication service shall thereafter be deemed to have a definitive, permanent, effective and exclusive right-of-way easement on said lot, covering a five-foot strip extending 2.5 feet on each side of such service cable, extending from the service pedestal or transformer to the service entrance on said structure.
- The supplier of electric or communication service, through their proper agents and employees shall at all times have right of access to all such easement-ways shown on said plat, or provided for in this Deed of Dedication for the purpose of installing, maintaining, removing or replacing any portion of said underground electric or communication facilities so installed by them.
- The Owner of each lot shall be responsible for the protection of the underground electric and communication facilities located on his property and shall prevent the alteration of grade or any construction activity which may interfere with said electric or communication facilities. The Companies will be responsible for ordinary maintenance of underground electric or communication facilities, but the owner will pay for damage or relocation of such facilities caused or necessitated by acts of the owner or his agents or contractors.
- The foregoing covenants concerning underground electric and communication facilities shall be enforceable by the supplier of electric and communication service, and the owner of each lot agree to be bound hereby.

SECTION V

AVAILABILITY OF SANITARY SEWERS

- The approval and filing of this plat does not guarantee that connections will be permitted to the Hailey Creek Wastewater Treatment Plant. The owner of each lot is responsible for obtaining from the Superintendent of Waterworks and Sewerage in Broken Arrow, a connection contract and/or connection permit, certifying capacity. If capacity is not available, connection of the lot will not be permitted.

IN WITNESS WHEREOF said GREEN HAY, INC., an Oklahoma Corporation, has caused these presents to be executed and its corporate seal to be hereunto affixed by its corporate officers hereunto duly authorized this 19th day of November, 1984.

ATTEST:

GREEN HAY, INC.,
 an Oklahoma Corporation

By: Norman L. Morrow
 Norman L. Morrow -- President

By: Lisa Marie Hunt
 Lisa Marie Hunt -- Secretary

STATE OF OKLAHOMA)
 COUNTY OF TULSA) ss.

Before me, the undersigned, a Notary Public in and for said County and State, on this 19th day of November, 1984, personally appeared Norman L. Morrow, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument and as its President acknowledged to me that he executed the same as his free and voluntary act and deed and as the free and voluntary act and deed of such corporation for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year above written.

My Commission Expires: March 1985

By: Kimberly J. Cogrod
 Kimberly J. Cogrod
 Notary Public

CERTIFICATE OF SURVEY

We, COX & ASSOCIATES, INC., Engineers of Tulsa, Oklahoma, hereby certify that we have at the instance of the OWNER designated above, made the above described survey, and that the accompanying plat is a true and correct representation of said survey.

Signed and sealed this 31st day of October, 1984

COX & ASSOCIATES, INC., ENGINEERS

By: Jack C. Cox
 Jack C. Cox, Registered Land Surveyor

STATE OF OKLAHOMA)
 COUNTY OF TULSA) ss.

Before me, the undersigned, a Notary Public in and for said County and State, on this 31st day of October, 1984, personally appeared Jack C. Cox, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed and as the free and voluntary act and deed of Cox & Associates, Inc., for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year above written.

My Commission Expires: January 7, 1986

By: D. Vianna W. Henry
 D. Vianna W. Henry
 Notary Public