



City of Broken Arrow
Meeting Agenda
Planning Commission

Chairperson Jaylee Klempa

Vice Chair Robert Goranson

Member Lee Whelpley

Member Jonathan Townsend

Thursday, June 9, 2022

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. [22-740](#) Approval of Planning Commission meeting minutes of May 26, 2022

Attachments: [05 26 2022 Planning Commission Minutes](#)

- B. [22-757](#) Approval of BAL-2169CB (Lot Consolidation), ALDI Spring Creek Plaza,
1 Proposed Lot, 2.46 acres, CG/PUD-294, southeast corner of West
Tucson Street (121st Street) and South Elm Place (161st East Avenue)

Attachments: [2-BAL-2169CB AERIAL](#)
 [3.BAL-2169CB CASE MAP](#)
 [4-Recorded Plat](#)
 [5-BAL-2169CB EXHIBIT](#)

5. Consideration of Items Removed from Consent Agenda

6. Public Hearings

- A. [22-750](#) Public hearing, consideration, and possible action regarding BAZ-2110 (Rezoning), New Orleans Plaza, 9.10 acres, A-CN (Annexed Commercial Neighborhood) to CG (Commercial General) located at the southeast corner of New Orleans Street (101st Street) and 23rd Street (County Line Road)

Attachments: [2-CASE MAP](#)
[3-AERIAL](#)
[4-COMPREHENSIVE PLAN](#)
[5-EXHIBIT OF COMPREHENSIVE PLAN VS CURRENT PLAT](#)
[6-Elmwood Estates IV Commercial Property Plat](#)
[7-Ordinance No. 2310](#)

- B. [22-754](#) Public hearing, consideration, and possible action regarding BAZ-2111 (Rezoning) and PUD-126F (Planned Unit Development), Tucson Business Park, 2.38 acres, PUD-126/CG (Commercial General) to PUD-126F/CG (Commercial General) & IL (Industrial Light), located one-quarter mile west of Elm Place (161st E. Avenue), north of Tucson Street (121st Street)

Attachments: [2-CASE MAP](#)
[3-AERIAL](#)
[4-PUD-126F Design Statement](#)
[5-Recorded Plat Waterloo Way](#)

- C. [22-753](#) Public hearing, consideration, and possible action regarding the proposed modifications to Chapter 3 and Chapter 5 of the Downtown Residential Overlay District (DROD)

Attachments: [2-Proposed Changes to Chapter 3](#)
[3-Proposed Changes to Chapter 5](#)
[4-DROD Area Map](#)

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



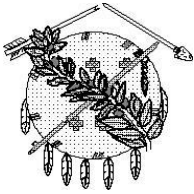
City of Broken Arrow

Request for Action

File #: 22-740, **Version:** 1

Broken Arrow Planning Commission
06-09-2022

To: Chairman and Commission Members
From: Community Development Department
Title: Approval of Planning Commission meeting minutes of May 26, 2022
Background: Minutes recorded for the Broken Arrow Planning Commission meeting.
Attachments: 05 26 2022 Planning Commission Minutes
Recommendation: Approve minutes of Planning Commission meeting held May 26, 2022.
Reviewed By: Jill Ferenc
Approved By: Larry R. Curtis



City of Broken Arrow

Minutes Planning Commission

City Hall
220 S 1st Street
Broken Arrow OK
74012

Chairperson Jaylee Klempa
Vice Chairperson Robert Goranson
Commission Member Lee Whelpley
Commission Member Jonathan Townsend
Commission Member Heather Canard

Thursday, May 26, 2022

Time 5:30 p.m.

Council Chambers

1. Call to Order

Chairperson Jaylee Klempa called the meeting to order at approximately 5:30 p.m.

2. Roll Call

Present: 4 - Heather Canard, Jonathan Townsend, Jaylee Klempa, Robert Goranson
Absent: 1 - Lee Whelpley

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

- A. 22-654** Approval of Planning Commission meeting minutes of May 12, 2022
- B. 22-622** Approval of PT19-109, Revised Preliminary Plat, Highland 55 at Mission Hills, 19.63 acres, 1 Lot, PUD-189C (Planned Unit Development)/RM (Residential Multifamily) to PUD-189C/RM, north of Albany Street (61st Street), one-third mile west of 9th Street (Lynn Lane)
- C. 22-623** Approval of PT22-106, Preliminary Plat, 51 West, approximately 7.07 acres, A-1 to PUD-336/ON/CG/IL, generally located one-half mile south of Houston Street (81st Street), three-quarters of a mile east of 23rd Street (193rd E. Avenue/County Line Road), on the southwest corner of State Highway 51 and Nashville Street
- D. 22-677** Approval of PT22-107, Preliminary Plat, Washington Lane IX, 20 lots, 3.04 acres, R-5/PUD-135 C, one-quarter mile south of Washington Street (91st Street), east of 9th Street (Lynn Lane/177th East Avenue) E. 22-676 Approval of PT22-108, Preliminary Plat, Furniture Row, 19.7 acres, 2 lots, CH (Commercial Heavy), RM (Residential Multi-Family), RD (Residential Duplex), R-2 (Single-Family Residential)/PUD-339, located one-half mile north of Kenosha Street (71st Street), one-quarter mile east of Elm Place (161st E. Avenue) on the south side of the Broken Arrow Expressway/State Highway 51
- F. 22-655** Approval of PT20-107, Conditional Final Plat, The Cedars at The Preserve I, 22.15 acres, 96 Lots, A-1 to PUD-310/RS-4, south and east of the southeast corner of Omaha Street (51st Street) and 37th Street (209th E. Avenue)
- G. 22-664** Approval of BAL-2162CB (Lot Consolidation), AG Equipment, 1 Proposed Lot, 8.86 acres, IL (Industrial Light), located south of Albany Street (61st Street), one-quarter mile west of Aspen Avenue (145th East Avenue)
- H. 22-659** Approval of BAL-2166 (Lot Split), First National Bank-Aspen, 2.18 Acres, approximately one eighth mile south of Albany Street (61st Street), west of Aspen Avenue (145th East Avenue)
- I. 22-658** Approval of BAL-2168 (Lot Split), Gorrell Property, 2.56 acres, A-RE (Annexed Residential Estate) to RS-1 (Single-Family Residential) via BAZ-2108, one-half mile north of New Orleans Street (101st Street), one-eighth mile west of 23rd Street (193rd E. Avenue/County Line Road)
- J. 22-681** Approval of PT21-107, Conditional Final Plat, The Trails at Aspen Creek, 26.32 acres, 1 Lot, A-1 to PUD-307A/CH and RM, located one-quarter mile west of Aspen Avenue (145th E. Avenue), north of Tucson Street (121st Street)
- K. 22-682** Approval of PT21-121, Conditional Final Plat, The Learning Experience, 5.16 acres, 1 Lots, A-1 to ON (BAZ-1966), located one-quarter mile south of Omaha Street (51st Street), east of 9th Street (177th E. Avenue/Lynn Lane Road), north of Nienhuis Park Planning Section Manager Amanda Yamaguchi presented the Consent Agenda.

Chairperson Klempa explained the Consent Agenda consisted of routine items, minor in nature, and was approved in its entirety with a single motion and a single vote, unless an item was removed for discussion. She noted Item 4H was to be pulled for discussion. She asked if there were any other items to be removed from the Consent Agenda for discussion; there were none.

MOTION: A motion was made by Robert Goranson, seconded by Heather Canard.

Move to approve the Consent Agenda absent Item 4H

The motion carried by the following vote:

Aye: 4 - Heather Canard, Jonathan Townsend, Jaylee Klempa, Robert Goranson

Chairperson Klempa indicated Items F, J and K would go before City Council on June 20, 2022 at 6:30 p.m. She noted if any wished to speak regarding these Items, submission of a Request to Speak form would be required prior to the Meeting's start.

5. Consideration of Items Removed from Consent Agenda

Staff Planner Micah Snyder reported Item 4H, BAL-2166, involved an approximately 2.18-acre parcel located approximately one eighth mile south of Albany Street (61st Street), west of Aspen Avenue (145th East Avenue). He stated language would be changed from "As indicated by the associated Planned Unit Development (PUD)-337, the applicant is to widen the access point off of Aspen Avenue to accommodate its future use by Tract A, which is currently vacant" to "As indicated by the associated Planned Unit Development (PUD)-337, the future developer is to widen the access point off of Aspen Avenue to accommodate its future use by Tract A, which is currently vacant." He explained even though the applicant did the PUD, the intent was for the future developer to widen the access point when tract A was developed.

Commissioner Robert Goranson recommended just using the word "developer" as opposed to "future developer."

Mr. Snyder agreed and indicated the word "future" would be removed.

MOTION: A motion was made by Robert Goranson, seconded by Jonathan Townsend.

Move to approve Consent Agenda Item 4H per Staff and Planning Commission recommendations

The motion carried by the following vote:

Aye: 4 - Heather Canard, Jonathan Townsend, Jaylee Klempa, Robert Goranson

6. Public Hearings

A. 22-638 Public hearing, consideration, and possible action regarding BAZ-2109 (Rezoning), Blue Bull Capital LLC Property, 1.05 acres, A-R-1 (Annexed Single-Family Residential) to R-2 (Single-Family Residential), north of Jasper Street (131st Street), one-half mile east of Aspen Avenue (145th E. Avenue) at 12952 South 152nd East Avenue

Mr. Snyder reported BAZ-2109 was a request to change the zoning designation on 1.05 acres from A-R-1 (Annexed Single-Family Residential) to R-2 (Single-Family Residential). He stated the property was located north of Jasper Street (131st Street), one-half mile east of Aspen Avenue (145th E. Avenue) at 12952 South 152nd East Avenue and was not platted. He noted this item was continued from the May 12, 2022 Planning Commission meeting. He explained as a result of being annexed into Broken Arrow City Limits in May of 2002, the property's current zoning designation was transitional Annexed Single-Family Residential; with BAL-2165, a companion item on this agenda, the applicant also applied to split the lot into two approximately one-half acre lots for the purpose of constructing a new single-family residence on the north lot. He stated the south lot currently had a single-family residence. He stated according to Chapter 1 Section 4.B.7 of The Broken Arrow Zoning Ordinance, no new use may be commenced on unplatted property with transitional zoning without obtaining appropriate conventional zoning. He noted splitting the lot represented the potential for a new use due to there being only one residential home on the lot as presently configured. He stated the request to rezone the property to a conventional zoning designation of R-2 for the purpose of splitting the lot and constructing a new single-family residence maintained compliance with the Zoning Ordinance. He reported in the Planning Commission meeting of May 12, 2022, two citizens spoke in opposition to this request as they were not in favor of the applicant splitting the lot to construct a new single-family home. He stated concerns cited included density, construction noise, traffic, and the potential removal of trees. He stated according to the legal descriptions and exhibit submitted by the applicant for the lot split requested in conjunction with this rezoning request, the north lot would have approximately 147 feet of frontage onto S 152nd E Ave, and the south lot would have approximately 132 feet of frontage onto S 152nd E Ave and 164 feet onto Jasper Street. He stated as the lot was requested to be split into two approximately one-half-acre lots, they would have around 22,000 square feet of area each. He stated the minimum frontage required by the Zoning Ordinance for a lot in the R-2 zoning district was 70 feet, and the minimum lot size required was 8,000 square feet. He indicated according to Tulsa County records, S 152nd E Ave was owned by Tulsa County and measured approximately 20-feet wide. He stated according to FEMA's National Flood Hazard Layer, none of the property was located in the 100-year floodplain. He reported the property was designated as Level 2 in the Comprehensive Plan; the R-2 zoning being requested was in accordance with the Comprehensive Plan in Level 2. He stated based upon the Comprehensive Plan, the location of the property, unique conditions associated with the property, and the surrounding land uses, Staff recommended BAZ-2109 be approved subject to the following: Waiver of platting and a 17.5-foot utility easement be provided along Jasper Street (131st Street) and South 152nd East Avenue for the whole

frontage of the property.

Commissioner Goranson asked if, with the existing structure, there would be enough space for the side yards, if the lot split were approved and a second home was constructed.

Mr. Snyder responded in the affirmative; there was plenty of space.

Commissioner Goranson indicated he wanted to be sure a nonconforming lot would not be created with the lot split.

Vice Chair Klempa stated the citizens who spoke during the last meeting regarding this Item were concerned about the lot being split again in the future into even smaller lots. She stated it looked as if the newly split lot could technically be split again.

Mr. Snyder agreed; the lot could technically be split again.

The applicant, Gabe Walker, indicated he did not think the lot would be split again. He stated the plan was to build a single family home on the property at this time. He stated in regard to tree removal, all of the tree removal and property cleanup was completed, and no additional trees should be removed.

Vice Chair Klempa commented trees might be removed for house construction.

Mr. Walker agreed but indicated no trees would be removed from along the fence line, however, which he believed was the area of concern.

Commissioner Goranson asked if the existing structures on the north lot, the shed, etc., would be removed.

Mr. Walker responded in the affirmative.

Commissioner Goranson asked if the powerlines along 152nd would be a problem.

Mr. Walker responded in the negative.

Commissioner Goranson noted an easement was being required by the City. He stated if another lot split were requested for this property, it would most likely be denied.

Mr. Walker indicated he understood; the easement would be provided, and there was no intention to split the lot again.

Commissioner Goranson asked if Mr. Walker intended to build around the large existing tree on the property.

Mr. Walker explained he would love to keep the tree, but until plans were drawn, he was unsure.

Commissioner Townsend asked about the traffic and noise concerns from the citizens last meeting.

Mr. Walker stated regarding construction noise he would ensure the construction only went on during the timeframe allowed by the City. He stated the home being considered for construction would fit the area and be of similar size to the existing home. He noted there would be plenty of parking for construction workers off the street which should help with traffic concerns on the road itself.

Discussion ensued regarding construction traffic in the area.

Commissioner Goranson stated he did not believe construction of a single home would cause significant construction traffic delays, and he did not feel the addition of another home to the area would cause increased traffic problems.

Discussion continued regarding construction traffic.

Chairperson Klempa stated no citizens signed up to speak regarding this Item; the public hearing was closed.

MOTION: A motion was made by Robert Goranson, seconded by Heather Canard.

Move to approve Item 6A per Staff recommendations

The motion carried by the following vote:

Aye: 4 - Heather Canard, Jonathan Townsend, Jaylee Klempa, Robert Goranson

Chairperson Klempa indicated this Item would go before City Council on June 20, 2022 at 6:30 p.m. She noted if any wished to speak regarding these Items, submission of a Request to Speak form would be required prior to the Meeting's start.

7. Appeals

There were no Appeals.

8. General Commission Business

A. 22-639 Consideration, discussion, and possible approval of BAL-2165 (Lot Split), Blue Bull Capital LLC Property, 1.05 Acres, north of Jasper Street (131st Street), one-half mile east of Aspen Avenue (145th E. Avenue)
Mr. Snyder reported BAL-2165 involved a 1.05-acre lot located north of Jasper Street (131st Street), one-half mile east of Aspen Avenue (145th E. Avenue). He stated the property was not platted and was continued from the May 12, 2022 Planning Commission meeting. He stated the request to split the lot into two approximately one-half-acre lots was a companion item to BAZ-2109, a request to rezone the property from A-R-1 (Annexed Single Family Residential) to R-2 (Single Family Residential) to facilitate the lot split and the construction of a new single-family residence on the new north lot. He stated there was an existing single-family residence on the south part of the lot currently. He explained approval of this request would be contingent upon City Council approval of the rezoning request BAZ-2109, as the current A-R-1 zoning designation was transitional and requires rezoning to a conventional zoning designation according to the Zoning Ordinance. He reported Oklahoma Natural Gas (ONG), Public Service Company of Oklahoma (PSO), Cox Communications, and Windstream indicated there were no problems with the proposed lot split. He stated Staff recommended BAL-2165 be approved subject to the following: 1) City Council Approval of BAZ-2109; 2) A 17.5-foot utility easement be provided along Jasper Street (131st Street) and South 152nd East Avenue for the whole frontage of the parent lot; and 3) Warranty deeds shall be brought to the Plan Development Division to be stamped prior to being recorded with Tulsa County.

MOTION: A motion was made by Robert Goranson, seconded by Heather Canard.
Move to approve Item 8A per Staff recommendations

The motion carried by the following vote:

Aye: 4 - Heather Canard, Jonathan Townsend, Jaylee Klempa, Robert Goranson

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

Ms. Jill Ferenc indicated Planning Commission was invited to attend Brent Murphy's retirement party on Tuesday, from 12:00 p.m. to 2:00 p.m. She noted Mr. Murphy's retirement party was delayed due to COVID and snowstorms, but she was excited to see Mr. Murphy again and celebrate his 25 years with Broken Arrow.

10. Adjournment

The meeting adjourned at approximately 5:55 p.m.

MOTION: A motion was made by Heather Canard, seconded by Jonathan Townsend.
Move to adjourn

The motion carried by the following vote:

Aye: 4 - Heather Canard, Jonathan Townsend, Jaylee Klempa, Robert Goranson



City of Broken Arrow

Request for Action

File #: 22-757, Version: 1

**Broken Arrow Planning Commission
06-09-2022**

To: Chairman and Commission Members
From: Community Development Department
Title: Approval of BAL-2169CB (Lot Consolidation), ALDI Spring Creek Plaza, 1 Proposed Lot, 2.46 acres, CG/PUD-294, southeast corner of West Tucson Street (121st Street) and South Elm Place (161st East Avenue)

Background:

Applicant: Sam Malinowski / SM Engineering
Owner: ALDI, INC
Developer: ALDI, INC
Surveyor: Harold D. Rodgers, Jr.
Location: Southeast corner of West Tucson Street (121st Street) and South Elm Place (161st East Avenue)
Size of Tract 2.46 acres
Number of Lots: 2 existing, 1 proposed
Zoning: CG/PUD-294 via BAZ-2036
Comp Plan: Level 6 (Regional Commercial/Employment)

Lot consolidation request BAL-2169CB involves 2.46 acres that is proposed to be consolidated into a single lot. The property, located on the southeast corner of West Tucson Street (121st Street) and South Elm Place (161st East Avenue), is platted as Lots 2 and 3, Block 2 of Spring Creek Plaza.

The applicant is requesting to consolidate the two lots to facilitate the construction of a new Aldi grocery store. Staff is currently reviewing the site plan for the grocery store.

Water and sanitary sewer are available from the City of Broken Arrow. Oklahoma Natural Gas (ONG), Public Service Company of Oklahoma (PSO), Windstream, and Cox Communications have indicated that they do not have any problems with the proposed lot consolidation.

Attachments: Aerial
Case map
Plat
Exhibit

Recommendation:

Staff recommends BAL-2169CB be approved subject to a new warranty deed for the consolidated parcels being brought to the Planning & Development Division to be stamped prior to being recorded in Tulsa County.

Reviewed and approved by: Jill Ferenc

LMS



Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: 2020/2021



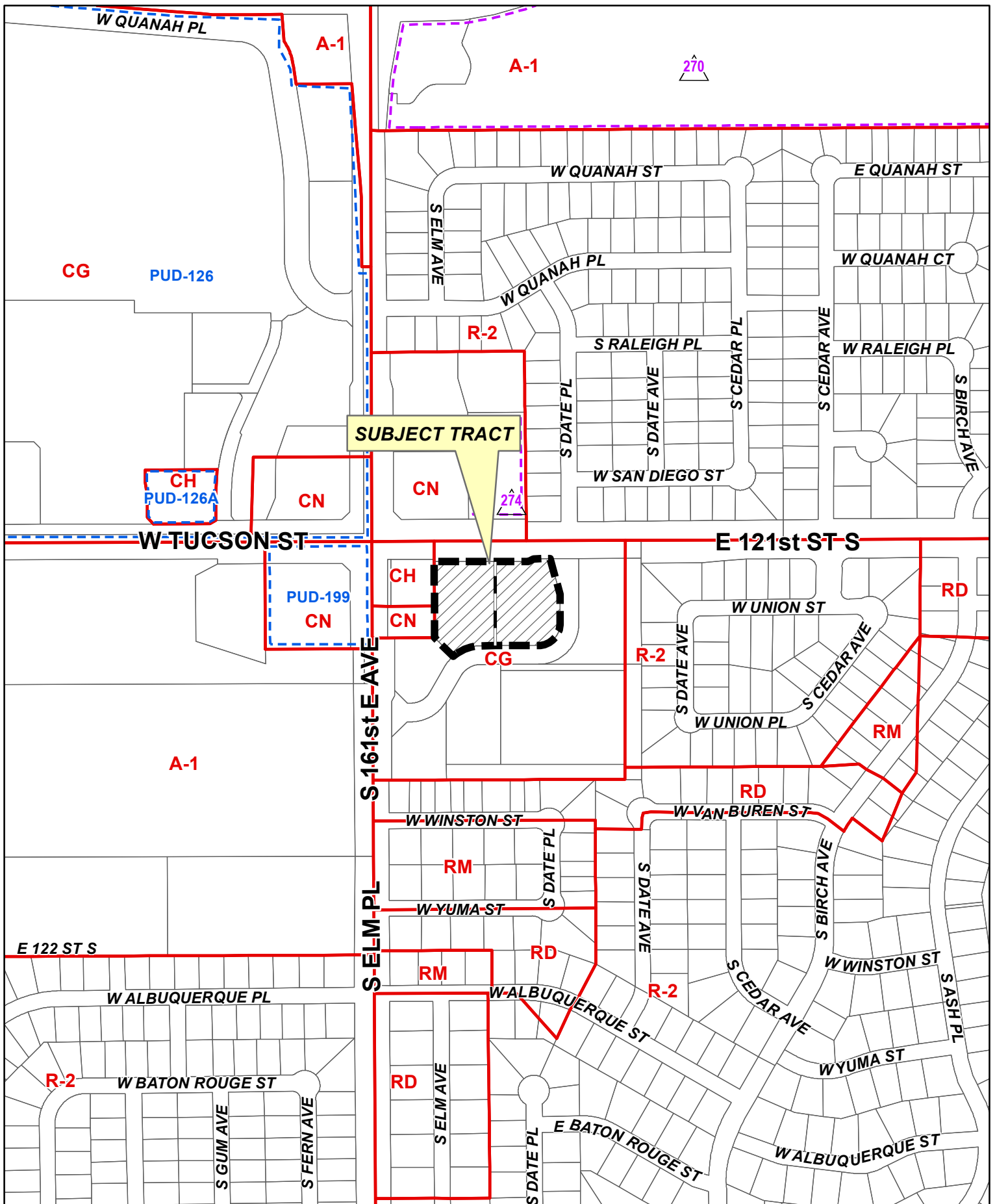
Subject Tract

BAL-2169CB

0 100 200 400
Feet

02 17-14



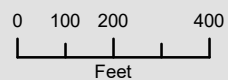


300' Radius



Subject
Tract

BAL-2169CB



02 17-14





Planned Unit Development No. 294A

Spring Creek Plaza

An Addition to the City of Broken Arrow, being a subdivision of a part of the NW/4 of the NW/4 of Section 2, T-17-N, R-14-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma

CERTIFICATE

I hereby certify that all real estate taxes involved in this plat have been paid as reflected by the current tax rolls. Security as required has been provided in the amount of \$13,119.00 per trust receipt no.16971 to be applied to 2021 taxes. This certificate is NOT to be construed as payment of 2021 taxes in full but is given in order that this plat may be filed on record. 2021 taxes may exceed the amount of the security deposit.

Dated: 09/30/2021
John M. Fothergill
Tulsa County Treasurer
By: *[Signature]*
Deputy

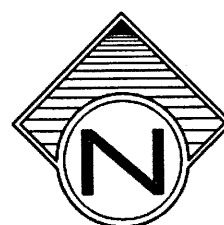
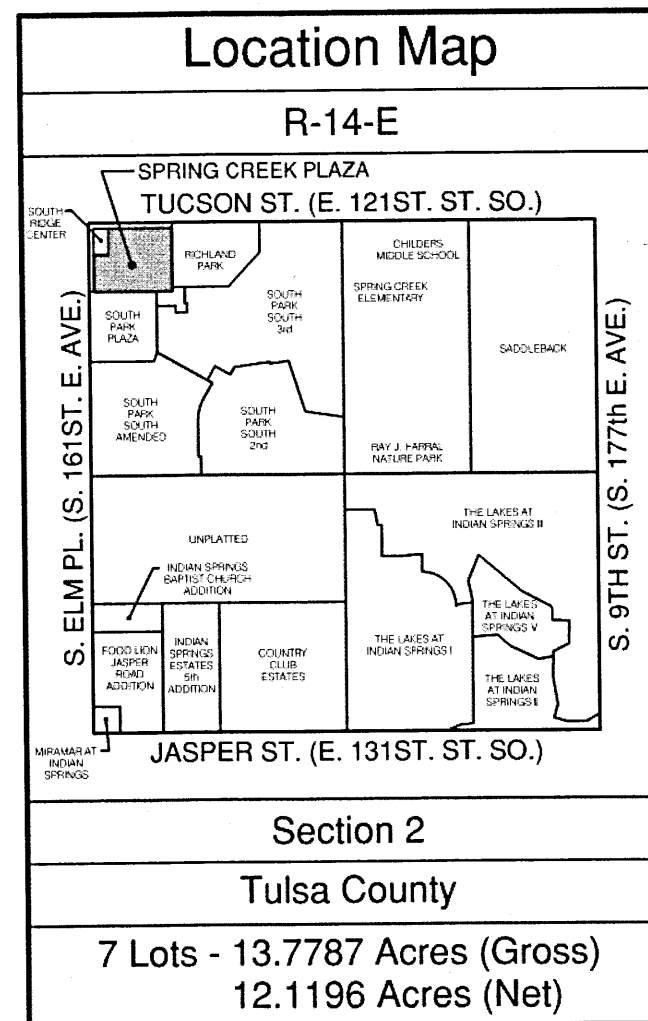
OWNER / DEVELOPER

Aspen Square, Inc.
an Oklahoma Corporation
P.O. Box 1861
Muskogee, Oklahoma 74402-1861
918.687.0002

ENGINEER / SURVEYOR

Tulsa Engineering & Planning Associates, Inc.
an Oklahoma Corporation
9810 East 42nd Street South, Suite 100
Tulsa, Oklahoma 74146
918.252.9621

CERTIFICATE OF AUTHORIZATION NO. 531
RENEWAL DATE: JUNE 30, 2023



60' 30' 0 60' 120' 180'
SCALE IN FEET: 1"=60'

APPROVED 7-20-21 by the City
Council of the City of Broken Arrow,
Oklahoma.
Mayor
Attest: City Clerk

Spring Creek Plaza

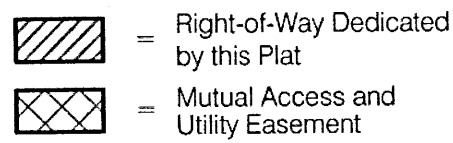
PT10-104A

Date of Preparation: August 23, 2021 Sheet 1 of 3

G:\19-048\Final\19-048 Final Plat.dwg, 8/26/2021 1:15 PM

Legend

U/E = Utility Easement
B/L = Building Line
L.N.A. = Limits of No Access
SF = Square Feet Area



Monument Notes

A 3/8" x 18" deformed bar with a yellow plastic cap stamped "TEP CA531" to be set at all plat boundary corners, prior to recordation unless noted otherwise.

A 3/8" x 18" deformed bar with a yellow plastic cap stamped "TEP CA531" to be set at all lot corners after completion of improvements, unless noted otherwise.

Basis of Bearings

The non-astronomic bearings for this plat are based on an assumed bearing of S 89°52'17"E along the North line of the NW/4 of Section 2, T-17-N, R-14-E, Tulsa County, State of Oklahoma.

Benchmark

Top of a chiseled "X" at the Northwest corner of Section 2, T-17-N, R-14-E, Tulsa County, State of Oklahoma, also being the intersection of South Elm Place and West Tucson Street.

Elevation = 668.27 (NAVD 1988)

Notes

- Water to be supplied by the City of Broken Arrow.
- Seawage to be received by the City of Broken Arrow.

Line Table

No.	Bearing	Length	No.	Bearing	Length
L1	N 89°52'17" W	50.75'	L10	N 00°12'14" E	176.41'
L2	S 89°52'17" E	26.29'	L11	S 89°52'17" E	75.46'
L3	N 89°52'17" W	75.46'	L12	N 41°59'43" W	06.08'
L4	S 00°12'14" W	176.41'	L13	N 00°00'00" E	10.48'
L5	S 38°15'57" W	58.37'	L14	N 89°59'36" E	09.46'
L6	S 00°00'00" W	13.05'	L15	S 89°59'36" W	06.25'
L7	S 90°00'00" W	25.00'	L16	S 90°00'00" E	03.02'
L8	N 00°00'00" E	19.99'	L17	N 90°00'00" W	03.02'
L9	N 38°15'57" E	65.31'			

Curve Table

No.	Delta	Radius	Length	Chord Bearing	Chord Distance
C1	88°43'45"	70.00'	108.40'	S 45°38'07" W	97.89'
C2	59°53'16"	135.00'	141.10'	S 60°03'22" W	134.77'
C3	60°01'29"	70.00'	73.33'	S 60°07'29" W	70.03'
C4	60°01'29"	130.00'	136.19'	N 60°07'29" E	130.05'
C5	59°53'16"	75.00'	78.39'	N 60°03'22" E	74.87'
C6	88°43'45"	130.00'	201.32'	N 45°38'07" E	181.80'
C7	76°51'48"	55.00'	73.84'	S 51°41'49" W	68.37'
C8	89°55'29"	30.00'	47.08'	S 45°09'58" W	42.40'
C9	38°03'43"	55.00'	36.54'	S 19°14'05" W	35.87'
C10	38°15'57"	27.50'	18.37'	S 19°07'59" W	18.03'
C11	38°15'57"	32.50'	21.71'	N 19°07'59" E	21.30'
C12	38°03'43"	30.00'	19.93'	N 19°14'05" E	19.56'
C13	89°55'29"	55.00'	86.32'	N 45°09'58" E	77.73'
C14	65°22'53"	30.00'	34.23'	N 57°26'16" E	32.40'

Detention Determination

Storm water detention accommodations for this plat are provided in accordance with Fee-In-Lieu of Detention Determination No. DD-080118-22.

Backflow Preventer Valve Table

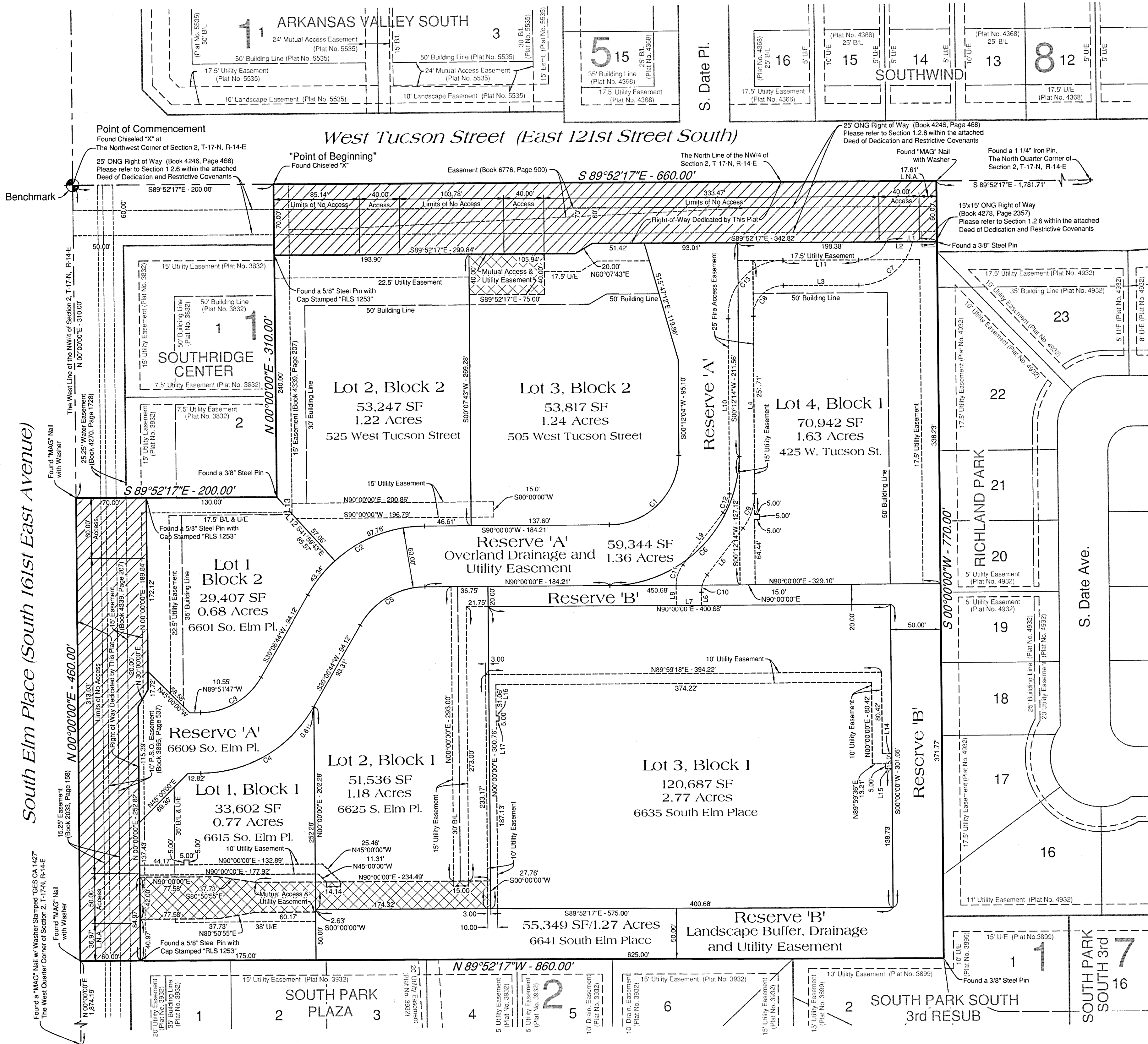
"All new buildings that are served by sanitary sewer service shall install a backwater device (backflow preventer). Installation of these devices and all maintenance shall be at the sole expense of the property owner." Broken Arrow Ordinance No. 3527, Section 24-303, Adopted May 15, 2018. All lots require a backflow preventer valve.

Addresses

Addresses shown on this plat were accurate at the time this plat was filed. Addresses are subject to change and should never be relied upon in place of the legal description.

FEMA FIRM Panel

The subject property is located within an area having a Zone Designation X (Other areas determined to be outside the 500 year flood plain) by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 40143C0456M, with a date of identification of September 30, 2016, for Community No. 400238, in Tulsa County, State of Oklahoma, which is the current Flood Insurance Rate Map for the community in which said premises is situated.



SPRING CREEK PLAZA

DEED OF DEDICATION
AND
RESTRICTIVE COVENANTS
PUD-294A

KNOW ALL MEN BY THESE PRESENTS:

THAT Aspen Square, Inc., an Oklahoma corporation, hereinafter referred to as the "Owner/Developer" is the owner of the following described real estate situated in the City of Broken Arrow (Herein after referred to as the "City"), Tulsa County, State of Oklahoma, to wit:

A tract of land contained within the NW/4 of the NW/4 of Section 2, T-17-N, R-14-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows:

Commencing at the northwest corner of said NW/4;

Thence S 89°52'17" E, along the north line of said NW/4, a distance of 200.00 feet to the "Point of Beginning", said point also being the northeast corner of "Southridge Center", an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded Plat No. 3832, as filed in the records of the Tulsa County Clerk's office;

Thence continuing S 89°52'17" E, along said north line, a distance of 660.00 feet to the northwest corner of "Richland Park", an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded Plat No. 4932, as filed in the records of the Tulsa County Clerk's office;

Thence S 00°00'00" W, along the west line of said "Richland Park" and along the west line of Lot 1, Block 1, of "South Park South 3rd Resub", an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded Plat No. 3899, as filed in the records of the Tulsa County Clerk's office, a distance of 770.00 feet to the northeast corner of Lot 2, of said Block 1;

Thence N 89°52'17" W, along the north line of said "South Park South 3rd Resub" and along the north line of "South Park Plaza", an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to recorded Plat No. 3932, as filed in the records of the Tulsa County Clerk's office, a distance of 860.00 feet to a point on the west line of said NW/4, said point also being the northwest corner of said "South Park Plaza";

Thence N 00°00'00" E, along the west line of said NW/4, a distance of 460.00 feet to the southwest corner of said "Southridge Center";

Thence S 89°52'17" E, along the south line of said "Southridge Center", a distance of 200.00 feet to the southeast corner thereof;

Thence N 00°00'00" E, along the east line of said "Southridge Center", a distance of 310.00 feet to the "Point of Beginning".

Said tract contains 600,202 square feet or 13.7787 acres.

The non-astronomic bearings for said tract are based on an assumed bearing of S 89°52'17" E along the north line of the NW/4 of Section 2, T-17-N, R-14-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

The Owner/Developer has caused the same to be engineered, surveyed, staked and platted into lots, blocks, and reserve areas in conformity to the accompanying plat and survey thereof, which plat is made a part hereof (the "Plat"), and has caused the same to be named "SPRING CREEK PLAZA", a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma (the "Subdivision").

SECTION I. STREETS, EASEMENTS AND UTILITIES

1.1 Public Streets and General Utility Easements

The Owner/Developer does hereby dedicate for public use the street (West Tucson Street and South Elm Place) as depicted on the accompanying plat; and does further dedicate for public use the utility easements as depicted on the accompanying plat as "Utility Easement" or "U/E", 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 water lines and sewer lines, together with the right of ingress and egress for such construction, maintenance, operation, laying and re-laying over, across and along the public street and the utility easements depicted on the plat, for the purpose of furnishing water and/or sewer services to the area included in the plat. The Owner/Developer herein imposes a restrictive covenant, which covenant shall be binding on the Owner/Developer and shall be enforceable by the "City", and by the supplier of any affected utility service, that within the utility easements depicted on the accompanying plat no building, structure or other above or below ground obstruction shall be placed, erected, installed or maintained, provided however, nothing herein shall be deemed to prohibit drives, parking areas, curbing and landscaping or other similar improvements that do not constitute an obstruction.

1.2 Underground Service

1.2.1 Overhead poles may be located along the westerly and northerly perimeter of the subdivision as necessary if located in utility easements for the purpose of the supply of underground service. Street light poles or standards may be served by underground cable, and except as provided in the immediately preceding sentence, all electric and communication supply lines shall be located underground, in the easement-ways reserved for general utility services and streets, shown on the attached plat. The owner does hereby restrict the utility easements shown and designated on the accompanying plat to a single supplier of electrical service.

1.2.2 All supply lines in the subdivision including electric, telephone, cable television and gas lines shall be located underground in the easements reserved for general utility services and streets shown on the plat of the subdivision. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in said easements.

1.2.3 Underground service cables and gas service lines to all structures which may be located on all lots in the subdivision may be run from the nearest gas main, service pedestal or transformer to the point of usage determined by the location and construction of such structures as may be located upon each said lot: provided that upon the installation of such a service cable or gas service line to a particular structure, the supplier of service shall thereafter be deemed to have a definitive, permanent, and effective right-of-way easement on said lot, covering a five-foot strip extending 2.5 feet on each side of such service cable or line, extending from the service pedestal, transformer or gas main to the service entrance on the structure or a point of metering.

1.2.4 The supplier of electric, telephone, cable television and gas services, through its authorized agents and employees, shall at all times have right of access to all such easements shown on the plat to the subdivision or provided for in this deed of dedication for the purpose of installing, maintaining, removing or replacing any portion of the underground electric, telephone, cable television or gas service facilities so installed by it. The supplier of electric, telephone, cable television also reserve the perpetual right, privilege and authority to cut down, trim, or treat any trees and undergrowth on said easement.

1.2.5 The owner of each lot in the subdivision shall be responsible for the protection of the underground facilities located on his property and shall prevent the alteration of grade or any construction activity which may interfere with said electric, telephone, cable television or gas facilities. The supplier of service will be responsible for ordinary maintenance of underground facilities, but the owner of each lot in the subdivision will pay for damage or relocation of such facilities caused or necessitated by acts of such owner or his agents or contractors. The foregoing covenants concerning underground facilities shall be enforceable by the supplier of electric, telephone, cable television or gas service.

1.2.6 ONG's easement recorded in Book 4246, Page 468 remains in full force and effect. ONG's easement pre-date the right-of-way dedication in this plat and may prohibit or limit certain uses of ONG's right-of-way including paving, other utility lines, and permanent structures, without ONG's prior written consent.

1.3 Water and Sewer Service

1.3.1 The owner of the lot shall be responsible for the protection of the public water and sewer mains located on his lot.

1.3.2 Within the depicted utility easement area, if the ground elevations are altered from the contours existing upon the completion of the installation of a public water or sewer main, all ground level apertures, to include: valve boxes, fire hydrants and manholes will be adjusted to the new grade by the owner or at the owner's expense.

1.3.3 The "City", or its successors, shall be responsible for ordinary maintenance of public water and 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.

1.3.4 The "City", or its successors, shall at all times have right of access to all easementways depicted on the accompanying plat, or otherwise provided for in this Deed of Dedication, for the purpose of installing, maintaining, removing or replacing any portion of underground water or sewer facilities.

1.3.5 The foregoing covenants set forth in this subsection 1.3 shall be enforceable by the "City", or its successors, and the owner of the lot agrees to be bound hereby.

1.4 Surface Drainage

The lot shall receive and drain, in an unobstructed manner, the storm and surface waters from drainage areas of higher elevation and from public streets and easements. The lot owner shall not construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across the lot. The foregoing covenants set forth in this paragraph 1.4 shall be enforceable by any affected lot owner and by the "City".

1.5 Overland Drainage Easement (Reserves "A" and "B")

1.5.1 Drainage facilities constructed in overland drainage easements within Reserves "A" and "B" shall be in accordance with the adopted standards of the "City", and plans and specifications approved by the Stormwater Manager of the "City".

1.5.2 No fence, wall, building, or other obstruction may be placed or maintained in the overland drainage easement areas, nor shall there be any alteration of the grades or contours in the easement areas unless approved by the Stormwater Manager of the "City", provided, however, that the planting of turf or single trunk trees having a caliper of not less than two and one-half (2 ½) inches shall not require approval.

1.5.3 All costs and expenses associated with the overland drainage easement areas and facilities located therein, including maintenance of various improvements, will be the responsibility of the Spring Creek Plaza Owners' Association to be formed pursuant to Section IV (hereinafter referred to as the "Association"), in accordance with the standards prescribed by the "City". In the event the Association should fail to properly maintain the easement area and facilities located thereon or, in the event of the placement of an obstruction within the easement area, or the alteration of the grade or contour therein, the "City" may enter the easement area and perform maintenance necessary to the achievement of the intended drainage functions and may remove any obstruction or correct any alteration of grade or contour, and the cost thereof shall be paid by the Association. In the event the Association fails to pay the cost of maintenance after completion of the maintenance and receipt of a statement of costs, the "City" may file of record a copy of the statement of costs and thereafter the costs shall be a lien against the Association. A lien established as above provided may be judicially foreclosed.

1.6 Paving and Landscaping Within Easements

The owner of the lot shall be responsible for repair of damage to the landscaping and paving occasioned by the necessary installation of, or maintenance to, the underground water, sewer, storm water, gas, communication, cable television, or electric facilities within the easements depicted on the accompanying plat, provided however, that the City of Broken Arrow or the supplier of the utility service shall use reasonable care in the performance of such activities.

1.7 Limits of No Access

The undersigned Owner/Developer hereby relinquishes rights of vehicular ingress or egress from any portion of the property adjacent to West Tucson Street and South Elm Place within the bounds designated as "Limits of No Access" (L.N.A.) on the Plat, which "Limits of No Access" may be amended or released by the Broken Arrow Planning Commission,

or its successor, and with the approval of the "City", 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".

1.8 Mutual Access

The Owner/Developer herein grants and establishes a perpetual non-exclusive mutual access easement for the purposes of permitting vehicular and pedestrian passage across all lots as depicted on the Plat.

1.9 Maintenance and Repairs of Private Storm Sewers

1.9.1 All maintenance and repairs of any private storm sewers constructed within any lot or reserve will be the responsibility of the Spring Creek Plaza Owners' Association to be formed pursuant to Section IV (hereinafter referred to as the "Association"), in accordance with the standards prescribed by the "City"

1.9.2 All costs and expenses associated with the maintenance and repair of any private storm sewers will be the responsibility of the Spring Creek Plaza Owners' Association to be formed pursuant to Section IV (hereinafter referred to as the "Association"), in accordance with the standards prescribed by the "City". In the event the Association should fail to properly maintain the private storm sewers located thereon, the "City" may enter the lot or reserve and perform maintenance necessary to the achievement of the intended drainage functions and may remove any obstruction or correct any alteration of grade or contour, and the cost thereof shall be paid by the Association. In the event the Association fails to pay the cost of maintenance after completion of the maintenance and receipt of a statement of costs, the "City" may file of record a copy of the statement of costs and thereafter the costs shall be a lien against the Association. A lien established as above provided may be judicially foreclosed.

SECTION II. RESERVE AREAS

2.1 Use of Land

2.1.1 Reserve Area "A" and Reserve "B"

Reserve Area "A" and Reserve "B" shall be limited to use for drainage, overland drainage, walls, fencing, landscaping, utilities, signage, ingress and egress, and open space and is reserved for subsequent conveyance to the Spring Creek Plaza Owners' Association to be comprised of the owners of the commercial/office/warehouse/indoor RV storage and mini-storage lots within Spring Creek Plaza as set forth within Section IV hereof.

2.1.2 No light poles shall be installed in the south 50 feet and the east 50 feet of Reserve "B"

2.2 All Reserves

2.2.1 All costs and expenses associated with Reserve Area "A", including maintenance of various improvements, will be the responsibility of the Property Owners.

2.2.2 All costs and expenses associated with Reserve Area "B", including maintenance of various improvements, will be the responsibility of the owners of Lots 2 and 3, Block 1.

2.2.3 In the event the Property Owners should fail to properly maintain Reserve Area "A" and facilities thereon located as above provided, the "City", or its designated contractor may enter Reserve Area "A" and perform such maintenance, and the cost thereof shall be paid by the Property Owners.

2.2.4 In the event the owners of Lots 2 and 3, Block 1 should fail to properly maintain Reserve Area "B" and facilities thereon located as above provided, the "City", or its designated contractor may enter Reserve Area "B" and perform such maintenance, and the cost thereof shall be paid by the owners of Lots 2 and 3, Block 1.

2.2.5 In the event the Property Owners fails to pay the cost of said maintenance of Reserve "A", after completion of the maintenance and receipt of a statement of costs, the "City" may file of record a copy of the statement of costs, and thereafter the costs shall be a lien against each of the lots within the development. Such costs of maintenance shall become a lien on the owners of the lots within Spring Creek Plaza, as hereinafter defined, which may be foreclosed by the "City".

2.2.6 In the event the owners of Lots 2 and 3, Block 1 fail to pay the cost of said maintenance of Reserve "B", after completion of the maintenance and receipt of a statement of costs, the "City" may file of record a copy of the statement of costs, and thereafter the costs shall be a lien against each of Lots 2 and 3, Block 1. Such costs of maintenance shall become a lien on the owners of Lots 2 and 3, Block 1 within Spring Creek Plaza, as hereinafter defined, which may be foreclosed by the "City".

SECTION III. PLANNED UNIT DEVELOPMENT RESTRICTIONS

WHEREAS, Spring Creek Plaza was submitted as a planned unit development (entitled PUD-294A) as provided within Section 6.4 of the Zoning Ordinance of the "City" (Ordinance No. 2931) as amended and existing on November 18, 2019, (hereinafter the "Broken Arrow Zoning Ordinance"), which PUD No. 294A was approved by the Broken Arrow Planning Commission on August 13, 2020; 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", sufficient to assure the implementation and continued compliance with the approved planned unit development; and

WHEREAS, the Owner/Developer desires to establish restrictions for the purpose of providing for an orderly development and to ensure adequate restrictions for the mutual benefit of the Owner/Developer, its successors and assigns, and the "City";

THEREFORE, the Owner/Developer does hereby impose the following restrictions and covenants which shall be covenants running with the land and shall be binding upon the Owner/Developer, its successors and assigns, and shall be enforceable as hereinafter set forth:

3.1 General Standards

The development of Spring Creek Plaza shall be subject to the Planned Unit Development provisions of the Broken Arrow Zoning Code as such provisions existed on November 18, 2019, or as may be subsequently amended.

3.2 Development Standards for Lot 1, Block 1 and Lot 1, Block 2

Lot 1, Block 1 and Lot 1, Block 2 shall be governed by the use and development regulations of the CG District except as hereinafter modified:

3.2.1 Permitted Uses: As permitted in the CG District, by right or specific use permit.

3.2.2 Minimum Lot Size 12,000 S.F.

3.2.3 Minimum Lot Frontage on a Public Street 100 feet

3.2.4 Maximum Building Height 35 feet

3.2.5 Minimum Building Set Backs:

- From the RW of South Elm Place
 - Lot 1, Block 1 35 feet
 - Lot 1, Block 2 35 feet
- From Residential District 50 feet
- From the north boundary of Lot 1, Block 2 that is not an interior boundary 17.5 feet
- From interior boundaries 0 feet

3.2.6 Minimum Landscaped Area: Landscaping shall be provided in accordance with Section 5.2 of the City of Broken Arrow Zoning Ordinance, except that a landscaped edge of 15 feet in width shall be provided along Elm Place and the southern boundary of Lot 1, Block 1. Within the Landscape Buffer next to the southern boundary of Lot 1, Block 1, at least one tree shall be planted for every 20 lineal feet of landscape area of which at least 50% shall be evergreen. Trees may be grouped together or evenly spaced. At least 10% of the net lot area shall be landscaped open space. The amount of landscape area and the amount of land area shall be calculated and shown on the site plan submitted to the "City".

SPRING CREEK PLAZA
Date of Preparation: August 23, 2021 PT10-104A Sheet 2 of 3

3.2.7 Sign Standard: Signs shall be installed in accordance with Section 5.7 of the City of Broken Arrow Zoning Ordinance. All freestanding signs, however, shall be limited to 10 feet in height, contain no more than 100 square feet, and shall have a monument type base. The base of the sign shall be of the same material as the principle building on the lot. No portable signs or banners shall be placed on any of the lots or on any light poles on the lot.

3.2.8 Lighting: Lighting shall be installed in accordance with Section 5.6 of the City of Broken Arrow Zoning Ordinance.

3.2.9 Exterior Building Material: Excluding doors and windows, the exterior vertical walls of all buildings shall contain at least 90% masonry material.

3.3 Development Standards for Lot 2, Block 1

Lot 2, Block 1 shall be governed by the use and development regulations of the CH District except as hereinafter modified:

3.3.1 Permitted Uses: Office/Warehouse. No outdoor storage is allowed.

3.3.2 Maximum Building Height: 35 feet

3.3.3 Minimum Building Set Backs:

- From Residential District	50 feet
- From Lot 3, Block 1	30 feet

3.3.4 Minimum Parking Set Backs:

- From Lot 3, Block 1	0 feet
- From residential boundaries	50 feet
- From south PUD boundary	50 feet

3.3.5 Minimum Landscaped Area: Landscaping shall be provided in accordance with Section 5.2 of the City of Broken Arrow Zoning Ordinance. A 50-wide Landscape Buffer (Reserve "B") shall be provided along a portion of the south and east PUD boundary lines, adjacent to the existing residential areas, for the benefit of Lots 2 and 3, Block 1. Within this Landscape Buffer, at least one tree shall be planted for every 20 lineal feet of landscape buffer, of which at least 50% shall be evergreen. Trees may be grouped together or evenly spaced.

A minimum combined 10% of the net lot areas of both Lots 2 and 3, Block 1 shall be landscaped open space, all of which shall be contained in Reserve "B". The amount of open space provided and total land area shall be shown on the site plan submitted to the "City".

3.3.6 Fencing: A 8-foot opaque wood screening fence shall be installed, in accordance with Section 3.2.D.3 of the City of Broken Arrow Zoning Ordinance, along the south and east boundaries of Reserve "B", for the benefit of Lot 2, Block 1

3.3.7 Parking: Parking shall be provided in accordance with Section 5.4 of the Broken Arrow Zoning Ordinance. In addition, at least three additional parking spaces shall be provided in Lot 2, Block 1 to meet the parking needs of Lot 3, Block 1.

3.3.8 Sign Standard: Signs shall be installed in accordance with Section 5.7 of the City of Broken Arrow Zoning Ordinance. All freestanding signs, however, shall be limited to 10 feet in height, contain no more than 100 square feet, and shall have a monument type base. The base of the sign shall be of the same material as the principle building on the lot. No portable signs or banners shall be placed on any of the lots or on any light poles on the lot.

3.3.9 Lighting: Lighting shall be in accordance with Section 5.6 of the City of Broken Arrow Zoning Ordinance.

3.4 Development Standards for Lot 3, Block 1

Lot 3, Block 1 shall be governed by the use and development regulations of the CH District, except as hereinafter modified:

3.4.1 Permitted Uses: Indoor RV storage and mini-storage. No outdoor storage or semi-truck parking is to be allowed.

3.4.2 Maximum Building Height: 26 feet

3.4.3 Minimum Building Set Backs:

- From Residential District	50 feet
- From interior boundaries	0 feet

3.4.4 Parking: Three Parking Spaces will be provided in Lot 2, Block 1.

3.4.5 Minimum Landscaped Area: Landscaping shall be provided in accordance with Section 5.2 of the City of Broken Arrow Zoning Ordinance. A 50-wide Landscape Buffer (Reserve "B") shall be provided along a portion of the south and east PUD boundary lines, adjacent to the existing residential areas, for the benefit of Lots 2 and 3, Block 1. Within this landscape buffer, at least one tree shall be planted for every 20 lineal feet of landscape buffer, of which at least 50% shall be evergreen. Trees may be grouped together or evenly spaced. A minimum combined 10% of the net lot areas of both Lots 2 and 3, Block 1 shall be landscaped open space, all of which shall be contained in Reserve "B" No landscape material shall be required within the interior area of Lot 3, Block 1. The amount of open space provided and total land area shall be shown on the site plan submitted to the "City".

3.4.6 Fencing: A 8-foot opaque, wood fence shall be installed, in accordance with Section 3.2.D.3 of the City of Broken Arrow Zoning Ordinance, along the south and east boundaries of Reserve "B". An 8-foot high screening fence shall be constructed along the east boundary of Lot 3, Block 1 between the northernmost and southernmost buildings. The fence shall be of the same masonry material used on the east side of the buildings in Lot 3, Block 1.

3.4.7 Signs: No freestanding or wall signs shall be allowed in Lot 3, Block 1.

3.4.8 Lighting: Lighting shall be installed in accordance with Section 5.6 of the City of Broken Arrow Zoning Ordinance. No light poles shall be installed in Lot 3, Block 1.

3.4.9 Exterior Building Material: The exterior wall closest to the exterior boundaries of Lot 3, Block 1 shall be constructed of masonry material. There shall be no openings along any of these walls, except for one 3x8' door will be permitted for the east end of the central building.

3.4.10 Hours of Operation: The hours of operation for the RV and mini-storage uses located on Lot 3, Block 1 shall be from 5:00 am to 11:00 pm.

3.5 Development Standards for Lot 4, Block 1

Lot 4, Block 1 shall be governed by the use and development regulations of the ON District except as hereinafter modified:

3.5.1 Permitted Uses: As permitted in the ON District, by right or specific use permit.

3.5.2 Minimum Lot Size: 12,000 S.F.

3.5.3 Minimum Lot Frontage on a Public Street: 100 feet

3.5.4 Maximum Building Height: 35 feet*

* windows on the east side of any 2-story building shall be opaque, or clerestory windows installed at 6 feet or higher.

3.5.5 Minimum Building Set Backs:

- From the R/W of West Tucson Street	50 feet
- From east boundary	50 feet

3.5.6 Minimum Parking Set Backs:

- From east boundary	15 feet
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3.5.7 Minimum Landscaped Area: Landscaping shall be provided in accordance with Section 5.2 of the City of Broken Arrow Zoning Ordinance, except that a landscaped edge of 15 feet in width shall be provided along Tucson Street. A Landscape Buffer of at least 15 feet in width shall be provided along the east boundary of Lot 4, Block 1. Within the Landscape Buffer next to

the east boundary, at least one tree shall be planted for every 20 lineal feet of landscape area adjacent to the east boundary of Lot 4, Block 1, of which at least 50% shall be evergreen. Trees may be grouped together or evenly spaced. At least 10% of the net lot area shall be landscaped open space. The amount of landscape area and the amount of land area shall be calculated and shown on the site plan submitted to the "City".

3.5.8 Sign Standard: Signs shall be installed in accordance with Section 5.7 of the City of Broken Arrow Zoning Ordinance. All freestanding signs, however, shall be limited to 10 feet in height, contain no more than 100 square feet, and shall have a monument type base. The base of the sign shall be of the same material as the principle building on the lot. No portable signs or banners shall be placed on any of the lots or on any light poles on the lot.

3.5.9 Lighting: Lighting shall be installed in accordance with Section 5.6 of the City of Broken Arrow Zoning Ordinance.

3.5.10 Exterior Building Material: Excluding doors and windows, the exterior vertical walls of all buildings shall contain at least 90% masonry material.

3.6 Development Standards for Lot 2 and Lot 3, Block 2

Lots 2 and 3, Block 2 shall be governed by the use and development regulations of the CG District except as hereinafter modified:

3.6.1 Permitted Uses: As permitted in the CG District, by right or specific use permit.

3.6.2 Minimum Lot Size 12,000 S.F.

3.6.3 Minimum Lot Frontage on a Public Street 100 feet

3.6.4 Maximum Building Height 35 feet*

* Architectural elements may exceed maximum building height with site plan approval.

3.6.5 Minimum Building Set Backs:

- From the R/W of West Tucson Street	50 feet
- From interior boundaries	0 feet

3.6.6 Minimum Landscaped Area: Landscaping shall be provided in accordance with Section 5.2 of the City of Broken Arrow Zoning Ordinance, except that a landscaped edge of 15 feet in width shall be provided along Tucson Street. At least 10% of the net lot area shall be landscaped open space. The amount of landscape area and the amount of land area shall be calculated and shown on the site plan submitted to the "City".

3.6.7 Sign Standard: Signs shall be installed in accordance with Section 5.7 of the City of Broken Arrow Zoning Ordinance. All freestanding signs, however, shall be limited to 10 feet in height, contain no more than 100 square feet, and shall have a monument type base. The base of the sign shall be of the same material as the principle building on the lot. No portable signs or banners shall be placed on any of the lots or on any light poles on the lot.

3.6.8 Lighting: Lighting shall be installed in accordance with Section 5.6 of the City of Broken Arrow Zoning Ordinance.

3.6.9 Exterior Building Material: Excluding doors and windows, the exterior vertical walls of all buildings shall contain at least 90% masonry material.

SECTION IV. OWNERS' ASSOCIATION

4.1 Formation of Owners' Association

The Owner/Developer has formed or shall cause to be formed the Spring Creek Plaza Owners' Association (hereinafter referred to as the "Association") of the lot owners within Spring Creek Plaza to be established in accordance with the statutes of the State of Oklahoma, and to be formed for the general purposes of maintaining Reserve "A" and Reserve "B" and the Common Areas in Spring Creek Plaza and enhancing the value, desirability and attractiveness of Spring Creek Plaza.

4.2 Membership

Every lot owner in Spring Creek Plaza shall be a member of the Association. Membership shall be appurtenant to and may not be separated from the ownership of any such lot. The acceptance of a deed to one (1) or more lots shall constitute acceptance and membership in the Association as the date of recording of such deed.

4.3 Assessments by Association

Each lot owner within Spring Creek Plaza shall be subject to assessment by the Association for the purposes of improvement and maintenance of Reserve "A" and Reserve "B" and such other Common Areas within Spring Creek Plaza, and for such other purposes of the Board of Directors of the Association shall, from time to time, determine pursuant to a separate declaration of covenants and conditions applicable to Spring Creek Plaza and pursuant to the By-laws of the Association.

4.4 Association Beneficiary of Covenants

Without limitation of such other powers and rights as the Association may have, the Association shall be deemed a beneficiary of the various covenants contained in this Deed of Dedication to the same extent as all other beneficiaries thereof, including each lot owner, the "City", and the supplier of any utility or other service within the addition, and shall have the right to enforce these covenants and agreements.

SECTION V.

ENFORCEMENT, DURATION, AMENDMENT, AND SEVERABILITY

5.1 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. 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". The covenants contained in Section III. Planned Unit Development Restrictions are established pursuant to the Planned Unit Development provisions of the City of Broken Arrow Zoning Code and shall inure to the benefit of the "City", and the owners of the land within Spring Creek Plaza. 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", or any owner of a part of the land within Spring Creek Plaza 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 by an owner of a part of the land within Spring Creek Plaza which action seeks to enforce the covenants or restrictions set forth herein or to recover damages for the breach thereof, the prevailing party shall be entitled to recover reasonable attorneys fees and costs and expenses incurred in such action.

5.2 Duration

These restrictions, to the extent permitted by applicable law, shall be perpetual but in any event shall be in force and effect for a term of not less than thirty (30) years from the date of the recording of this Deed of Dedication unless terminated or amended as hereinafter provided.

5.3 Amendment


The covenants contained within Section I. 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". The covenants contained within Section III. Planned Unit Development Restrictions, 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. The provisions of any instrument amending or terminating covenants as above set forth shall be effective from and after the date it is properly recorded.

5.4 Severability

Invalidation of any restriction set forth herein, or any part thereof, by an order, judgment, or decree of any Court, or otherwise, shall not invalidate or affect any of the other restrictions or any part thereof as set forth herein, which shall remain in full force and effect.

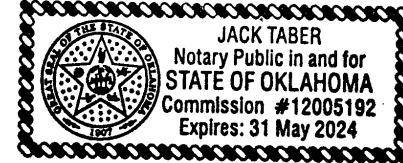
IN WITNESS WHEREOF: Aspen Square, Inc., an Oklahoma corporation, has executed this instrument this 2nd day of September, 2021.


Aspen Square, Inc.
an Oklahoma corporation


Charles Gleason Palmer
President

State of Oklahoma)
) ss
County of Tulsa)

This instrument was acknowledged before me this 2nd day of September, 2021, by Charles Gleason Palmer, President of Aspen Square, Inc., an Oklahoma corporation.



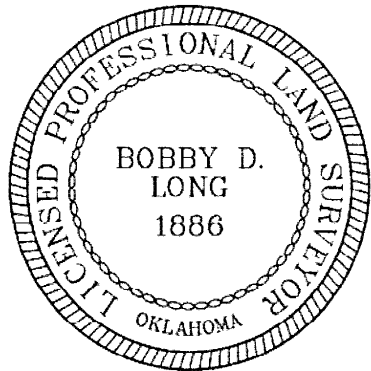

Notary Public

CERTIFICATE OF SURVEY

I, Bobby D. Long, of Tulsa Engineering & Planning Associates, Inc., a professional land surveyor registered in the State of Oklahoma, hereby certify that I have carefully and accurately surveyed, subdivided, and platted the tract of land described above, and that the accompanying plat designated herein as "SPRING CREEK PLAZA", a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, is a representation of the survey made on the ground using generally accepted land surveying practices and meets or exceeds the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted.

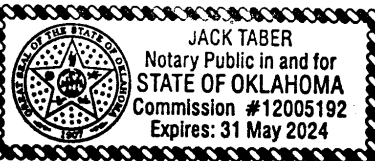
Executed this 2nd day of September, 2021.

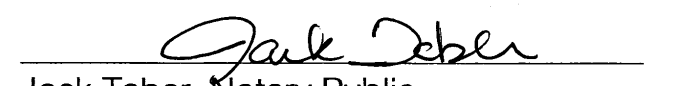

Bobby D. Long
Licensed Professional Land Surveyor
Oklahoma No. 1886





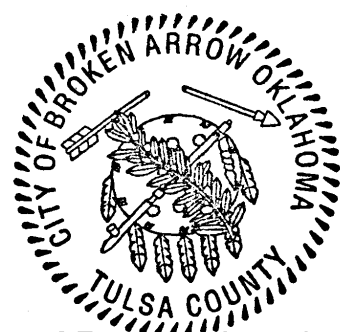
State of Oklahoma)
) ss
County of Tulsa)

The foregoing Certificate of Survey was acknowledged before me this 2nd day of September, 2021, by Bobby D. Long.



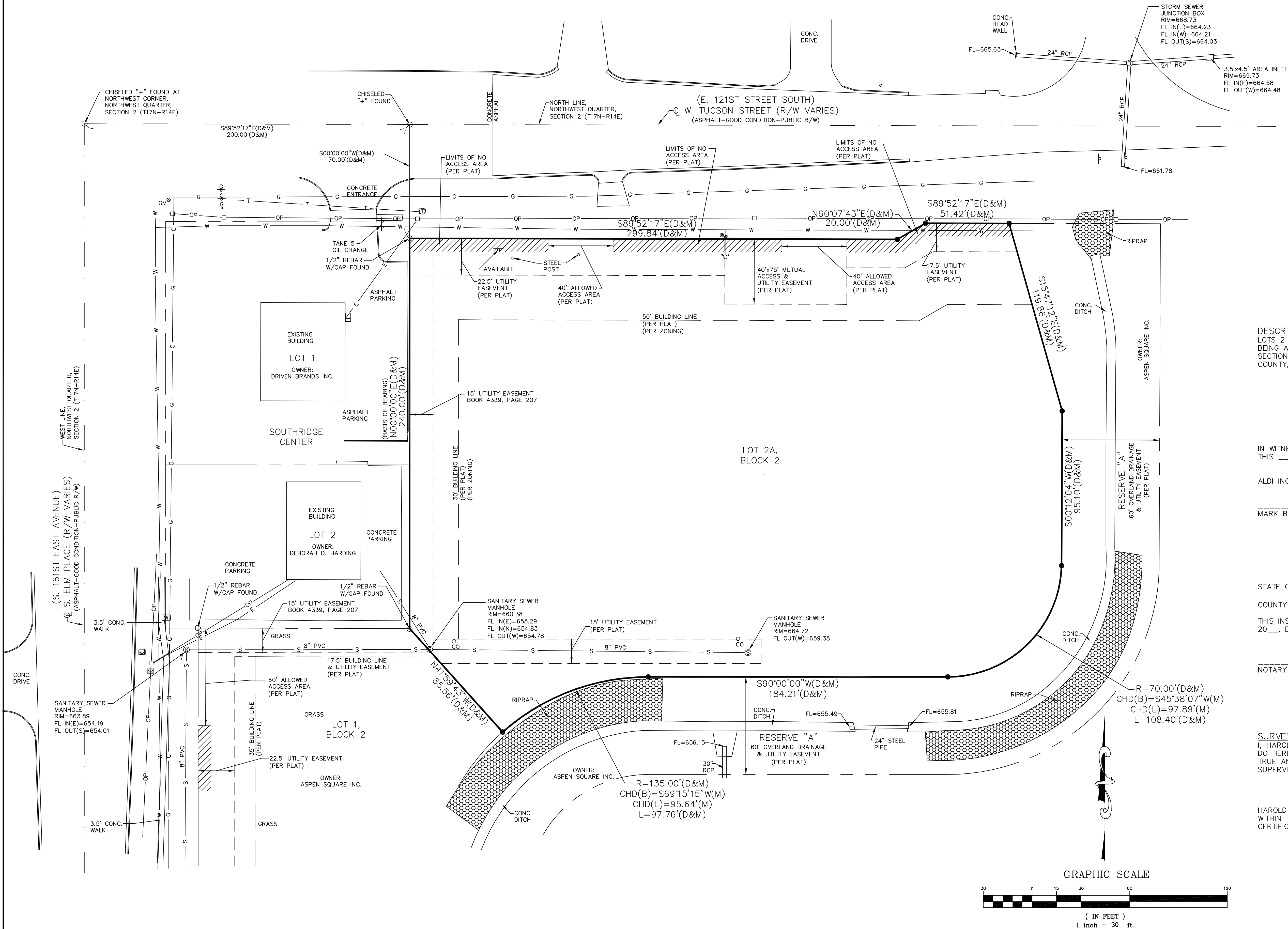

Jack Taber, Notary Public
My commission No. is 12005192
My commission expires May 31, 2024

APPROVED 7-20-21 by the City
Council of the City of Broken Arrow,
Oklahoma.

Mayor

Attest: City Clerk



SPRING CREEK PLAZA
Date of Preparation: August 23, 2021 PT10-104A Sheet 3 of 3

LOT 2A, BLOCK 2, SPRING CREEK PLAZA ADDITION,
BEING A LOT COMBINATION OF LOTS 2 & 3, BLOCK 2, SPRING CREEK PLAZA, AN ADDITION
TO THE CITY OF BROKEN ARROW, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER
OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 17 NORTH, RANGE 14 EAST OF THE
INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA.



DESCRIPTION:
LOTS 2 & 3, BLOCK 2, SPRING CREEK PLAZA, AN ADDITION TO THE CITY OF BROKEN ARROW,
BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF
SECTION 2, TOWNSHIP 17 NORTH, RANGE 14 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA
COUNTY, STATE OF OKLAHOMA.

IN WITNESS WHEREOF: ALDI, INC., A KANSAS CORPORATION, HAS EXECUTED THIS INSTRUMENT
THIS ____ DAY OF ____, 20__

ALDI INC., A KANSAS CORPORATION

MARK BERSTED, VICE PRESIDENT

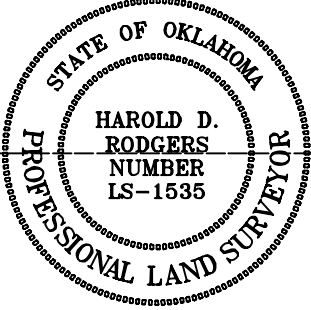
STATE OF KANSAS)
COUNTY OF JOHNSON)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF ____
20__, BY MARK BERSTED, VICE PRESIDENT OF ALDI, INC., A KANSAS CORPORATION.

NOTARY PUBLIC

SURVEYOR'S CERTIFICATION:
I, HAROLD D. RODGERS, JR., A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA,
DO HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT REPRESENTS THE
TRUE AND ACCURATE RESULTS OF A SURVEY CONDUCTED ON THE GROUND UNDER MY DIRECT
SUPERVISION ON AUGUST 26, 2021.

HAROLD D. RODGERS, JR., P.L.S. NO. 1535
WITHIN THE STATE OF OKLAHOMA
CERTIFICATE OF AUTHORIZATION NO. CA5155





City of Broken Arrow

Request for Action

File #: 22-750, Version: 1

**Broken Arrow Planning Commission
06-09-2022**

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

Public hearing, consideration, and possible action regarding BAZ-2110 (Rezoning), New Orleans Plaza, 9.10 acres, A-CN (Annexed Commercial Neighborhood) to CG (Commercial General) located at the southeast corner of New Orleans Street (101st Street) and 23rd Street (County Line Road)

Background:

Applicant: Alan Betchan, AAB Engineering, LLC
Owner: Storybook Prop. Inc.
Developer: Storybook Prop. Inc.
Engineer: Alan Betchan, AAB Engineering
Location: Southeast corner of New Orleans Street (101st Street) and 23rd Street (County Line Road)
Size of Tract 9.10 acres
Number of Lots: 10
Present Zoning: A-CN (Annexed Commercial Neighborhood)
Proposed Zoning: CG (Commercial General)
Comp Plan: Level 1 (Rural Residential), Level 4 (Commercial/Employment Nodes), and Greenway/Floodplain

BAZ-2110 is a request to change the zoning designation on 9.10 acres from A-CN (Annexed Commercial Neighborhood) to CG (Commercial General). The property is located at the southeast corner of New Orleans Street (101st Street) and 23rd Street (County Line Road). The property was platted in Wagoner County as Tracts 1-10, Elmwood Estates IV Commercial Property on February 26, 1984. Annexation of this property occurred with Ordinance No. 2301 on September 18, 2000. At the time of annexation, the zoning district AC-3 (now A-CN) was assigned to the property.

Since the time the newspaper and public notices were sent, Staff has reviewed the request and found that the eastern portion of the property is designated as Level 1 in the Comprehensive Plan The CG zoning being requested is not permitted in Level 1. Due to these findings, staff recommends that only the portion of the property designated as Level 4 be rezoned to CG at this time. The applicant has been made aware of the situation and is in agreement to request a change to the comprehensive plan designation and zoning on the eastern portion of the property at a later date.

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	Greenway/Floodplain & Private Recreation	A-1	Boy Scout Ranch
East	Level 1	A-R-1	Large Lot Single-Family Residential
South	Level 1	A-R-1	Large Lot Single-Family Residential
West	Level 4	AG	Tulsa County Undeveloped

The property is designated as Level 1, Level 4, and Greenway/Floodplain in the Comprehensive Plan. The CG zoning being requested is in accordance with the Comprehensive Plan in Level 4, however Level 1 does not support the requested zoning district. The areas currently platted as 194th East Avenue and Tracts 8, 9, and 10 shall not be rezoned as part of BAZ-2110.

According to FEMA's National Flood Hazard Layer, a significant portion of the eastern side of the property is located within the 100-year floodplain. This area will be required to be platted as a reserve area and designated as FD (Flood District) at such time that the property is rezoned in accordance with the Comprehensive Plan.

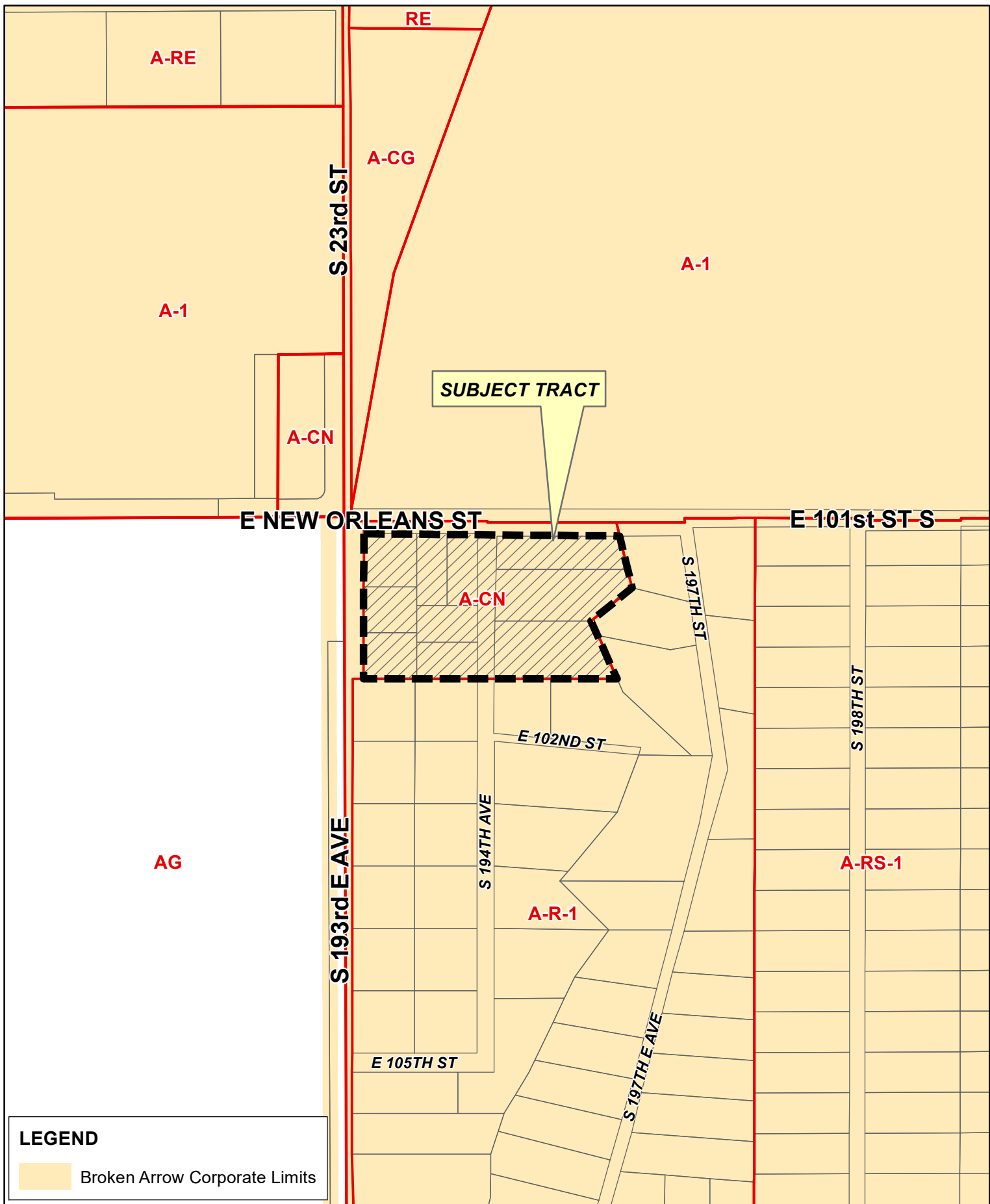
Attachments: Case Map
Aerial
Comprehensive Plan
Exhibit of Comprehensive Plan VS Current Plat
Elmwood Estates IV Commercial Property Plat
Ordinance No. 2301

Recommendation:


Based upon the location of the property, annexed zoning designation, and surrounding land uses, Staff recommends that BAZ-2110 be approved only for the tracts currently platted as Tracts 1-7, Elmwood Estates IV Commercial Property, which are located in the area designated as Level 4 in the Comprehensive Plan. This change in zoning shall be subject to the property being platted.

Reviewed and approved by: Jill Ferenc

ALY



LEGEND

 Broken Arrow Corporate Limits

 300' Radius

 Subject Tract

BAZ-2110

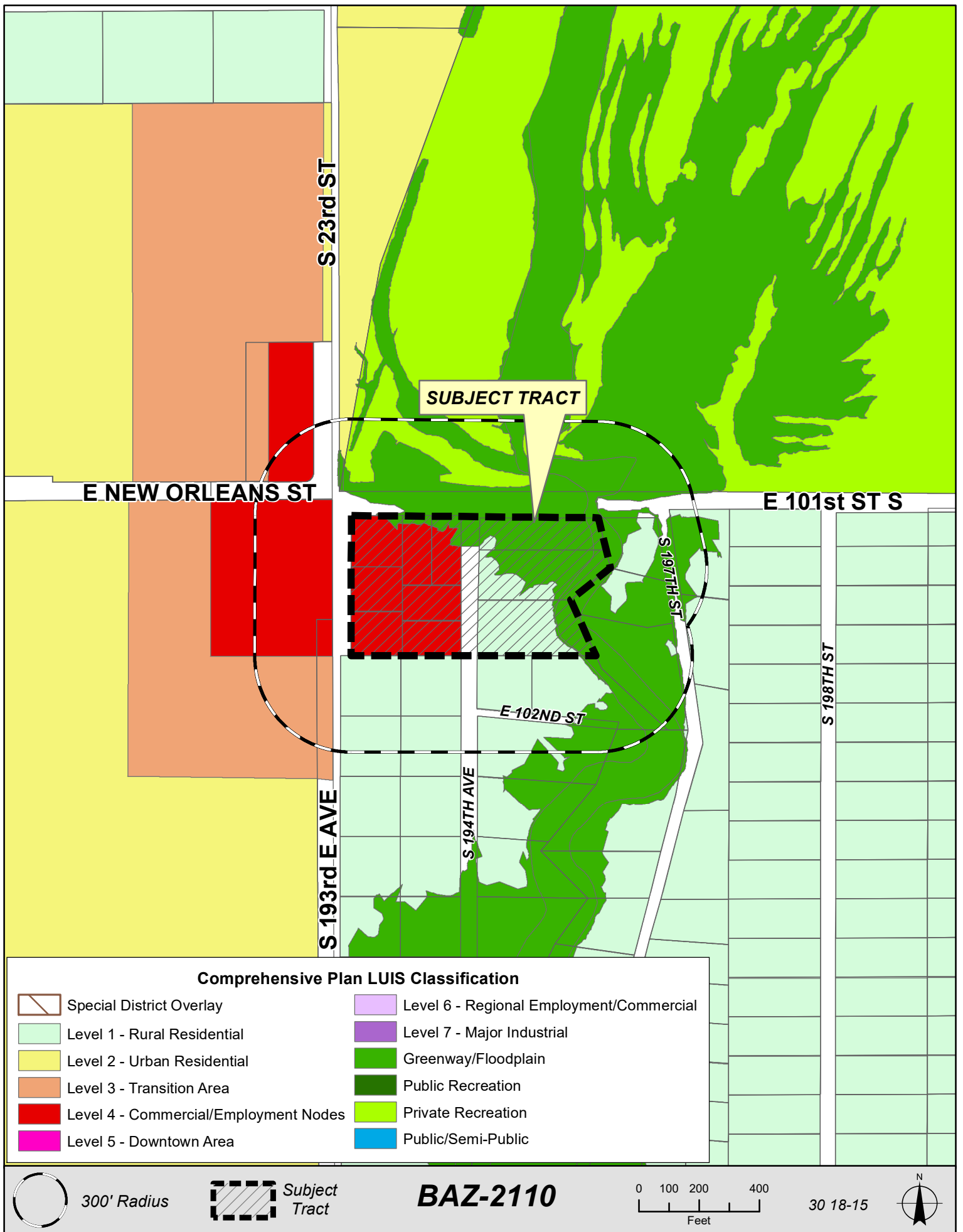
0 100 200 400
Feet

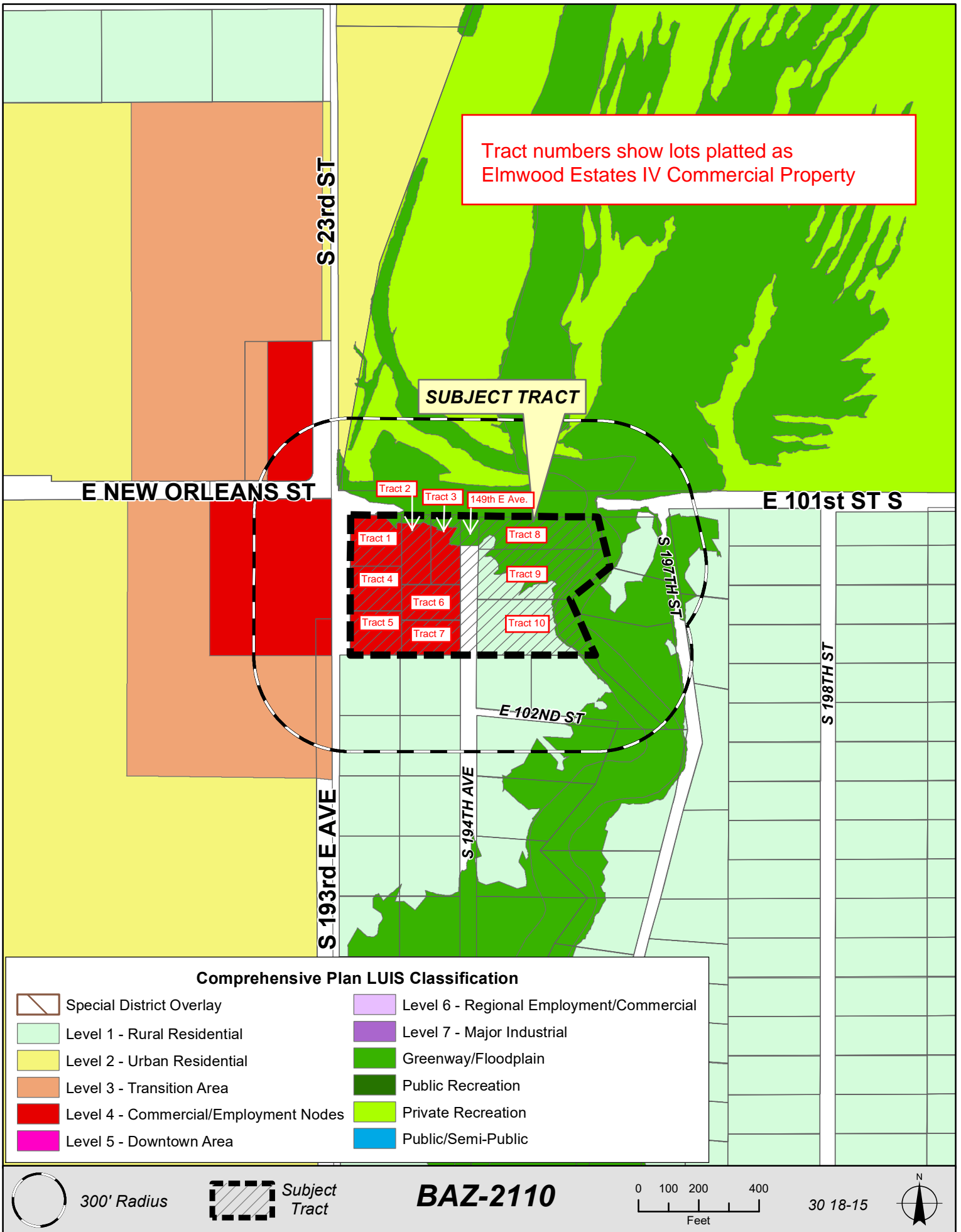
30 18-15





SUBJECT TRACT





[illegible]

STATE OF OREGON MAY 1955

My Commission Expires: 9-1-88

I, C. Ray Murray, the undersigned, do hereby certify that I am by profession a registered land surveyor, and that the map of the "COMMERCIAL" area as shown on BLWOOD ESTATES IV as filed in the County records of Wagoner County, consisting of one sheet, correctly represents the survey made under my supervision and that all of the monuments shown hereon actually exist and their positions are correctly shown.

STATE OF OKLAHOMA)
COUNTY OF MAYES) ss
C. Ray Murray

Before me, the undersigned, a Notary Public within and for the State of Oklahoma, on this 5th day of March, 1932, personally appeared C. Ray Murray, 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 for the uses and purposes therein expressed.

GIVEN under my hand and Notarial seal the day and year last written above.
PUBLIC
My Commission Expires: May 11, 1911 Franklin Howard

I, Francis D. Madson, do hereby certify that I am the duly elected, qualified, and acting County Treasurer of Wagoner County, State of Oklahoma; that the tax records of said county show all taxes are paid for the year 1984 and prior years on the land shown on the plat of the "COMMERCIAL" area as shown on ELMWOOD ESTATES IV, as filed in the County records of Wagoner County, Oklahoma; that the required statutory security has been deposited in the office of the County Treasurer, guaranteeing payment of the current year's taxes.

In witness whereof, said County Treasurer has caused the instrument to be executed at Wagoner, Oklahoma, on this 22nd day of March, 1985.

ACCEPTANCE OF DEDICATION BY BOARD OF COUNTY COMMISSIONERS

Be It Resolved by the Board of Commissioners of Wagoner County that the plat shown on the plat of the "Barnard" 1/4th of Block 48, Section 36, Township 36N, Range 12E, in the county records of Wagoner County, are hereby accepted.

Adopted; by the Board of Commissioners of Wagoner County this 25 day of MARCH 1985.

Approved by the Chairman of the Board of Commissioners of Wagoner County this 25
day of MARCH, 1985

ATTEST: _____
Chairman

OKLAHOMA STATE DEPARTMENT OF HEALTH CERTIFICATE

I, _____, Director of the Wagoner County Health Department, certify that the lots shown on this plat meet the requirements of the County Health Department with respect to lots which are not served by a municipal sanitary sewerage system.

Date _____

CERTIFICATE OF COUNTY CLERK

This instrument has been filed in the office of the County Clerk of Wagoner County, Oklahoma, this _____ day of _____, 19__.

County Clerk

CERTIFICATE OF BONDED ABTRACTOR

The undersigned, a duly qualified and lawfully bonded abstractor of title in and for Wagoner County, State of Oklahoma, hereby certifies that the records of the County of Wagoner and State of Oklahoma, show that title to the lands shown on the plat of "COMMERCIAL" Area as shown on ELMWOOD ESTATES IV, as filed in the county records of Wagoner County, is vested in Floyd V. Percival, Dennis Roberts and Jim Flynn, and that on the _____ day of _____, 19____ there are no actions pending or judgments of any nature in any court, or on file with the Clerk of any court in said County and State, against said lands or the owners thereof, that are due and unpaid, that there are no liens, mortgages, or encumbrances of any kind against the said lands, except easements of record.

PLANNING COMMISSION APPROVAL

I, LARRY L. ALLISON, Chairman/Secretary of the Wagoner Metropolitan Area Planning Commission, hereby certify that the said Commission duly approved the plat of the "COMMERCIAL" as shown on ELWOOD ESTATES IV, as filed in the county records of Wagoner County on the 26 day of July, 1984.

Chairman/Secretary

Restrictive Covenants

1. Overhead pole lines for the supply of electric service may be located along rear or side property lines only. Street light poles or standards may be served by underground cable and elsewhere throughout said Addition all supply of electric, cable T.V. and telephone service shall be located 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 may also be located in said easement ways.
2. Should electric, cable T.V. and telephone service be supplied underground, the service cable to buildings which may be located in said addition may run from the nearest service pedestal or transformer to the point of usage determined by the location and construction of such building as may be located in said addition; provided that upon the installation of such a service shall thereafter be deemed to have a definitive, permanent effective and exclusive right of way easement on said lot, covering a five (5) foot strip extending 2.5 feet on each side of such service cable, extending from the service pedestal or transformer to the service entrance of said building.
3. The supplier of electric, cable T.V. and telephone service, through its 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 the Certificate of Dedication for the purpose of installing, maintaining, removing or replacing any portion of said underground electric, cable T.V. and telephone facilities so installed by it.
4. The Property Owners shall be responsible for the protection of the underground facilities located on their property and shall prevent the alteration of grade or any construction activity which may interfere with said electric, cable T.V. and telephone facilities. Repairs or cost of relocation, required by violation of their covenant, shall be paid for by the owners of the property.
5. The foregoing covenants shall be enforceable by the supplier of electric, cable T.V. and telephone service, and the property Owners agree to be bound hereby.

RE-PLAN OF COMMERCIAL AREA OF
ELMWOOD ESTATES IV.

SETTLE ENGINEERING CO.			PRELIMINARY LAYOUT AND ZONING		
P.O. 1001 PRYOR, OKLA.			ELMWOOD ESTATES IV		
			COMMERCIAL PROPERTY		
DRAWN	CHECKED	APPROVED	DATE	SCALE	SHEET OF
RT	CRM	CRM	NOVEMBER 1984	1" = 50'	

ORDINANCE NO. 2301

An ordinance annexing a certain contiguous tract of land in the West half of the Northwest Quarter of Section 30 of Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, Oklahoma, into the city limits of the City of Broken Arrow, Oklahoma, granting a zoning classification, adopting a service plan, and declaring an emergency.

BE IT ORDAINED BY THE BROKEN ARROW CITY COUNCIL:

Section 1: That the following described tract of land lying adjacent to the present corporate limits of the City of Broken Arrow, to-wit:

The West Half of the Northwest Quarter (W/2 NW/4) of Section 30 Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma according to the US Government survey thereof, and collectively known as Elmwood Estates III, Elmwood Estates IV and Elmwood Estates Commercial Subdivision.

be and the same is hereby annexed to the City of Broken Arrow, Oklahoma, and the corporate limits of said City are hereby extended to include the above described tract of land. After the effective date of this ordinance, all property located therein, and all persons residing or otherwise occupying the land shall be subject to the jurisdiction of this City and all laws made pursuant thereto. The land shall be assigned AR-1 zoning except Elmwood Estates Commercial Subdivision, will be AC-3. City council expressly finds that all requirements of 11O.S. §21-103 have been fully complied with in advance of the issuance of this ordinance. The zoning classification on this land is hereby changed to AR-1 except, Elmwood Estates Commercial Subdivision will be AC-3.

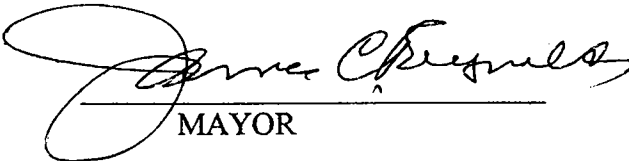
Section II: Residents of this area shall be allowed to defer connecting to the Broken Arrow City sewer system until such time as the Health Department establishes that the land will not properly handle further percolation, or that some other health problem has occurred with the septic tank systems in the area that require connection to cure the problem. The Commercial property shall connect to the City's sewer system at the time of replat or of building construction, whichever shall first occur.

Section III: Police, fire and zoning services shall be extended immediately upon annexation. The street and utility construction and maintenance will be completed in accordance with existing construction standards and the normal development process. Wagoner County Rural Water District No. 4 may continue to provide water service to existing customers, unless deannexation from the District occurs.

Section IV: An emergency exists for the preservation of the public health, peace and safety, and therefore this ordinance shall become effective from and after the time of its passage and approval.

PASSED AND APPROVED and the emergency clause ruled upon separately this 18th day of September, 2000.

DATED this 18th day of September, 2000.


MAYOR

ATTEST:


(SEAL) CITY CLERK

APPROVED:

CITY ATTORNEY



City of Broken Arrow

Request for Action

File #: 22-754, Version: 1

**Broken Arrow Planning Commission
06-09-2022**

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

Public hearing, consideration, and possible action regarding BAZ-2111 (Rezoning) and PUD-126F (Planned Unit Development), Tucson Business Park, 2.38 acres, PUD-126/CG (Commercial General) to PUD-126F/CG (Commercial General) & IL (Industrial Light), located one-quarter mile west of Elm Place (161st E. Avenue), north of Tucson Street (121st Street)

Background:

Applicant: Ryan McCarty, Select Design
Owner: Valued Partner Investments, LLC
Developer: Valued Partner Investments, LLC
Engineer: N/A
Location: One-quarter mile west of Elm Place (161st E. Avenue), north of Tucson Street (121st Street)
Size of Tract 2.38 acres
Present Zoning: PUD-126/CG
Proposed Zoning: PUD-126F/CG & IL
Comp Plan: Level 6

Planned Unit Development (PUD)-126F and BAZ-2111 involve a 2.38-acre parcel located one-quarter mile west of Elm Place (161st E. Avenue), north of Tucson Street (121st Street). Applicant is requesting to change the underlying zoning on the property from CG (Commercial General) to CG & IL (Industrial Light), along with a major amendment to PUD-126 to allow office warehouse, warehouse, and mini storage uses on this property. PUD-126 was approved by the City Council on February 19, 2001. The property is undeveloped and has been platted as a part of Lot 1, Block 1, Waterloo Way.

With this major amendment, the applicant proposes two development areas to allow both Commercial General and Industrial Light uses on the property. Any use allowed by the PUD may be located in either development area. Allowed uses from Development Area B may be permitted up to 100% of the total land area. Uses from Development Area A may comprise a maximum of 33% of the total land area.

Permitted uses from the Industrial Light district are restricted to office/warehouse, warehouse, and mini storage. Permitted uses from the CG district are specifically limited to the following: Broadcasting or Recording Studio (no tower); Transmitting Station (no tower); Utility Facility - Minor; Animal Pet shop - Retail; Catering

Service; Micro-food & Beverage Production with Specific Use Permit; Office, Business or Professional; Fitness & Recreational Sports Center; General Indoor Recreation; Dry Cleaning & Laundry Service; Vehicle Repair Service - Minor.

Additional changes to PUD-126 are described below.

	C-2 (Now CG) Zoning	PUD-126	PUD-126F
Maximum Building Height	35-feet	40-feet	25-feet for Development Areas A & B
Parking Requirements	two (2) square feet of open space, dedicated to parking and automobile maneuvering must be provided for each one (1) square foot of floor space in the C-2 district	As required by the zoning ordinance.	As required by the current zoning ordinance except in the IL district where parking is reduced to 1 per 600 square feet for office and office warehouse

Landscaping	Landscaping and open areas within the C-2 district, a minimum five (5) percent of the net area of each lot shall be reserved and maintained for landscaping. This landscaping area should not include any utility or drainage easements, nor any parking or driving areas.	<ul style="list-style-type: none">• A landscape edge shall be provided for Lot 1 and Lot 2 with minimum depth as shown in Exhibit C (None shown for the area affected by the PUD-126F amendment) Within the landscaped edge, one 2" caliper tree shall be planted for 50 lineal feet of frontage, and 10 three - gallon shrubs shall be planted for every 50 lineal feet of frontage. • For Lot 1 and Lot 2, one 2" caliper tree shall be planted for every 15 parking spaces. These trees shall be located within the perimeter landscape areas for Lot 1 and Lot 2.	A 30-foot-wide landscape area shall be provided along the west property line. In this landscape area, at least one medium to large evergreen tree shall be installed and per 25 lineal feet along the west property line. Irrigation shall be provided by either an underground sprinkler system or drip irrigation system. Any trees that fail shall be replaced within 6 months. No landscaping is required for on-site parking.
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Signage	<ul style="list-style-type: none">• 150-square feet of display area.• 35-feet in height• No more than one each permanent ground sign, mobile sign, or one projecting sign, or one roof sign, or one wall sign, may be placed on an improved lot per each 660 feet or fraction thereof of street and highway frontage of the lot;	A business located on Lot 1 shall have a maximum of two free standing signs as follows: (1) setback from centerline of frontage road a minimum of 90 feet; 25' maximum height; 165 sq. ft. maximum size. (2) setback from centerline of Elm Place a minimum of 120 feet; 25' maximum height' 150 sq. ft. maximum size; minimum 50' setback from centerline of frontage road. Lot 1 free standing signs shall have two-column support of uniform color and/or design.	Per Section 5.7 of the City of Broken Arrow Zoning Ordinance, except that only one freestanding sign is allowed. The freestanding sign shall not exceed 20 feet in height and 150 square feet in size. The freestanding sign shall be located on the property associated with PUD-126F.
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Building Material	All new construction or renovation of existing structures in this district shall have those vertical exteriors that are facing a public or private street, constructed of but not limited to, masonry concrete panels, glass block, glass curtain walls, Exterior Insulated Finished Systems and stucco. Metal finishes, wood, plastic, And other masonry material may be considered and approved by the Planning Commission through the site plan review process.	Per the zoning ordinance.	EXTERIOR WALLS: The south facing façade of Building #1 and east and west facing facades of Buildings #1, #2 and #3, shall be concrete panel (refer to Exhibit F - Conceptual Building Elevations)
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Access	No principal building or a residence shall be constructed on a lot that does not abut a public street, except in a PUD or other development in which a property owner's or homeowner's corporation is chartered with responsibility for maintenance and other concerns related to private access ways.	This property has no direct access to a public street. Mutual access easements will be required prior to the approval of the site plan.	Access to the site shall be from a private drive that connects with Tucson Street. The document number for the mutual access easement associated with this drive shall be shown on the site plan. All private driveway and/or street connections shall be subject to the City Engineer curb cut permit approval for the proposed access points and the Fire Marshal's approval of locations, spacing, widths, and curb return radii.
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PUD-126 HISTORY

PUD-126 was approved by the City Council on February 19, 2001, subject to the property being platted. The property was platted as Waterloo Way with the plat being recorded in Tulsa County on August 15, 2002. According to the design statement for PUD-126, "The concept for the Planned Unit Development of Waterloo Way is to provide for a shopping center with two anchor stores (a Wal-Mart Supercenter as one of the anchors) and outparcels for franchise commercial development." The uses permitted were limited to those allowed in the C-2 (Planned Shopping Center District). In 2008, the Zoning Ordinance was updated, and the C-2 district became CG (Commercial General).

PUD-126A, a major amendment to PUD-126, was approved by the City Council on March 7, 2005. With PUD -126A, the development regulations of PUD 126 remained in effect as approved by the City Council, except that on Lot 3, Block 1 of Waterloo Way, an automobile carwash (both full service and self-service) was allowed.

PUD-126B, a request for a minor amendment to PUD-126 regarding freestanding signs was approved by the Planning Commission on November 29, 2007, subject to the following conditions:

1. As per the existing Wal-Mart sign, the proposed sign shall be limited to 25 feet in height.
2. The proposed sign shall be located more than 90 feet from the existing Wal-Mart sign. Location of sign shall be reviewed and approved by the Development Services Department.
3. Any other free-standing signs on Lot 3 shall be limited to 14 feet in height and 100 square feet.
4. All the other conditional associated with PUD 126 shall remain in effect.

PUD-126C, a request for a major amendment to PUD-126 to allow a medical marijuana dispensary as a permitted use on a part of Lot 2, Block 1, Waterloo Way, was reviewed and denied by the City Council on January 21, 2020. Later, PUD-126D, which was similar to PUD-126C, except PUD-126D stated, "If the Out Parcel does not have a building permit issued within thirty-six (36) months from the date of approval of this Major Amendment, the additional principal use of Medical Marijuana Dispensary and accessory uses thereto, as provided for herein, shall expire and shall no longer be permitted within PUD 126." PUD-126D was conditionally approved by the City Council on June 2, 2020.

PUD-126E was a major amendment to reduce the width of the landscape edge along W. Quanah Place from 15-feet to 9-feet. The applicant proposed to completely clear the site, including the removal of the existing gas tanks, and construct a new building and canopy and install new underground gasoline tanks. PUD-126E was approved by the City Council on December 1, 2020, subject to the following conditions:

- (1) All existing landscaping along Elm Place shall be preserved and maintained. A landscape plan shall be prepared and submitted by a licensed landscape architect that shows how the existing landscaping is going to be preserved and protected during construction.
- (2) The width of the landscape edge along W. Quanah Place may be reduced from 15 feet to 9 feet. Existing trees and shrubs adjacent to W. Quanah Place may be removed. However, the revised landscape plan for the trees and shrubs along W. Quanah Place shall match the landscape plan approved by the Planning Commission on October 25, 2001.
- (3) The licensed landscape architect shall verify and note the size of all trees along W. Quanah Place prior to their removal. Any trees found to be four-inches in caliper or larger shall be replaced as acknowledged in Section 5.2.C.4.b of the Zoning Ordinance.
- (4) The proposed quantity of landscape material shall exceed the quantity in the landscape plan approved by the Planning Commission on October 25, 2001.
- (5) Any landscape material that fails, shall be replaced in accordance with the Zoning Ordinance.

SURROUNDING LAND USES/ZONING/COMPREHENSIVE PLAN

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

Location	Development Guide	Zoning	Land Use
North	Level 6	PUD-126/CG	Walmart
East	Level 6	PUD-126/CG	Shopping Center
South	Levels 6	PUD-126/CG	Reserve Area
West	Levels 3	RM/PUD-220B	Apartments

The property associated with PUD-126F is designated as Level 6 in the Comprehensive Plan. The existing underlying zoning of CG, is in accordance with the Comprehensive Plan in Level 6. The requested IL zoning is considered possible in Level 6 under the following conditions. It is Staff's opinion that these conditions are met by this development.

- Done in association with a Planned Unit Development: *This property is part of an approved PUD.*
- Such sites adjoin the BA Expressway, Muskogee Turnpike, Highway 51, or Creek Turnpike or existing industrial parks. *This site is part of a larger commercial development which abuts the Creek Turnpike.*

- Such sites are reached by arterial street that do not pass through residential areas. *This site will be accessible from a private drive directly from the arterial street and does not have a connection to residential areas.*
- Such sites with high visibility from roadways have the appearance of a quality corporate campus of business park. *This development is visible from the arterial roadway to the south. The street facing facades are proposed to be constructed of masonry material and no outdoor storage is allowed.*
- Such sites that may adjoin residential area are thoroughly screened and buffered from such areas by landscaping and/or less intense land uses. *This site is adjacent to a multi-family development. A 30-foot-wide landscape area shall be provided along the west property line. In this landscape area, at least one medium to large evergreen tree shall be installed and per 25 lineal feet along the west property line. Irrigation shall be provided by either an underground sprinkler system or drip irrigation system. Any trees that fail shall be replaced within 6 months. No landscaping is required for on-site parking.*

According to Section 6.4 of the Zoning Ordinance, the PUD provisions are established for one (1) or more of the following purposes:

1. To permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties.
2. To permit greater flexibility within the development to best utilize the physical features of the particular site in exchange for greater public benefits than would otherwise be achieved through development under this Ordinance.
3. To encourage the provision and preservation of meaningful open space.
4. To encourage integrated and unified design and function of the various uses comprising the planned unit development.
5. To encourage a more productive use of land consistent with the public objectives and standards of accessibility, safety, infra structure and land use compatibility.

In Staff's opinion, PUD-126F meets Item 1 of the above criteria.

- (1) The use of this property for office/warehouse, warehouse, and mini storage utilizes a property that has no direct street access and does not have commercial frontage conducive to a traditional retail setting. The landscape provisions proposed and the enhanced façade required with the major amendment preserve the character of the area.

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

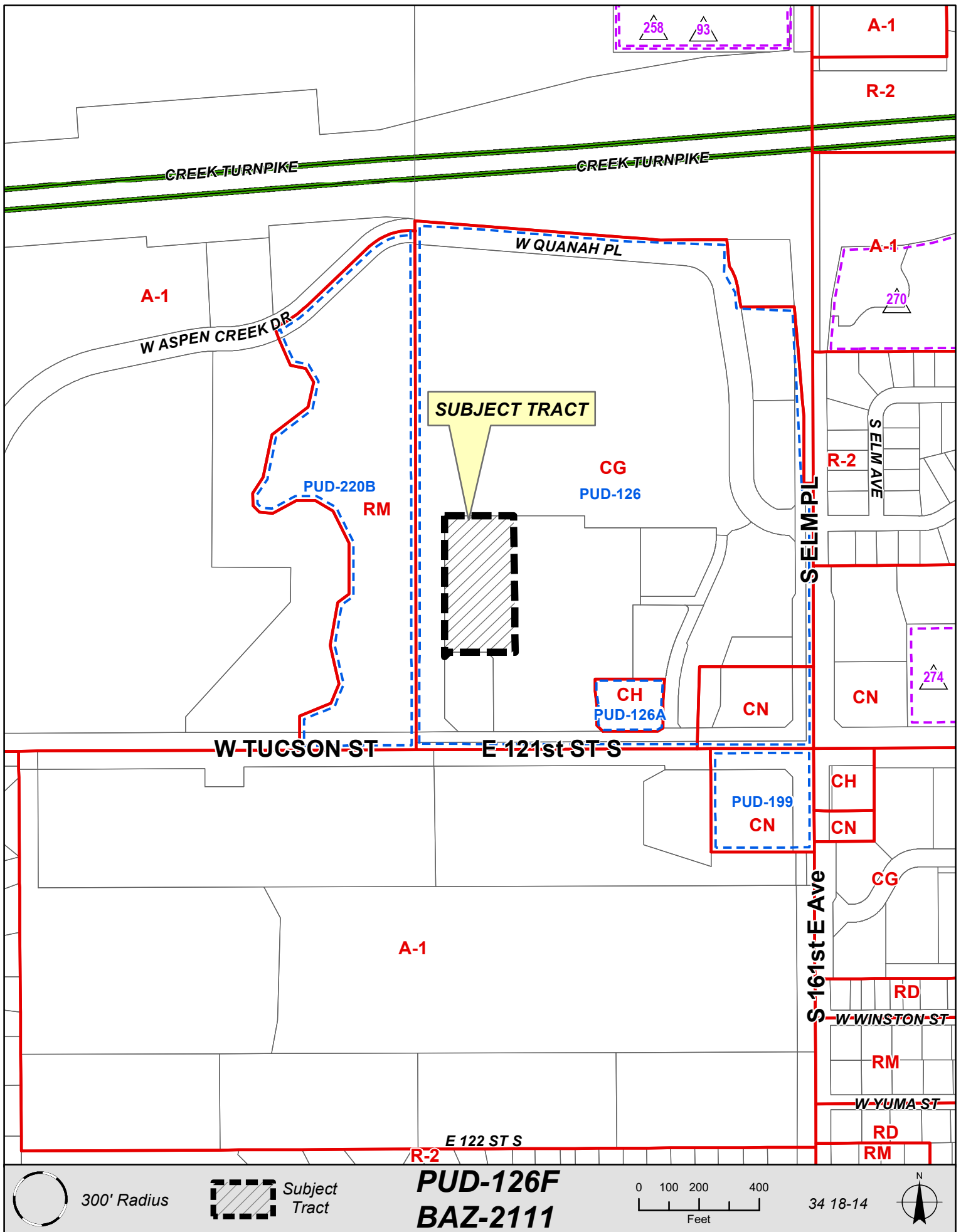
Attachments: Case map
Aerial photo
Comp Plan
Design Statement for PUD-126F
Recorded Plat of Waterloo Way

Recommendation:

Based on the Comprehensive Plan, location of the property and surrounding land uses, Staff recommends that BAZ-2111 and PUD-126F be approved and that platting be waived.

Reviewed and Approved by: **Jill Ferenc**

ALY





Note: Graphic overlays may
not precisely align with physical
features on the ground.
Aerial Photo Date: 2020/2021



Subject
Tract

PUD-126F
BAZ-2111

0 100 200 400
Feet

34 18-14



Major Amendment
PUD-126F
Waterloo Way

TUCSON BUSINESS PARK

Broken Arrow, Oklahoma

February 17, 2022

REVISION #3 -- June 6, 2022



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I. Development Concept

Tucson Business Park is a proposed industrial development requesting approval of a Planned Unit Development to allow office / warehouse and limited commercial opportunities on a 2.38-acre tract of undeveloped land within the City of Broken Arrow. The project is located on the north side of Tucson Street between South Aspen Avenue and South Elm Place.

Objectives:

- To permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties
- To permit greater flexibility within the development to best utilize the physical features of the particular site
- To encourage the provision and preservation of meaningful open space
- To encourage integrated and unified design and function of the various uses comprising the planned unit development
- To encourage a more productive use of land consistent with the public objectives and standards of accessibility, safety, infrastructure and land use compatibility.

Building Design Considerations:

Buildings shall be designed in a manner to create the aesthetic character generally associated with retail/commercial developments. Main entries to buildings shall be highlighted using such techniques to add visual interest such as aluminum storefront doors and windows, canopies, differing metal panel types, etc.

PUD Legal Description

A TRACT OF LAND THAT IS PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER LOT 2, BLOCK 1 OF WATERLOO WAY, FILED AS PLAT NO. 5633; THENCE N 88°38'00" E A DISTANCE OF 229.12 FEET; THENCE S 01°19'16" E A DISTANCE OF 453.02 FEET; THENCE S 88°40'44" W A DISTANCE OF 214.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 2; THENCE S 43°38'22" W ALONG SAID SOUTH LINE A DISTANCE OF 21.20 FEET TO A POINT ON THE WEST LINE OF SAID LOT 2; THENCE N 01°20'15" W ALONG SAID WEST LINE A DISTANCE OF 467.84 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 103,857.54 SQUARE FEET OR 2.38 ACRES, MORE OR LESS.

EXHIBIT A
VICINITY MAP



EXHIBIT B
AERIAL PHOTO

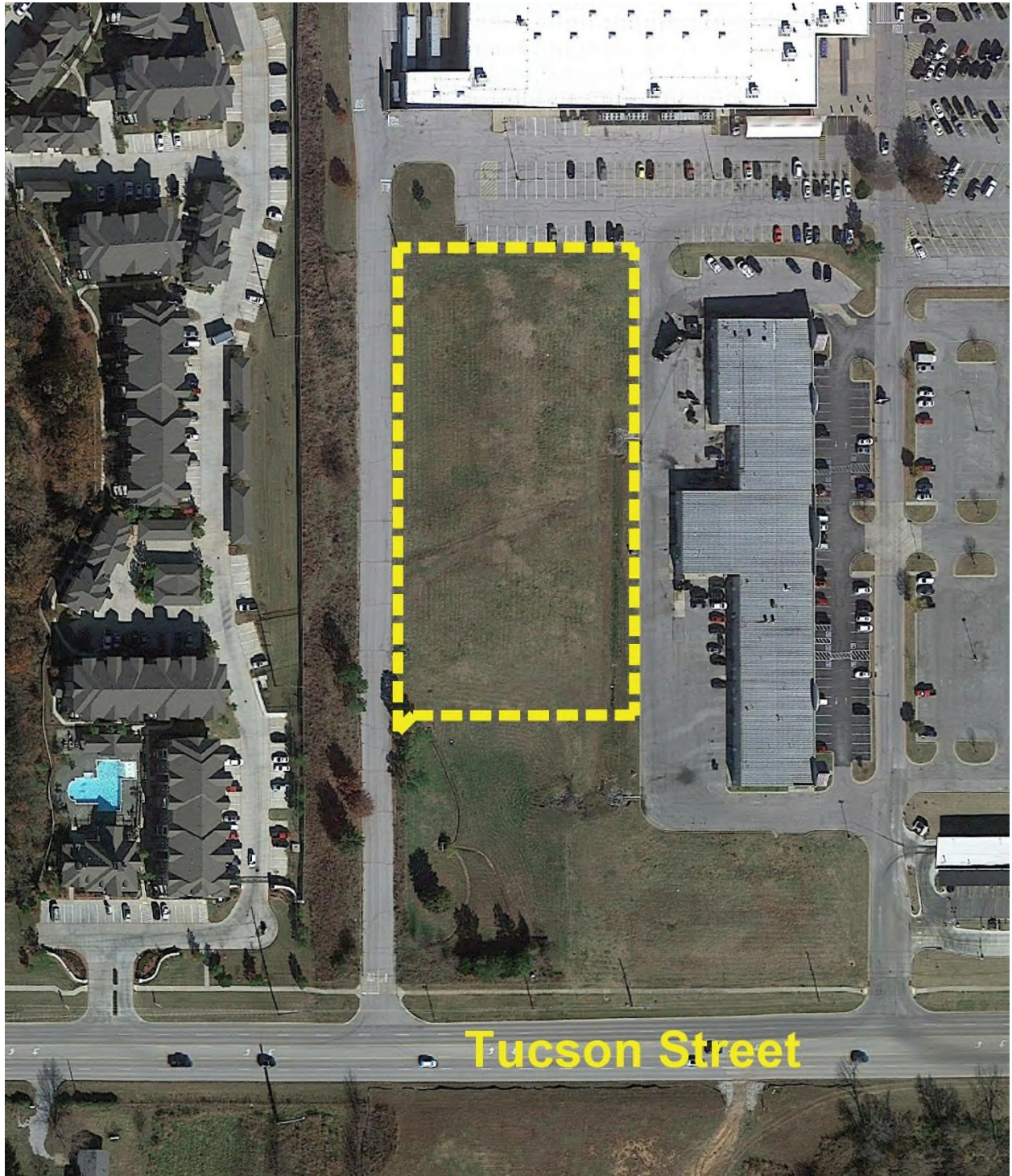


EXHIBIT C

CONCEPTUAL SITE PLAN

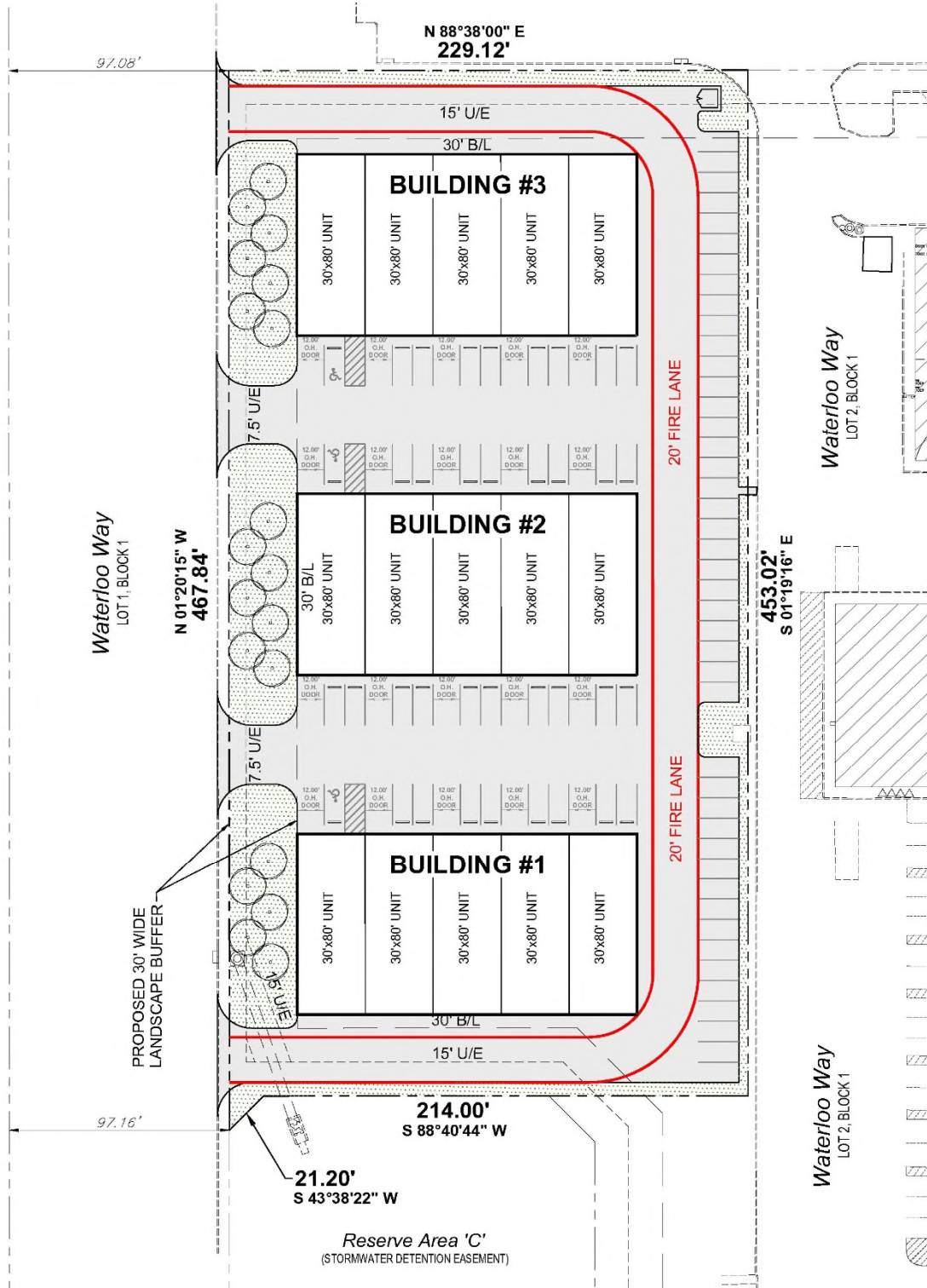


EXHIBIT D
ZONING MAP

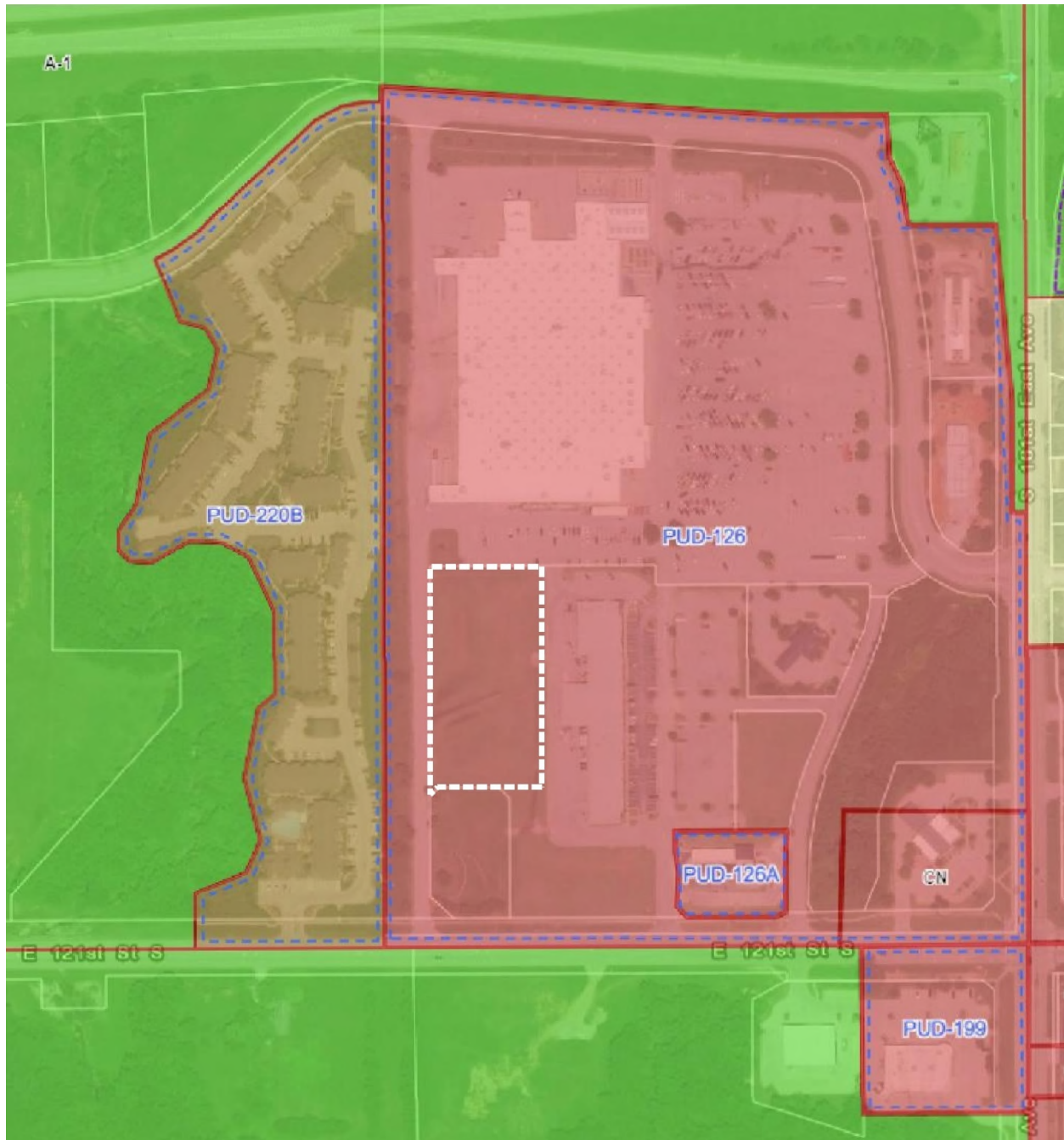


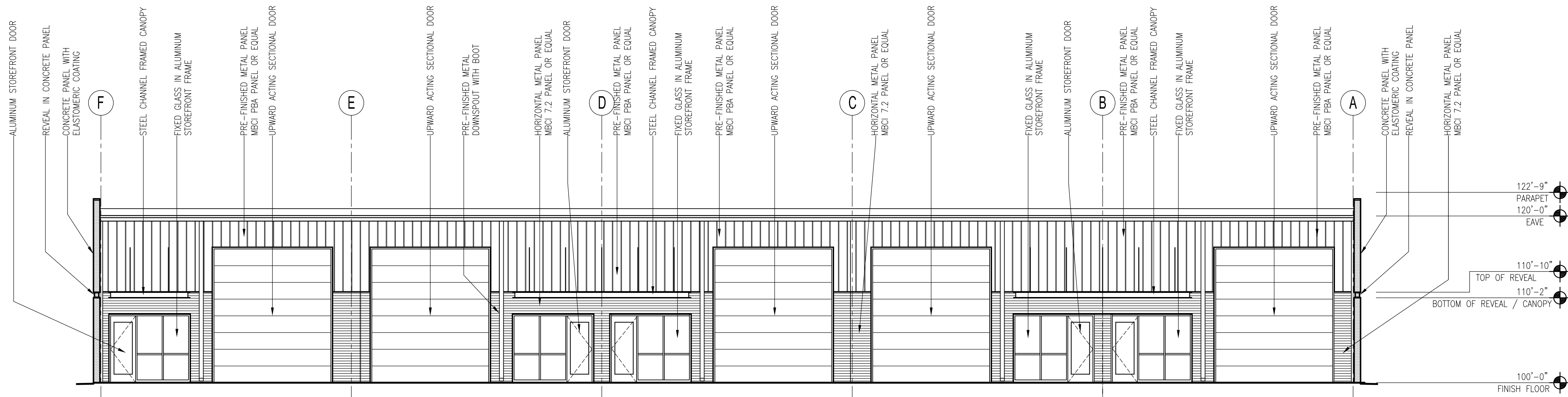
EXHIBIT E

BROKEN ARROW COMPREHENSIVE PLAN

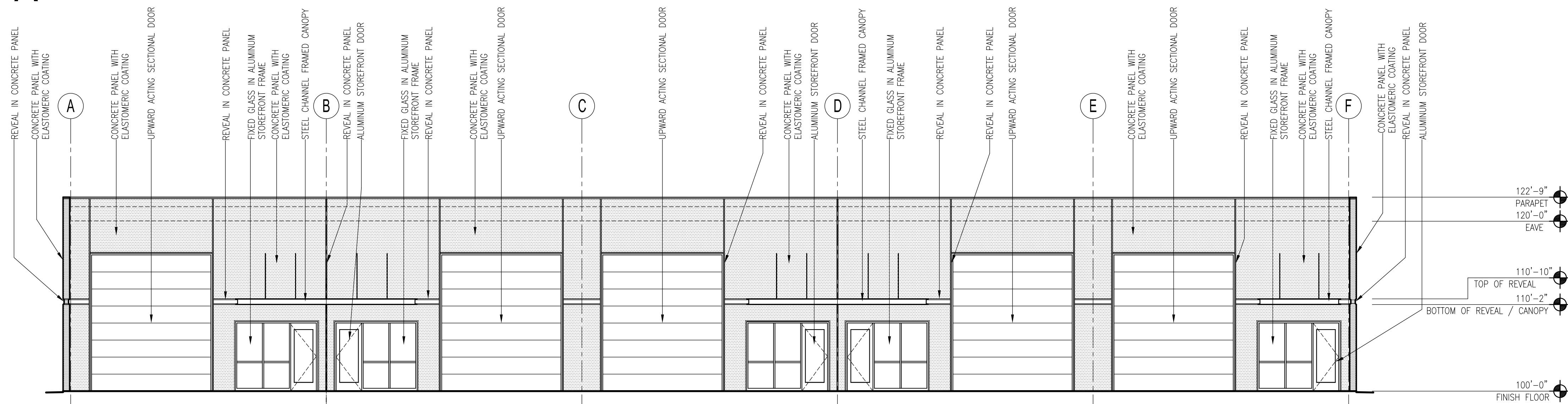
Property is situated in Level 6 – Regional Commercial / Employment



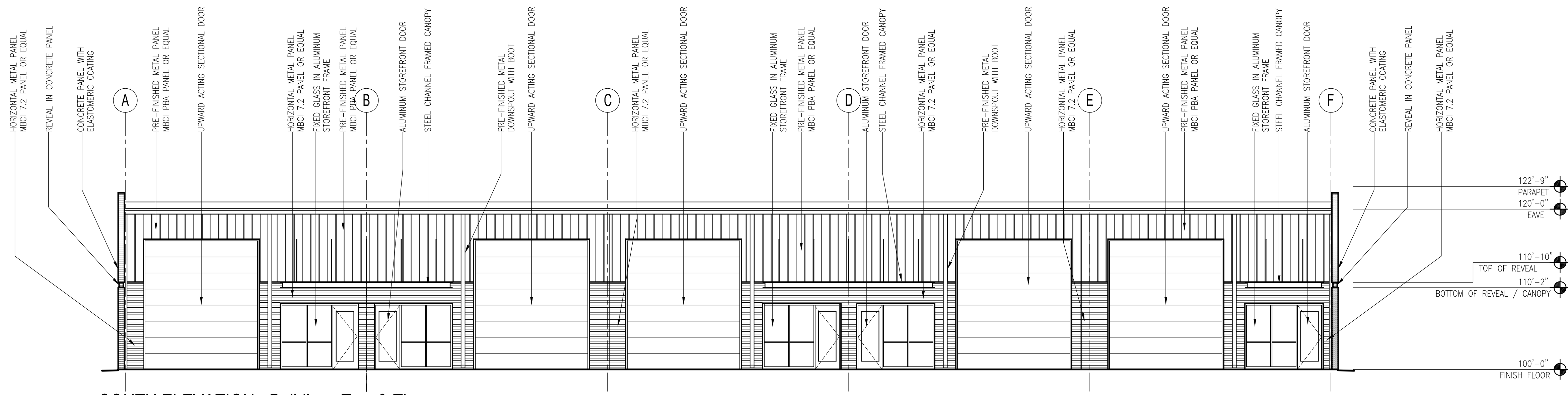
EXHIBIT F
CONCEPTUAL BUILDING ELEVATIONS



A NORTH ELEVATION - Buildings One, Two & Three
SCALE: 1/8" = 1'-0"



B SOUTH ELEVATION - Building One
SCALE: 1/8" = 1'-0"



C SOUTH ELEVATION - Buildings Two & Three
SCALE: 1/8" = 1'-0"

NOTICE OF COPYRIGHT:
THESE DRAWINGS ARE COPYRIGHTED AND ARE SUBJECT TO COPYRIGHT PROTECTION UNDER SECTION 102 OF THE COPYRIGHT ACT OF 1976, U.S.C. AS AMENDED DECEMBER 1990 AND KNOWN AS THE ARCHITECTURAL WORKS COPYRIGHT ACT OF 1990. UNAUTHORIZED USE OF THESE DRAWINGS, WORK PRODUCT OR BUILDINGS REPRESENTED CAN LEGALLY RESULT IN THE CESSATION OF CONSTRUCTION, BUILDINGS BEING SEIZED AND / OR MONETARY COMPENSATION TO WHITAKER ARCHITECTS, P.C., THEIR SUCCESSORS OR ASSIGNS.

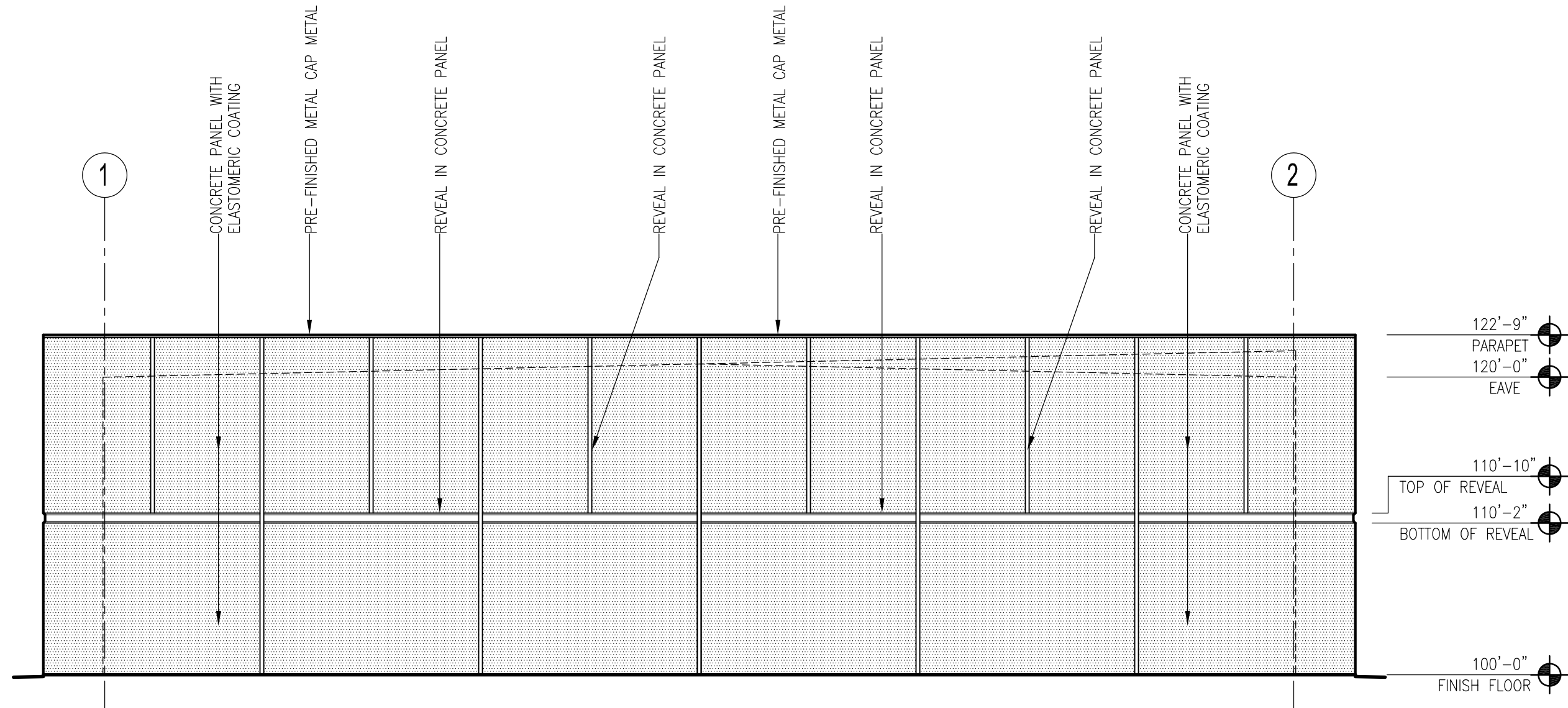
Whitaker Architects, P. C.
Sixteen West Second Street Sand Springs, Oklahoma 74063
telephone 918.245.3665 telefax 918.241.3670
Copyright Whitaker Architects, P.C. 2021

PROJECT NAME:
TUCSON BUSINESS PARK
East Tucson Avenue Broken Arrow, Oklahoma

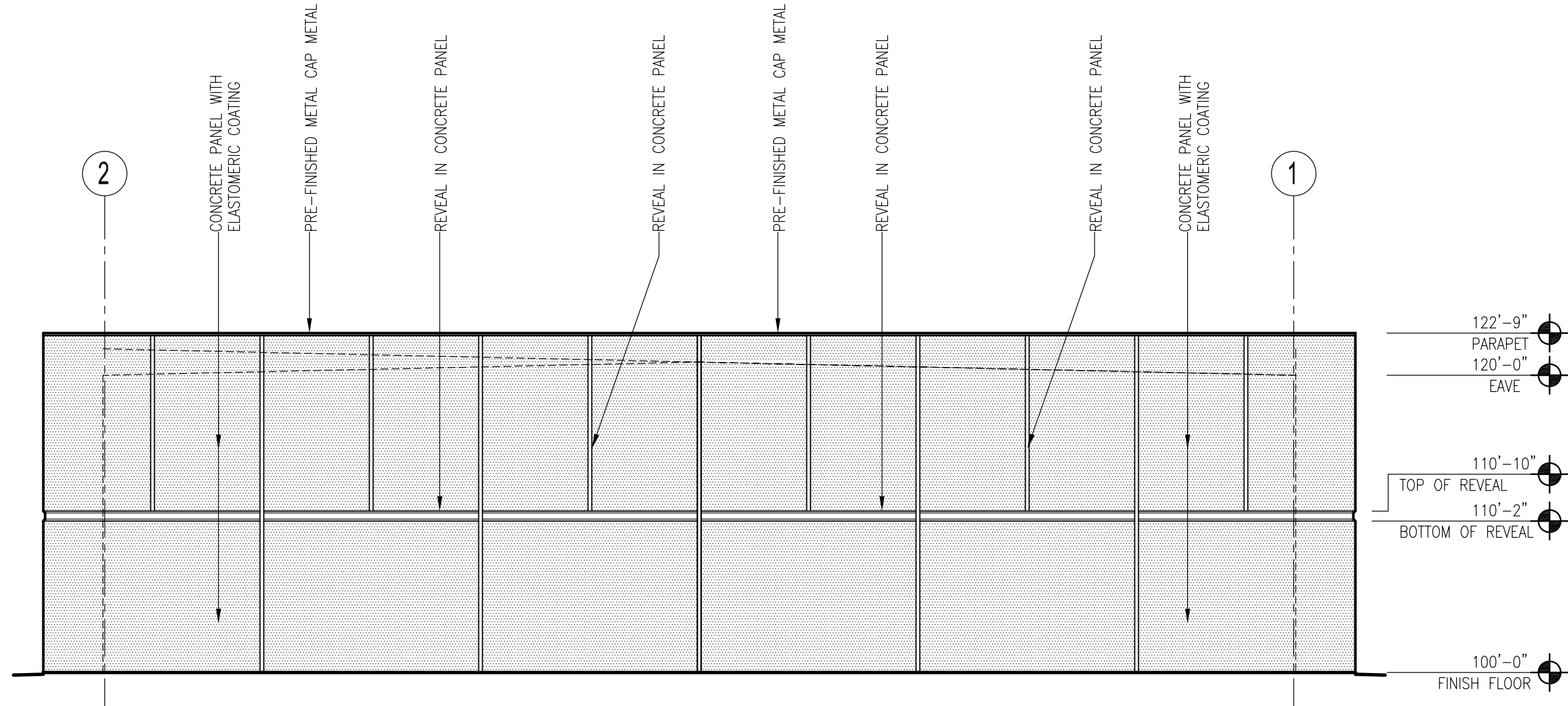
DRAWING TITLE:
BUILDING ELEVATIONS

ISSUE DATE: NOVEMBER 16, 2021

REVISIONS:	SEAL: PRELIMINARY NOT FOR CONSTRUCTION
PROJECT NUMBER: 2020-12	SHEET NUMBER:
DRAWN BY: GWW	A401
CHECKED BY: GWW	SHEET 1 of 2
REVIEWED BY: GWW	
SCALE: AS INDICATED	



A WEST ELEVATION - Buildings One, Two & Three
SCALE: 1/8" = 1'-0"



B EAST ELEVATION - Buildings One, Two & Three
SCALE: 1/8" = 1'-0"

NOTICE OF COPYRIGHT:
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Sixteen West Second Street Sand Springs, Oklahoma 74063
telephone 918.245.3665 telefax 918.241.3670
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PROJECT NAME:
TUCSON BUSINESS PARK
East Tucson Avenue Broken Arrow, Oklahoma

DRAWING TITLE:
BUILDING ELEVATIONS

ISSUE DATE: NOVEMBER 16, 2021

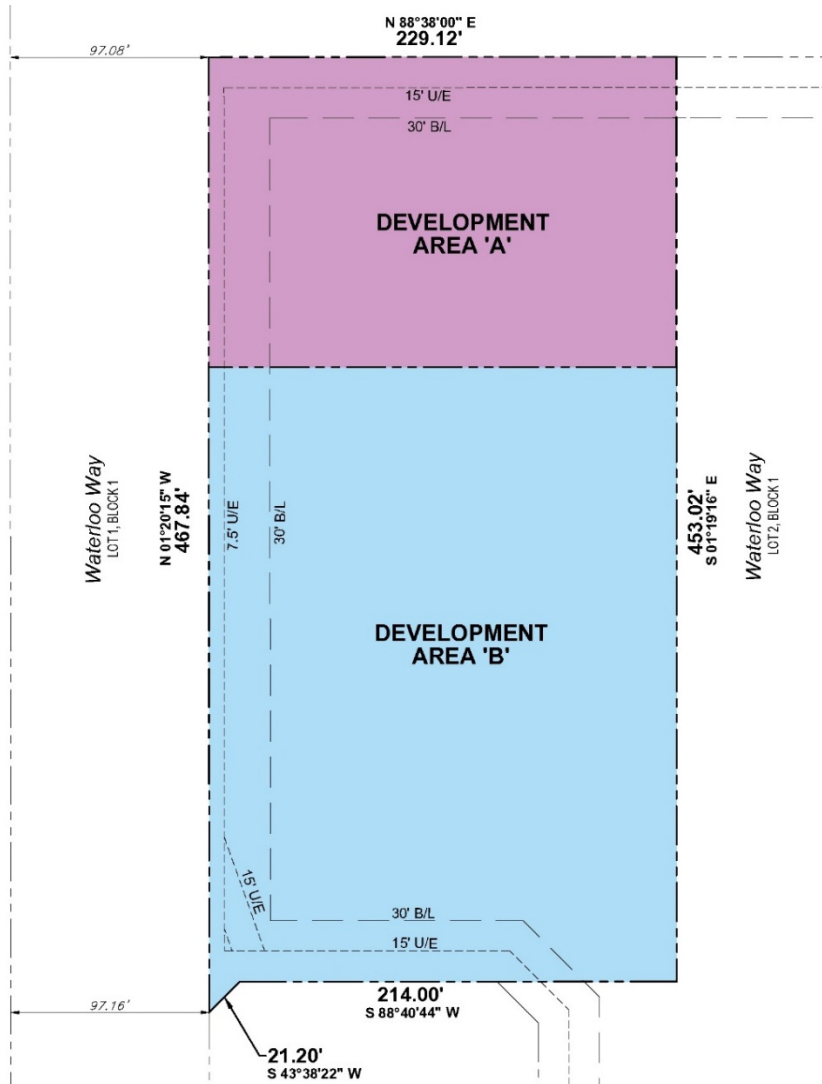
REVISIONS:	SEAL: PRELIMINARY NOT FOR CONSTRUCTION
PROJECT NUMBER: 2020-12	SHEET NUMBER: A402 SHEET 2 of 2
DRAWN BY: GWW	
CHECKED BY: GWW	
REVIEWED BY: GWW	
SCALE: AS INDICATED	

II. Development Standards

PUD 126F will be developed in accordance with the Broken Arrow Zoning Ordinance and the use and development regulations of the CG (Commercial General) and IL (Industrial Light) districts except as noted herein. The development area boundaries established are for illustrative and land area calculation purposes only. Any allowed use (specified in this PUD) may be located in either development area. Allowed uses from Development Area B may be permitted up to 100% of the total land area. Uses from Development Area A may comprise a maximum of 33.5% of the total land area.

DEVELOPMENT AREAS SUMMARY

AREA	USE	SF	ACRES	% OF TOTAL	ZONING
A	Commercial / General Retail	34,806.63	0.7797	33.5	CG
B	Office / Warehouse	69,050.91	1.585	66.5	IL



DEVELOPMENT AREA - A

Proposed buildings shown on the Conceptual Site Plan are approximately 12,000 SF.

Land Area: 34,806.63 SF (0.799 AC)

Zoning: CG

Permitted Uses - specifically limited to the following:

- Broadcasting or Recording Studio (no tower)
- Transmitting Station (no tower)
- Utility Facility – Minor
- Animal Pet Shop – Retail
- Catering Service
- Micro-food & Beverage Production with Specific Use Permit
- Office, Business or Professional
- Fitness & Recreational Sports Center
- General Indoor Recreation
- Dry Cleaning & Laundry Service
- General Personal Services
- Retail – General
- Alcoholic Beverages - Retail
- Vehicle Repair Service - Minor

Minimum Building Setbacks:

North Boundary: 30 feet
East Boundary: 30 feet
South Boundary (adjacent to Development Area B): 0 feet
West Boundary: 30 feet

Maximum Building Height: 25 feet

Parking Requirements: Per the current Broken Arrow Zoning Code

DEVELOPMENT AREA - B

Proposed buildings shown on the Conceptual Site Plan are approximately 24,000 SF.

Land Area: 69,050.91 SF (1.585 AC)

Zoning: IL

Permitted Uses - specifically limited to the following:

- Office / Warehouse
- Warehouse
- Mini-Storage

Minimum Building Setbacks:

North Boundary (adjacent to Development Area A): 0 feet
East Boundary: 30 feet
South Boundary: 30 feet
West Boundary: 30 feet

Maximum Building Height: 25 feet

Parking Requirements: Per the current Broken Arrow Zoning Code, except:

- Office / Warehouse and Warehouse: 1/600

III. General Provisions

A. Landscaping:

A 30-foot-wide landscape area shall be provided along the west property line. In this landscape area, at least one medium to large evergreen tree shall be installed and per 25 lineal feet along the west property line. Irrigation shall be provided by either an underground sprinkler system or drip irrigation system. Any trees that fail shall be replaced within 6 months. No landscaping is required for on-site parking.

B. Screening:

Per Section 5.2 of the City of Broken Arrow Zoning Ordinance.

1. Service equipment (including HVAC equipment) and areas shall be screened in accordance with the Zoning Ordinance.
2. Screening materials for solid waste collection and loading areas shall be a six-foot tall wooden fence. Trash dumpsters shall have a door, which shall remain closed when not in use.

C. Lighting:

Per Section 5.6 of the City of Broken Arrow Zoning Ordinance.

1. Light fixtures shall be shielded to direct light downward and a photometric plan shall be prepared and approved by the City of Broken Arrow (Method 2 – Photometric Standard). Any lighting placed on the exterior of the building shall be shielded with the light directed towards the ground.

D. Signage:

Per Section 5.7 of the City of Broken Arrow Zoning Ordinance, except that only one freestanding sign is allowed. The freestanding sign shall not exceed 20 feet in height and 150 square feet in size. The freestanding sign shall be located on the property associated with PUD-126F.

1. No sign permit shall be issued until a site plan is prepared and approved by the City of Broken Arrow.

E. Building Material Requirements:

1. EXTERIOR WALLS: The south facing façade of Building #1 and east and west facing facades of Buildings #1, #2 and #3, shall be concrete panel (refer to Exhibit F – Conceptual Building Elevations)
2. AWNINGS, CANOPIES AND OVERHANGS: Structural awnings are encouraged at the ground level to enhance articulation of the structures.

F. Utilities:

Proposed public utility infrastructure design shall be submitted to and approved by the City of Broken Arrow.

G. Drainage:

The site is currently undeveloped and sodded. The developed site will follow existing drainage patterns and discharge drainage to the existing detention facility immediately south of the property. Final drainage and grading design shall be submitted to and approved by the City of Broken Arrow.

H. Vehicular Access and Circulation:

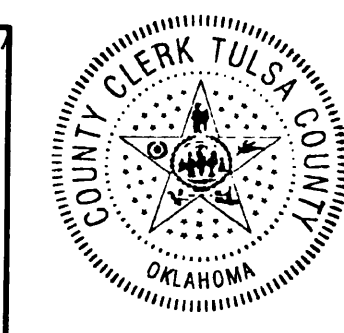
Access to the site shall be from a private drive that connects with Tucson Street. The document number for the mutual access easement associated with this drive shall be shown on the site plan. All private driveway and/or street connections shall be subject to the City Engineer curb cut permit approval for the proposed access points and the Fire Marshal's approval of locations, spacing, widths, and curb return radii.

I. Emergency Vehicle Access:

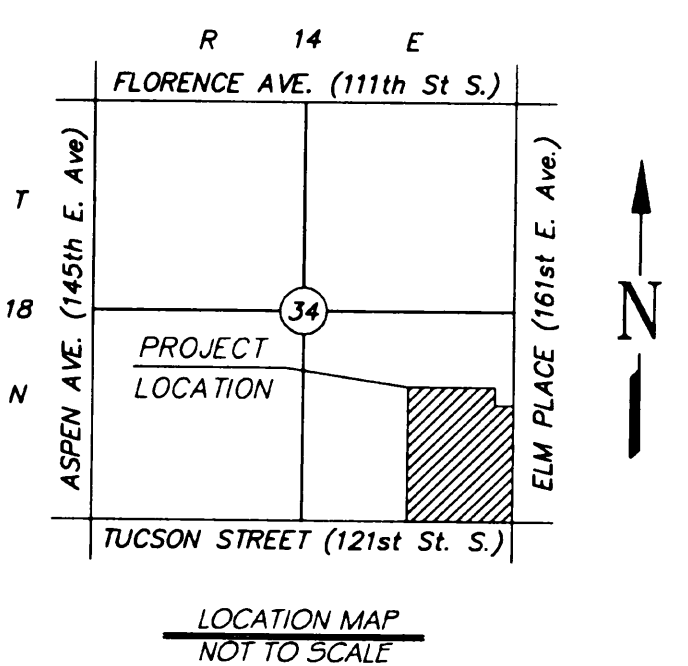
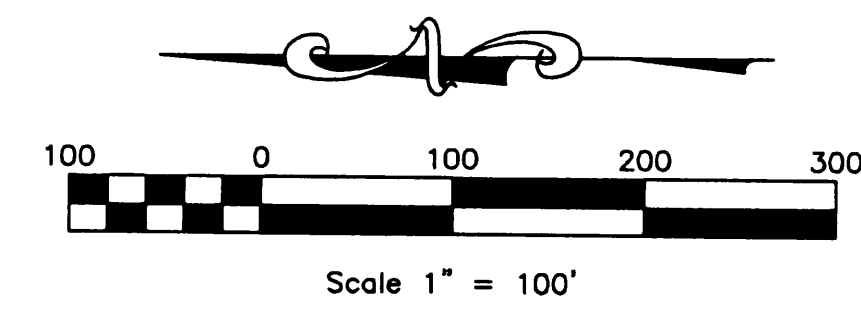
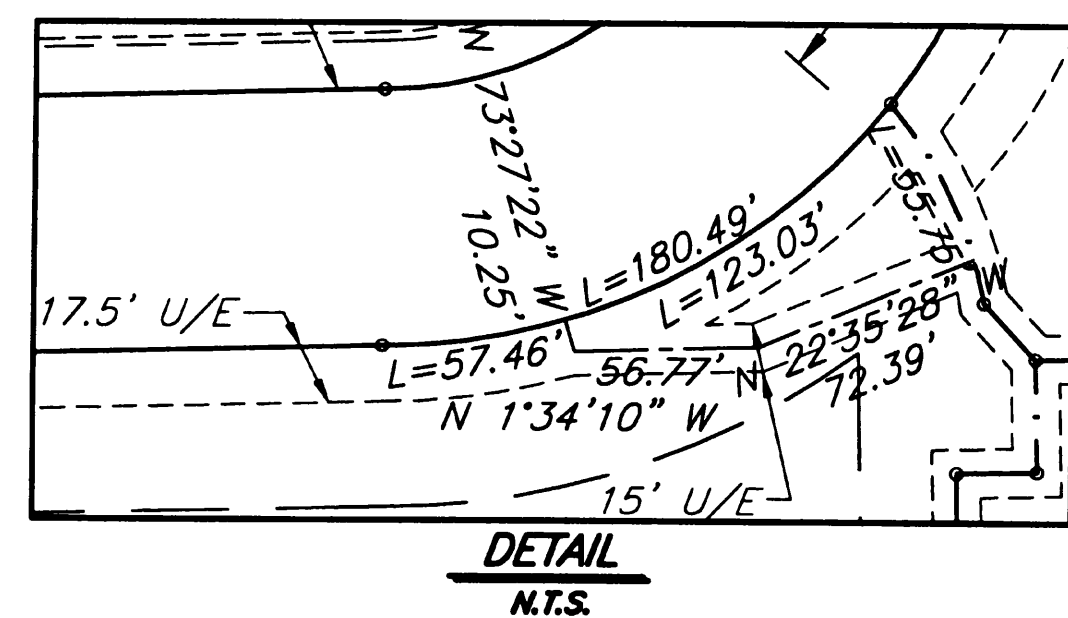
A fire apparatus road, 20 feet in width, shall be established and maintained for emergency vehicles. Pavement striping, signage, etc. shall be submitted to and approved by the Fire Marshal.

IV. Anticipated Construction Schedule

- It is anticipated that construction will commence within 6 months from the date this PUD is approved by City Council.



FINAL PLAT
-5633 WATERLOO WAY
PUD 126
A PART OF THE SE/4 OF SECTION 34, T-18-N, R-14-E, I.M.
BROKEN ARROW, TULSA COUNTY, OKLAHOMA



- LEGEND**
- D/E = DRAINAGE EASEMENT
 - U/E = UTILITY EASEMENT
 - E/E = ELECTRICAL EASEMENT
 - G/E = GAS EASEMENT
 - B/L = BUILDING LINE
 - ROW = RIGHT OF WAY
 - P.O.C. = POINT OF COMMENCEMENT
 - P.O.B. = POINT OF BEGINNING
 - L.N.A. = LIMITS NO ACCESS
 - L.O.A. = LIMITS OF ACCESS
 - L/E = LANDSCAPE EASEMENT
 - O.H.E. = OVERHEAD ELECTRIC
 - 6400- = ADDRESS

WATERLOO WAY LEGAL DESCRIPTION
March 1, 2001

A tract of land lying in the Southeast Quarter (SE/4) of Section Thirty-four (34), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, more particularly described as follows:

COMMENCING at the Southeast Corner of said Southeast Quarter (SE/4);

THENCE South 88°36'59" West, along the south line of said Southeast Quarter (SE/4), a distance of 90.93 feet;

THENCE North 01°23'01" West, a distance of 70.00 feet to the POINT OF BEGINNING;

THENCE South 88°36'59" West, parallel with the south line of said Southeast Quarter (SE/4), a distance of 404.99 feet;

THENCE South 58°36'59" West, a distance of 20.00 feet;

THENCE South 88°36'59" West, parallel with the south line of said Southeast Quarter (SE/4), a distance of 802.53 feet;

THENCE North 01°19'44" West, a distance of 1704.40 feet to a point on the Southerly right of way line of the Turnpike Authority;

THENCE South 86°39'15" East, along said Southerly line, a distance of 815.86 feet;

THENCE North 89°09'29" East, continuing along said Southerly line, a distance of 222.91 feet;

THENCE South 05°44'04" East, a distance of 84.44 feet to a point of curvature;

THENCE along a non-tangent curve to the right having a radius of 179.09 feet (said curve subtended by a chord which bears South 22°25'22" East a distance of 80.09 feet) an arc distance of 80.77 feet;

THENCE South 09°54'41" East a distance of 64.08 feet;

THENCE North 89°14'07" East a distance of 178.93 feet;

THENCE South 01°19'44" East, parallel with the east line of said Southeast Quarter a distance of 953.16 feet;

THENCE South 28°40'16" West a distance of 20.00 feet;

THENCE South 01°19'44" East, parallel with the east line of said Southeast Quarter a distance of 405.28 feet;

THENCE South 43°38'37" West a distance of 35.37 feet to the POINT OF BEGINNING;

Said tract contains 2,034,656 square feet or 46.7093 acres more or less.

OWNER/DEVELOPER:
WAL-MART STORES EAST INC.
2001 S.E. 10TH ST.
BENTONVILLE, ARK. 72716-0550
(501) 277-7700

ENGINEER:
SPEAR & McCALEB CO., INC.
815 W. MAIN STREET
OKLAHOMA CITY, OK 73106
(405) 232-7715

SURVEYOR:
SMITH ROBERTS BALDISCHWILER, LLC
25 S. OKLAHOMA AVE., SUITE 400
OKLAHOMA CITY, OK 73104
(405) 840-7084
C.A. NUMBER 3949, EXPIRES JUNE 30, 2003

NOTE:
1. EASEMENTS SHOWN HEREON BY SPECIFIC RECORDING INFORMATION ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE NOT DEDICATED PURSUANT TO THIS FINAL PLAT.
2. ADDRESSES SHOWN ON THIS PLAT WERE PROVIDED BY THE ENGINEERING DEPARTMENT OF THE CITY OF BROKEN ARROW AND WERE ACCURATE AT THE TIME THE PLAT WAS FILED. THE ADDRESSES ARE SUBJECT TO CHANGE AND NOT BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.

- BM #1 CUT "X" @ CENTER OF HEADWALL, E. SIDE ELM AVENUE, NEAR N.E. CORNER, ELEV=659.89 CITY DATUM
- BM #2 DOUBLE 600 NAILS IN W. SIDE POWER POLE ON E. SIDE ELM APX 150' N. OF BM #1, ELEV=654.15 CITY DATUM
- BM #3 DOUBLE 600 NAILS IN S. SIDE LIGHT POLE S.W. OF SMOKE SHOP ON W. SIDE OF ELM, ELEV=678.53 CITY DATUM
- BM #4 DOUBLE 600 NAILS IN S.W. SIDE OF 18" OAK 80' N. OF SMOKE SHOP ON W. SIDE OF ELM, ELEV=683.06 CITY DATUM

The assumed Bearing of South 88°36'59" West as shown on centerline of Tucson Street is the basis of bearing used for this survey.

NOTE: THE UNIT OF MEASUREMENT SHOWN FOR DIMENSIONS ON THE FINAL PLAT IS FEET.

APPROXIMATE LOT SUMMARY

LOT #1	22.52 Ac.
LOT #2	11.61 Ac.
LOT #3	0.87 Ac.
LOT #4	1.63 Ac.
LOT #5	1.10 Ac.
LOT #6	1.12 Ac.
RSV #A/B	3.15 Ac.
RSV #C	0.95 Ac.
FTG RD R/W	3.78 Ac.
TOTAL	48.71 Ac.

APPROVED 4-16-01 by the City Council of the City of Broken Arrow, Oklahoma.
James C. Reynolds
Mayor
Attest: City Clerk *Brenda Ray* 8-7-01



City of Broken Arrow

Request for Action

File #: 22-753, Version: 1

**Broken Arrow Planning Commission
06-09-2022**

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

Public hearing, consideration, and possible action regarding the proposed modifications to Chapter 3 and Chapter 5 of the Downtown Residential Overlay District (DROD)

Chapter 3 and Chapter 5 of the Downtown Residential Overlay District (DROD) are proposed to be modified to include two-family building forms in Area 5. The DROD was approved by the City Council in December 2017 and has been in effect since January 2, 2018. Since that time, one modification has been made to the document addressing transitional setbacks and other setback and textual changes.

With this modification to the DROD, staff is recommending updating Table 1 in Chapter 3 to include Two-Family (Duplex) as a permitted building form in Area 5, Rose District Transition Area. An additional update to Chapter 5.B, Design Standards by Building Form: Two-Family, will include requirements for Area 5 in the design standards.

In Chapter 2 of the DROD, the general description of Area 5, Rose District Transition, states that this area is to serve as a transition that buffers intensive commercial/mixed-use development from interior residential areas. As such, new construction and significant renovations should include a variety of building forms ranging from single-family to rowhouses to mixed-use buildings with limited commercial, such as neighborhood-level retail or small offices. In Section 3, Building Forms, the table of permitted building forms includes single-family, 3-Plex/4-Plex, rowhouses, and flats. In Staff's opinion, including two-family building forms in Area 5 meets the criteria for the area stated in Chapter 2.

The following changes to Chapter 5.B are recommended to include standards for the two-family building form in Area 5.

Item	Zoning Ordinance Requirement	Proposed Modification
Chapter 3 Table 1 (Permitted Building Forms)		
Page 12	Added Standard	Include two-family building form as a permitted building form in Area 5
Chapter 5.B Two-Family: Lot		
Page 40	6,500 Sq. Ft. Min	A-Lot Area: Change Area 1 to Area 1 & 5

Page 40	110' Max, 45' Min	B-Lot Frontage: Change Area 1 to Area 1 & 5
Page 40	60% Max	C-Lot Coverage: Change Area 1 to Area 1 & 5
Chapter 5.B Two-Family: Site		
Page 41	10' Min/65% BTZ	A-Lot Front Setback/BTZ: Change Area 1 to Area 1 & 5
Page 41	5' Min	B-Side Setback: Change Area 1 & 2 to Area 1, 2, & 5
Page 41	10' Min	C-Rear Setback: Change Area 1 to Area 1 & 5
Page 41	Required	D-Building Alignment: Change Area 1 & 2 to Area 1, 2, & 5
Page 41	35' Min. Setback from property line	E-Garage and Carport Location: Change Area 2 to Area 2 & 5
Page 41	25' Max	F: Access and Driveway Width: Change Area 1 to Area 1 & 5
Chapter 5.B Two-Family: Building Form		
Page 42	50' Max	A-Front Wall Width: Change Area 1 to Area 1 & 5
Page 42	2 Stories/35' Max	B-Building Height: Area 1 & 2 to Area 1, 2, & 5
Page 42	1' Min, 4' Max	C-Finished Floor Height: Area 1 & 2 to Area 1, 2, & 5
Page 42	9' Min, 15' Max	D-Floor Height: Area 1 & 2 to Area 1, 2, & 5
Page 42	Pitched or Flat	E-Roof Form: Change Area 1 to Area 1 & 5
Page 42	25' or 40% width of primary structure: Max street-facing garage door width	F-Garage and Carport Width: Area 1 & 2 to Area 1, 2, & 5
Page 42	9' Max garage door or carport height	G-Garage Door/Carport Height: Area 1 & 2 to Area 1, 2, & 5
Chapter 5.B Two Family: Building Activation		
Page 43	Required	A-First Story Element: Area 1 & 2 to Area 1, 2, & 5
Page 43	1 Min on front-most wall 4'x4' dimensions	B-Principal Windows: Area 1 & 2 to Area 1, 2, & 5
Page 43	8' Max	C-Blank Street-Facing Wall: Area 1 & 2 to Area 1, 2, & 5
Page 43	2'x3', except for an accent window	D-Window Size: Area 1 & 2 to Area 1, 2, & 5
Page 43	10' Max distance of entry from front-most wall	E-Entry Location: Area 1 & 2 to Area 1, 2, & 5
Page 43	Required	F-Entry Presence: Area 1 & 2 to Area 1, 2, & 5
Page 43	Required	G-Entry Path: Area 1 & 2 to Area 1, 2, & 5

Attachments: Proposed Changes to the DROD Chapter 3

Proposed Changes to the DROD Chapter 5
DROD Area Map

Recommendation:

Recommend approval of proposed modifications to Chapter 3 and Chapter 5 of the Downtown Residential Overlay District, as presented, and an Ordinance be drafted for City Council approval.

Reviewed and Approved By: **Jill Ferenc**

ALY

III. BUILDING FORMS

PURPOSE OF THE DOWNTOWN RESIDENTIAL OVERLAY DISTRICT (DROD)

The eight building forms permitted on properties in the Downtown Residential Overlay District (DROD) appear as the column headers in Table 1 below. The building forms are intended to accommodate a variety of residential and commercial uses at varying intensities that fit appropriately within the different Areas of Downtown, which appear as the row titles in Table 1.

These building forms will promote activity, business and a pedestrian-friendly environment. Each building form is described through the remainder of this chapter in terms of physical characteristics and the land uses that each respectively accommodates. Building and site design standards for each of the building forms and as further refined by Area are provided in Chapter 5.

		Single-Family	Two-Family	Cottage Court	3-plex/4-plex/Mansion Apartment	Rowhouse	Flats	Mixed-Use A (Neighborhood)	Mixed-Use B / Commercial	Accessory Dwelling Unit (ADU)
DROD Area	Area 1 Residential 1	P	P	P	P	P	P			P
	Area 2 Residential 2	P	P							P
	Area 3 Residential 3	P								P
	Area 4 Residential 4	P								P
	Area 5 Rose District Transition	P	P		P	P	P	P		P
	Area 6 Commercial/ Mixed-Use Core					P	P		P	
	Area 7 Commercial/ Mixed-Use Corridor						P		P	

Table 1: Permitted Building Forms

P = Permitted

Projects not permitted by right (P), may be considered through the Planned Unit Development (PUD) process.

TWO-FAMILY

DESCRIPTION

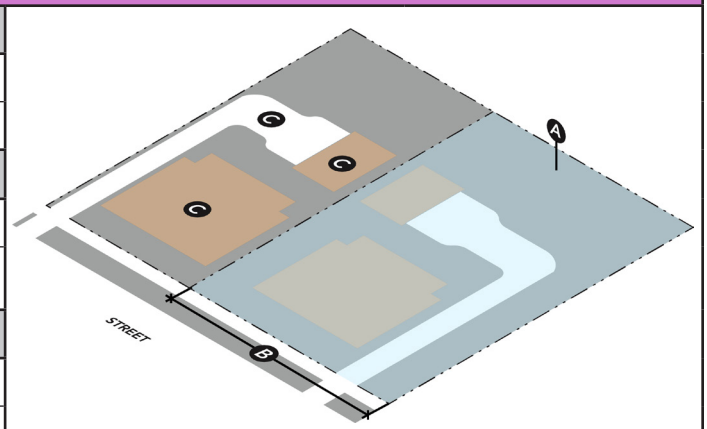
The “Two-Family” building form exhibits a similar shape and architectural features to the “Single-Family” building form, but allows for a slightly higher density. The Two-Family building form can be designed as two side-by-side single-family units; can be a form split with one unit facing the primary street and the other facing a secondary street, backyard, or side yard; and can be a form with one unit on the ground-level and the other on the upper-level. Parking is provided for each of the units. Parking can take the form of a shared, attached garage; a shared, detached garage; individual, attached garages; or individual, shared garages.



Permitted Areas 1 & 2

LOT*

A Lot Area		
Area 1 & 5	6,500 sq.ft. Min.	
Area 2	7,500 sq.ft. Min.	
B Lot Frontage		
Area 1 & 5	110' Max., 45' Min.	
Area 2	130' Max., 55' Min.	
C Lot Coverage		
Area 1 & 5	60% Max	
Area 2	55% Max.	

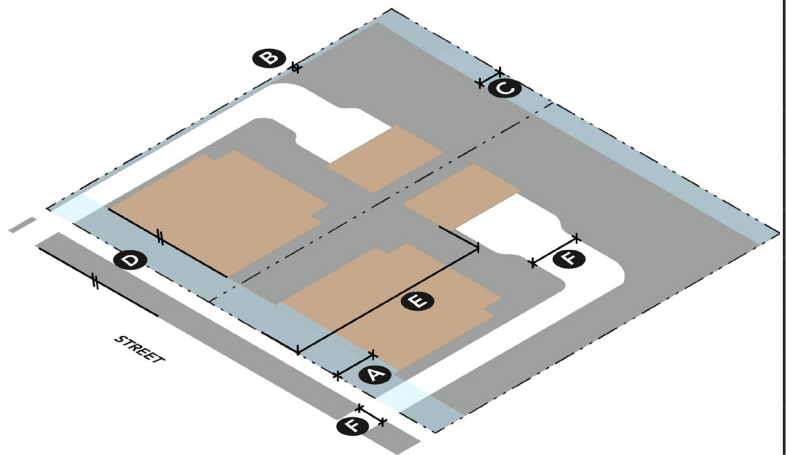


Additional Information

* Where a site will be subdivided into more than one parcel, lot and site design standards should be based on the collective area of all parcels.

SITE*

A Front Setback/Build to Zone (BTZ)		
	Area 1 & 5	10' Min./65% BTZ ¹
	Area 2	15' Min./65% BTZ ¹
B Side Setback		
	Area 1 & 2 & 5	5' Min.,
C Rear Setback		
	Area 1 & 5	10' Min., ³
D Building Alignment		
	Area 1 & 2 & 5	Required ⁴
E Garage and Carport Location		
	Area 1	30' Min. setback from front property line
	Area 2 & 5	35' Min. setback from front property line
F Access and Driveway Width		
	Area 1 & 5	25' Max ^{5&6}



Additional Information

Note: Sidewalks shall be provided along all street frontages in accordance with the Subdivision Regulations.

* Where a site will be subdivided into more than one parcel, lot and site design standards should be based on the collective area of all parcels.

1 65% of front wall is required to be placed within 10' of required front setback.

2 If an alley is present, rear setback is 2' min.

3 Building Alignment

Interior Lot: front wall of primary structure shall be parallel to the street

Corner Lot: Both street-facing walls of the primary structure shall be parallel to each street

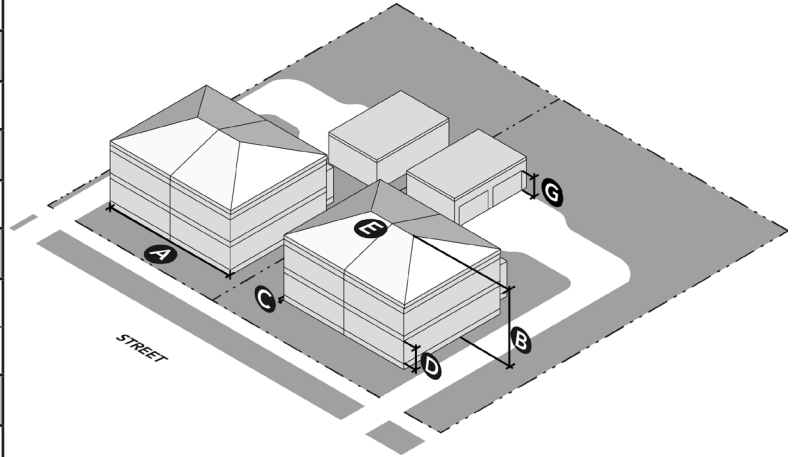
4 Only 18' wide until driveway is within 20' of garage entry

5 Where feasible, provide access from an alley

TWO-FAMILY

BUILDING FORM

A Front Wall Width		
	Area 1 & 5	50' Max.
	Area 2	65' Max.
B Building Height		
	Area 1 & 2 & 5	2 stories/35' Max.
C Finished Floor Height		
	Area 1 & 2 & 5	1' Min., 4' Max.
D Floor Height		
	Area 1 & 2 & 5	9' Min., 15' Max.
E Roof Form		
	Area 1 & 5	Pitched or flat
	Area 2	Pitched
F Garage and Carport Width		
	Area 1 & 2 & 5	25' or 40% width of primary structure: Max. street-facing garage door width ²
G Garage Door/Carport Height		
	Area 1 & 2 & 5	9' Max. garage door or carport height ¹

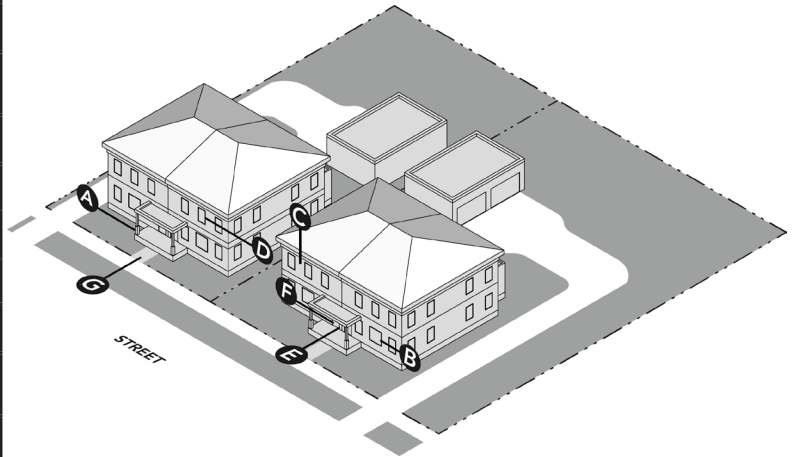


Additional Information

- 1 If any portion of the garage is located forward of the rear wall of primary structure:
 - Roof of garage or carport must match roof of primary structure
 - Height of garage or carport must be equal to or less than the height of primary structure

BUILDING ACTIVATION

A First Story Element		
	Area 1 & 2 & 5	Required ^{1&2}
B Principal Windows		
	Area 1 & 2 & 5	1 Min. on front-most wall 4'x4 dimensions ³
C Blank Street-Facing Wall		
	Area 1 & 2 & 5	8' Max.
D Window Size - Street-Facing Wall		
	Area 1 & 2 & 5	2'x3', except for an accent window
E Entry Location (On Street-Facing Wall)		
	Area 1 & 2 & 5	10' Max. distance of entry from front-most wall
F Entry Presence - Facing Street		
	Area 1 & 2 & 5	Required ⁴
G Entry Path		
	Area 1 & 2 & 5	Required ⁵



Additional Information

- Must include one of the following elements:
 - Projecting Porch
 - Recessed Porch
 - Projecting Stoop (not permitted in Area 2)
 - Shared first story element
- Height of first story element must have an interior clearance of at least 8 feet, no greater than 12 feet. Interior clearance is measured from the floor of the first story element to the lowest point of the ceiling of the first story element.
- If street-facing wall is 35' or wider, must have 2 principal windows
- Visually connect entrance to street through one of the following:
 - Entry faces street,
 - Entry opens on porch that faces street
- Must connect to street through physical, demarcated path

Broken Arrow Downtown Residential Overlay District (DROD)Areas

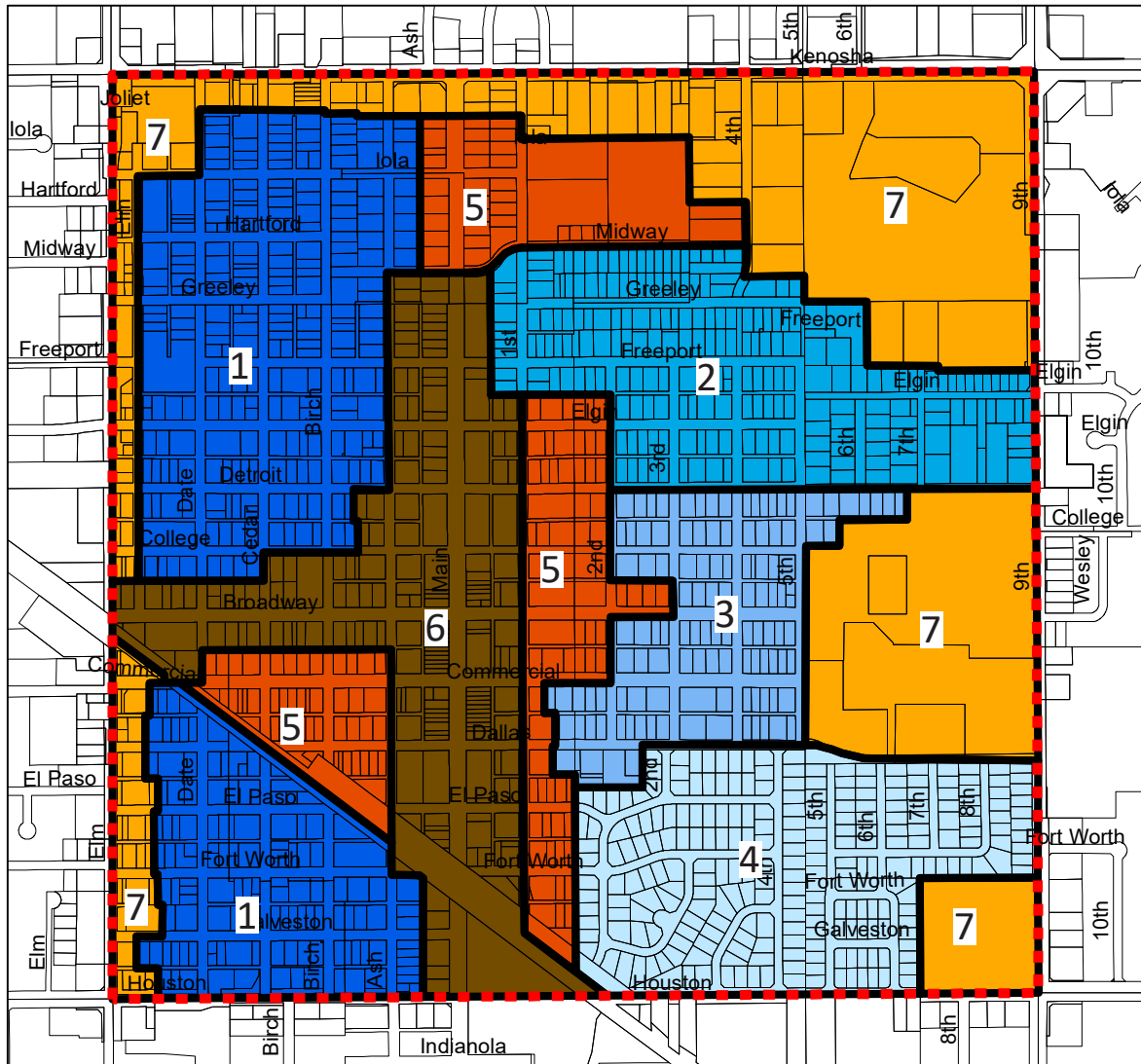



Figure 2.1 DROD Areas Map

Legend

DROD Overall Boundary

 DROD Overall Boundary

DROD Areas

 Area 1: Residential 1
 Area 2: Residential 2
 Area 3: Residential 3

 Area 4: Residential 4
 Area 5: Rose District Transition
 Area 6: Commercial/Mixed Use Core
 Area 7: Commercial/Mixed Use Corridor