



City of Broken Arrow
Meeting Agenda
Planning Commission

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

Chairperson Fred Dorrell
Vice Chair Lee Whelpley
Member Ricky Jones
MemberCarolyn Isbell-Carr
Member Mark Jones

Thursday, February 9, 2017

5:00 PM

Council Chambers

1. Call To Order

2. Roll Call

3. Old Business

None

4. Consideration of Consent Agenda

- A. [17-1814](#) Minutes, Planning Commission meeting held on January 12, 2017
- B. [17-1813](#) Consideration and possible action regarding CA 17-100, Commerce Crossing Lot 1, Block 1, 2.98 acres, IL to PUD 257/IL, south of Albany Street, one-quarter mile west of Olive Avenue
- C. [17-1769](#) Consideration, and possible action regarding PT17-100, Preliminary Plat, Kum & Go 1866 Addition, 1 lot, 2.07 acres, A-CG to CG/PUD-94, northeast corner of Omaha Street and Aspen Avenue

5. Consideration of Items Removed from Consent Agenda

6. Public Hearings

- A. [17-1762](#) Public hearing, consideration, and possible action regarding SP 278, R & M Music, 2.93 acres, CH, east of the southeast corner of Washington Street and Elm Place between Atlanta Street and Washington Street

7. Appeals

None

8. General Commission Business

- A. [17-1823](#) Review and discussion of Comprehensive Plan Update and possible selection of Planning Commission Members to be appointed on the selection team for reviewing RFP's for the Comprehensive Plan

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 DEVELOPMENT SERVICES 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.**

POSTED on _____, _____ at _____ am/pm.

City Clerk



City of Broken Arrow

Fact Sheet

File #: 17-1814, Version: 1

Broken Arrow Planning Commission

02-09-2017

To: Chairman and Commission Members

From: Development Services Department

Title:

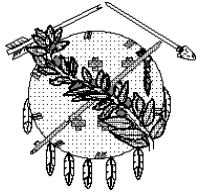
Minutes, Planning Commission meeting held on January 12, 2017

Background: Minutes recorded for the Broken Arrow Planning Commission meeting.

Attachments: Minutes from the January 12, 2017 Planning Commission meeting

Recommendation: Approve minutes of Planning Commission meeting held on January 12, 2017

Reviewed and Approved By: Michael W. Skates
Legal Department



City of Broken Arrow
Minutes
Planning Commission

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

Chairperson Fred Dorrell
Vice Chair Lee Whelpley
Member Ricky Jones
Member Carlyne Isbell-Carr
Member Mark Jones

Thursday, January 12, 2017

5:00 PM

Council Chambers

1. Call To Order

The meeting was called to order by Chairman, Fred Dorrell, at 5:00 p.m.

2. Roll Call

Present 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

3. Old Business

Ricky Jones said his firm prepared the application for Item 3A, BAZ-1967 and would recuse himself from the discussion. Mr. Jones left the Council Chambers.

A. [16-1507](#) Public hearing, consideration, and possible action regarding BAZ 1967, Bentley Square, 8.14 acres, CG to RS-4, west of the southwest corner of Aspen Avenue and Jasper Street

Brent Murphy presented the background for Item 3A. saying, BAZ-1967 involves 8.14 acres located west of the southwest corner of Aspen Avenue and Jasper Street. Applicant is requesting to change the zoning on the property from CG (Commercial General) to RS-4 (Single- Family Residential), the new single-family residential zoning classification. He said BACP-154, a request to change the comprehensive plan designation on this property, from Level 4 to Level 2, was approved by the City Council on July 19, 2016.

Mr. Murphy said the preliminary plat for Bentley Square, has been submitted in conjunction with this rezoning request and is on this agenda. According to the FEMA maps, none of the property associated with BAZ-1967 is located within the 100-year floodplain area.

Brent Murphy said based on the Comprehensive Plan and the location of the property, Staff recommends that BAZ-1967 be approved, subject to the property being platted.

Fred Dorrell asked if the applicant agrees with Staff recommendations and to step to the

podium.

Erik Enyart, Tanner Consulting, 5323 S. Lewis Ave., Tulsa, said they represent their client for this application and are in agreement with Staff recommendations.

Fred Dorrell opened the public hearing and asked if anyone wished to speak regarding 3A, BAZ-1967.

Robin Robinson and wife, Michelle Robinson, said they own a farm on 31st Street and their main concern was the previous rezoning of property in this area, resulted in rezoning of their property by mistake.

Fred Dorrell told Mr. Robinson that he was speaking on the wrong case.

Mr. Dorrell asked if anyone else wished to speak on this item. No one responded. Mr. Dorrell closed the public hearing.

MOTION by Mark Jones to approve BAZ-1967, per Staff recommendations. The motion was seconded by Lee Whelpley.

After the vote, Fred Dorrell said this item will be heard by City Council on February 7, 2017, at 6:30 p.m.

Aye: 4 - Mark Jones, Carolyn Isbell-Carr, Lee Whelpley, and Fred Dorrell

Recused: 1 - Ricky Jones

B. [17-1612](#) Public hearing, consideration, and possible action regarding PUD 254 and BAZ 1968 and the partial abrogation of SP 257, QuikTrip, 2.77 acres, CN and CG/SP 257 to CN/PUD 254, northeast corner of Kenosha Street and 23rd Street

Ricky Jones returned to the Council Chambers.

Brent Murphy presented the background for PUD-254 & BAZ-1968 saying, Planned Unit Development (PUD) 254 involves 2.77 acres located on the northeast corner of Kenosha Street and 23rd Street. In conjunction with PUD-254, BAZ-1968, a request to rezone 0.60 acres from CG and part of the property SP-257 to CN (Commercial Neighborhood), has also been submitted.

Mr. Murphy said QuikTrip is proposing to completely clear the site and build a new building on the property. The new store will be similar to the one nearing completion on the northwest corner of Hillside Drive and 9th Street. While the property will be used by one tenant, there are two property owners. The north tract, the area associated with BAZ-1968, is presently owned by Life Covenant Church, Inc. The Church is in the process of selling this 0.60 acres to QuikTrip Corporation. The rest of the property is under the ownership of Jane E. Hawkins Trust.

Brent Murphy said the building proposed to be constructed on the property is larger than the existing store. In addition, the number of gasoline pump stations is proposed to be increased from eight to ten. The existing underground tanks, on the north end of this property, will be removed and relocated to the west side of the property. The tanks are shown to be located in the utility easement along 23rd Street.

Mr. Murphy said the property associated with PUD-254 consists of two separate plats, “Amended Plat Wagoner County Line” which contains the portion with the most property, and a portion of, “Tiger Plaza”. When these plats were recorded, additional right-of-way was provided to meet the Subdivision Regulation requirement at that time of 70 feet from the section line with an additional 17.5-foot utility easement. Today, the Subdivision Regulations require 65 feet of right-of-way from the section line along with a utility easement of 22.5 feet in width. As noted in the PUD design statement, applicant will be requesting to have 5 feet of the existing right-of-way along 23rd Street and Kenosha Street vacated. Applicant is proposing to vacate the existing plats and file a new plat in its place.

Brent Murphy said the property that QuikTrip is in the process of trying to obtain from Life Covenant Church, Inc. is presently zoned CG. With this rezoning request, BAZ-1968, they are requesting to change the zoning on this portion of the property from CG to CN. In the future, Life Covenant Church, Inc. will be requesting a lot split to separate this parcel from the rest of their property. Because of contractual agreements, this parcel will remain a separate lot, and will not be joined with the property that has been platted as “Amended Plat Wagoner County Line”. In the CN district, the minimum lot frontage is 100 feet. With PUD 254, applicant is requesting the minimum lot frontage be reduced from 100 feet to 86 feet.

Mr. Murphy said the design statement submitted in conjunction with PUD-254, which includes both properties, is requesting several modifications to the Zoning Ordinance. The property will be developed in accordance with the City of Broken Arrow Zoning Ordinance and the use and development regulations of the CN district except as noted in the PUD.

Brent Murphy said the property is designated as Level 4 in the Comprehensive Plan and the CN zoning requested with BAZ-1968 is considered to be in conformance with the Comprehensive Plan in Level 4. He said the applications have been signed by both property owners, after the Staff report was published. Therefore, Staff recommends that PUD-254 and BAZ-1968 be approved as presented in the design statement and as shown on the conceptual site plan, subject to the property being replatted. SP-257 shall be abrogated on the portion of the property associated with BAZ-1968.

Fred Dorrell asked the applicant to step to the podium and state if in agreement with the Staff report.

Alan Betchan, AAB Engineering, 200 N. McKinley, Sand Springs, said they are the

engineers for this project and are in agreement with Staff recommendations.

Fred Dorrell opened the public hearing and asked if anyone wished to speak on this item, PUD-254 & BAZ-1968. No one responded. Mr. Dorrell closed the public hearing.

MOTION by Ricky Jones to approve PUD-254 & BAZ-1968 and the partial abrogation of SP-257, per Staff recommendations. The motion was seconded by Lee Whelpley.

After the vote, Fred Dorrell said this item will be heard by City Council on February 7, 2017, at 6:30 p.m.

Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

4. Consideration of Consent Agenda

Fred Dorrell explained the Consent Agenda process and asked if anyone wished to remove any items from the Consent Agenda.

Ricky Jones said his firm prepared the Preliminary Plat for Item 4C and needs to have it removed from the Consent Agenda.

MOTION by Ricky Jones to approve Items 4A, 4B, 4D and 4E of the Consent Agenda, per Staff recommendations. The motion was seconded by Carlyne Isbell-Carr.

Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

- A. [17-1606](#) **Approval of Planning Commission meeting minutes of December 15, 2016**
- B. [16-1535](#) **Consideration and possible action regarding BAL 2008, Aldi Grocery Expansion, 0.96 acres, CG, north of Kenosha Street, one-quarter mile west of Aspen Avenue**
- C. [16-1417](#) **Consideration, and possible action regarding PT16-111, Preliminary Plat, Bentley Square, 8.14 acres, 33 lots, CG to RS-4, one-quarter mile west of Aspen Avenue, south of Jasper Street**

Ricky Jones said his firm prepared the Preliminary Plat for Item 4C and needs to have it removed from the Consent Agenda.

4C. PT16-111, Preliminary Plat, Bentley Village was removed from the

Consent Agenda.

- D. [16-1409](#) **Consideration, and possible action regarding PT16-112, Preliminary Plat, Spring Hill at Forest Ridge, 31.82 acres, 102 lots, R-1/PUD-66 to R-1/PUD-66G, south of Kenosha Street, one half mile west of Oak Grove Road**
- E. [17-1611](#) **Consideration and possible action regarding PT16-114, Preliminary Plat, Whiskey Ridge, 442 lots, 142.16 acres, A-1 to PUD 256/RS-3, southeast corner of 23rd Street and Rockford Street**

5. Consideration of Items Removed from Consent Agenda

- C. [16-1417](#) **Consideration, and possible action regarding PT16-111, Preliminary Plat, Bentley Square, 8.14 acres, 33 lots, CG to RS-4, one-quarter mile west of Aspen Avenue, south of Jasper Street**

Ricky Jones left the Council Chambers.

MOTION by Mark Jones to approve PT16-111, per Staff recommendations. The motion was seconded by Lee Whelpley.

Aye: 4 - Mark Jones,Carolyn Isbell-Carr, Lee Whelpley, and Fred Dorrell

Recused: 1 - Ricky Jones

6. Public Hearings

- A. [16-1522](#) **Public hearing, consideration, and possible action regarding BACP 159, Muhich Tract, 50.13 acres, Level 3 to Level 6, one-half mile east of Evans Road, one-quarter mile south of Kenosha Street**

Ricky Jones returned to the Council Chambers

Brent Murphy presented the background saying, BACP-159 is a request to change the Comprehensive Plan designation on a 50.13-acre tract from Level 3 to Level 6. The property, which is located one-half mile east of Evans Road, one-quarter mile south of Kenosha Street, is presently zoned A-1 (Agricultural). According to the applicant, about halfway between Kenosha Street and the southern boundary of the property associated with BACP-159, is the location of a former landfill, leased by the City of Broken Arrow. In addition, this area was used for strip coal mining operations in the 1920s, 1930s, and later in the 1960s. Environmental impacts to the site and adjacent properties, as a result of the past strip mining operations, include elevated metals concentration in both on and adjacent off-site soils. After mining operations were terminated, the property was utilized as a landfill by the City of Broken Arrow. The landfill was closed on September 15, 1976. This area, as well as the entire site, is regulated by the Department of Environmental Quality (DEQ) and will require approval from DEQ before any development activities occur on the site.

Mr. Murphy said, as part of their submittal for BACP-159, applicant has submitted a draft PUD for informational purposes only. If BACP-159 is approved, applicant intends

to seek to change the zoning on the property to IL (Industrial Light). IL is in accordance with the Comprehensive Plan in Level 6 when done in conjunction with a PUD (Planned Unit Development). A draft PUD has been submitted for informational purposes only. The draft PUD, which is for 71.94 acres, divides the property into seven tracts (Tracts A through G). Tract A, which is located on the southeast corner of Kenosha Street and the proposed street, will be developed in accordance with the development regulations of the CH district with some modifications similar to those on the Tractor Supply property to the west.

Brent Murphy said Tracts C and F, which are near the center of the property, will be developed in accordance with the development regulations of the IL district except uses will be limited to: mini-storage, RV storage, storage yard, Office Warehouse, Warehouse, General Industrial Service and light assembly. In addition, will require approval from DEQ before any development occurs on the property.

He said Tracts D and E, which are at the south end of the property, along with Tract G, which is located immediately south of Tractor Supply, will be developed in accordance with the development regulations of the IL district with the same uses as Tract C and F. In addition, a 30-foot wide landscape buffer will be provided along the south and east boundaries of Tracts D and E. Within this landscape buffer at least one tree per 25 lineal feet will be provided and at least half of the trees will be evergreen.

Mr. Murphy said Tract B, which is the environmentally sensitive parcel next to Kenosha Street, is regulated by DEQ and will require DEQ approval for any development activity on the property. This area will be left in its native state.

Brent Murphy said the Level 3 designation that is presently on the property allows a wide variety of residential uses as well as office neighborhood. However, with the environmental issues associated with this property, most of the property is not suitable for residential development. Therefore, the Comprehensive Plan needs to be amended. The IL zoning being contemplated by the applicant is in accordance with the Comprehensive Plan in Level 6, provided it is done as part of a PUD. A draft PUD has been submitted with BACP-159. Based on the Comprehensive Plan, location of the property, the environment issues associated with the property, and the surrounding land uses, Staff recommends that BACP-159 be approved to change the Comprehensive Plan designation on the property from Level 3 to Level 6, subject to the property being platted, and a PUD being submitted that is similar in context to the draft PUD submitted. Staff does have comments on the draft PUD that they will continue to work with the applicant to address. Comments by Staff, however, do not change the overall concept portrayed in the draft PUD.

Fred Dorrell asked if the applicant would step to the podium and state if they are in agreement with the Staff report.

Tim Terral, Tulsa Engineering and Planning, 9820 E. 41st, Ste. 102, Tulsa, said they are

in agreement with the Staff report.

Fred Dorrell opened the public hearing and asked if anyone wished to speak on this item, BACP-159.

Bob Redden, Chairman of the Water Runoff Committee of Timberbrook Home Owners Association, that report to the Board of Directors of Timberbrook located north of Tractor Supply, 6630 S. 218th E. Avenue said Timberbrook currently has issues with water coming from No Name Creek, which runs underneath Kenosha into Timberbrook, and joins Adams Creek which causes flooding. He said their concerns are regarding the impact of this development to the volume of water flow, from the new construction into No Name Creek which could in turn flood Timberbrook.

Mr. Redden said they also have concerns about hazardous materials leaking into No Name Creek as a result of this development. He voiced concerns that developing this property could cause toxins to leak into the water system and affect Timberbrook Neighborhood. In addition, he asked if studies have been done on the downstream flows of No Name Creek to show impacts to surrounding areas and if so if the information is available for the public to look at.

Fred Dorrell said the item before the Commission of for a Comprehensive Plan Amendment and the PUD submitted with it is a draft. He suggested that Mr. Redden contact City Staff to discuss the concerns.

MaryAnn Colston, 513 N. 79th Street, presented a 3-page PowerPoint to the Commission. She said she read the development concept from the PUD draft and references, per the Blackshare report, Tract '2A' as having "excessive radiation... and will be left in its native state". She said her concerns are regarding the excavation in and around Tract '2A' and the implications to surrounding areas. She said she knows this application is for a Comprehensive Plan Change; however, the concerns are relevant and should be noted when considering this application. She asked when DEQ approval is expected. Ms. Colston referenced a drawing within her PowerPoint presentation indicating where Adam Creek is in relation to this application and voiced concerns about flooding.

Ed Schermerhorn, Developer, 2219 E. Skelly Drive, Tulsa said he is concerned about the drainage and grading for this project; however, feels they will be held to the proper standards for this type of development. He said he does not feel that a 30-foot buffer is sufficient.

Fred Dorrell asked if anyone else wished to speak on BACP-159. No one responded. He asked if the applicant wished to step to the podium to address the concerns.

Tim Terral said their application is for a Comprehensive Plan Amendment which has a draft PUD; therefore, they are in the infancy stages of the project. He said hydrology

studies have not been done yet regarding runoff; however, they will be done in accordance with City standards. Onsite storm water detention will be required and they are well aware of the downstream area. A 30' buffer on the south and east side of Tracts 'D' and 'E' are sufficient in addition to one tree per every 25' lineal feet; however, they are willing to work with surrounding property owners regarding issues.

Ricky Jones said based on the previous history of this tract being used as a landfill, this use is a good use. He said, from a land use standpoint, he feels comfortable with Comp. Plan change and is confident, between the City of Broken Arrow and DEQ, their strict reviews and requirements, for grading and hydrology, will make sure these items are taken care of.

MOTION by Ricky Jones to approve BACP-159, per Staff recommendation. The motion was seconded by Carlyne Isbell-Carr.

After the vote, Fred Dorrell said this item will be heard by City Council on February 7, 2017, at 6:30 p.m.

Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

B. [16-1605](#) Public hearing, consideration, and possible action regarding BAZ-1970, BA Corner, 40.71 acres, A-1, RD, CN, and CG to CH, northeast corner of Tucson Street and Aspen Avenue

Brent Murphy presented the background saying, BAZ-1970 is a request to change the zoning designation on a 40.71-acre undeveloped land from A-1, RD, CN, and CG (Commercial General) to CH (Commercial Heavy). The unplatted property is located on the northeast corner of Tucson Street and Aspen Avenue. Other than a possible mini-storage near the east/central part of the property, Staff is not aware of any other potential uses on the property.

Mr. Murphy said no FEMA mapped floodplain is shown on the property, there is a significant drainage channel that passes in a north/south direction through the property. He said, based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that BAZ-1970 be approved, subject to the property being platted and if, during the platting process, any portion of the property is determined to be within a 100-year floodplain, it shall be zoned FD. Portions of the property that are outside the 100-year floodplain shall be zoned CH after the plat is recorded.

Fred Dorrell asked if the applicant would step to the podium and if they are in agreement with Staff recommendations.

Ed Stein, Attorney representing the Owner, BA Corner, said they are in agreement with Staff recommendations. He said the property currently has four zoning classifications and

this application is to combine into one zoning district in an effort to bring in retail development.

Fred Dorrell opened the public hearing and asked if anyone wished to speak on BAZ-1970. No one responded. Mr. Dorrell closed the public hearing.

Ricky Jones said CH is pretty heavy commercial zoning; however, this is the first development in this area in a while and this zoning seems acceptable and Staff supports this use.

Lee Whelpley said he has no concerns with this development since they do not know what they will develop on it. He said he was concerned when the theatre was approved and there was no frontage road from Wal-Mart to Aspen because, in emergency situations, emergency vehicles would have to come north on Aspen and all the way around Tucson and then up the frontage road.

MOTION by Ricky Jones to approve BAZ-1970, per Staff recommendations. The motion was seconded by Mark Jones.

After the vote, Fred Dorrell said this item will be heard by City Council on February 7, 2017, at 6:30 p.m.

Aye: 5 - Mark Jones,Carolynne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

C. [16-1530](#) Public hearing, consideration, and possible action regarding PUD 66G, Spring Hill at Forest Ridge, a request for a minor amendment to PUD 66, 34.14 acres, R-1/PUD 66 to R-1/PUD 66G, south of Kenosha Street, one half mile west of Oak Grove Road

Brent Murphy said Planned Unit Development (PUD) 66G is a request for a minor amendment to PUD-66 to reduce the side yard building setback lines from 5ft./10ft. to 5ft./5ft. and reduce the corner lot side yards from 20-feet to 15- feet. The proposed development, Spring Hill at Forest Ridge, is located south of Kenosha Street, about one half mile west of Oak Grove Road within the Forest Ridge development.

Mr. Murphy said the applicant proposes 102 single family lots on 31.82 acres and a 2.32-acre park for the common use of the neighborhoods. This park will be maintained by the Forest Ridge Homeowner's Association and will not be platted. This minor amendment to the PUD will only affect the proposed Spring Hill at Forest Ridge subdivision. Future developments will be evaluated as needed.

Brent Murphy said Staff recommends that PUD-66G be approved, subject to the property being platted.

Fred Dorrell asked if the applicant would step to the podium and state if they are in agreement with the Staff report.

Tim Terral, Tulsa Engineering and Planning, Associates, 9820 East 41st St., Ste. 102, Tulsa, said they are in agreement with Staff recommendations.

Fred Dorrell opened the public hearing and asked if anyone wished to speak on PUD-66G. No one responded. Mr. Dorrell closed the public hearing.

MOTION by Lee Whelpley to approve Item 6C., PUD-66G, per Staff recommendations. The motion was seconded by Carolyn Isbell-Carr.

Aye: 5 - Mark Jones, Carolyn Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

D. [16-1531](#) Public hearing, consideration, and possible action regarding PUD 229B, a request for a minor amendment to PUD 229, The Icon at Broken Arrow Apartments, 13.35 acres, PUD 229/RM, southeast corner of Florence Street and Elm Place

Brent Murphy presented the background saying, Planned Unit Development (PUD) 229B involves 13.35 acres located on the southeast corner of Florence Street and Elm Place which is part of the Icon Apartments that were recently constructed on this property.

Mr. Murphy said after the apartments were constructed, the property owner received complaints from the residents that there was a lack of parking on the eastern part of this property; therefore, the applicant is requesting a minor amendment to PUD-229, to allow parking to be located within the southern landscape buffer. This new parking area would contain 19 parking spaces.

Brent Murphy said, based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-229B be approved as presented.

Fred Dorrell asked if the applicant is present and in agreement with the Staff report.

Justin Nixon, Case & Associates, 4200 E Skelly Drive, Tulsa, said they are in agreement with Staff recommendations.

Fred Dorrell opened the public hearing and asked if anyone wished to speak on PUD-66G. No one responded. Mr. Dorrell closed the public hearing.

MOTION by Ricky Jones to approved Item 6D., PUD-229B, per Staff recommendations. The motion was seconded by Lee Whelpley.

Aye: 5 - Mark Jones, Carolyn Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

E. [16-1532](#) **Public hearing, consideration, and possible action regarding PUD-255, First National Bank, 3.40 acres, DM to DM/PUD-255, one-half mile north of Houston Street, one-half mile west of 9th Street on the southeast corner of Main Street and Broadway**

Brent Murphy presented the background saying, Planned Unit Development (PUD)-255 involves the bank property located one-half mile north of Houston Street, one-half mile west of 9th Street on the southeast corner of Main Street and Broadway. With PUD-255 the applicant is proposing to reduce the building coverage requirement of the DM district from 50% to 41%. This reduction would accommodate the existing building on the south half of the property and a new parking lot that is being constructed on the north half. This is the only change that is being requested.

Mr. Murphy said based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD 255 be approved as presented. Since the property is already platted, Staff recommends that platting be waived.

Fred Dorrell asked if the applicant was in agreement and would step to the podium.

Cecil Rick, Matrix Architects and Planners, 2 West 2nd Street; Ste. 99, Tulsa, said they agree with Staff recommendations.

Fred Dorrell asked if anyone wished to speak on PUD-255.

Thomas Neal, local business owner, 121 E. College Street said with the growth of the Rose District the potential land use for the area is wasted by turning it into surface parking. He said there is plenty of parking on the north that is never utilized and it is a shame to see all the growth and development downtown and then have this property turn into surface parking.

Fred Dorrell asked if anyone else wished to speak on PUD-255. No one responded.

Ricky Jones asked if they are only deviating the requirement from 50 to 41 percent. He said he agrees with Mr. Neal; however, this request is an unperceivable amount.

Michael Skates said the applicant had other options and choose this option. The plan is in compliance with the zoning code and landscape buffer.

Sound cut out at 47:00 to 50:30

MOTION by Lee Whelpley to approve PUD-255, per Staff recommendations. The motion was seconded by Ricky Jones.

After the vote, Fred Dorrell said this item will be heard by City Council on February 7, 2017, at 6:30 p.m.

Aye: 5 - Mark Jones,Carolyn Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

F. [16-1559](#) Public hearing, consideration, and possible action regarding PUD 256 and BAZ 1969, Whiskey Ridge, 142.16 acres, A-1 to RS-3/PUD 256, southeast corner of 23rd Street and Rockford Street

Brent Murphy presented the background saying, Planned Unit Development (PUD) 256 and BAZ-1969 involve 142.16 acres of undeveloped and unplatted property located on the southeast corner of 23rd Street and Rockford Street (31st Street). With the PUD up to 450 single family detached residential units are proposed in conjunction with this PUD and rezoning request. The west part of the property is located within 100-year floodplain of Spunky Creek. The 100-year floodplain will be left as open space.

Mr. Murphy said the property will be developed in accordance with the Broken Arrow Zoning Ordinance and the use and development regulations of the RS-3 district except for the following modifications: Front yard setback reduced from 25 feet to 20 feet; Rear yard setback along Rockford Street reduced from 35 feet to 20 feet; Minimum lot size reduced from 7,000 square feet to 6,000 square feet; Straight streets in excess of 900 feet in length will be allowed.

Mr. Murphy said a preliminary plat, Whiskey Ridge, has been submitted in conjunction with PUD 256 and BAZ 1969. Water to this development will be provided by Wagoner County Rural Water District 4. Sanitary sewer service will be provided by Green Country Sewer. A lift station will be required to be installed to serve the property. The waste water treatment facility for Green Country is located next to the southeast corner of Whiskey Ridge.

Brent Murphy said he property is designated as Level 2 and Greenway/Floodplain in the Comprehensive Plan. RS-3 zoning is considered to be in accordance with Comprehensive Plan in Level 2. He said based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-256 and BAZ-1969 be approved, subject to the property being platted. The portion of the property that is located outside the 100-year floodplain shall be designated as RS-3, and the portion of the property that is located inside the 100-year floodplain shall be designated as FD.

Fred Dorrell asked if the applicant is in agreement with the Staff report and to step to the podium.

Alan Betchan, AAB Engineering, 200 N. McKinley, Sand Springs said they represent the developer and they are in support of Staff recommendations.

Ricky Jones asked if they will develop this project in phases.

Alan Betchan said yes, they think they will develop it as two phases. The developer is anticipating a fairly high amenity level especially for this size of product and historically takes down bigger tracts, in single phases, than what most due. It will probably be a north

half and south half type of development.

Michelle Robinson, 19620 E. 31st St., said they own a farm in which the 142 acres' surround. She asked how she can be reassured that her property will not be flooded due to this development. She asked what price range the proposed houses will be and if they will be a continuation of Steeple Chase or Renaissance.

Fred Dorrell said the item before the Commission is rezoning and they can ask the applicant later. He said there will be a hydrology study and the applicant will have to conform to regulations.

Michael Skates said they propose two large detention facilities and when they do they hydrology study, as part of the engineering, they will be required to detain all of the increased runoff from the impervious areas. All of the drainage will drain to the drainage ponds before it collects into the creek/floodplain. They plan to do a lot of amenities in and around the ponds. Staff will review to make sure drainage is good. As for floodplain, no development will be occurring along 193rd.

Fred Dorrell asked if anyone else wished to speak on this item.

Robin Robinson, 19620 E. 31st Street said he is concerned with flooding. He said when Renaissance Park was built, to the east, flooding began occurring on his property. He said he does not want this to happen again and would like this concern to be looked into and handled properly.

Michael Skates said Staff will review this project in detail. The applicant will be required to submit a drainage report and detention design that ensure it is in compliance to the City standards. They will consider the bar ditch, along Rockford, and evaluate the water the comes into the ditch from the main entrance. He said the intent is to move water that may be near Mr. and Mrs. Robinson's property, and move it back toward the street and not on to their property.

Fred Dorrell asked if anyone else wished to speak on this item.

Tammy Walker, 19617 E. 36th Street, asked if there will be a through road from Steeple Chase to the new neighborhood. Michael Skates indicated, yes. Ms. Walker asked if the road will be built in the first or second Phase. Alan Betchan (from the audience), said Phase I. Ms. Walker said this would be built south to north and she would like to see the studies regarding the runoff. She said there is flooding in Renaissance Park and the front of Steeple Chase, at 193rd Street which causes traffic to travel within the neighborhoods to avoid it.

Tammy Walker said represents the homeowners of 36th Street and 197th Street and she asked what will be done regarding infrastructure and traffic. She said she is concerned that the addition of the proposed subdivision will create a larger traffic issue which will force traffic into the subdivisions.

Michael Skates said, regarding 23rd Street, the Walmart Neighborhood Market at Dearborn, Tulsa County is moving forward on an immediate design for a light at Dearborn and 123rd. Initially, that will take care of congestion because of four way stops. The City

of Broken Arrow is designing 3 to 5 lanes for the mile from Omaha to Albany. The County plans to widen 5 lanes from Omaha to 21st; however, they do not have the funding.

Tammy Walker she said she is concerned that a subdivision is proposed when the infrastructure is not in place. She said she wanted her concerns of infrastructure and flooding to be noted.

Ricky Jones asked Ms. Walker if she understands that there are plans to widen Rockford and 23rd. Ms. Walker said she is talking about 31st to 51st. Michael Skates said the intersection at 31st is under design by the County. Mr. Skates said they have the funding to signalize and improve the intersection at 31st and 41st and are working for design for several miles up to 51st, they just don't have the funding. He said they hope to have it widened to three lanes within three years. Michael Skates said there is a flood plain and Spunky Creek runs through it and these items will be taken into consideration with the design of the development. Mr. Skates said every effort is being made to not increase flooding and the infrastructure is not Broken Arrow.

Tammy Walker said, about ten years ago, the EPA was called regarding the new sewer that was built and there were terrible smells. She asked if there will be more studies done on sewer. Michael Skates said the lagoon system and issue is Green Country's, not the City's.

Grant Pick, 3246 S. 201st Street, said the rumor in Renaissance that this area was too rocky to build on and would like to know if this is true. He asked how far back, to the east, will the first house be from 201st. Michael Skates said the PSO easement is 100' and the applicant is working with PSO regarding the easement.

Michael Skates said the houses will be built in compliance with the RS3 zoning criteria and PUD requirements.

Sara Moffit, 3296 S. 201st E. Ave., she said her home backs up to the east side of proposed development. She said she is not opposed to the houses being built as she knows the builder builds quality homes; however, she has five concerns. She said she is concerned about flooding and drainage issues due to the current flooding every year at 31st and 193rd. The flooding then creates traffic issues because no one can travel through the area.

Ms. Moffit said she is concerned with the utilities and not being able to keep up with the demand for use by the current homeowners in the area. She said the electricity goes out quite frequently. She said she is concerned about emergency services not being able to reach the current homeowners and the new homeowners and asked if Broken Arrow or Wagoner County will be providing emergency services. She said currently they rely on Wagoner County and can wait two to three hours before someone responds and adding a new subdivision will add to this issue.

Sara Moffit said she is concerned with the impact to existing wildlife as there many types of wildlife in the floodplain. She asked what will happen to the wildlife with the addition of the proposed subdivision.

Ms. Moffit said her final concerns are about traffic and infrastructure. She asked why infrastructure can't be built first then develop the land. Developing the land before the infrastructure only compiles existing problems.

Fred Dorrell asked if anyone else wished to speak on this item. No one responded. Mr. Dorrell closed the public hearing.

Alan Betchan said this project will be very protective of the floodplain and will create green space along with the areas that are currently having flooding issues. The larger flooding problem of 193rd, will not be impacted or changed by the development as it won't create runoff because of the detention facilities that are being proposed. The outparcel, the existing farm, the initial intention is to divert instead of natural flows that come from south, and the existing pond, and divert to the west directly to the floodplain instead of through the farm so it should reduce the issue.

Mr. Betchan said they have had many discussions with Green Country sewer. He said Green Country has been under a consent order (with DEQ) for two years and have made significant improvements to their infrastructure, as part of the consent order. He said Green Country provided a will serve letter, as well as a study from their engineer, that was approved by DEQ showing their capacity is such that it can handle addition flow from the proposed new lots. He said their infrastructure has been operating for a few months and has enough capacity to serve the area. As part of the proposed development, lift stations will also be installed.

Alan Betchan said regarding electric infrastructure, it is unknown what PSO's long term plans are. He said the southeast corner is a tract that was acquired by PSO for a future substation; however, they don't know when or if they will consider it for a substation but the pieces are in place in the event they want to do improvements.

Mr. Betchan said this project will take well over a year before they even begin pulling permits on these lots and the first phase with 450 lots, will not be built overnight. This will be a six to ten year build out process. The developer is proposing multiple amenities, with spray grounds and parks and more green space than is typically seen because of the floodplain and open space.

Alan Betchan said all drawings for drainage and infrastructure will be reviewed by City Staff. Sanitary sewer plans will be reviewed and approved by DEQ before installation. As well as water being reviewed by Rural Water District.

Fred Dorrell asked about the rockiness.

Alan Betchan said they did pot holing to determine the strata and determined that it is not a true bedrock area... there are a few boulders and they were six feet in depth. He said until they start moving dirt, they do not know exactly what is in the ground but can guarantee there are developments with far more rock issues than this project and they are going in fine.

Fred Dorrell asked who will provide emergency services.

Michael Skates said the development is in Broken Arrow and will be served by Broken

Arrow fire and police; however, the City has inter-local agreements with other agencies. Thus if an emergency occurred in Renaissance Park, the agency that could respond faster would be dispatched. Non-life threatening emergencies will require the County to respond and can cause a wait.

Ricky Jones said having Rural Water District, Green Country Sewer and City of Broken Arrow Stormwater and police and fire to all work together can be difficult but can be done.

Fred Dorrell said he agrees with a lot of the infrastructure and traffic concerns voiced. He asked how many years before the road widening on 51st occurs.

Michael Skates said 51st and 61st is Broken Arrow and is under design and may be in the 2018 bond package. Mr. Skates north to 31st has dual cities and jurisdiction, but infrastructure falls on Tulsa County. He said he has had many discussions with Tom Raines, Tulsa County Engineer and Tulsa County plans to widen County line from 51st north to 21st or 11th. Tulsa County thought they would get funding from the Vision 2025 excess funds; however, money had to be allocated elsewhere. Tulsa County did receive funding for improvements at 41st and 31st for left turns and signalization. At 41st, through agreements for the new Walmart, Walmart agreed to pay \$50,000 for signal lights at 41st Street and have hired Guy Engineering to try and get this done by Spring. Tulsa County hopes that they will have enough excess funds to begin the design and construction for widening on County Line which should occur within the next five years, if not sooner. City of Tulsa did a hydrology study on Spunky Creek which comes across into Broken Arrow and back to Tulsa. Their plan may have layouts for specific improvements for Spunky Creek.

Michael Skates said for more detailed answers and concerns, people can call Tom Raines with Tulsa County to discuss. Lee Whelpley suggested that Staff have Tom Raines attend one of the City's meetings.

From the audience, Robin Robinson asked to speak again. Fred Dorrell explained that the public hearing had been closed, but he would make an exception for Mr. Robinson to speak.

Robin Robinson said they (homeowners in the area) have heard all of the statements expressed at this meeting and the issues were never resolved. He said since Renaissance Park was built, the water has gotten worse. He said they were ensured that flooding would not occur and that the developer would take care of issues. Before Renaissance was built flooding never occurred before the Subdivision was built.

Fred Dorrell said he is conflicted. He said he is concerned about infrastructure. He said the use is appropriate, but there are concerns.

Lee Whelpley said unfortunately infrastructure does not occur as fast and developments do. He said there is no answer because the City must handle things as they are presented and the City keeps growing. He said change does happen and he understands that it is difficult to provide comfort with that.

Ricky Jones said sometimes development outgrows the infrastructure but the developer

should not be penalized for that.

MOTION by Ricky Jones to approve PUD-256 & BAZ-1969, Whiskey Ridge, per Staff recommendations. The motion was seconded by Mark Jones.

After the vote, Fred Dorrell said this item will be heard by City Council on February 7, 2017, at 6:30 p.m.

Aye: 4 - Mark Jones, Carolynne Isbell-Carr, Lee Whelpley, and Ricky Jones

Nay: 1 - Fred Dorrell

G. [16-1421](#) Public hearing, consideration, and possible action regarding PUD-257, Commerce Crossing, 2.98 acres, IL to IL/PUD-257, south of Albany Street, one-quarter mile west of Olive Avenue

Brent Murphy presented the background for Item 6G saying, Planned Unit Development (PUD) 257 involves 2.98 acres located south of Albany Street, one-quarter mile west of Olive Avenue. The property, which is zoned IL, has been platted as Lot 1, Block 1 of Commerce Crossing. As part of this plat, there is a limit of no access along Albany Street.

Mr. Murphy said PUD-257 is a request to add an additional access point at the northwest corner of the property onto west Albany Street. No other adjustments to the zoning ordinance are being requested. The current zoning code (Section 5.3.B.3.b) requires a separation of 250-feet between curb cuts. The proposed driveway aligns with the existing drive across Albany Street.

Brent Murphy said based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD 257 be approved as presented. Since the property is already platted, Staff recommends that platting be waived.

Fred Dorrell asked if the applicant is present and to step to the podium.

Mark Capron, Sisemore Weisz, 6111 E 32nd Place Tulsa, said they are in agreement with Staff recommendations.

Fred Dorrell opened the public hearing and asked if anyone wished to speak to this item. No one responded. Mr. Dorrell closed the public hearing.

MOTION by Mark Jones to approve PUD-257, per Staff recommendations. The motion was seconded by Carolynne Isbell-Carr.

After the vote, Fred Dorrell said this item will be heard by City Council on February 7, 2017, at 6:30 p.m.

Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

7. Appeals

8. General Commission Business

Michael Skates introduced John McElhenney to the Commissioners. He said Mr. McElhenney joined Development Services and will be doing the engineering reviews and came from INCOG.

Mr. McElhenney said he has been in Broken Arrow for 18 years and is happy to be working for the City.

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

10. Adjournment

MOTION by Carlyne Isbell-Carr to adjourn (at 6:41 p.m.). The motion was seconded by Lee Whelpley.

Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

Aye: 5 - Mark Jones, Carlyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

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 DEVELOPMENT SERVICES 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.

POSTED on _____, _____ at _____ am/pm.

City Clerk



City of Broken Arrow

Fact Sheet

File #: 17-1813, Version: 1

Broken Arrow Planning Commission

02-09-2017

To: Chairman and Commission Members
From: Development Services Department

Title: Consideration and possible action regarding CA 17-100, Commerce Crossing Lot 1, Block 1, 2.98 acres, IL to PUD 257/IL, south of Albany Street, one-quarter mile west of Olive Avenue

Applicant: Mark Capron, Sisemore Weisz & Associates, Inc.
Owner: Kansas City Life Insurance Co.
Developer: Kansas City Life Insurance Co.
Engineer: Sisemore Weisz & Associates, Inc.
Location: South of Albany Street, one-quarter mile west of Olive Avenue
Size of Tract 2.98 acres
Number of Lots: 1
Present Zoning: IL to PUD 257/IL
Comp Plan: Level 6

Background:

CA 17-100 is a request for an access point onto Albany Street from the northwest corner of the property. The property has been platted as Lot 1, Block 1, Commerce Crossing. When the plat was recorded in Tulsa County on February 15, 2008, it showed limits of no access along the entire frontage of Albany Street for Lot 1, Block 1.

PUD 257, which involves a request to add an additional access point as per that shown with CA 17-100 has been submitted. PUD 257 was recommended for approval by the Planning Commission on January 12, 2017, and will be heard by the City Council on February 7, 2017.

Attachments: Case map
Change of access drawings submitted by the applicant
Commerce Crossing plat
PUD 257 design statement

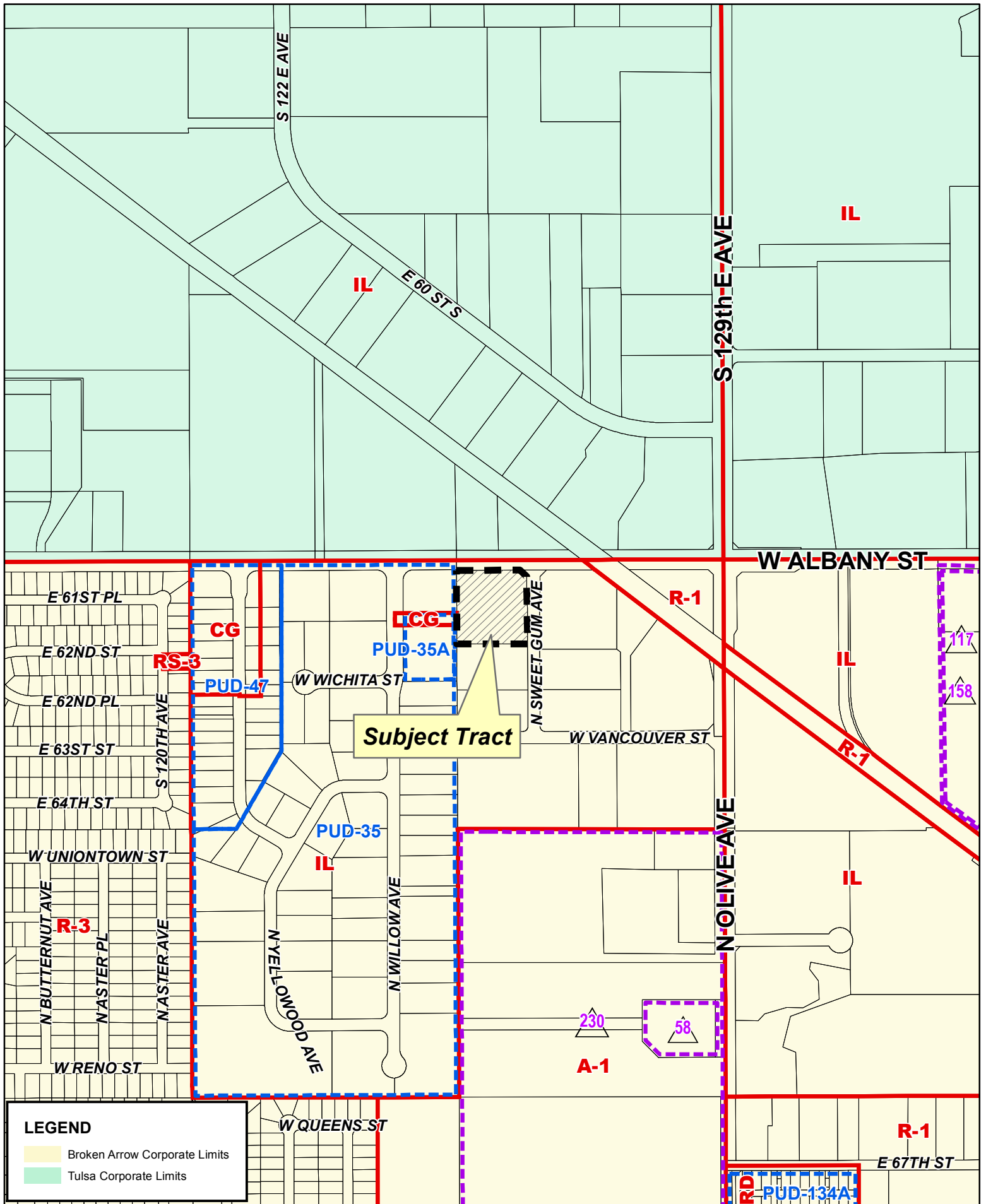
Recommendation:

Staff recommends CA17-100 be approved as requested, subject to City Council approval of PUD 257. If the City Council approves PUD 257, applicant shall record the change of access documentation in Tulsa County.

File #: 17-1813, Version: 1

Reviewed and approved by: Michael Skates

MWS: BDM



LEGEND

- Broken Arrow Corporate Limits
- Tulsa Corporate Limits

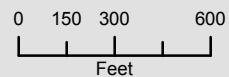


300' Radius



Subject
Tract

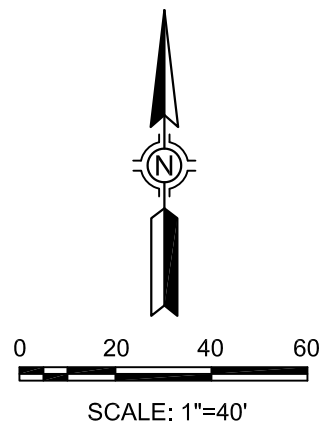
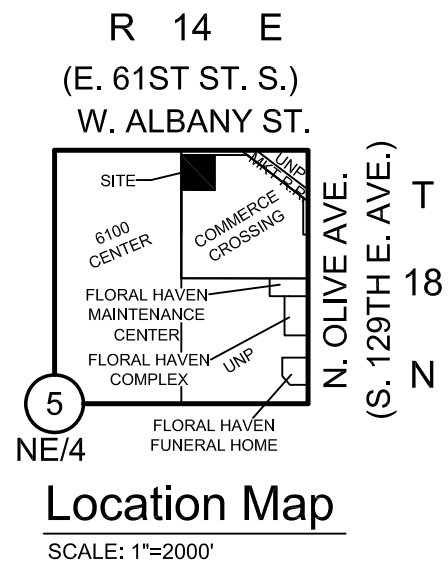
CA17-100



05 18-14



K:\17747.01\ACCESS-EXHIBIT.dwg SHEET 1-IMAGE Dec 02, 2016 - 9:28:51am SISEMORE WEISZ & ASSOCIATES, INC., 2016




Legend

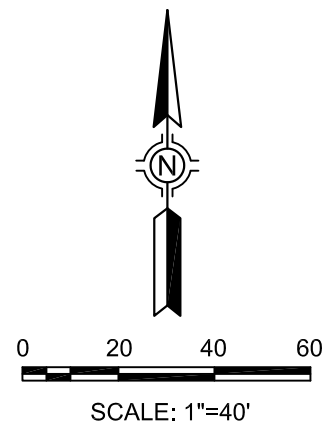
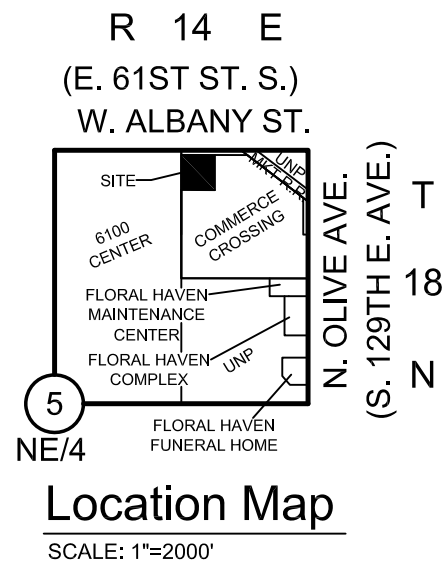
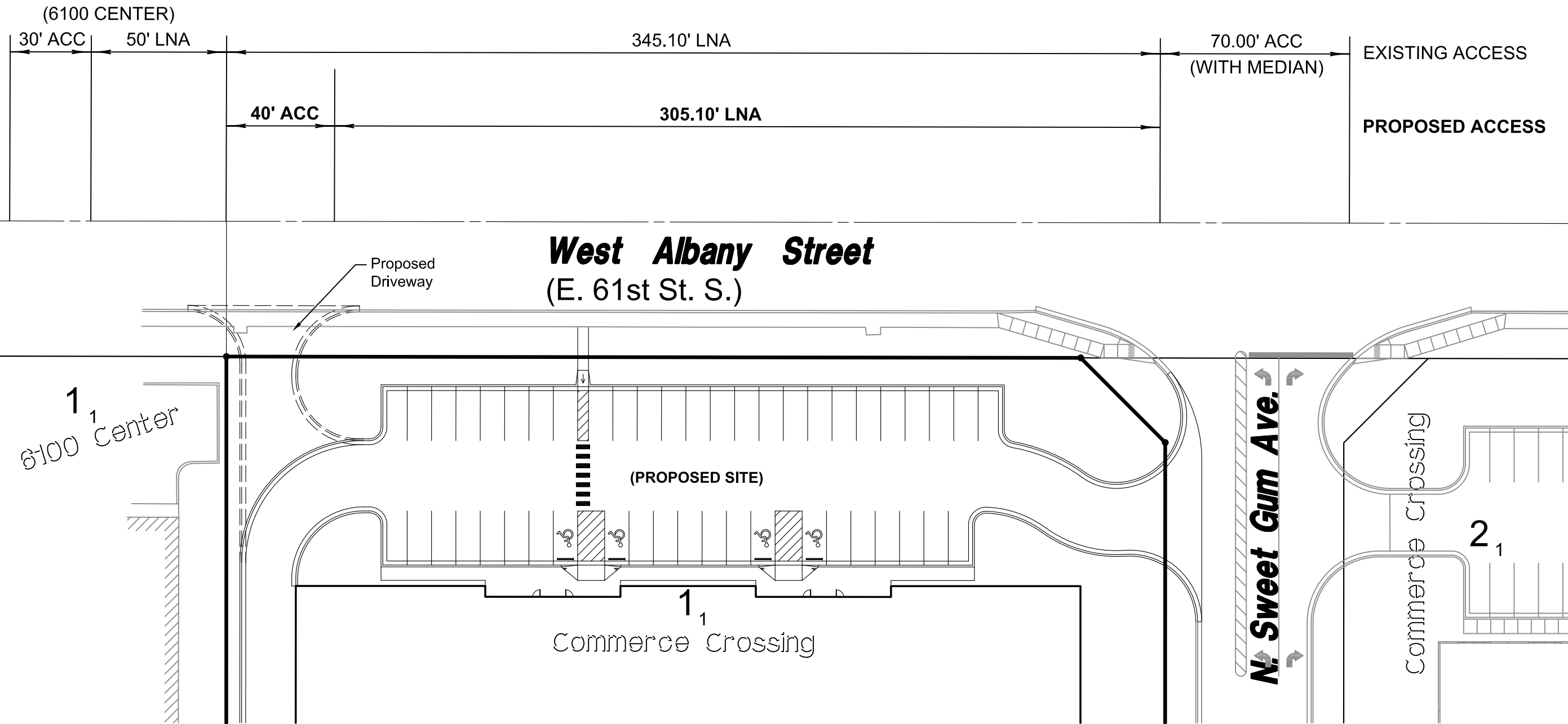
ACC = LIMITS OF ACCESS

LNA = LIMITS OF NO ACCESS

Change of Access Exhibit with Aerial
of
Lot 1, Block 1
Commerce Crossing
City of Broken Arrow, Tulsa County, State of Oklahoma

REVISIONS	BY	DATE

 Sisemore Weisz & Associates, Inc. 6111 EAST 32nd PLACE TULSA, OKLAHOMA 74135 C.A. NO. 2421 PHONE: (918) 665-3600 FAX: (918) 665-8668 EXP. DATE 6/30/17			
FILE:	1814.05	SURVEY BY:	DATE: 12/2/16
ORDER:	17747.01	DRAWN BY: LAD	SCALE: 1"=40'
BOOK:		CHECKED BY: JTB	SHEET 2 OF 2




Legend

ACC = LIMITS OF ACCESS

LNA = LIMITS OF NO ACCESS

Change of Access Exhibit
of
Lot 1, Block 1
Commerce Crossing
City of Broken Arrow, Tulsa County, State of Oklahoma

REVISIONS	BY	DATE

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ORDER:	17747.01	DRAWN BY:	LAD	SCALE:	1"=40'
BOOK:		CHECKED BY:	JTB	SHEET	1 OF 2



Tulsa County Clerk - EARLENE WILSON
Doc # 2008016362 Pages 1
Receipt# 969878 02/15/08 11:57:24
Fee 30.00



Line Table

LINE#	LENGTH	BEARING
L1	44.23'	N 44°55'36" W
L2	44.14'	S 45°04'24" W
L3	102.01'	S 11°17'03" E
L4	21.66'	N 0°01'23" E
L5	44.15'	S 45°03'21" W
L6	44.22'	N 44°56'40" W
L7	22.01'	S 52°38'41" E
L8	30.16'	S 5°41'32" E
L9	30.14'	S 5°43'44" W
L10	30.14'	S 84°24'43" W
L11	30.16'	S 84°10'01" E
L12	101.69'	S 61°20'33" E

Curve Table

CURVE#	LENGTH (L)	RADIUS (R)	DELTA (Δ)
C1	75.40'	360.00'	12°00'00"
C2	75.40'	360.00'	12°00'00"
C3	39.32'	25.00'	90°06'23"
C4	39.22'	25.00'	89°53'37"
C5	87.96'	420.00'	12°00'00"
C6	62.94'	300.00'	12°01'17"

Lot Area Table

LOT	BLOCK	LOT SIZE (SQUARE FEET)
1	1	126,724
2	1	79,887
3	1	75,168
1	2	145,276
2	2	79,884
3	2	82,126
4	2	187,026
1	3	203,291
2	3	63,750
3	3	63,750
4	3	63,570
5	3	60,444

PLAT No.

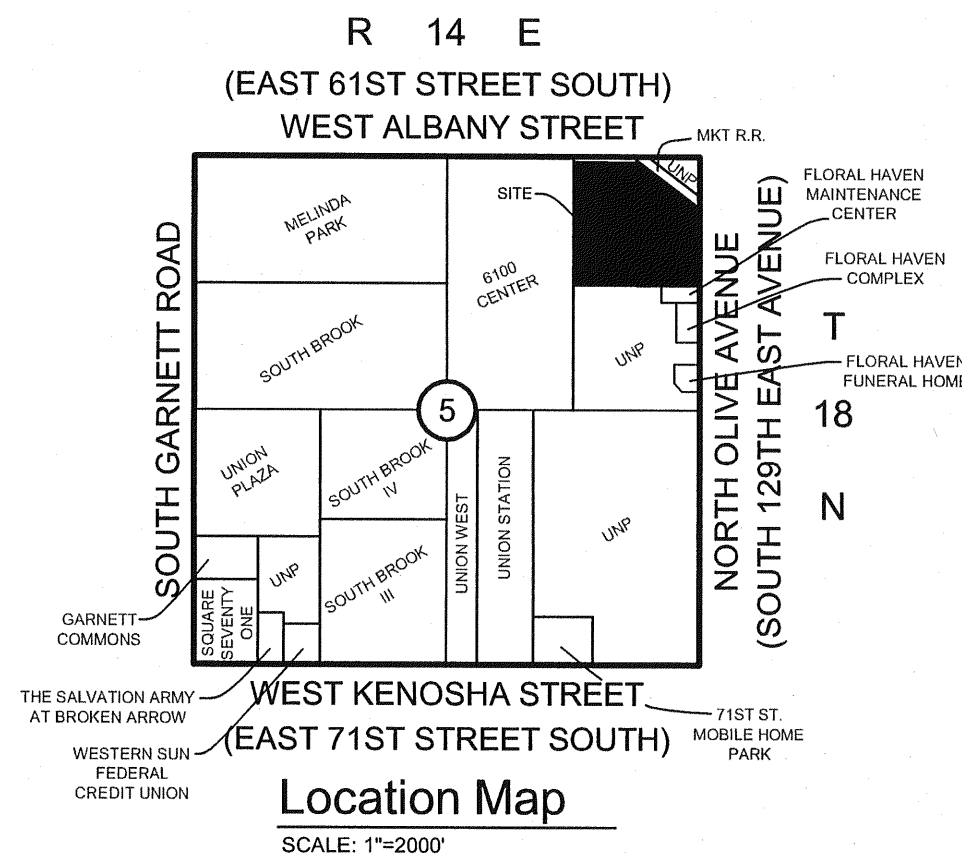
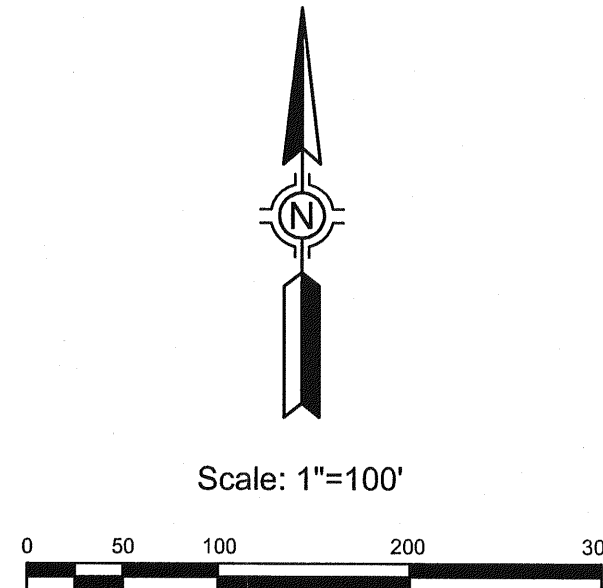
6183

Commerce Crossing

A SUBDIVISION THAT IS PART OF GOVERNMENT LOT 1 OF SECTION 5, TOWNSHIP 18 NORTH, RANGE 14 EAST,
CITY OF BROKEN ARROW, TULSA COUNTY, OKLAHOMA

Owner:
Kansas City Life Insurance Company
A Missouri Corporation
3520 Broadway
Kansas City, Missouri 64111
Phone: (816) 753-7299

Engineer/Surveyor:
Sisemore Weisz & Associates, Inc.
Certificate of Authorization No. 2421 Exp. June 30, 2009
6111 East 32nd Place
Tulsa, Oklahoma 74135
Phone: (918) 665-3600



Subdivision Statistics:

SUBDIVISION CONTAINS TWELVE (12) LOTS
IN THREE (3) BLOCKS
SUBDIVISION CONTAINS 34.997 TOTAL ACRES
RESERVE AREA "A" CONTAINS 1.387 ACRES.
RESERVE AREA "B" CONTAINS 1.848 ACRES.
ARTERIAL ROAD R/W BEING DEDICATED BY THIS
PLAT CONTAINS 0.553 ACRES.

Legend:

R/W = RIGHT-OF-WAY
ACC = ACCESS PERMITTED
LNA = LIMITS OF NO ACCESS
U/E = UTILITY EASEMENT
EASE = EASEMENT
L/E = LANDSCAPE EASEMENT
LS/E = LANDSCAPE AND SIDEWALK EASEMENT
B/L = BUILDING SETBACK LINE
[3924] = STREET ADDRESS

Notes:

- ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE
AT THE TIME THIS PLAT WAS FILED. ADDRESSES ARE
SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED
ON IN PLACE OF LEGAL DESCRIPTION.
- STORMWATER DETENTION ACCOMMODATIONS FOR THIS
SITE ARE PROVIDED IN ACCORDANCE WITH FEE-IN-LIEU
OF DETENTION DETERMINATION #DD-010605-01.

Benchmark

600 NAIL WITH BRACE IN POWER POLE LOCATED NEAR
SE CORNER OF LOT 1, BLOCK 1, 6100 CENTER.
ELEVATION = 707.00
NGVD 1929 DATUM

Basis of Bearings

BEARINGS BASED UPON THE EASTERLY LINE OF 6100
CENTER (PLAT NO. 4575) AS S 0°01'02" W.

Monumentation

IRON PINS TO BE SET AT ALL LOT CORNERS.

STATE OF OKLAHOMA) SS
COUNTY OF TULSA)

I, Earlene Wilson, Tulsa County Clerk, in and for the
County and State above named, do hereby certify that
the foregoing is a true and correct copy of a like instrument
now on file in my office.

Dated the 15 day of Feb, 2008
Earlene Wilson, Tulsa County Clerk

Christine H. H. H. H.
Deputy

APPROVED 12-3-07 by the City
Council of the City of Broken Arrow,
Oklahoma.

J. Wade M. Cable Sr.
Mayor

Mary E. Boyce
Attest: City Clerk

2-15-08

Backflow Preventer Table

BLOCK	LOT NO.	MINIMUM ALLOWABLE FINISHED FLOOR ELEV. W/O BACKFLOW PREVENTER	UPSTREAM MANHOLE TOP OF RIM ELEVATION	PROPOSED PAD ELEVATION	BACKFLOW PREVENTER VALVE REQUIRED (YES OR NO)
1	1	708.21	705.21	707.00	NO
1	2	708.21	705.21	708.50	NO
1	3	705.80	704.80	706.00	NO
2	1	699.44	698.44	708.00	NO
2	2	699.44	698.44	704.00	NO
2	3	698.73	697.73	701.00	NO
2	4	701.01	700.01	705.00	NO
3	1	696.89	695.89	700.00	NO
3	2	696.00	695.00	698.00	NO
3	3	698.00	697.00	700.00	NO
3	4	698.00	697.00	701.00	NO
3	5	700.57	699.57	702.00	NO

WHEN INDIVIDUAL LOTS ARE CONSTRUCTED, NEED FOR BACKFLOW PREVENTER VALVES SHALL BE RE-EVALUATED. IF THE
ABOVE FINISH FLOOR ELEVATION IS LOWER THAN ONE (1) FOOT ABOVE THE TOP OF RIM OF THE UPSTREAM MANHOLE, IT
SHALL BE THE BUILDER'S RESPONSIBILITY TO INSTALL A BACKFLOW PREVENTER VALVE NEAR THE BUILDING ACCORDING
TO BROKEN ARROW ORDINANCE NO. 1777, SECTION 24-100, ADOPTED MAY 17, 1993.

***Lot 1, Block 1, Commerce Crossing
Planned Unit Development***

December 2, 2016

Submitted to:

***The City of Broken Arrow Planning Commission
Broken Arrow, Oklahoma***

***Kansas City Life
3520 Broadway
Kansas, City 64111***

Prepared by:



***SISEMORE WEISZ & ASSOCIATES, INC.
6111 East 32nd Place
Tulsa, OK 74135
Phone: (918) 665-3600***

DEVELOPMENT CONCEPT

Commerce Crossing was originally proposed as a commercial development and was platted in 2008. The subject tract of land was platted again as Lot 1, Block 1 of Commerce Crossing. Most of the subdivision is zoned IL (Industrial Light) and has been developed accordingly.

The developer of the lot would like to have a driveway on West Albany Street at the northeast corner of the lot. The purpose would not only be available for emergency vehicles it would allow vehicles to enter exit the property to the arterial street without have to use the collector street or drive though the proposed parking lot.

However, the current City of Broken Arrow Zoning Code (5.3 B.3.b) does not allow drives to be within 250' apart and also must be 200' from drives across the street. The adjacent property to the west already has a driveway within 50' of the subject property. Also, the property across West Albany Street is within the City of Tulsa jurisdiction and is not subject to the aforementioned restrictions and there are multiple driveways. These existing conditions make a practically useful driveway infeasible.

The sole purpose of this PUD is to allow the developer to add an access point at the northwest corner of the property onto West Albany Street. No other exceptions to the zoning code are sought.

DEVELOPMENT STANDARDS

Lot 1, Block 1 of Commerce Crossing will be developed in accordance with the City of Broken Arrow Zoning Ordinance and the use and development regulation of the Industrial Light District (IL) except as follows:

ACCESS

One 40' wide access shall be permitted along West Albany Street at the north west corner of Lot 1, Block 1 Commerce Crossing.

PLATTING REQUIREMENTS

The subject property is currently platted. This PUD only seeks to alter the subject access point. Therefore, the application request a plat waiver be issued. A change of access will be processed through the planning commission and ultimately filed with the Tulsa County Clerk.

ANTICIPATED DEVELOPMENT SCHEDULE

Building permit applications have already been submitted at the time of this application . The developer plans to start construction as soon permits are received.

PUD LEGAL DESCRIPTION

LOT ONE (1), BLOCK ONE (1), COMMERCE CROSSING, AN ADDITION TO THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.



City of Broken Arrow

Fact Sheet

File #: 17-1769, Version: 1

Broken Arrow Planning Commission

02-09-2017

To: Chairman and Commission Members

From: Development Services Department

Title: Consideration, and possible action regarding PT17-100, Preliminary Plat, Kum & Go 1866 Addition, 1 lot, 2.07 acres, A-CG to CG/PUD-94, northeast corner of Omaha Street and Aspen Avenue

Background:

Applicant: Crafton, Tull & Associates, Inc.

Owner: REIP, LLC

Developer: REIP, LLC

Engineer: Crafton, Tull & Associates, Inc.

Location: Northeast corner of Omaha Street and Aspen Avenue

Size of Tract 2.07

Number of Lots: 1

Present Zoning: A-CG to CG/PUD 94

Comp Plan: Level 4 (Commercial/Employment Node)

The preliminary plat for Kum & Go 1866 Addition is located on the northeast corner of Omaha Street and Aspen Avenue. The proposed development includes 1 lot on 2.07 acres. The property is presently undeveloped and unplatted. Applicant wants to construct a Kum & Go convenience store on the property.

BAZ 1236, a request to rezone this property from A-CG to CG/PUD 94 was conditionally approved by the Broken Arrow City Council on November 16, 1995, subject to the property being platted. Each portion of PUD 94 has been platted as the property develops. The property associated with PT17-100 is currently zoned A-CG (Annexed Commercial General) but will be changed to CG (Commercial General) upon the property being platted.

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

Attachments: Checklist
Preliminary Plat and Covenants
Conceptual Utility Plan

Recommendation:

Staff recommends PT17-100, preliminary plat for Kum & Go 1866 Addition, be approved, subject to the attached checklist.

Reviewed and Approved By: **Michael W. Skates**

MWS:ALY

BROKEN ARROW PLANNING COMMISSION AND CITY COUNCIL SUBDIVISION PLAT REVIEW CHECKLIST

PLAT INFORMATION

NAME OF PLAT: Kum & Go 1866 Addition

CASE NUMBER: PT17-100

RELATED CASE NUMBERS: PUD-94

COUNTY: Tulsa

SECTION/TOWNSHIP/RANGE: 27-19-14

GENERAL LOCATION: Northeast corner of Omaha Street and Aspen Avenue

CURRENT ZONING: A-CG, Vacant

SANITARY SEWER BASIN: Haikey Creek

STORM WATER DRAINAGE BASIN: Ford Creek

ENGINEER: Crafton Tull & Associates, Attn: Chris Cloyde

ENGINEER ADDRESS: 220 E. 8th Street
Tulsa, OK 74119

ENGINEER PHONE NUMBER: 918-584-0347

DEVELOPER: REIP, LLC, Attn: Coleman Robison

DEVELOPER ADDRESS: 525 S. Main, Ste. 700
Tulsa, OK 74103

DEVELOPER PHONE NUMBER: 918-585-9211

PRELIMINARY PLAT

APPLICATION MADE: January 6, 2017

TOTAL ACREAGE: 2.07

NUMBER OF LOTS: 1

TAC MEETING DATE: February 7, 2017

PLANNING COMMISSION MEETING DATE: February 9, 2017

COMMENTS:

1. ____ Add address as assigned by the City of Broken Arrow.
2. ____ The dimension for the east property (310.17') plus the right-of-way dimension (56.5') do not equal the total dimension shown (366.57'). Please resolve.
3. ____ Provide certificate of authorization number for engineer and surveyor.
4. ____ Place case number (PT17-100) in lower right corner of plat.
5. ____ Remove "?" in detention legal description.
6. ____ Remove the 50' building line along the north boundary unless this is intended to be a private restriction. If it is to be a private restriction, it needs to be described as such in the covenants and enforcement of such shall be the responsibility of the private property owner. In addition, remove the 15' building line along the east boundary. The 17.5' utility easement along the east boundary will govern the building setback.
7. ____ Change street names on the location map to show the Broken Arrow names first: Dearborn Street (41st Street), Omaha Street (51st Street), Aspen Avenue (145th E Avenue). Eastern most boundary should be Elm Place (161st E Avenue) not Lynn Lane. Likewise, on the plat, show Broken Arrow street name first with County street name in parenthesis.
8. ____ The certificate of approval box in the top left corner lists Bixby. Change the city name to Broken Arrow.
9. ____ Darken the following: POC, POB, and Section Lines.
10. ____ Bearing on 9-foot leg needs second direction to make it work
11. ____ Closure could be better
12. ____ The legend defines "SIP", but none are shown on the plat. The plat shows "FIP", but is not defined in the legend. Please resolve.
13. ____ If any existing easements are to be closed, they will need to go through the easement closure process prior to the plat being recorded.
14. ____ Add the detention determination number, DD-101816-15, to the face of the plat.

CONDITIONAL FINAL PLAT

NAME OF CONDITIONAL FINAL PLAT:

APPLICATION MADE:

TOTAL ACREAGE:
NUMBER OF LOTS:
TAC MEETING DATE:
PLANNING COMMISSION MEETING DATE:
CITY COUNCIL MEETING DATE:
COMMENTS:

1. _____
2. _____
3. _____
4. _____

CONDITIONS TO BE MET PRIOR TO FINAL RELEASE OF PLAT

LETTER OF APPROVAL FROM UTILITY COMPANY SUBMITTED?

____ NATURAL GAS COMPANY APPROVAL
____ ELECTRIC COMPANY APPROVAL
____ TELEPHONE COMPANY APPROVAL

____ CABLE COMPANY APPROVAL

CERTIFICATE OF RECORDS SEARCH FROM OKLAHOMA CORPORATION COMMISSION SUBMITTED?

____ OK CORPORATION COMMISSION CERTIFICATE OF RECORDS SEARCH
____ OKLAHOMA CORPORATION COMMISSION, CAROL COLLETT 405-521-2108

DEVELOPMENT SERVICES/ENGINEERING APPROVAL

____ STORMWATER PLANS, APPROVED ON:
____ PAVING PLANS, APPROVED ON:
____ WATER PLANS, APPROVED ON:
____ SANITARY SEWER PLANS, APPROVED ON:
____ SEWAGE DISPOSAL PLANS, APPROVED BY DEPARTMENT OF ENVIRONMENTAL QUALITY ON:
____ WATER PLANS, APPROVED BY DEPARTMENT OF ENVIRONMENTAL QUALITY ON: _____
____ IS A SIDEWALK PERFORMANCE BOND DUE? _____ HAVE THEY BEEN SUBMITTED? _____
____ ARE PERFORMANCE BONDS OR ESCROW AGREEMENT DUE FOR WATER, STORM SEWERS, SANITARY SEWER
AND PAVING? (CIRCLE APPLICABLE) _____ HAVE THEY BEEN SUBMITTED? _____
____ ENGINEERING DEPARTMENT/DEVELOPMENT SERVICES REVIEW COMPLETE ON: _____

PLANNING DEPARTMENT APPROVAL

____ ADDRESSES REVIEWED AND APPROVED
____ DETENTION DETERMINATION # ASSIGNED AND VERIFIED?
____ PLANNING DEPARTMENT REVIEW COMPLETE ON:
____ FINAL PLAT RECEIVED IN PLANNING DEPARTMENT AFTER UTILITY COMPANY SIGN OFF ON:
____ FINAL PLAT SENT TO PROJECT ENGINEER FOR FINAL REVIEW ON:

FEES

____ FINAL PLAT PROCESSING FEE	\$ _____
____ WATER LINE (S) UNDER PAYBACK CONTRACT	\$ _____
____ EXCESS SEWER CAPACITY FEE	\$ _____
____ ACCELERATION/DECELERATION LANES ESCROW	\$ _____
____ WATER LINE CONNECTIONS, PAYABLE TO CITY OR OTHERS	\$ _____
____ SEWER LINE CONNECTIONS, PAYABLE TO CITY OR OTHERS	\$ _____
____ STREET IMPROVEMENT (WIDENING) ASSESSMENTS	\$ _____
____ DRAINAGE SYSTEM IMPROVEMENTS PRO RATA COST	\$ _____
____ REIMBURSEMENT TO CITY OR OTHERS FOR WATER LINE CON.	\$ _____
____ REIMBURSEMENT TO CITY OR OTHERS FOR SEWER LINE CON.	\$ _____

____STREET SIGNS, LIGHTS, ETC. \$____
____STORM WATER FEE-IN-LIEU OF DETENTION \$____

TOTAL FEE(S) \$____

FINAL PROCESSING OF PLAT

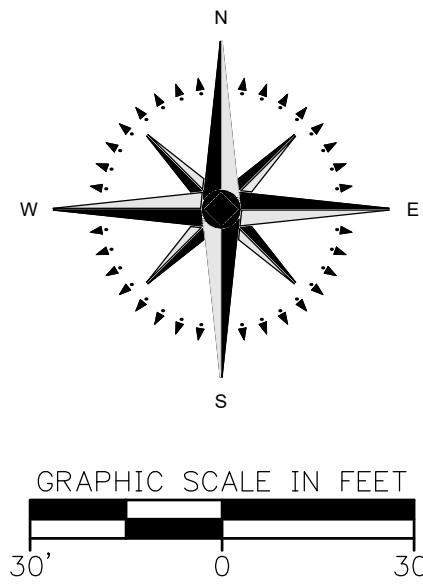
____ FINAL PLAT SUBMITTED FOR MAYOR AND CITY CLERK SIGNATURE
____ FEES PAID ON: _____ IN THE AMOUNT OF: _____
____ DEVELOPMENT ENGINEER PICK UP FINAL PLAT FOR FILING
____ 6 COPIES OF FILED PLAT SUBMITTED TO PLANNING DEPARTMENT
____ PDF OF RECORDED PLAT SUBMITTED TO PLANNING DEPARTMENT

FINAL PLAT
CERTIFICATE OF APPROVAL
I HEREBY CERTIFY THAT THIS
PLAT WAS APPROVED BY THE
CITY OF BIXBY:

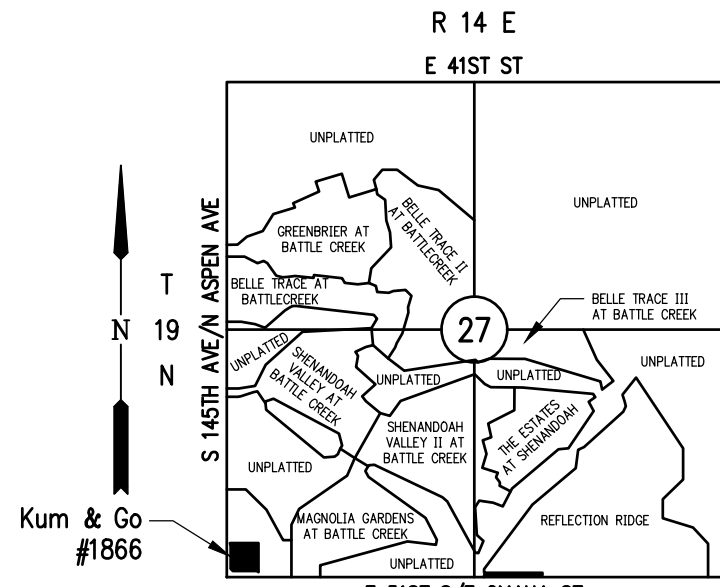
ON _____
BY _____
MAYOR - VICE MAYOR

THIS APPROVAL IS VOID IF THE
ABOVE SIGNATURE IS NOT
ENDORSED BY THE CITY MANAGER
OR CITY CLERK.

BY _____
CITY MANAGER - CITY CLERK



PRELIMINARY PLAT
KUM & GO 1866 ADDITION
A SUBDIVISION WITHIN BATTLE CREEK PUD (PUD 94) TO THE CITY OF BROKEN ARROW,
TULSA COUNTY, STATE OF OKLAHOMA,
A SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4) OF
SECTION 27, TOWNSHIP 19 NORTH, RANGE 14 EAST OF THE INDIAN BASE AND MERIDIAN
3.07 ACRES, 1 LOT, 1 BLOCK



LOCATION MAP
SCALE IN FEET
0 2000

NOTE: ALL PROPERTIES SHOWN
HEREON ARE UNPLATTED
UNLESS OTHERWISE NOTED.

OWNER/DEVELOPER:
REIP, LLC
525 S. MAIN, SUITE 700
TULSA, OK 74103
918-585-9211

DETENTION DESCRIPTION

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 14 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA. THENCE N 01° 20'03" W ALONG THE WEST LINE OF SAID SW/4 A DISTANCE OF 197.53 FEET. THENCE N 88° 39'57" E A DISTANCE OF 88.78 FEET TO THE POINT OF BEGINNING. THENCE N 88° 16'27" E A DISTANCE OF 51.20 FEET. THENCE S 01° 43'33" E A DISTANCE OF 67.14 FEET. THENCE N 88° 16'27" E A DISTANCE OF 18.29 FEET. THENCE S 01° 43'33" E A DISTANCE OF 36.30 FEET. THENCE S 88° 16'27" W A DISTANCE OF 53.41 FEET. THENCE N 01° 43'33" W A DISTANCE OF 22.48 FEET. THENCE S 88° 16'27" W A DISTANCE OF 16.08 FEET. THENCE N 01° 43'33" W A DISTANCE OF 80.96 FEET TO THE POINT OF BEGINNING.

PROPERTY DESCRIPTION

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4) OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 14 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF SAID SECTION 27. THENCE N 88°33'00" E ALONG THE SOUTH LINE OF SAID SW/4 A DISTANCE OF 364.74 FEET. THENCE N 01°20'03" W A DISTANCE OF 366.57 FEET. THENCE S 88°33'00" W A DISTANCE OF 364.74 FEET. THENCE N 88°33'00" E A DISTANCE OF 364.74 FEET. THENCE S 01°20'03" E A DISTANCE OF 366.57 FEET TO THE POINT OF BEGINNING. CONTAINING 133,738 SQUARE FEET OR 3.07 ACRES, MORE OR LESS.

SYMBOLS

- SET IRON PIN (SIP)
- + CHISELED "X"
- o FOUND IRON PIN (FIP)
- L.A. LIMITS OF ACCESS
- L.N.A. LIMITS OF NO ACCESS
- M.A.E. MUTUAL ACCESS EASEMENT
- U/E UTILITY EASEMENT
- R/W RIGHT OF WAY
- B/L BUILDING LINE
- WM WATER METER
- * LIGHT POLE
- ⊕ FIRE HYDRANT ASSEMBLY
- ⊠ TRAFFIC CONTROL BOX
- ⊞ POWER POLE
- TREE
- SIGN

LINEWORK

EXISTING EASEMENT	---
NEW EASEMENT	---
RIGHT OF WAY	---
PROPERTY LINE	---
SECTION LINE	---
CURB & GUTTER	---
EXISTING BUILDING	---
EDGE OF CONCRETE	---
EXISTING LOT LINE	---
UNDERGROUND TELEPHONE	---
OVERHEAD ELECTRIC	---
6" GAS LINE	---
12" WATER LINE	---

FLOODPLAIN REFERENCE

FIRM PANEL NO. 40143C00379L DATED OCTOBER 16, 2012 CLASSIFIES THE PROPERTY DESCRIBED HEREON AS ZONE "X", AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN & CITY OF TULSA REGULATORY AND FEMA FLOODPLAINS PANEL NO. 50 DATED JANUARY 22, 2015 CLASSIFIES THE PROPERTY DESCRIBED HEREON AS BEING OUTSIDE THE FLOODPLAIN.

THE ABOVE STATEMENT IS FOR INFORMATION ONLY AND THIS SURVEYOR ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE CITED MAP(S). IN ADDITION, THE ABOVE STATEMENT DOES NOT REPRESENT THIS SURVEYOR'S OPINION OF THE PROBABILITY OF FLOODING.

PREPARED DATE: JANUARY 18, 2017
SHEET 1 OF 2

BENCHMARK

OKLAHOMA NORTH ZONE: 3501
OKLAHOMA STATE PLANE COORDINATE SYSTEM
MONUMENT: BA 41
DESCRIPTION: 3" ALUMINUM CAP=FLUSH-SET IN CONCRETE-STAMPED "BA 41", SET ON THE SOUTH SIDE OF E. 51ST ST. (W. OMAHA), APPROX. 0.55 MILE EAST OF S. 145TH E. AVE.
HORIZONTAL DATUM: NAD83
NORTHING: 404072.474
EASTING: 2616781.708
VERTICAL DATUM: NAVD 1988
ELEV. 792.84

MONUMENTATION

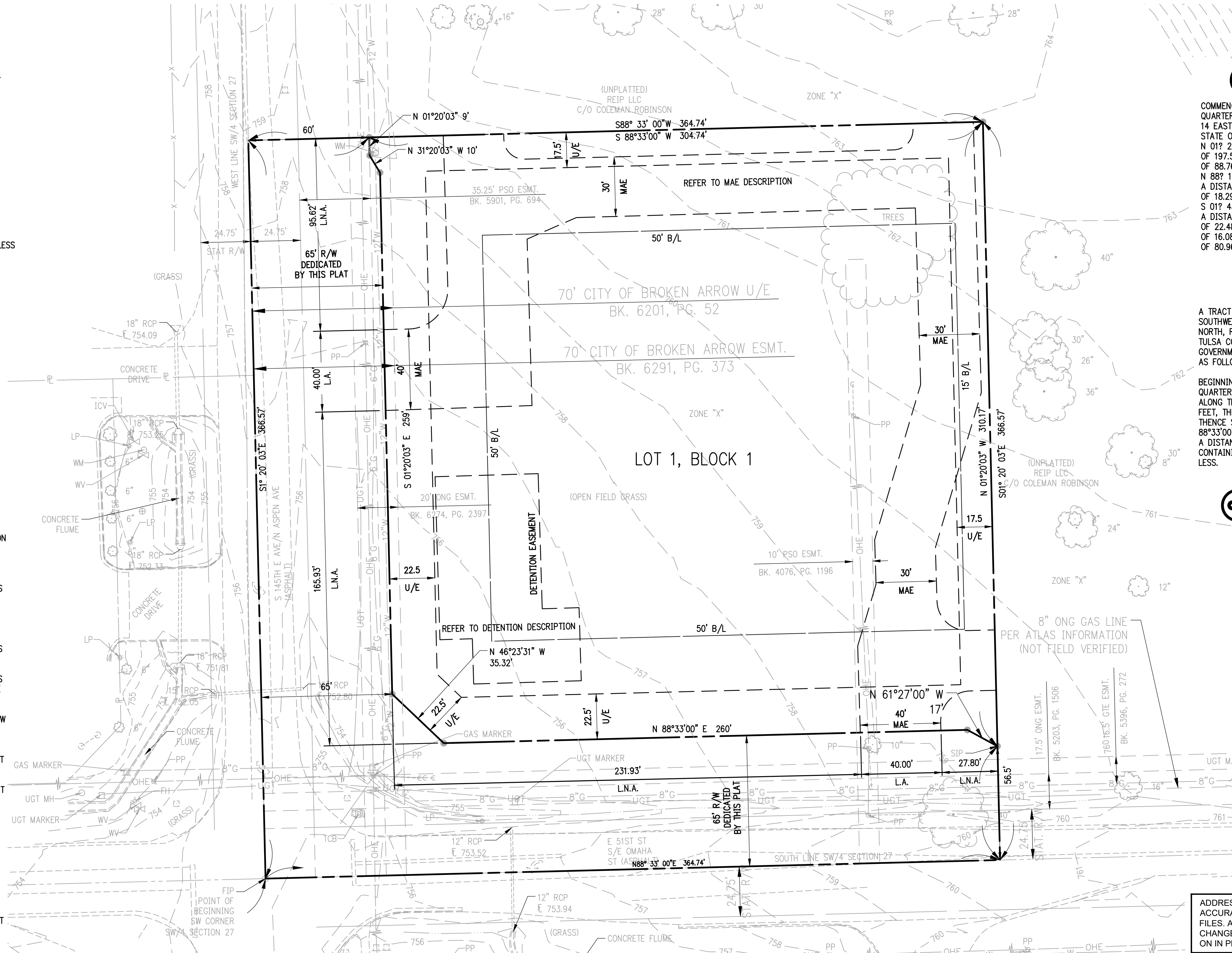
3/8" IRON PINS TO BE SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.

BASIS OF BEARING

THE SOUTH LINE OF THE SW/4 SECTION 27
N 88°33'00" E

MAE DESCRIPTION

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 14 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA. THENCE N 01° 20'03" W ALONG THE WEST LINE OF SAID SW/4 A DISTANCE OF 231.01 FEET. THENCE N 88° 39'57" E A DISTANCE OF 65.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE AND THE POINT OF BEGINNING. THENCE N 01° 20'03" W ALONG THE EAST RIGHT-OF-WAY LINE A DISTANCE OF 40.16 FEET. THENCE N 88° 39'57" E A DISTANCE OF 12.40 FEET TO A POINT OF CURVATURE. THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 20.00 FEET AND A LENGTH OF 31.46 FEET. THENCE N 01° 43'00" W A DISTANCE OF 75.56 FEET TO A POINT OF THE NORTH LINE OF SAID PROPERTY. THENCE N 88° 33'00" E ALONG SAID NORTH LINE A DISTANCE OF 30.00 FEET. THENCE S 01° 43'33" E A DISTANCE OF 2.81 FEET TO A POINT OF CURVATURE. THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 10.00 FEET AND A LENGTH OF 15.65 FEET. THENCE N 88° 33'52" E A DISTANCE OF 183.16 FEET TO A POINT OF CURVATURE. THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 10.00 FEET AND A LENGTH OF 15.71 FEET TO A POINT ON THE NORTH LINE OF SAID PROPERTY. THENCE N 88° 33'00" E ALONG SAID NORTH LINE A DISTANCE OF 30.00 FEET. THENCE S 01° 42'13" E A DISTANCE OF 134.34 FEET. THENCE S 16° 29'30" W A DISTANCE OF 80.36 FEET. THENCE S 01° 44'16" E A DISTANCE OF 26.64 FEET TO A POINT OF CURVATURE. THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET AND A LENGTH OF 23.67 FEET. THENCE S 01° 44'16" E A DISTANCE OF 4.24 FEET TO A POINT ON THE SOUTH LINE OF SAID PROPERTY. THENCE S 88° 33'00" W ALONG SAID SOUTH LINE A DISTANCE OF 40.03 FEET. THENCE N 01° 43'33" W A DISTANCE OF 43.00 FEET. THENCE N 16° 29'30" E A DISTANCE OF 32.04 FEET. THENCE N 01° 44'16" W A DISTANCE OF 22.07 FEET. THENCE N 01° 42'13" W A DISTANCE OF 87.76 FEET. THENCE S 88° 22'42" W A DISTANCE OF 168.34 FEET. THENCE S 66° 24'07" W A DISTANCE OF 26.69 FEET. THENCE S 01° 41'10" E A DISTANCE OF 82.71 FEET. THENCE S 88° 04'32" W A DISTANCE OF 72.71 FEET TO THE POINT OF BEGINNING.



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

PRELIMINARY PLAT
KUM & GO 1866 ADDITION
A SUBDIVISION WITHIN BATTLE CREEK PUD (PUD 94) TO THE CITY OF BROKEN ARROW,
TULSA COUNTY, STATE OF OKLAHOMA, A SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF THE
SOUTHWEST QUARTER (SW/4 SW/4) OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 14 EAST OF THE
INDIAN BASE AND MERIDIAN 2.07 ACRES, 1 LOT, 1 BLOCK

DEED OF DEDICATION & RESTRICTIVE COVENANTS
FOR KUM & GO 1866 ADDITION

KNOW ALL MEN BY THE PRESENTS:

KUM & GO 1866 ADDITION AND REIP, LLC, HEREINAFTER COLLECTIVELY REFERRED TO AS THE "OWNER/DEVELOPER", IS THE OWNER OF THE FOLLOWING DESCRIBED REAL PROPERTY SITUATED IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4) OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 14 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF SAID SECTION 27, THENCE N 88°33'00" E ALONG THE SOUTH LINE OF SAID SW/4 A DISTANCE OF 364.74 FEET, THENCE N 01°20'03" W A DISTANCE OF 366.57 FEET, THENCE S 88°33'00" W A DISTANCE OF 364.74 FEET, THENCE N 88°33'00" E A DISTANCE OF 364.74 FEET, THENCE S 01°20'03" E A DISTANCE OF 366.57 FEET TO THE POINT OF BEGINNING. CONTAINING 133,738 SQUARE FEET OR 3.07 ACRES, MORE OR LESS.

THE OWNER HAS CAUSED THE ABOVE DESCRIBED LANDS TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO ONE (1) LOT IN ONE (1) BLOCK IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLAT") AND HAS DESIGNATED THE SUBDIVISION AS "KUM & GO 1866 ADDITION" A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA HEREINAFTER THE "SUBDIVISION" OR "KUM & GO 1866 ADDITION").

SECTION I. EASEMENTS AND UTILITIES

A. PUBLIC UTILITY EASEMENT

- THE OWNER DOES HEREBY DEDICATE FOR PUBLIC USE, THE STREETS AS DEPICTED ON THE PLAT, AND DOES FURTHER DEDICATE FOR THE PUBLIC USE THE UTILITY EASEMENTS AS DEPICTED ON THE PLAT AS 1/2" OR 1/4" UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, TOGETHER WITH SIMILAR EASEMENT RIGHTS IN THE PUBLIC STREETS, PROVIDED HOWEVER, THAT THE OWNER HEREBY RESERVES THE RIGHT TO CONSTRUCT AND MAINTAIN WATER LINES AND SEWER LINES WITHIN THE UTILITY EASEMENTS FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO AREAS WITHIN OR OUTSIDE THE PLAT AND THE OWNER FURTHER RESERVES THE RIGHT TO CONSTRUCT AND MAINTAIN WITHIN THE UTILITY EASEMENTS, PARKING AREAS, LANDSCAPING, SCREENING FENCES AND WALLS AND OTHER NONOBSTRUCTING IMPROVEMENTS.

B. WATER AND SEWER SERVICE

- THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER AND SEWER MAINS LOCATED ON THE LOT.
- WITHIN THE DEPICTED UTILITY EASEMENTS AREAS, THE ALTERATION OF GRADE IN EXCESS OF 3 FEET FROM THE CONTOURS EXISTING UPON THE COMPLETION OF A PUBLIC WATER MAIN OR SEWER MAIN, OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH PUBLIC WATER AND SEWER MAINS, SHALL BE PROHIBITED. WITHIN THE UTILITY EASEMENTS, 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 APERTURE, INCLUDING VALVE BOXES, FIRE HYDRANTS AND MANHOLES SHALL BE ADJUSTED TO THE ALTERED GROUND ELEVATIONS BY THE OWNER OF THE LOT OR AT ITS ELECTION, THE CITY OF BROKEN ARROW, OKLAHOMA MAY MAKE SUCH ADJUSTMENT AT THE LOT OWNER'S EXPENSE.
- THE CITY OF BROKEN ARROW 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 AGENT OR CONTRACTORS.
- THE CITY OF BROKEN ARROW OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS WITH THEIR EQUIPMENT TO ALL EASEMENTS--WAYS DEPICTED ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER OR SEWER FACILITIES.
- THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION B SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW OR ITS SUCCESSORS AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

C. UNDERGROUND SERVICE

- OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE PERIMETER EASEMENTS OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINE OR UNDERGROUND CABLE AND ELSEWHERE THROUGHOUT THE SUBDIVISION. ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENT WAYS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE EASEMENT WAYS.
- UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON THE LOT. PROVIDED THAT UPON THE INSTALLATION OF A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND NON-EXCLUSIVE RIGHT-OF-WAY EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE OR LINE EXTENDING FROM THE GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.
- THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL EASEMENT WAYS SHOWN ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.
- THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON HIS LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. EACH SUPPLIER OF SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.
- THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH C SHALL BE ENFORCEABLE BY EACH SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

D. GAS SERVICE

- THE SUPPLIER OF GAS SERVICE THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL SUCH EASEMENTS SHOWN ON THE PLAT OR AS PROVIDED FOR IN THIS CERTIFICATE OF DEDICATION FOR THE PURPOSE OF INSTALLING, REMOVING, REPAIRING, OR REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.
- THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED IN THEIR LOT AND SHALL PREVENT THE ALTERATION, GRADE, OR ANY OTHER CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE GAS SERVICE. THE SUPPLIER OF THE GAS SERVICE SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF SAID FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, OR ITS AGENTS OR CONTRACTORS.
- THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH D SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

E. SURFACE DRAINAGE

- EACH LOT, IN ACCORDANCE WITH THE FINISH GRADING PLAN, SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM PUBLIC STREETS AND EASEMENTS. NO OWNER SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS THE LOT. THE FOREGOING COVENANTS SET FORTH IN THIS SUBSECTION E SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF BROKEN ARROW.

F. 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.

G. RIGHTS OF INGRESS AND EGRESS

- THE OWNER HEREBY RELINQUISHES RIGHTS OF INGRESS AND EGRESS TO AND FROM THE ABOVE-DESCRIBED PROPERTY TO AND FROM NORTH ASPEN AVENUE AND WEST OMAHA STREET WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" OR "L.N.A." ON THE PLAT, EXCEPT AS MAY HEREINAFTER BE RELEASED, ALTERED OR AMENDED BY THE CITY OF BROKEN ARROW, OKLAHOMA OR ITS SUCCESSORS, OR AS IS OTHERWISE PROVIDED BY THE STATUTES OR LAWS OF THE STATE OF OKLAHOMA PERTAINING THERETO.

D. DETENTION EASEMENT.

- THE OWNER DOES HEREBY DEDICATE TO THE CITY OF BROKEN ARROW, OKLAHOMA, FOR PUBLIC USE (SUBJECT TO EASEMENTS OF RECORD) A PERPETUAL EASEMENT ON, OVER AND ACROSS THE PROPERTY DESIGNATED AND SHOWN ON THE ACCOMPANYING PLAT AS DETENTION EASEMENT FOR THE PURPOSE OF PERMITTING THE FLOW, CONVEYANCE, DETENTION AND DISCHARGE OF STORMWATER RUN-OFF FROM THE SUBDIVISION.
- DETENTION AND OTHER DRAINAGE FACILITIES CONSTRUCTED WITHIN SAID EASEMENT AREA SHALL BE IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS APPROVED BY THE CITY OF BROKEN ARROW, OKLAHOMA.
- NO FENCE, WALL, BUILDING OR OTHER OBSTRUCTION MAY BE PLACED OR MAINTAINED IN THE DETENTION EASEMENTS AREA NOR SHALL THERE BE ANY ALTERATION OF THE GRADES OR CONTOURS IN SUCH EASEMENT AREA UNLESS APPROVED BY THE STORMWATER MANAGER OF THE CITY OF BROKEN ARROW.
- DETENTION AND OTHER DRAINAGE FACILITIES SHALL BE MAINTAINED BY THE LOT OWNER, TO THE EXTENT NECESSARY TO ACHIEVE THE INTENDED DRAINAGE AND DETENTION FUNCTIONS INCLUDING REPAIR OF APPURTENANCES AND REMOVAL OF OBSTRUCTIONS AND SILTATION. SAID DETENTION FACILITIES SHALL BE MAINTAINED BY THE LOT OWNER.
- LANDSCAPING APPROVED BY THE CITY OF BROKEN ARROW SHALL BE ALLOWED WITHIN THE DETENTION EASEMENTS.
- IN THE EVENT THE LOT OWNER SHOULD FAIL TO PROPERLY MAINTAIN THE DETENTION AND OTHER DRAINAGE FACILITIES OR, IN THE EVENT OF THE PLACEMENT OF AN OBSTRUCTION WITHIN, OR THE ALTERATION OF THE GRADES OR CONTOURS THEREIN, THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER 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 LOT OWNER. IN THE EVENT THE LOT OWNER FAILS TO PAY THE COST OF MAINTENANCE AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, THE CITY OF BROKEN ARROW, OKLAHOMA MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST THE LOT. A LIEN ESTABLISHED AS ABOVE PROVIDED MAY BE FORECLOSED BY THE CITY OF BROKEN ARROW, OKLAHOMA.

I. MUTUAL ACCESS EASEMENT

- THE OWNER/DEVELOPER HEREBY GRANTS AND ESTABLISHES A PERPETUAL NON-EXCLUSIVE MUTUAL ACCESS EASEMENT FOR THE PURPOSES OF PERMITTING VEHICULAR AND PEDESTRIAN PASSAGE TO AND FROM THE LOTS TO AND FROM PUBLIC STREETS ON, OVER AND ACROSS THE AREA WITHIN THE LOTS DEPICTED ON THE ACCOMPANYING PLAT AS "MUTUAL ACCESS EASEMENT".

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS

WHEREAS, KUM & GO 1866 ADDITION WAS SUBMITTED AS A PLANNED UNIT DEVELOPMENT (ENTITLED PUD NO. 94) PURSUANT TO SECTION 3 OF ARTICLE VII OF THE ZONING ORDINANCE OF THE CITY OF BROKEN ARROW, OKLAHOMA AS AMENDED AND EXISTING ON NOVEMBER 16, 1995 (HEREINAFTER THE "BROKEN ARROW ZONING CODE") AND,

WHEREAS, PUD NO. 94 WAS AFFIRMATIVELY RECOMMENDED BY THE BROKEN ARROW PLANNING COMMISSION AND APPROVED BY THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA, ON NOVEMBER 16, 1995.

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

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

THEREFORE, THE OWNER DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH:

DEVELOPMENT STANDARDS

PERMITTED USES: AS PERMITTED WITHIN C-2 DISTRICT BY RIGHT OR SPECIAL EXCEPTION.

MAXIMUM STORIES: TWO (2) STORIES

MAXIMUM BUILDING HEIGHT: 35 FEET

MINIMUM INTERNAL LANDSCAPE OPEN SPACE: 10% OF NET AREA
REQUIRED INTERNAL LANDSCAPED OPEN SPACE SHALL INCLUDE PERIMETER LANDSCAPING WITHIN THE DEVELOPMENT AREA BOUNDARIES, PARKING ISLANDS AND PLAZAS, BUT SHALL EXCLUDE WALKWAYS WHICH SOLELY PROVIDE MINIMUM PEDESTRIAN CIRCULATION.

MINIMUM BUILDING SETBACKS:
FROM ABUTTING PUBLIC/PRIVATE STREET: 50 FEET
FROM ABUTTING RESIDENTIAL DEVELOPMENT AREA: 50 FEET
FROM ABUTTING COMMERCIAL OR INDUSTRIAL DISTRICT: 30 FEET
REAR YARDS: 50 FEET
SIDE YARDS: 15 FEET

MINIMUM PARKING RATIO: ONE SPACE PER 200 SF OF FLOOR AREA

SIGN STANDARDS:

ALL SIGNS WILL CONFORM TO ARTICLE IX OF THE ZONING ORDINANCE FOR THE CITY OF BROKEN ARROW, OKLAHOMA.

LIGHTING:

FLOOD LIGHTING WILL BE USED FROM A DECORATIVE STANDARD IN PARKING AREAS. UP LIGHTING WILL BE USED ON BUILDINGS, SIGNS, AND VARIOUS LANDSCAPE ELEMENTS. LOW LIGHTING WILL BE USED IN SOME LANDSCAPE AREAS, COURT YARD PLAZAS, STEPS AND WALKWAYS.

DETAILED SITE PLAN: PRIOR TO THE ISSUANCE OF A PERMIT FOR CONSTRUCTION FOR EACH DEVELOPMENT AREA WITHIN THE PLAT, A DETAILED SITE PLAN, WHICH INCLUDES ALL BUILDINGS, PARKING AND LANDSCAPING AREAS, WILL BE SUBMITTED TO THE CITY OF BROKEN ARROW AND APPROVED AS BEING CONSISTENT WITH CONCEPTS AND DEVELOPMENT STANDARDS OF THE PLANNED UNIT DEVELOPMENT.

SECTION III . ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. ENFORCEMENT

- THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I. EASEMENTS AND UTILITIES ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO, AND ADDITIONALLY THE COVENANTS WITHIN SECTION I. WHETHER OR NOT SPECIFICALLY THEREIN SO STATED SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA.

B. DURATION

- THESE RESRICTIONS, 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 (30) YEARS FROM THE DATE OF THE RECORDING OF THIS DEED OF DEDICATION UNLESS TERMINATED OR AMENDED AS HEREINAFTER PROVIDED.

C. AMENDMENT

- THE COVENANTS CONTAINED WITHIN SECTION I. EASEMENTS AND UTILITIES, MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE BROKEN ARROW PLANNING COMMISSION, OR ITS SUCCESSORS AND THE CITY OF BROKEN ARROW, OKLAHOMA. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AS ABOVE SET FORTH SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

D. SEVERABILITY

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

IN WITNESS WHEREOF, THE UNDERSIGNED OWNER, HAS EXECUTED THIS INSTRUMENT
THIS ____ DAY OF _____, 2016,

REIP, LLC
BY _____
COLEMAN ROBISON

NOTARY PUBLIC
STATE OF OKLAHOMA)
COUNTY OF TULSA) SS

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE ON THIS ____ DAY OF _____, 2016, PERSONALLY APPEARED _____ TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF THE MAKER THEREOF TO THE WITHIN AND FOREGOING INSTRUMENT AS ITS MANAGER AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED AS THE FREE AND VOLUNTARY ACT AND DEED OF SUCH LIMITED LIABILITY COMPANY, FOR THE USES AND PURPOSES THEREIN SET FORTH.

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

MY COMMISSION EXPIRES: _____

MY COMMISSION NUMBER: _____

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, A.B. WATSON, JR., A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OKLAHOMA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS "KUM & GO 1866 ADDITION", A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, IS A TRUE REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED PRACTICES AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING.

EXECUTED THIS ____ DAY OF _____, 20____

A. B. WATSON JR. OK. PLS. 1057

NOTARY PUBLIC

STATE OF)
COUNTY) SS

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE ON THIS ____ DAY OF _____, 2016, PERSONALLY APPEARED A. B. WATSON JR. TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS LICENSED PROFESSIONAL LAND SURVEYOR TO THE FOREGOING CERTIFICATE OF SURVEY AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN SET FORTH. IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

MY COMMISSION EXPIRES: _____

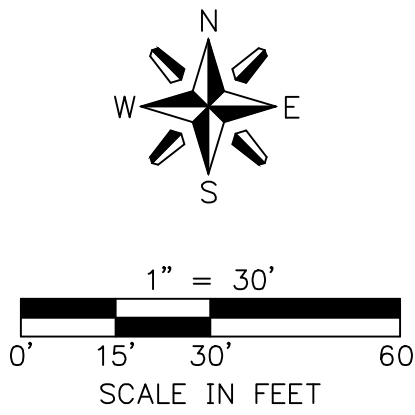
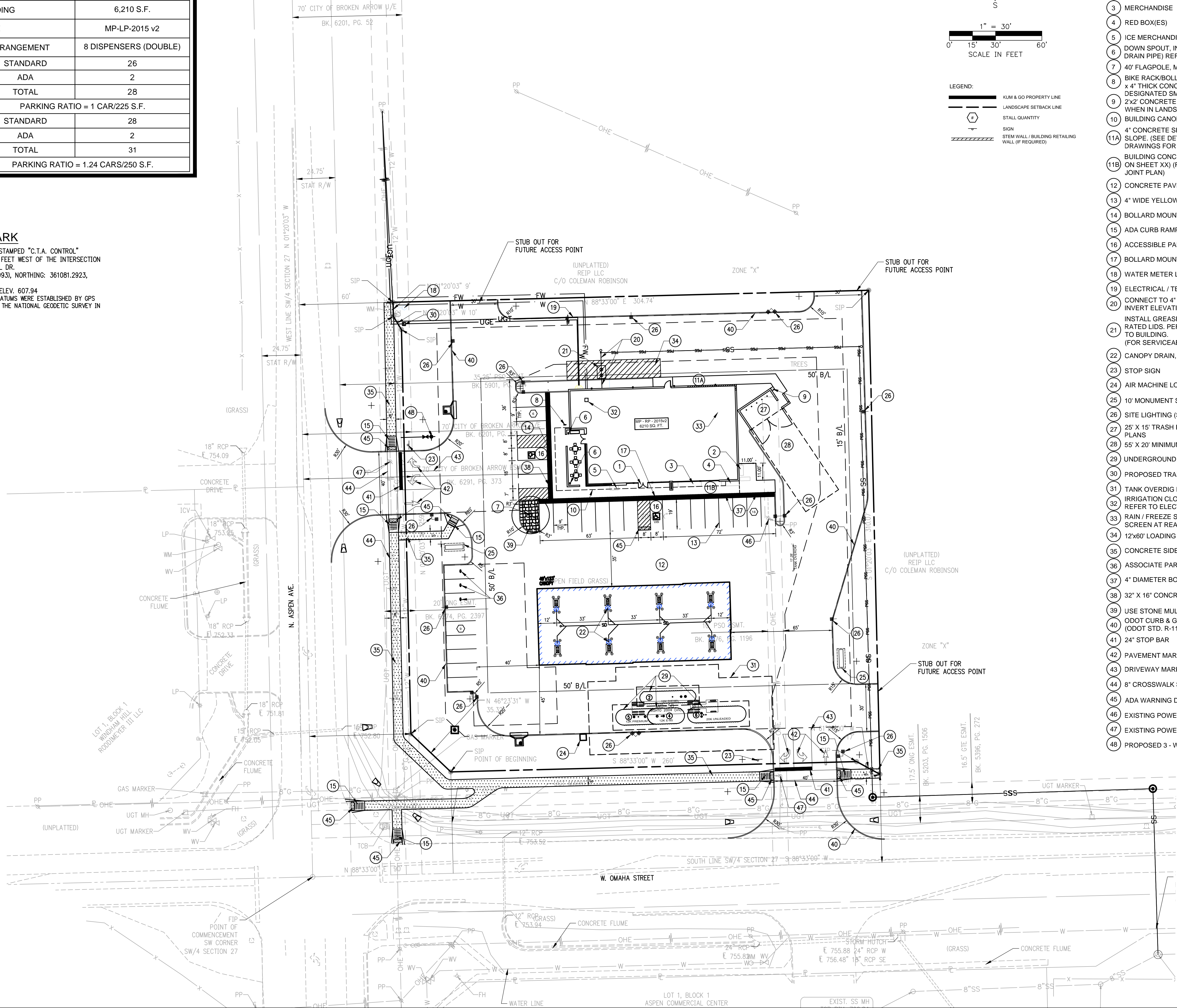
MY COMMISSION NUMBER: _____

NOTARY PUBLIC

SITE DATA		
PROPOSED LOT SIZE		±90,239 S.F.
		±2.07 ACRES
KUM & GO BUILDING		6,210 S.F.
STORE TYPE		MP-LP-2015 v2
CANOPY / DISPENSER ARRANGEMENT		8 DISPENSERS (DOUBLE)
REQUIRED PARKING	STANDARD	26
	ADA	2
	TOTAL	28
	PARKING RATIO = 1 CAR/225 S.F.	
PROPOSED PARKING	STANDARD	28
	ADA	2
	TOTAL	31
	PARKING RATIO = 1.24 CARS/250 S.F.	

BENCHMARK

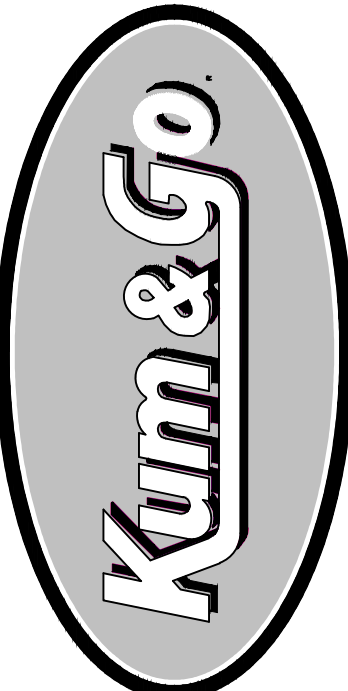
3/8" SET IRON PIN, RED CAP STAMPED "C.T.A. CONTROL"
SET 147 FEET SOUTH AND 263 FEET WEST OF THE INTERSECTION
OF E. 131ST ST. & S. MEMORIAL DR.
HORIZONTAL DATUM: NAD83 (1993), NORTHING: 361081.2923,
EASTING: 2593504.1461
VERTICAL DATUM: NAVD 1988, ELEV. 607.94
THE HORIZONTAL AND VERTICAL DATUMS WERE ESTABLISHED BY GPS
OBSERVATIONS AND ADJUSTED BY THE NATIONAL GEODETIC SURVEY IN
SEPTEMBER OF 2015.



- LEGEND:
- KUM & GO PROPERTY LINE
 - LANDSCAPE SETBACK LINE
 - STALL QUANTITY
 - SIGN
 - STEM WALL / BUILDING RETAILING WALL (IF REQUIRED)

SITE NOTES:

- 1 FRONT ENTRY, REFER TO ARCHITECTURAL PLANS
- 2 PROPANE CAGE (11' x 11', 4" CONCRETE PAD. 1.5% SLOPE AWAY FROM SIDE WALL OF BUILDING)
- 3 MERCHANDISE
- 4 RED BOX(ES)
- 5 ICE MERCHANDISE
- 6 DOWN SPOUT, INVERT ELEVATION -2.00' F.F.E. (CONNECT TO 6" STORM DRAIN PIPE) REFER TO UTILITY PLAN FOR CONNECTION TO TRUNK LINE
- 7 40' FLAGPOLE, MAINTAIN Ø24" CLEAR SPACE ABOVE GRADE
- 8 BIKE RACK/BOLLARD TO BE WITHIN 200 YARDS OF ENTRANCE, 5.0' x 6.5' x 4" THICK CONCRETE PAD
- 9 DESIGNATED SMOKING AREA TO BE 25' OR GREATER FROM ANY ENTRY, 2'x2' CONCRETE PAD IN LANDSCAPED AREAS ONLY, 4" CONCRETE PAD WHEN IN LANDSCAPED AREA.
- 10 BUILDING CANOPY OVERHANG
- 11 4" CONCRETE SITE SIDEWALK WITH AGGREGATE BASE, 1.5% MAX. CROSS SLOPE. (SEE DETAILS ON SHEET XX) (REFERENCE ARCHITECTURAL DRAWINGS FOR CONTROL JOINT PLAN)
- 11A BUILDING CONCRETE SIDEWALK, 1.5% MAX. CROSS SLOPE. (SEE DETAILS ON SHEET XX) (REFERENCE ARCHITECTURAL DRAWINGS FOR CONTROL JOINT PLAN)
- 12 CONCRETE PAVEMENT
- 13 4" WIDE YELLOW PAVEMENT MARKING, TYP.
- 14 BOLLARD MOUNTED ADA PARKING SIGN
- 15 ADA CURB RAMP
- 16 ACCESSIBLE PARKING SPACE
- 17 BOLLARD MOUNTED HANDICAP VAN PARKING SIGN
- 18 WATER METER LOCATION, UNLESS REQUIRED IN R.O.W.
- 19 ELECTRICAL / TELEPHONE CONNECTION
- 20 CONNECT TO 4" SANITARY SEWER SERVICE FROM SIDE OF BUILDING. INVERT ELEVATION -4.00' MIN.
- 21 INSTALL GREASE INTERCEPTOR WITH SAMPLE PORT AND TRAFFIC RATED LIDS. PER LOCAL STANDARDS AND SPECIFICATIONS. VENT BACK TO BUILDING. (FOR SERVICEABILITY, KEEP WITHIN 75 FT OF PAVED AREA)
- 22 CANOPY DRAIN, FLOWLINE -1'-1.25' BELOW TOP OF PAVING
- 23 STOP SIGN
- 24 AIR MACHINE LOCATION, 4'x4' CONCRETE PAD
- 25 10' MONUMENT SIGN
- 26 SITE LIGHTING (SEE MEP PLANS FOR DETAILS)
- 27 25' X 15' TRASH ENCLOSURE, REFER TO ARCHITECTURAL PLANS
- 28 55' X 20' MINIMUM GARBAGE TRUCK CLEAR SPACE
- 29 UNDERGROUND FUEL STORAGE TANKS.
- 30 PROPOSED TRANSFORMER
- 31 TANK OVERDIG LIMITS, WITH PEA ROCK BACKFILL
- 32 IRRIGATION CLOCK TO BE LOCATED IN UTILITY ROOM. REFER TO ELECTRICAL PLANS.
- 33 RAIN / FREEZE SENSOR TO BE MOUNTED ON METAL MECHANICAL SCREEN AT REAR OF BUILDING.
- 34 12'x60' LOADING ZONE, 45" CROSS HATCH, 2' O.C. STRIPING
- 35 CONCRETE SIDEWALK, 2.0% MAX. CROSS SLOPE.
- 36 ASSOCIATE PARKING, (3) 1'x2' PAINTED SOLID RED OVALS
- 37 4" DIAMETER BOLLARDS
- 38 32" X 16" CONCRETE STAMP PATTERN (BRICK)
- 39 USE STONE MULCH IN INTERNAL ISLAND
- 40 ODOT CURB & GUTTER SHALL BE USED FOR ALL CURB RETURNS (ODOT STD. R-11)
- 41 24" STOP BAR
- 42 PAVEMENT MARKING ARROW
- 43 DRIVEWAY MARKING (4" WHITE)
- 44 8" CROSSWALK STRIPING PER ODOT STD.
- 45 ADA WARNING DEVICE
- 46 EXISTING POWER POLE TO BE REMOVED
- 47 EXISTING POWER POLE TO BE RELOCATED
- 48 PROPOSED 3 - WAY FIRE HYDRANT



6400 Westown Parkway
West Des Moines, Iowa 50266
P: 515-226-0128
F: 515-223-9873

1866 - BROKEN ARROW, OK
E. 51ST ST S. & S. 145TH E AVE.

SITE PLAN

KG PROJECT TEAM:
RDR:
SDM:
CPM:

REVISION DESCRIPTION	DATE

DATE: 12/28/16

SHEET NUMBER:
C1.1



City of Broken Arrow

Fact Sheet

File #: 17-1762, **Version:** 1

Broken Arrow Planning Commission

02-09-2017

To: Chairman and Commission Members
From: Development Services Department

Title: Public hearing, consideration, and possible action regarding SP 278, R & M Music, 2.93 acres, CH, east of the southeast corner of Washington Street and Elm Place between Atlanta Street and Washington Street

Background:

Applicant: Kenneth Teague
Owner: Raymond Bagwell
Developer: N/A
Engineer: N/A
Location: East of the southeast corner of Washington Street and Elm Place between Atlanta Street and Washington Street
Size of Tract 2.93 acres
Number of Lots: 1
Present Zoning: CH
Comp Plan: Level 6

SP 278 is a request for a Specific Use Permit for a new church to be located in the Washington Square Center. The property, which contains 2.93 acres, is located east of the southeast corner of Washington and Elm Place between Atlanta Street and Washington Street. The property is developed and was platted as JHM Second, a re-subdivision of Lots 6 & 7, Block 1, JHM Addition on May 11, 1977.

While the property associated with the application extends from Washington Street to Atlanta Street, applicant is proposing to use an existing tenant space located on the north half of the property near the center of the shopping center next to Washington Street as a church facility. The space provided for the church is approximately 3,500 square feet. Churches are classified as "Places of Assembly" in the Zoning Ordinance, which require a Specific Use Permit in the CH district.

Parking for the church shall be provided by the existing parking lot for the shopping center. Hours of operation of the church coincides with the hours of least traffic for the shopping center, mainly on Sundays and on Wednesday evenings.

There is an existing bar, Torchy's, in the Washington Square Center, north of the proposed church. While

churches can go in the vicinity of an existing bar, if the bar ever loses its State liquor license, it may be difficult to get a new license.

Right-of-way along Washington Street has not been dedicated in accordance with the Subdivision Regulations. The plat for JHM Addition was recorded in Tulsa County on March 23, 1978. When the plat was recorded, 50 feet of right-of-way was dedicated along Washington Street. Today, Washington Street is classified as a primary arterial street, which requires 60 feet of right-of-way from the section line. In addition, the Subdivision Regulations require 65 feet of right-of-way within 350 feet of the intersection of two arterial street. The west property line of the property associated with SP 278 is located 250 feet from the intersection with Elm Place. Therefore, in accordance with the Subdivision Regulations, 15 feet of additional right-of-way is needed on the west 100 feet of the property that will transition at a 30-degree angle to a point that is located 60 feet from the section line, which will continue to the east property line.

The Comprehensive Plan designation for this property is Level 6. CH zoning is considered to be in accordance with the Comprehensive Plan in Level 6. Places of assembly are allowed in the CH district with a Specific Use Permit.

Attachments: Case map
Aerial photo
Conceptual Site Plan
JHM Second plat

Recommendation:

Adding a church to the shopping center could impact future liquor license requirements for tenants in the shopping center. However, the owner of the shopping center is the one applying for the Specific Use Permit. Therefore, based on the Comprehensive Plan, Staff recommends that SP 278 be approved subject to the following conditions:

1. Right-of-Way and utility easements shall be dedicated along Washington Street in accordance with the City of Broken Arrow Subdivision Regulations. This will require 15 feet of additional right-of-way along Washington Street within 100 feet of the west boundary. After 100 feet, the right-of-way dedication will taper back at a 30-degree angle to a point that is 60 feet from the section line. The right-of-way dedication will then continue to the east property line 60 feet from the section line. In addition, a utility easement shall be provided along Washington Street in accordance with the Subdivision Regulations, which is 22.5 feet in width within 350 feet of the arterial street that transitions back to 17.5 feet in width.
2. The Specific Use Permit shall be for a church at the location shown on the site plan submitted with SP 278. SP 278 shall be valid for a two-year period from the date of City Council approval. Any renewals after the two-year period will require a new specific use permit application to be submitted and approved by the City Council.

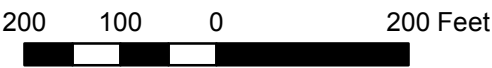
Reviewed and Approved By: Michael W. Skates

MWS:ALY/BDM



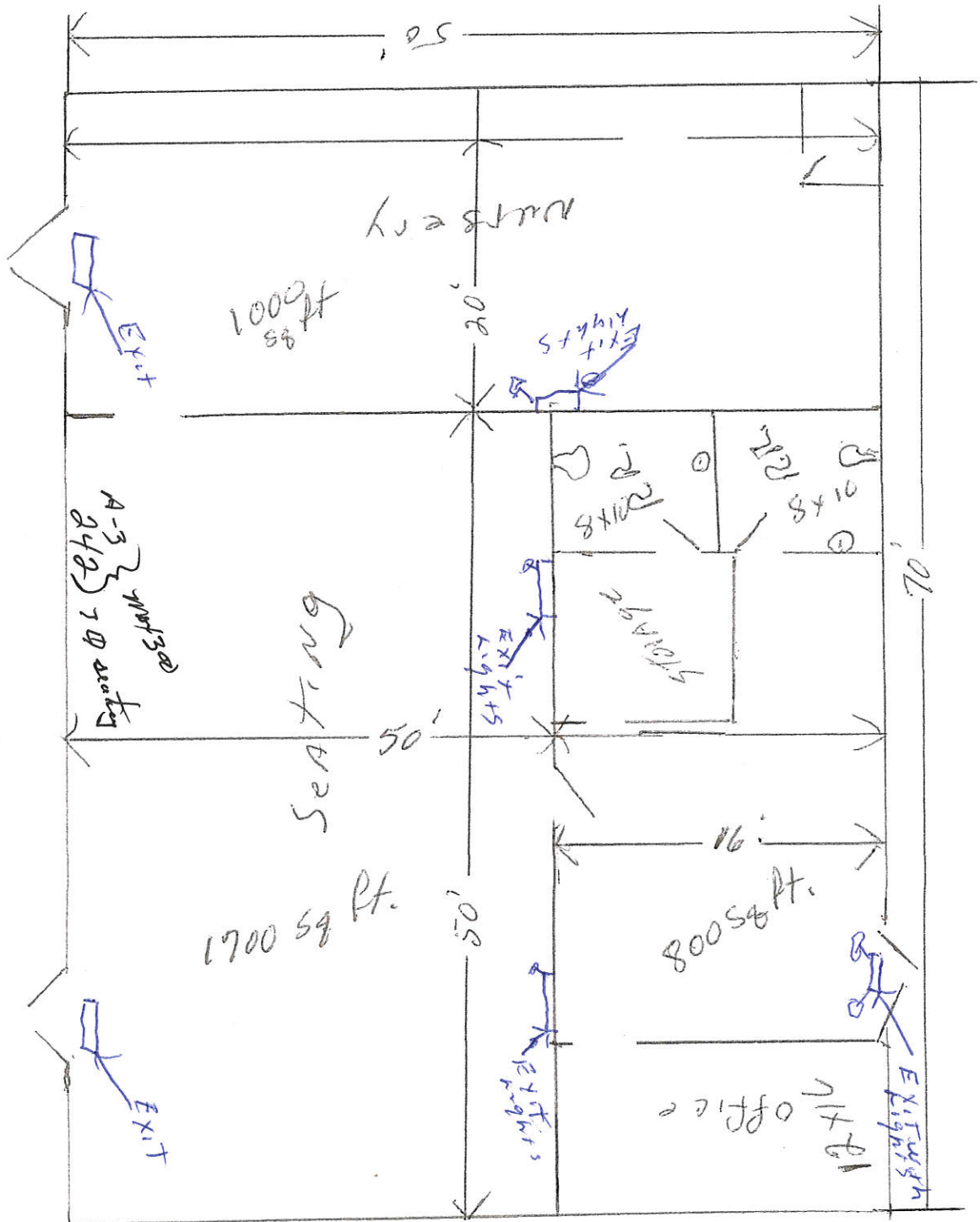


SP 278
R & M MUSIC



					church	

RECEIVED
DEC 22 2016
By _____





City of Broken Arrow

Fact Sheet

File #: 17-1823, Version: 1

Broken Arrow Planning Commission

02-09-2017

To: Chairman and Commission Members
From: Development Services Department

Title: Review and discussion of Comprehensive Plan Update and possible selection of Planning Commission Members to be appointed on the selection team for reviewing RFP's for the Comprehensive Plan

City of Broken Arrow, Oklahoma

**Letter of Interest
for the Preparation of the
New Comprehensive Plan (Vision 40)**

February 2017

The City of Broken Arrow, Oklahoma, population 110,000, is soliciting Letters of Interest (LOI) from interested, qualified, planning consulting firms, to begin the process of preparing a new Comprehensive Plan, as well as updating parts of the existing Comprehensive Plan which has been successfully implemented since 1997.

The objective of this process is to seek appropriate, qualified consulting firms to participate in a pre-application review process and discuss requests for qualifications and the anticipated Scope of Work.

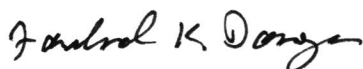
Planning consulting groups that have the capabilities, experience and desire to be motivated over the next eighteen (18) months to undertake this project may submit a Letter of Interest (LOI) indicating their interest to:

City of Broken Arrow
Attn: Farhad K. Daroga, Special Projects Manager
Development Services Department
220 S. First Street
Broken Arrow, OK 74013

All that is required at this time is the Letter of Interest. Please do not submit brochures or supplementary data. The City of Broken Arrow may not provide additional information before Letters of Interest have been submitted and the pre-application inquires' phase begins.

All Letters of Interest must be received by February 24, 2017, at 5:00 P.M. Furthermore, Request for Proposals and supplemental data will be sent in according to the attached schedule. This will be based upon responses received by the City of Broken Arrow.

Respectfully,
City of Broken Arrow, Oklahoma



Farhad K. Daroga
Special Projects Manager
February 9, 2017

City of Broken Arrow, Oklahoma

Comprehensive Plan (Vision 40)

February 2017

Anticipated Schedule

Issue Letter of Interest (LOI)	February 10, 2017
LOI Due	February 24, 2017
Publish Requests for Proposal (RFP)	March 21, 2017
Pre-application Inquiries	April 4,5,6, 2017
Deadline to submit RFP to the City	April 28, 2017
Review of RFP's to be completed by City	May 22, 2017
Invite selected firms to interview	June 2, 2017
Consultant Interviews	Week of June 19, 2017 or June 26, 2017
Anticipate Start of Project	August, 2017

* Note: Schedule is Subject to Change

City of Broken Arrow, Oklahoma

Statement of Interest/No Interest

February 2017

Project Name: City of Broken Arrow - Comprehensive Plan (Vision 40)

The Development Services Department of the City of Broken Arrow wants to invite planning consulting firms to submit Letters/Statements of Interests. If you do not respond to this inquiry for the Letter of Interest by February 24, 2017, we will assume that you no longer desire to be on our list to consider for this project.

We **ARE** interested in providing planning and designing services for the following project:

Project Name

Estimated Budget

_____ Comprehensive Plan (Vision 40)

Approx. \$ 300,000.00

We **ARE NOT** interested for the following reasons:

_____ Current workload prohibits submitting for this project.

_____ This firm is not interested in this type of work.

_____ Insufficient time to respond for this project.

_____ This firm is not interested in doing work for the City of Broken Arrow.

_____ Other (Please specify below).

Remarks: _____

Firm: _____ **Phone #:** _____

Address: _____

Email: _____

Signed: _____ **Name:** _____

Title: _____ **Date:** _____