

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

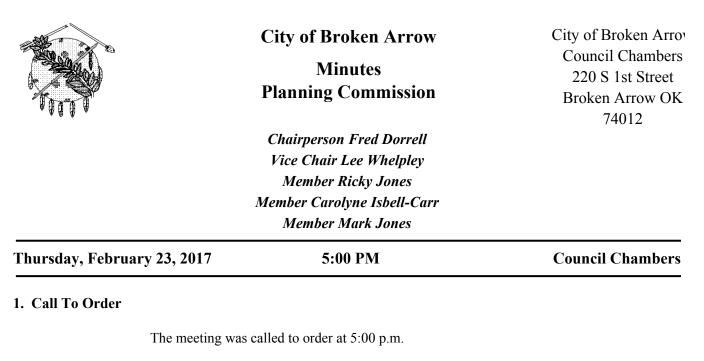


Fact Sheet

File #: 17-1927, Version: 1

Broken Arrow Planning Commission 03-09-2017

To: From: Title:	Chairman and Commission Members Development Services Department			
Background:	Minutes, Planning Commission meeting held on February 23, 2017 Minutes recorded for the Broken Arrow Planning Commission meeting.			
Attachments:	Minutes from the February 23, 2017 Planning Commission meeting			
Recommendation:	Approve minutes of Planning Commission meeting held on February 23, 2017			
Reviewed and Appr	roved By: Michael W. Skates Legal Department			



- 2. Roll Call
 - Present 4 Carolyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones
 - Absent 1 Mark Jones
- 3. Old Business

None

4. Consideration of Consent Agenda

A. <u>17-1816</u> Approval of Planning Commission meeting minutes of January 26, 2017

A motion was made by Ricky Jones, seconded by Lee Whelpley, that the minutes from January 26, 2017 be approved. The motion carried by the following vote:

Aye: 4 - Carolyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

Absent: 1 - Mark Jones

5. Consideration of Items Removed from Consent Agenda

6. Public Hearings

A. <u>17-1822</u> Public hearing, consideration, and possible action regarding BAZ 1971, 26.2 acres, A-1 to IL, east of 9th Street, one-quarter mile south of Houston Street

> Brent Murphy presented BAZ-1971, saying this was a request to rezone from A-1 to Industrial Light zoning, on 26.2 acres of undeveloped land located on 9th Street, one-quarter mile south of Houston Street. The property is currently designated as Level

6 in the Comprehensive Plan and IL zoning is identified as being in conformance with the Comprehensive Plan when done in conjunction with a PUD. Staff was recommending approval of the rezoning request subject to the property being platted and a PUD being submitted and approved by the City Council. He said the applicant was present and in agreement with staff recommendations.

Lou Reynolds, Eller & Detrich, and applicant for the property owner, addressed the Commission, saying they were in agreement with Staff recommendations.

The Public Hearing was opened. No one requested to speak. The Public Hearing was closed.

This case will be heard by the City Council on March 7, 2017.

A motion was made by Ricky Jones, seconded by Lee Whelpley, to recommend approval of BAZ-1971, subject to Staff recommendations. The motion carried by the following vote:

Aye: 4 - Carolyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

Absent: 1 - Mark Jones

B. <u>17-1825</u> Public hearing, consideration, and possible action regarding BAZ 1972, Fire Station No. 7, 2.5 acres, 1 lot, A-R-1 to RS-2, southeast corner of Washington Street and First Place

Brent Murphy presented BAZ-1972, stating this was a request to change from A-R-1 to RS-2 on property located on the southeast corner of Washington and Main Streets. He said the City of Broken Arrow purchased this property with the intention of constructing a new fire station. The proposed change is in compliance with the Comprehensive Plan. Staff recommended approval of BAZ-1972 subject to the property being platted. The applicant is in agreement with Staff recommendations.

Michael Skates, Development Services Director, spoke on behalf of the Fire Chief, Jeremy Moore, who had a previous commitment and could not attend this meeting. He said Chief Moore was in agreement with staff recommendations.

The Public Hearing was opened. Robert Persinger, 239 E. Washington Street requested to speak. He was opposed to a fire station at this location. He said he did not receive notification of this public hearing. The case map was brought up and Mr. Persinger's property was just outside of the notification area. He said this was residential property and it needed to stay residential. Mr. Persinger express concern about parking for Arrowhead Park and said parking was a greater need than the need for a fire station.

Mr. Dorrell explained the Planning Commission was a recommending body and if Mr. Persinger wished to express his opinion to the City Council, he could contact the City Clerk and sign up to speak.

Michael Skates further explained the reasoning behind this site being chosen for the fire station over other sites in the area.

Ricky Jones noted the Planning Commission wasn't looking at the specific use for this property. He said they were tasked with evaluating the proposed zoning district, and if it was in compliance with the Comprehensive Plan.

The Public Hearing was closed.

This rezoning case will be hear by the City Council on March 21, 2017.

A motion was made by Ricky Jones, seconded by Carolyne Isbell-Carr, that BAZ-1972 be recommended for approval per Staff recommendations. The motion carried by the following vote:

Aye: 4 - Carolyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

Absent: 1 - Mark Jones

C. <u>17-1837</u> Public hearing, consideration, and possible action regarding BAZ 1973, Village on Elgin, 0.50 acres, R-3 to DM, northwest corner of First Street and Elgin Street

Brent Murphy presented BAZ-1973, saying this was a request to rezone from R-3 to DM on 0.50 acres of undeveloped property located on the northwest corner of First Street and Elgin Street. He said the applicant wishes to develop a mixed-use development. On the west side, he wants to build a structure with retail on the ground floor and an apartment on the top floor, and on the east side of the property, to build three single-family attached structures. The proposed DM zoning will be in compliance with the Comprehensive Plan. Since the property was previously platted, Staff recommended approval of BAZ-1973 with platting being waived.

Travis Baker, 3731 S. 99th East Avenue, Tulsa, the applicant, was in agreement with Staff recommendations.

The Public Hearing was opened. Karen Klaus, 323 E. Elgin Street, Broken Arrow, said she was concerned about children walking to school and the need for sidewalks, increased traffic flow, and what about accommodations for additional sewer needs.

Michael Skates said sidewalks will be required.

The Public Hearing was closed.

This case will be heard by the City Council on March 21, 2017.

A motion was made by Lee Whelpley, seconded by Ricky Jones, that

BAZ-1973 be recommended for approval, per Staff recommendations. The motion carried by the following vote:

Aye: 4 - Carolyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

- Absent: 1 Mark Jones
- 7. Appeals

None

8. General Commission Business

None

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

Michael Skates introduced Larry Curtis as the new Plan Development Manager. He said Farhad Daroga has moved over and is taking over the Special Project Division.

On Saturday, February 25th, the Annual HOA Workshop will be held from 10-2 pm, at Central on Main. Mr. Skates will send out an email reminder of this workshop.

10. Adjournment

A motion was made by Carolyne Isbell-Carr, seconded by Ricky Jones, to adjourn. The motion carried by the following vote:

Aye: 4 - Carolyne Isbell-Carr, Lee Whelpley, Fred Dorrell, and Ricky Jones

Absent: 1 - Mark Jones



Fact Sheet

File #: 17-1895, Version: 1

	Broken Arrow Planning Commission			
	03-09-2017			
To: From: Title:	Chairman and Commission Members Development Services Department			
	Approval of BAL 2013, Oneal Ingram Property, 0.29 acres, R-2 and PUD 182, one-half mile south of New Orleans Street, one-half mile east of Mingo Road			
Background:				
Applicant:	Mark P. Ingram			
Owner:	Derrick Daniel & Amy Huie Huang Oneal			
Developer:	NA			
Surveyor:	White Surveying Company			
Location:	One-half mile south of New Orleans Street, one-half mile east of Mingo Road			
Size of Tract	0.29 total acres; Tract 1 - 0.01 acres; Tract 2 - 0.28 acres			
Number of Lots:	2 proposed			
Present Zoning:	R-2 (Single Family Residential) and PUD 182			
Comp Plan:	Level 2 (Urban Residential)			

Lot split request BAL 2013 involves a 0.29-acre parcel located approximately one-half mile south of New Orleans Street, one-half mile east of Mingo Road. The property, which is zoned R-2 and PUD 182, is platted as Lot 8, Block 2, Berwick Fairways II and has an existing single-family structure. Applicant is proposing to split the 0.29-acre parcel into two parcels.

Tract 1 shall consist of 0.01 acres and Tract 2 shall consist of 0.28 acres. Tract 1 is being split from Tract 2 due to a masonry wall which was constructed 5-feet inside the property line. The 5-feet of space between the wall and the property line creates a large gap between the wall and the neighbors landscaping. Through this lot split, Tract 1 shall be removed from Lot 8, Block 2 and attached to Lot 9, Block 2, allowing the neighboring property owner to install appropriate landscaping.

Tract 1 by itself does not have access to a public street and does not meet the minimum lot size required by R-2 zoning or PUD 182. However, Tract 1 is being purchased by the applicant from the owner of Lot 8, Block 2. Consequently, the Tract 1 will be attached to the purchaser's property through the filing of warranty deeds with Tulsa County. Once the warranty deeds are recorded, Tract 1 will meet the street frontage requirements of the R -2 district and PUD 182.

According to the legal description and drawings submitted, right-of-way and utility easements have been

File #: 17-1895, Version: 1

dedicated in accordance with the Subdivision Regulations. There is an existing 11-foot utility easement along the rear yard boundary of Lot 8, Block 2 that is affected by this lot split.

Oklahoma Natural Gas (ONG), Public Service Company of Oklahoma (PSO), Cox Communications, and Windstream have indicated that they do not have any problems with the proposed lot split.

Attachments: Case map Aerial Lot Split Exhibits and Legal Descriptions Berwick Fairways II Plat

Recommendation:

Staff recommends BAL 2013 be approved, subject to the following:

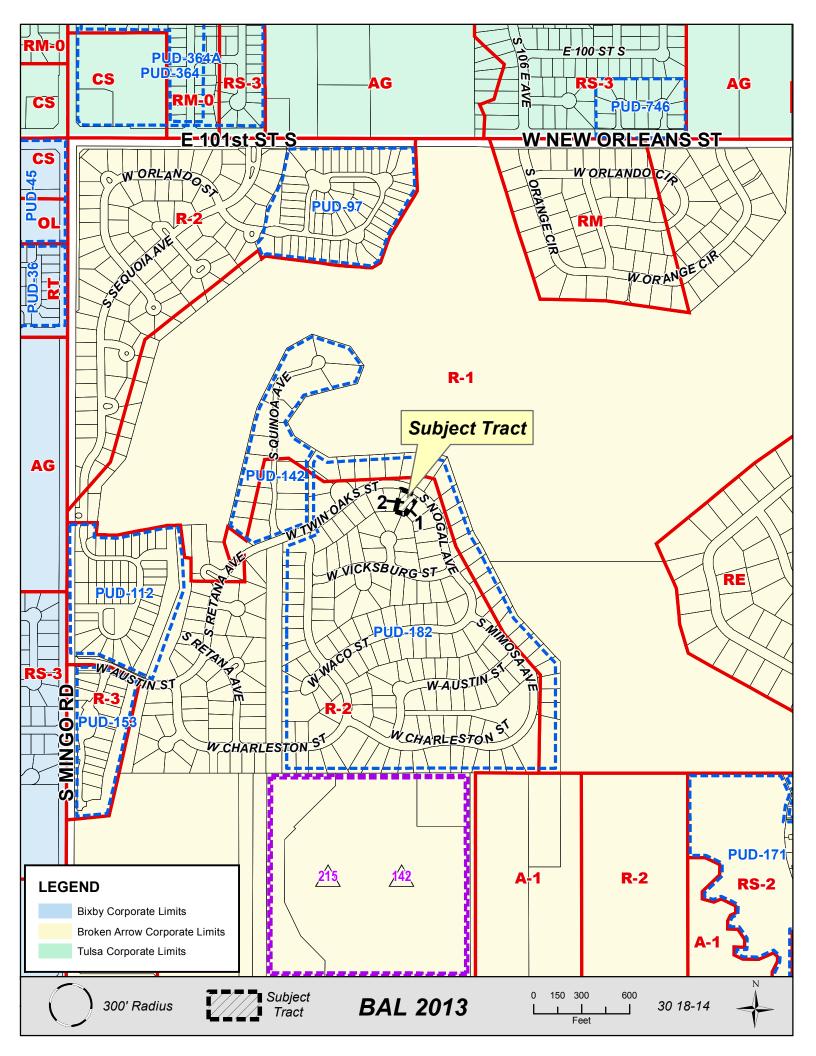
- 1. Warranty deeds for both parcels being brought simultaneously to the Plan Development Division to be stamped prior to being recorded in Tulsa County.
- 2. Tract 1 shall be permanently tied to the abutting property, Lot 9, Block 2 of Berwick Fairways II. It shall be acknowledged and stated in the warranty deed associated with Tract 1 that the property cannot be divided without receiving lot split approval from the Planning Commission.
- 3. The 11-foot utility easement along the rear yard boundary of Tract 1 shall remain in place.

Reviewed By: Larry R. Curtis

Approved By:

Michael W. Skates

LRC: ALY

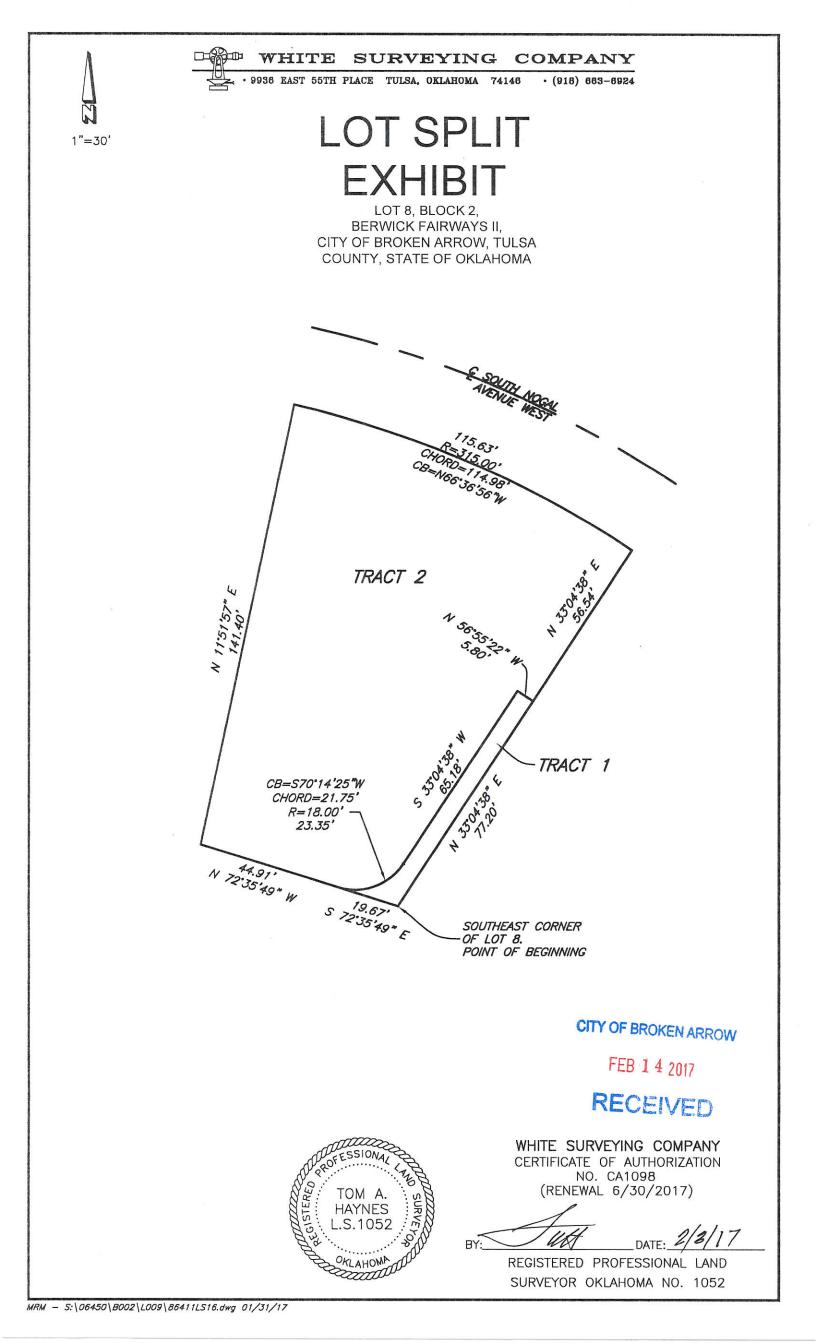




BAL 2013 Oneal Ingram Lot Split

200 100 0 200 Feet





LOT SPLIT DESCRIPTION Berwick Fairways II

Existing Un-Divided tract:

Lot Eight (8), Block Two (2), Berwick Fairways II, Replat of Cedar Ridge Club Addition, an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Tract 1:

A tract of land being a part of Lot Eight (8), Block Two (2), Berwick Fairways II, Replat of Cedar Ridge Club Addition, an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof. Said tract of land being described as follows: Beginning at the Southeast corner of said Lot 8; Thence North 33°04'38" East along the Easterly line of said Lot 8 for 77.20 feet; Thence North 56°55'22" West for 5.80 feet; Thence South 33°04'38" West for 65.18 feet to a point of curve; Thence Southwesterly along a curve to the right with a radius of 18.00 feet, a chord bearing of South 70°14'25" West, chord distance of 21.75 feet and an arc length of 23.35 feet to a point on the South line of said Lot 8; Thence South 72°34'49" East for 19.67 feet to the Point of Beginning.

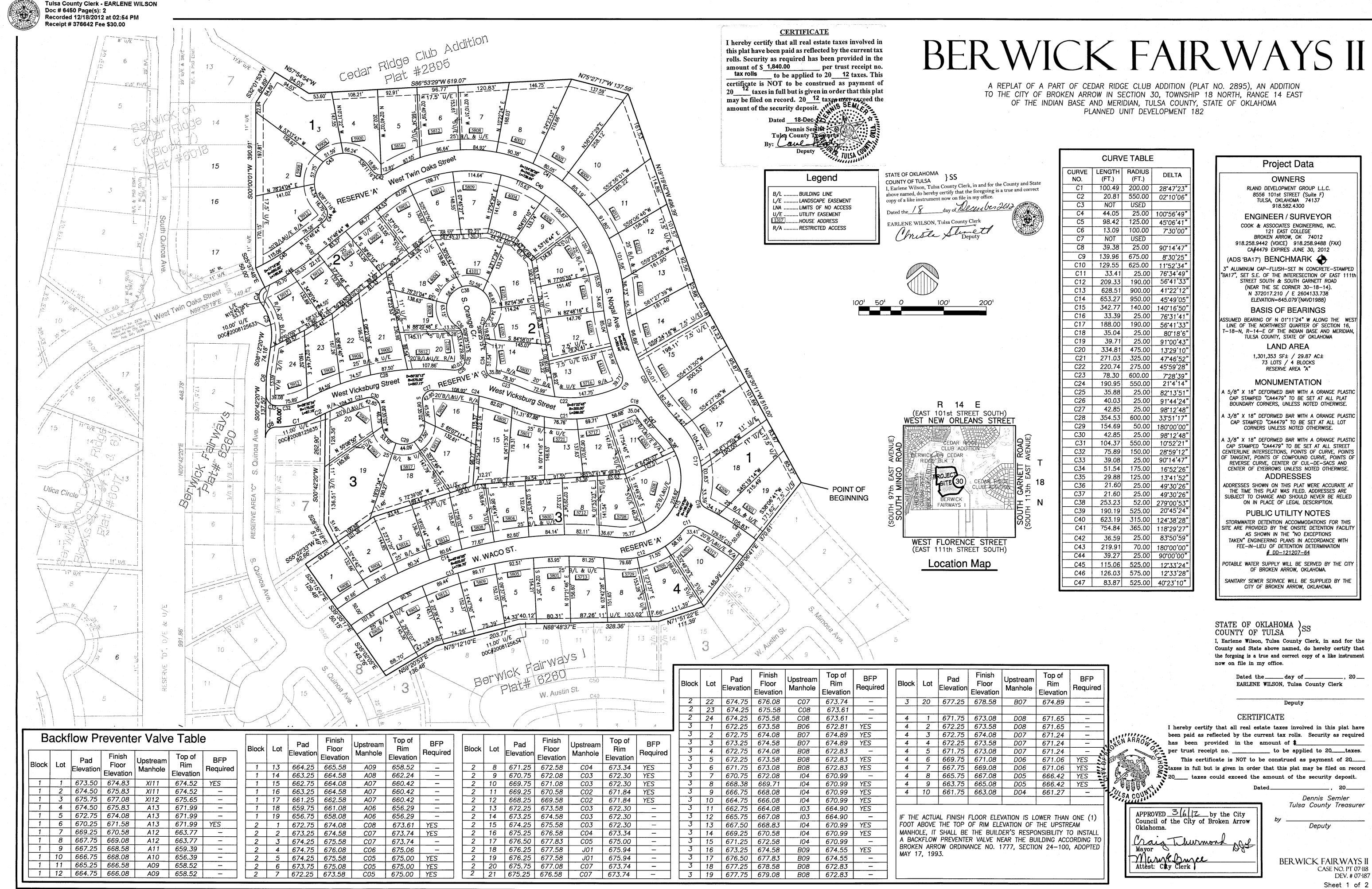
Tract 2:

Lot Eight (8), Block Two (2), Berwick Fairways II, Replat of Cedar Ridge Club Addition, an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof. LESS AND EXCEPT the following described tract of land: Beginning at the Southeast corner of said Lot 8; Thence North 33°04'38" East along the Easterly line of said Lot 8 for 77.20 feet; Thence North 56°55'22" West for 5.80 feet; Thence South 33°04'38" West for 65.18 feet to a point of curve; Thence Southwesterly along a curve to the right with a radius of 18.00 feet, a chord bearing of South 70°14'25" West, chord distance of 21.75 feet and an arc length of 23.35 feet to a point on the South line of said Lot 8; Thence South 72°34'49" East for 19.67 feet to the Point of Beginning.

CITY OF BROKEN ARROW

FEB 1 4 2017 RECEIVED

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Backflow Preventer Valve Table				Block	Lot	Pad Elevation	Finish Floor Elevation	Upstream Manhole	Top of Rim Elevation	BFP Required	Block				
Block	Lot	Pad Elevation	Floor	Upstream Manhole	Rim	BFP Required	1	13	664.25	665.58	A09	658.52		2	+
		Lievalion	Elevation	Mannole	Elevation	riequireu	1	14	663.25	664.58	A08	662.24	-	2	
1	1	673.50	674.83	XI11	674.52	YES	1	15	662.75	664.08	A07	660.42		2	10
1	2	674.50	675.83	XI11	674.52	—	1	16	663.25	664.58	A07	660.42	-	2	1
1	3	675.75	677.08	XI12	675.65	_	1	17	661.25	662.58	A07	660.42	-	2	1
1	4	674.50	675.83	A13	671.99	-	1	18	659.75	661.08	A06	656.29	_	2	1.
1	5	672.75	674.08	A13	671.99	-	1	19	656.75	658.08	A06	656.29	_	2	1.
1	6	670.25	671.58	A13	671.99	YES	2	1	672.75	674.08	C08	673.61	YES	2	1:
1	7	669.25	670.58	A12	663.77		2	2	673.25	674.58	C07	673.74	YES	2	16
1	8	667.75	669.08	A12	663.77		2	3	674.25	675.58	C07	673.74	_	2	1
1	9	667.25	668.58	A11	659.39		2	4	674.75	676.08	C06	675.06	_	2	18
1	10	666.75	668.08	A10	656.39	-	2	5	674.25	675.58	C05	675.00	YES	2	1
1	11	665.25	666.58	A09	658.52	-	2	6	673.75	675.08	C05	675.00	YES	2	20
1	12	664.75	666.08	A09	658.52	_	2	7	672.25	673.58	C05	675.00	YES	2	2

A REPLAT OF A PART OF CEDAR RIDGE CLUB ADDITION (PLAT NO. 2895), AN ADDITION TO THE CITY OF BROKEN ARROW IN SECTION 30, TOWNSHIP 18 NORTH, RANGE 14 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA PLANNED UNIT DEVELOPMENT 182

DELTA

CURVE TABLE

(FT.)

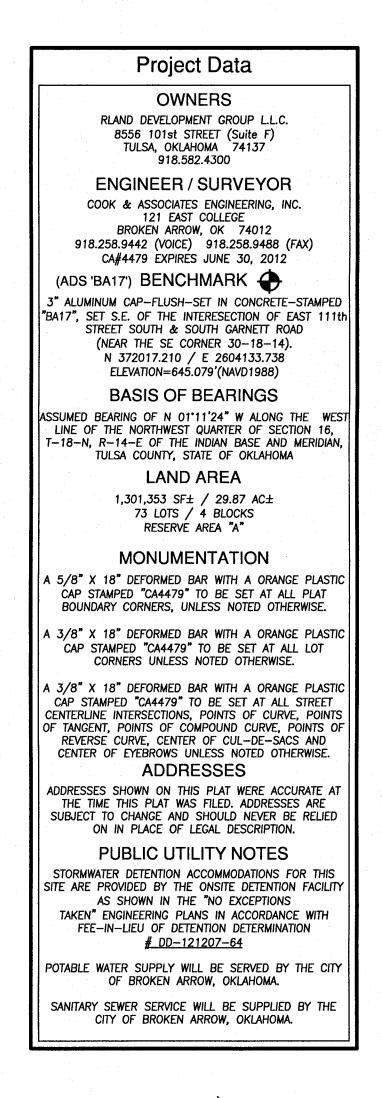
CURVE | LENGTH | RADIUS

(FT.)

NO.

nd State correct	

NO.	(, , , , , , , , , , , , , , , , , , ,	(,,,,)	
C1	100.49	200.00	28'47'23"
C2	20.81	550.00	02'10'06"
C3	NOT	USED	
C4	44.05	25.00	100*56'49"
C5	98.42	125.00	45.06'41"
C6	13.09	100.00	7*30'00"
C7	NOT	USED	
C8	39.38	25.00	90°14'47"
C9	139.96	675.00	8 *30'25"
C10	129.55	625.00	11'52'34"
C11	33.41	25.00	76 ° 34'49"
C12	209.33	190.00	56.41'33"
C13	628.51	900.00	41*22'12"
C14	653.27	950.00	45*49'05"
C15	342.77	140.00	140°16'50"
C16	33.39	25.00	76 ° 31'41"
C17	188.00	190.00	56•41'33"
C18	35.04	25.00	80°18'6"
C19	39.71	25.00	91°00'43"
C20	334.81	475.00	13°29'10"
C21	271.03	325.00	47*46'52"
C22	220.74	275.00	45 * 59'28"
C23	78.30	600.00	7*28'39"
C24	190.95	550.00	21.4,14"
C25	35.88	25.00	82°13'51"
C26	40.03	25.00	91°44'24"
C27	42.85	25.00	98•12'48"
C28	354.53	600.00	33 ° 51'17"
C29	154.69	50.00	180'00'00"
C30	42.85	25.00	98 ° 12'48"
C31	104.37	550.00	10'52'21"
C32	75.89	150.00	28'59'12"
C33	39.08	25.00	90°14'47"
C34	51.54	175.00	16*52'26"
C35	29.88	125.00	13°41'52"
C36	21.60	25.00	49'30'26"
C37	21.60	25.00	49°30'26"
C38	253.23	52.00	279 ° 00'53"
C39	190.19	525.00	20°45'24"
C40	623.19	315.00	124*38'28"
C40	754.84	365.00	124 38 28 118 ° 29'27"
		25.00	
C42	36.59		83*50'59"
C43	219.91	70.00	180'00'00"
C44	39.27	25.00	90'00'00"
C45	115.06	525.00	12'33'24"
C46	126.03	575.00	12'33'28"
C47	83.87	525.00	40°23'10"



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 forgoing is a true and correct copy of a like instrument

now on file in my office. Top of Dated the _____ day of _____ _____, 20____ RFP Rim EARLENE WILSON, Tulsa County Clerk Required Elevation Deputy CERTIFICATE 671.65 _ I hereby certify that all real estate taxes involved in this plat have _ been paid as reflected by the current tax rolls. Security as required ____ ENARROW has been provided in the amount of \$_____ ----- · per trust receipt no. to be applied to 20____taxes. This certificate is NOT to be construed as payment of 20_ taxes in full but is given in order that e filed on record SA COUNTION _ Dennis Semler Tulsa County Treasurer APPROVED 3612 by the City Council of the City of Broken Arrow by Deputy Oklahoma. Craig Thurmond Aff Mayor Mary Change Attest: City Clerk BERWICK FAIRWAYS II CASE NO. PT 07-118 DEV. # 07-187

Date Prepared11/02/201

Sheet 1 of 2

BERWICK FAIRWAYS II DEED OF DEDICATION AND RESTRICTIVE COVENANTS

A REPLAT OF A PART OF CEDAR RIDGE CLUB ADDITION (PLAT NO. 2895), AN ADDITION TO THE CITY OF BROKEN ARROW, TULSA COUNTY, OKLAHOMA

KNOWN ALL MEN BY THESE PRESENTS

RLAND DEVELOPMENT GROUP, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY, (HEREAFTER REFERRED TO AS THE "OWNER"), IS THE ONWER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STAE OF OKLAHOMA, TO WIT:

A TRACT OF LAND BEING ALL THAT PART OF BLOCK ONE (1) "CEDAR RIDGE CLUB ADDITION", PLAT NUMBER 2895, AN ADDITION TO THE CITY OF BROKEN ARROW, TULSA COUNTY. STATE OF OKLAHOMA. ACCORDING TO THE RECORDED PLAT THEREOF, LOCATED IN SECTION 30, TOWNSHIP EIGHTEEN NORTH (T18N), RANGE FOURTEEN EAST (R14E), OF THE INDIAN BASE AND MERIDIAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER OF "BERWICK FAIRWAYS I PLAT#6260 AN ADDITION TO THE CITY OF BROKEN ARROW, TULSA COUNTY; THENCE N28'30'11" A DISTANCE OF 510.00 FEET; THENCE N19'19'42"W A DISTANCE OF 496.39 FEET; THENCE N75'27'17"W A DISTANCE OF 137.59 FEET; THENCE S86'53'29"W A DISTANCE OF 619.07 FEET; THENCE N57'54'54 W A DISTANCE OF 94.03 FEET; THENCE S32'01'53 W A DISTANCE OF 84.89 FEET; THENCE S00'00'01 W A DISTANCE OF 390.91 FEET; THENCE S25'37'48"E A DISTANCE OF 50.00 FEET; THENCE ALONG A CURVE TURNING TO THE LEFT WITH A TANGENT BEARING OF S64'02'28"W WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 100'56'49", FOR 44.05 FEET; THENCE ALONG A TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF 45'06'41", FOR 98.42 FEET; THENCE S08'12'20"W A DISTANCE OF 74.18 FEET; THENCE ALONG A TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 730'00", FOR 13.09 FEET; THENCE S00'42'20"W A DISTANCE OF 137.50 FEET; THENCE ALONG A TANGENT CURVE TURNING TO THE RIGHT WITH A TANGENT BEARING OF NO0'42'20"E WITH A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 90'14'47" FOR 39.38 FEET; THENCE ALONG A TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF 28'47'23" FOR 100.49 FEET; THENCE ALONG A TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 550.00 FEET AND A CENTRAL ANGLE OF 2'10'06" FOR 20.81 FEET; THENCE S00'42'20"W A DISTANCE OF 262.90 FEET; THENCE S28'36'18"E A DISTANCE OF 51.49 FEET; THENCE S55'22'33"W A DISTANCE OF 82.66 FEET; THENCE S35'15'47"E A DISTANCE OF 129.48 FEET; THENCE S39'35'17"E A DISTANCE OF 50.15 FEET; THENCE S35'02'05"E A DISTANCE OF 143.76 FEET; THENCE N59'20'53"E A DISTANCE OF 136.48 FEET; THENCE N75'12'10"E A DISTANCE OF 203.77 FEET; THENCE N88'48'37"E A DISTANCE OF 328.36 FEET; THENCE N71'51'22"E A DISTANCE OF 111.39 FEET; THENCE N38'06'41"E A DISTANCE OF 370.61 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 1,301,353 SQUARE FEET OR 29.8750 ACRES.

AND HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIMIDED IN CONFORMITY WITH THE ACCOMPANYING PLAT (THE "PLAT") AND HAS DESIGNATED THE SUBDIVISION AS "BERWICK FAIRWAYS 11", A SUBDIVISION IN THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA (HEREINAFTER SOMETIMES REFERRED TO AS THE "SUBDIVISION").

NOW, THEREFORE, THE OWNER, FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION AND FOR THE PURPOSE OF INSURING ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF THE OWNER, ITS SUCCESSORS, GRANTEES AND ASSIGNS, AND THE BENEFICIARIES OF THE COVENANTS SET FORTH IN SECTION 1 BELOW, WITH RESPECT TO SUCH COVENANTS ONLY, DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS, WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND WHICH SHALL BE ENFORCEABLE BY THE OWNER OR OWNERS OF ANY PROPERTY WITHIN THE SUBDIVISION AND BY THE BENEFICIARIES OF THE COVENANTS SET FORTH IN SECTION 1 BELOW, WITH RESPECT TO SUCH COVENANTS ONLY.

SECTION I. STREETS, EASEMENTS AND UTILITIES.

A. GENERAL UTILITY EASEMENTS.

THE LOT OWNER DOES HEREBY DEDICATE FOR PUBLIC USE THE UTILITY EASEMENTS SHOWN AND DESIGNATED ON THE PLAT AS U/E FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, REPAIRING, REMOVING AND REPLACING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, CABLE TELEVISION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES AND WATER LINES, TOGETHER WITH ALL FITTINGS AND EQUIPMENT FOR EACH OF SUCH FACILITIES INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS, AND ANY OTHER APPURTENANCES THERETO, WITH RIGHT OF INGRESS AND EGRESS TO SUCH EASEMENTS FOR THE USES AND PURPOSES AFORESAID; PROVIDED, HOWEVER, THE OWNER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RELAY WATER AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER, ACROSS, AND ALONG ALL OF THE EASEMENT AREAS SHOWN ON THE PLAT, FOR THE PURPOSES OF FURNISHING WATER AND/OR SEWER SERVICE TO THE AREA INCLUDED WITHIN THE PLAT. THE OWNER HEREBY IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON THE OWNER OF EACH LOT IN THE SUBDIVISION (THE LOT OWNER(S)) AND SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE PLAT, NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW-GROUND CONSTRUCTION THAT INTERFERES WITH THE ABOVE SET FORTH USES AND PURPOSES OF AN EASEMENT SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED; PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING, SIGNS, AND CUSTOMARY SCREENING FENCES AND WALLS.

B. UNDERGROUND SERVICE

- 1. STREET LIGHT POLES AND STANDARDS SHALL BE SERVED BY UNDERGROUND CABLE. 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 PRIVATE STREETS AS DEPICTED ON THE PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN SAID EASEMENT-WAYS; PROVIDING, HOWEVER, THAT NO SERVICE PEDESTALS OR TRANSFORMERS FOR ELECTRIC.
- TELEPHONE, CABLE TELEVISION OR METERS OR PEDESTALS FOR OTHER UTILITY SERVICES SHALL BE LOCATED ON THE FRONTS OF THE LOTS. 2. 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 EACH LOT; PROVIDED THAT, UPON INSTALLATION OF A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SAID SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND NON-EXCLUSIVE RIGHT-OF-WAY EASEMENT ON THE LOT. COVERING A FIVE 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 SAID
- STRUCTURE. 3. THE SUPPLIERS OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH THEIR PROPER 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 SAID UNDERGROUND ELECTRIC. TELEPHONE, CABLE TELEVISION OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.
- 4. THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON HIS LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY 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 DAMAGES OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS. SAID ALTERATIONS OF GRADE AND LIMITATION OF CONSTRUCTION ACTIVITIES SHALL BE LIMITED TO EASEMENTS AND DOES NOT APPLY TO AREAS OUTSIDE OF THE EASEMENTS DESIGNATED ON THE PLAT.
- 5. THE FOREGOING COVENANTS SET FORTH IN THIS SECTION B CONCERNING UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES 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

C. WATER AND SEWER SERVICES.

- 1. EACH LOT OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, THE PUBLIC SANITARY SEWER MAIN AND STORM SEWERS LOCATED ON SUCH LOT.
- 2. WITHIN THE UTILITY EASEMENTS DEPICTED ON THE PLAT, THE ALTERATION OF GRADE ELEVATIONS IN EXCESS OF THREE (3) FEET FROM THE CONTOURS EXISTING UPON COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN OR SEWER MAIN, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE PUBLIC WATER AND SEWER MAINS SHALL BE PROHIBITED. 3. THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF THE PUBLIC WATER
- AND SEWER MAINS. BUT EACH LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY THE ACT OF SUCH LOT OWNER, HIS AGENTS OR CONTRACTORS. 4. THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS SUCCESSORS SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENTS 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. SANITARY SEWER OR STORM SEWER FACILITIES. 5. THE FOREGOING COVENANTS SET FORTH IN THIS SECTION C. SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA, OR ITS
- SUCCESSORS, AND THE ABOVE OWNER AND THE LOT OWNERS AGREE TO BE BOUND HEREBY.

- D. <u>GAS SERVICE.</u>
 1. 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 DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, REMOVING, REPAIRING, OR REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.
- 2. EACH LOT OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED IN SUCH LOT OWNER'S LOT AND SHALL PREVENT THE ALTERATION OF 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 LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY THE ACT OF THE LOT OWNER, OR THE LOT OWNER'S AGENTS OR CONTRACTORS
- 3. FOREGOING COVENANTS SET FORTH IN THIS SECTION D. SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND EACH LOT OWNER AGREES TO BE BOUND HEREBY.

E. SURFACE DRAINAGE

- EACH LOT 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 LOT 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 EACH LOT OWNER'S LOT. THE FOREGOING COVENANTS SET FORTH IN THIS E. SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF BROKEN ARROW. OKLAHOMA.
- PAVING AND LANDSCAPING WITHIN EASEMENTS. THE LOT OWNER AFFECTED 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. <u>RESERVE AREAS.</u>

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RESERVE AREAS SHALL BE THOSE AREAS DESIGNATED AS "RESERVE AREAS" ON THE PLAT AND ALL PRIVATE STREETS, LANDSCAPING AREAS AND ALL OTHER COMMON AREAS (THE "RESERVE AREAS"). RESERVE AREAS MAY BE USED FOR PRIVATE STREETS, INCLUDING ENTRY FEATURES, BUILDINGS AND GATES, FOR THE MUTUAL. NON-EXCLUSIVE USE OF THE OWNERS OF LOTS WITHIN THE SUBDIVISION, THEIR GUESTS, TENANTS AND INVITEES AND THE GOVERNMENTAL ENTITIES AS SET FORTH IN SECTION B HEREOF, FOR BOTH VEHICULAR AND PEDESTRIAN INGRESS, EGRESS AND REGRESS TO THE LOTS. RESERVE AREAS MAY ALSO BE USED FOR OPEN SPACE, LANDSCAPING, FENCING OR WALLS, ENTRY GATES, TRAFFIC MEDIANS OR ISLANDS, RECREATION AND PARK USE, STORM WATER DRAINAGE AREAS, WATER FEATURES AND DETENTION AREAS. ALL RESERVE AREAS SHOWN ON THE PLAT SHALL BE OWNED BY AND MAINTAINED BY THE BERWICK FAIRWAYS NEIGHBORHOOD ASSOCIATION, INC. (THE "ASSOCIATION") AS MORE FULLY SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF BERWICK ON CEDAR RIDGE FILLED AS DOCUMENT NUMBER 2006096827 AS AMENDED, IN THE OFFICE OF THE COUNTY CLERK, TULSA COUNTY, OKLAHOMA (THE "DECLARATION") AND THE RULES AND REGULATIONS OF THE ASSOCIATION

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS, WHEREAS, THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BROKEN ARROW ZONING ORDINANCE REQUIRE THE ESTABLISHMENT OF COVENANTS OF RECORD, INURING TO AND ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA SUFFICIENT TO ASSURE CONTINUED COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT AND AMENDMENTS THERETO; AND WHEREAS, THE OWNER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF ACHIEVING AN ORDERLY DEVELOPMENT FOR THE MUTUAL BENEFIT OF THE OWNER, THE OWNER'S SUCCESSORS IN TITLE AND THE CITY OF BROKEN ARROW, OKLAHOMA;

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS (CONT) NOW, THEREFORE, THE OWNER DOES HEREBY IMPOSE THE FOLLOWING LOT RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING with the land and shall be binding upon each lot owner, its successors in title, and the city of broken arrow, oklahoma, and shall be ENFORCEABLE AS HEREINAFTER SET FORTH. THE DEVELOPMENT OF "BERWICK FAIRWAYS II" (PUD-NO. 182) SHALL BE SUBJECT TO THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BROKEN ARROW ZONING ORDINANCE, AS SUBSEQUENTLY AMENDED, AND THE PROVISIONS OF PUD NO. 182

A. USE OF LAND.

1. RESIDENTIAL LOT USE. ALL LOTS SHALL BE KNOWN AND DESCRIBED AS RESIDENTIAL LOTS AND SHALL BE LIMITED TO USE FOR DETACHED SINGLE-FAMILY RESIDENCES AND PURPOSES. NO TRADE OR BUSINESS SHALL BE PERMITTED ON ANY LOT.

2. FRONTING AND ACCESS LIMITATION. EACH DWELLING SHALL FACE THE PRIVATE STREET AND DERIVE ITS ACCESS SOLELY FROM THE PRIVATE STREET.

- 3.YARDS AND SETBACKS. A. MINIMUM FRONT YARD FROM PRIVATE STREET RIGHT-OF-WAY.
- RESIDENCE AS SHOWN ON THE ACCOMPANYING PLAT.
- B. MINIMUM SIDE YARD FROM A PRIVATE STREET RIGHT-OF-WAY.
- THE PRIVATE RIGHT-OF WAY.
- C. <u>MINIMUM SIDE YARDS.</u> ONE SIDE YARD 5 FEET AND OTHER SIDE YARD 10 FEET. D. MINIMUM REAR YARD
- THE MINIMUM REAR YARD SHALL BE 20 FEET.
- MINIMUM LOT AREA. NO LOT SHALL HAVE A LOT AREA LESS THAN 8,000 SQUARE FEET. MAXIMUM NUMBER OF DWELLING UNITS.
- THE MAXIMUM NUMBER OF DWELLING UNITS SHALL BE 170. MINIMUM LOT WIDTH AND LOT FRONTAGE.
- ALL LOTS SHALL HAVE AT LEAST 30 FEET OF FRONTAGE ALONG THE STREET RIGHT-OF-WAY. MAXIMUM STRUCTURE HEIGHT. DISTRICT OF THE BROKEN ARROW ZONING ORDINANCE.
- 8. OTHER BULK AND AREA REQUIREMENTS. ZONING ORDINANCE.
- NOT LIMITED TO, POLICE AND FIRE VEHICLES AND EQUIPMENT.
- C. SIDEWALKS, FENCING AND LANDSCAPING.
- <u>OFF-STREET PARKING.</u> THE HOUSE.
- E. <u>SITE PLAN AND LANDSCAPING PLAN.</u> THE ACCOMPANYING PLAT SHALL CONSTITUTE THE REQUIRED SITE PLAN OF THE PLANNED UNIT DEVELOPMENT INCLUDED WITHIN THE PLAT.
- F. MAINTENANCE OF RESERVE AREAS AND COMMON AREAS. ASSOCIATION IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE DECLARATION.
- DEFINITIONS

BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS AND SHALL BE ENFORCEABLE AS HEREINAFTER PROVIDED. A. ARCHITECTURAL COMMITTEE - PLAN REVIEW.

- 1. FORMATION. OWNER HEREBY FORMS AN ARCHITECTURAL COMMITTEE (THE "ARCHITECTURAL COMMITTEE") THAT SHALL: A. APPROVE ALL PLANS FOR ANY STRUCTURE TO BE BUILT ON ANY LOT AND ANY MODIFICATIONS OR ALTERATIONS THERETO; AND
- DEVELOPED BY THE ARCHITECTURAL COMMITTEE. MEMBERSHIP.
- COMMITTEE TO THE ASSOCIATION TO BE FORMED PURSUANT TO SECTION IV BELOW. 3. SUBMISSION OF PLANS.
- APPROVED PRIOR TO SUBMITTAL TO THE CITY OF BROKEN ARROW. A. AN ACCURATE SITE PLAN;
- B. AN ACCURATE FLOOR PLAN: C. ALL EXTERIOR ELEVATIONS:
- D. A FENCING PLAN SLOWING THE COMPOSITION, LOCATION AND HEIGHT OF FENCING;
- A LANDSCAPING PLAN:
- COMMISSION PURSUANT TO SECTION II OF THIS DEED OF DEDICATION;
- H. DETAILS REGARDING THE COMPOSITION OF ALL ROOFING AND EXTERNAL BUILDING MATERIALS, INCLUDING COLOR SCHEMES; DRAINAGE AND GRADING PLANS: AND
- VARIANCE

- THE COMPUTATION OF SQUARE FEET OF LIVING AREA SHALL EXCLUDE GARAGES, OPEN SPACES AND BREEZE WAYS. C. <u>VIEW OBSTRUCTIONS</u>.
- FOUNDATIONS WILL BE EXPOSED. NO STEM WALLS SHALL BE EXPOSED.
- GARAGES AND DRIVEWAYS.
- SHALL BE WOOD VENEER. WINDOWS IN GARAGE DOORS ARE PROHIBITED. LOCATED FURTHER BACK ON THE LOT, UNLESS OTHERWISE APPROVED BY THE ARCHITECTURAL COMMITTEE. MASONR FOR BLOCKS 2, 3, & 4
- FRONT OF THE HOME. FOR BLOCK 1
- PORCHES AND PATIOS. WINDOWS AND DOORS.
- H. ROOF PITCH.
- THAT 6/12 IF GABLE OR 4/12 IF SHED. ALL FRONT AND REAR GABLES SHALL HAVE NO LESS THAN A 12/12 PITCH.

BERWICK FAIRWAYS II

A REPLAT OF A PART OF CEDAR RIDGE CLUB ADDITION (PLAT NO. 2895) TO THE CITY OF BROKEN ARROW IN SECTION 30, TOWNSHIP 18 NORTH. RANGE 14 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA PLANNED UNIT DEVELOPMENT 182

NO BUILDING SHALL BE CONSTRUCTED NEARER THAN 25 FEET FROM THE RIGHT-OF-WAY OF THE PRIVATE STREET IN THE FRONT OF THE

NO BUILDING SHALL BE CONSTRUCTED NEARER THAN 20 FEET FROM THE RIGHT-OF-WAY OF A PRIVATE STREET TO THE SIDE OF THE RESIDENCE AS SHOWN ON THE ACCOMPANYING PLAT, PROVIDED THAT ANY GARAGE DOOR WILL BE SET BACK A MINIMUM OF 25 FEET FROM

THE MINIMUM LOT WIDTH SHALL BE 70 FEET MEASURED AT THE BUILDING LINE EXCEPT THAT THE WIDTH OF ANY CUL-DE-SAC LOT MAY BE LESS THAN THE MINIMUM FRONTAGE AT THE RIGHT-OF-WAY PROVIDING THE LOT WIDTH AT THE BUILDING LINE IS A MINIMUM OF 60 FEET.

NO STRUCTURE MAY BE CONSTRUCTED OR ERECTED ON ANY LOT IN EXCESS OF THE HEIGHT PERMITTED BY THE REQUIREMENTS OF THE R-2

EXCEPT AS MODIFIED ABOVE, ALL LOTS SHALL, AT A MINIMUM, MEET THE REQUIREMENTS OF THE R-2 DISTRICT OF THE BROKEN ARROW

B. UTILITY AND GOVERNMENTAL SERVICES ACCESS EASEMENT. THE OWNER HEREBY GRANTS TO THE CITY OF BROKEN ARROW, OKLAHOMA, THE UNITED STATES POSTAL SERVICE, ANY PUBLIC UTILITY PROVIDING UTILITY SERVICE TO THE SUBDIVISION, AND ANY REFUSE COLLECTION SERVICE WHICH PROVIDES SERVICE WITHIN THE SUBDIVISION, THE RIGHT TO ENTER AND TRAVERSE THE PRIVATE STREETS AND TO OPERATE THEREON ALL SERVICE, EMERGENCY AND GOVERNMENTAL VEHICLES, INCLUDING, BUT

SIDEWALKS WILL BE INSTALLED BY THE DEVELOPER ALONG ALL RESERVE AREAS AND SHALL BE MAINTAINED BY THE ASSOCIATION.

A MINIMUM OF TWO, ENCLOSED OFF-STREET PARKING SPACES SHALL BE PROVIDED ON EACH LOT BY EACH LOT OWNER WITHIN THE GARAGE OF

ALL RESERVE AREAS, THE PRIVATE STREETS, LANDSCAPING AREAS AND EASEMENTS AND ALL OTHER COMMON AREAS SHALL BE MAINTAINED BY THE

IN THE EVENT OF AN AMBIGUITY OR CONFLICT OF ANY WORD OR TERM SET FORTH IN THIS SECTION II, THE MEANING THEREOF, SHALL BE DEEMED TO BE DEFINED AS SET FORTH IN THE CITY OF BROKEN ARROW ZONING ORDINANCE, AS SUBSEQUENTLY AMENDED.

Section III. PRIVATE BUILDING AND USE RESTRICTIVE COVENANTS. FOR THE PURPOSE OF PROVIDING AN ORDERLY DEVELOPMENT OF THE SUBDIVISION, TO PROTECT THE DESIRABILITY OF THE SUBDIVISION AND THE VALUES THEREOF, AND FOR MAINTAINING CONFORMITY OF THE IMPROVEMENTS THEREIN, THE FOLLOWING RESTRICTIONS AND COVENANTS ARE HEREBY IMPOSED UPON THE USE AND OCCUPANCY OF THE LOTS WITHIN THE SUBDIVISION, WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE

B.BE RESPONSIBLE FOR INTERPRETING THE DEVELOPMENT AND CONSTRUCTION STANDARDS CONTAINED HEREIN AND ANY BUILDING GUIDELINES

THE ARCHITECTURAL COMMITTEE SHALL CONSIST OF NOT LESS THAN ONE (1) NOR MORE THAN FIVE (5) MEMBERS TO BE APPOINTED BY OWNER UNTIL OWNER. IN ITS SOLE DISCRETION, ASSIGNS AND TRANSFERS THE RESPONSIBILITY FOR THE APPOINTMENT OF THE ARCHITECTURAL

NO BUILDING, FENCE, WALL, FREE STANDING MAILBOX OR ANY OTHER IMPROVEMENTS OR STRUCTURE MAY BE COMMENCED, ERECTED, CONSTRUCTED OR PLACED ON ANY LOT IN THE SUBDIVISION WITHOUT THE WRITTEN APPROVAL OF THE ARCHITECTURAL COMMITTEE. THE ARCHITECTURAL PLANS TO BE SUBMITTED AND APPROVED IN ACCORDANCE HEREWITH SHALL BE SUBMITTED IN DUPLICATE AND SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING WITH REGARD TO EACH IMPROVEMENT TO BE CONSTRUCTED ON ANY LOT IN THE SUBDIVISION, WHICH MUST BE

A "HARDSCAPE" PLAN, SHOWING THE LOCATION AND COMPOSITION OF ALL DRIVEWAYS, WALKWAYS AND PATIOS. G. ANY OTHER PLANS OR INFORMATION REQUIRING THE APPROVAL OF THE CITY OF BROKEN ARROW OR THE BROKEN ARROW PLANNING

ANY OTHER PLANS OR DETAILS REQUIRED BY THE ARCHITECTURAL COMMITTEE. IN PASSING UPON SUCH PLANS, SPECIFICATIONS, PLOT PLANS, DRAINAGE AND GRADING PLANS, THE ARCHITECTURAL COMMITTEE MAY TAKE INTO CONSIDERATION THE SUITABILITY OF THE PROPOSED BUILDING OR OTHER STRUCTURES AND OF THE MATERIAL OF WHICH IT IS TO BE BUILT TO THE SITE UPON WHICH IT IS PROPOSED TO ERECT THE SAME, THE HARMONY THEREOF WITH THE SURROUNDING BUILDINGS AND LOTS AND THE

EFFECT OF THE BUILDING OR OTHER STRUCTURES AS PLANNED ON THE VIEW FROM THE ADJACENT OR NEIGHBORING LOTS. THE ARCHITECTURAL COMMITTEE MAY AUTHORIZE IN WRITING VARIANCES FROM COMPLIANCE WITH ANY OF THE DESIGN GUIDELINES OR THE PROVISIONS OF SECTION III WHEN CIRCUMSTANCES PECULIAR TO THE PROPERTY IN QUESTION, INCLUDING, BUT NOT LIMITED TO, TOPOGRAPHY, OBSTRUCTIONS, HARDSHIP OR AESTHETIC, ENVIRONMENTAL OR OTHER CONSIDERATIONS WOULD ALLOW A VARIANCE FROM THE PROVISIONS OF SECTION III WITHOUT ANY DETRIMENT TO THE SUBDIVISION, BUT ONLY IN ACCORDANCE WITH SPECIFIC CONDITIONS IMPOSED BY THE

ARCHITECTURAL COMMITTEE. NO VARIANCE SHALL BE CONTRARY TO ANY SPECIFIC RESTRICTION SET FORTH HEREIN OTHER THAN THE PROVISIONS OF SECTION III OR THE DESIGN GUIDELINES NOR ESTOP THE ARCHITECTURAL COMMITTEE FROM DENYING A VARIANCE IN ANY OTHER CIRCUMSTANCES. FOR PURPOSES OF THIS SECTION, THE INABILITY TO OBTAIN APPROVAL OF ANY GOVERNMENTAL AGENCY, ISSUANCE OF ANY PERMIT OR THE TERMS OF ANY FINANCING SHALL NOT BE CONSIDERED A HARDSHIP WARRANTING A VARIANCE. THIS SECTION SHALL NOT BE CONSTRUED SO AS TO CONFER ON ANY LOT OWNER ANY ENTITLEMENT TO A VARIANCE OR WAIVER.

B. <u>FLOOR AREA.</u> SINGLE STORY DWELLINGS SHALL HAVE A MINIMUM OF 3,500 SQUARE FEET OF LIVING AREA. MULTI-STORY DWELLINGS SHALL HAVE A MINIMUM OF 4,000 SQUARE FEET OF LIMING AREA; PROVIDED, HOWEVER, THAT THE FIRST FLOOR SHALL HAVE A MINIMUM OF 3,000 SQUARE FEET OF LIMING

NO STRUCTURE, OUTBUILDING, FENCE OR WALL SHALL BE SO SITUATED THAT, IN THE OPINION OF THE ARCHITECTURAL COMMITTEE, IT

UNREASONABLY OBSTRUCTS A VIEW OF THE GOLF COURSE OR OF A GREENBELT AREA OR A WATER FEATURE FROM ANOTHER LOT. ALL EXPOSED FOUNDATIONS SHALL BE OF BRICK, STUCCO OR STONE. NO CONCRETE BLOCKS, POURED CONCRETE OR ANY OTHER FOUNDATION

AN ATTACHED GARAGE PROVIDING SPACES FOR A MINIMUM OF TWO (2) AUTOMOBILES SHALL BE PROVIDED ON EACH LOT. GARAGES SHALL BE ENCLOSED AND CARPORTS ARE PROHIBITED. ALL DRIVEWAYS SHALL BE CONCRÈTE OR OTHER MASONRY APPROVED BY THE ARCHITECTURAL COMMITTEE, GARAGE DOORS

IF A GARAGE HAS SPACES FOR MORE THAN TWO CARS, THE GARAGE DOOR FOR THE ADDITIONAL SPACE(S) (AFTER THE FIRST TWO) SHALL BE OFFSET AND

ONE HUNDRED PERCENT (100%) OF THE SURFACE OF EXTERIOR WALLS (EXCLUDING WINDOWS AND DOORS) SHALL BE BRICK, STONE OR STUCCO EXCEPT UNDER COVERED PORCHES AND PATIOS. PROVIDED THAT THE EXTERIOR WALLS ABOVE THE FIRST FLOOR ELEVATION WALL MAY BE CONSTRUCTED OF WOOD. MASONITE OR A COMPARABLE SIDING PRODUCT. NOTWITHSTANDING THE FORGOING, BRICK, STONE OR STUCCO SHALL EXTEND TO THE TOP OF GABLES ON THE

ONE HUNDRED PERCENT (100%) OF THE EXTERIOR WALLS (EXCLUDING WINDOWS AND DOORS) SHALL BE BRICK, STONE OR STUCCO EXCEPT UNDER COVERED

ALL WINDOW FRAMES AND DOORS SHALL BE OF EITHER WOOD, VINYL CLAD WOOD OR VINYL. ALUMINUM WINDOWS HAVING A MILL FINISH ARE PROHIBITED.

NO DWELLING SHALL HAVE A ROOF PITCH OF LESS THAN 9/12; PROVIDING, HOWEVER, THAT A ROOF OVER A PORCH SHALL HAVE A ROOF PITCH OF NO LESS

SECTION III. PRIVATE BUILDING AND USE RESTRICTIVE COVENANTS.(CONT) ROOFING MATERIALS.

ROOFING SHALL BE SELF-SEALING TAMKO HERITAGE 30 YEAR, OXFORD GRAY COMPOSITION SHINGLES OR APPROVED EQUIVALENT; PROVIDING, HOWEVER, IN THE EVENT SUCH ROOFING SHOULD HEREINAFTER NOT BE REASONABLY AVAILABLE, ALTERNATIVE ROOFING OF COMPARABLE QUALITY SHALL BE PERMITTED UPON A DETERMINATION OF THE ARCHITECTURAL COMMITTEE THAT THE PROPOSED ALTERNATIVE IS OF COMPARABLE OR BETTER QUALITY AND OF A DESIGN AND QUALITY WHICH IS COMPATIBLE WITH THE ROOFING FIRST DESCRIBED. J. <u>ANTENNA.</u>

EXTERIOR ANTENNAS OR OTHER DEVICES (INCLUDING SUPPORTING STRUCTURES) FOR THE TRANSMISSION OR RECEPTION OF RADIO, TELEVISION, SATELLITE Signals or other forms of electo-magnetic radiation are prohibited, except that within each lot one satellite dish, not exceeding TWENTY-FOUR INCHES (24") IN DIAMETER, IS PERMITTED. THE LOCATION OF ANY SUCH SATELLITE DISH MUST BE APPROVED BY THE ARCHITECTURAL COMMITTEE AND SHALL BE, WHEREVER POSSIBLE, SUCH THAT THE SATELLITE DISH IS NOT VISIBLE FROM ANY PUBLIC OR PRIVATE STREET.

- K. MATERIALS AND STORAGE. NO LOT WILL BE USED FOR THE STORAGE OF MATERIALS FOR A PERIOD OF GREATER THAN THIRTY (30) CALENDAR DAYS PRIOR TO THE START OF CONSTRUCTION, AND THEN THE CONSTRUCTION SHALL BE COMPLETED WITHIN SIX (6) MONTHS. ALL LOTS SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION AT ALL TIMES.
- RECREATIONAL VEHICLES NO CAMPERS, BOATS, TRAILERS, MOTOR HOMES, RECREATIONAL OR OTHER VEHICLES SHALL BE PARKED OR STORED IN THE SUBDIVISION FOR A PERIOD TO EXCEED TWENTY-FOUR (24) HOURS UNLESS STORED OR PARKED IN AN ENCLOSED GARAGE. M. INOPERATIVE VEHICLES.
- NO INOPERATIVE VEHICLE OR MACHINERY SHALL BE STORED ON ANY LOT, EXCEPT WITHIN AN ENCLOSED GARAGE, WHICH GARAGE DOOR MUST BE CLOSED EXCEPT FOR NORMAL OPERATION FOR ENTERING AND EXITING THE GARAGE. N. MAINTENANCE OF LOTS.
- EACH LOT SHALL BE MAINTAINED FREE OF RUBBISH, TRASH OR OTHER DEBRIS AND SHALL BE CUT, TRIMMED OR MOWED TO PREVENT GROWTH OF WEEDS OR TALL GRASS. GRASS AND LANDSCAPING SHALL BE MAINTAINED ON A REGULAR BASIS. TRASH CONTAINERS, EXCEPT DURING PERIODS OF COLLECTION. SHALL BE STORED OUT OF VIEW FROM THE PUBLIC AND FROM ADJOINING PROPERTY OWNERS. NO EXPOSED GARBAGE CANS, TRASH CAN OR ANY TRASH BURNING APPARATUS OR STRUCTURE SHALL BE PLACED ON ANY LOT.
- SURFACE DRAINAGE. 0. HE OWNER OF EACH LOT SHALL MAINTAIN THE SURFACE DRAINAGE, EITHER NATURAL OR ARTIFICIAL, OVER AND ACROSS SUCH LOT. NO LOT OWNER SHALL CONSTRUCT OR PERMIT ANY FENCING OR OTHER OBSTRUCTION WHICH WOULD IMPAIR THE DRAINING OF STORM WATER OVER AND ACROSS THE LOT. NO LOT OWNER SHALL MODIFY OR CHANGE THE DIRECTION OF SURFACE STORM WATER FROM THE ORIGINAL, APPROVED DRAINAGE PLAN CONSTRUCTED ON THE
- P. <u>ON-SITE CONSTRUCTION</u> EACH DWELLING MUST BE CONSTRUCTED ON-SITE AND NO DWELLING BUILT OFF-SITE SHALL BE PLACED ON ANY LOT.
- Q. <u>OUTBUILDINGS.</u> OUTDOOR STORAGE BUILDINGS ARE NOT PERMITTED. OTHER OUTBUILDINGS, SUCH AS GAZEBOS OR CABANAS, MAY BE PERMITTED SUBJECT TO THE APPROVAL OF THE LOCATION, STYLE AND MATERIALS USED IN THE CONSTRUCTION BY THE ARCHITECTURAL COMMITTEE PRIOR TO CONSTRUCTION, AND PROVIDING THAT THE OUTBUILDING IS COMPATIBLE IN MATERIAL AND STYLE WITH THE PRIMARY RESIDENCE. NO OUTBUILDING SHALL BE ERECTED ON A LOCATION THAT THE ARCHITECTURAL COMMITTEE DETERMINES WOULD UNREASONABLY OBSTRUCT A VIEW OF THE GOLF COURSE, A GREENBELT AREA OR A WATER FEATURE FROM ANOTHER LOT.
- R. SWIMMING POOLS ABOVE GROUND SWIMMING POOLS ARE PROHIBITED. ANY POOL OR SPA SHALL BE IN-GROUND AND PERMANENT. LOTS WITH SWIMMING POOLS SHALL HAVE SUFFICIENT SECURITY FENCING AS REQUIRED BY CODE. SWIMMING POOL ANCILLARY EQUIPMENT SHALL BE SHIELDED FROM VIEW FROM THE STREET AND ADJACENT LOTS.
- S. INTERIOR FENCES. 1. RESTRICTION APPLICABLE TO ALL LOTS -
- ALL FENCES AND WALLS MUST BE APPROVED BY THE ARCHITECTURAL COMMITTEE. EACH OWNER OF A LOT SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF FENCING ON SUCH LOT. NO FENCE SHALL EXTEND BEYOND THE FRONT BUILDING LINE, ALL FENCES SHALL CONFORM TO THE DESIGN GUIDELINES ESTABLISHED BY THE ARCHITECTURAL COMMITTEE AND SHALL BE CONSTRUCTED ENTIRELY OF WOOD, BRICK, STONE, WROUGHT IRON OR OTHER METAL HAVING THE APPEARANCE OF WROUGHT IRON ("WROUGHT IRON-STYLE"), OR SOME COMBINATION THEREOF AS APPROVED BY THE ARCHITECTURAL COMMITTEE. VINYL, CHAIN LINK, BARBED WIRE, MESHED OR OTHER METAL FENCES ARE PROHIBITED. WOOD FENCES SHALL BE CONSTRUCTED WITH METAL POSTS AND SHALL INCLUDE A CAP AND TRIM. NO FENCE SHALL EXCEED SIX (6) FEET IN HEIGHT. NO FENCE OR WALL SHALL BE ALLOWED WHICH, IN THE OPINION OF THE ARCHITECTURAL COMMITTEE, UNREASONABLY OBSTRUCTS A VIEW OF THE COLF
- COURSE, A GREENBELT AREA, OR A WATER FEATURE FROM ANOTHER LOT. ANY WOOD FENCE (WHERE ALLOWED) WHICH IS CONSTRUCTED ADJACENT TO A STREET SHALL BE DOUBLE SIDED OR SHALL BE CONSTRUCTED WITH THE PICKETS FACING THE STREET SIDE OF THE FENCE AND SHALL BE POSITIONED AT LEAST FIVE (5) FEET INSIDE THE PROPERTY LINE. IF SUCH FENCE
- RUNNING ADJACENT TO A STREET IS MORE THAN TWENTY (20) FEET LONG, LANDSCAPING OUTSIDE THE FENCE MUST BE INSTALLED BY THE LOT OWNER PURSUANT TO A LANDSCAPE PLAN SUBMITTED TO AND APPROVED BY THE ARCHITECTURAL COMMITTEE. WROUGHT IRON-STYLE FENCES SHALL BE AMERISTAR MONTAGE PLUS THREE RAIL CLASSIC OR APPROVED EQUIVALENT. IN THE EVENT SUCH FENCING SHOULD HEREAFTER NOT BE REASONABLY AVAILABLE, ALTERNATIVE FENCING OF COMPARABLE STYLE AND QUALITY SHALL BE PERMITTED UPON A
- DETERMINATION OF THE ARCHITECTURAL COMMITTEE THAT THE PROPOSED ALTERNATIVE IS OF COMPARABLE OR BETTER QUALITY AND OF A DESIGN WHICH IS SIMILAR TO THE FENCING FIRST DESCRIBED. 2. RESTRICTIONS APPLICABLE ONLY TO BLOCK 1 -

ALL FENCES ON LOTS WITHIN BLOCK 1 SHALL BE WROUGHT IRON-STYLE, AND SHALL BE OF A CONSISTENT STYLE THROUGHOUT THE SUBDIVISION AS SPECIFIED BY THE ARCHITECTURAL COMMITTEE. NO FENCE IN BLOCK 1 SHALL EXCEED FOUR (4) FEET IN HEIGHT. HOWEVER, NOTWITHSTANDING THE FOREGOING, OTHER TYPES OF FENCING ALLOWED UNDER THE PROVISIONS OF SECTION III.S.1., ABOVE, MAY BE ÉRECTED ON THE SIDE LOT LINES ONLY SEPARATING LOTS 1 AND 2 AND LOTS 2 AND 3 OF BLOCK 1.

THE LOT OWNER OF ANY LOT ABUTTING CEDAR RIDGE COUNTRY CLUB MAY CONNECT SIDE YARD FENCES TO CEDAR RIDGE COUNTRY CLUB'S FENCE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE FENCE AGREEMENT BY AND BETWEEN CEDAR RIDGE COUNTRY CLUB, INC. AND THE OWNER FILED OF RECORD IN THE OFFICE OF THE COUNTY CLERK OF TULSA COUNTY, OKLAHOMA. GATES PROVIDING ACCESS TO THE CEDAR RIDGE COUNTY CLUB'S PROPERTY ARE NOT ALLOWED.

3. A FENCE WILL BE INSTALLED ALONG THE ENTIRE OUTER BOUNDARY OF THE SUBDIVISION (EXCLUDING THE BOUNDARY BETWEEN THE SUBDIVISION AND BERWICK FAIRWAYS I) AND SHALL BE MAINTAINED BY THE ASSOCIATION.

T. <u>Clotheslines.</u>

EXPOSED CLOTHESLINE POLES OR OTHER OUTSIDE DRYING APPARATUS ARE PROHIBITED.

U. <u>MAILBOXES.</u>

ALL MAILBOXES SHALL BE CONSTRUCTED OF MATERIALS, SIZE, LOCATION AND STYLE APPROVED BY THE ARCHITECTURAL COMMITTEE AND SHALL BE UNIFORM FOR THE NEIGHBORHOOD.

V. ANIMALS.

NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND MAY BE MAINTAINED, BRED, SOLD OR KEPT ON ANY LOT, EXCEPT THAT NO MORE THAN FOUR (4) DOGS, CATS OR OTHER CUSTOMARY AND NORMAL HOUSEHOLD PETS MAY BE KEPT, PROVIDED THAT THEY ARE NOT USED FOR COMMERCIAL PURPOSES. ALL PETS MUST BE LEASHED, EXCEPT IN AN ENCLOSED FENCED AREA AND EACH LOT OWNER SHALL BE RESPONSIBLE FOR NOT PERMITTING BARKING OR OTHER NOISE OR ACTIVITY BY SUCH PETS WHICH ARE A NUISANCE TO ADJOINING LOT OWNERS. NO EXOTIC WILD LIFE SHALL BE PERMITTED.

W. NOXIOUS ACTIVITIES.

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

X. <u>Signage.</u>

NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT, EXCEPT ONE SIGN OF NOT MORE THAN SIX (6) SQUARE FEET IN AREA ADVERTISING THE PROPERTY FOR SALE; PROVIDING, HOWEVER, NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO PROHIBIT SIGNS ADVERTISING THE SUBDIVISION AND HOMES FOR SALE BY THE OWNER OR ITS DESIGNATED BUILDERS.

Y. EXTERIOR LIGHTING, ALARMS AND VIDEO.

NO SPOTLIGHTS, FLOOD LIGHTS OR OTHER HIGH INTENSITY LIGHTING OR ALARMS AND VIDEO AND AUDIO EQUIPMENT SHALL BE PLACED UPON OR UTILIZED UPON ANY LOT IN A MANNER WHICH UNREASONABLY INTERFERES WITH THE ENJOYMENT OF ADJOINING LOTS.

Z. <u>Chimneys.</u>

ALL CHIMNEY CAPS SHALL BE COPPER OR CLAY. ALL CHIMNEYS SHALL BE OF MASONRY OR MASONRY VENEER CONSTRUCTION, EXCEPT THAT THE SIDE FACING THE ROOF MAY BE CONSTRUCTED OF WOOD, MASONITE OR A COMPARABLE SIDING PRODUCT.

AA. <u>GUTTERING, FLASHING AND ROOF VENTS.</u>

ALL DWELLINGS SHALL BE FULLY GUTTERED WITH "TIGHT-LINES" TO DRAIN IN ACCORDANCE WITH THE DRAINAGE PLAN. ALL EXPOSED EXTERIOR ROOF VENTS, FLASHING AND VALLEYS SHALL BE EITHER COPPER OR ALLMINUM PAINTED TO MATCH THE ROOFTOP. ALL EXTERIOR VENTING SHALL BE IN THE REAR OF THE RESIDENCE. IF POSSIBLE

BB. LANDSCAPING.

RESTRICTIONS APPLICABLE TO ALL LOTS -

A HARDSCAPE PLAN FOR EACH LOT MUST BE SUBMITTED TO AND APPROVED BY THE ARCHITECTURAL COMMITTEE PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ON ANY LOT. NO COTTONWOOD, MIMOSA, MULBERRY OR OTHER AESTHETICALLY UNDESIRABLE TREES OR PLANTS SHALL BE USED IN THE LANDSCAPING OF ANY LOT. NO TREES UNDER THREE (3) INCHES IN DIAMETER SHALL BE PLANTED OR MAINTAINED ON A LOT AS PART OF THE INITIAL, APPROVED LANDSCAPING. ALL YARDS SHALL BE FULLY SPRINKLED WITH AN UNDERGROUND, PERMANENT SYSTEM REGULATED BY AN INTERIOR CONTROL SYSTEM. ANY TERRACING MUST BE ACCOMPLISHED WITH HARDSCAPE MATERIALS APPROVED BY THE ARCHITECTURAL COMMITTEE. THE USE OF RAILROAD TIES IS PROHIBITED. TREES INSTALLED IN THE SUBDIVISION SHALL BE A MINIMUM OF 2.5 INCHES IN DIAMETER.

ADDITIONAL RESTRICTIONS APPLICABLE TO LOTS 3 THROUGH 19 OF BLOCK 1 -ALL LOTS MUST BE COMPLETELY SODDED ON THE COMPLETION OF A RESIDENCE AND PRIOR TO THE OCCUPANCY THEREOF. THE FRONT OF ALL HOMES MUST BE LANDSCAPED UPON COMPLETION AND PRIOR TO OCCUPANCY OF THE HOME ON EACH LOT. THE INITIAL LANDSCAPING SHALL BE AT A COST OF NO LESS THAN \$3,500.00 FOR THE FRONT YARD AND \$2,500 FOR THE REAR YARD. A MINIMUM OF TWO TREES WILL BE PLANTED IN THE FRONT YARD AND ONE TREE IN THE REAR

ADDITIONAL RESTRICTIONS APPLICABLE TO ALL OTHER LOTS -ALL LOTS MUST BE COMPLETELY SODDED ON THE COMPLETION OF A RESIDENCE AND PRIOR TO THE OCCUPANCY THEREOF. THE FRONT AND REAR OF ALL LOTS MUST BE LANDSCAPED UPON COMPLETION AND PRIOR TO OCCUPANCY OF THE HOME ON EACH LOT. THE INITIAL LANDSCAPING SHALL BE AT A COST OF NO LESS THAN \$3,500.00 FOR THE FRONT YARD. A MINIMUM OF TWO TREES WILL BE PLANTED IN THE FRONT YARD.

SECTION III. PRIVATE BUILDING AND USE RESTRICTIVE COVENANTS.(CONT)

CC. EXTERIOR HEATING, VENTILATION AND AIR CONDITIONING EQUIPMENT, ALL EXTERIOR HEATING, VENTILATION AND AIR CONDITIONING EQUIPMENT SHALL BE SCREENED FROM VIEW. NO WINDOW UNITS SHALL BE PERMITTED.

DD. UTILITY TRANSFORMERS. ALL TRANSFORMERS AND SIMILAR EQUIPMENT LOCATED ON A LOT SHALL BE SCREENED FROM VIEW.

EE. TRASH CONTAINERS. TRASH CONTAINERS SHALL BE SCREENED FROM VIEW AT ALL TIMES EXCEPT ON DAYS WHEN CONTAINERS ARE REQUIRED TO BE PLACED NEAR THE STREET FOR COLLECTION, IN WHICH CASE CONTAINERS SHALL BE RETURNED TO THEIR USUAL LOCATION AND SCREENED FROM VIEW BY THE END OF THE COLLECTION DAY.

FF. <u>Side yard setbacks.</u> A minimum of 15 feet between houses is required.

SECTION IV. HOMEOWNERS ASSOCIATIONS.

ASSOCIATION AND MASTER ASSOCIATION. FORMATION,

THE ACCOMPANYING PLAT OF BERWICK FAIRWAYS II IS PART OF A LARGER PLANNED RESIDENTIAL COMMUNITY WHICH SHALL INCLUDE FUTURE SUBDIVISIONS AND THE EXISTING SUBDIVISIONS BERWICK ON CEDAR RIDGE BLOCK 1, BERWICK ON CEDAR RIDGE, BLOCKS 2, 3, 4, 5 AND 6, BERWICK ON CEDAR RIDGE BLOCK 7, AND BERWICK FAIRWAYS I (HEREINAFTER ALL THE FOREGOING ARE COLLECTIVELY REFERRED TO AS BERWICK ON CEDAR RIDGE). IT IS INTENDED THAT THE HOMEOWNERS WITHIN EACH DEVELOPED PHASE OF BERWICK ON CEDAR RIDGE SHALL BE INCLUDED AS MEMBERS OF A MASTER HOMEOWNERS ASSOCIATION, AND IN CERTAIN PHASES HAVING DISTINCT AND SEPARATE COMMON AREA INTERESTS HOMEOWNERS WILL ALSO BE MEMBERS OF A SEPARATE NEIGHBORHOOD ASSOCIATION AS MORE FULLY SET FORTH IN THE DECLARATION. ACCORDINGLY, THE OWNER HAS FORMED AN ASSOCIATION OF THE OWNERS OF ALL RESIDENTIAL LOTS WITHIN BERWICK ON CEDAR RIDGE, WHICH IS NAMED BERWICK ON CEDAR RIDGE HOMEOWNERS ASSOCIATION, INC. (THE MASTER ASSOCIATION), AND HAS FORMED THE ASSOCIATION, WHICH ASSOCIATION SHALL INCLUDE ALL OF THE OWNERS OF RESIDENTIAL LOTS IN THE SUBDIVISION AND LOTS IN BERWICK FAIRWAYS I, FOR THE GENERAL PURPOSES OF MAINTAINING THE PRIVATE STREETS, ENTRYWAYS, STORM WATER MANAGEMENT AND DETENTION AREAS, RESERVE AREAS, TREES AND OTHER COMMON AREAS, IN ORDER TO ENHANCE THE DESIRABILITY AND ATTRACTIVENESS OF BERWICK ON CEDAR RIDGE, WHICH INCLUDES ALL LOTS IN THE ACCOMPANYING PLAT, THE FOREGOING SUBDIVISIONS AND ANY PROPERTIES ANNEXED THERETO.

- MEMBERSHIP
- EVERY RECORD OWNER OF A FEE INTEREST OF A LOT IN THE SUBDIVISION SHALL BE A MEMBER OF THE ASSOCIATION AND THE MASTER ASSOCIATION AND SUCH MEMBERSHIP SHALL BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM OWNERSHIP OF A LOT. THE ACCEPTANCE OF A DEED TO A LOT SHALL CONSTITUTE ACCEPTANCE OF MEMBERSHIP IN THE ASSOCIATION AND THE MASTER ASSOCIATION. ASSESSMENTS.
- EACH RECORD OWNER OF THE FEE INTEREST IN A LOT IN THE SUBDIVISION COVENANTS AND AGREES TO PAY TO THE ASSOCIATION AND THE MASTER ASSOCIATION AN ANNUAL ASSESSMENT ESTABLISHED BY THE ASSOCIATION AND THE MASTER ASSOCIATION, WHICH SHALL BE NO LESS THAN THE MINIMUM AMOUNT NECESSARY TO ADEQUATELY MAINTAIN AND SUPPORT ALL COMMON AREAS OF INTEREST, INCLUDING, WITHOUT LIMITATION, ALL RESERVE AREAS AS DESIGNATED ON THE PLATS AND WITHIN BERWICK ON CEDAR RIDGE. THE ANNUAL ASSESSMENT ON EACH LOT SHALL BE A LIEN ON EACH LOT AS SET FORTH IN THE DECLARATION AND THE INSTRUMENT OF FORMATION FOR THE ASSOCIATION AND THE MASTER ASSOCIATION. MAINTENANCE.

THE ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE. REPAIR AND REPLACEMENT OF THE RESERVE AREAS AND ANY STRUCTURES, STREETS, LANDSCAPING OR OTHER IMPROVEMENTS THEREON. THE RESERVE AREAS ARE RESERVED FOR SUBSEQUENT CONVEYANCE BY THE OWNER TO THE ASSOCIATION.

SECTION V. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY. A. ENFORCEMENT.

THE COVENANTS AND RESTRICTIONS SET FORTH HEREIN SHALL BE COVENANTS RUNNING WITH THE LAND AND WHICH SHALL BE BINDING UPON THE OWNER, ITS GRANTEES, SUCCESSORS AND ASSIGNS. IN THE EVENT THE OWNER OR ANY OF ITS SUCCESSORS, GRANTEES, LESSEES OR ASSIGNS, OR ANY PERSON CLAIMING UNDER THEM, SHALL VIOLATE OR BREACH ANY OF THE COVENANTS AND RESTRICTIONS SET FORTH HEREIN OR IMPOSED HEREBY, THE OWNER OR ANY LOT OWNER IN THE SUBDIVISION SHALL HAVE THE RIGHT TO MAINTAIN AN ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS ATTEMPTING TO VIOLATE ANY OF SUCH COVENANTS OR RESTRICTIONS TO PREVENT VIOLATION AND TO RECOVER DAMAGES FOR THE VIOLATION THEREOF. THE PREVAILING PARTY IN ANY SUCH SUIT SHALL BE ENTITLED TO RECOVER A REASONABLE ATTORNEY'S FEE AND THE COSTS OF THE ACTION.

WITHIN THE PROVISIONS OF SECTION I, STREETS, EASEMENTS AND UTILITIES, ARE SET FORTH CERTAIN COVENANTS AND CERTAIN ENFORCEMENT RIGHTS PERTAINING THERETO AND SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA IN THE EVENT THE OWNER, ANY LOT OWNER, OR ANY OF THEIR SUCCESSORS OR ASSIGNS, OR ANY PERSON CLAIMING UNDER THEM SHALL VIOLATE OR BREACH ANY OF THE COVENANTS AND RESTRICTIONS SET FORTH THEREIN OR IMPOSED THEREBY. THE BENEFICIARIES OF THE COVENANTS AS SET FORTH IN SECTION I HEREOF WITH RESPECT TO SUCH COVENANTS ONLY. SHALL HAVE THE RIGHT TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS ATTEMPTING TO VIOLATE ANY OF SUCH COVENANTS OR RESTRICTIONS TO PREVENT VIOLATION OR TO RECOVER DAMAGES FOR THE VIOLATIONS THEREOF. THE COVENANTS SET FORTH IN SECTION II, PLANNED UNIT DEVELOPMENT RESTRICTIONS, ARE ESTABLISHED PURSUANT TO THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE BROKEN ARROW ZONING ORDINANCE AND SHALL INURE TO THE BENEFIT OF AND BE ENFORCEABLE BY THE CITY OF BROKEN ARROW, OKLAHOMA. IN THE EVENT THE OWNER, ANY LOT OWNER, OR ANY OF THEIR SUCCESSORS, GRANTEES, LESSEES OR ASSIGNS, OR ANY PERSON CLAIMING UNDER THEM, SHALL VIOLATE OR BREACH ANY OF THE COVENANTS AND RESTRICTIONS SET FORTH HEREIN OR IMPOSED HEREBY, THE CITY OF BROKEN ARROW, OKLAHOMA SHALL HAVE THE RIGHT TO MAINTAIN AN ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS ATTEMPTING TO VIOLATE ANY OF SUCH COVENANTS OR RESTRICTIONS TO PREVENT VIOLATION OR TO RECOVER DAMAGES FOR THE VIOLATION THEREOF.

NOTHING HEREIN CONTAINED, HOWEVER, SHALL BE CONSTRUED, EITHER EXPRESSLY OR IMPLIEDLY, AS PROHIBITING, LIMITING OR RESTRICTING THE RIGHT OF THE OWNER OF ANY PARCEL OF LAND WITHIN THE ADDITION TO APPLY FOR AND OBTAIN AT ANY TIME HEREAFTER AN AMENDMENT TO PUD NO. 182 PROVIDED, HOWEVER, THAT ANY SUCH AMENDMENT MUST BE FIRST APPROVED IN WRITING BY THE OWNER AND BY THE LOT OWNERS OF AT LEAST 51% OF THE LOTS IN THE ADDITION (INCLUDING THE OWNER). THE OWNER MAY DELEGATE ITS RIGHT TO APPROVE AN AMENDMENT TO THE ARCHITECTURAL COMMITTEE. DURATION.

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

INVALIDATION OF ANY COVENANT OR 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. AMENDMENT.

THE COVENANTS CONTAINED WITHIN SECTION 1, STREETS, EASEMENTS AND UTILITIES HEREIN MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF THE LOT OR PARCEL TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE BROKEN ARROW CITY COUNCIL OR ITS SUCCESSORS AND THE CITY OF BROKEN ARROW. THE COVENANTS CONTAINED WITHIN SECTION II, <u>PLANNED UNIT DEVELOPMENT RESTRICTIONS</u>, MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED BY AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BROKEN ARROW OR ITS SUCCESSORS, AS TO THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING THE COVENANTS SET FORTH IN SECTIONS II HEREOF. THE COVENANTS WITHIN SECTION III, PRIVATE BUILDING AND USE RESTRICTIONS AND THE COVENANTS WITHIN SECTION IV. HOMEOWNERS ASSOCIATION MAY BE AMENDED OR TERMINATED BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER DURING SUCH TIME AS IT OWNS ANY LOT IN THE SUBDIVISION OR ANY LOT IN ANY OF THE OTHER PHASES IN BERWICK ON CEDAR RIDGE WITHOUT THE APPROVAL OF ANY OTHER LOT OWNERS, OR, IN THE ALTERNATIVE, BY THE LOT OWNERS OF AT LEAST SIXTY-FIVE PERCENT (65%) OF THE LOTS IN THE SUBDIVISION: PROVIDING, HOWEVER, AND NOT WITHSTANDING IN ANY PROVISION IN ANY DOCUMENTS TO THE CONTRARY. THAT SO LONG AS THE OWNER OWNER ANY LOT IN THE SUBDIVISION OR ANY LOT IN ANY OF THE OTHER PHASES OF BERWICK ON CEDAR RIDGE ANY SLICH AMENDMENT MUST BE APPROVED IN WRITING BY THE OWNER. THE OWNER MAY DELECATE ITS RICHT TO APPROVE ANY SLICH AMENDMENT TO THE ARCHITECTURAL COMMITTEE. ANY SUCH AMENDMENT SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY EXECUTED AND RECORDED IN THE OFFICE OF THE COUNTY CLERK OF TULSA COUNTY, OKLAHOMA.

IN WITNESS WHEREOF, RLAND DEVELOPMENT GROUP, L.I	L.C., HAS EXECUTED THIS INSTRUMENT THIS <u>27</u> DAY OF <u>N</u> RLAND DEVELOPMENT GROUP, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY	2012.
STATE OF OKLAHOMA))SS COUNTY OF TULSA) THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE GROUP, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMP		WAGER OF RLAND DEVELOPMENT
(SIGNATURE OF NORARIAL)	KATHLEEN CHU Notary Public, State o Commission # 08 My Commission Expires Nov	011369
I, DAVID CANTRELL, A REGISTERED PROFESSIONA CAREFULLY AND ACCURATELY SURVEYED, STAKED ACCOMPANYING PLAT DESIGNATED HEREON AS "	L ENGINEER AND LAND SURVEYOR IN THE STATE OF OKLA D, SUBDIVIDED, AND PLATTED THE TRACT OF LAND DESCRI BERWICK FAIRWAYS II", A SUBDIVISION TO THE CITY OF BR THE GROUND USING GENERALLY ACCEPTED PRACTICES AND	AHOMA, HEREBY CERTIFY THAT I HAVE BED ABOVE, AND THAT THE ROKEN ARROW, STATE OF OKLAHOMA, IS
BAVID CANTRELL LICENSED PROFESSIONAL LAND SURVEYOR OKLAHOMA NO. 351	DAVID L DAVID L CANTREL OL L.S. 351	
, 2012, PERSONALLY APPEARE	LIC IN AND FOR SAID COUNTY AND STATE, ON THIS	DAY OF PERSON WHO SUBSCRIBED HIS NAME
AND PURPOSES THEREIN SET FORTH. GIVEN UNDER MY HAND AND SEAL THE DAY AND	TO THE FOREGOING CERTIFICATE AS HIS FREE AND VOLU D YEAR LAST ABOVE WRITTEN.	NTARY ACT AND DEED FOR THE USES
(SIGNATURE OF NOTARY) KATHLEEN CHURCH Notary Public, State of Oklahoma Commission # 08011369 My Commission Expires November 06, 2016	APPROVED <u>3</u> 612 by the City Council of the City of Broken Arrow Oklahoma. <u>Crain Thurmond</u> Af Mayor Mane bure Attest: Oity Clerk	BERWICK FAIRWAYS II CASE NO. PT 07-118 DEV. # 07-187 Sheet 2 of 2



Fact Sheet

File #: 17-1908, Version: 1

	Broken Arrow Planning Commission
	03-09-2017
To: From: Title:	Chairman and Commission Members Development Services Department
	Approval of ST17-103, Cotton Patch Cafe building elevations, 1.58 acres, CH, one-quarter mile west of 9 th Street, north of Kenosha Street
Background:	
Applicant:	Kartavya Patel, Triangle Engineering LLC
Owner:	Vaquero Broken Arrow Partners, LP
Developer:	Vaquero Broken Arrow Partners, LP
Engineer:	Triangle Engineering, LLC
Location:	One-quarter mile west of 9th Street, north of Kenosha Street
Size of Tract	1.58 acres
Number of Lots:	1
Present Zoning:	СН
Comp Plan:	Level 6 (Regional Commercial/Employment)

A site plan and landscape plan has been submitted for a proposed Cotton Patch Cafe restaurant. The site is located one-quarter mile west of 9th Street, north of Kenosha Street, between 5th Street and 6th Street. The property has been platted as Compton Addition II. A self-service car wash that was previously located on the property has been removed. Cotton Patch Cafe will be constructing a new building on the east side of the property, while Take 5 Oil Change is proposing a new building on the west side of the property. Applicant is contemplating doing a lot split on the property in the future.

The building elevations submitted with the site plan show the exterior of the building to contain metal siding along with a painted Hardie-Board siding with a B&B application. Hardie-Board is a cement board siding that has been classified as a masonry product.

According to Section 5.8.G.1 of the Zoning Ordinance, all new construction in the Commercial Heavy (CH) district shall have those vertical exteriors that are facing a public or private street constructed of, but not limited to: masonry, concrete panels, glass block, glass, curtain walls, Exterior Insulated Finished Systems (EFIS), or stucco. Metal finishes, wood, plastic and other masonry material may be considered and approved by the Planning Commission through the site plan review process. As result, application is requesting approval of the metal and Hardie-Board siding proposed to be used on the exterior of the Cotton Patch Cafe.

File #: 17-1908, Version: 1

Surrounding land uses and zoning classifications include the following:

North:	CH	Automotive repair
East:	CH	Undeveloped
South:	CG	Office
West:	R-1 (CH via BAZ 1734)	Undeveloped
Attachments	Zoning/aerial map Building elevations Site plan	

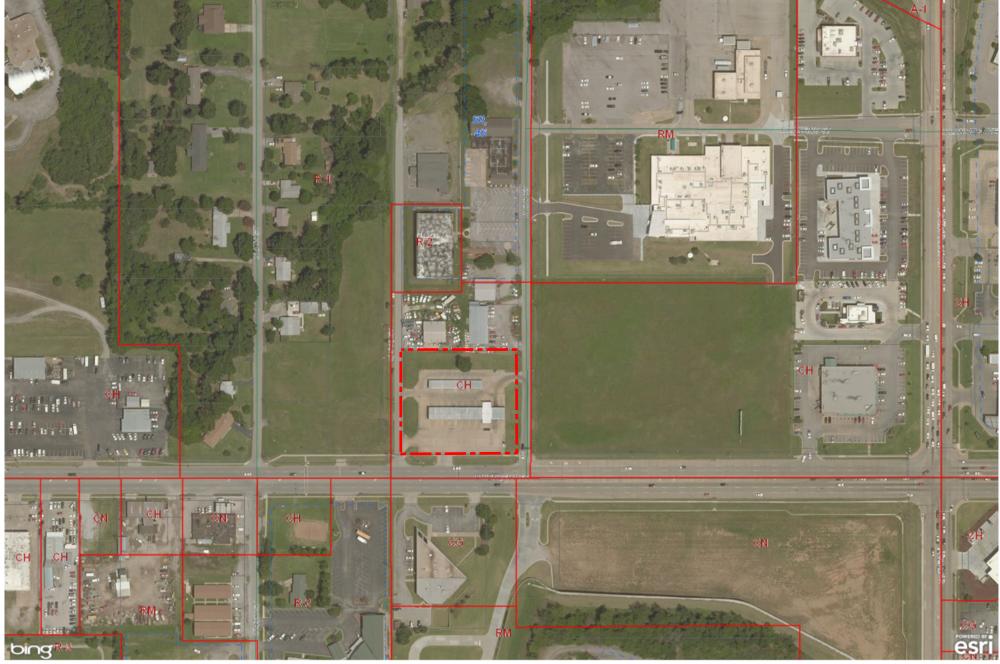
Recommendation:

Staff recommends that the building elevations for the proposed Cotton Patch Cafe be approved as presented.

Reviewed and approved by: Larry R. Curtis

LRC: BDM

ST17-103 Cotton Patch Cafe





Geographic Technologies Group

287 ft









SITE SUN	IMARY
PROPOSED USE	COTTON PATCH CAFE
TOTAL LOT AREA	48,685 S.F.
TOTAL ACREAGE	1.118 ACRES
OPEN AREA	4,550 S.F.
IMPERVIOUS AREA	44,135 S.F.
% IMPERVIOUS	90.6%

PARKING S	UMMARY
RESTAURANT (1/100 S.F.)	45 SPACES
PARKING PROVIDED	70
H/C PARKING REQUIRED	4 SPACES
H/C PARKING PROVIDED	4 SPACES

BUILDING S	UMMARY
NO. OF STORIES	1
BUILDING AREA	4,430 S.F.
BUILDING COVERAGE	9.1%

SITE GENERAL NOTES:

1. DIMENSIONS SHOWN ARE TO THE FACE OF CURB, UNLESS OTHERWISE INDICATED.

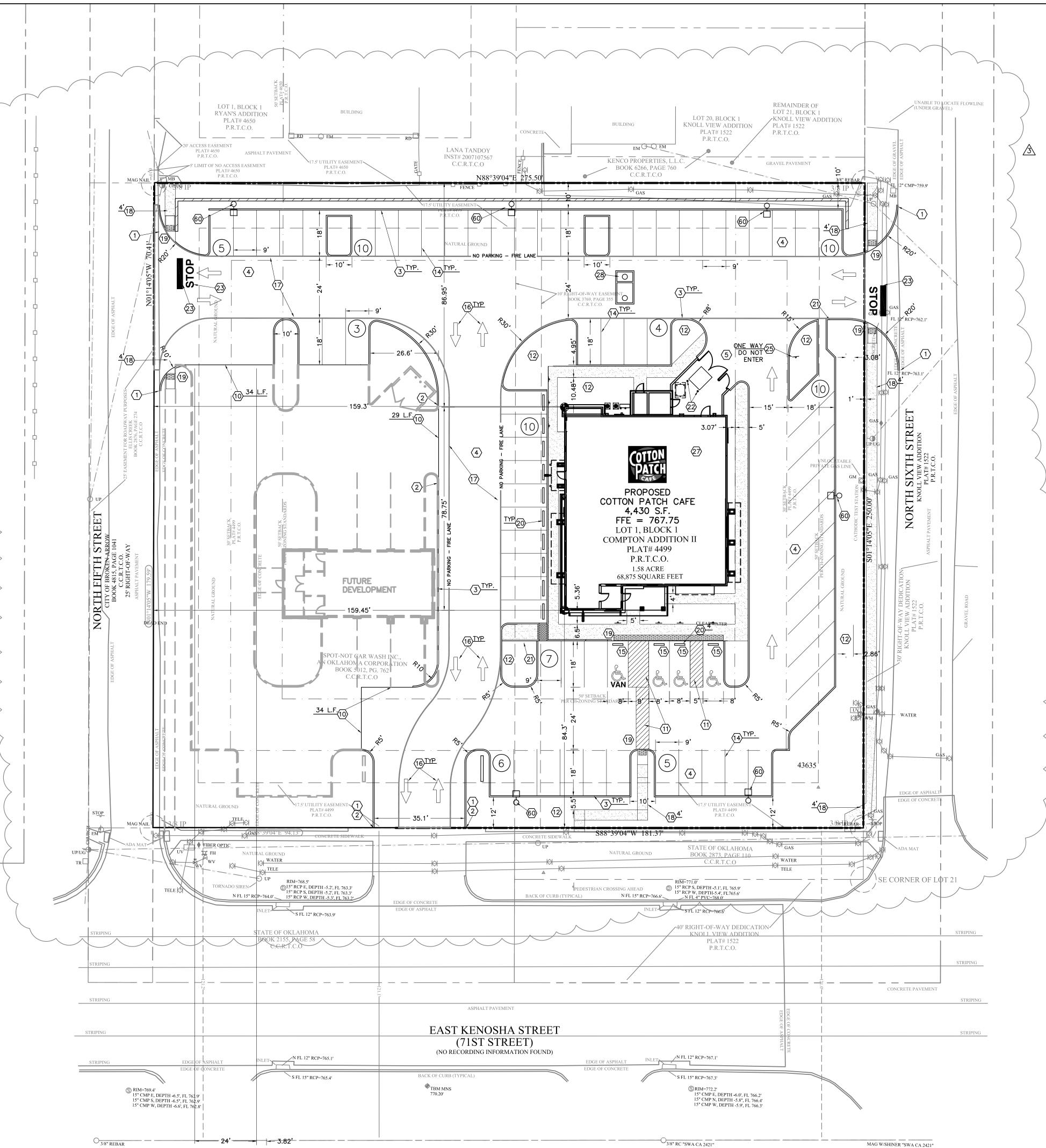
- 2. USE 3' RADII, UNLESS SHOWN OTHERWISE.
- 3. THE INFORMATION PERTAINING TO EXISTING CONDITIONS WAS TAKEN FROM A SURVEY PROVIDED BY: JPH LAND SURVEYING, INC..
- 4. THE LOCATION OF ALL EXISTING UTILITIES WERE OBTAINED FROM AVAILABLE INFORMATION. THE CONTRACTOR SHALL VERIFY EXACT LOCATION AND DEPTH OF UTILITY PRIOR TO BEGINNING CONSTRUCTION. CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES.
- 5. ALL ACCESSIBLE PARKING SPACES AND TRAVEL ROUTES SHALL BE CONSTRUCTED IN ACCORDANCE WITH A.D.A. AND/OR STATE REQUIREMENTS (I.E. PROJECTS IN TEXAS SHALL BE APPROVED BY A TAS SPECIALIST).
- 6. ANY DISCREPANCIES IN THIS PLAN AND ACTUAL FIELD CONDITIONS SHALL BE REPORTED _____ TO THE OWNER AND ENGINEER PRIOR TO THE START OF CONSTRUCTION.
- 7. PRIOR TO STARTING CONSTRUCTION, THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION SHALL BEGIN UNTIL ALL PERMITS HAVE BEEN RECEIVED.
- 8. CONTRACTOR SHALL MAINTAIN THE SITE IN A MANNER SO THAT WORKMEN AND PUBLIC SHALL BE PROTECTED FROM INJURY, AND ADJOINING PROPERTY PROTECTED FROM DAMAGE. CONTRACTOR SHALL REPAIR ANY DAMAGE DONE TO PRIVATE OR PUBLIC PROPERTY.
- 9. ACCESS TO UTILITIES, FIRE HYDRANTS, ETC. SHALL REMAIN UNDISTURBED AT ALL TIMES, UNLESS COORDINATED OTHERWISE.
- 10. THE GENERAL CONTRACTOR SHALL REMOVE ALL TRASH AND DEBRIS FROM THE SITE UPON COMPLETION OF THE PROJECT.
- 11. ALL SUBGRADE PREPARATION, PAVING, AND UTILITY TRENCHING MUST BE IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE SOILS INVESTIGATION. IF THERE IS A CONFLICT BETWEEN THE SOILS REPORT AND THE PLANS, THE MORE PROHIBITIVE OF THE TWO SHALL TAKE PRECEDENCE.
- 12. CONTRACTOR TO ENSURE COMPLIANCE WITH ANY AND ALL LAND DISTURBANCE NOTIFICATIONS REQUIREMENTS, AND THAT ALL REQUIRED EROSION CONTROL MEASURES ARE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE STATE, LOCAL, OR FEDERAL REQUIREMENTS.
- 13. FOR WORK IN, OR ADJACENT TO, HIGHWAY RIGHT OF WAYS, CONTRACTOR SHALL ENSURE APPROPRIATE PERMITS ARE OBTAINED PRIOR TO CONSTRUCTION. CONTRACTOR TO ERECT AND MAINTAIN TRAFFIC CONTROL SIGNS AND DEVICES IN CONFORMANCE WITH THE OKLAHOMA MANUAL ON TRAFFIC CONTROL DEVICES, LATEST EDITION, ALONG WITH THE REQUIREMENTS OF THE LOCAL OKLADOT AREA OFFICE.

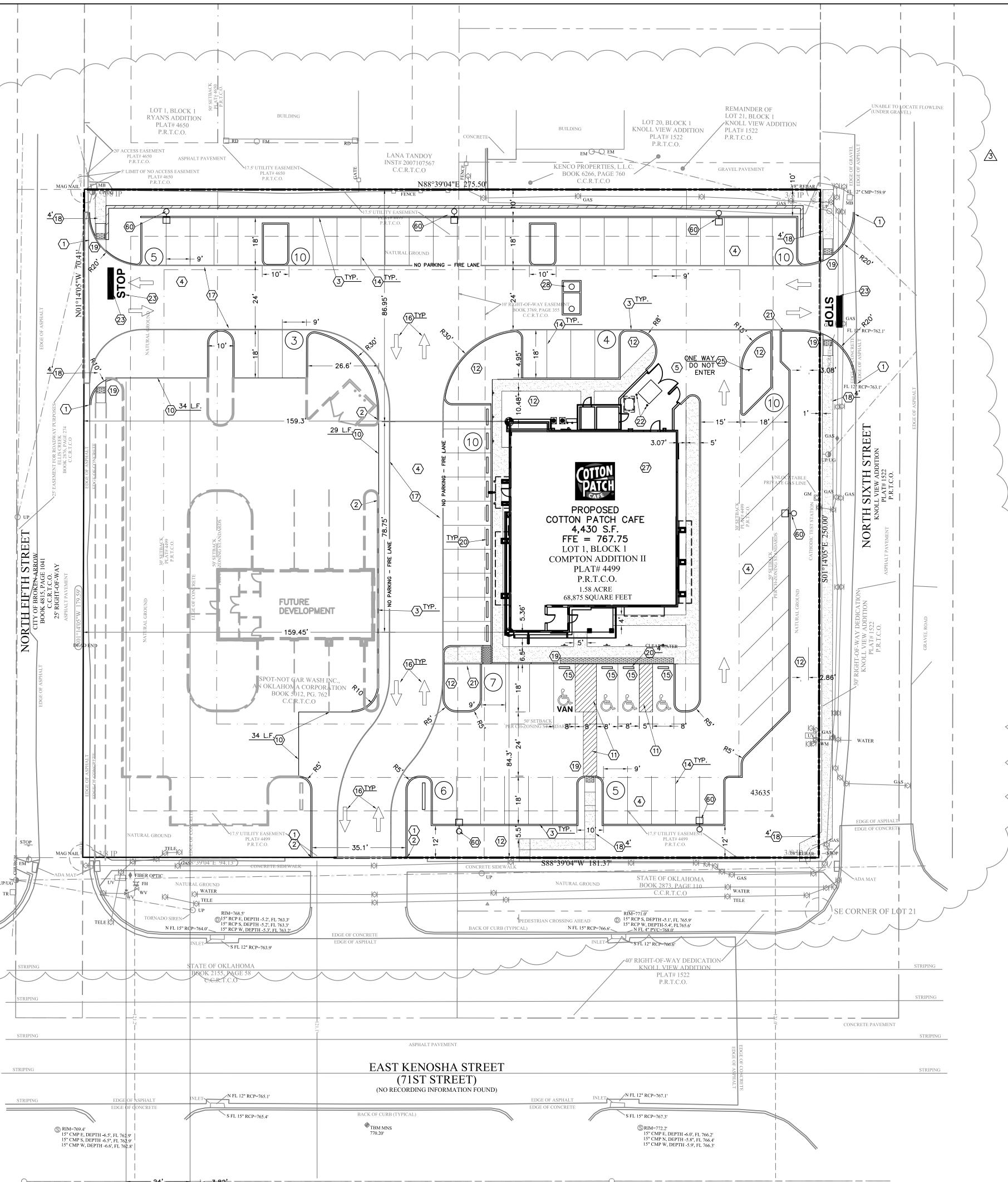


BENCHMARK:

BENCH MARK

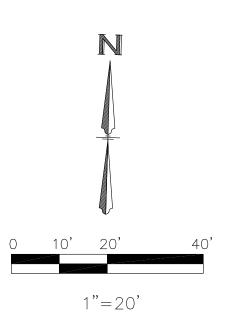
The site benchmark is a Mag nail with a metal washer stamped "JPH Land Surveying" set along the north line of a concrete sidewalk located approximately 120 feet southeast of the intersection of North Fifth Street and East Kenosha Street and bears SOUTH 58°02'36" EAST, a distance of 196.44 feet from the southeast corner of the subject tract. The benchmark has the following values X =2,623,548.77' | Y = 393,653.30' (Oklahoma Coordinate System of 1983, North Zone) | Z = 770.20' (NAVD'88). See vicinity map for general location.





SITE PLAN

1"=20'



SITE LEGEND (PROPOSED):

(16)	PROPERTY LINE PROPOSED PARKING STALLS
	BUILDING CORNER
NO PARKING - FIRELANE	NEW FIRE LANE - PER LOCAL CODES
Т	ELECTRIC TRANFORMER PAD - PER LOCAL
-0-	SIGNAGE
	PAINTED SOLID TRAFFIC FLOW ARROWS
	NEW CURB AND GUTTER
STOP	STOP BAR
	SIDEWALK
	RETAINING WALL

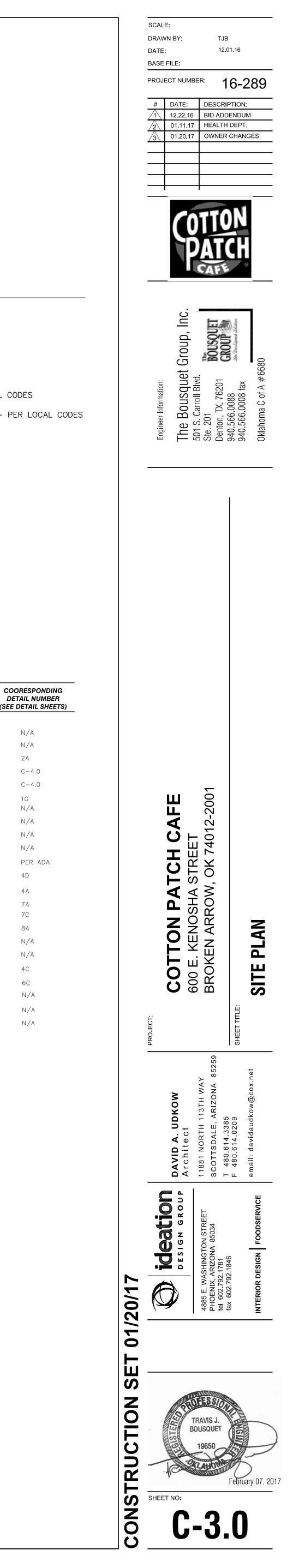
SITE NOTES AND DETAILS:

60 PROPOSED LIGHT POLE

NOTE

NUMBER		(SEE DETAIL SHE
$\langle 1 \rangle$	TIE IN NEW CURB TO MATCH EXISTING CURB	
$\langle 2 \rangle$	TRANSITION CURB FROM 6" TO 0" OVER 2' HORIZONTALLY	N/A
$\langle \overline{3} \rangle$		N/A
୍ <u>ତ</u>	NEW CONCRETE CURB AND GUTTER	2A
$\langle 4 \rangle$	NEW CONCRETE PAVING - SEE PAVING PLAN FOR DETAILS	C-4.0
<u>(5</u>)	NEW HEAVY DUTY CONCRETE PAVING-SEE PAVING PLAN	C-4.0
(10)	THICKENED EDGE OF PAVEMENT	1G
(11)	4" WIDE PAINTED STRIPING @ 2' O.C. AND 45"	N/A
(12)	LANDSCAPE AREA – SEE LANDSCAPE PLAN L-1.0	N/A
(13)	4" WIDE PAINTED YELLOW TRAFFIC STRIPE (SEE	N/A
$\langle 14 \rangle$	LENGTH THIS SHEET) 4" WIDE PAINTED WHITE TRAFFIC STRIPE (SEE LENGTH	N/A
(14) (15)	THIS SHEET) ACCESSIBLE PARKING SPACE (TYP)	PER ADA
(16)	TRAFFIC FLOW ARROWS (TYP)	4D
(17)	FIRE LANE-SEE PAVING PLAN	4A
(18)	SIDEWALK (SEE WIDTH THIS SHEET)	7A
(19)	BARRIER FREE RAMP - SEE DETAIL SHEETS	7C
20	WHEEL-STOPS	8A
21	2' WIDE CURB OPENING	N/A
22	CONCRETE BOLLARD	N/A
23	PAINTED STOP BAR	4C
25>	TRAFFIC CONTROL SIGNAGE - SEE NOTE THIS SHEET	6C
27>	PROPOSED TRANSFORMER PAD - SEE UTILITY PLAN C-6.0	N/A
28	PROPOSED GREASE INTECEPTOR PER LOCAL CODES	N/A

N/A





Fact Sheet

File #: 17-1918, Version: 1

Broken Arrow Planning Commission 03-09-2017			
To: From: Title:	Chairman and Commission Members Development Services Department		
	Public hearing, consideration, and possible action regarding PUD 258 and BAZ 1974, Kenosha Storage, 5.85 acres, A-1 to IL/CG/PUD 256, north and west of the northwest corner of Kenosha Street and Oneta Road***Please Note: Due to an error in advertising, PUD 258 and BAZ 1974 shall be re-advertised and placed on the agenda for the April 13 th 2017 Planning Commission meeting.***		
Background:			
Applicant:	Erik Enyart, Tanner Consulting, LLC		
Owner:	First Priority Bank, E. E. Dillard		
Developer:	Wellington Investments		
Engineer:	Kenosha Storage, LLC		
Location:	North and west of the northwest corner of Kenosha Street and Oneta Road		
Size of Tract	5.85 acres		
Number of Lots:	1		
Present Zoning:	A-1 (Agricultural)		
Proposed Zoning:	IL (Industrial Light), CG (Commercial General) and PUD 258		
Comp Plan:	Level 6 (Regional Employment/Commercial) via BACP 156		

Due to an error in advertising, PUD 258 and BAZ 1974 shall be re-advertised and placed on the agenda for the April 13th 2017 Planning Commission meeting.

Attachments:	N/A
Recommendation: No action needed.	
Reviewed by:	Larry R. Curtis
Approved by:	Michael Skates
LRC: ALY	