



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
Member Mark Jones
Member Jaylee Klempa

Thursday, January 23, 2020

5:00 PM

Council Chambers

1. Call To Order

2. Roll Call

3. Old Business

4. Consideration of Consent Agenda

- A. [20-160](#) Approval of Planning Commission meeting minutes of January 9, 2020

Attachments: [01 09 2020 Planning Commission Minutes](#)

- B. [20-151](#) Approval of PT17-114A, Conditional Final Plat, The Villas at Turnberry, replat of Lot 10, Block 2, Turnberry Commercial, 3.40 acres, 1 Lot, CG (Commercial General), southwest corner of 37th Street (209th East Avenue) and Dearborn Street (41st Street)

Attachments: [2-CHECKLIST.PT17 114A](#)
[3-PT17-114A CONDITIONAL FINAL PLAT](#)

- C. [20-126](#) Approval of PT19-117, Conditional Final Plat, Broken Arrow HS STEM, 79.844 acres, 1 Lot, A-1 (Agricultural), one-quarter mile east of 23rd Street (193rd E. Avenue/County Line Road), north of Albany Street

Attachments: [2-CHECKLIST](#)
[3-CONDITIONAL FINAL PLAT](#)

- D. [20-110](#) Approval of BAL-2069, Mark Snead Lot Split, 3 Lots, 48.54 acres, A-1 to R-2 and FD, one-quarter mile north of Florence Street (111th Street), east of 23rd Street (County Line Road)
- Attachments:** [2-CASE MAP.BAL-2069](#)
[3-AERIAL.BAL-2069](#)
[4-LEGAL DESCRIPTIONS](#)
[5-NEW HEART FELLOWSHIP CHURCH PLAT](#)
[6-ELMWOOD ESTATE PLAT](#)
[7-ELMWOOD ESTATES II PLAT](#)
[8-ELMWOOD ESTATES 3RD PLAT](#)
[9-ELMWOOD ESTATES 4TH PLAT](#)
[10-PROPOSED GATES ON S. 198TH STREET AND S. 200TH STREET](#)
[11-PICTURES OF PROPERTY.01-06-2020](#)
[12-JANUARY 14, 2019 LETTER FROM NEW HEART FELLOWSHIP CHUR](#)
- E. [20-140](#) Approval of BAL-2071, BA Restored Freeport Lot Split, 2 Lots, 0.16 acres, south side of East Freeport Street, between North 2nd Street and North 3rd Street
- Attachments:** [2-CASE MAP.BAL-2071](#)
[3-AERIAL.BAL-2071](#)
[4-LOT SPLIT LEGAL DESCRIPTIONS AND EXHIBITS.BAL-2071](#)

5. Consideration of Items Removed from Consent Agenda

6. Public Hearings

- A. [20-109](#) Public hearing, consideration, and possible action regarding PUD-266A, a minor amendment to PUD-266, Centennial Crossing, 16.36 acres, A-1 to PUD- 266A/RM, east of N. Elm Avenue, one-quarter mile south of Omaha Street
- Attachments:** [2-CASE MAP.PUD-266A](#)
- B. [20-150](#) Public hearing, consideration, and possible action regarding BAZ-2046 (Rezoning), Elysian Fields, 53.55 acres, A-1 (Agricultural) to RS-3 and RS-4 (Single-Family Residential), southeast corner of Garnett Road (113th East Avenue) and Tucson Street (121st Street)
- Attachments:** [2-CASE MAP](#)
[3-AERIAL](#)
[4-COMPREHENSIVE PLAN MAP](#)
[5-BAZ-2038 EXHIBIT](#)
[6-BAZ-2046 EXHIBIT](#)
[7-Letter of Protest Received 01-21-2020](#)

- C. [20-153](#) Public hearing, consideration, and possible action regarding PUD-301 (Planned Unit Development) and BAZ-2045 (Rezoning), The Colony at Cedar Ridge, 78.12 acres, A-1 (Agricultural) to CM (Community Mixed-Use), RS-3 (Single-Family Residential) and PUD-301, located one-quarter mile east of Olive Avenue (129th East Avenue), south of New Orleans Street (101st Street)

Attachments: [2-CASE MAP](#)
[3-AERIAL](#)
[4-PUD-301 Submitted 1-17-2020](#)

7. Appeals

8. General Commission Business

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

10. Adjournment

NOTICE:

1. ALL MATTERS UNDER “CONSENT” ARE CONSIDERED BY THE PLANNING COMMISSION TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. HOWEVER, ANY CONSENT ITEM CAN BE REMOVED FOR DISCUSSION, UPON REQUEST.

2. IF YOU HAVE A DISABILITY AND NEED ACCOMMODATION IN ORDER TO PARTICIPATE IN THE MEETING, PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT AT 918-259-8412, TO MAKE ARRANGEMENTS.

3. EXHIBITS, PETITIONS, PICTURES, ETC. PRESENTED TO THE PLANNING COMMISSION MAY BE RECEIVED AND DEPOSITED IN CASE FILES TO BE MAINTAINED AT BROKEN ARROW CITY HALL.

4. RINGING/SOUND ON ALL CELL PHONES AND PAGERS MUST BE TURNED OFF DURING THE PLANNING COMMISSION MEETING.

POSTED on _____, _____ at _____ am/pm.

City Clerk.



City of Broken Arrow

Request for Action

File #: 20-160, **Version:** 1

**Broken Arrow Planning Commission
01-23-2020**

To: Chairman and Commission Members
From: Development Services Department

Title: Approval of Planning Commission meeting minutes of January 9, 2020

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

Attachments: 01 09 2020 Planning Commission Minutes

Recommendation: Approve minutes of Planning Commission meeting held January 9, 2020.

Reviewed By: Jill Ferenc

Approved By: Larry R. Curtis



City of Broken Arrow

Minutes Planning Commission

City Hall
220 S 1st Street
Broken Arrow OK
74012

Chairperson Fred Dorrell
Vice Chairperson Lee Whelpley
Commission Member Ricky Jones
Commission Member Mark Jones
Commission Member Jaylee Klempa

Thursday, January 9, 2020

Time 5:00 p.m.

Council Chambers

1. Call to Order

Chairperson Fred Dorrell called the meeting to order at approximately 5:00 p.m.

2. Roll Call

Present: 4 - Jaylee Klempa, Ricky Jones, Lee Whelpley, Fred Dorrell
Absent: 1 - Mark Jones

3. Old Business

There was no Old Business.

4. Consideration of Consent Agenda

Staff Planner Amanda Yamaguchi presented the Consent Agenda.

A. 20-91 Approval of Planning Commission meeting minutes of December 19, 2019

Chairperson Dorrell explained the Consent Agenda consisted of routine items, minor in nature, and was approved in its entirety with a single motion and a single vote, unless an item was removed for discussion. He asked if there were any items to be removed from the Consent Agenda; hearing none, he called for a motion.

MOTION: A motion was made by Ricky Jones, seconded by Lee Whelpley.

Move to approve the Consent Agenda per Staff recommendation

The motion carried by the following vote:

Aye: 4 - Jaylee Klempa, Ricky Jones, Lee Whelpley, Fred Dorrell

5. Consideration of Items Removed from Consent Agenda

No Items were removed from the Consent Agenda; no action was taken or required.

6. Public Hearings

A. 20-79 Public hearing, consideration, and possible action regarding BACP 167 (Comprehensive Plan Change), Ruhl-Siegfried, 78.18 acres, Level 2 to Levels 2 and 4, one-quarter mile east of Olive Avenue (129th East Avenue), south of New Orleans Street (101st Street)

Commissioner Ricky Jones indicated his firm prepared the application for this Item and he would not participate in the vote. He left the Planning Commission chambers prior to discussion of this Item and returned following the vote.

Ms. Amanda Yamaguchi reported BACP-167 was a request to change the Comprehensive Plan designation on a 78.18-acre tract of land from Level 2 to Level 2 and Level 4. The property, which was located one-quarter mile east of Olive Avenue and south of New Orleans Street was presently zoned A-1 (Agricultural) and was unplatted. She explained the applicant sought the change in the Comprehensive Plan in an effort to modify the zoning on the property. She indicated a rezoning and PUD application were submitted in conjunction with this application and would be heard by the Planning Commission on January 23, 2019. She noted the development concept described the proposed development as mixed-use with a variety of housing types including an area of private gated streets, larger estate lots, and alley-loaded homes. She stated the northwest corner of the property, the area being requested as Level 4 of the Comprehensive Plan, was proposed as a community market area for the residents of the neighborhood and the public.

Ms. Yamaguchi reported in the draft PUD submitted, the property was divided into two areas; Development Area A (northwest corner of the property) was proposed as the commercial area and Development Area B (the remaining property) was proposed as the residential area with a maximum of 250 lots. She stated based on the Comprehensive Plan, the location of the property, the draft PUD that was submitted, and the surrounding land uses, Staff recommended BACP-167 be approved, subject to the property being platted and a PUD being approved similar in context to the draft PUD submitted with BACP-167.

The applicant, Erik Enyart, Tanner Consulting, stated his address was 5323 S. Lewis Avenue, Tulsa. He indicated he was in agreement with Staff recommendations.

Chairperson Dorrell opened the Public Hearing for Item 6A. He indicated a Mr. Charlie Ryser requested further information regarding the project.

Mr. Charlie Ryser stated his address was 2800 W. Quantico Street. He expressed concern regarding traffic through and around his neighborhood. He stated he was concerned about traffic during school hours. He indicated currently it was a dangerous situation for the children and worried the situation would worsen with this development. He asked if it would be possible to install a traffic light at this particular intersection to ease traffic and decrease the danger.

Chairperson Dorrell indicated the matter before Planning Commission was a Comprehensive Plan change; however, he recognized the validity of Mr. Ryser’s concern.

Community Development Director Larry Curtis explained Broken Arrow intersections, including the intersection in question, were arranged in an effort to reduce hazards. He noted when connecting streets were offset, danger increased due to a lack of visibility. He indicated all traffic concerns, including Mr. Ryser’s concern, would be addressed during the engineering and design of the project. He made a note of Mr. Ryser’s concern and thanked Mr. Ryser for his input.

Chairperson Dorrell noted there were no other requests to speak regarding this Item. He closed the Public Hearing.

Vice Chairman Whelpley asked if the property was located within the flood plain. Planning and Development Manager Jill Ferenc responded in the negative.

MOTION: A motion was made by Jaylee Klempa, seconded by Lee Whelpley.

Move to approve Item 6A per Staff recommendations

The motion carried by the following vote:

Aye: 3 - Jaylee Klempa, Lee Whelpley, Fred Dorrell
Recused: 1 - Ricky Jones

Chairperson Dorrell noted this Item would go before City Council on February 4, 2019 at 6:30 p.m.

B. 20-80 Public hearing, consideration, and possible action regarding BAZ-2043 (Rezoning), The Cannabis Co. LLC, 0.60 acres, A-1 to CN, west of the northwest corner of 65th Street (241st E. Avenue/Oneta Road) and Highway 51

Senior Planner Brent Murphy reported BAZ-2043 was a request to change the zoning designation on 0.60-acres from A-1 (Agricultural) to CN (Commercial Neighborhood). He stated the property was located west of the northwest corner of 65th Street (241st E. Avenue/Oneta Road) and Highway 51. He indicated the property was platted as a part of Lot 12, Block 2, of the Prairie Dale addition; the Prairie Dale addition, however, was platted in Wagoner County, which had different subdivision standards than the City of Broken Arrow. He reported the A-1 zoning classification was assigned to the property when it was annexed into Broken Arrow on January 5, 1987, with Ordinance 1436 and the plat for Prairie Dale was recorded in Wagoner County on August 4, 1970.

Mr. Murphy indicated the applicant intended to place a medical marijuana dispensary in the existing building on the property. He stated medical marijuana dispensaries were allowed in the CN district but not in the A-1 district; as a result, this was a request to change the zoning on the property from A-1 to CN. He stated the Future Development Guide of the Comprehensive Plan showed the site to be designated as a Level 4 and CN zoning was considered to be in accordance with the Comprehensive Plan in Level 4. He stated while the applicant was contemplating a medical marijuana dispensary on the property, any use allowed in the CN district would be permitted if BAZ-2043 was approved; therefore, what needed to be evaluated was whether or not this was an appropriate location for CN zoning. He noted the CN zoning requested with BAZ-2043 was in conformance with the Comprehensive Plan. He stated based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended BAZ-2043 be approved, subject to the property being replatted to the City of Broken Arrow Subdivision standards. He stated an email was sent to the applicant in this regard.

Mr. Murphy noted this property abutted residential to the north and when CN zoning abutted residential an opaque fence, 8 feet to 10 feet in height, was required. He noted presently there was a chain link fence present. He indicated there was an off-premise advertising sign on the property which would be permitted to continue; however, no additional off-premise

advertising would be permitted. He stated the applicant had been informed.

Commissioner Ricky Jones stated while the proposed use for this property was medical marijuana dispensary the Planning Commission was required to consider the proposed change of zoning which would permit any CN use. He noted the approval of this change in zoning did not specifically allow a medical marijuana dispensary at that location.

Mr. Murphy stated if the change in the zoning was approved then any CN approved use could come into this space at any time.

The applicant, Kyle Gibson, with Align Design Group, stated his address was 551 S. Quaker Avenue, Tulsa. He stated he was in agreement with Staff recommendations.

Commissioner Ricky Jones asked if Mr. Gibson understood the screening requirement and other requirements for commercial district zoned property. Mr. Gibson responded in the affirmative.

Chairperson Dorrell opened the Public Hearing and noted none had signed up to speak regarding this Item. He closed the Public Hearing.

Commissioner Ricky Jones indicated he felt this was an appropriate request for CN zoning.

MOTION: A motion was made by Ricky Jones, seconded by Lee Whelpley.

Move to approve Item 6B per Staff recommendations

The motion carried by the following vote:

Aye: 4 - Jaylee Klempa, Ricky Jones, Lee Whelpley, Fred Dorrell

Chairperson Dorrell noted this Item would go before City Council on January 21, 2019 at 6:30 p.m.

C. 20-81 Public hearing, consideration, and possible action regarding SP-146A (Specific Use Permit), Aspen Creek Church, 7.22 acres, A-1 (Agricultural)/SP-146 (Specific Use Permit), one-half mile south of Florence Street (111th Street), west of Aspen Avenue 145th East Avenue)

Ms. Amanda Yamaguchi reported SP-146A was a request for a Specific Use Permit Amendment to replace an existing monument sign with a larger sign and a digital message board sign to be installed at a later date. She stated the property was platted as Lot One (1), Block One (1) of New Life Center, located one-half mile south of Florence Street (111th Street), west of Aspen Avenue (145th East Avenue). She indicated with SP-146A, the applicant proposed to replace the existing monument sign with a larger sign and possibly a digital message board sign at a later date. She indicated in accordance with the zoning ordinance, permanent freestanding signs, which functioned as on-premise advertising and were located on a lot used for institutional uses, including educational institutions, may be constructed in residential districts as long as the sign did not exceed 32-square-feet of display area and did not exceed 8-feet in height. She stated per Section 5.7.E.2 of the zoning ordinance, increases in display surface area and height may be requested through a PUD or Specific Use Permit and would be based on the total linear foot of lot frontage but may not exceed 300 square feet. She indicated the proposed sign was 12-feet in height and 9-feet in width and of plywood construction with digital print vinyl graphics and the total proposed display area of the sign was approximately 108 square feet. She noted in the future, the church would appreciate the option to retrofit this sign to include a digital message board. She indicated digital signs could be permitted through the use of a specific use permit however; staff recommended any future digital sign be no larger in display area than the sign proposed with this specific use permit.

Ms. Yamaguchi stated based on the Comprehensive Plan, location of the property, and the surrounding land uses, Staff recommended SP-146A be approved subject to the following four conditions: 1) Any future digital sign should not be any larger than approved by SP-146A and must meet all other provisions of the Zoning Ordinance. 2) The existing sign was to be removed upon the completion of the proposed sign. 3) Any landscaping removed during construction must be replaced. 4) Since the property was platted, staff recommended platting be waived.

Vice Chairperson Whelpley asked if a second sign was being proposed. Ms. Yamaguchi responded in the negative; the church was replacing the existing sign with a new version and possibly in the future the new sign could be replaced with a digital message board.

The applicant, Chris Krohn, with A-Max Sign Company, stated his address was 9520 E. 55th Place, Tulsa. He stated he was in agreement with Staff recommendations.

Chairperson Dorrell opened the Public Hearing and noted none had signed up to speak regarding this Item. He closed the Public Hearing.

Commissioner Jaylee Klempa asked about the durability of the proposed sign and when the facility intended to install a digital sign. Mr. Krohn responded the proposed sign was designed to last approximately 7 to 10 years. He noted metal poles would be utilized. He stated the church may or may not choose to utilize a digital message center but wished to have the option in the future.

Commissioner Klempa expressed concern regarding sign deterioration. She asked if it would be possible to include a sign replacement requirement in the permit. Ms. Ferenc responded in the negative. She explained there were sign maintenance regulations in place to prevent dilapidated signage.

Vice Chairperson Whelpley asked if there was a term limit for this specific use permit. Ms. Ferenc responded in the negative.

MOTION: A motion was made by Lee Whelpley, seconded by Jaylee Klempa.

Move to approve Item 6C per Staff recommendations

The motion carried by the following vote:

Aye: 4 - Jaylee Klempa, Ricky Jones, Lee Whelpley, Fred Dorrell

Chairperson Dorrell noted this Item would go before City Council on February 4, 2019 at 6:30 p.m.

D. 20-88 Public hearing, consideration, and possible action regarding PUD-297 (Planned Unit Development) and BAZ-2044 (Rezoning), 811 W. New Orleans Street, 2.21 acres, CG to PUD-297/CG/IL, located west of the southwest corner of New Orleans Street (101st Street) and Elm Place (161st E. Avenue)

Mr. Murphy reported Planned Unit Development (PUD)-297 involved a 2.21-acre parcel located west of the southwest corner of New Orleans Street (101st Street) and Elm Place (161st E. Avenue). He stated in conjunction with PUD-297, the applicant submitted BAZ-2044, a request to change the underlying zoning from CG (Commercial General) to CG (Commercial General) and IL (Industrial Light). He indicated the property was platted as Lot 1, Block 1, Luby's. He noted there used to be a Luby's restaurant on this property which had since been remodeled.

Mr. Murphy reported the Comprehensive Plan change request for this property went before City Council on Tuesday, January 7, 2020, and City Council approved the Comprehensive Plan change request stipulating this property only be utilized to process marijuana, not grow marijuana. He stated the applicant revised the PUD document and deleted all references to growing medical marijuana at this facility. He indicated the PUD divided the property into Development Area A and B. He stated Development Area A would house the medical marijuana processing facility and the PUD required all manufacturing to occur inside the building, limited to a 12,000 sq. foot area. He noted IL (Industrial Light) was permitted in Development Area B but was limited to assembly light and warehouse activities. He indicated a Comprehensive Plan change was approved by City Council last Tuesday night for Level 6, and IL zoning was considered to be in accordance with the Comprehensive Plan in Level 6. He stated based upon the Comprehensive Plan, the PUD submitted with BAZ-2044, the location of the property, and the surrounding land uses, Staff recommended PUD-297 and BAZ-2044 be approved, as per the revised document which specified and prohibited the growing of medical marijuana.

Chairperson Dorrell asked if deleting the growing of medical marijuana as an allowed use was the only change to the document. Mr. Murphy responded the document now prohibited growing medical marijuana.

The applicant, Mark Capron, with Wallace Engineering stated his address was 123 N. Martin Luther King, Jr. Blvd., Tulsa. He indicated he was in agreement with Staff recommendations. He noted the medical marijuana processing business would only utilize part of the building; there were existing businesses in the building including a specialty pharmacy in the front portion of this building.

Commissioner Ricky Jones asked if odor or noise were associated with medical marijuana processing facilities. Mr. Mark Capron responded the PUD prohibited odors. He stated the PUD and ordinance prohibited exterior signage, smell, noise, etc.; citizens would be essentially unaware a marijuana processing plant existed in this location. He stated oils would be processed into non-chocolate confectionary products at this facility. He stated the project would be shipped in and shipped out, not dispensed on site. He indicated the business would create jobs in the area but would otherwise not affect the other businesses on site. He indicated the medical marijuana processing plant would not be dispensing through the specialty pharmacy.

Mr. Larry Curtis stated Broken Arrow Nuisance Ordinance prohibited nuisance odors and the Medical Marijuana Permitting Ordinance prohibited odors as well; therefore, if ever there were to develop an odor or a nuisance of any kind the medical marijuana processing plant’s permit would be revoked.

Chairperson Dorrell opened the Public Hearing and noted one individual signed up to speak.

Mr. George O’Connor, with Mid-America Realty, stated his address was 10125C S. Sheridan Road, Tulsa. He stated he represented the owners of Broken Arrow Town Center, the 100,000 sq. foot retail shopping center located next to this building. He asked if marijuana would be grown in this facility. Chairperson Dorrell responded in the negative. Mr. O’Connor asked if the facility would produce baked goods such as cookies. Ms. Ferenc responded the 12,000 sq. foot facility would process non-chocolate edible marijuana items. Mr. Curtis explained this facility would be a processing facility; no product would be sold at this location. He explained the product would be sold wholesale to a dispensary in a separate location. Mr. O’Connor stated he was concerned there would be odors involved. He noted he recently had a tenant which had to be moved due to a grow facility which emanated odors. He indicated Broken Arrow Town Center was located 100 feet away from the proposed medical marijuana processing facility and he was concerned about possible smells. Mr. Curtis stated City Ordinance was very specific about the prohibition of noise and smells related to this facility.

Mr. O’Connor stated he did not believe a processing facility would be an improvement to the Elm and New Orleans area. He indicated a processing facility should be placed in an industrial area; zoning should not be changed to accommodate a processing facility.

Chairperson Dorrell closed the Public Hearing.

Commissioner Ricky Jones asked if this processing facility might have a negative impact on the Elm and New Orleans area plan. Mr. Curtis explained the Elm and New Orleans plan called for retail development, house tops, industry, businesses, and foot traffic. He indicated the processing plant would bring in foot traffic secondary to job increase.

Mr. Sean DeWitt (owner’s representative) stated his address was 811 W. New Orleans Street. He indicated the 12,000 square foot space was an industrial space which had been vacant for three years. He noted the PUD specified the processing facility was limited to the 12,000 square foot space. He indicated the oil being utilized was processed; the only production would be gummy production which did not produce any odor. He explained there was no risk of smell. He noted there was no intention to grow medical marijuana in this location.

Discussion ensued regarding the new medical marijuana related ordinances, it being to the processing facility’s advantage to ensure there was no odor, the medical marijuana business being required to renew permits annually, the City having the authority to give a 24 hour notice and inspect the facility, Staff recommendations, this facility bringing in 100 new jobs, and 100 new employees increasing foot traffic in the area.

MOTION: A motion was made by Ricky Jones, seconded by Lee Whelpley.
Move to approve Item 6D per Staff recommendations with the newly submitted modified PUD

The motion carried by the following vote:
Aye: 3 - Ricky Jones, Lee Whelpley, Fred Dorrell
Nay: 1 - Jaylee Klempa

Chairperson Dorrell noted this Item would go before City Council on January 21, 2019 at 6:30 p.m.

Mr. Curtis asked about Ms. Jaylee Klempa’s vote. Commissioner Klempa responded a new church was being constructed on the opposite corner.

Commissioner Ricky Jones recommended Mr. O’Connor attend the City Council Meeting and sign up to speak regarding this Item.

- E. 20-92
- Public hearing, consideration, and possible action regarding PUD-300 (Planned Unit Development) and BAZ-2042 (Rezoning), Metro Foot & Ankle, 0.58 acres, IL (Industrial Light) to CH (Commercial Heavy), located one-third mile south of Kenosha Street (71st Street), west of Elm Place (161st E. Avenue)**

Staff Planner II Jane Wyrick reported Planned Unit Development (PUD)-300 and BAZ-2042 (Rezoning) involved a 0.58-acre lot located one-half mile south of Kenosha Street (71st Street), west of Elm Place (161st E. Avenue), at 701 W. Elgin Street. She stated the property, which was vacant, was platted as Lot 1, Block 10, of Graham Franklin Industrial Park IV

recorded in Tulsa County on March 29, 1977. She indicated the site was zoned IL (Industrial Light) and previously included a car wash. She reported on December 19, 2019, the Planning Commission recommended approval of BACP-165 to amend the comprehensive plan designation from Level 6 and Greenway/Floodplain to an increased amount of Level 6 and a decreased amount of Greenway/Floodplain on this site. She noted City Council would hear this item at its January 21, 2020 meeting.

Ms. Wyrick stated with BAZ-2042 (Rezoning), the applicant requested approval to rezone the property from IL (Industrial Light) to CH (Commercial Heavy); the applicant also requested approval of a Planned Unit Development (PUD-300) to reduce setbacks and to modify the landscape edge by clustering landscaping at the northeast corner of the property. She indicated one freestanding sign was proposed to be placed in the landscape area up to 12 feet in height. She reported also included was a request to locate the trash enclosure near the northwest corner of the building which was in front of the front building line. She explained the trash enclosure could not be located in the floodplain, and there was no other location to place it behind the building. She stated it was anticipated that one parking space would be lost by placing the trash enclosure in this location; however, the parking slightly exceeded the required 22 parking spaces based on the parking required for medical office use. She indicated this requirement may vary depending on the use in the tenant space on the east side of the building; parking would be evaluated again when a user for the east side of the building was identified. She stated the 5,419-square-foot building was proposed to be one and one-half story with masonry and EIFS (Exterior Insulation Finishing System) exterior. She indicated the applicant would be dedicating a corner clip and 10 feet of right-of-way along Elm Place by separate instrument; a 30-foot easement was dedicated with the plat.

Ms. Wyrick reported the property associated with PUD-300 was designated as Level 6 and Greenway/Floodplain in the Comprehensive Plan recently adopted by the City Council; CH (Commercial Heavy) zoning was considered to be in conformance with the Comprehensive Plan in Level 6.

Ms. Wyrick reported, in Staff’s opinion, PUD-300 satisfied items 1 and 5 of Section 6.4.A of the Zoning Ordinance: (1) Applicant has designed a conceptual site plan that preserved all of the 100-year floodplain by focusing development on the north portion of the site. This also limited the intensity of use. By stepping the building with a partial second story and designing a raised entrance area, the building was articulated to provide a building which enhanced the immediate area. (5) Applicant designed the site utilizing existing curb cuts spaced as far as possible from the intersection given the small lot size. The site has been underutilized since the previous car wash was demolished. The size of the site and floodplain made it a difficult site to develop. Development of the site with an aesthetically pleasing commercial building and landscaping would improve the views along Elm Place and result in a more productive use of the land.

She stated according to FEMA maps, 14 percent of the site was designated as being in the 100-year floodplain, 57 percent of the site was designated as 500-year floodplain, and 29 percent of the site was outside of the floodplain. She noted the applicant would need to map the floodplain to the current contours and provide compensatory storage for areas of fill and the applicant would need to submit a LOMA-F to FEMA. She stated based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommended PUD-300 and BAZ-2042 be approved, subject to the conditions included in the report. She noted a correction to Condition 2 referencing the 500-year floodplain: Condition 2 should reference the 100-year floodplain. She asked for this correction to be included with the motion.

The applicant, JR Donelson, stated his address was 12820 S. Memorial Road, Bixby. He indicated he was in agreement with Staff recommendation.

Chairperson Dorrell opened the Public Hearing and noted none had signed up to speak regarding this Item. He closed the Public Hearing.

MOTION: A motion was made by Ricky Jones, seconded by Lee Whelpley.
Move to approve Item 6E per Staff recommendations noting the modification of Condition 2 changing 500-year floodplain to 100-year floodplain
The motion carried by the following vote:
Aye: 4 - Jaylee Klempa, Ricky Jones, Lee Whelpley, Fred Dorrell

Chairperson Dorrell noted this Item would go before City Council on February 4, 2019 at 6:30 p.m.

7. Appeals

There were no Appeals.

8. General Commission Business

There was no General Commission Business

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

Place Making Manager Farhad Daroga gave an update regarding the Elm and New Orleans area. He briefly reviewed accomplishments of the Elm and New Orleans Advisory Committee. He reported the Committee formed three Subcommittees which would focus on communicating with the property owners, communicating with business owners, and developing tactical urbanism programs. He noted a report would come before City Council in the spring regarding a plan to move forward in improving the Elm and New Orleans area. He noted Committee discussions were held regarding infrastructure, utilities, funding, etc. He stated the Committee launched a brief online marketing/branding survey yesterday. He recommended participation in the survey. Mr. Curtis indicated the survey link was: brokenarrowok.gov/survey. Discussion ensued regarding the survey.

10. Adjournment

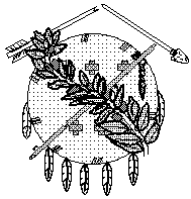
The meeting adjourned at approximately 5:50 p.m.

MOTION: A motion was made by Jaylee Klempa, seconded by Ricky Jones.

Move to adjourn

The motion carried by the following vote:

Aye: 4 - Jaylee Klempa, Ricky Jones, Lee Whelpley, Fred Dorrell



City of Broken Arrow

Request for Action

File #: 20-151, Version: 1

**Broken Arrow Planning Commission
01-23-2020**

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

Approval of PT17-114A, Conditional Final Plat, The Villas at Turnberry, replat of Lot 10, Block 2, Turnberry Commercial, 3.40 acres, 1 Lot, CG (Commercial General), southwest corner of 37th Street (209th East Avenue) and Dearborn Street (41st Street)

Background:

Applicant: Tommy L. Woods, Admiral Square, Inc.
Owner: Admiral Square, Inc.
Developer: Admiral Square, Inc.
Engineer: Tuttle & Associates, Inc.
Location: Southwest corner of 37th Street and Dearborn Street
Size of Tract 3.40 acres
Number of Lots: 1
Present Zoning: CG (Commercial General)
Comp Plan: Level 4 to Level 3 (BACP-160)

PT17-114A, the conditional final plat for The Villas at Turnberry, replat of Lot 10, Block 2, contains 3.40 acres. This property, which is located on the southwest corner of 37th Street and Dearborn Street, was zoned CG on July 1, 2008, when the City Council approved BAZ-1801. BAZ-1801 was approved subject to the property being platted. The property was platted as Turnberry Commercial in 2008. This property and surrounding property was replatted as The Villas at Turnberry on September 13, 2019.

Applicant is requesting to replat lot 10, block 2 of The Villas at Turnberry in order to remove a mutual access easement 15-feet north of the southern boundary. This mutual access was intended to serve as an emergency access from the RS-4 development to the west to 37th Street. This access is no longer required for the development of the residential portion of the project.

Water to this development will be provided by Wagoner County Rural Water District 4. Public sanitary sewer service will be provided by the City of Broken Arrow.

Attachments: Checklist
Conditional Final Plat and Covenants

Recommendation:

Staff recommends PT17-117A, conditional final plat for The Villas at Turnberry, be approved, subject to the attached checklist.

Reviewed By: **Jill Ferenc**

Approved By: **Larry R. Curtis**

ALY

BROKEN ARROW PLANNING COMMISSION AND CITY COUNCIL SUBDIVISION PLAT REVIEW CHECKLIST

PLAT INFORMATION

NAME OF PRELIMINARY PLAT: Villas at Turnberry, replat of Lot 10, Block 2
CASE NUMBER: PT17-114A
RELATED CASE NUMBERS: BACP-160, BAZ-1987, PT08-117, and PT17-114
COUNTY: Wagoner
SECTION/TOWNSHIP/RANGE: 30-18-15
GENERAL LOCATION: Southwest corner of Dearborn Street and 209th Street
CURRENT ZONING: CG/RS-4 (BAZ-1987)
SANITARY SEWER BASIN: Adams Creek
STORM WATER DRAINAGE BASIN: Spunky Creek

ENGINEER: Tuttle & Associates
ENGINEER ADDRESS: 9718 E. 55th Place
Tulsa, OK 74146
ENGINEER PHONE NUMBER: 918-663-5567

OWNER: Admiral Square, Inc.
DEVELOPER ADDRESS: 111 S. Elgin Avenue
Tulsa, OK 74120
DEVELOPER PHONE NUMBER: 918-625-2306

PRELIMINARY PLAT Not Required

APPLICATION MADE:
TOTAL ACREAGE:
NUMBER OF LOTS:
TAC MEETING DATE:
PLANNING COMMISSION MEETING DATE:
COMMENTS:

CONDITIONAL FINAL PLAT

NAME OF CONDITIONAL FINAL PLAT: The Villas at Turnberry
APPLICATION MADE: December 30, 2019
TOTAL ACREAGE: 3.40
NUMBER OF LOTS: 1
TAC MEETING DATE: January 21, 2020
PLANNING COMMISSION MEETING DATE: January 23, 2020
CITY COUNCIL MEETING DATE: February 18, 2020
COMMENTS:

1. ____ Place case number (PT17-114A) in lower right corner of plat.
2. ____ The detention determination note is most likely not correct. Submit a new application for FEE-IN-LIEU OF DETENTION DETERMINATION to the City for evaluation. Per City records, the drainage report developed for "Turnberry Place" did not consider Lot 10, Block 2 as developed along with a portion of already developed Blocks 1 & 2. (A copy of the report is attached)
3. ____ Note the development to the east of 37th Street as "NEW TULSA ESTATES AMENDED".
4. ____ Note the following for the southwest corner of the western upper property, North of Lot 1, Block 2;
 - a. The 15' U/E is noted as 11' U/E on Plat 2019-11690, confirm correct width.
 - b. Add arrows to indicate the width lines of the 10' OD/E.
5. ____ Add bearing for the 7.13' segment of the western property line.
6. ____ Add all easements needed for built out of the lot.
7. ____ Sheet 2 Comments;
 - a. Include a legal description of Lot 10, Block 2 as the referenced plat does not supply the legal description of Lot 10, Block 2.
 - b. Add any restrictions which may apply to the OD/E or any other easements.

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, ACCEPTED ON:
____ PAVING PLANS, ACCEPTED ON:
____ WATER PLANS, ACCEPTED ON:
____ SANITARY SEWER PLANS, ACCEPTED ON:
____ SEWAGE DISPOSAL PLANS, SENT TO DEPARTMENT OF ENVIRONMENTAL QUALITY ON:
____ WATER PLANS SENT TO 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? _____
____ PROJECT ENGINEER/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 (\$150 + (\$5 X ____ LOTS)	\$ _____
____ WATER LINE (S) UNDER PAYBACK CONTRACT	\$ _____
____ EXCESS SEWER CAPACITY FEE (\$700 X ____ ACRES (LESS ANY AREA IN 100 YEAR FLOODPLAIN ONLY OR AREA IN GOLF COURSE)	\$ _____
____ 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. (\$150 X ____ SIGNS)	\$ _____
____ STORM WATER FEE-IN-LIEU OF DETENTION (.35 X ____ SF IMPERVIOUS AREA)	\$ _____

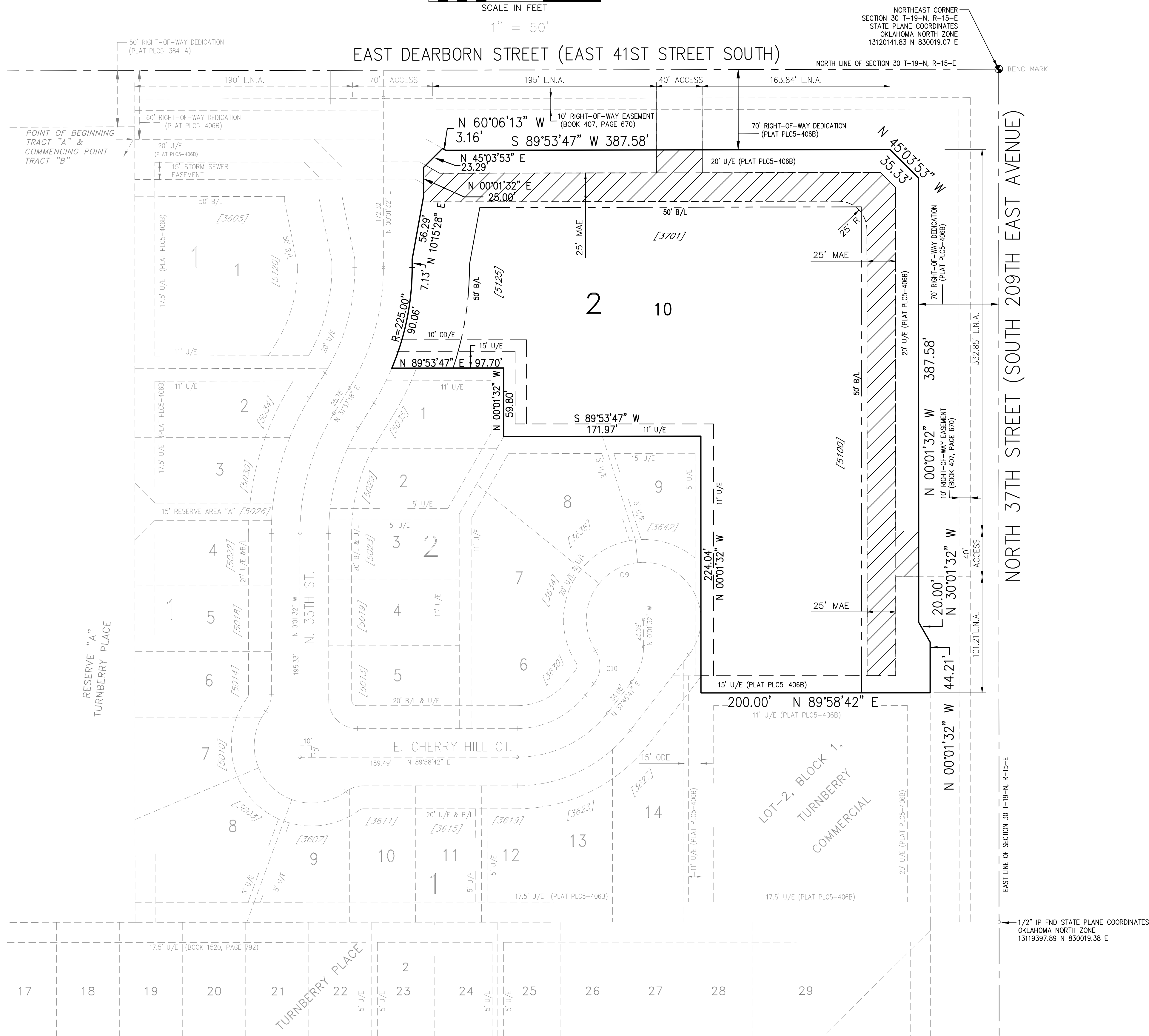
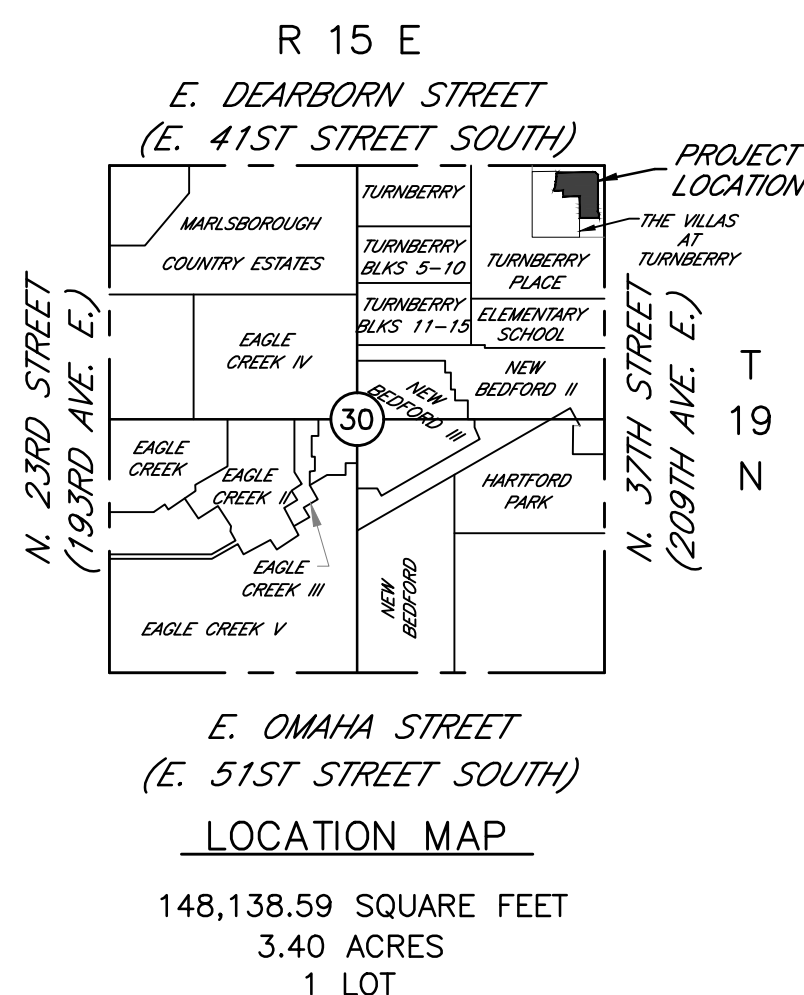
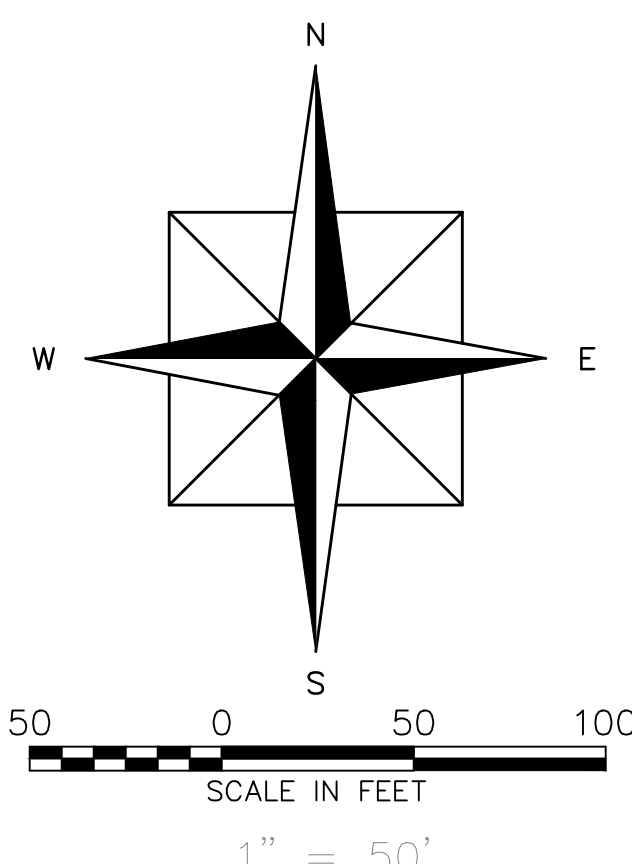
TOTAL FEE(S) \$ _____

FINAL PROCESSING OF PLAT

____ FINAL PLAT SUBMITTED FOR MAYOR AND CITY CLERK SIGNATURE ON: _____
____ FEES PAID ON: _____ IN THE AMOUNT OF: _____
____ FINAL PLAT PICKED UP FOR RECORDATION ON: _____
____ 2 COPIES OF FILED PLAT SUBMITTED TO PLANNING DEPARTMENT
____ PDF OF RECORDED PLAT SUBMITTED TO PLANNING DEPARTMENT

LOT 10, BLOCK 2, THE VILLAS AT
TURNBERRY, AN ADDITION TO THE CITY
OF BROKEN ARROW, OKLAHOMA ACCORDING
TO DOCUMENT #2019-11690 RECORDED
9-13-19 IN PLAT CABINET PLC5-451B

AN ADDITION TO THE CITY OF BROKEN ARROW, OKLAHOMA A PART
OF THE NE/4 OF SECTION 30, TOWNSHIP 19 NORTH, RANGE 15
EAST, CITY OF BROKEN ARROW, WAGONER COUNTY, OKLAHOMA A
RE-PLAT OF LOT 10, BLOCK 2, THE VILLAS AT TURNBERRY



STORMWATER DETENTION ACCOMMODATIONS FOR THIS SITE
ARE PROVIDED BY THE EXISTING TURNBERRY PLACE
DETENTION FACILITY. NO FEES OR ONSITE FACILITY IS
REQUIRED. DETENTION DETERMINATION #DD-010418-01

Attest: City Clerk: Curtis Green

DATE:

WAGONER COUNTY TREASURER

BENCHMARK
 N NORTH
 S SOUTH
 E EAST
 W WEST
 B/L BUILDING LINE
 U/E UTILITY EASEMENT
 L/E LANDSCAPE EASEMENT
 L.N.A. LIMITS OF NO ACCESS
 P.O.B. POINT OF BEGINNING
 O.D.E. OVERLAND DRAINAGE EASEMENT
 [19619] STREET ADDRESS
 G.W.D. GENERAL WARRANTY DEED
 MAE MUTUAL ACCESS EASEMENT

(PT17-114)

THE VILLAS AT TURNBERY
DATE PREPARED: 12-16-2019
SHEET 1 OF 2

DEED OF DEDICATION
AND
RESTRICTIVE COVENANTS
THE VILLAS AT TURNBERRY
REPLAT OF LOT 10, BLOCK 2

THE VILLAS AT TURNBERRY
DEED OF DEDICATION AND RESTRICTIVE COVENANTS
KNOW ALL MEN BY THESE PRESENTS:
THAT, ADMIRAL SQUARE INC., AN OKLAHOMA CORPORATION (THE "DEVELOPER"),
BEING THE OWNER IN FEE SIMPLE OF THE FOLLOWING DESCRIBED REAL ESTATE
SITUATED IN THE CITY OF BROKEN ARROW, STATE OF OKLAHOMA, TO WIT:

LOT 10, BLOCK 2, THE VILLAS AT TURNBERRY, AN ADDITION TO THE CITY
OF BROKEN ARROW, OKLAHOMA ACCORDING TO DOCUMENT #2019-11690
RECORDED 9-13-19 IN PLAT CABINET PLC5-451B

HAS CAUSED SAID REAL ESTATE TO BE SURVEYED, STAKED, AND PLATTED INTO
LOTS, BLOCKS, STREETS AND RESERVE AREAS, AND HAS DESIGNATED THE
SAME AS "THE VILLAS AT TURNBERRY," AN ADDITION TO THE CITY OF BROKEN
ARROW, STATE OF OKLAHOMA.

SECTION I.
STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND GENERAL UTILITY EASEMENT.

THE DEVELOPER DOES FURTHER DEDICATE FOR PUBLIC USE THE STREETS,
EASEMENTS AND RIGHTS-OF-WAY AS SHOWN ON THE ATTACHED PLAT FOR
THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING,
REPAIRING, REMOVING AND REPLACING ANY AND ALL STREETS AND PUBLIC
UTILITIES, INCLUDING STORM AND SANITARY SEWERS, COMMUNICATION 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 THE RIGHT OF INGRESS AND EGRESS
TO AND UPON SAID EASEMENTS AND RIGHTS-OF-WAY FOR THE USES AND
PURPOSES AFORESAID, PROVIDED, HOWEVER, THAT THE DEVELOPER HEREBY
RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RELAY
WATER AND SEWER LINES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS
TO, OVER, ACROSS AND ALONG THE PUBLIC STREETS, EASEMENTS AND
RIGHTS-OF-WAY SHOWN ON THE PLAT FOR THE PURPOSE OF FURNISHING OF
WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN SAID PLAT AND
THE ADJACENT PROPERTY (HEREINAFTER DEFINED).

THE OWNER AGREES THAT NO BUILDING, STRUCTURE, OR OTHER ABOVE OR
BELOW GROUND OBSTRUCTION THAT WILL INTERFERE WITH THE (EASEMENT)
PURPOSES AFORESAID, WILL BE PLACED, ERECTED, INSTALLED, OR PERMITTED
UPON THE EASEMENTS OR RIGHTS-OF-WAY AS SHOWN ON THE PLAT. THE
OWNER SHALL BE RESPONSIBLE FOR THE REPAIR AND PLACEMENT OF ANY
LANDSCAPING AND PAVING LOCATED WITHIN THE UTILITY EASEMENTS IN THE
EVENT IT IS NECESSARY TO REPAIR ANY UNDERGROUND WATER OR SEWER
MAINS, ELECTRIC, NATURAL GAS, COMMUNICATIONS OR TELEPHONE SERVICE.

B. UNDERGROUND ELECTRIC AND COMMUNICATION SERVICES

1. OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE
TELEVISION SERVICES MAY BE LOCATED WITHIN THE NORTH AND EAST PERIMTER
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.

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 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.

3. 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.

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
DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY
ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.

5. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH "B" SHALL
BE ENFORCEABLE BY 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. THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION
OF THE PUBLIC WATER MAINS LOCATED ON HIS LOT.

2. WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING
PLAT, THE ALTERATION OF GRADE IN EXCESS OF 3 FEET FROM THE CONTOURS
EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER
MAIN, SANITARY SEWER MAIN, OR STORM SEWER OR ANY CONSTRUCTION
ACTIVITY WHICH WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY
SEWER MAINS AND STORM SEWERS SHALL BE PROHIBITED.

3. THE CITY OF BROKEN ARROW AND WAGONER COUNTY RURAL WATER
DISTRICT NO. 4, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR
ORDINARY MAINTENANCE OF PUBLIC SANITARY SEWER AND WATER MAINS, BUT
THE OWNER OF THE LOT SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH
FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OF THE LOT,
HIS AGENTS OR CONTRACTORS.

4. THE CITY OF BROKEN ARROW, OR ITS SUCCESSORS, SHALL AT ALL TIMES
HAVE THE RIGHT OF ACCESS TO ALL EASEMENTS DEPICTED ON THE
ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THIS DEED OF
DEDICATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR
REPLACING ANY PORTION OF SANITARY SEWER FACILITIES AND WAGONER
COUNTY RURAL WATER DISTRICT NO. 4, SHALL HAVE SUCH RIGHT OF ACCESS
FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY
PORTION OF POTABLE WATER FACILITIES.

5. WHERE WATERLINES FALL WITHIN A UTILITY EASEMENT, THAT PORTION OF
THE UTILITY EASEMENT IS FOR THE USE OF WAGONER COUNTY RURAL WATER
DISTRICT NO. 4, OKLAHOMA, OR ITS SUCCESSORS. THE EASEMENTS DEDICATED
HEREIN FOR PURPOSE OF PROVIDING POTABLE WATER ARE DEDICATED
EXCLUSIVELY TO WAGONER COUNTY RURAL WATER, SEWER, GAS AND SOLID
WASTE MANAGEMENT DISTRICT NO. 4. PROVIDERS OF UTILITIES OTHER THAN
POTABLE WATER MAY USE SAID EASEMENTS.

6. THE OWNER OF A LOT SHALL BE RESPONSIBLE FOR THE REPAIR OF
DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY NECESSARY
MAINTENANCE OR REPAIR OF THE PUBLIC WATER OR SEWER FACILITIES WITHIN
THE EASEMENT AREAS SITUATED UPON SUCH OWNER'S LOT; PROVIDED,
HOWEVER, THE CITY OF BROKEN ARROW AND WAGONER COUNTY RURAL WATER
DISTRICT # 4 SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH
ACTIVITIES.

7. THE FOREGOING COVENANTS CONCERNING WATER AND SEWER FACILITIES
SHALL BE ENFORCEABLE BY THE CITY OF BROKEN ARROW AND WAGONER
COUNTY RURAL WATER DISTRICT # 4, AND THE OWNER OF EACH LOT AGREES
TO BE BOUND THEREBY.

D. GAS SERVICE

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 CERTIFICATE OF
DEDICATION FOR THE PURPOSE OF INSTALLING, REMOVING, REPAIRING, OR
REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF
GAS SERVICE.

2. 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.

3. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE
ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE OWNER OF
THE LOT AGREES TO BE BOUND HEREBY.

E. LIMITS OF NO ACCESS.

1. THE DEVELOPER RELINQUISHES RIGHTS OF VEHICULAR INGRESS AND EGRESS
OVER, THROUGH OR ACROSS ANY AREA DESIGNATED ON THE ATTACHED PLAT
AS L.N.A. (LIMITS OF NO ACCESS). THESE LIMITS OF NO ACCESS MAY BE
AMENDED OR RELEASED BY THE CITY OF BROKEN ARROW, ITS AGENTS,
SUCCESSORS OR ASSIGNS, OR AS OTHERWISE PROVIDED BY LAW.

SECTION II.
RESTRICTIONS

A. USE OF LAND/DEVELOPMENTSTANDARDS

1. LOT 10 BLOCK 2 SHALL BE KNOW AND DESCRIBED AS COMMERCIAL LOTS
AND SHALL COMPLY WITH CG STANDARDS.

2. NO BUILDINGS, STRUCTURES OR PARTS THEREOF SHALL BE CONSTRUCTED
OR MAINTAINED ON LOTS NEARER TO THE PROPERTY LINES THAN THE
SET-BACK LINES PROVIDED HEREIN OR SHOWN ON THE ACCOMPANYING PLAT.
UNLESS OTHERWISE PROVIDED BY EASEMENT OR SET-BACK LINES SHOWN ON
THE ACCOMPANYING PLAT, THE MINIMUM BUILDING SET-BACK LINES FOR
STRUCTURES SHALL BE AS SHOWN ON THE PLAT

3. 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.

4. THE CITY OF BROKEN ARROW IS RELEASED OF ANY LIABILITY ASSOCIATED
WITH DAMAGE TO ANY LANDSCAPING OR IRRIGATION SYSTEMS TO ANY MEDIAN
AND THE CITY OF BROKEN ARROW RETAINS THE RIGHT TO REMOVE ANY
MEDIAN.

B. SIDEWALKS

1. SIDEWALKS ALONG STREET FRONTAGE OF E. DEARBORN ST. AND S. 209th
E. AVE. IS THE RESPONSIBILITY OF THE DEVELOPER.

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 DEVELOPER, ITS SUCCESSORS AND
ASSIGNS AND ALL PARTIES CLAIMING UNDER THEM. THE COVENANTS CONTAINED
IN SECTION II, SUBSECTION A, ARE ESTABLISHED PURSUANT TO THE ZONING
CODE OF THE CITY OF BROKEN ARROW, OKLAHOMA, AND SHALL INURE TO THE
BENEFIT OF THE DEVELOPER, THE OWNERS OF LOTS WITHIN THE ADDITION, THE
HOMEOWNERS' ASSOCIATION PROVIDED FOR IN SECTION IV, AND THE CITY OF
BROKEN ARROW. THE REMAINING COVENANTS WITHIN SECTION II SHALL INURE
ONLY TO THE BENEFIT OF DEVELOPERS, THE OWNERS OF LOTS WITHIN THE
SUBDIVISION, AND THE HOMEOWNERS' ASSOCIATION PROVIDED FOR IN SECTION
IV IF THE OWNER OF ANY LOT SHALL VIOLATE ANY OF THE COVENANTS WITHIN
SECTION II, IT SHALL BE LAWFUL FOR THE DEVELOPER, ANY PERSON OR
PERSONS OWNING ANY LOT SITUATED WITHIN THE ADDITION OR THE
HOMEOWNERS' ASSOCIATION, OR THE CITY OF BROKEN ARROW AS TO
VIOLATIONS OF THE COVENANTS CONTAINED IN SECTION II, SUBSECTION A, TO
MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR
PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO
PREVENT HIM OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE
COVENANT OR TO RECOVER DAMAGES.

B. DURATION

THESE RESTRICTIONS SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL
JANUARY 1, 2029, AND SHALL AUTOMATICALLY BE CONTINUED THEREAFTER
FOR SUCCESSIVE PERIODS OF TEN (10) YEARS EACH, UNLESS TERMINATED OR
AMENDED AS HEREINAFTER PROVIDED.

C. 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: ADMIRAL SQUARE INC. HAS CAUSED ITS NAME TO BE
AFFIXED, THIS DATE_____, 2019.

ADMIRAL SQUARE INC

BY: _____

TOMMY WOODS, PRESIDENT

STATE OF OKLAHOMA)
)ss.
COUNTY OF TULSA)

BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY
AND STATE, ON THIS_____ DAY OF _____,
2019, PERSONALLY APPEARED TOMMY WOODS, TO ME KNOWN TO BE THE
IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF THE MAKER THEREOF TO
THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED
THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED AND AS THE FREE
AND VOLUNTARY ACT AND DEED OF SUCH CORPORATION.

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

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC

CERTIFICATE OF SURVEY
I, JEFFREY A. TUTTLE, P.E., L.S. OF TULSA, OKLAHOMA, HEREBY CERTIFY THAT
I HAVE CAREFULLY AND ACCURATELY SURVEYED, STAKED AND PLATTED THE
ABOVE DESCRIBED TRACT, AND THE ACCOMPANYING PLAT IS A TRUE AND
CORRECT REPRESENTATION OF SAID SURVEY.

DATED THIS_____ DAY OF _____, 2019.

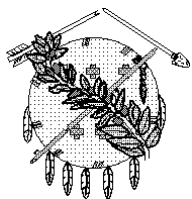
JEFFREY A. TUTTLE
PROFESSIONAL LAND SURVEYOR

STATE OF OKLAHOMA)
)ss.
COUNTY OF TULSA)

BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY
AND STATE, ON THIS_____ DAY OF _____,
2019, PERSONALLY APPEARED JEFFREY A. TUTTLE, TO ME KNOWN TO BE THE
IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF THE MAKER THEREOF TO
THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED
THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED.

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

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC



City of Broken Arrow

Request for Action

File #: 20-126, Version: 1

Broken Arrow Planning Commission

01-23-2020

To: Chairman and Commission Members

From: Development Services Department

Title:

Approval of PT19-117, Conditional Final Plat, Broken Arrow HS STEM, 79.844 acres, 1 Lot, A-1 (Agricultural), one-quarter mile east of 23rd Street (193rd E. Avenue/County Line Road), north of Albany Street

Background:

Applicant: Mark Capron - Wallace Engineers Structural Consultants, Inc.

Owner: Broken Arrow Public Schools

Developer: Broken Arrow Public Schools

Engineer: Wallace Engineers Structural Consultants, Inc.

Location: One-quarter mile east of 23rd Street (193rd E. Avenue/County Line Road), north of Albany Street (61st Street)

Size of Tract 79.844 acres

Number of Lots: 1

Present Zoning: A-1 (Agricultural)

Comp Plan: Level 2 (Urban Residential) and Greenway/Floodplain

PT19-117, the conditional final plat for Broken Arrow HS STEM, contains one lot of 79.844 acres. This property, which is located one-quarter mile east of 23rd Street (193rd E. Avenue/County Line Road), north of Albany Street (61st Street), is presently zoned A-1. The preliminary plat for PT19-117 was approved by the Planning Commission on December 5, 2019.

On September 3, 2019, the City Council approved a Specific Use Permit (SP-296) for a STEM school and for other school related functions and land uses on this site, subject to the property being platted. With the Broken Arrow HS STEM plat, a primary driveway will provide access to the site on the west side of the school. This driveway entrance aligns with a driveway for a mobile home community on the south side of Albany Street. A secondary entrance is proposed to the east of the school for bus drop off and for emergency vehicle access. There is one additional driveway on the south side of Albany Street. Both of the proposed driveway entrances exceed the minimum of 200 feet for driveway offsets along an arterial or collector street in accordance with the Engineering Design Criteria Manual (6.4.7.C.2.b)

With this plat, the owner is dedicating 50 feet of right-of-way along Albany Street in accordance with the required right-of-way for secondary arterials as outlined in the Engineering Design Criteria Manual (Section 6.4.2.A.2).

A portion of the south and east of the property includes floodway and a portion is located in the 100-year floodplain associated with the Adams Creek Basin. The northeast corner of the site also includes floodway and floodplain. A regional detention facility is planned in this area that can serve this site. Sanitary sewer service will be provided by the City of Broken Arrow, while water will be provided by Rural Water District #4.

Attachments: Checklist
 Conditional Final Plat and Covenants

Recommendation:

Staff recommends PT19-117, conditional final plat for Broken Arrow HS STEM, be approved, subject to the attached checklist.

Reviewed by: **Jill Ferenc**

Approved by: **Larry R. Curtis**

JMW

BROKEN ARROW PLANNING COMMISSION AND CITY COUNCIL SUBDIVISION PLAT REVIEW CHECKLIST

PLAT INFORMATION

NAME OF PRELIMINARY PLAT: Broken Arrow HS STEM

CASE NUMBER: PT19-117

RELATED CASE NUMBERS: SP-296

COUNTY: Wagoner

SECTION/TOWNSHIP/RANGE: 31/T19N/R15E

GENERAL LOCATION: One-quarter mile east of 23rd Street (193rd E. Ave./County Line Road), north of Albany Street (61st Street)

CURRENT ZONING: A-1

SANITARY SEWER BASIN: Lynn Lane

STORM WATER DRAINAGE BASIN: Adams Creek

ENGINEER: Wallace Engineering Structural Consultants, Inc.

ENGINEER ADDRESS: 123 N. Martin Luther King Junior Blvd.
Tulsa, OK 74103

ENGINEER PHONE NUMBER: 918-584-5858

DEVELOPER: Broken Arrow Public Schools

DEVELOPER ADDRESS: 701 S. Main Street
Broken Arrow, OK 74012

DEVELOPER PHONE NUMBER: 918-859-5700

PRELIMINARY PLAT

APPLICATION MADE: November 12, 2019

TOTAL ACREAGE: 80

NUMBER OF LOTS: 1

TAC MEETING DATE: January 21, 2020

PLANNING COMMISSION MEETING DATE: January 23, 2020

COMMENTS:

1. ____ Place case number (PT19-117) in lower right corner of plat.
2. ____ Add the Detention Determination number to the plat.
3. ____ Site address is 3000 E. Albany Street. Please add site addresses to the face of the plat.
4. ____ Include other platted subdivisions on the vicinity map.
5. ____ Identify Broken Arrow Public Schools as the "OWNER/DEVELOPER".
6. ____ Provide the contact name and telephone number for the Owner/Developer.
7. ____ Identify existing stream as Lone Star Creek.
8. ____ Review the noted "PUBLIC STREET 80' ROW" for accuracy as it does not agree with full 100' ROW for Albany Street.
9. ____ Add location and width of all existing easements for utilities on or adjacent to the property. If the easement was recorded by the separate instrument, the document in which the easement was recorded shall be indicated.
10. ____ The "FLOODPLAIN NOTE" does not accurately describe the noted FEMA map features. Reword to identify the noted floodplain features and zone definition. Provide boundary details of the floodplain.
11. ____ Place floodplain area into a Reserve Area. Add a section in the covenants outlining the approved uses and responsible party for maintaining the Reserve Area.
12. ____ The NW corner of the proposed overland drainage easement (L43) needs to be extended to accept storm water from Scissortail Crossing.
13. ____ The east end of the proposed overland drainage easement (L49) needs to be extended, with possible detention pond easement added, to cover storm flow into the creek.
14. ____ Locate the two benchmarks on the plan, define "IPS" in legend and provide cross-coordinate reference with one of the property pins.
15. ____ Line Table
 - a. Missing line features between L32 & L1.
16. ____ Show front building setback line on face of plat.
17. ____ Ensure that driveways align with or are offset by at least 200 feet from existing driveways on the opposite side of the street?
18. ____ Show proposed landscape area adjacent to the arterial street.

19. _____ This site will be served by Rural Water District No. 4. As such, statements within Section I.C. of the covenants regarding water lines shall include Rural Water District No. 4. The City of Broken Arrow will be responsible for maintenance of these lines. The City of Broken Arrow will be responsible for sanitary sewer mains and storm sewer mains.
20. _____ Sheet 2 of 2
- a. Include a written legal description of the property with dimensions and bearings.

CONDITIONAL FINAL PLAT

NAME OF CONDITIONAL FINAL PLAT: Broken Arrow HS STEM

APPLICATION MADE: December 31, 2019

TOTAL ACREAGE: 79.844

NUMBER OF LOTS: 1

TAC MEETING DATE: January 21, 2020

PLANNING COMMISSION MEETING DATE: January 23, 2019

CITY COUNCIL MEETING DATE: February 18, 2020

COMMENTS:

21. _____ Correct name of property to the SW to "County Line Center".
22. _____ Show the County Line Center 17.5-foot U/E parallel to the west boarder of property.
23. _____ The Adams Creek floodplain extends onto the property along the northern boundary. Define a Reserve Area for the Floodplain.
24. _____ Revise the floodplain note to reflect that the floodplain Zone AE is on a portion of the property with the remainder of the property in Zone X.
25. _____ The POB leader is different than the legal description, the legal description says beginning at the SE/4 of the SW/4.
26. _____ The lot dimensions shown do not equal the total dimension shown on the south and west boundaries.
27. _____ Label the utility easement as a RWD#4 Utility Easement, RWD may want to file an easement by separate instrument for their water line.
28. _____ With the approval of the TAC committee, reduce the 17.5' U/E to 15' to use the existing easement in place.
29. _____ The conditional final plat and the "no exceptions taken" engineering drawing must agree with respect to Limits of Access and No Access, easement both internal and external, reserve area, traffic control medians, street layouts, rights-of-way, etc. Please provide a written statement (e-mail statement is acceptable) that the conditional final plat agrees with the "no exceptions taken" engineering plans.
30. _____ Finished floor elevations (FFE) shall be shown for each lot on the Final Plat along with a note stating that all structures require backflow preventers.
31. _____ Show monuments on plat.

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, 405-521-2271

DEVELOPMENT SERVICES/ENGINEERING APPROVAL

_____ STORMWATER PLANS, ACCEPTED ON:

_____ PAVING PLANS, ACCEPTED ON:

_____ WATER PLANS, ACCEPTED ON:

_____ SANITARY SEWER PLANS, ACCEPTED ON:

_____ SEWAGE DISPOSAL PLANS, SENT TO DEPARTMENT OF ENVIRONMENTAL QUALITY ON:

_____ WATER PLANS SENT TO 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? _____
____ PROJECT ENGINEER/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 (\$150 + (\$5 X ____ LOTS)	\$ _____
____ WATER LINE (\$) UNDER PAYBACK CONTRACT	\$ _____
____ EXCESS SEWER CAPACITY FEE (\$700 X ____ ACRES (LESS ANY AREA IN 100 YEAR FLOODPLAIN ONLY OR AREA IN GOLF COURSE)	\$ _____
____ 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. (\$150 X ____ SIGNS)	\$ _____
____ SIDEWALK ESCROW	\$ _____
____ STORM WATER FEE-IN-LIEU OF DETENTION (.35 X ____ (SF INCREASED IMPERVIOUS AREA) (less any area in Reserve Area of ½ acre or more)	\$ _____
TOTAL FEE(S)	\$ _____

FINAL PROCESSING OF PLAT

____ FINAL PLAT SUBMITTED FOR MAYOR AND CITY CLERK SIGNATURE ON: _____
____ FEES PAID ON: _____ IN THE AMOUNT OF: _____
____ FINAL PLAT PICKED UP FOR RECORDATION ON: _____
____ 2 COPIES OF FILED PLAT SUBMITTED TO PLANNING DEPARTMENT
____ PDF OF RECORDED PLAT SUBMITTED TO PLANNING DEPARTMENT

CONDITIONAL FINAL PLAT

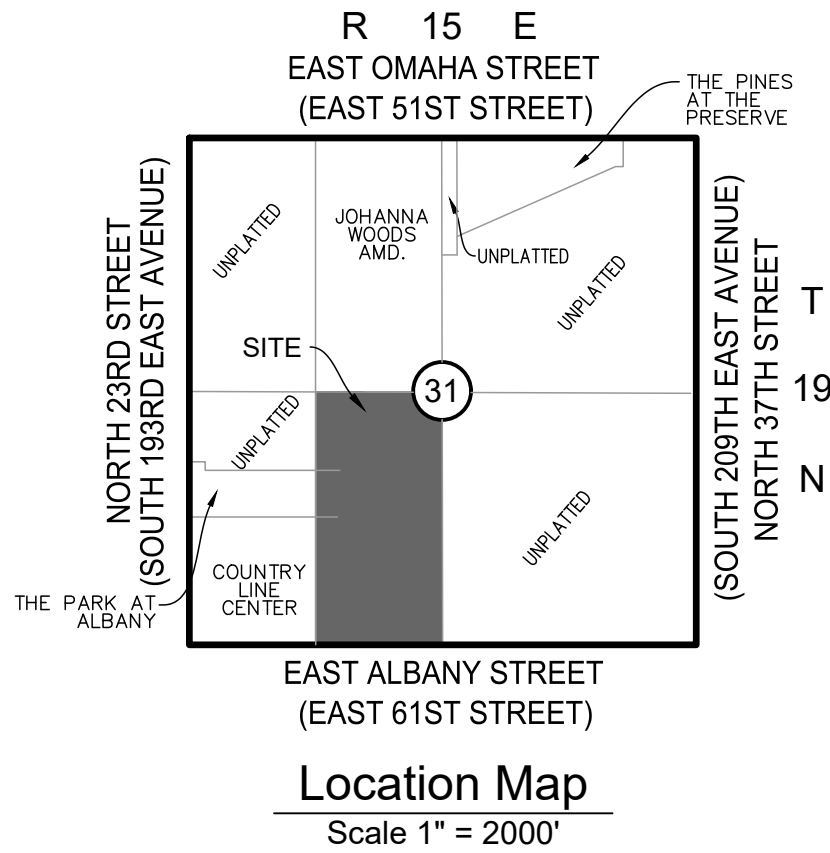
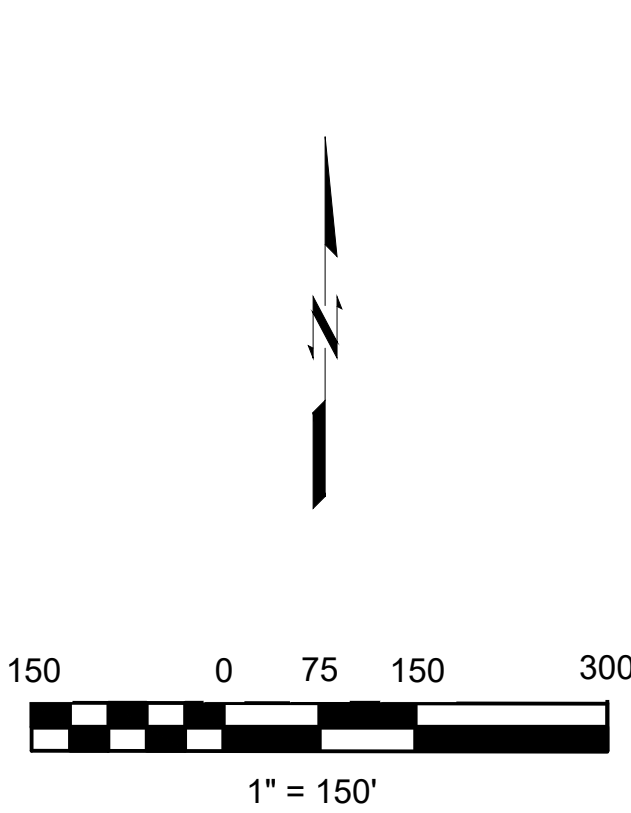
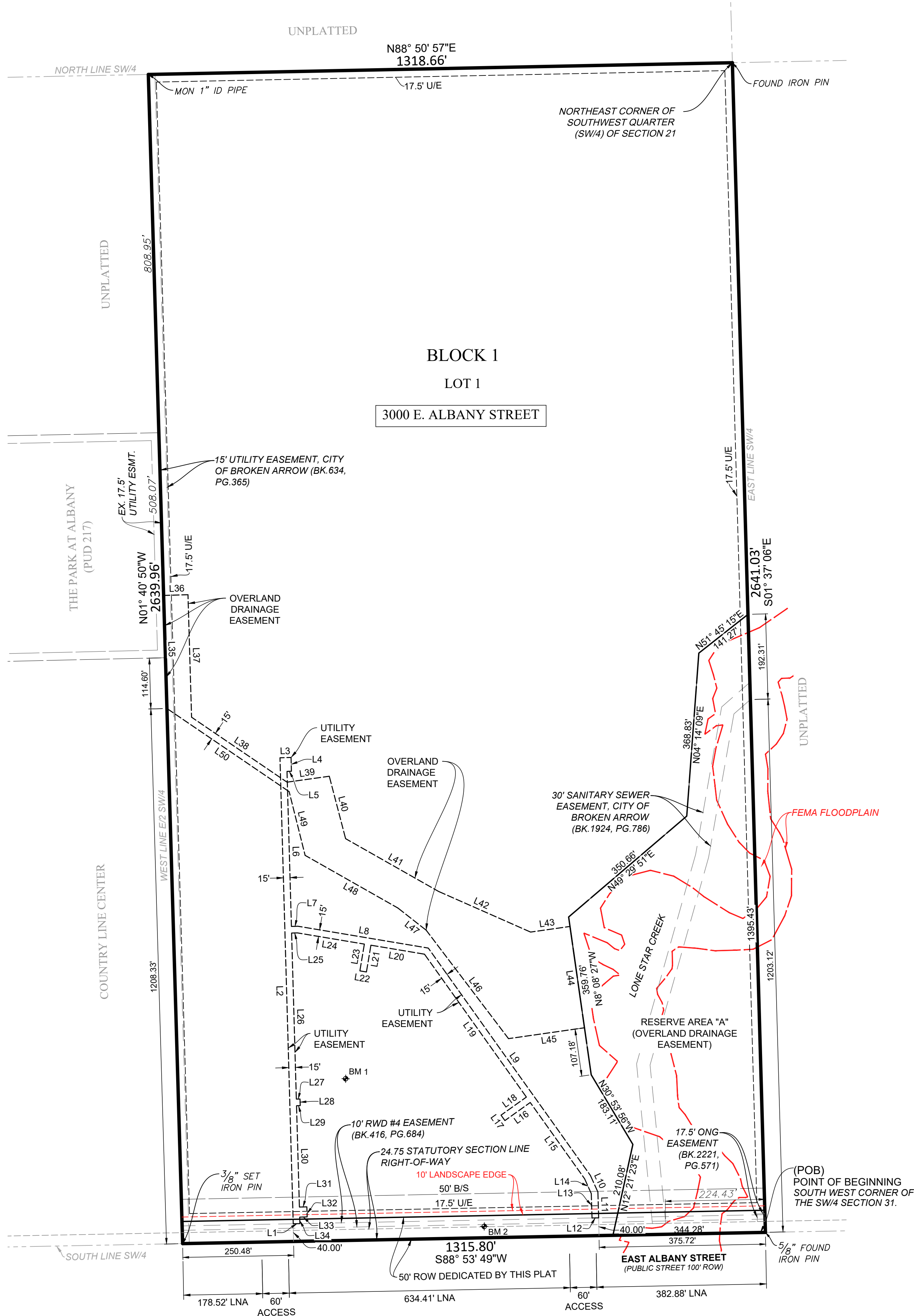
BROKEN ARROW HS STEM

A TRACT OF LAND IN THE EAST HALF (E/2) OF SOUTH WEST QUARTER (SW/4) OF SECTION THIRTY ONE (31), TOWNSHIP 19 NORTH, RANGE FIFTEEN (15) EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA.

LEGEND

B/S BUILDING SETBACK LINE
S/E SCREENING EASEMENT (PRIVACY FENCE)
U/E UTILITY EASEMENT
LNA LIMITS OF NO ACCESS
L1 LINE NUMBER
IPS IRON PIN SET

LINE TABLE								
LINE NO.	LENGTH (FT)	BEARING	LINE NO.	LENGTH (FT)	BEARING	LINE NO.	LENGTH (FT)	BEARING
L1	15.00	S88° 53' 49"W	L21	61.30	S9° 30' 32"W	L41	241.47	S60° 25' 13"E
L2	1052.15	N1° 37' 51"W	L22	15.00	N80° 29' 28"W	L42	226.93	S66° 10' 26"E
L3	25.00	N88° 22' 09"E	L23	61.30	N9° 30' 32"E	L43	89.82	N81° 51' 33"E
L4	31.16	S1° 37' 51"E	L24	153.25	N80° 29' 28"W	L44	231.04	S8° 08' 27"E
L5	10.00	S88° 22' 09"W	L25	13.08	S88° 15' 32"W	L45	173.23	S81° 51' 33"W
L6	350.05	S1° 37' 51"E	L26	374.89	S1° 37' 51"E	L46	307.31	N37° 12' 37"W
L7	14.53	N88° 15' 32"E	L27	8.35	N88° 22' 09"E	L47	81.14	N51° 54' 03"W
L8	298.56	S80° 29' 28"E	L28	15.00	S1° 37' 51"E	L48	240.79	S60° 25' 13"E
L9	630.28	S35° 29' 28"E	L29	8.35	S88° 22' 09"W	L49	148.24	N14° 04' 40"W
L10	41.16	S24° 14' 28"E	L30	228.78	S1° 37' 51"E	L50	333.70	S55° 45' 50"E
L11	58.26	S1° 44' 28"E	L31	16.85	N88° 22' 09"E			
L12	15.00	S88° 53' 49"W	L32	22.75	S1° 37' 51"E			
L13	55.11	N1° 44' 28"W	L33	16.85	S88° 22' 09"W			
L14	36.70	N24° 14' 28"W	L34	14.66	S1° 37' 51"E			
L15	211.44	N35° 29' 28"W	L35	255.27	N1° 40' 50"W			
L16	70.25	S54° 30' 32"W	L36	55.00	N88° 19' 10"E			
L17	15.00	N35° 29' 28"W	L37	276.58	S1° 40' 50"E			
L18	70.25	N54° 30' 32"E	L38	260.64	S55° 45' 50"E			
L19	396.15	N35° 29' 28"W	L39	96.34	N82° 00' 51"E			
L20	122.62	N80° 29' 28"W	L40	145.59	S14° 38' 51"E			



OWNER/DEVELOPER

BROKEN ARROW PUBLIC SCHOOLS - INDEPENDENT SCHOOL DISTRICT NO.3
701 S. MAIN STREET
BROKEN ARROW, OK 74012
CONTACT: MICHELLE BERGWALL, COO
(918) 259-5700

ENGINEER

WALLACE ENGINEERING STRUCTURAL CONSULTANTS, INC.
123 NORTH MARTIN LUTHER KING JR. BOULEVARD
TULSA, OK 74103
(918) 584-5858
OKLAHOMA CA #1460
EXP DATE 6/30/2021
ATTN: DARREN BURNS P.E.
dburns@wallacesc.com

SURVEYOR

BENNETT SURVEYING, INC.
210 CHOUTEAU AVENUE
CHOUTEAU, OK 74337
TEL: 918-476-7484
RPLS 1556, CA #4502
EXPIRES 6/30/2019
WADE BENNETT
wade@bennettsurveying.com

SUBDIVISION STATISTICS

SUBDIVISION CONTAINS ONE (1) LOT IN ONE (1) BLOCK. LOT ONE CONTAINS 3,477,989 SQUARE FEET, OR 79.844 ACRES MORE OR LESS.

MONUMENTATION

5/8" IRON PINS FOUND AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.

BENCHMARK

BENCHMARK 1
3/8" IPS W/ "ATLAS CONTROL"
PURPLE CAP
N=399,512.213
E=2,631,566.731
ELEV=690.62'

BENCHMARK 2
3/8" IPS W/ "ATLAS CONTROL"
PURPLE CAP
N=399,178.867
E=2,631,879.554
ELEV=679.85'

BASIS OF BEARINGS

HORIZONTAL DATUM BASED UPON NAD 83 (1993) OKLAHOMA STATE PLANE COORDINATE SYSTEM NORTH ZONE 3501 VERTICAL DATUM BASED UPON NAVD 88; THE BASIS OF BEARING IS BASED ON THE SOUTH LINE OF SECTION 31 AS BEING N88°53'49"E.

FLOODPLAIN NOTE

THE PROPERTY DESCRIBED HAS BEEN EXAMINED BY A MAP OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, TULSA COUNTY, OKLAHOMA, MAP NO. 40145C0085J, MAP REVISED: SEPTEMBER 30, 2016, WHICH SHOWS THE ENTIRE PORTION OF THE PROPERTY DESCRIBED HEREON AS LOCATED IN ZONE (X) NOT SHADED WHICH IS CLASSIFIED AS AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

DETENTION DETERMINATION

#DD-101819-34

ADDRESS NOTE

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

BUILDING SETBACK NOTE

BUILDING SETBACK LINE (B/S) IS SHOWN PER THE CITY OF BROKEN ARROW ZONING CODE AND IS FOR REFERENCE ONLY. BUILDING LINE IS SUBJECT TO MODIFICATION BY THE BROKEN ARROW ZONING CODE AND WITHOUT MODIFICATION TO THIS PLAT.

RED NOTE:

ITEMS SHOWN IN RED ARE FOR REVIEWER REFERENCE ONLY AND SHALL BE REMOVED FOR FINAL PLAT.

CASE NUMBER (PT-19-117)

DATE: 12/30/19
BROKEN ARROW HS STEM
CONDITIONAL FINAL PLAT
SHEET 1 OF 2

CONDITIONAL FINAL PLAT BROKEN ARROW HS STEM

Deed of Dedication and Restrictive Covenants

KNOW ALL MEN BY THESE PRESENTS:

Broken Arrow Public Schools, hereinafter referred to as the "Owner", is the owner of the following described land in the City of Broken Arrow, Wagoner county, state of Oklahoma, to-wit:

A TRACT OF LAND LYING IN THE SOUTHWEST QUARTER (SW/4) OF SECTION THIRTY-ONE (31) TOWNSHIP NINETEEN (19) NORTH, RANGE FIFTEEN (15) EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF SAID SECTION THIRTY-ONE (31); THENCE S88°53'49"W AND ALONG THE SOUTH LINE OF SAID SECTION THIRTY-ONE (31) FOR A DISTANCE OF 1315.80 FEET TO A POINT ON THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER (E/2, SW/4); THENCE N01°40'50"W AND ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER (E/2, SW/4) FOR A DISTANCE OF 2639.96 FEET TO A POINT ON THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER (E/2, SW/4); THENCE N88°50'57"E AND ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER (SW/4) FOR A DISTANCE OF 1318.66 FEET TO A POINT ON THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW/4); THENCE S01°37'06"E AND ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW/4) FOR A DISTANCE OF 2641.03 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER AND THE POINT OF BEGINNING;

LEGAL DESCRIPTION WAS PREPARED ON NOVEMBER 18, 2019 BY CLIFF BENNETT, PLS #1815 WITH THE BEARINGS BASED ON THE SOUTH LINE OF SECTION 31 AS BEING N88°53'49"E.

Owner has caused the above described tract of land to be surveyed, staked, platted and subdivided into 1 Lot, and 1 block (the "Lot") in conformity with the accompanying plat, and has designated the subdivision as "Broken Arrow HS STEM", a subdivision in the City of Broken Arrow, Wagoner County, Oklahoma (hereinafter the "Subdivision").

SECTION I. STREETS, EASEMENTS AND UTILITIES

A. PUBLIC STREETS AND GENERAL UTILITY EASEMENTS

The Owner does hereby dedicate to the public the street rights-of-way as depicted on the accompanying plat. Additionally, the Owner does hereby dedicate to the public the utility easements designated as "UE" or "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 fittings, including the poles, wires, conduits, pipes, valves, meters, and equipment for each of such facilities and any other appurtenances thereto, with the rights of ingress and egress to and upon the utility easements for the uses and purposes aforesaid, provided however, the owner hereby reserves the right to construct, maintain, operate, lay and re-lay water lines and sewer lines, together with the right of ingress and egress for such construction, maintenance, operation, laying and relaying over, across and along all of the utility easements depicted on the plat, for the purpose of furnishing water and/or sewer services to the area included in the plat. The Owner herein imposes a restrictive covenant, which covenant shall be binding on the Owner and its successors and assigns (together, the "Lot Owner"), and shall be enforceable by the City of Broken Arrow, Oklahoma, and by the supplier of any affected utility service, that within the utility easements depicted on the accompanying plat no building, structure or other above or below ground obstruction 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 and customary screening fences and walls that do not constitute an obstruction.

B. UTILITY SERVICE

- Overhead poles for the supply of electric and communication service may be located in the perimeter utility easements and the in the perimeter rights-of-way of the Subdivision. Street light poles or standards may be served by overhead or underground cable, and elsewhere throughout the Subdivision, all supply lines including electric, telephone, cable television and gas lines shall be located underground in easements dedicated for general utility services and in the rights-of-way of the public streets as depicted upon the accompanying plat. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in the general utility easements.
- All supply lines in the Subdivision including electric, telephone, cable television and gas lines shall be located underground in the easements reserved for general utility services and streets shown on the plat of the Subdivision. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in said easements. Underground service cables and gas service lines to all structures within the Subdivision may be extended from the nearest gas main, service pedestal or transformer to the point of usage determined by the location and construction of such structure upon the Lot, provided upon 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 and non-exclusive 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 authorized agents and employees, shall at all times have right of access to all utility easements 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 service facilities installed by the supplier of the utility service.
- The Lot Owner shall be responsible for the protection of the overhead and/or underground service facilities located on the Lot and shall prevent the alteration of grade or any construction activity which may interfere with said electric, telephone, cable television or gas facilities. Each supplier of these services shall be responsible for ordinary maintenance of overhead and/or underground facilities, but the Lot Owner shall pay for damage or relocation of such facilities caused or necessitated by acts of the Owner or the Owner's agents or contractors.
- The covenants set forth in this subsection shall be enforceable by each supplier of the electric, telephone, cable television or gas service and the Lot Owner agrees to be bound by these covenants.

C. WATER MAINS, SANITARY SEWERS, AND STORM SEWER SERVICES

- The Lot Owner shall be responsible for the protection of the public water mains, sanitary sewer mains and storm sewers in this Subdivision.
- Within the utility easement areas depicted on the accompanying plat, the alteration of ground elevations from the contours existing upon the completion of the installation of a public water main, sanitary sewer main, or storm sewer main, or any construction activity which would, in the judgment of the City of Broken Arrow or in the judgment of Wagoner County Rural Water District No. 4, interfere with public water mains, sanitary sewer mains and storm sewers, shall be prohibited.
- The City of Broken Arrow, Oklahoma, or its successors, shall be responsible for ordinary maintenance of, sanitary sewer mains and storm sewer mains, but the Lot Owner shall pay for damage or relocation of such facilities caused or necessitated by acts of the Lot Owner, his agents or contractors.
- Wagoner County Rural Water District No. 4, or its successors, shall be responsible for the ordinary maintenance of public water mains, but the owner shall pay for damage or relocation of such facilities caused or necessitated by acts of the owner, his agents or contractors.
- The City of Broken Arrow, Oklahoma and Wagoner County Rural Water District No. 4zzzz, or its successors,

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

- The foregoing covenants set forth in this paragraph shall be enforceable by the City of Broken Arrow, Oklahoma, Wagoner County Rural Water District No. 4 or its successors, and the Lot Owner 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 the Utility Easements shown on the plat or as otherwise provided for in this Deed of Dedication for the purpose of installing, maintaining, removing, or replacing any portion of the facilities installed by the supplier of gas service.
- The Lot Owner shall be responsible for the protection of the underground gas facilities located within the Subdivision and shall prevent the alteration of grade or any other construction activity which would interfere with gas service. The supplier of gas service shall be responsible for the ordinary maintenance of its facilities, but the Lot Owner shall pay for damage or relocation of facilities caused or necessitated by acts of the Lot Owner, or the Lot Owner's agents or contractors.
- The covenants set forth in this subsection shall be enforceable by the supplier of gas service, and the Owner agrees to be bound by these covenants.

E. SURFACE DRAINAGE

The Subdivision shall receive and drain, in an unobstructed manner, the storm and surface waters from lots and drainage areas of higher elevation and from streets and easements. The Lot Owner shall not construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across the Lot. The foregoing covenants set forth in this paragraph shall be enforceable by the Lot Owner and by the City of Broken Arrow, Oklahoma.

F. PAVING AND LANDSCAPING WITHIN EASEMENT

The Lot Owner shall be responsible for the repair of damage to landscaping and paving occasioned by necessary placements, replacements, or maintenance of water, sewer, storm sewer, natural gas, communication, cable television, or electric facilities within the utility easement areas depicted upon the accompanying plat, provided however, the City of Broken Arrow, Oklahoma or the supplier of the utility service shall use reasonable care in the performance of such activities.

G. OVERLAND DRAINAGE EASEMENT

- The Owner does hereby dedicate to the public perpetual easements on, over, and across those areas designated on the accompanying plat as "Overland Drainage & Utility Easement" for the purpose of permitting the overland flow, conveyance, and discharge of stormwater runoff within the Subdivision and from properties outside the Subdivision.
- Drainage facilities located within overland drainage easements shall be constructed in accordance with the adopted standards of the City of Broken Arrow, Oklahoma, and plans and specifications approved by the City of Broken Arrow, Oklahoma.
- No fence, wall, building or other obstruction shall be placed or maintained within an overland drainage easement nor shall there by any alteration of the grade in the easements unless approved by the City of Broken Arrow, Oklahoma, provided that the planting of turf shall not require the approval of the City of Broken Arrow, Oklahoma.
- Overland drainage easements located within the Subdivision shall be maintained by the Lot Owner at the Lot Owner's expense in accordance with standards prescribed by the City of Broken Arrow, Oklahoma. In the event the Lot Owner fails to properly maintain the easements located thereon or, in the event of the placement of an obstruction within such easements, or the alteration of grade therein, the City of Broken Arrow, Oklahoma, or its designated contractor may enter the easements and perform maintenance necessary to achieve the intended drainage functions and may remove any obstruction or correct any alteration of grade, and the costs shall be paid by the Lot Owner. In the event the Lot Owner fails to pay the cost of maintenance after receipt of a statement of costs from the City of Broken Arrow, Oklahoma, the City may file of record a copy of the statement of costs in the land records of the Wagoner County Clerk, and thereafter the costs shall be a lien against the Lot. A lien established as provided above may be foreclosed by the City of Broken Arrow, Oklahoma.

H. RESERVE AREA "A" (OVERLAND DRAINAGE EASEMENT)

- Reserve Area "A", depicted on the accompanying plat as an overland drainage easement, is dedicated to the City of Broken Arrow, Oklahoma, for the purpose of permitting the flow, conveyance, and discharge of storm water runoff from various lots within the subdivision and from properties outside the subdivision.
- Drainage facilities or other improvements constructed in the overland drainage easement shall be in accordance with the adopted standards of the City of Broken Arrow, Oklahoma, and plans and specifications approved by the City of Broken Arrow, Oklahoma.
- No fence, wall, building or other obstruction may be placed or maintained in the overland drainage easement nor shall there be any alteration of the grades of contours in the easement areas unless approved by the City of Broken Arrow, Oklahoma.
- Maintenance of the overland drainage easement shall be by the owner thereof in accordance with standards prescribed by the City of Broken Arrow, Oklahoma. In the event the owner should fail to properly maintain the easement area and facilities located thereon or, in the event of the placement of an obstruction within the easement area, of the alteration of the grade or contour therein, the City of Broken Arrow, Oklahoma, or its designated contractor may enter the easement area and perform maintenance necessary to the achievement of the intended drainage functions and may remove any obstruction or correct any alteration of grade or contour, and the cost thereof shall be paid by the owner thereof. In the event the 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 Lot 1, Block 1, which lien may be foreclosed by the City of Broken Arrow, Oklahoma.

SECTION II. 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 Lot Owner and its successors and assigns in title. Within the provisions of Section I, streets, easements and utilities are set forth certain covenants and the enforcement rights pertaining thereto, and additionally the covenants within Section I, whether or not specifically therein so stated shall inure to the benefit of and shall be enforceable by the City of Broken Arrow, Oklahoma. In any judicial action brought to enforce the covenants established within this Deed of Dedication, the defense that the party initiating the equitable proceeding has an adequate remedy at law is hereby waived.

B. DURATION

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

C. AMENDMENT

The covenants contained within Section I Streets, easements and utilities may be amended or terminated at any time by a written instrument signed and acknowledged by the Broken Arrow Planning Commission, or its successors with the approval of the City of Broken Arrow, Oklahoma.

D. SEVERABILITY

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

In witness whereof: Broken Arrow Public Schools has executed this instrument this _____ day of _____, 2019.

Broken Arrow Public Schools

BY: _____
Michelle Bergwall, Chief Operating Officer

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
) SS:
COUNTY OF TULSA)

This instrument was acknowledged before me this _____ day of _____, 2019, by Michelle Bergwall as Chief Operating Officer of Broken Arrow Public Schools.

Notary Public

My Commission No: _____
My Commission Expires: _____

[Seal]

CERTIFICATE OF SURVEY

I, R. Wade Bennett, of Bennett Surveying, Inc, a licensed land surveyor registered in the State of Oklahoma, hereby certify that I have carefully and accurately surveyed, subdivided, and platted the tract of land described above, and that the accompanying plat designated herein as Broken Arrow HS STEM, a subdivision in the City of Broken Arrow, Wagoner County, State of Oklahoma, is a representation of the survey made on the ground using generally accepted land surveying practices and meets or exceeds the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted.

Witness my hand and seal this 9th day of August, 2019.

R. Wade Bennett
Licensed Professional Land Surveyor
Oklahoma #1556

ACKNOWLEDGMENT

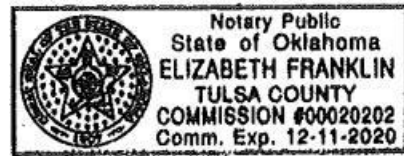
STATE OF OKLAHOMA)
) SS:
COUNTY OF TULSA)

This instrument was acknowledged before me this 9th day of August, 2019, by R. Wade Bennett.

Notary Public

My Commission No: #00020202
My Commission Expires: 12-11-2020

[Seal]





City of Broken Arrow

Request for Action

File #: 20-110, Version: 1

**Broken Arrow Planning Commission
01-23-2020**

To: Chairman and Commission Members

From: Development Services Department

Title: Approval of BAL-2069, Mark Snead Lot Split, 3 Lots, 48.54 acres, A-1 to R-2 and FD, one-quarter mile north of Florence Street (111th Street), east of 23rd Street (County Line Road)

Background:

Applicant: Mark Snead

Owner: Mark Snead

Developer: Mark Snead

Surveyor: Bennett Surveying, Inc.

Location: One-quarter mile north of Florence Street (111th Street), east of 23rd Street (County Line Road)

Size of Tract 48.54 total acres; Tract 1 - 16.90 acres; Tract 2 - 16.22 acres; Tract 3 - 15.41 acres

Number of Lots: Splitting parcel into three lots

Present Zoning: A-1 (R-2 approved with BAZ-1934 and BAZ-2022, which also included FD)

Comp Plan: Level 2 (Urban Residential) and Greenway/Floodplain

Lot split request BAL-2069 involves 48.54-acres located one-quarter mile north of Florence Street (111th Street), east of 23rd Street (County Line Road). The property is presently zoned A-1. With BAL-2069, applicant is requesting to split the 48.54 acres into three lots.

Four previous cases (BAZ-1935, BAL-1074, BAZ-2022, and BAL-2058CB) are connected to this lot combination case. On May 5, 2015, the Broken Arrow City Council approved BAZ-1935 to change the zoning on a 0.61 acre parcel from A-1 to R-2. At the time of this rezoning request, the property was owned by New Heart Fellowship, Inc. The rezoning was done in conjunction with lot split request BAL-1074. The lot split request was conditionally approved by the Planning Commission on May 14, 2015.

A site plan for New Heart Fellowship Church was submitted to and conditionally approved by the Planning Commission on December 2, 2004. One of the conditions associated with the approval of the site plan was that a sidewalk be constructed along 23rd Street. The revised site plan that was submitted to and approved by Staff in 2005 showed a sidewalk along 23rd Street. The sidewalk, however, was not constructed. The plat for New Heart Fellowship was recorded in Wagoner County on June 24, 2005.

One of the conditions associated with the approval of BAL-1074 was that the sidewalk along 23rd Street would

be constructed (within three years) in accordance with the Subdivision Regulations, 5 feet in width and one foot from the property line in the street right-of-way, for all the property platted as New Heart Fellowship Church. In a letter dated May 14, 2015, that was submitted to the City of Broken Arrow, the Church acknowledged that the sidewalk would be constructed within three years from the date of the letter. On November 14, 2018, Staff visited the site and observed that the sidewalk still had not been constructed. On this same day, a letter was sent to the pastor for New Heart Fellowship requesting an update on the status for getting the sidewalk installed. On January 14, 2019, New Heart Church provided a letter acknowledging that they would construct the sidewalk in three phases. The letter stated that the sidewalk for the middle section between New Heart's north and south entries would be completed by December 31, 2019. Phase 1 of the sidewalk construction for New Heart Church has been completed.

On February 5, 2019, the City Council approved BAZ-2022 to change the zoning on 64.27 acres east of the New Heart Church from A-1 (Agricultural) to R-2 (Single-Family Residential) and FD (Floodplain District). Platting was waived provided all the conditions associated with previous rezoning applications were completed.

On September 26, 2019, the Planning Commission approved BAL-2058CB that combined three lots that were owned by applicant associated with BAL-2069 into one parcel. For financial reasons, applicant is now requesting with BAL-2069 to split the property into three lots. A new house is proposed to be constructed on Tract 1.

The abutting property to the north has been platted as Elmwood Estate, Elmwood Estates II, Elmwood Estates 3rd, and Elmwood Estates 4th. All four of these plats were approved in Wagoner County prior to being annexed into the City of Broken Arrow. The pavement associated with S. 198th Street and S. 200th Street was not completed to the south property line of Elmwood Estate and Elmwood Estates II, which abuts the property associated with BAL-2069.

Consequently, while Tract 1 has access to the dedicated right-of-way associated with S. 200th Street to the north, this street has not been completely constructed south of E. 106th Street. Similarly, Tract 2 has access to the dedicated right-of-way for S. 198th Street, but the street has not been constructed south of E. 106th Street, only gravel exists. The construction of a local street is normally the responsibility of the private developer. The private developer builds the street and dedicates it to the City for the long term maintenance. The City's policy on streets that are annexed into the City is to continue to maintain the street in the same condition as when it was annexed. Applicant has acknowledged that he will improve S. 198th Street and S. 200th Street to standards acceptable to the City of Broken Arrow.

Applicant is proposing to construct a gate at the access points to 198th Street and 200th Street. Tract 3 fronts onto 23rd Street. Applicant is also in the process of designing a private bridge across a tributary of Broken Arrow Creek that will allow Tract 3 access to 23rd Street.

Oklahoma Natural Gas (ONG), Public Service Company of Oklahoma (PSO), Cox Communications, Windstream, and Rural Water District #4 have indicated that they do not have any problems with the proposed lot combination.

Attachments: Case map
Aerial
Legal descriptions
New Heart Fellowship Church plat
Elmwood Estate plat

Elmwood Estates II plat
Elmwood Estates 3rd plat
Elmwood Estates 4th plat
Proposed gates on S. 198th Street and S. 200th Street
Pictures of property
January 14, 2019 letter from New Heart Fellowship Church

Recommendation:

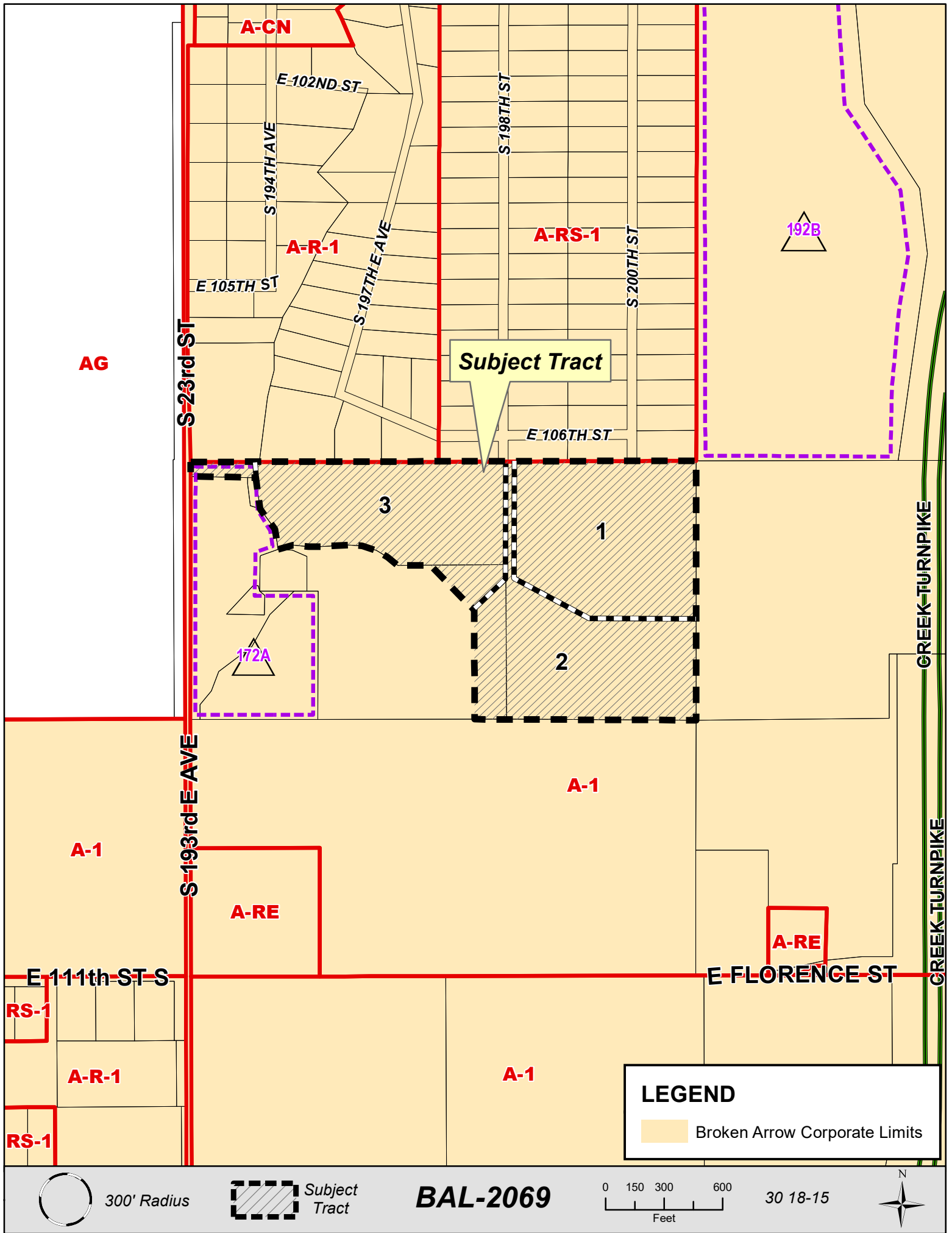
BAL-2069 proposes to split a 48.95 acre parcel into three lots. Access to Tracts 1 and 2 is from S. 198th Street and S. 200th Street. The right-of-way for both these streets was dedicated in Wagoner County prior to being within the City Limits of Broken Arrow. Both streets have not been completed to the property line associated with BAL-2069. Local streets such as 198th Street and 200th Street are built by the private developer and once accepted by the City are maintained by the City. Applicant, who is proposing a private gate at each of these two streets, has acknowledged that he will improve portions S. 198th Street and S. 200th Street south of E. 106th Street to the standards required by the City of Broken Arrow. Staff recommends that BAL-2069 be approved, subject to the following:

1. Warranty deeds for all parcels shall be brought simultaneously to the Community Development Department to be stamped prior to being recorded in Wagoner County.
2. Prior to the warranty deeds being stamped, plans for the improvement of S. 198th Street and S. 200th Street shall be submitted to and approved by the City of Broken Arrow.

Reviewed by: **Jill Ferenc**

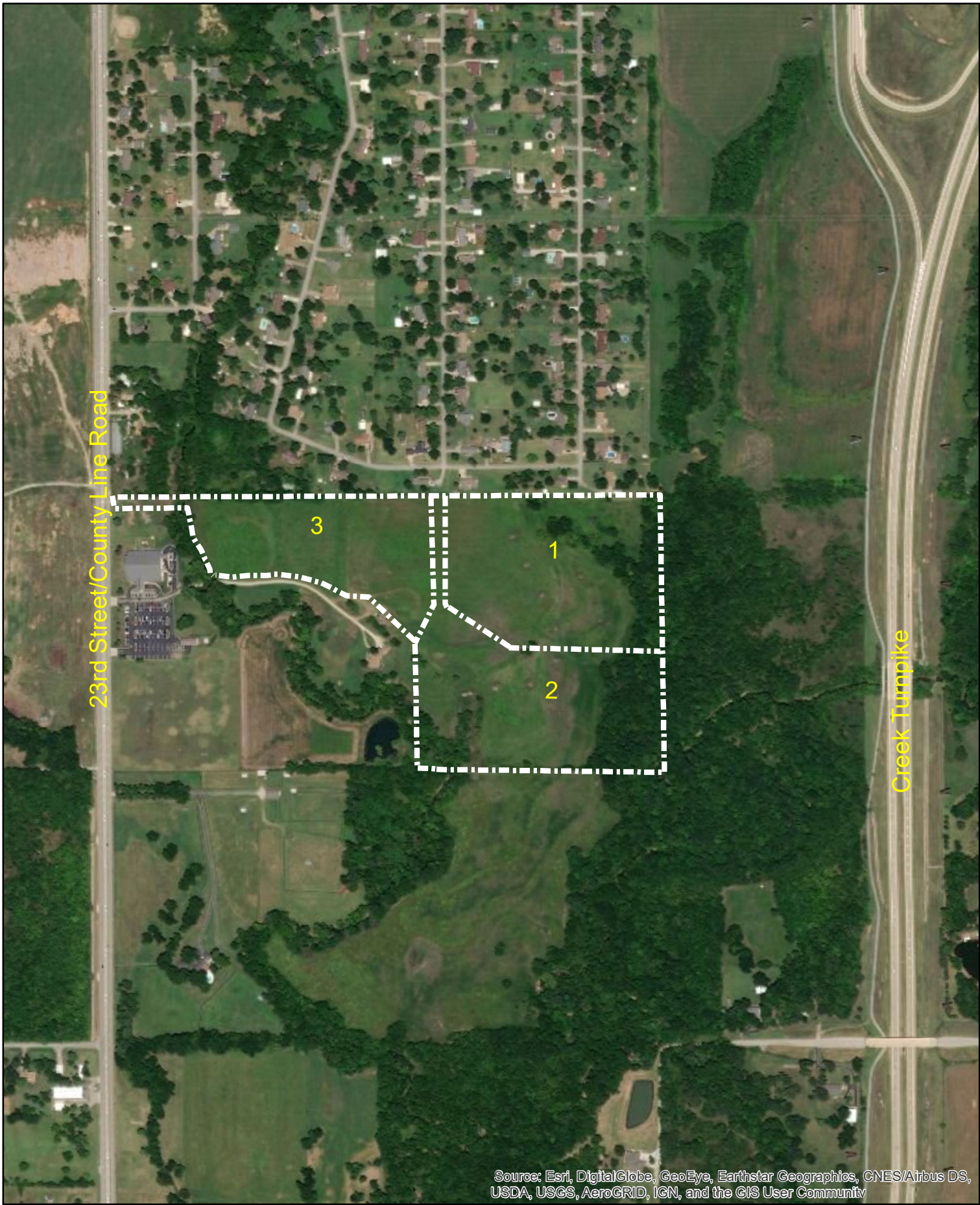
Approved by: **Larry R. Curtis**

BDM



BAL-2069

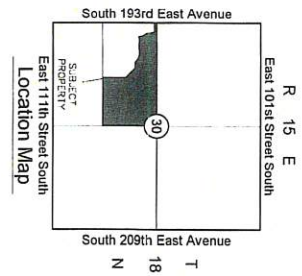
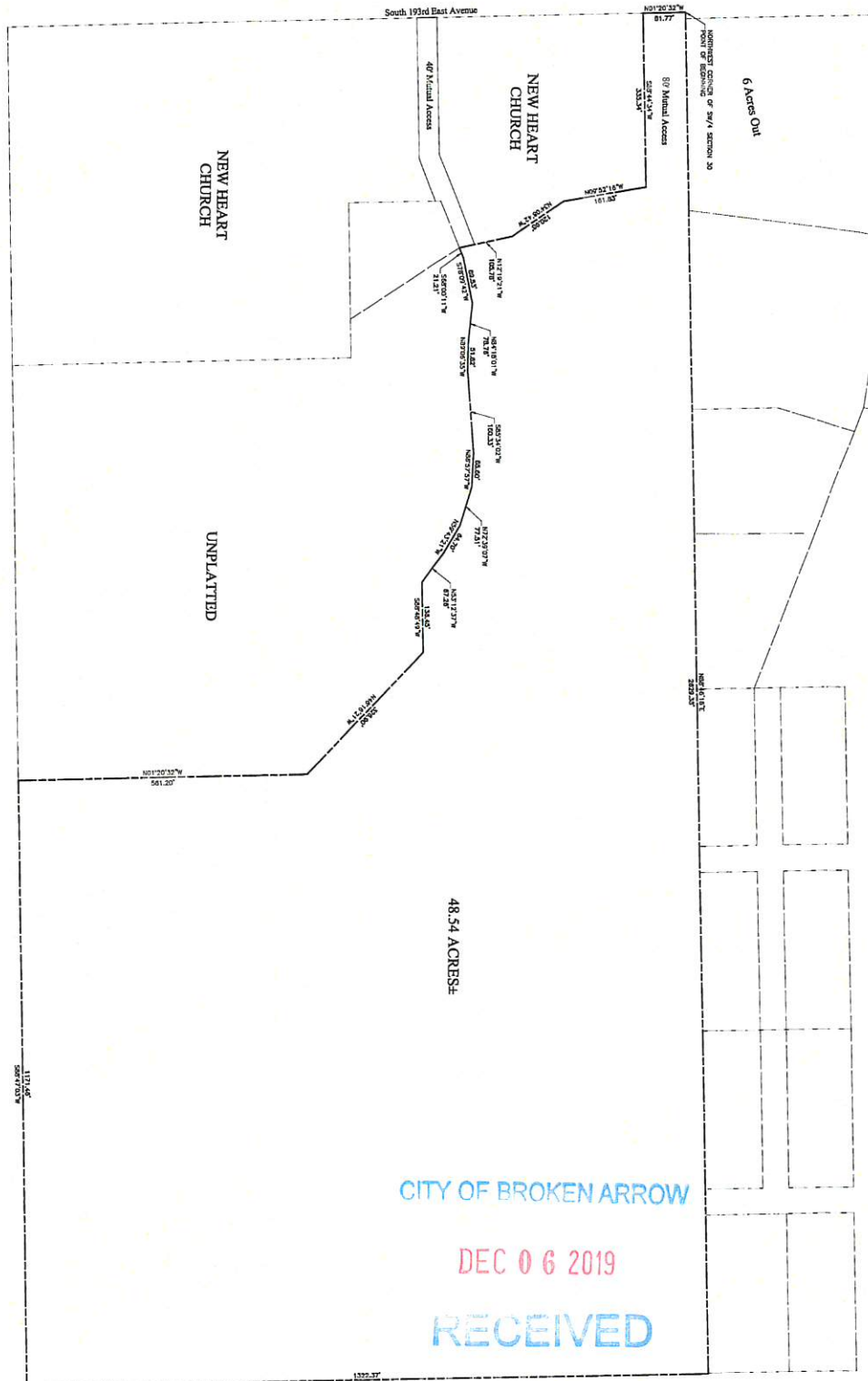
30 18-15



BAL-2069
Snead Lot Split

600 300 0 600 Feet



[illegible]

CITY OF BROKEN ARROW

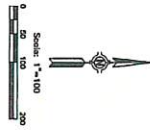
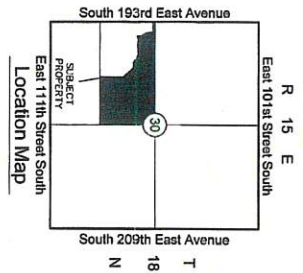
DEC 06 2019

RECEIVED

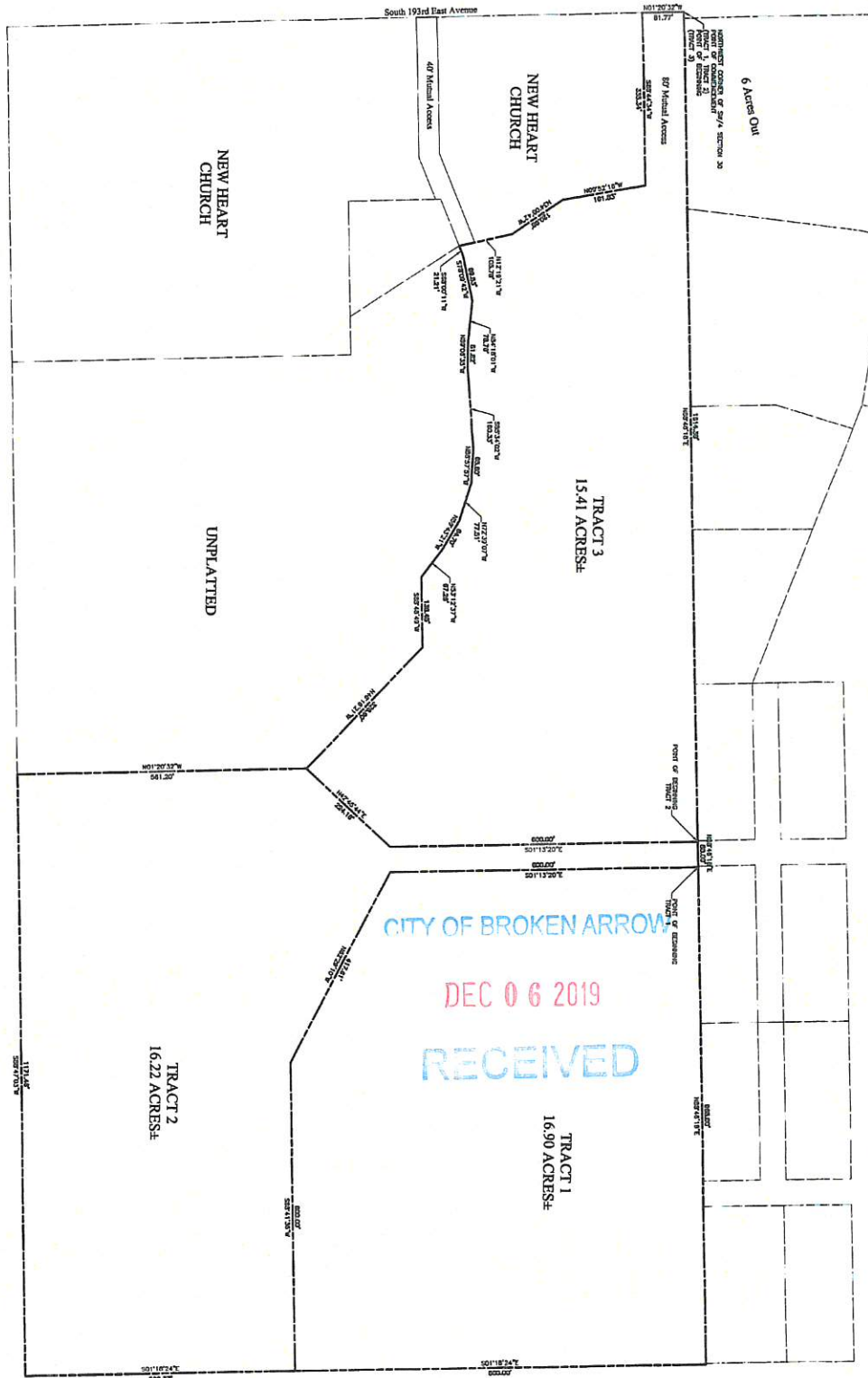
EXHIBIT "A"
of part of
N/2, SW/4
Section 30, T-18-N, R-15-E
10685 S. 193rd E. Ave
City of Broken Arrow
Wagoner County, Oklahoma

TYPED					
BENNETT					
SURVEYING, INC.					
P.O. BOX 9087 • ST. LOUIS, MO 63106 TEL. 314-436-1100 • FAX 314-436-1101					
REVISIONS	BY	DATE			
-	-	-			
FILE	1815.30	SHEET NO.	RCE	DATE	10/20/18
DRAWN	182720	CHECKED BY	AJS	SCALE	1"=100'
WORK		DESIGNED BY	CDM	SHEET	2 OF 2

Exhibit "B-2"



NOTES:
 1. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE AN OFFER OF ANY FINANCIAL PRODUCT OR SERVICE.
 2. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED IN ANY MANNER THAT COULD BE CONSIDERED A VIOLATION OF ANY APPLICABLE LAW.
 3. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED IN ANY MANNER THAT COULD BE CONSIDERED A VIOLATION OF ANY APPLICABLE LAW.
 4. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED IN ANY MANNER THAT COULD BE CONSIDERED A VIOLATION OF ANY APPLICABLE LAW.
 5. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED IN ANY MANNER THAT COULD BE CONSIDERED A VIOLATION OF ANY APPLICABLE LAW.



CITY OF BROKEN ARROW

DEC 06 2019

RECEIVED

EXHIBIT "A"
 of part of
Section 30, T-18-N, R-15-E
10685 S. 193rd E. Ave
City of Broken Arrow
Wagoner County, Oklahoma

Record	Page	Book	Page
10685	1	10685	1
10685	2	10685	2
10685	3	10685	3
10685	4	10685	4
10685	5	10685	5
10685	6	10685	6
10685	7	10685	7
10685	8	10685	8
10685	9	10685	9
10685	10	10685	10

Exhibit "A-1"



EXHIBIT "A" LEGAL DESCRIPTION

A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION THIRTY (30), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FIFTEEN (15) EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW/4) OF SAID SECTION THIRTY (30); THENCE N88°46'18"E AND ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (SW/4) FOR A DISTANCE OF 2629.38 FEET TO A POINT ON THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF SAID SECTION THIRTY (30); THENCE S01°18'24"E AND ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION THIRTY (30) FOR A DISTANCE OF 1322.37 FEET TO A POINT ON THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER; THENCE S88°47'03"W AND ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER (SW/4) OF SAID SECTION THIRTY (30) FOR A DISTANCE OF 1171.46 FEET; THENCE N01°20'32"W FOR A DISTANCE OF 561.20 FEET; THENCE N46°16'21"W FOR A DISTANCE OF 326.90 FEET; THENCE S88°48'49"W FOR A DISTANCE OF 136.45 FEET; N53°12'37"W FOR A DISTANCE OF 67.26 FEET; THENCE N59°43'21"W FOR A DISTANCE OF 64.70 FEET; THENCE N72°39'07"W FOR A DISTANCE OF 77.51 FEET; THENCE N86°57'57"W FOR A DISTANCE OF 65.60 FEET; THENCE S85°34'02"W FOR A DISTANCE OF 160.33 FEET; THENCE N89°06'35"W FOR A DISTANCE OF 51.82 FEET; THENCE N84°18'01"W FOR A DISTANCE OF 78.76 FEET; THENCE S78°09'42"W FOR A DISTANCE OF 89.53 FEET; THENCE S68°00'11"W FOR A DISTANCE OF 21.21 FEET; THENCE N12°19'21"W FOR A DISTANCE OF 105.78 FEET; THENCE N34°08'42"W FOR A DISTANCE OF 120.98 FEET; THENCE N09°52'16"W FOR A DISTANCE OF 161.83 FEET; THENCE S88°44'34"W FOR A DISTANCE OF 335.34 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION THIRTY (30); THENCE N01°20'32"W AND ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION THIRTY (30) FOR A DISTANCE OF 81.77 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW/4) OF SAID SECTION THIRTY (30) AND THE POINT OF BEGINNING; SAID TRACT CONTAINING 48.54 ACRES MORE OR LESS.

LEGAL DESCRIPTION WAS PREPARED ON DECEMBER 6, 2019 BY CLIFF BENNETT, PLS #1815 WITH THE BEARINGS BASED ON THE WEST LINE OF SECTION 30 AS BEING S01°20'32"E.

SURVEYOR'S CERTIFICATE

I, CLIFF BENNETT OF BENNETT SURVEYING, INC., CERTIFY THAT THE LEGAL DESCRIPTION HEREON CLOSES IN ACCORDANCE WITH CURRENT TOLERANCES AND IS A TRUE REPRESENTATION OF THE SUBJECT PROPERTY DESCRIBED, AND THAT THE SURVEY OF THE SUBJECT PROPERTY MEETS THE MINIMUM TECHNICAL STANDARDS AS ADOPTED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.

WITNESS MY HAND AND SEAL THIS 6TH DAY OF DECEMBER, 2019.



Cliff Bennett

CLIFF BENNETT, PLS
OKLAHOMA NO.1815
CERT. OF AUTH. NO. 4502
EXP. DATE JUNE 30, 2020

CITY OF BROKEN ARROW

DEC 06 2019

RECEIVED

Exhibit "B-1"

CITY OF BROKEN ARROW

DEC 06 2019

RECEIVED



EXHIBIT "A" LEGAL DESCRIPTION TRACT 1

A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION THIRTY (30), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FIFTEEN (15) EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW/4) OF SAID SECTION THIRTY (30); THENCE N88°46'18"E FOR A DISTANCE OF 1664.38 FEET TO THE POINT OF BEGINNING; THENCE N88°46'18"E FOR A DISTANCE OF 965.00 FEET; THENCE S01°18'24"E FOR A DISTANCE OF 800.00 FEET; THENCE S88°41'36"W FOR A DISTANCE OF 600.00 FEET; THENCE N62°29'10"W FOR A DISTANCE OF 417.61 FEET; THENCE N01°13'20"W A DISTANCE OF 600.00 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINS 16.90 ACRES MORE OR LESS.

TRACT 2

A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION THIRTY (30), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FIFTEEN (15) EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW/4) OF SAID SECTION THIRTY (30); THENCE N88°46'18"E FOR A DISTANCE OF 1614.38 FEET TO THE POINT OF BEGINNING; THENCE N88°46'18"E FOR A DISTANCE OF 50.00 FEET; THENCE S01°13'20"E FOR A DISTANCE OF 600.00 FEET; THENCE, S62°29'10"E FOR A DISTANCE OF 417.61 FEET; THENCE N88°41'36"E FOR A DISTANCE OF 600.00 FEET; THENCE S01°18'24"E FOR A DISTANCE OF 522.37 FEET; THENCE, S88°47'03"W FOR A DISTANCE OF 1171.46 FEET; THENCE, N01°20'32"W FOR A DISTANCE OF 561.20 FEET; THENCE N42°45'44"E FOR A DISTANCE OF 224.18 FEET; THENCE N01°13'20"W A DISTANCE OF 600.00 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINS 16.22 ACRES MORE OR LESS.

TRACT 3

A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION THIRTY (30), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FIFTEEN (15) EAST OF THE INDIAN BASE AND MERIDIAN, WAGONER COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT

BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW/4); OF SAID SECTION THIRTY (30); THENCE N88°46'18"E FOR A DISTANCE OF 1614.38 FEET; THENCE S01°13'20"E FOR A DISTANCE OF 600.00 FEET; THENCE S42°45'44"W FOR A DISTANCE OF 224.18 FEET; THENCE N 46°16'21"W FOR A DISTANCE OF 326.90 FEET; THENCE S88°48'49"W FOR A DISTANCE OF 136.45 FEET; THENCE N53°12'37"W FOR A DISTANCE OF 67.26 FEET; THENCE N59°43'21"W FOR A DISTANCE OF 64.70 FEET; THENCE N72°39'07"W FOR A DISTANCE OF 77.51 FEET; THENCE N86°57'57"W FOR A DISTANCE OF 65.60 FEET; THENCE S85°34'02"W FOR A DISTANCE OF 160.33 FEET; THENCE N89°06'35"W FOR A DISTANCE OF 51.82 FEET; THENCE N84°18'01"W FOR A DISTANCE OF 78.76 FEET; THENCE S78°09'42"W FOR A DISTANCE OF 89.53 FEET; THENCE S68°00'11"W FOR A

DISTANCE OF 21.21 FEET; THENCE N12°19'21"W FOR A DISTANCE OF 105.78 FEET; THENCE N34°08'42"W FOR A DISTANCE OF 120.98 FEET; THENCE N09°52'16"W FOR A DISTANCE OF 161.83 FEET; THENCE S88°44'34"W FOR A DISTANCE OF 335.34 FEET; THENCE N01°20'32"W A DISTANCE OF 81.77 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINS 15.41 ACRES MORE OR LESS.

LEGAL DESCRIPTION WAS PREPARED ON OCTOBER 30, 2019 BY CLIFF BENNETT, PLS #1815 WITH THE BEARINGS BASED ON THE WEST LINE OF SECTION 30 AS BEING S01°20'32"E.

SURVEYOR'S CERTIFICATE

I, CLIFF BENNETT OF BENNETT SURVEYING, INC., CERTIFY THAT THE LEGAL DESCRIPTION HEREON CLOSES IN ACCORDANCE WITH CURRENT TOLERANCES AND IS A TRUE REPRESENTATION OF THE SUBJECT PROPERTY DESCRIBED, AND THAT THE SURVEY OF THE SUBJECT PROPERTY MEETS THE MINIMUM TECHNICAL STANDARDS AS ADOPTED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.

WITNESS MY HAND AND SEAL THIS 30TH DAY OF OCTOBER, 2019.



Cliff Bennett

CLIFF BENNETT, PLS
OKLAHOMA NO.1815
CERT. OF AUTH. NO. 4502
EXP. DATE JUNE 30, 2020

CITY OF BROKEN ARROW

DEC 06 2019

RECEIVED

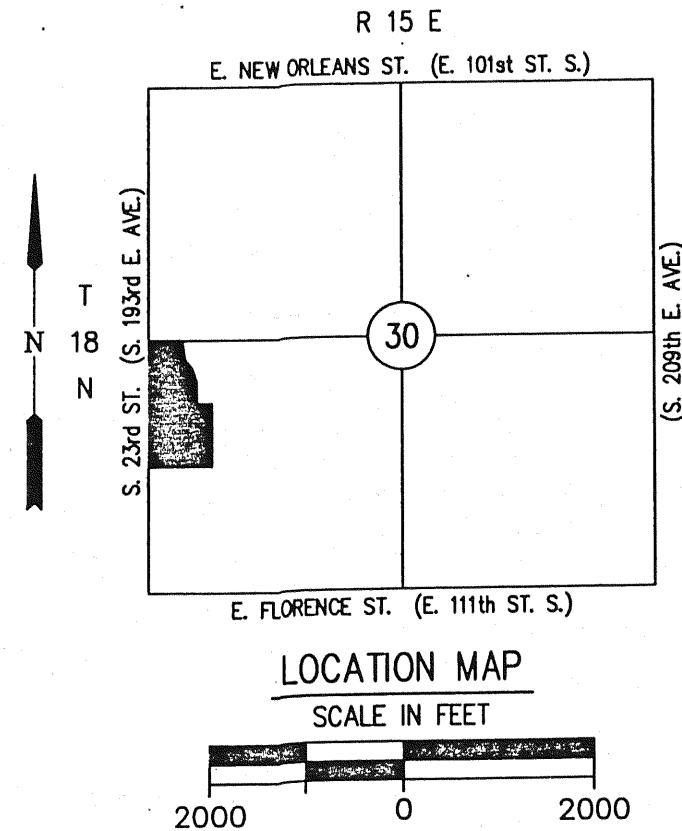
OWNER/DEVELOPER
NEW HEART FELLOWSHIP CHURCH
19214 E. 91st STREET
BROKEN ARROW, OK. 74012

ENGINEER/SURVEYOR
Crafton, Tull & Associates, Inc.
2448 E. 81st Street, Suite 1700 Tulsa, OK 74137-4262
918.584.0347 FAX: 918.584.3783 www.crafttull.com
CA 973 (PE/LS) EXPIRES 6/30/2004
Engineers & Surveyors
JANUARY 2005 C.T.A. REG. NO. 044035-00-21530

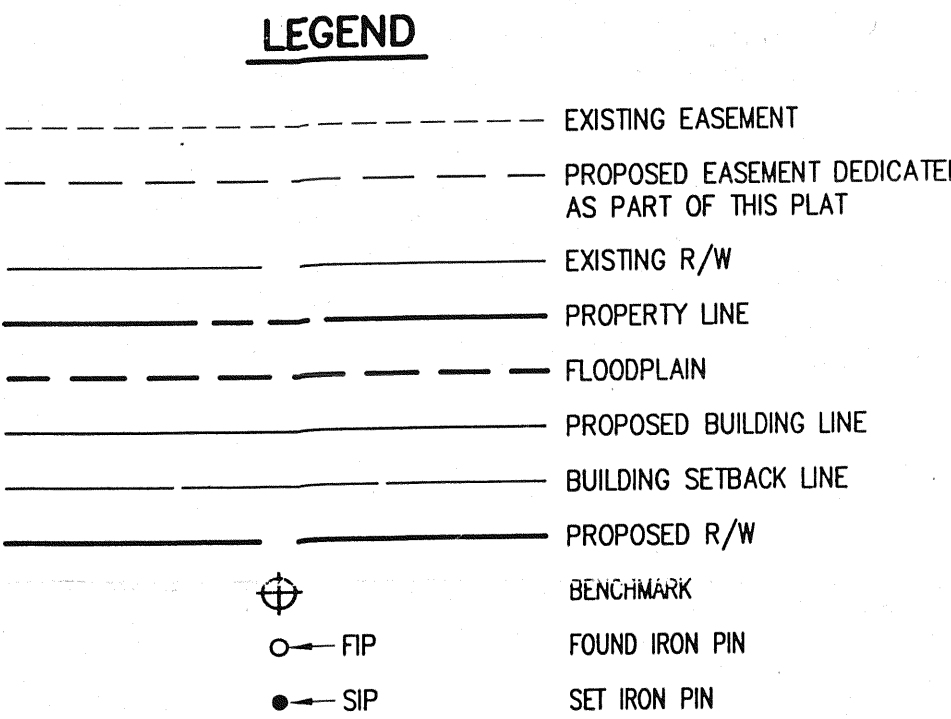
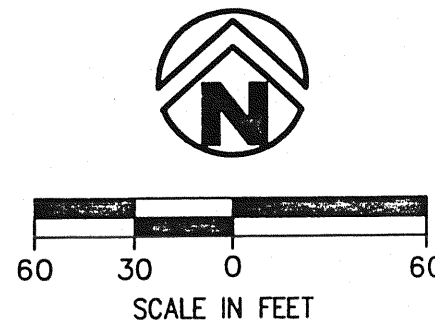
NEW HEART FELLOWSHIP CHURCH

SECTION 30, TOWNSHIP 18 NORTH, RANGE 15 EAST,
CITY OF BROKEN ARROW, WAGONER COUNTY,
STATE OF OKLAHOMA
TOTAL AREA = 15.53 ACRES
1 LOT 1 BLOCK

BASIS OF BEARING
ASSUME BEARING OF N 0°01'13" E
FOR COUNTY LINE ROAD



FLOODPLAIN REFERENCE
FIRM MAP NO. 40143C0544H DATED 9/22/1999



APPROVED 12-20-04 by the City
Council of the City of Broken Arrow, Oklahoma
Richard Carter
Mayor
Linda Fagundes
Attest: City Clerk 2-9-05

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

BACKFLOW PREVENTER VALVE TABLE	
PROPOSED FINISHED FLOOR	MANHOLE TOP OF RIM ELEVATION
MULTI-PURPOSE BUILDING 650.0	637.80

- NOTES:
- (1) STORM WATER DETENTION ACCOMMODATIONS FOR THIS SITE ARE PROVIDED BY THE ONSITE DETENTION FACILITY AS SHOWN IN THE "NO EXCEPTIONS TAKEN" ENGINEERING PLANS IN ACCORDANCE WITH FEE-IN-LIEU OF DETERMINATION #00-52604-30.
 - (2) THIS CONDITIONAL FINAL PLAT AGREES WITH THE "NO EXCEPTION TAKEN" ENGINEERING PLANS FOR NEW HEART FELLOWSHIP CHURCH.

I, the undersigned, the duly qualified and acting County Treasurer of Wagoner County, Oklahoma, hereby certify that according to the 2004 tax rolls the taxes on the above description are paid.

Gloria Marshall County Treasurer
Gloria Marshall County Treasurer
SEAL
WAGONER COUNTY, OKLA.

Certified True Copy
CAROLYN KUSLER, COUNTY CLERK
Wagoner County, Okla.
Carolyn Kusler
DEPUTY

SEAL
COUNTY CLERK
WAGONER COUNTY, OKLA.

CASE NO. PT04-107
DEVELOPMENT NO. 03-162
PAGE 1 OF 2

A SUBDIVISION OF E1/2 OF E1/2 OF NW 1/4 SECTION 30
T-18-N R-15-E WAGONER COUNTY, OKLAHOMA

NORTH LINE SEC.30, T-18-N, R-15-E 7 EAST 101ST STREET

Put Book to Page 7
STATE OF OKLAHOMA) ss
COUNTY OF WAGONER)
Filed for Record in this Office of the
COUNTY CLERK AND RECORDED

JUL 10 1973
AT 8 O'CLOCK
JACK C. JONES, County Clerk
By W. B. Boyd Deputy

SURVEYOR:
BILL COX Jr.
RT 1
BIXBY OKLA.

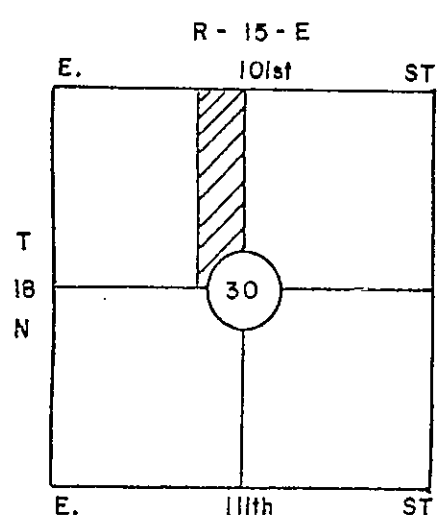
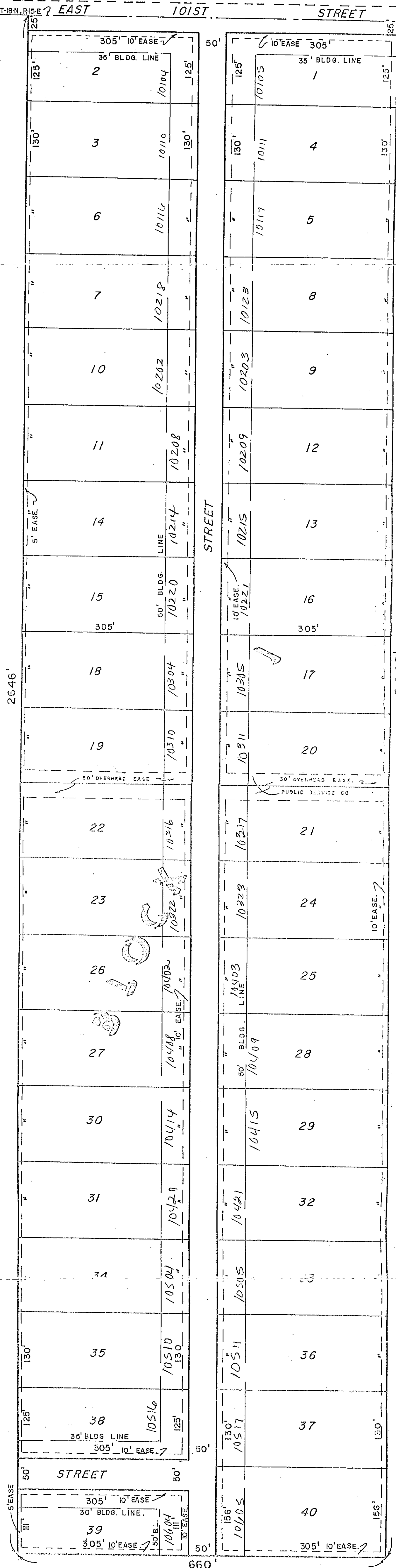


Diagram of a 100-foot bridge. The bridge is represented by a horizontal line with tick marks at 0, 50', 100', and 20'. A section of the bridge, starting from the left end and extending to the 25' mark, is highlighted with a thicker line. Below this section, the text "25'" is written. Below the entire bridge diagram, the text "SCALE: 1" = 100'" is written.



CERTIFICATE OF DEDICATION AND RESTRICTIVE COVENANTS

KNOWN ALL MEN BY THESE PRESENTS
THAT

BARCUS DEVELOPMENT COMPANY - is the owner of the following described property, to-wit: A Subdivision of East Half (½) of the East Half (½) of Northwest Quarter (NW¼) of Section 30, T-18-N, R-15-E, Wagoner County, Oklahoma.

That the BARCUS DEVELOPMENT COMPANY, Owner of the above described property, have caused the same to surveyed, staked, platted into lots, streets, and utility easements, have caused the same to be named and designated as "ELMWOOD ESTATES", a subdivision in Wagoner County, State of Oklahoma, according to the recorded plat thereof, and hereby dedicate for the public use, wherever the street or streets are located, the same to the successors in title, and do hereby guarantee clear title to all lands so dedicated, and for the purpose of providing an orderly development of the entire tract and for the purpose of providing adequate restrictive covenants for the mutual benefit to the successors in title, to the subdivisions of said tract, herein after referred to as lots, do hereby impose the following restrictions and create the following easements to which it shall be incumbent to our successors to adhere.

THESE COVENANTS - Are to run with the land and shall be binding on parties and all persons claiming under them until June 30, 1993 at which time said covenants shall be automatically extended for successive period of ten years, unless by vote of the majority of the owners of the lots, then it is agreed to change said covenants in whole or in part.

IF THE PARTIES HERETO, - Or any of them or their heirs or assigns, shall violate, or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real estate situated in said development or subdivision to prosecute any proceedings at law or in equity against the persons violating or attempting to violate any such covenant, and either to prevent him or them from doing so or to recover damages or other dues for such violations. Invalidation of any of these covenants by judgement or court order shall in no way affect any of the other provisions shall remain in full force and effect.

1. Each lot may be used for only one single family dwelling.
2. No building shall be located nearer to the front line, nor nearer to the side street line, than the building line shown on the recorded plat, and in any event, no building shall be located nearer than fifteen (15) feet to any side lot line.
3. No residence or structure shall be erected on any building plot, which has an area less than shown on the recorded plat.
4. No noxious trade or activity shall be carried on, upon any lot, nor shall anything be done thereon which may be, or may become, any annoyance or a nuisance to the neighborhood. No part of the property described in said plat shall be used for the maintenance, care or housing of swine or poultry. No commercial business of any kind or nature shall be conducted on the described property.
5. Each tract shall be permitted to construct a small barn, not to exceed the height of the dwelling, and must be maintained and kept clean and orderly condition.
6. No trailer, basement, tent, shack, garage, barn or other out-building erected in this tract shall at any time be used as a residence, either temporarily or permanently, nor shall any structure of a temporary nature or charter be used as a residence.
7. No dwelling shall be erected on any single family residential lot in the tract the living area of the main structure of which, exclusive of open porches and garages, is less than 1400 square feet in area, and the exterior surface of all single family dwellings shall be at least forty (40%) masonry.
8. No structure previously used shall be moved onto any lot in this addition.
9. All individual sewage systems shall be constructed in such a manner as to meet all requirements set out by the County and State Health Departments concerned.
10. The undersigned OWNER further dedicates to the public use forever the easements and right-of-ways as shown and designated on the accompanying plat for the several purposes of construction, maintaining, operating, repairing, removing and replacing any and all public utilities, including storm sewers, sanitary sewers, telephone lines, electric lines and transformers, gas-lines, and water lines, together with the right of ingress and egress upon said easements and right-of-ways for the uses and purposes aforesaid, together with similar rights in each and every street shown on said plat. PROVIDED HOWEVER - That the undersigned OWNER hereby reserves the right to construct, maintain, operate, lay and relaying over, across and along all of the public streets shown in said plat, and over, across and along all strips of land included within the easement shown thereon, both for the purpose of furnishing water and or sewer service to the area included in said plat and to any other area.
11. **UNDERGROUND UTILITIES**
 - (A) Overhead pole lines for the supply of electric service may be located along South and East edge of addition. Street lights or standards may be served by underground cable and elsewhere throughout said addition all supply lines shall be located underground, in the easement-ways for general utility services and streets, shown on the attached plat. Service pedestals and transformers, as sources of supply at second on the attached plat. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in said easement-ways.
 - (B) Underground service cables to all houses which may be located on all lots in said addition may be run from the nearest services pedestal on transformer to the point of usage determined by the location and construction of such house as may be located upon each said lot, provided that upon installation of such a service cable to a particular house, the supplier of electric service shall thereafter be deemed to have a definite, permanent, effective and exclusive right-of-way easement on said lot, covering a five (5) foot strip extending 2.5 feet on each side of said house.
 - (C) The supplies of electric and telephone services, through their proper agents and employees, shall at all times have right of access to all easement-ways shown on said plat, or provided for in this deed of dedication for the purpose of installing, maintaining, removing or replacing any portion of said underground electric facilities so installed by it.
 - (D) The owner of each lot shall be responsible for the protection of the underground electric and telephone facilities location on his property and shall prevent the alteration of grade or any construction activity which may interfere with said electric and telephone facilities. Repairs or cost of relocation required by violation of this covenant shall be paid by the owner of the lot.
 - (E) The foregoing covenants shall be enforceable by the supplier of electric service and the owner of each lot agrees to be bound thereby.

IN WITNESS WHEREOF _____ have caused these
to be executed this _____ day of _____, 19____

STATE OF OKLAHOMA)
COUNTY OF TULSA)

Witness my hand and seal of office at Tulsa, Oklahoma, this 1st day of June, 1968.

By _____
[Signature]

Before me the undersigned, a Notary Public in and for the County of Tulsa and the State of Oklahoma, on this day of June 20 , 1973 personally appeared H. B. Johnson to me known to be the identical person or persons who subscribed the same of the maker thereof to the foregoing instrument and as its owner, acknowledged to me that

executed the same as their free and voluntary act for the use and purposes therein set forth.

My Commission Expires Sept. 30, 1975

Dorothy Ann Hall
Notary Public

CERTIFICATE OF SURVEY

I, the undersigned, hereby certify that I have, at the instance of the owners, designated above, made the described survey, and that the accompanying plat is a true and correct representation of said survey.

Bill Cox Jr. #025
Registered Land Surveyor

STATE OF OKLAHOMA)
COUNTY OF Tulsa)

Before me, this undersigned, a Notary Public, in and for said County of Tulsa and the State of Oklahoma, on this day of June 29, 1973 personally appeared Bill Cox Jr., to me known to be the identical person who executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

My Commission Expires Sept. 30, 1975

I, Edw. W. Roberts, Treasurer County Treasurer
 Certify that the tapes on the above description
 are True.

Wm. H. Roberts,
Woodson County Treasurer

ELMWOOD ESTATES II

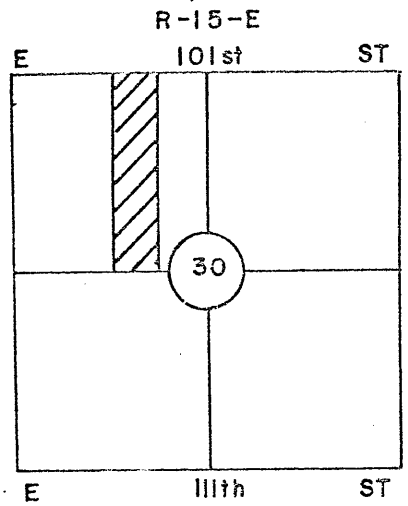
A SUBDIVISION OF W/2 OF E 1/2 OF NW 1/4 SECTION 30
T-18-N, R-15-E, WAGONER COUNTY, OKLAHOMA

Book 6 Page 27
STATE OF OKLAHOMA
COUNTY OF WAGONER
Filed for Record in this Office of the
COUNTY CLERK AND RECORDED

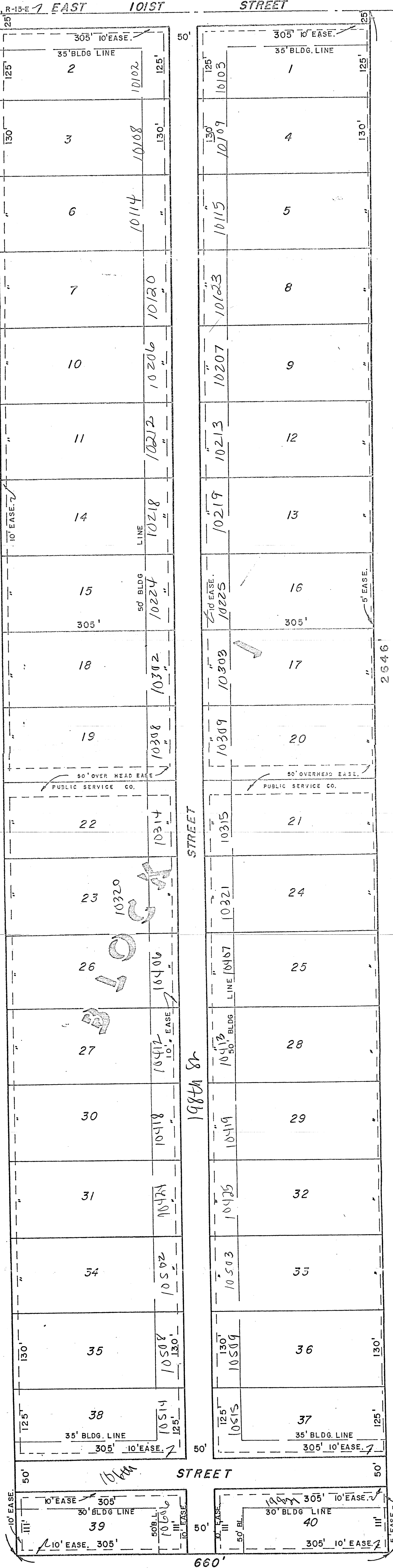
JAN 14 1974

AT 4 O'CLOCK
JACK C. JONES, County Clerk
M. M. Blythe, Register

SURVEYOR:
BILL COX JR.
RT 1
BIXBY OKLA.



0 50' 100' 200'
SCALE 1"=100'



CERTIFICATE OF DEDICATION AND RESTRICTIVE COVENANTS

KNOWN ALL MEN BY THESE PRESENTS THAT:

BARCUS DEVELOPMENT COMPANY - is the owner of the following described property, to-wit: A Subdivision of West Half (1/2) of West Half (1/2) of Northwest Quarter (NW 1/4) Section 30, T-18-N, R-15-E, Wagoner County, Oklahoma

That the BARCUS DEVELOPMENT COMPANY Owner of the above described property, have caused the same to be surveyed, staked, and platted into lots, streets, and utility easements, have caused the same to be named and designated as "ELMWOOD ESTATES II" a subdivision in Wagoner County, State of Oklahoma, according to the recorded plat thereof, and hereby dedicate for the public use, wherever the streets are shown on the attached plat, and do hereby guarantee clear title to all lands so dedicated, and for the purpose of providing an orderly development of the entire tract and for the purpose of providing adequate restrictive covenants for the mutual benefit to the successors in title, to the subdivisions of said tract, hereinafter referred to as lots, do hereby impose the following restrictions and create the following easements to which it shall be incumbent to our successors to adhere.

THESE COVENANTS - Are to run with the land and shall be binding on parties and all persons claiming under them until June 30, 1993, at which time said covenants shall be automatically extended for successive period of ten years, unless by a vote of the majority of the owners of the lots, then it is agreed to change said covenants in whole or in part.

IF THE PARTIES HERETO, or any of them or their heirs or assigns, shall violate, or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real estate situated in said development or subdivision to prosecute any proceedings at law or in equity against the persons violating or attempting to violate any such covenant, and either to prevent him or them from doing so to recover damages or other dues for such violations. Invalidation of any of these covenants by judgement or court order shall in no way affect any of the other provisions shall remain in full force and effect.

- Each lot may be used for only one single family dwelling.
- No building shall be located nearer to the front line, nor nearer to the side street line, than the building lines shown on the recorded plat, and in any event, no building shall be located nearer than fifteen (15) feet to any side lot line.
- No residence or structure shall be erected on any building plot, which has an area less than shown on the recorded plat.
- No noxious trade or activity shall be carried on, upon any lot, nor shall anything be done thereon which may be, or may become, an annoyance or a nuisance to the neighborhood. No part of the property described in said plat shall be used for the maintenance, care or housing of swine or poultry. No commercial business of any kind or nature shall be conducted on the described property.
- Each tract shall be permitted to construct a small barn, not to exceed the height of the dwelling, and must be maintained and kept clean and orderly condition.
- No trailer, basement, tent, shack, garage, barn, or other out-building erected in this tract shall at any time be used as a residence, either temporarily or permanently, nor shall any structure of a temporary nature or character be used as a residence.
- No dwelling shall be erected on any single family residential lot in the tract the living area of the main structure of which, exclusive of open porches and garages, is less than 1,000 square feet in area, and the exterior surface of all single family dwellings shall be at least forty (40%) masonry.
- No structure previously used shall be moved onto any lot in this addition.
- All individual sewage systems shall be constructed in such a manner as to meet all requirements set out by the County and State Health Departments concerned.
- The undersigned OWNER Further dedicates to the public use forever the easements and right-of-ways as shown and designated on the accompanying plat for the several purposes of construction, maintaining, operating, repairing, removing and replacing any and all public utilities, including storm sewers, sanitary sewers, telephone line, electric lines and transformers, gas-lines, and water lines, together with the right of ingress and egress upon said easements and right-of-ways for the uses and purposes afore said, together with similar rights in each and every street shown on said plat. PROVIDED HOWEVER - that the undersigned OWNER hereby reserves the right to construct, maintain, operate, lay and relaying over, across and along all of the public streets shown in said plat, and over, across and along all strips of land included within the easement shown thereon, both for the purpose of furnishing water and or sewer service to the area included in said plat and to any other area.

11. UNDERGROUND UTILITIES

- Overhead pole lines for the supply of electric service may be located along South and East edge of the addition. Street lights or standards may be served by underground cable and elsewhere throughout said addition all supply lines shall be located underground, in the easement-ways for general utility services and streets, shown on the attached plat. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in said easement ways.
- Underground service cables to all houses which may be located on all lots in said addition may be run from the nearest services pedestal or transformer to the point of usage determined by the location and construction of such house as may be located upon each said lot, provided that upon installation of such a service cable to a particular house, the supplier of electric service shall thereafter be deemed to have a definite, permanent, effective and exclusive right-of-way easement on said lot, covering a five (5) foot strip extending 2.5 feet on each side of such service cable, extending from the service pedestal or transformer to the service entrance on said house.
- The supplies of electric and telephone services, through their proper agents and employees, shall at all times have right of access to all easement-ways shown on said plat, or provided for in this deed of dedication for the purpose of installing, maintaining, removing, or replacing any portion of said underground electric facilities so installed by it.
- The owner of each lot shall be responsible for the protection of the underground electric and telephone facilities location on his property and shall prevent the alteration of grade or any construction activity which may interfere with said electric and telephone facilities. Repairs or cost of relocation required by violation on this covenant shall be paid by the owner of the lot.
- The foregoing covenants shall be enforceable by the supplier of electric service and the owner of each lot agree to be bound thereby.

IN WITNESS WHEREOF Barcus Development Co has caused these
TO be executed this 2nd DAY of JANUARY, 1974

STATE OF OKLAHOMA)
COUNTY OF Wagoner)

ATTEST: Jack C. Jones
COUNTY CLERK

Barcus Development Co
H.B. Johnson, Pres.

Before me the undersigned, a Notary Public in and for the County of Tulsa and the State of Oklahoma, on this day of Jan. 2, 1974 personally appeared H.B. Johnson and Paul H. Johnson to me known to be the identical person or persons who subscribed the name of the maker thereof to the foregoing instrument and as its owner, acknowledge to me that they executed the same as their free and voluntary act for the use and purposes therein set forth.

My Commission Expires Dec. 18, 1974

Iva L. Hough
Notary Public

CERTIFICATE OF SURVEY

I, the undersigned, hereby certify that I have, at the instance of the owners, designated above, made the described survey, and that the accompanying plat is a true and correct representation of said survey.

Bill Cox Jr.
Registered Land Surveyor

STATE OF OKLAHOMA)
COUNTY OF Wagoner)

Before me, this undersigned, a Notary Public, in and for said County of Tulsa and the State of Oklahoma, on this day of Jan. 2, 1974 personally appeared Bill Cox Jr., to me known to be the identical person who executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

My Commission Expires Dec. 18, 1974

Iva L. Hough
Notary Public

I, Paul H. Johnson, Wagoner County Treasurer, Certify that
the taxes are paid on the above description.

The Oklahoma State Department of Health certifies
that this plat is approved for the construction of

40
(Public or Individual) sewage disposal systems.

SIGNED Robert Allen R. P. S. Date 1-14-74

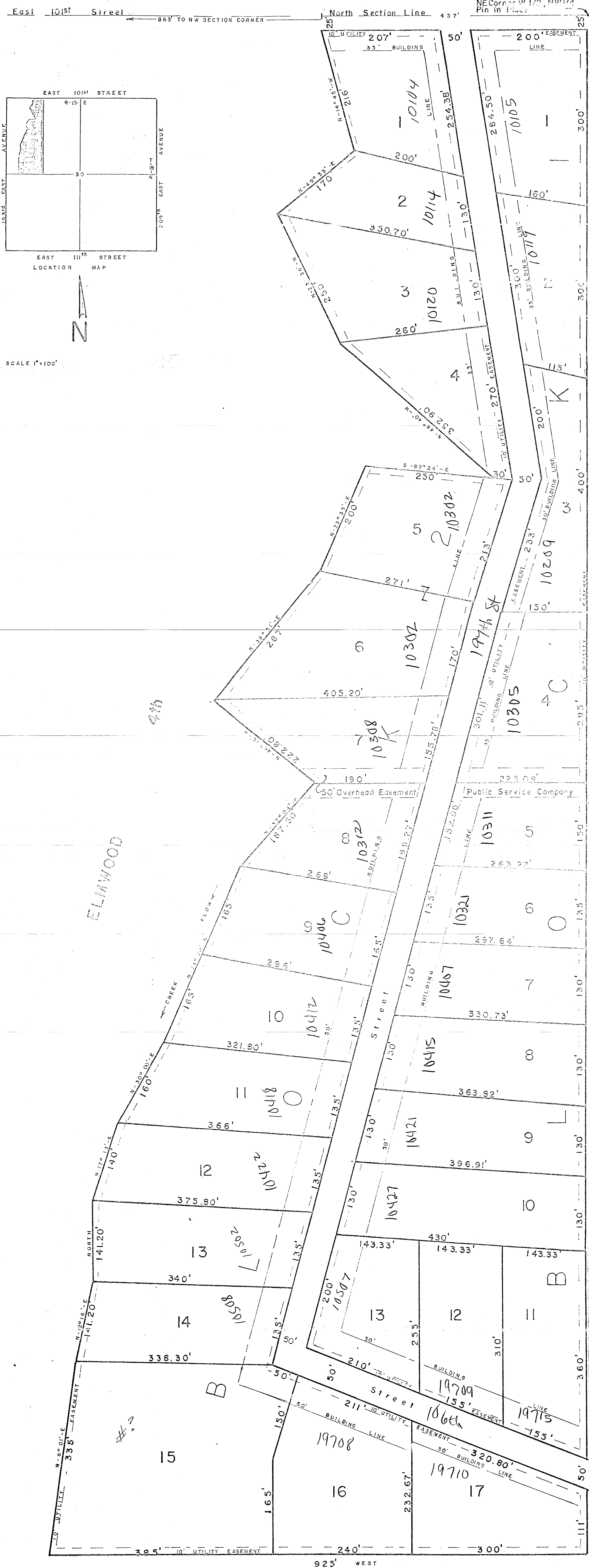
Wagoner County Health Department

A SUBDIVISION A PART OF W.1/2, NW1/4, SECTION 30,
T-18-N, R-15-E, WAGONER COUNTY, OKLAHOMA

STATE OF OKLAHOMA)
COUNTY OF WAGONER) SS
Filed for Record in this Office of the
COUNTY CLERK AND RECORDED

MAY 10 1976

AT 12:10 O'CLOCK
JACK C. JONES, County Clerk
By Minnie Boyd Deputy



KNOWN ALL MEN BY THESE PRESENTS THAT:

ANZUS DEVELOPMENT COMPANY - the owner of the following described property to-wit: A Subdivision, a part of the West Half (½) of the Northwest Quarter (NW¼) of Section 30, T-18-N, R-15-E, Wagoner County, Oklahoma. More particularly described as: BEGINNING at a point on the North Section Line 863 feet East of the North-West Section corner, Thence East along the North Section Line 457 feet, Thence South a distance of 2616 feet, Thence East a distance of 335 feet, Thence North a distance of 335 feet, Thence North 12° 16' 15" E a distance of 111.20 feet, Thence North a distance of 111.20 feet, Thence N 49° 17' 17" E a distance of 110.00 feet, Thence N-30° 00' E, a distance of 160.00 feet, Thence N 24° 20' E, a distance of 330.00 feet, Thence N-37° 04' E, a distance of 187.50 feet, Thence N-45° 16' W, a distance of 222.80 feet, Thence N-30° 51' E, a distance of 297.00 feet, Thence N 23° 35' E, a distance of 200.00 feet, Thence S 89° 24' E, a distance of 220.00 feet, Thence S 22° 29' E, a distance of 220.00 feet, Thence S 22° 29' E, a distance of 220.00 feet, Thence N 53° 20' E, a distance of 170.00 feet, Thence N-14° 45' W, a distance of 216.00 feet, Thence North a distance of 53.20 feet to the point of Beginning.

THAT THE PACIFIC DEVELOPMENT COMPANY, OWNER of the above described property, have caused the same to be surveyed, staked, and platted into lots, streets, and utility easements, have caused the same to be named and designated as "BIRCHWOOD ESTATES 3RD" a subdivision in Wagoner County, State of Oklahoma, according to the recorded plat thereof, and hereby dedicate for the public use, wherever the streets are shown on the attached plat, and do hereby guarantee clear title to all lands so dedicated, and for the purpose of providing for the future use and enjoyment of the same, and for the purpose of granting adequate restrictive covenants for the mutual benefit to the successors in title, to the subdivisions of said tract, herein after referred to as lots, do hereby impose the following restrictions and create the following easements to which it shall be incumbent to our successors to adhere.

THESE COVENANTS - Are to run with the land and shall be binding on parties and all persons claiming under them until May 10, 1996, at which time said covenants shall be automatically extended for successive period of ten years, unless by a vote of the majority of the owners of the lots, then it is agreed to change said covenants in whole or in part.

IF THE PARTIES HERETO, or any of them or their heirs or assigns, shall violate, or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real estate situated in said development or subdivision to prosecute any proceeding at law or in equity against the persons violating or attempting to violate any such covenant, and either to prevent him or them from doing so or to recover damages or other dues for such violations. Invalidation of any of these covenants by judgment or court order shall in no way affect any of the other provisions shall remain in full force and effect.

1. Each lot may be used for only on single family dwelling.
2. No building shall be located nearer to the front line, nor nearer to the side street line, than the building lines shown on the recorded plat, and in any event, no building shall be located nearer than fifteen (15) feet to any side lot line.
3. No residence or structure shall be erected on any building plot, which has an area less than shown on the recorded plat.
4. No stations trade or activity, shall be carried on, upon any lot, nor shall anything be done thereon which may become, any annoyance or a nuisance to the neighborhood. No part of the property described in said plat shall be used for the sale, use, care or housing of swine or poultry. No commercial business of any kind or nature shall be conducted on the described property.
5. Each tract shall be permitted to construct a small barn, not to exceed the height of the dwelling, and must be maintained and kept clean and orderly condition.
6. No trailer, basement, tent, shack, garage, barn, or other out-building erected in this tract shall at any time be used as a residence, either temporarily or permanently, nor shall any structure of a temporary nature or character be used as a residence.
7. No dwelling shall be erected on any single family residential lot in the tract, the living area of the main structure of which, exclusive of open porches and garages, is less than 1400 square feet in area, and the exterior surface of all single family dwellings shall be at least forty (40%) masonry.
8. No structure previously used shall be moved onto any lot in this addition.
9. All individual sewer systems shall be constructed in such a manner as to meet all requirements set out by the County and State Health Departments concerned.
10. The undersigned C&WR further declares that the public use forever the easements and right-of ways as shown designated on the accompanying plat for the several purposes of construction, maintaining, operating, repairing, removing and replacing any and all public utilities, including storm sewers, sanitary sewers, telephone lines, electric lines and transformers, gas-lines, and water lines, together with all appurtenant easements and right-of-ways for the use and purposes aforesaid, together with similar rights in each and every street shown on said plat. FURTHERMORE- that the undersigned C&WR hereby reserves the right to construct, maintain, operate, lay and relaying over, across and along all of the public streets shown in said plat, and over, across and along all strips of land included within the easement shown thereon, both for the purpose of furnishing water and or sewer service to the area included in said plat and to any other area.
11. UNDERGROUND UTILITIES

(4) Overhead power lines for the supply of electric service may be located along the South edge of the Addition. Street light standards may be served by underground cable and also where throughout said Addition all supply lines shall be located underground, in the easement-way for general utility services and streets, shown on the attached plat. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in said easement-way.

(15) Underground service cables to all houses which may be located on all lots in sec. 4 Addition may be run for the present services and shall be underground in the event of future service. The City Engineer shall have the right to install and maintain the service cable and to provide that such installation of such service cable to a certain lot, shall be sufficient for electric power. The installation of such service cable, shall be made in accordance with applicable engineering standards and shall, wherever a line of first service extending out from on main line is not already existing, extending from the service terminal or terminal box to the service entrance on each house.

10 The suppliers of electric and telephone services, through their proper agents and employees, shall at all times have right of access to all apartment-houses known on said list, or provided for in this deed of dedication for the purpose of installing, maintaining, removing, or replacing any portion of said underground electric facilities so installed by it.

(c) The owner of each lot shall be responsible for the protection of the underground electric and telephone facilities located on his property and shall prevent the alteration of grade or any construction activity which may interfere with said electric and telephone facilities. Penalties or cost of relocation required by violation of this covenant shall be paid by the owner of the lot.

(B) The foregoing provisions shall be enforceable by the supplier of election services and the issuer of election orders to be issued thereby.

bioRxiv preprint doi: <https://doi.org/10.1101/2019.05.20.246000>; this version posted May 20, 2019. The copyright holder for this preprint (which was not certified by peer review) is the author/funder, who has granted bioRxiv a license to display the preprint in perpetuity. It is made available under aCC-BY-NC-ND 4.0 International license.

DO NOT EXEMPTED 1975

15th DAY OF May 1975

1898
 1899
 1900
 1901
 1902
 1903
 1904
 1905
 1906
 1907
 1908
 1909
 1910
 1911
 1912
 1913
 1914
 1915
 1916
 1917
 1918
 1919
 1920
 1921
 1922
 1923
 1924
 1925
 1926
 1927
 1928
 1929
 1930
 1931
 1932
 1933
 1934
 1935
 1936
 1937
 1938
 1939
 1940
 1941
 1942
 1943
 1944
 1945
 1946
 1947
 1948
 1949
 1950
 1951
 1952
 1953
 1954
 1955
 1956
 1957
 1958
 1959
 1960
 1961
 1962
 1963
 1964
 1965
 1966
 1967
 1968
 1969
 1970
 1971
 1972
 1973
 1974
 1975
 1976
 1977
 1978
 1979
 1980
 1981
 1982
 1983
 1984
 1985
 1986
 1987
 1988
 1989
 1990
 1991
 1992
 1993
 1994
 1995
 1996
 1997
 1998
 1999
 2000
 2001
 2002
 2003
 2004
 2005
 2006
 2007
 2008
 2009
 2010
 2011
 2012
 2013
 2014
 2015
 2016
 2017
 2018
 2019
 2020
 2021
 2022
 2023
 2024
 2025
 2026
 2027
 2028
 2029
 2030
 2031
 2032
 2033
 2034
 2035
 2036
 2037
 2038
 2039
 2040
 2041
 2042
 2043
 2044
 2045
 2046
 2047
 2048
 2049
 2050
 2051
 2052
 2053
 2054
 2055
 2056
 2057
 2058
 2059
 2060
 2061
 2062
 2063
 2064
 2065
 2066
 2067
 2068
 2069
 2070
 2071
 2072
 2073
 2074
 2075
 2076
 2077
 2078
 2079
 2080
 2081
 2082
 2083
 2084
 2085
 2086
 2087
 2088
 2089
 2090
 2091
 2092
 2093
 2094
 2095
 2096
 2097
 2098
 2099
 2100
 2101
 2102
 2103
 2104
 2105
 2106
 2107
 2108
 2109
 2110
 2111
 2112
 2113
 2114
 2115
 2116
 2117
 2118
 2119
 2120
 2121
 2122
 2123
 2124
 2125
 2126
 2127
 2128
 2129
 2130
 2131
 2132
 2133
 2134
 2135
 2136
 2137
 2138
 2139
 2140
 2141
 2142
 2143
 2144
 2145
 2146
 2147
 2148
 2149
 2150
 2151
 2152
 2153
 2154
 2155
 2156
 2157
 2158
 2159
 2160
 2161
 2162
 2163
 2164
 2165
 2166
 2167
 2168
 2169
 2170
 2171
 2172
 2173
 2174
 2175
 2176
 2177
 2178
 2179
 2180
 2181
 2182
 2183
 2184
 2185
 2186
 2187
 2188
 2189
 2190
 2191
 2192
 2193
 2194
 2195
 2196
 2197
 2198
 2199
 2200
 2201
 2202
 2203
 2204
 2205
 2206
 2207
 2208
 2209
 2210
 2211
 2212
 2213
 2214
 2215
 2216
 2217
 2218
 2219
 2220
 2221
 2222
 2223
 2224
 2225
 2226
 2227
 2228
 2229
 2230
 2231
 2232
 2233
 2234
 2235
 2236
 2237
 2238
 2239
 2240
 2241
 2242
 2243
 2244
 2245
 2246
 2247
 2248
 2249
 2250
 2251
 2252
 2253
 2254
 2255
 2256
 2257
 2258
 2259
 2260
 2261
 2262
 2263
 2264
 2265
 2266
 2267
 2268
 2269
 2270
 2271
 2272
 2273
 2274
 2275
 2276
 2277
 2278
 2279
 2280
 2281
 2282
 2283
 2284
 2285
 2286
 2287
 2288
 2289
 2290
 2291
 2292
 2293
 2294
 2295
 2296
 2297
 2298
 2299
 2300
 2301
 2302
 2303
 2304
 2305
 2306
 2307
 2308
 2309
 2310
 2311
 2312
 2313
 2314
 2315
 2316
 2317
 2318
 2319
 2320
 2321
 2322
 2323
 2324
 2325
 2326
 2327
 2328
 2329
 2330
 2331
 2332
 2333
 2334
 2335
 2336
 2337
 2338
 2339
 2340
 2341
 2342
 2343
 2344
 2345
 2346
 2347
 2348
 2349
 2350
 2351
 2352

STATE OF OKLAHOMA
COUNTY OF Wagoner

Before me the undersigned, a Notary Public in and for the County of Logan and the State of Oklahoma, on this day of _____

to me known to be the identical person or persons who subscribed the name of the maker thereof to the foregoing instrument and as its owner, acknowledge to me that

executed the same as their free and voluntary act for the use and purposes therein set forth.

My Commission Expires Sept. 29, 1976

Notary Public

CERTIFICATE OF SURVEY

I, the undersigned, hereby certify that I have, at the instance of the owners, designated above, made the described survey, and that the accompanying plat is a true and correct representation of said survey.

Bill Cox Jr.
Bill Cox Jr. #025
Registered Land Surveyor

STATE OF OKLAHOMA)
COUNTY OF WAGONER)

Before me, this undersigned, a Notary Public, in and for said County of Wagoner and the State of Oklahoma, on this day of May 10, 1976 personally appeared Bill Cox Jr., to me known to be the identical person who executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

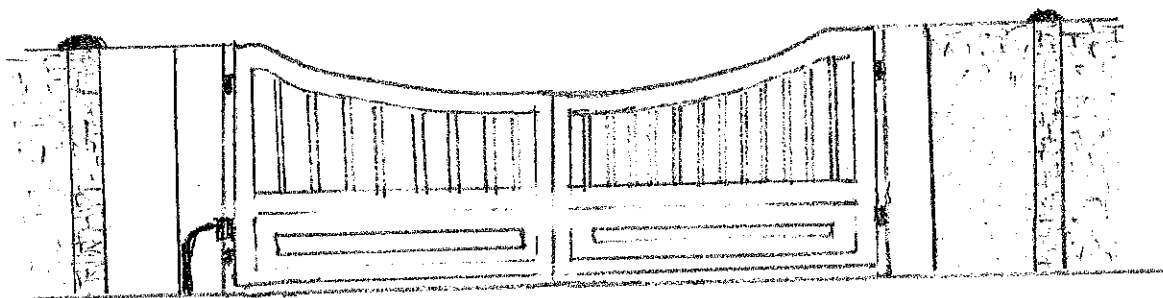
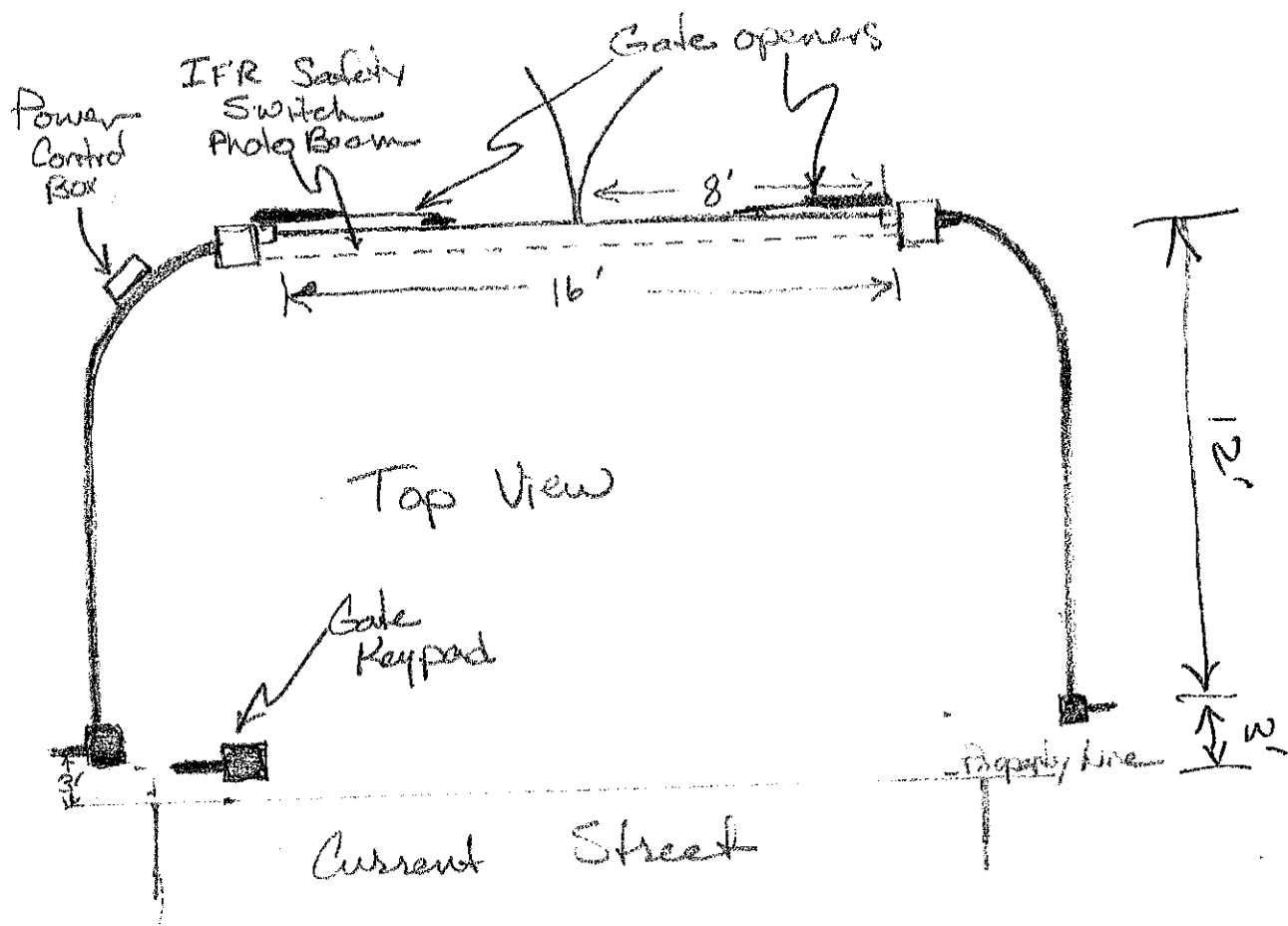
My Commission Expires Sept. 29, 1976

Margie Lammie
Notary Public

The Oklahoma State Department of Health certifies
that this plat is approved for the construction of
30 sewage disposal systems.

SIGNED Ernest Albin R. P. S. Date 5-10-76
Wagoner County Health Department

I, Suby M. Roberts, Wagner County
Recorder, certify that according
to the 1915 Tax Roll, the sum of
paid on the above description
Suby M. Roberts
Mayor, Wagner, Oregon



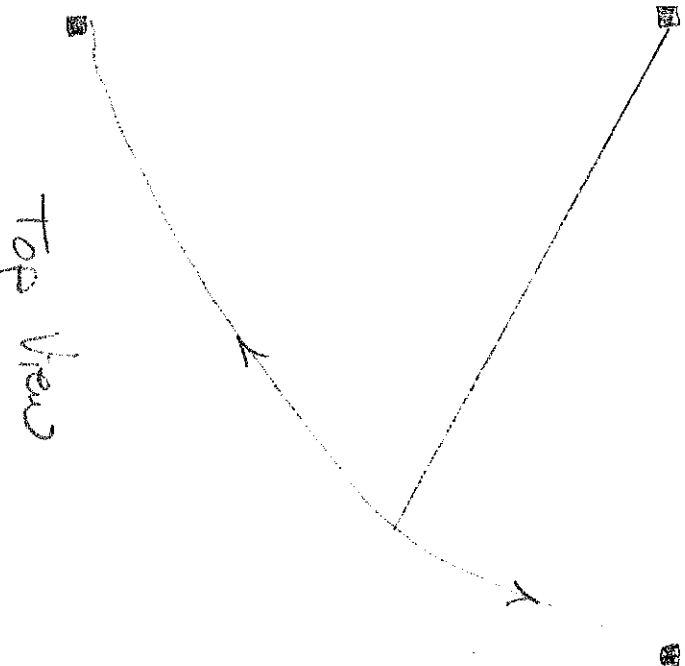
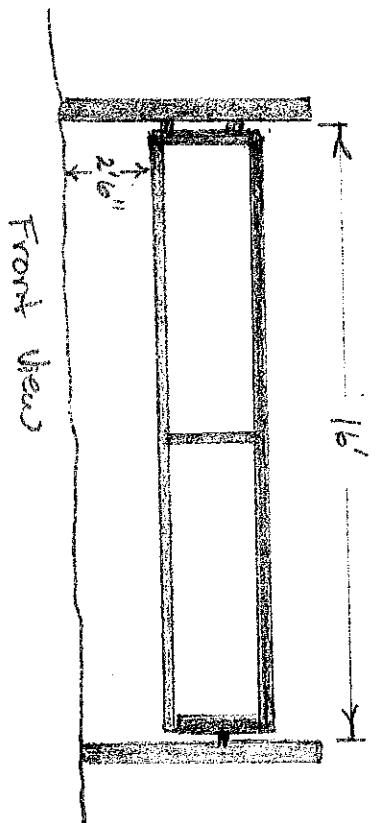
Gates # 3 + 4

SNEAD Residence

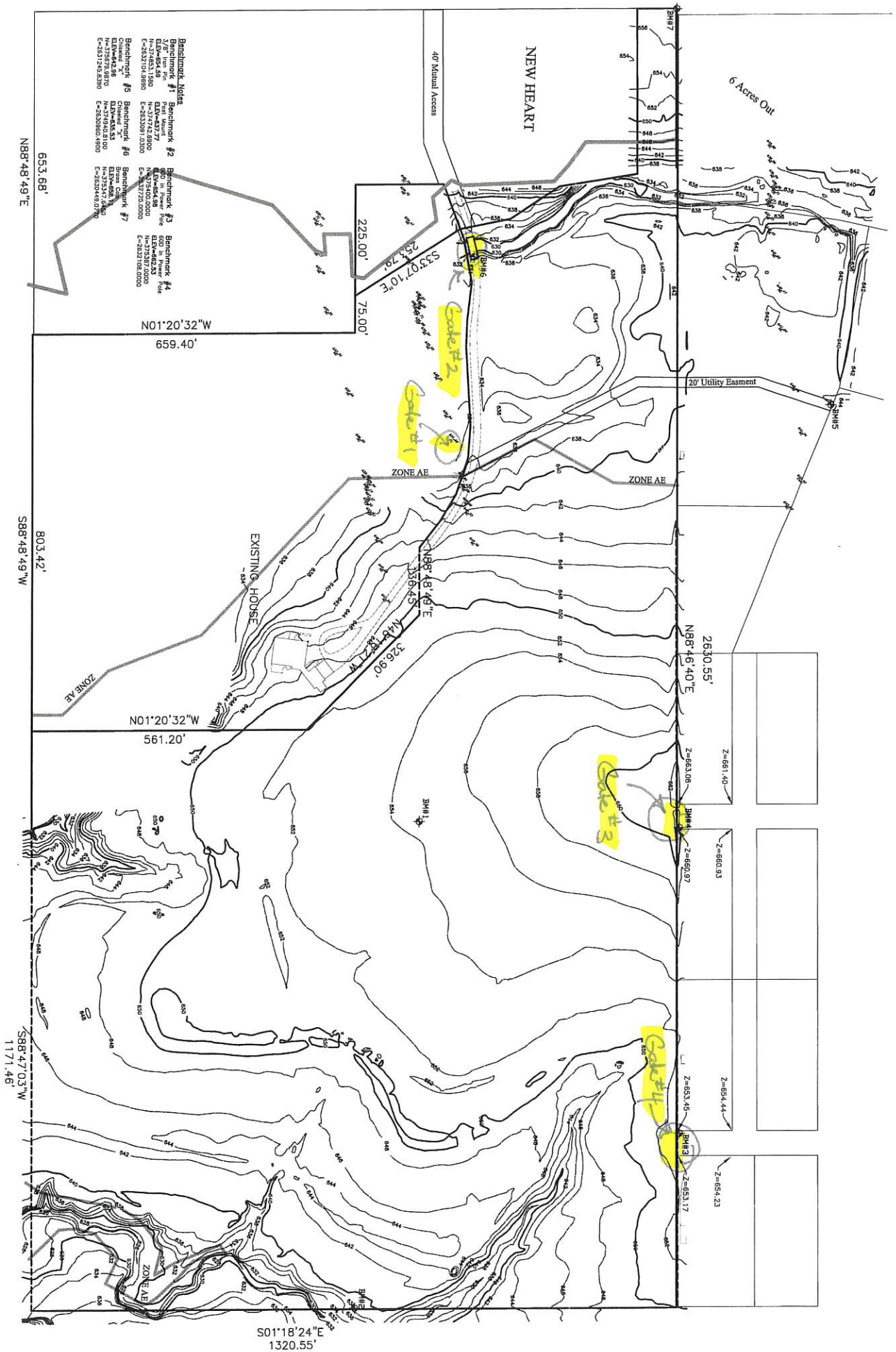
Gates #1 & #2 SNEAD Residence

Gates #1 will be on the South side of the Existing Bridge

Gates #2 will be on the West side of the Existing Bridge



SNEAD Residence Gate Plans





Looking south at 200th E. Avenue and 106th Street



Looking south at 198th Street and 106th Street



Phase 1 sidewalk installed along 23rd Street

January 14, 2019

Michael Skates
Director of Development Services
City of Broken Arrow
230 S. First Street
Broken Arrow, Oklahoma 74013



BROKEN ARROW, OK

Dear Michael,

Following the meeting between you and Brent Murphy for the City, and Tom Lawson and Randall Marrs for New Heart, this letter will memorialize the steps New Heart Church agrees to undertake concerning the required sidewalk along 23rd Street.

Specifically, New Heart Church will construct a five-foot wide sidewalk along New Heart's west property line fronting 23rd Street in accordance with the City of Broken Arrow standards.

The construction will be divided into three sections as follows:

North Section - From New Heart's north property line with Mark Snead to New Heart's existing north entry.

Middle Section - Between New Heart's north and south entries.

South Section - From New Heart's south entry to its south property line with David Allen.

In order to give Mark Snead and David Allen time to finalize their entrances, New Heart agrees to complete its sidewalk construction under the following schedule:

Middle Section - Completed before December 31, 2019

North Section - Completed before December 31, 2020

South Section - Completed before December 31, 2021

Prior to construction, New Heart will submit drawings showing the location of the sidewalk included the required handicap ramps.

Tom, Randall and I want to thank you and Brent for giving New Heart the flexibility to complete this work in three sections. We look forward to working with you as we implement this sidewalk project.

Regards,

A handwritten signature in black ink, appearing to read "Ben Calmer". The signature is fluid and cursive, with the first name "Ben" being more prominent than the last name "Calmer".

Ben Calmer
Senior Pastor
New Heart Church



City of Broken Arrow

Request for Action

File #: 20-140, Version: 1

Broken Arrow Planning Commission

01-23-2020

To: Chairman and Commission Members
From: Development Services Department

Title: Approval of BAL-2071, BA Restored Freeport Lot Split, 2 Lots, 0.16 acres, south side of East Freeport Street, between North 2nd Street and North 3rd Street

Background:

Applicant: Nicholas W. Parker, Born Again Restored, LLC
Owner: Born Again Restored, LLC
Developer: Born Again Restored, LLC
Surveyor: Charles D. Cahill, Lemke Land Surveying, LLC
Location: South side of East Freeport Street, between North 2nd Street and North 3rd Street
Size of Tract: 0.16 total acres; Tract 1 - 0.14 acres; Tract 2 - 0.02 acres
Number of Lots: 2 proposed
Present Zoning: R-3 (Area 2 of Downtown Residential Overlay District)
Comp Plan: Level 2 (Urban Residential) and Special District Overlay

Lot split request BAL-2071 involves 0.16-acres located on the south side of East Freeport Street, between North 2nd Street and North 3rd Street. The property is presently zoned R-3 and is located in Area 2 of the Downtown Residential Overlay District (DROD). The property, which has been platted as Lot 3, Block 6, College Addition, is a 50 foot wide lot. With BAL-2071, applicant is proposing to split the east five feet of Lot 3 and attach it to the west 40 feet of Lot 2, Block 6 of College Addition. The net result of the lot split is the creation of two 45 foot wide lots, each containing 6,300 square feet. The proposed lots meet the minimum lot size and frontage requirements of for a single-family detached residence in Area 2 of the DROD. A structure that was previously located on the property has been removed.

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 Legal Descriptions and Exhibits

Recommendation:

Staff recommends BAL-2071 be approved. Warranty deeds for both parcels shall be brought simultaneously to

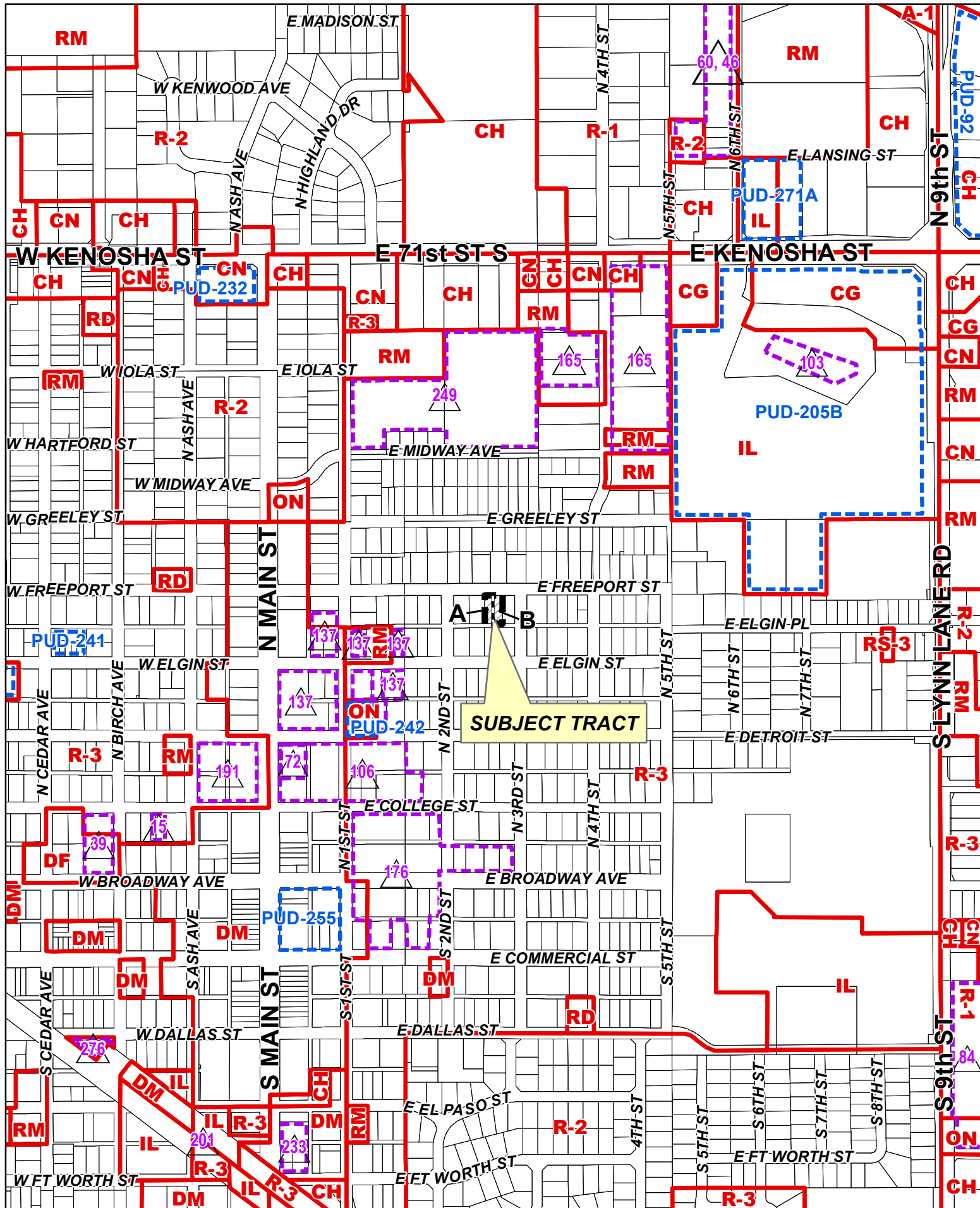
File #: 20-140, Version: 1

the Plan Development Division to be stamped prior to being recorded in Tulsa County.

Reviewed by: Jill Ferenc

Approved by: Larry R. Curtis

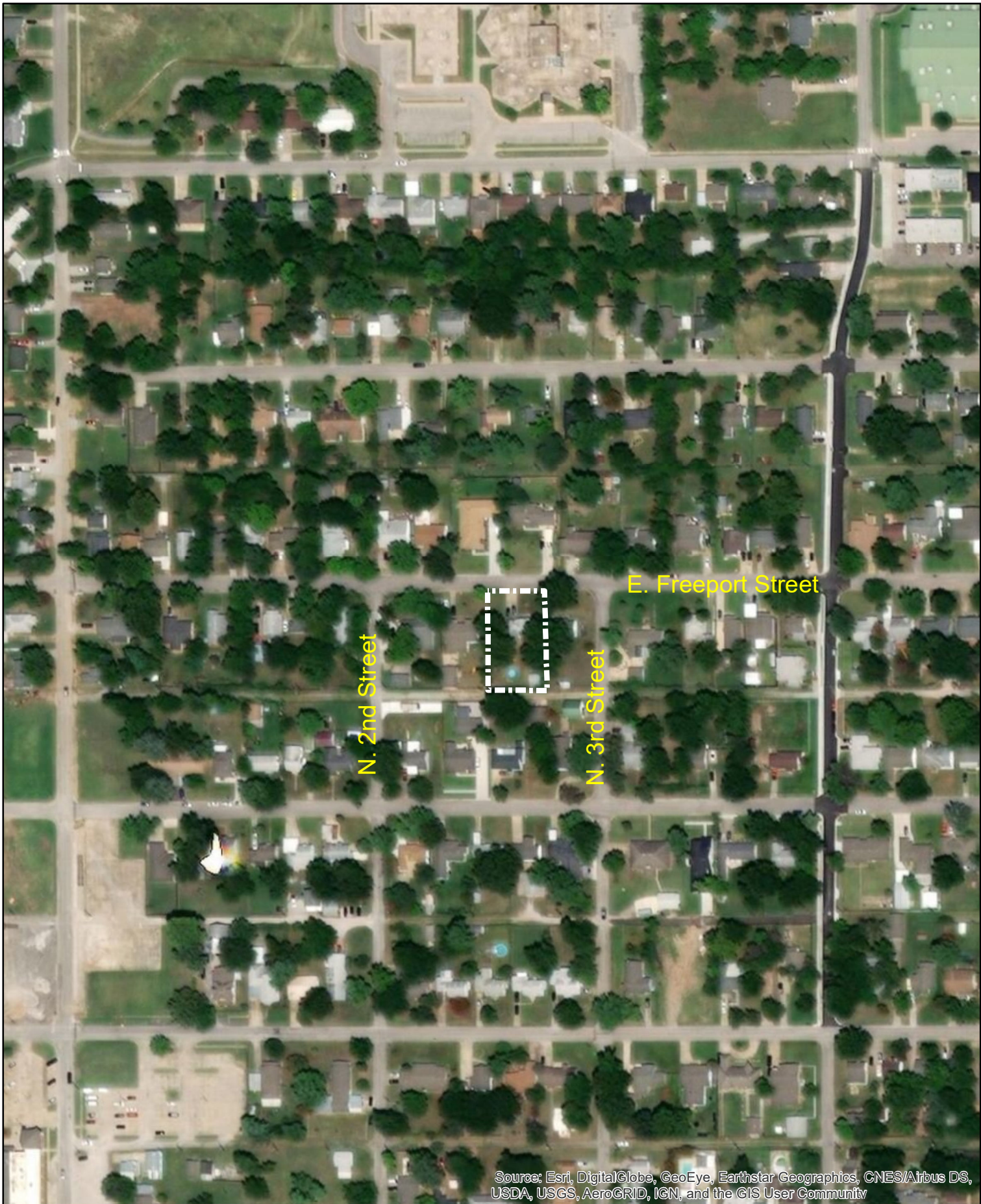
BDM



SUBJECT TRACT

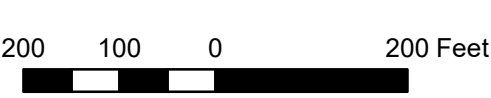
BAL-2071

11 18-14



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

BAL-2071
BA Restored Freeport

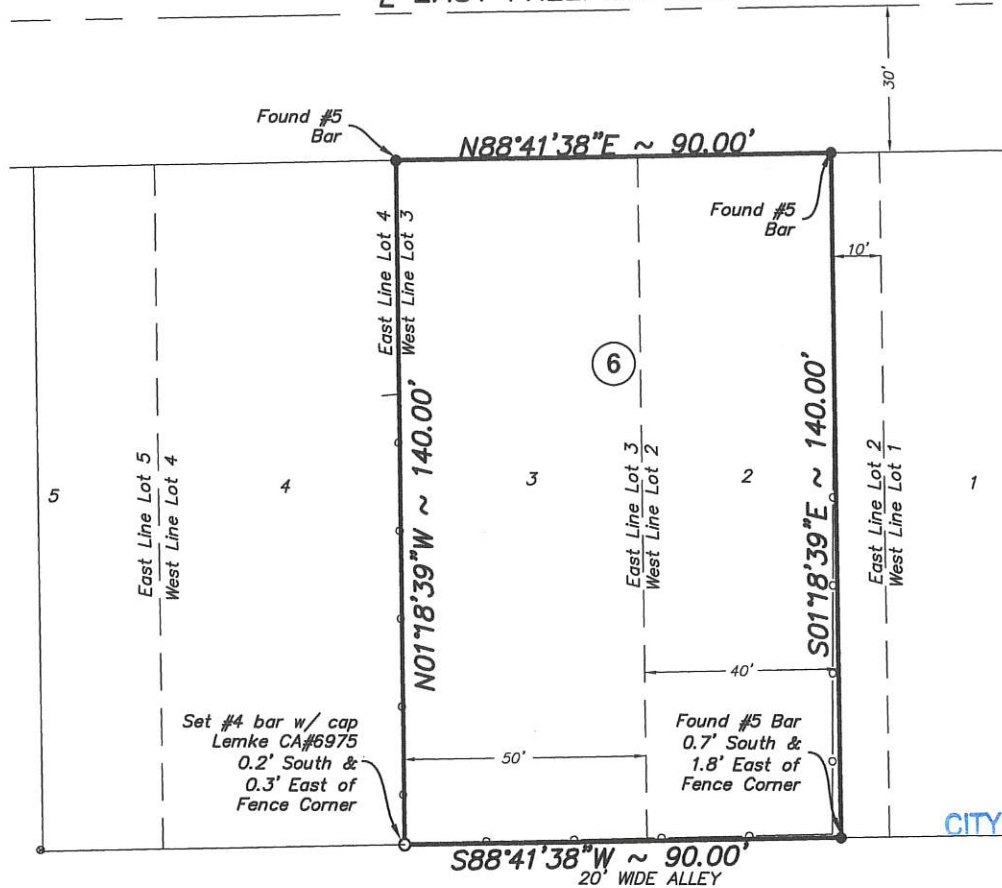


DOL #1

Existing Lots

PLAT OF SURVEY

ON EAST FREEPORT STREET

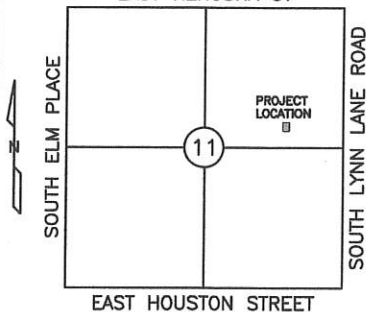


CITY OF BROKEN ARROW

DEC 31 2019

RECEIVED

R 14 E
EAST KENOSHA ST

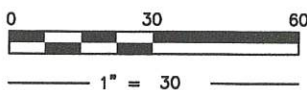


EAST HOUSTON STREET

LOCATION MAP

TOPOGRAPHIC LEGEND

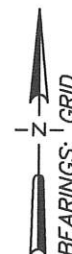
- CHAINLINK FENCE
- MONUMENT FOUND
- MONUMENT SET



SURVEYOR'S CERTIFICATION:

I, Charles D. Cahill, do hereby certify that I or those under my direct supervision have performed a careful survey of the property as shown by the annexed plat. I further certify that this survey meets or exceeds the Oklahoma Minimum Standards for Land Surveying.

LEGAL DESCRIPTION: The West Forty (40) feet of Lot Two (2) and all of Lot Three (3), Block Six (6), COLLEGE ADDITION to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the Recorded Plat No. 37.



DATED: 12/05/2019

Last Date of Survey: 12/04/2019

LEMKE LAND SURVEYING, LLC



7080 YALE AVE., STE. 603, TULSA, OK 74136
PH. (918) 995-8383 FAX (918) 995-8383
CA # 6975
<http://www.lemke-ls.com>

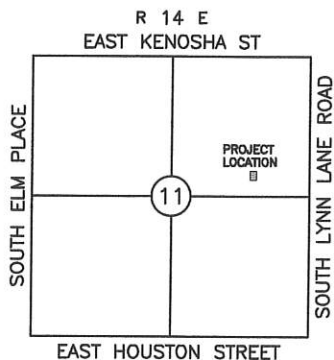
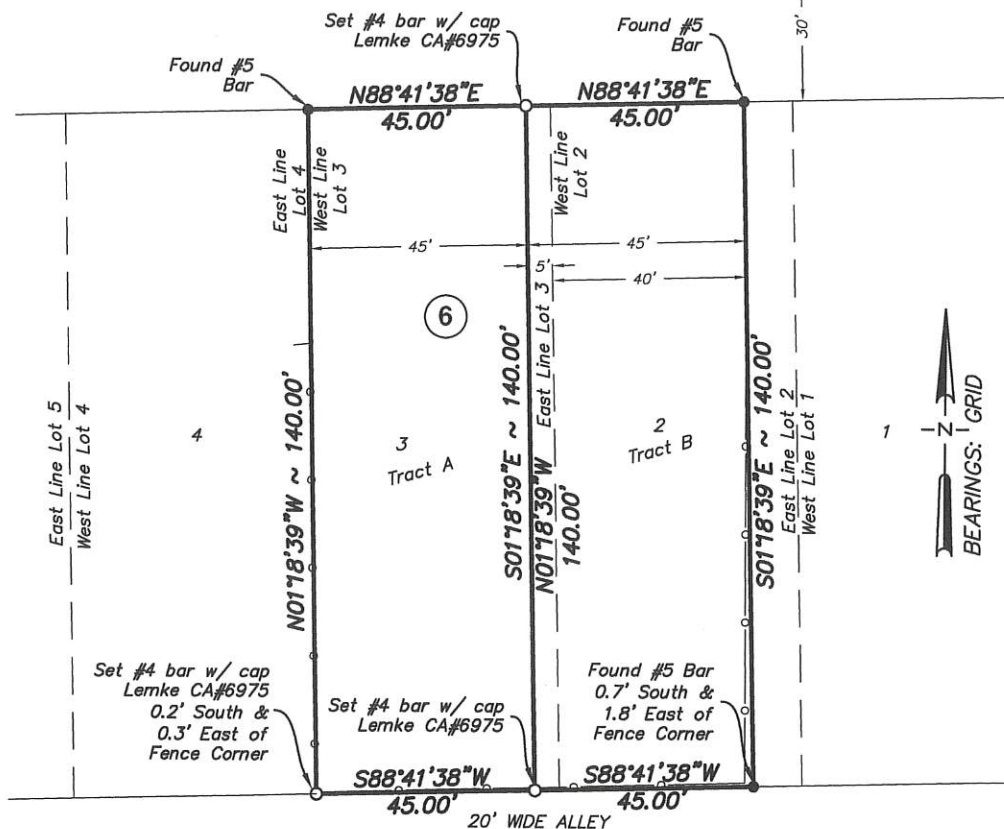
Surveyed By: JL / ER	Project: PLAT OF SURVEY ORIGINAL TRACT
Drawn By: RLR	W40' LOT 2 & ALL LOT 3 BLK 6 COLLEGE ADD.
Approved By: CDC	Project Location: 315 EAST FREEPORT STREET
Date: 12/05/2019	BROKEN ARROW, OKLAHOMA 74012
Scale: 1" = 30'	Client: BORN AGAIN RESTORED
Project No: 19609	304 EAST COMMERCIAL STREET

Sheet Number
1
Sheet 1 of 2

DOL #2

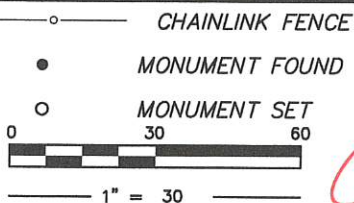
Proposed Lot Split

PLAT OF SURVEY EAST FREEPORT STREET



LOCATION MAP

TOPOGRAPHIC LEGEND



SURVEYOR'S CERTIFICATION:

I, Charles D. Cahill, do hereby certify that I or those under my direct supervision have performed a careful survey of the property as shown by the annexed plat. I further certify that this survey meets or exceeds the Oklahoma Minimum Standards for Land Surveying.

LEGAL DESCRIPTION: Tract A: The West Forty (45) feet of Lot Three (3), Block Six (6), COLLEGE ADDITION to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the Recorded Plat No. 37.

Tract B: The West Forty (40) feet of Lot Two (2) and the East Five (5) feet of Lot Three (3), Block Six (6), COLLEGE ADDITION to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the Recorded Plat No. 37.



If the surveyor's signature is not on the plan, the plan is a copy and should not be assumed to contain any alterations. The certification contained on this document shall not apply to any copy.

CITY OF BROKEN ARROW

DEC 31 2019

RECEIVED

DATED: 12/05/2019

Last Date of Survey: 12/04/2019

LEMKE LAND SURVEYING, LLC



7080 YALE AVE., STE. 603, TULSA, OK 74136
PH: (918) 985-9383 FAX: (918) 985-9383
CA # 6975
<http://www.lemke-ls.com>

Surveyed By: JL / ER	Project: PLAT OF SURVEY
Drawn By: RLR	TRACT A & TRACT B
Approved By: CDC	Project Location: 315 EAST FREEPORT STREET
Date: 12/05/2019	BROKEN ARROW, OKLAHOMA 74012
Scale: 1" = 30'	Client: BORN AGAIN RESTORED
Project No: 19609	304 EAST COMMERCIAL STREET

Sheet Number

2

Sheet 2 of 2



City of Broken Arrow

Request for Action

File #: 20-109, **Version:** 1

Broken Arrow Planning Commission

01-23-2020

To: Chairman and Commission Members

From: Development Services Department

Title: Public hearing, consideration, and possible action regarding PUD-266A, a minor amendment to PUD-266, Centennial Crossing, 16.36 acres, A-1 to PUD- 266A/RM, east of N. Elm Avenue, one-quarter mile south of Omaha Street

Background:

Applicant: Alan Betchan, AAB Engineering, LLC

Owner: Brown and Perkins, LLC

Developer: NA

Engineer: AAB Engineering, LLC

Location: East of N. Elm Avenue, one-quarter mile south of Omaha Street

Size of Tract 16.36 acres

Number of Lots: 1

Present Zoning: A-1

Proposed Zoning: PUD-266A/RM

Comp Plan: Level 2 to Level 3 (BACP-146)

Planned Unit Development (PUD)-266A involves a 16.36-acre undeveloped tract located east of N. Elm Avenue, one-quarter mile south of Omaha Street. Applicant is requesting a minor amendment to PUD-266 that was approved by the City Council on February 7, 2019.

After this case was advertised, Staff was informed that the abstract company who prepared the radius report list had left off a property owner. This item will be readvertised and will be heard by the Planning Commission on February 13, 2020.

Attachments: Case map for PUD-266A

Recommendation:

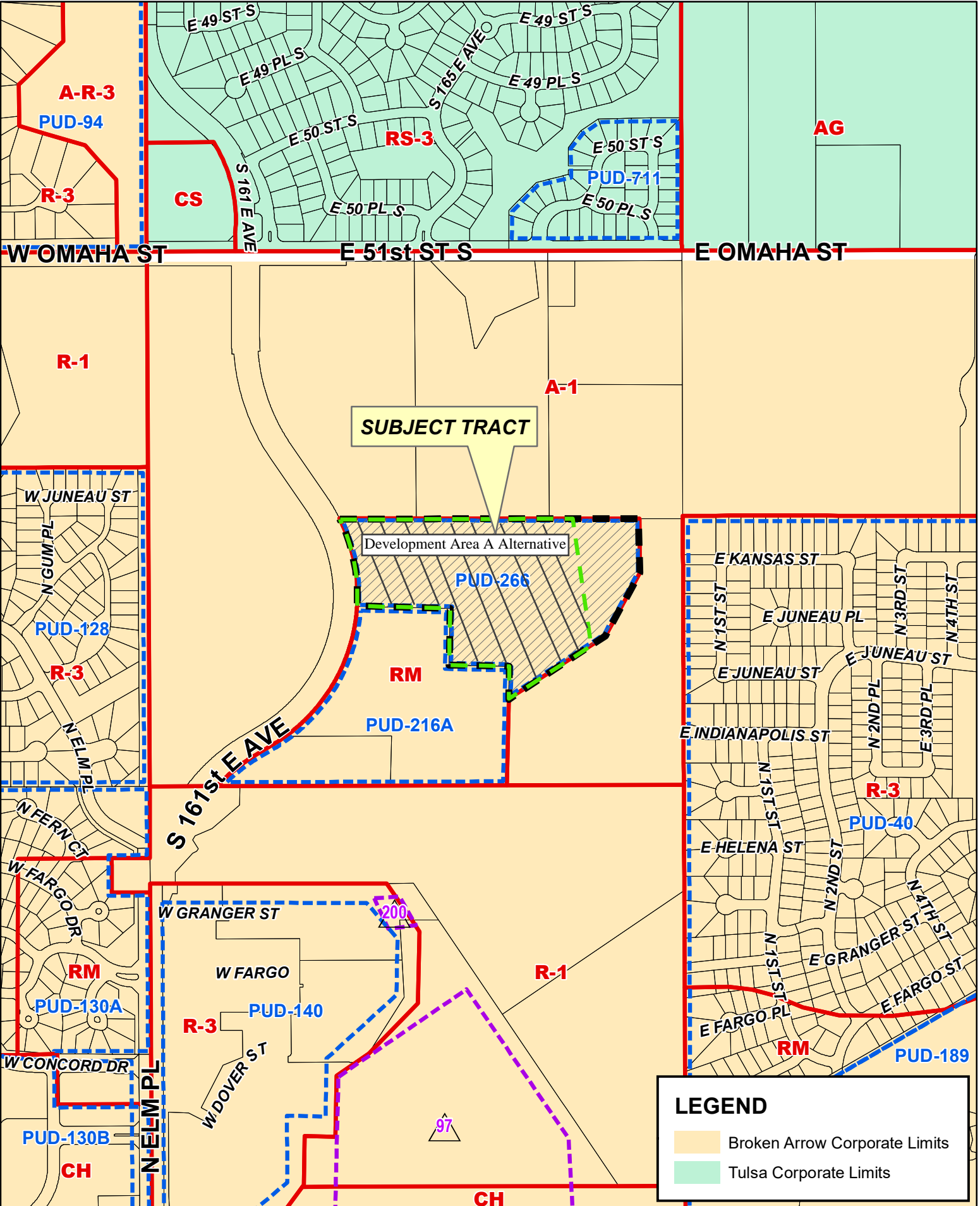
Staff recommends that the Planning Commission take no action and wait to hear this case on February 13, 2020. The Public Hearing for PUD-266A will be readvertised.

Reviewed by: Jill Ferenc

File #: 20-109, Version: 1

Approved by: Larry R. Curtis

BDM



SUBJECT TRACT

Development Area A Alternative

LEGEND

- Broken Arrow Corporate Limits
- Tulsa Corporate Limits



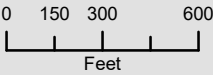
Development Area A



Subject Tract

PUD-266A

35 19-14



300' Radius





City of Broken Arrow

Request for Action

File #: 20-150, Version: 1

Broken Arrow Planning Commission

01-23-2020

To: Chairman and Commission Members

From: Development Services Department

Title: Public hearing, consideration, and possible action regarding BAZ-2046 (Rezoning), Elysian Fields, 53.55 acres, A-1 (Agricultural) to RS-3 and RS-4 (Single-Family Residential), southeast corner of Garnett Road (113th East Avenue) and Tucson Street (121st Street)

Background:

Applicant: Tim Terral, Tulsa Engineering and Planning Associates, Inc.

Owner: Elysian Fields Development Company, L.L.C.

Developer: Elysian Fields Development Company, L.L.C.

Engineer: Tulsa Engineering and Planning Associates, Inc.

Location: Southeast corner of Tucson Street (121st Street) and Garnett Road

Size of Tract 53.55 acres

Number of Lots: 1

Present Zoning: A-1 (Agricultural)

Proposed Zoning: RS-3 and RS-4 (Single-Family Residential)

Comp Plan: Level 2 (Urban Residential), and Greenway/ Floodplain

BAZ-2046 is a request to change the zoning designation on 53.55 acres from A-1 (Agricultural) to RS-3 and RS-4 (Single-Family Residential). The unplatted property is located on the southeast corner of Garnett Road (113th East Avenue) and Tucson Street (121st Street).

In conjunction with this rezoning request, the applicant has submitted a preliminary plat for this development which will be considered by the Planning Commission on February 13, 2020. A previous rezoning request, BAZ-2038, was considered by the Planning Commission on November 7, 2019. The vote for BAZ-2038 tied at 2 to 2, resulting in the de facto denial of the rezoning request.

The new rezoning request, BAZ-2046, is similar to the previous case in that both RS-3 and RS-4 zoning districts are being requested. The difference between these requests is the amount of each district being requested. Initially there was 2.88 acres of RS-3, with a single row of RS-3 lots against Shadow Trails subdivision. With BAZ-2046, the RS-3 area has been increased from 2.88 acres to 22.85 acres and the RS-4 area is decrease from 41.57 to 23.74 acres. The portion of the property which is adjacent to the Shadow Trails subdivision to the east is shown in the exhibit as RS-3.

Surrounding land uses and zoning classifications include the following:

North: A-1 and AG (Tulsa County)	Large Lot Single-Family Homes
East: A-1 and RS-3	Power Station and Single-Family Residential Homes
South: A-1	Large Lot Single-Family Homes
West: AG (Tulsa County)	Undeveloped

The westernmost portion of this property is located in the 100-year floodplain of Haikey Creek. As per the Subdivision Regulations, the 100-year floodplain has been placed in a reserve area. In addition, the USGS maps show a water area. This area has also been placed in a reserve area. Staff recommends that the area of the property located in the 100-year floodplain be designated as FD (Flood District).

Water and sanitary sewer service to this site is possible from the City of Broken Arrow.

The Future Development Guide of the Comprehensive Plan adopted by the City Council in September of 2019 shows this area as Level 2 and Greenway/Floodplain. The RS-3 and RS-4 zoning being requested is considered to be in accordance with the Comprehensive Plan in Level 2.

A letter of protest was received by the Planning and Development Division on Tuesday, January 21st. The resident who submitted the letter is unable to attend the meeting but would like to object to the proposed development.

Attachments:

- Case Map
- Aerial photo
- Comprehensive Plan Map
- BAZ-2046 Exhibit
- BAZ-2038 Exhibit

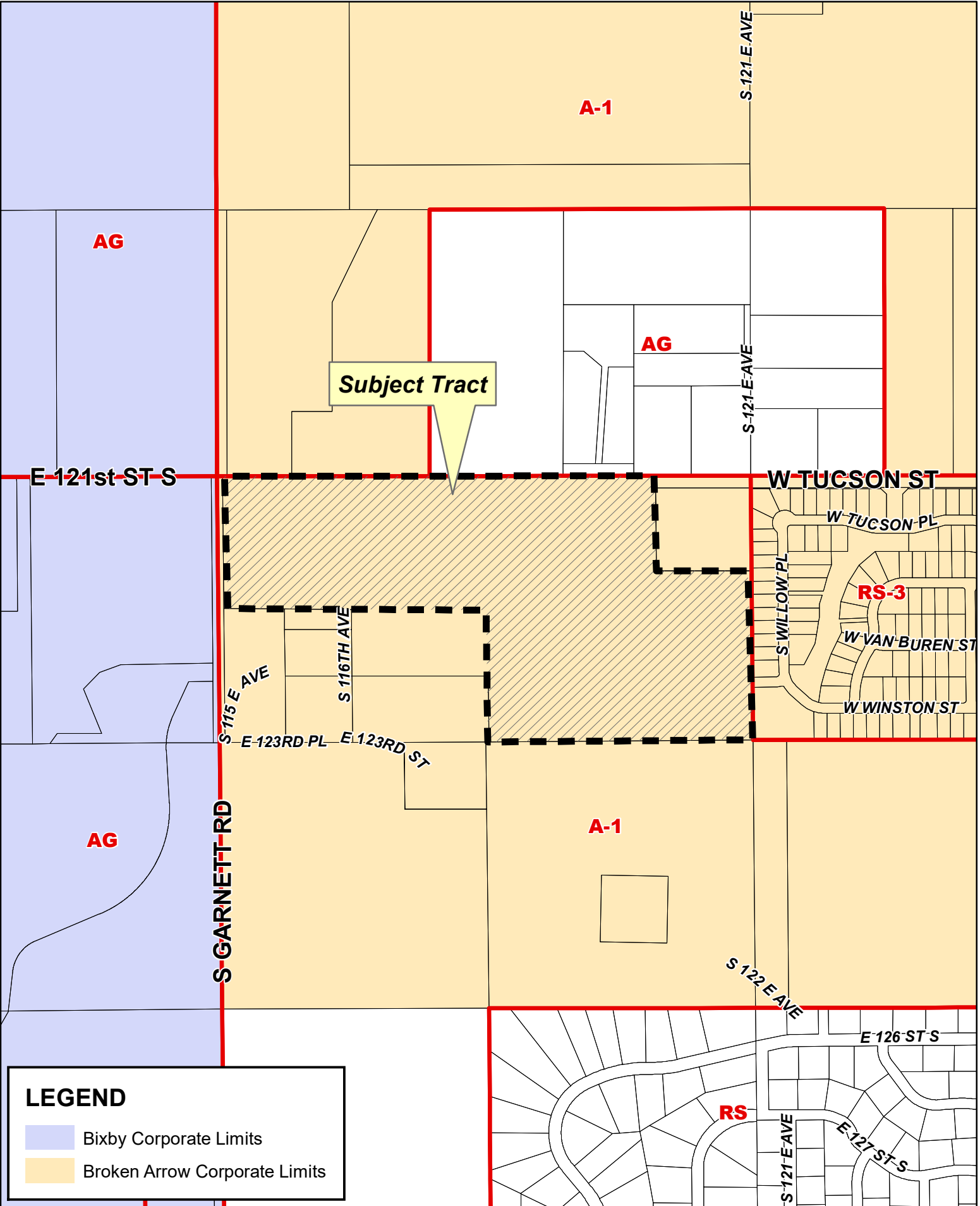
Recommendation:

Based on the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that BAZ-2046 be approved subject to platting and the portion of the property located in the 100-year floodplain be designated as FD (Flood District).

Reviewed by: Jill Ferenc

Approved by: Larry R. Curtis

ALY



Subject Tract

LEGEND

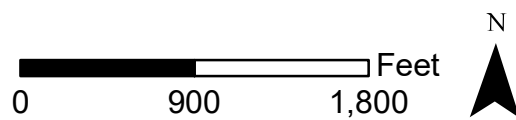
Bixby Corporate Limits

Broken Arrow Corporate Limits



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS,
USDA, USCS, AeroGRID, IGN, and the GIS User Community

BAZ-2046
Elysian Fields



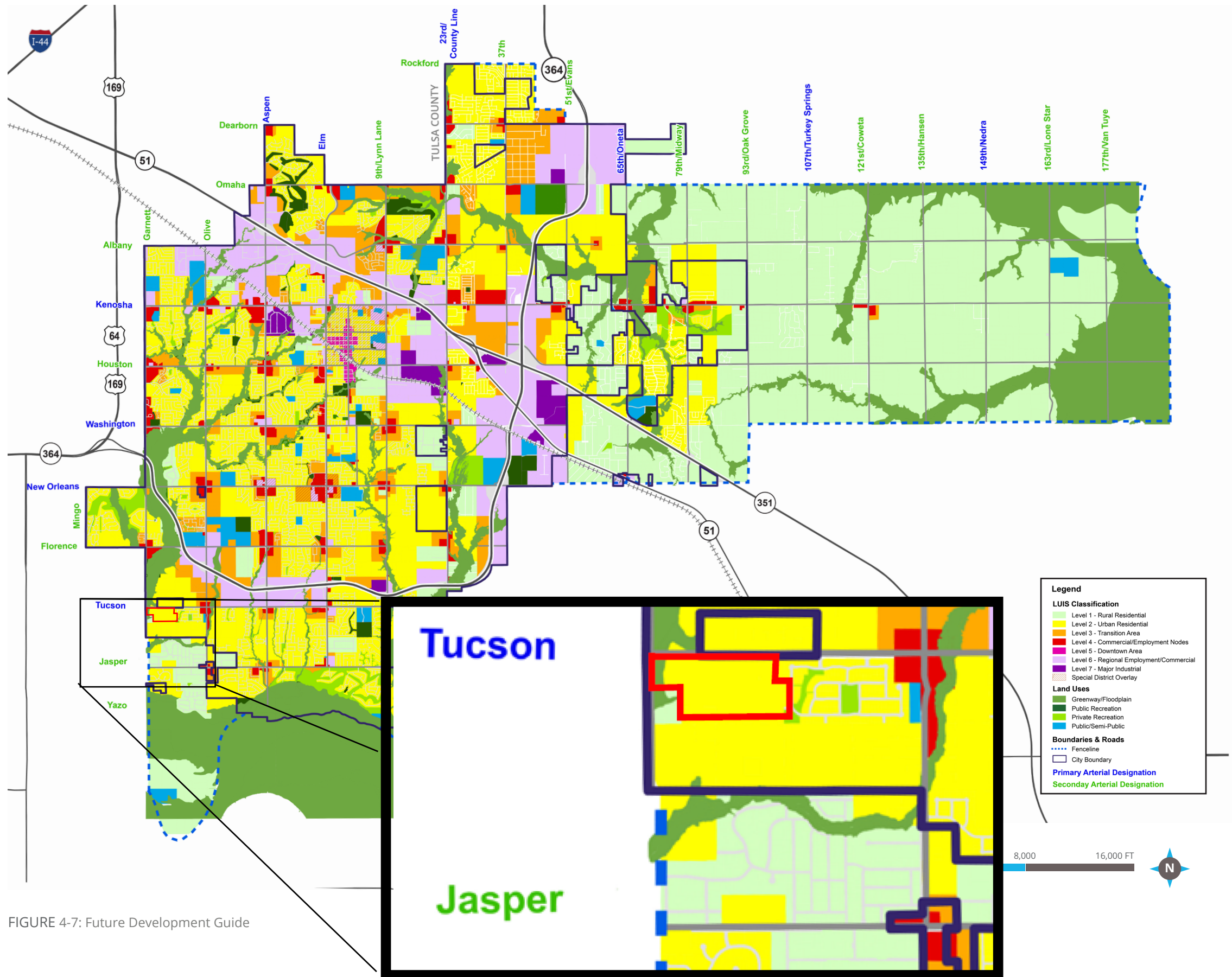


FIGURE 4-7: Future Development Guide

Other land uses identified that do not fall within the different intensity levels include:

Greenway/Floodplain: Areas that fall within the FEMA designated floodplain.

Public Recreation: City of Broken Arrow parkland.

Private Recreation: Recreation areas such as private HOA parks or golf courses that are not open to the general public.

Public/Semi-Public: Public facilities, public schools, and cemeteries.

The Future Development Guide is directly integrated with zoning districts in Broken Arrow. In each of the seven LUIS levels, each zoning district is either allowed, possible (provided conditions are met), or not allowed. [Table 4-1](#) shows the updated table.

[Figure 4-7](#) is the updated Future Development Guide for the Broken Arrow Next Comprehensive Plan, followed by a summary of recommended changes (since the last update in 2012) to be incorporated.

Table 4-1: Land Use Intensity System Zoning Districts Table

Zoning Districts	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7
A-1: Agricultural District	Allowed						
RE: Residential Estate District	Allowed						
RS-1: SF Residential District	Allowed						
R-2: SF Residential District	Possible	Allowed	Possible				
RS-2: SF Residential District	Possible	Allowed	Possible				
RS-3: SF Residential District	Possible	Allowed	Possible				
RS-4: SF Residential District		Allowed	Allowed				
RD: Residential Duplex District		Possible	Allowed				
RM: Residential MF District			Allowed	Possible	Possible		
RMH: Residential Mobile Home District			Allowed				
NM: Neighborhood Mixed Use District			Allowed	Allowed			
CM: Community Mixed-Use District			Possible	Allowed			
DM: Downtown Mixed-Use Core District					Allowed		
DF: Downtown Fringe District					Allowed		
ON: Office Neighborhood District		Possible	Allowed	Allowed	Possible		
CN: Commercial Neighborhood District				Allowed	Possible	Allowed	
CG: Commercial General District				Allowed	Possible	Allowed	
CH: Commercial Heavy District						Allowed	Possible
IL: Industrial Light District						Possible	Allowed
IH: Industrial Heavy District							Allowed

Elysian Fields

A subdivision in the City of Broken Arrow, being a part of the N/2 of the NE/4 of Section 5, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma



Date of Preparation: September 24, 2019

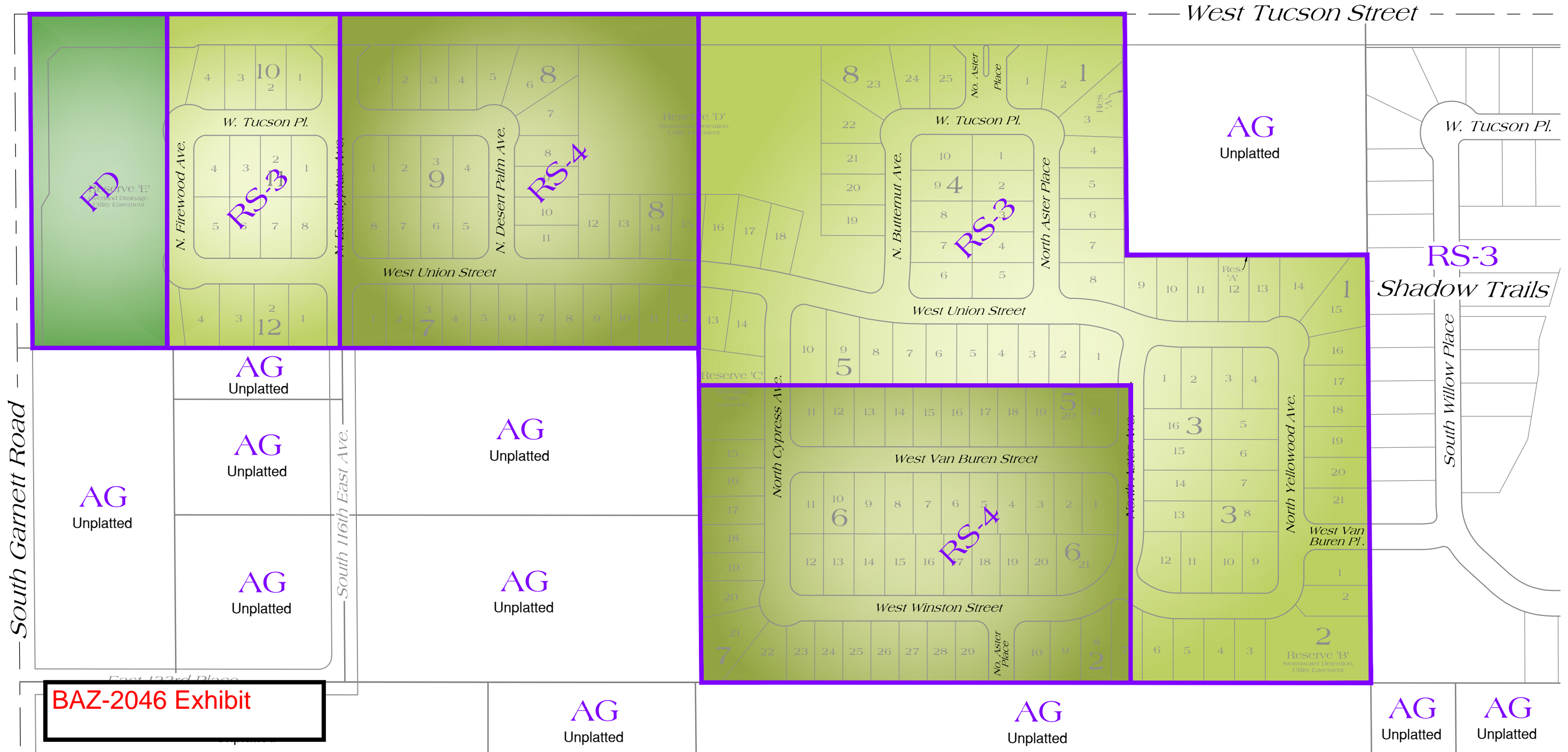
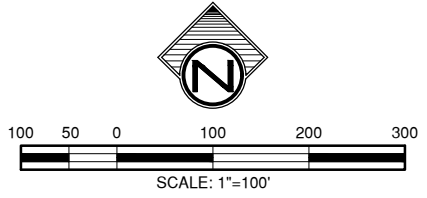
OWNER / DEVELOPER
Capital Homes Residential Group, L.L.C.
an Oklahoma Limited Liability Company
12150 East 96th Street North, Suite 202
Owasso, Oklahoma 74055
918.376.6536

Rezoning Exhibit

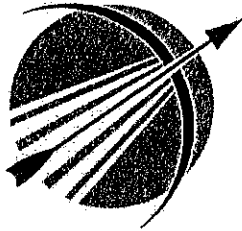
Elysian Fields

A subdivision in the City of Broken Arrow, being a part of the N/2 of the NE/4 of Section 5, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma

SURVEYOR
Tulsa Engineering & Planning Associates, Inc.
an Oklahoma corporation
9820 East 41st Street, Suite 102
Tulsa, Oklahoma 74146
Phone: 918.252.9621
CERTIFICATE OF AUTHORIZATION NO. 531
RENEWAL DATE: JUNE 30, 2021



Elysian Fields
Date of Preparation: September 24, 2019



CITY OF
BROKEN ARROW
Where opportunity lives

Request to Appear Before the City Council

(Please submit one form for each agenda item)

Date of Meeting: January 23, 2020

Name: Debbie Gresh Day Time Phone: 918-706-8541

Address: 3920 West Union Street City: BA State: OK

Zip: 74011 E-mail Address: _____

☐ **Agenda Item Number/Letter** BAZ-2046 (i.e.; 9B, 11C, etc.)

_____ I wish to speak **IN FAVOR** of this item.

_____ I wish to speak **IN OPPOSITION** to this item.

_____ I do not wish to speak; however, please record my _____ SUPPORT ☒ **OPPOSITION**

☐ **Citizen's Opportunity to Speak:** This item is available to citizens to speak on any subject not on the agenda, but related to City business or services. However, by state law, no action may be taken on this topic at this meeting. It can be studied for a future report or action.

Topic of Discussion: See attached letter

Supporting Materials: _____

CITY OF BROKEN ARROW

JAN 21 2020

RECEIVED

Return this form to the City Clerk prior to the beginning of the meeting.

According to Broken Arrow's zoning ordinances dated February 1, 2008 thru February 9, 2018, Section 6.4 Step 8 Approval Criteria states as follows:

The City Council may approve re-zonings, and the Planning Commission may recommend approval, if the rezoning meets **all of** the following criteria:

- a. The rezoning will promote the public health, safety, and general welfare;
- b. The rezoning is consistent with the comprehensive plan and the purposes of this Ordinance,
- c. The rezoning is consistent with the stated purpose of the proposed zoning district;
- d. The rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract; and
- e. Future uses on the subject tract will be compatible in scale with uses on other properties in the vicinity of the subject tract.

The ordinance states that the rezoning must **meet all not part** of the following criteria. The application does not meet this criteria and must be denied for the following reasons:

All property that is in the vicinity of the applicant's subject tract is zoned either RS-2, RS-3, AG or AG-R. According to the plats of Shadow Trails, all homes are RS-3 on a larger lot size. Surrounding the Applicant's tract of land, are some homes with acreage, zoned AG-R. Thus, this application should be denied because it does not meet section E of the Broken Arrow zoning ordinances as quoted above.

In addition, there are no homes in the square mile of the Applicant's property which are zoned RS-4. According to Broken Arrow's own book of zoning there are no homes which are zoned RS-4 off of east 121st street from Elm to Garnett -- in fact, most are either RS-3 with large lot sizes or RS-2. If it is Broken Arrow's vision to have comparable and like homes, this application should be denied because it does not meet section E of the Broken Arrow zoning ordinances.

The City of Broken Arrow has spent a lot of money on improvements to Haikey Creek. With its walking trails, the park is now a big draw and people relocating to Broken Arrow will be looking at east 121st street. What is Broken Arrow's vision of what it wants to see around this park area all the

CITY OF BROKEN ARROW

JAN 21 2020

RECEIVED

way to Warren Theater. This is a growth area for Broken Arrow. How does Broken Arrow want to present itself to persons entering Broken Arrow? This can be either favorable or not. Does Broken Arrow wish to see consistency and conformity and desirability or a hodgepodge?

In addition, east 121st is a gateway from the Creek Turnpike off of south 129th with beautiful RS-3 and RS-2 homes. If, this is Broken Arrow's vision of this area then the application should be denied because it violates B and C of the ordinance which states that "the rezoning is consistent with the comprehensive plan and the purposes of this Ordinance and 'the rezoning is consistent with the stated purpose of the proposed zoning district.'" The applicant's plan is a mixture of RS-3 and RS-4 homes which is inconsistent in and of itself.

Again, as stated by the ordinances, "the Development Services Department shall investigate and recommend the most appropriate zoning classification for consideration by the City Council. The determination of the most appropriate recommendation shall be that classification having the least density, but allowing the primary use to be a lawful and conforming use by right.

Rick Dodson will soon be starting phase 3 which will add approximately 115 homes to the area. In the one square mile there are also approximately 312 landowners and other acreage homes. If you add all this up there will be 624 homes in the near future. Adding Capital Homes will increase the number to roughly 801 homes causing both traffic, safety, and drainage issues in this area. This is also in violation of section A which states that "The rezoning will promote the public health, safety, and general welfare.",

The city of Broken Arrow prides itself on the quality of living but the City is not planning to 4 lane either south 129th or Garnett. In addition, on 141st street we have a sand and gravel business which runs 50 to 100 trucks per day and a church off of south 129th and a Bixby school which is on east 131st. Again in violation of section A.

In conclusion, our good neighbors to the west, Bixby and Jenks, have enacted ordinances which do not have any RS-4 homes. In fact, Bixby has

JAN 21 2020

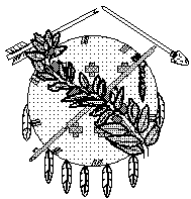
RECEIVED

recently banned RS-4 zoning. I am sure that Broken Arrow wants their city to be just as desirable and uphold the high standards of Bixby and Jenks. Therefore, I respectfully request, that the Board uphold its current ruling to deny Capital Homes application.

CITY OF BROKEN ARROW

JAN 21 2020

RECEIVED



City of Broken Arrow

Request for Action

File #: 20-153, Version: 1

Broken Arrow Planning Commission

01-23-2020

To: Chairman and Commission Members
From: Development Services Department

Title: Public hearing, consideration, and possible action regarding PUD-301 (Planned Unit Development) and BAZ-2045 (Rezoning), The Colony at Cedar Ridge, 78.12 acres, A-1 (Agricultural) to CM (Community Mixed-Use), RS-3 (Single-Family Residential) and PUD-301, located one-quarter mile east of Olive Avenue (129th East Avenue), south of New Orleans Street (101st Street)

Background:

Applicant: Erik Enyart, Tanner Consulting, LLC
Owner: Siegfried Companies, Inc.
Developer: Siegfried Companies, Inc.
Engineer: Tanner Consulting, LLC
Location: One-quarter mile east of Olive Avenue (129th East Avenue), south of New Orleans Street (101st Street)
Size of Tract 78.12 acres
Present Zoning: A-1
Proposed Zoning: CM, RS-3, and PUD-301
Comp Plan: Levels 2 and 4 (via BACP-167)

Planned Unit Development (PUD)-301 and BAZ-2045 (Rezoning) involve a 78.12-acre lot located one-quarter mile east of Olive Avenue (129th East Avenue), south of New Orleans Street (101st Street). The property is vacant and unplatted.

On January 9, 2020, the Planning Commission recommended approval of BACP-1657 to amend the comprehensive plan designation from Level 2 to Levels 2 and 4. The City Council will hear this item at its February 4, 2020 meeting.

With BAZ-2045 (Rezoning), applicant requests approval to rezone the property from A-1 (Agricultural) to CM (Community Mixed-Use), RS-3 (Single-Family Residential), and PUD-301. The development concept describes the proposed development as mixed-use with a variety of housing types including an area of private, gated streets, larger estate lots, and alley-loaded homes. The northwest corner of the property, the area requested as Level 4 with BACP-167, is proposed as a community market area for the residents of the neighborhood and the public.

Access to the proposed development is through one main access point onto New Orleans Street. A secondary, emergency-only, gated access is proposed onto New Orleans Street to the east of the main entrance. This is to be used as emergency access from the gated area only and not as a regular point of access. Further access to the site is provided through an existing stub street (Quantico Street) into the existing neighborhood to the east.

The commercial area at the northwest corner will have no direct access onto New Orleans and will connect to the main boulevard entry to the development.

The proposed development, The Colony at Cedar Ridge, is proposed to be developed in accordance with the City of Broken Arrow Zoning Ordinance and the use and development regulations of the CM and RS-3 districts, except as summarized below.

SUMMARY OF DEVIATION FROM THE BROKEN ARROW ZONING ORDINANCE

Development Area A (Commercial)

Item	Broken Arrow Zoning Ordinance – CM District	PUD-301 Request
Uses	As Permitted in the CM District	Prohibited Uses: Medical marijuana dispensaries, pawn shops, gasoline sales, bar, nightclub, vehicular service and/or repair, bail bonding, and check casher/payday lenders. Retail uses shall comprise not less than 51% of building floor area within Development Area A.
Minimum Lot Area	5 acres minimum	2 acres minimum
Minimum Building Coverage	50% minimum	10% minimum
Maximum Floor Area	91,594 SF	12,000 SF
Maximum Building Setbacks	25 FT maximum front setback	None
Minimum Building Setbacks	North: 0 FT East: 0 FT South: 0 FT West 0 FT	North: 20 FT East: 0 FT South: 10 FT West 20 FT

Development Area B (Residential)

Item	Broken Arrow Zoning Ordinance – RS-3 District	PUD-301 Request Gated Village Lots	PUD-301 Request Cottage Lots (Street-Loaded)	PUD-301 Request Cottage Lots (Alley-Loaded)	PUD-301 Request Estate Lots
Lot Type Ratio	N/A	Min: N/A Max: 55%	Min: 30% Max: 85%	Min: N/A Max: 55%	Min: 15% Max: 70%
Minimum Lot Width	60 FT	50 FT	60 FT	50 FT	70 FT
Minimum Lot Size	7,000 SF	5,500 SF	7,200 SF	5,500 SF	9,500 SF
Minimum Livability open space per dwelling	3,000 SF	2,360 SF	3,100 SF	2,360 SF	4,000 SF
Minimum Yard Setbacks	Front: 25 FT	Front: 45 FT (from street centerline)	Front: 20 FT	Front: 15 FT Max Front (required build-to line): 20 FT	Front: 25 FT
	Rear: 20 FT	Rear: 20 FT	Rear: 20 FT	Rear: 20 FT (principal dwelling and attached garage) Rear: 5 FT (detached accessory building/garage only)	Rear: 20 FT
	Side Not Abutting a Street: 5 FT	Side Not Abutting a Street: 5 FT	Side Not Abutting a Street: 5 FT	Side Not Abutting a Street: 5 FT	Side Not Abutting a Street: 5 FT
	Side Abutting a Street: 25 FT	Side Abutting a Street: Where attached garage faces street: 45 FT (from street centerline) Where rear yard backs to side yard: 40 FT (from street centerline; no attached garage facing side street) Where rear yard backs to rear yard (from street centerline; no attached garage facing side street)	Side Abutting a Street: 25 FT (attached garage faces side street) Where rear yard backs to side yard: 15 FT (no attached garage facing side street) Where rear yard backs to rear yard: 10 FT (no attached garage facing side street)	Side Abutting a Street: 10 FT (all buildings: no garage shall face street) Side Abutting an Alley: 5 FT (all building)	Side Abutting a Street: 25 FT (attached garage faces the side street) Where rear yard backs to side yard: 20 FT (no attached garage facing side street) Where rear yard backs to rear yard: 15 FT (no attached garage facing side street)
Fencing	No fences higher than thirty inches (30") may be constructed in any front yard	Fences enclosing a front yard ("courtyard") shall be permitted up to four feet in height	Fences enclosing a front yard ("courtyard") shall be permitted up to four feet in height	Fences enclosing a front yard ("courtyard") shall be permitted up to four feet in height	Fences enclosing a front yard ("courtyard") shall be permitted up to four feet in height

SURROUNDING LAND USES/ZONING/COMPREHENSIVE PLAN

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

Location	Development Guide (2019)	Zoning	Land Use
North	Public/Semi-Public	A-1	Wolf Creek Elementary School and Oliver Middle School
East	Level 2	RS-3	Single-family residential
South	Public/Semi-Public	A-1	Undeveloped
West	Level 3	A-1	Undeveloped

The property associated with PUD-301, with the approval of BACP-137, will be designated as Levels 2 and 4 of the Comprehensive Plan. CM zoning is considered to be in accordance with the Comprehensive Plan in Level 4 and RS-3 zoning is considered to be in accordance with the Comprehensive Plan in Level 2.

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

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

In Staff's opinion, PUD-301 satisfies items 3 and 4 of Section 6.4.A of the Zoning Ordinance. (3) Applicant has designed a conceptual site layout that preserves open space by providing several areas throughout the site for large, open space reserves that act as connected neighborhood parks. The central street is proposed as a boulevard which provided an increased area for landscaping within the entry to the development. (4) Applicant has designed the site utilizing a mix of housing types connected through a main boulevard and internal trail/sidewalk system. Although all structures are single-family, the proposed types of the homes include small gated lots, larger estate homes, cottages, and alley-loaded cottage homes.

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

Staff has been in contact with the applicant regarding the following items in the PUD:

- Increasing the minimum building coverage in Development Area A by adding a requirement for a minimum outdoor public space;
- Removing the 12,000 SF limitation on the maximum floor area in Development Area A;
- Updating language concerning setbacks in Development Area B, specifically in the requirements for setbacks from gated village lots and side yard setbacks where they abut a street.

Staff and the applicant are in agreement with the intent of these sections and are working towards revised language to be added to the PUD before being considered by City Council.

Attachments: Case map
Aerial
PUD-301

Recommendation:

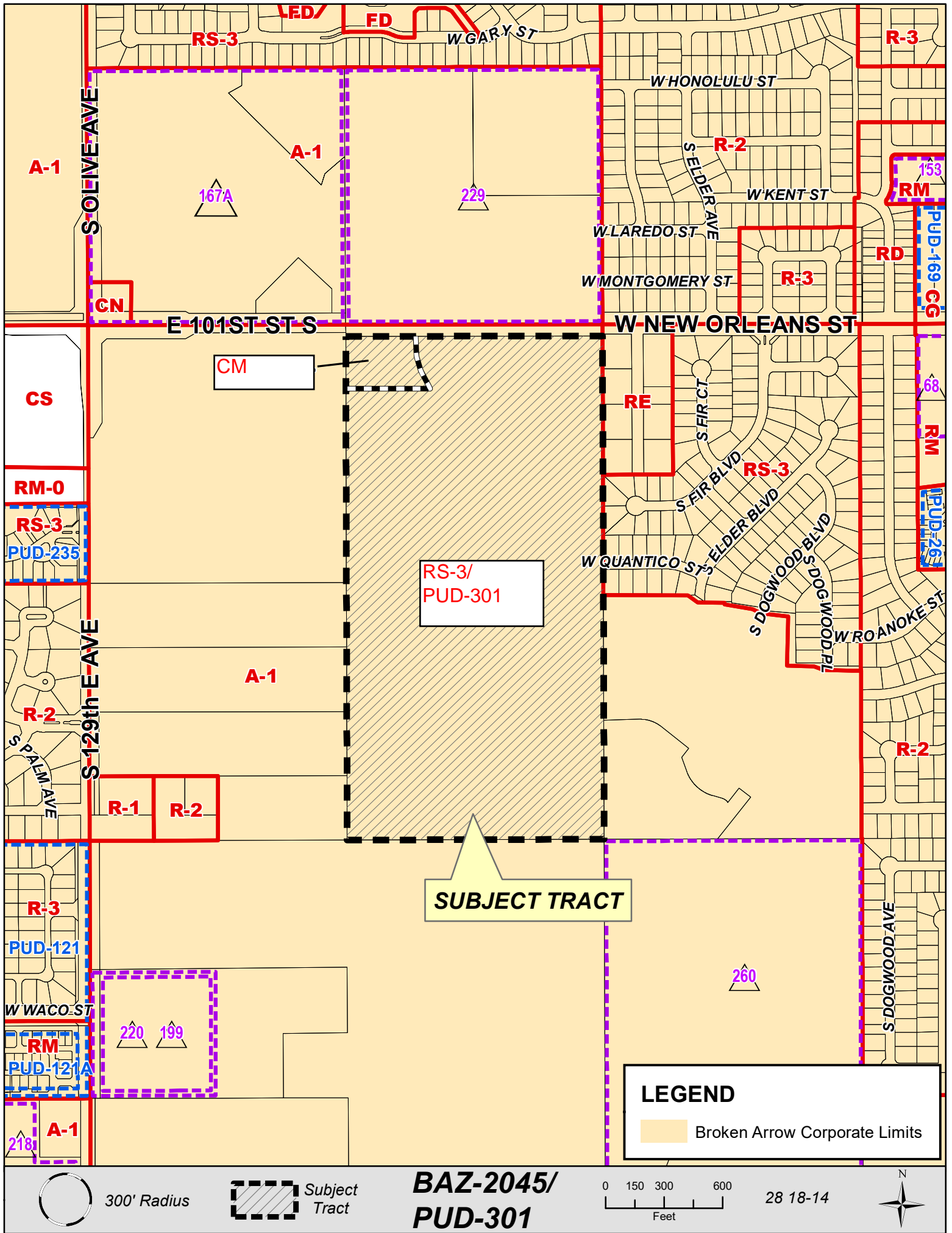
Based upon the Comprehensive Plan, the location of the property, and the surrounding land uses, Staff recommends that PUD-301 and BAZ-2045 be approved, subject to the following:

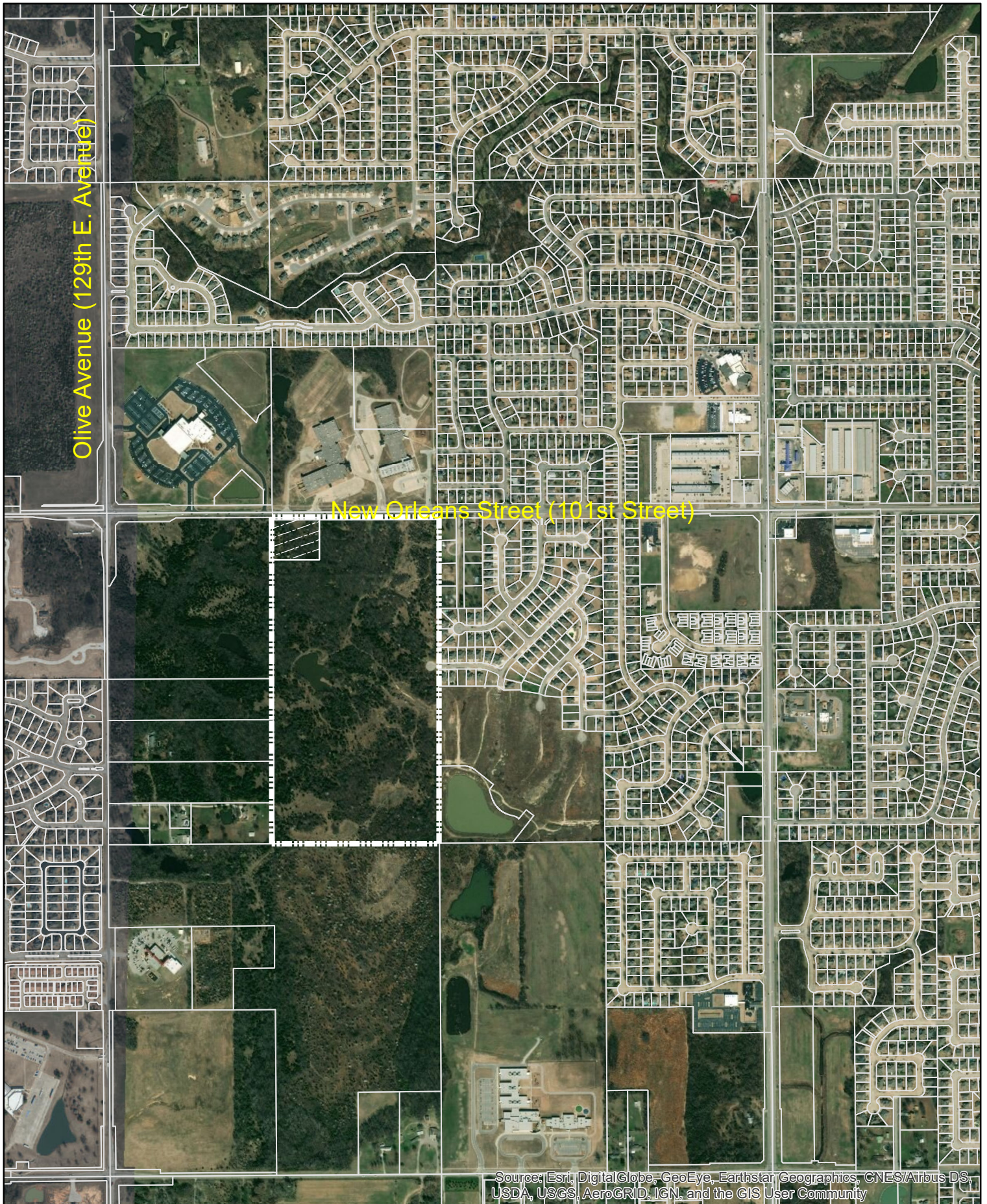
1. Approval of BACP-167 (Comprehensive Plan Amendment) by City Council.
2. The property being platted in accordance with the Broken Arrow Subdivision Regulations.
3. Language in PUD-301 being updated in regards to minimum building coverage in Development Area A, maximum floor area in Development Area A, and building setbacks in Development Area B.

Reviewed by: Jill Ferenc

Approved by: Larry R. Curtis

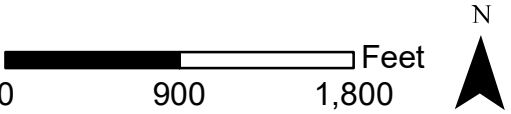
ALY





Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

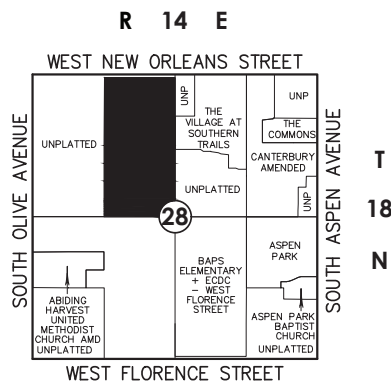
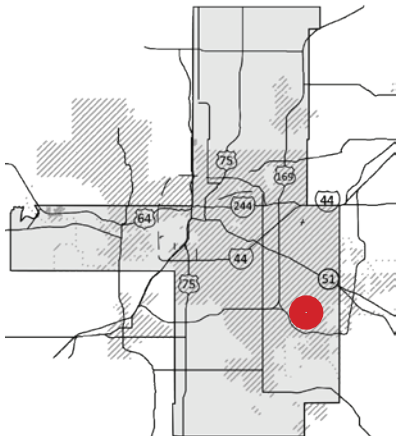
PUD-301 & BAZ-2045
The Colony at Cedar Ridge



PUD-____

The Colony at Cedar Ridge

APPROXIMATELY 78.122 ACRES LOCATED ONE-HALF MILE WEST OF THE SOUTHWEST CORNER OF WEST NEW ORLEANS STREET AND SOUTH ASPEN AVENUE IN THE CITY OF BROKEN ARROW, OKLAHOMA



Location Map

Scale: 1"= 2000'



DECEMBER 2019

APPLICANT/CONSULTANT:

TANNER CONSULTING LLC
c/o ERIK ENYART
5323 S LEWIS AVE
TULSA, OK 74105
EENYART@TANNERBAITSHOP.COM

TABLE OF CONTENTS

I. PROPERTY DESCRIPTION	2
II. DEVELOPMENT CONCEPT	3
EXHIBIT LIST:	
Exhibit A: Aerial Photography & Boundary Depiction	5
Exhibit B: Conceptual Site Plan	6
III. DEVELOPMENT STANDARDS:.....	7
III.A. Development Area A	7
III.B. Development Area B	8
III.C. Uses Permitted Within Development Area A	9
III.D. Residential Lot Ratios and Supplemental Development Standards within Development Area A	10
IV. GENERAL PROVISIONS AND DEVELOPMENT STANDARDS	12
IV.A. Surrounding Zoning and Land Use	12
IV.B. Access and Circulation	12
IV.C. Signage, Landscaping, and Fencing	12
IV.D. Utilities and Drainage	13
IV.E. Environmental Analysis and Topography.....	13
IV.F. Platting and Site Plan Requirements	14
IV.G. Schedule of Development	14
EXHIBIT LIST:	
Exhibit C: Development Areas	15
Exhibit D: Existing and Proposed Utilities	16
Exhibit E: Existing Topography & Soils	17
Exhibit F: FEMA Floodplain Map	18
Exhibit G: Existing Zoning Map	19
Exhibit H: Proposed Zoning Map	20
Exhibit I: Comprehensive Plan Map	21

I. PROPERTY DESCRIPTION

The Colony at Cedar Ridge consists of 78.122 acres located one-half mile west of the southwest corner of West New Orleans Street and South Aspen Avenue in the City of Broken Arrow, Oklahoma, and is more particularly described with the following statement:

A TRACT OF LAND THAT IS A PART OF THE EAST HALF OF THE NORTHWEST QUARTER (E/2 NW/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION 28; THENCE NORTH 88°43'49" EAST AND ALONG THE NORTH LINE OF SAID NW/4 FOR A DISTANCE OF 1317.40 FEET TO A POINT AT THE NORTHWEST CORNER OF THE EAST HALF OF SAID NORTHWEST QUARTER (E/2 NW/4); THENCE SOUTH 1°20'17" EAST AND ALONG THE WEST LINE OF SAID E/2 NW/4 FOR A DISTANCE OF 60.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF EAST 101ST STREET SOUTH, AS RECORDED MAY 18, 2012, AT DOCUMENT NO. 2012048270, COUNTY OF TULSA RECORDS, STATE OF OKLAHOMA, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 88°43'49" EAST AND PARALLEL WITH THE NORTH LINE OF SAID E/2 NW/4 FOR A DISTANCE OF 1317.44 FEET TO A POINT ON THE EAST LINE OF SAID E/2 NW/4, THENCE SOUTH 1°22'23" EAST AND ALONG SAID EAST LINE FOR A DISTANCE OF 2580.64 FEET TO A POINT AT THE SOUTHEAST CORNER OF SAID E/2 NW/4; THENCE SOUTH 88°39'17" WEST AND ALONG THE SOUTH LINE OF SAID E/2 NW/4 FOR A DISTANCE OF 1319.00 FEET TO A POINT AT THE SOUTHWEST CORNER OF SAID E/2 NW/4; THENCE NORTH 1°20'17" WEST AND ALONG THE WEST LINE OF SAID E/2 NW/4 FOR A DISTANCE OF 2582.38 FEET TO THE POINT OF BEGINNING.

The above described property will hereinafter be referred to as the "Site" or "Subject Property" and is depicted on Exhibit A, "Aerial Photography & Boundary Depiction."

II. DEVELOPMENT CONCEPT

The Colony at Cedar Ridge is a mixed-use Planned Unit Development (PUD) of 78.122 acres located one-half mile west of the southwest corner of West New Orleans Street and South Aspen Avenue in the City of Broken Arrow, Oklahoma. The Colony at Cedar Ridge is a master-planned community exhibiting new urbanism principles, complete with an innovative “Market” for the convenience of the residents, but with individual shops open to the public at large. Multiple unique housing types and neighborhood styles are proposed, including homes on private, gated streets, larger estate lots, alley-loaded homes, and more customary lots which will compliment the existing neighborhoods to the east.

The master plan (PUD Exhibit B “Conceptual Site Plan”) focuses on the main entrance on New Orleans Street, designed as a wide, boulevard-style entrance with generous landscaping on each side and in the central median. The Market would be accessed by right-hand turn when entering the subdivision, a convenience for residents picking up essentials upon returning home. The Market is envisioned as an innovative, neighborhood-oriented “market” building with individual spaces for such uses as general store, coffee shop, ice cream parlor, farmers market/fresh produce, and convenience services such as cleaning drop off and pick up. While being developed as part of this neighborhood, the Market will be open to the public. With these attractions, the Market may serve as a casual meeting venue for residents and visitors. It may also host community focal points such as sheltered benches, neighborhood mailbox facilities, and bulletin boards to further invite neighbors to interact by chance encounters, deepening the sense of community. Walking trails and sidewalks will also connect the Market to the neighborhood, thereby reducing the need for vehicular dependence.

As shown on the Conceptual Site Plan, the central boulevard will continue as a ‘parkway’ as it tapers into a minor residential street with lower speeds, allowing direct access. The central street will stub into the undeveloped tract to the east, at the point where previous plans already designated a connection. The central street will connect each neighborhood type, which will be further connected by a series of large open space reserves, doubly serving as stormwater detention and trail-connected neighborhood parks. Streets with sidewalks, trails, and neighborhood parks will allow all residents of the subdivision and surrounding areas to walk to the new Broken Arrow school campuses and the proposed new “Aspen Creek Community Park” adjoining to the south and southeast. A crosswalk on New Orleans Street is also planned to connect The Colony at Cedar Ridge to the Wolf Creek Elementary School / Oliver Middle School campus to the north. Altogether, the various connections will create a walkable, cohesive neighborhood.

By its design, this PUD satisfies the purposes for a PUD as outlined in the Broken Arrow Zoning Ordinance Section 6.4.A. as it is intended to provide a unified treatment of the development possibilities of the project site by fusing continuity of function and design, to permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties, to permit flexibility within the development to best utilize the unique physical features of the subject property, and to encourage a more productive use of land consistent with the public objectives and standards of accessibility, safety, infrastructure, and land use compatibility.

The subject property is presently zoned A-1 Agricultural. A companion application is being filed to rezone the site to RS-3 Single-Family Residential District with the 2.3 acres comprising the Market site to be rezoned to CM Community Mixed-Use District, as suggested by Planning Staff during the Pre-Development Meeting held November 22, 2019.

The existing and the latest draft Future Development Guide land use maps (Figure 4-7 of the pending "Broken Arrow Next Comprehensive Plan," illustrated on Exhibit I of this PUD) both designate the entire site as "Level 2." This designation supports the proposed rezoning to RS-3 residential. To enable the proposed commercial "Market," another companion application has been filed for the 2.3 acres to amend the Comprehensive Plan from Level 2 to Level 4, which would then support the rezoning to CM.

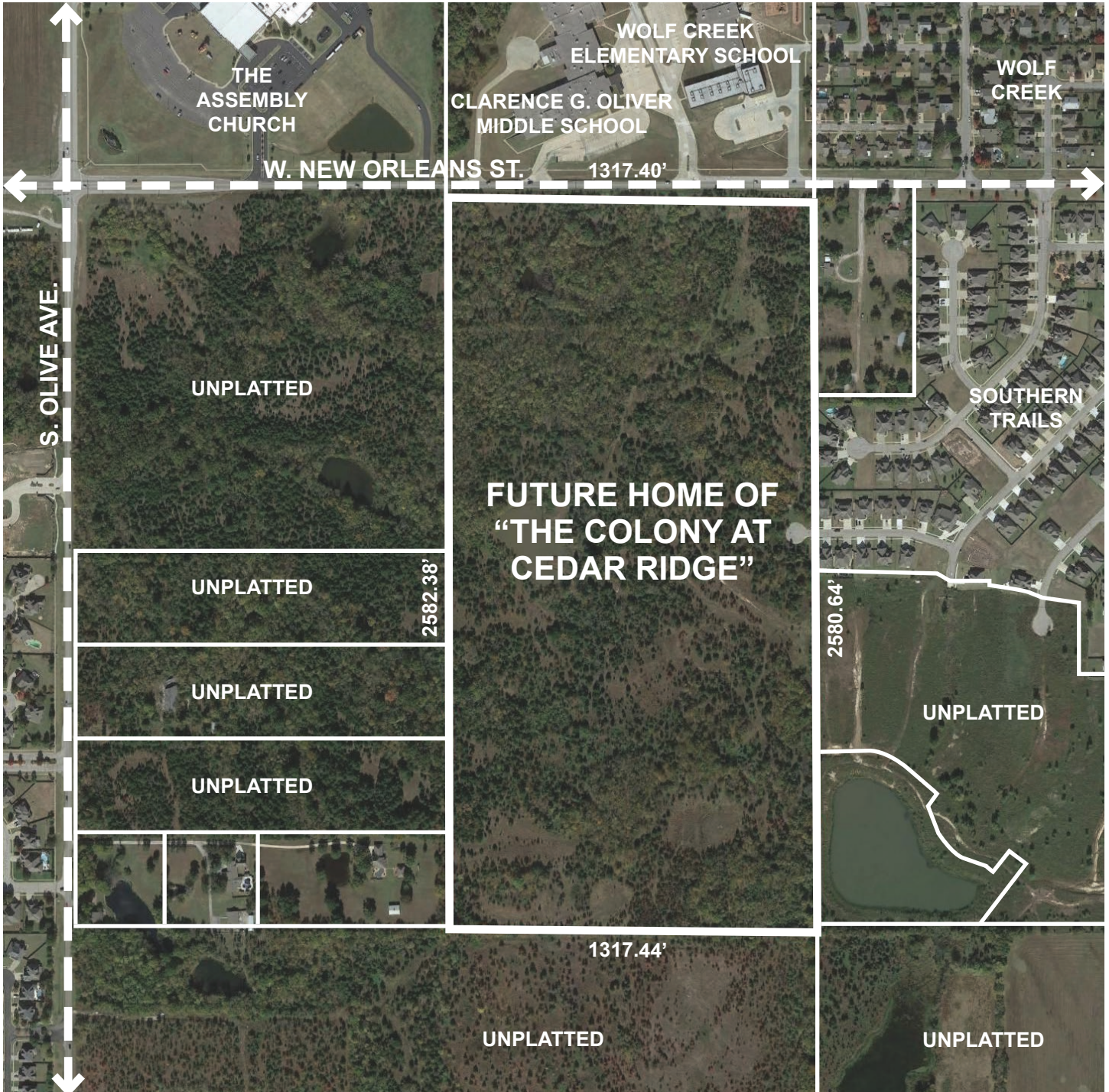
The Exhibit B "Conceptual Site Plan" represents initial concepts for neighborhood amenities, which will be maintained as common areas by a mandatory property owners' association to be formed by the Deed of Dedication and Restrictive Covenants of a subdivision plat for areas containing such common areas.

The PUD will allow the most efficient use of the land which is harmonious with the surrounding land uses, as represented on Exhibit A, "Aerial Photography & Boundary Depiction." A conceptual development plan depicting design features is provided on Exhibit B "Conceptual Site Plan." Development Areas identified on Exhibit C "Development Areas." Final Development Area boundaries and areas shall be established by required PUD subdivision plats, provided the relative spatial proportions of the single-family residential development area and 2.3-acre Market commercial use areas are maintained. The PUD shall be developed in accordance with the use and development regulations of the City of Broken Arrow Zoning Ordinance, except as otherwise specified herein. Bulk and area standards within the proposed Development Standards generally follow those of the underlying CM district for Development Area A and those of the underlying RS-3 district for Development Area B. This PUD will impose higher development standards than if developed with the existing straight zoning.

The Colony at Cedar Ridge

EXHIBIT A

AERIAL PHOTOGRAPHY & BOUNDARY DEPICTION
WITH ADJACENT DEVELOPMENTS LABELED



The Colony at Cedar Ridge

EXHIBIT B

CONCEPTUAL SITE PLAN

CONCEPTUAL LAYOUT SHOWN AS OF NOVEMBER 13, 2019



III. DEVELOPMENT STANDARDS

III.A. DEVELOPMENT AREA A:

Gross Land Area:	122,126 SF	2.804 AC
Net Land Area:	100,332 SF	2.303 AC
Permitted Uses: Uses permitted as a matter of right or by Specific Use Permit in CM Mixed-Use zoning district in the Broken Arrow Zoning Ordinance according to the list provided in Section III.C.		
Minimum Lot Area:	2 Acres	
Minimum Building Width to Frontage Ratio:	35%	
Minimum Building Coverage:	10%	
Maximum Floor Area:	12,000 SF *	
Maximum Building Height:	35 FT or 2.5 Stories **	
Maximum Building Setbacks:	None	
Minimum Building Setbacks:		
North:	20 FT	
East:	0 FT	
South:	10 FT	
West:	20 FT	
Other Bulk and Area Requirements:	As required within CM District	

* Substantially reduced by this PUD from the maximum allowed by Broken Arrow Zoning Ordinance Section 4.1.E.1.c.

** Architectural features such as chimneys and cupolas may extend beyond 35' to a maximum height of 45'.

III.B. DEVELOPMENT AREA B:

Gross Land Area:	3,359,918 SF	77.133 AC
Net Land Area:	3,302,665 SF	75.819 AC
Permitted Uses: Single-family detached dwellings and customary accessory uses, including accessory dwelling units (ADUs). *		
Maximum Number of Lots:	250	
Minimum Lot Width:	50 FT : 70 FT ** †	
Minimum Lot Size:	5,500 SF : 9,500 SF †	
Maximum Building Height:	35 FT and 2.5 Stories ***	
Minimum Off-street Parking:	Minimum two (2) enclosed or unenclosed off-street parking spaces required per dwelling	
Maximum Lot Coverage:	70% ****	
Minimum Livability Open Space per Dwelling:	2,360 SF : 4,000 SF **** †	
Minimum Yard Setbacks:		
Front Yard:	15 FT : 25 FT †	
Rear Yard:	5 FT : 20 FT †	
Side Yard Abutting a Street:	10 FT : 25 FT †	
Side Yard <u>Not</u> Abutting a Street:	5 FT	
Any Yard Within 35 Feet of Arterial Street:	35 FT from Arterial Street Right-of-Way	
Attached Garage Facing a Street:	5 FT more than principal dwelling	
Other Bulk and Area Requirements:	As required within the RS-4 District	

* ADUs are restricted to a maximum of 1,200 square feet or 30% of the total square footage of the principal dwelling, whichever is greater, shall comply with bulk and area requirements in aggregate with the principal dwelling, and shall otherwise meet the more restrictive requirements of this PUD and the Broken Arrow Zoning Ordinance.

** Lots with frontage streets curves are exempt from lot-width requirements, provided the same shall maintain not less than 30' of frontage and meet the minimum lot area requirement.

*** Architectural features such as chimneys and cupolas may extend to a maximum height of 45 feet.

**** Maximum aggregate lot coverage by buildings, parking, and drives is limited to the lesser of 70% or that amount necessary to meet minimum livability open space requirements for the lot. Livability open space, defined as open space not utilized for parking or drives, may be located on a lot or contained within common open space of the development, as per Section 4.1.E.1.d of the Broken Arrow Zoning Ordinance.

† See Section III.D. Residential Lot Ratios and Supplemental Development Standards Within Development Area B.

III.C. USES PERMITTED WITHIN DEVELOPMENT AREA A:

Within Development Area A, uses are permitted or prohibited as follows:

Parks and Open Space:

Private park and outdoor recreation

Community Service:

Small indoor (up to 250-person capacity) and/or outdoor place of assembly or recreation

Recreation and Entertainment Indoor:

Fitness and recreational sports center, private art gallery or museum, general indoor recreation

Personal Services:

Dry cleaning and laundry services, general personal services, studio of the arts, or instructional service

Health Care Facility:

Medical office or clinic

Financial Service:

Financial institution with or without drive-through

Food and Beverage Service:

Restaurant without drive-through and micro food and beverage production; alcoholic beverage sales for onsite consumption or catering services must be accessory (<50% gross sales) to the restaurant use

Office:

Business or professional office

Retail (Sales): *

General retail, convenience goods, grocery store, farmers market, and alcoholic beverage sales

Uses accessory to the market:

Agricultural: horticultural farm or community supported garden

Food truck court (no electric generators; onsite electric connections only)

Accessory uses listed above

Other uses customarily accessory to permitted uses as listed herein

Prohibited Uses:

Medical marijuana dispensaries, pawn shops, gasoline sales, bar, nightclub, vehicular service and/or repair, bail bonding, and check casher/payday lenders (Defined as an establishment that is substantially in the business of charging a fee to cash a check and/or negotiating, arranging, aiding, or assisting a consumer in procuring payday loans), and prohibited uses listed above

* *Retail uses shall comprise not less than 51% of building floor area within Development Area A.*

III.D. RESIDENTIAL LOT RATIOS AND SUPPLEMENTAL DEVELOPMENT STANDARDS WITHIN DEVELOPMENT AREA B:

The following ratios and residential bulk and area development standards shall be maintained throughout the various phases of development of Development Area B:

Gated Village Lots:

Minimum lot type ratio:	N/A
Maximum lot type ratio:	55%
Minimum lot width:	50 FT
Minimum lot size:	5,500 SF
Minimum livability open space per dwelling:	2,360 SF
Minimum Yard Setbacks:	
Front Yard:	45 FT (from street centerline)
Rear Yard:	20 FT
Side Yard Abutting a Street:	
Where attached garage faces street	45 FT (from street centerline)
Where rear yard backs to side yard	40 FT (from street centerline; no attached garage facing side street)
Where rear yard backs to rear yard	35 FT (from street centerline; no attached garage facing side street)

Cottage Lots (Street-Loaded):

Minimum lot type ratio:	30%
Maximum lot type ratio:	85%
Minimum lot width:	60 FT
Minimum lot size:	7,200 SF
Minimum livability open space per dwelling:	3,100 SF
Minimum Yard Setbacks:	
Front Yard:	20 FT
Rear Yard:	20 FT
Side Yard Abutting a Street:	25 FT (attached garage faces side street)
Where rear yard backs to side yard	15 FT (no attached garage facing side street)
Where rear yard backs to rear yard	10 FT (no attached garage facing side street)

Cottage Lots (Alley-Loaded):

Minimum lot type ratio:	N/A
Maximum lot type ratio:	55%
Minimum lot width:	50 FT
Minimum lot size:	5,500 SF
Minimum livability open space per dwelling:	2,360 SF
Minimum Yard Setbacks:	
Front Yard:	15 FT (no attached garage shall face street)
Rear Yard:	20 FT (principal dwelling and attached garage)
Rear Yard:	5 FT (detached accessory building/garage only)
Side Yard Abutting a Street:	10 FT (all buildings; no garage shall face street)
Side Yard Abutting an Alley:	5 FT (all buildings)
Maximum Front Yard (required build-to line):	20 FT

Estate Lots:

Minimum lot type ratio:	15%
Maximum lot type ratio:	70%
Minimum lot width:	70 FT
Minimum lot size:	9,500 SF

Minimum livability open space per dwelling: 4,000 SF

Minimum Yard Setbacks:

Front Yard: 25 FT

Rear Yard: 20 FT

Side Yard Abutting a Street: 25 FT (attached garage faces side street)

Where rear yard backs to side yard 20 FT (no attached garage facing side street)

Where rear yard backs to rear yard 15 FT (no attached garage facing side street)

IV. GENERAL PROVISIONS AND DEVELOPMENT STANDARDS

IV.A. SURROUNDING ZONING AND LAND USE: Surrounding zoning is primarily A-1 Agricultural with single-family residential districts RS-3, RE, R-3, and R-2 to the east and northeast. Vacant and rural residential land abuts to the west. Broken Arrow Public School and church campuses zoned A-1 adjoin to the south and north, supported by Specific Use Permits. To the east, the single-family residential zoning districts contain housing additions such as The Village at Southern Trails and various Wolf Creek South subdivisions. The 39-acre Village at Southern Trails was part of 73.6 acres approved for RS-3 zoning and Preliminary Plat in 2006. The balance of the acreage, lying to the south of the platted area, remains vacant and zoned A-1 until it is platted.

IV.B. ACCESS AND CIRCULATION: The subject property has ¼ mile of frontage on West New Orleans Street and contains a temporary cul-de-sac turnaround on the west dead-end of W. Quantico Street. Per the conceptual site plan, multiple points of vehicular and pedestrian access are planned in locations appropriate to serve the accessibility needs of the Market commercial Development Area A and various types of lots and homes in the residential Development Area B.

As illustrated on the Exhibit B “Conceptual Site Plan,” a main entrance and an emergency-only, gated connection are presently proposed along West New Orleans Street. The central boulevard will continue as a parkway as it tapers into a minor residential street with lower speeds, allowing direct access. The central street will stub into the undeveloped tract to the east, at the point where previous plans already designated a connection. The central street will connect each neighborhood type, which will be further connected by a series of large open space reserves, doubly serving as stormwater detention and trail-connected neighborhood parks. Streets with sidewalks, trails, and neighborhood parks will allow all residents of the subdivision and surrounding areas to walk to the new Broken Arrow school campuses and the proposed new “Aspen Creek Community Park” adjoining to the south and southeast. A crosswalk on New Orleans Street is also planned to connect The Colony at Cedar Ridge to the Wolf Creek Elementary School / Oliver Middle School campus to the north. Altogether, the various connections will create a walkable, cohesive neighborhood.

Most streets serving the single-family residential Development Area B are proposed to be public; neighborhood sections will be gated and served by private streets, as allowed by this PUD. Whether public or private, streets shall be constructed to meet the City of Broken Arrow standards for public streets; provided, however, the City of Broken Arrow may approve alternative street design standards, such as reduced right-of-way widths for private streets or divided, boulevard-style entrances, provided any median landscaping and other private entry features shall be maintained by the mandatory property owners’ association. Any gates serving private streets or drives shall be designed according to the International Fire Code adopted by the City of Broken Arrow and be approved by the Broken Arrow Fire Marshal during the platting stage.

Streets and pedestrian accessways, consisting of sidewalks and/or trails, will connect the various neighborhood sections and the commercial Market, and will be planned during the platting phase.

Limits of No Access (LNA) will be imposed by the future plat(s) along the West New Orleans Street frontage, except at approved street intersection(s).

IV.C. SIGNAGE, LANDSCAPING, AND FENCING: Signs, landscaping, and fencing shall comply with the applicable provisions of the Broken Arrow Zoning Ordinance, provided that fences enclosing a front yard (“courtyard”) shall be permitted up to four (4) feet in height.

IV.D. UTILITIES AND DRAINAGE: Per City of Broken Arrow atlas utility data, waterlines are located along West New Orleans Street and within The Village at Southern Trails to the east. Waterlines shall be extended throughout the site and looped to provide water service and fire protection and will be designed during the platting stage. Fire hydrant locations shall be coordinated with and approved by the Broken Arrow Fire Marshal during platting.

Also per City of Broken Arrow atlas utility data, sanitary sewer adjoins to the east. However, sanitary sewer service for the development is presently in design and ultimate plans will be established during the engineering design and platting stage.

An internal stormwater collection and detention system will be designed and constructed to drain the site to stormwater detention facilities, to be sited and designed during the platting stage. Early concepts for drainage and onsite stormwater detention are shown on the Exhibit B “Conceptual Site Plan.” Stormwater drainage and detention facilities will be contained within Reserve Areas and/or overland drainage easements, to be maintained by a property owners’ association. These facilities may additionally serve as neighborhood amenities.

Electric, natural gas, and communications services are available onsite or by extension.

Existing utilities are shown on Exhibit D of this PUD.

IV.E. ENVIRONMENTAL ANALYSIS AND TOPOGRAPHY: The site is moderately sloped and contains the top of a small hill at the southeast corner. The site drains to the west, with the exception of the area around the hilltop which also drains to the south and east. The entire site ultimately drains to Haikey Creek.

As represented on Exhibit F FEMA Floodplain Map, none of the site is within the 100-year (1% Annual Chance) Regulatory Floodplain. The entire site is within Unshaded Zone X, outside of the 500-year Floodplain.

The Soil Survey of Tulsa County, Oklahoma was used to help identify soils types and possible constraints to development. The site contains Newtonia Silt Loam, 1-3% and 3-5% slopes, Dennis Silt Loam, 1-3% and 3-5% (eroded and non-eroded) slopes, Okemah-Parsons-Pharoah Complex, 0-1% slopes, and Dennis-Radley Complex, 0-12% slopes. Development constraints associated with these soils types will be addressed in the engineering design phase of the project. Prior to construction, a geotechnical report will be performed to recommend paving sections and subgrade design. Soil types and topography are shown on Exhibit E of this PUD.

IV.F. PLATTING AND SITE PLAN REQUIREMENTS: No building permit shall be issued until a subdivision plat has been submitted to and recommended upon by the Broken Arrow Planning Commission and approved by the Council of the City of Broken Arrow, and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved PUD and the City of Broken Arrow shall be a beneficiary thereof. The plat will also serve as the site plan for all residential lots contained within the plat. The Market or any other nonresidential buildings within Development Area A and any neighborhood amenities requiring a building permit shall submit and receive Broken Arrow city staff approval of a site plan application.

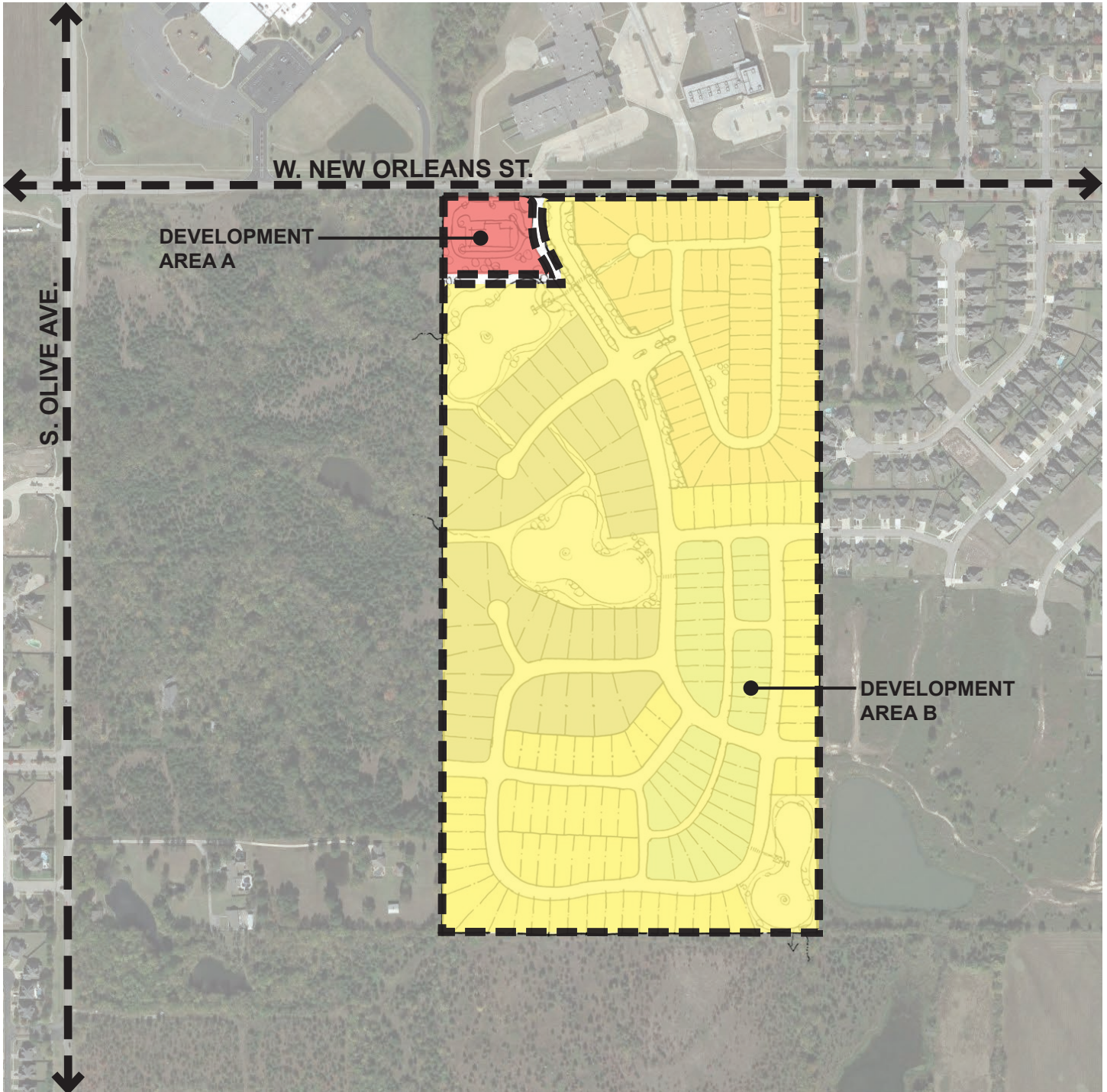
IV.G. SCHEDULE OF DEVELOPMENT: Development of the project is expected to commence and be phased and completed as market conditions permit. If phased, each phase will be coordinated with the City of Broken Arrow in order to provide adequate traffic circulation and utility service.

The Colony at Cedar Ridge

EXHIBIT C

DEVELOPMENT AREAS

CONCEPTUAL LAYOUT SHOWN AS OF NOVEMBER 13, 2019



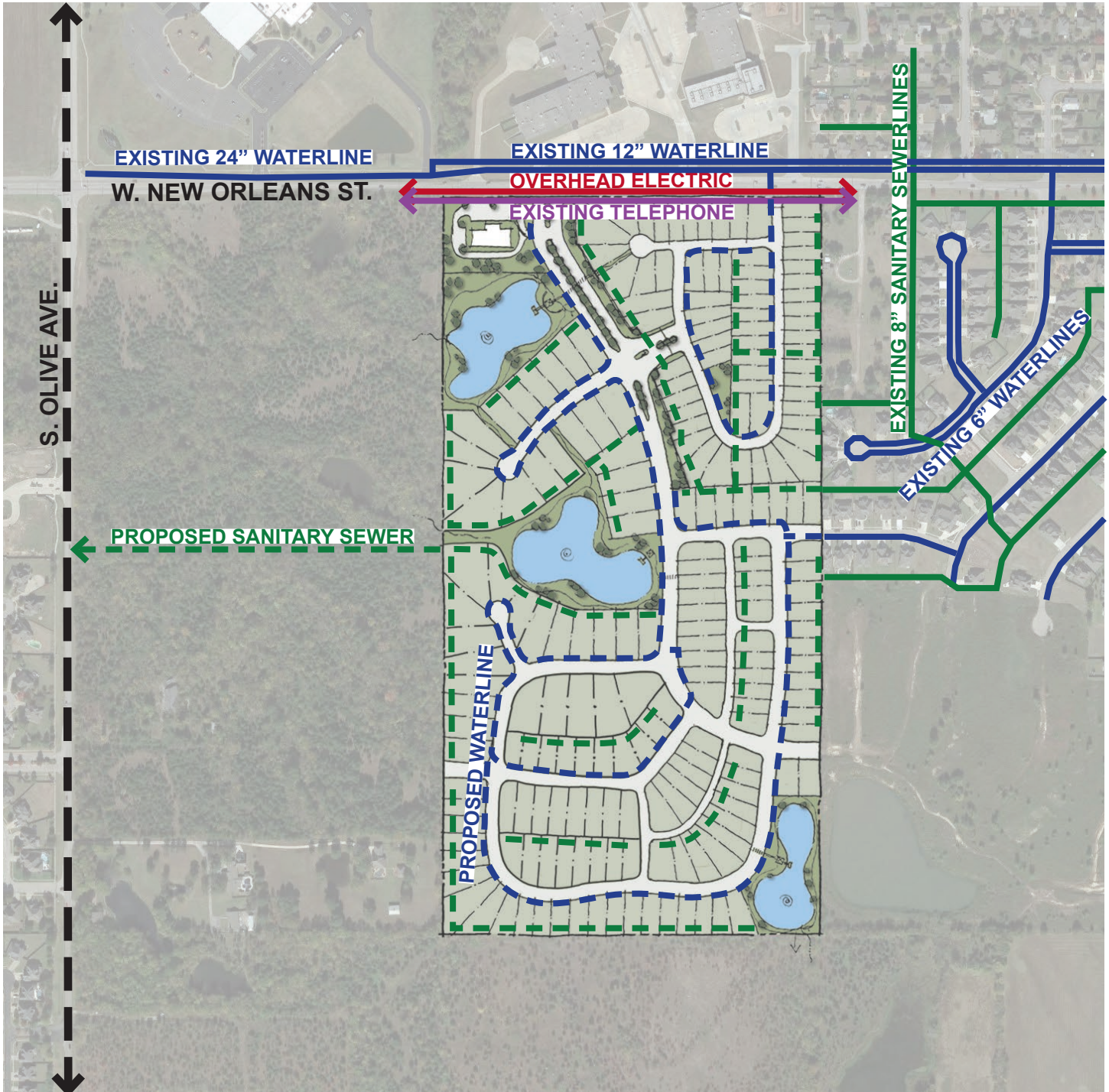
The Colony at Cedar Ridge

EXHIBIT D

EXISTING AND PROPOSED UTILITIES

CONCEPTUAL LAYOUT SHOWN AS OF NOVEMBER 13, 2019

EXISTING UTILITIES PER CITY OF BROKEN ARROW ATLAS AND FIELD SURVEY DATA

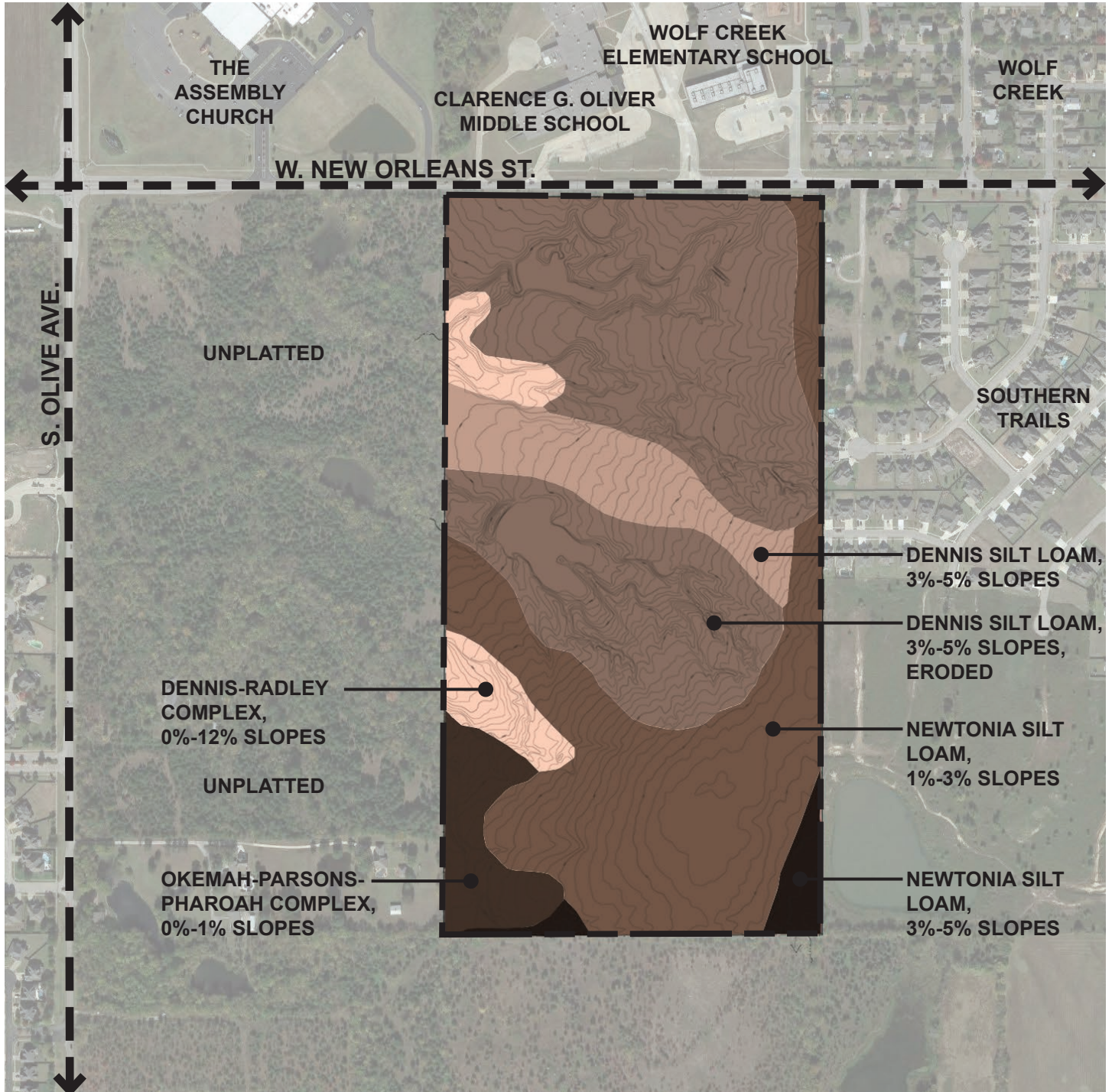


The Colony at Cedar Ridge

EXHIBIT E

EXISTING SOILS

SOIL DATA FROM USDA WEB SOIL SURVEY, ACCESSED NOVEMBER 18, 2019
TOPOGRAPHIC DATA FROM INCOG GIS AND IS APPROXIMATE ONLY



The Colony at Cedar Ridge

EXHIBIT F

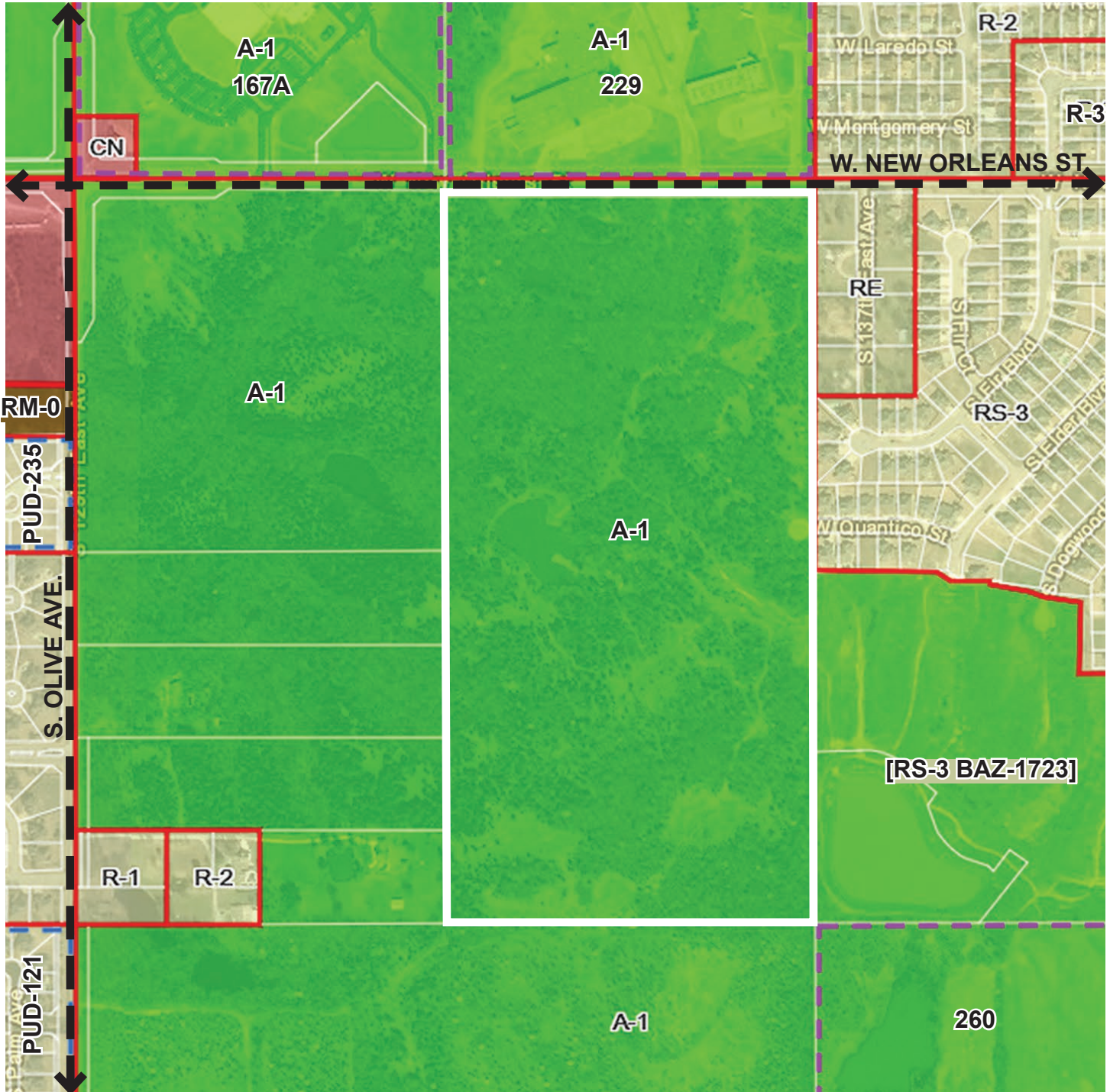
FEMA FLOODPLAIN MAP

FLOODPLAIN DATA REFLECTS FEMA FIRM PANEL NO. 40143C0389L, EFFECTIVE 10/16/2012



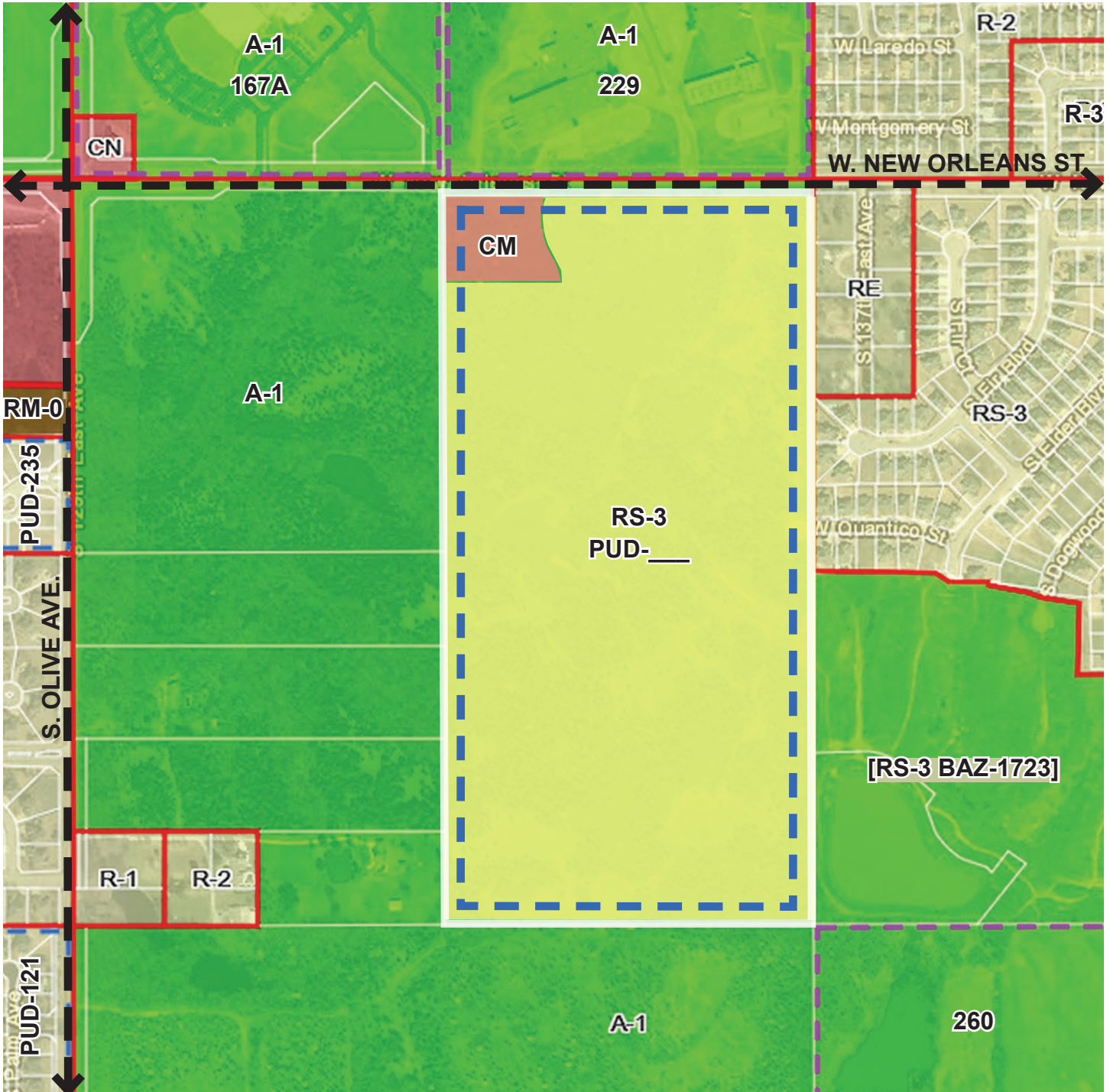
The Colony at Cedar Ridge

EXHIBIT G EXISTING ZONING MAP



The Colony at Cedar Ridge

EXHIBIT H PROPOSED ZONING MAP

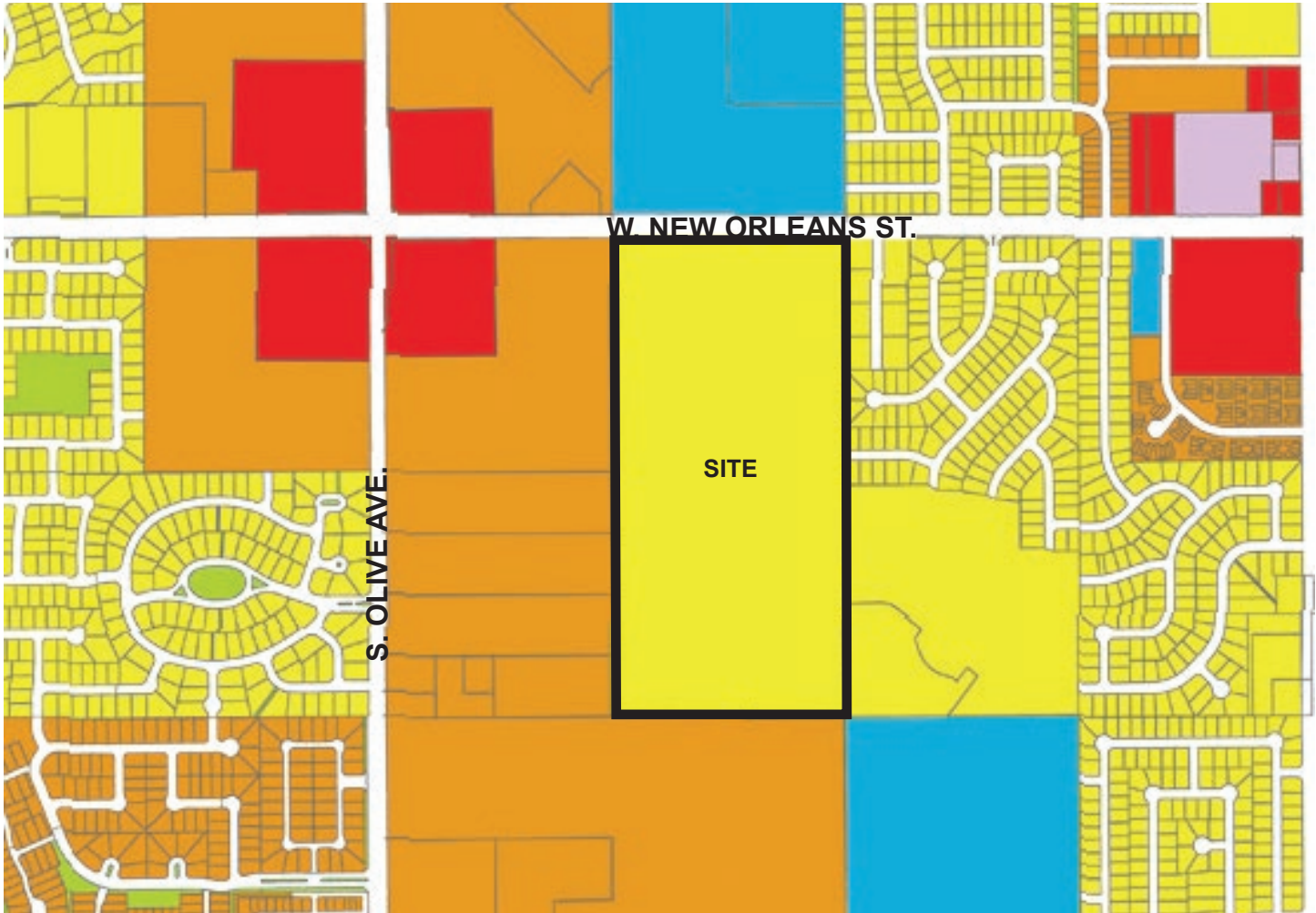


The Colony at Cedar Ridge

EXHIBIT I

COMPREHENSIVE PLAN MAP

BROKEN ARROW FUTURE DEVELOPMENT GUIDE,
2012 UPDATE "BROKEN ARROW NEXT COMPREHENSIVE PLAN"



LUIS Classification

- Level 1 - Rural Residential
- Level 2 - Urban Residential
- Level 3 - Transition Area
- Level 4 - Commercial/Employment Nodes
- Level 5 - Downtown Area
- Level 6 - Regional Employment/Commercial
- Level 7 - Major Industrial

Land Uses

- Greenway / Floodplain
- Public Recreation
- Private Recreation
- Public / Semi Public