TULSA METROPOLITAN AREA PLANNING COMMISSION

Meeting No. 2807

December 4, 2019, 1:30 PM
175 East 2nd Street, 2nd Level, One Technology Center
Tulsa City Council Chamber

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

Call to Order:

REPORTS:

Chairman's Report:

Work session Report:

Director's Report:

1. Amend the minutes of October 16, 2019, Meeting No. 2804 to correct a legal description for Z-7498

CONSENT AGENDA:

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

NONE

PUBLIC HEARINGS:

2. **Stone Lake Phase V** (County) Preliminary Plat, Location: West of the southwest corner of North Sheridan Road and East 136th Street North

3. **Battle Creek Park Phase III** (CD 6) Preliminary Plat, Location: East of the northeast corner of South 145th East Avenue and East 41st Street South

4. **Z-7503 David Henke/City Council** (CD 4) Location: North of the Northeast corner of East 11th Street South and South Peoria Avenue requesting rezoning from **RS-4 and CH to MX1-F-U** west of the alley centerline and **MX1-F-35** east of the alley centerline (Continued from October 16, 2019, November 6, 2019 and November 20, 2019 – original application requested MX1-U-U)

5. **Z-7513 Natalie Funk** (CD 5) Location: South of the southwest corner of South Hudson Avenue and East 11th Street South requesting rezoning from **CH to IL** to permit light manufacturing and a medical marijuana grow facility

6. **PUD-533-C Lou Reynolds** (CD 5) Location: Northeast of the northeast corner of I-44 East and South Memorial Drive requesting a **PUD Major Amendment** to allow a truck rental facility on the subject lot

7. **Z-7515 GC Real Estate** (County) Location: Multiple parcels south and west of the southwest corner of East Latimer Place and North Peoria Avenue requesting rezoning from **IL, RM-1 and IM to CH with an optional development plan** to support a Mixed-Use development (Staff requests continuance to December 18, 2019)

8. **Z-7516 Justin Moura** (CD 3) Location: West of the southwest corner of East Admiral Place and North Harvard Avenue requesting rezoning from **CH to IL with optional development plan** to permit a medical marijuana growing facility and low-impact processing

9. **Z-7517 Tulsa Habitat for Humanity, INC** (CD 5) Location: West of the southwest corner of East 31st Street South and South Sheridan Avenue requesting rezoning from **RS-3 to RS-4** to permit single family housing

OTHER BUSINESS

10. **TMAPC Meeting Time** amend 2020 TMAPC schedule to change meetings from 1:30PM to 1:00PM

11. **Commissioners' Comments**

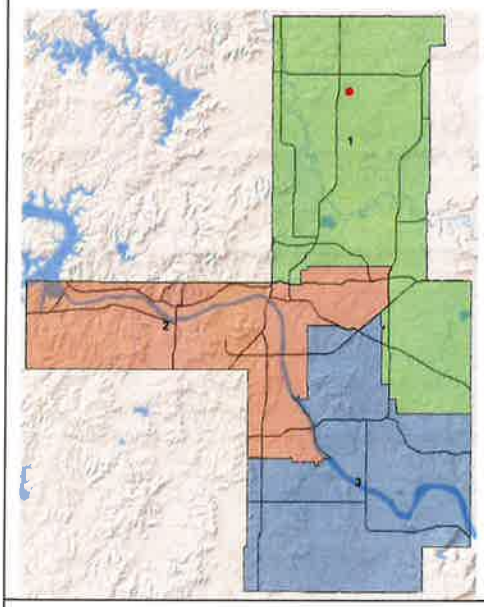
ADJOURN

CD = Council District

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918) 584-7526. Exhibits, Petitions, Pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained at Land Development Services, INCOG. Ringing/sound on all cell phones and pagers must be turned off during the Planning Commission.

Visit our website at www.tmapc.org email address: esubmit@incog.org

TMAPC Mission Statement: The Mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide unbiased advice to the City Council and the County Commissioners on development and zoning matters, to provide a public forum that fosters public participation and transparency in land development and planning, to adopt and maintain a comprehensive plan for the metropolitan area, and to provide other planning, zoning and land division services that promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region's current and future residents.

TMAPC Tulsa Metropolitan Area Planning Commission	**Case :** **Stone Lake Phase V** **Hearing Date: December 4, 2019**
Case Report Prepared by: Nathan Foster	**Owner and Applicant Information**: *Applicant*: Kellogg Engineering, Harley Swan *Owner*: K&S Developments, INC
Location Map: **(shown with City Council Districts)** 	**Applicant Proposal:** Preliminary Plat 19 lots, 3 blocks, 14.09 ± acres *Location*: West of the southwest corner of North Sheridan Road and East 136th Street North
Zoning: RE (Residential Estate)	**Staff Recommendation:** Staff recommends **approval** of the preliminary plat
	County Commission District: 1 *Commissioner Name:* Stan Sallee

EXHIBITS: Site Map, Aerial, Preliminary Plat, Conceptual Improvements Plan

PRELIMINARY SUBDIVISION PLAT

Stone Lake Phase V - (County)
West of the southwest corner of North Sheridan Road and East 136th Street North

This plat consists of 19 lots, 3 blocks on 14.09 ± acres.

The Technical Advisory Committee (TAC) met on November 7, 2019 and provided the following conditions:

1. **Zoning:** The property has been rezoned to RE (Residential – Estate). All lots are required to comply with the bulk and area requirements for the RE district in the Tulsa County Zoning Code.

2. **Addressing:** INCOG will assign addresses. Include assigned addresses on the face of the final plat.

3. **Transportation & Traffic:** Include street names on the final plat. Stub streets must be marked with notification for future extension per the Subdivision & Development Regulations.

4. **Sewer:** Oklahoma Department of Environmental Quality will be required to approve the use of on-site sewage disposal systems within the subdivision. Previous phases are also on aerobic septic systems.

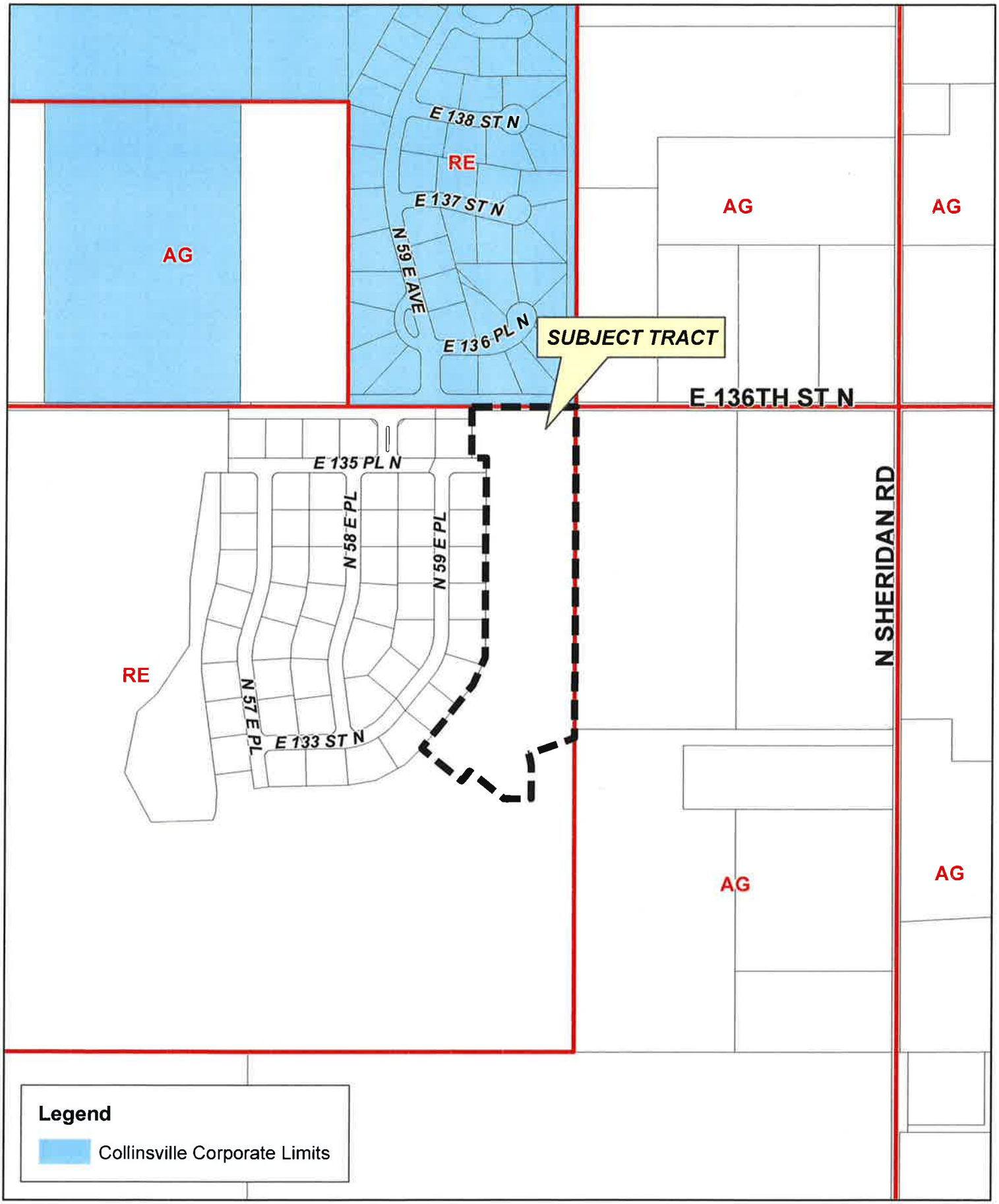
5. **Water:** Water service to be provided by Rural Water District 3, Washington County. Final plat will require a release by the RWD.

6. **Engineering Graphics:** Submit a subdivision data control sheet with final plat. Provide C.A. number under surveyor information and provide renewal date. Update location map to reflect only platted properties and label all other property "Unplatted". Indicate "Project Location" or "Site" in the location map for the property being platted. Add Tulsa County signature block to face of the plat for official endorsements. Ensure written legal description and face of the plat match. Remove contours from final plat.

7. **Stormwater, Drainage, & Floodplain:** Drainage plans must be submitted and approved by the Tulsa County Engineer. If additional easements are required, make sure they are included on the final plat.

8. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and all other requirements of the Subdivision and Development Regulations.



Feet
0 300 600

STONE LAKE PHASE V

22-13 34

2.3

N

Feet
0 300 600

Subject Tract

STONE LAKE PHASE V

22-13 34

Note: Graphic overlays may not preciselyalign with physical features on the ground.
Aerial Photo Date: February 2018

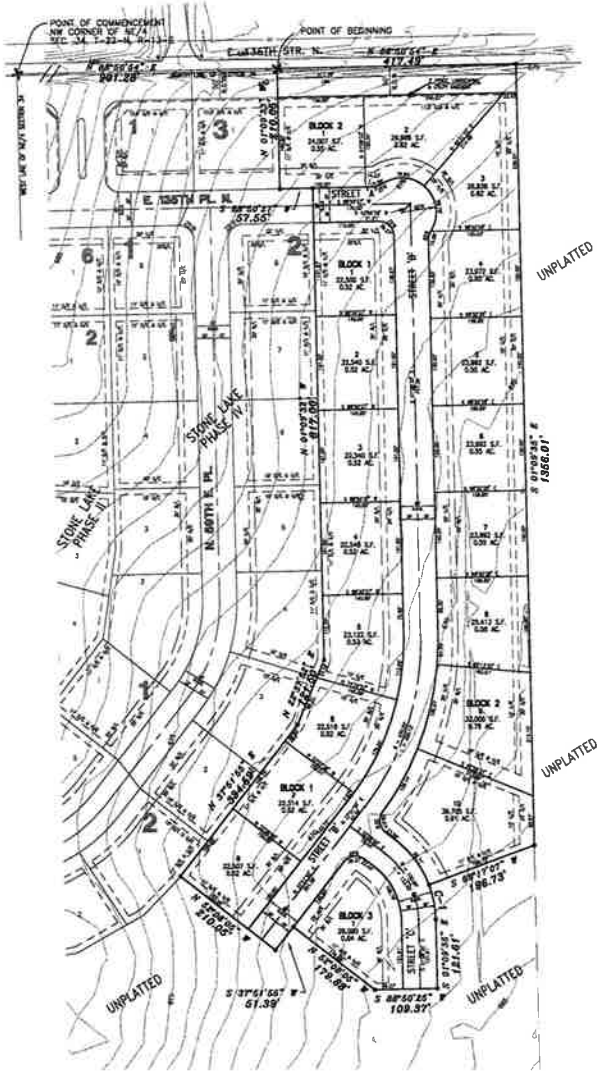
N

2.4

PRELIMINARY PLAT
STONE LAKE PHASE V

PART OF THE NE/4 OF SECTION 34, T-22-N, R-13-E I.B.&M.
TULSA COUNTY, STATE OF OKLAHOMA

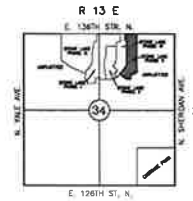
ZONED: RE
ADDITION HAS 19 LOTS IN 3 BLOCKS
ALL CONTAINED IN 14.09 ACRES MORE OR LESS



OWNER/DEVELOPER:
K&S DEVELOPMENT, INC.
12150 E. 96th ST. N., SUITE 200
OWASSO, OKLAHOMA 74055
CONTACT PERSON: BRIAN DOYLE
PHONE: (918) 274-0406
EMAIL: brian@simmonskourtis.com

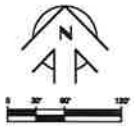
ENGINEER:
KELLOGG ENGINEERING, INC.
6755 SOUTH 4060 ROAD
TALALA, OKLAHOMA 74080
PHONE: (918) 275-4080
FAX: (918) 275-7171
EMAIL: kelloggengineering@totalcsl.com
CERT. OF AUTHORIZATION NO. 2788
RENEWAL DATE: JUNE 30, 2021

SURVEYOR:
BENCHMARK SURVEYING
AND LAND SERVICES, INC.
P.O. BOX 1078
OWASSO, OKLAHOMA 74055
PHONE: (918) 274-9081
FAX: (918) 274-0807
FAX: (918) 274-0807
EMAIL: benchmark@atlasok.com
RENEWAL DATE: JUNE 30, 2020



SECTION 34
TULSA COUNTY

LOCATION MAP
SCALE: 1" = 2000'



LEGEND

	PROPOSED BOUNDARY
	PROPOSED ROW
	PROPOSED LOT LINE
	PROPOSED BUILDING LINE
	PROPOSED EASEMENT
	ADJACENT LOT LINE
	PROPOSED CENTER LINE
	EXISTING CONTOURS

SITE DATA

EXISTING ZONING	– RE
PROPOSED USE	– SINGLE FAMILY RESIDENTIAL
EXISTING LAND USE	– VACANT
TOTAL ACREAGE	– 14.08 AC.
NUMBER OF LOTS	– 19 LOTS
DENSITY	– 0.74 LOTS/ACRE
AVERAGE LOT SIZE	– 25,304 SF
SMALLEST LOT SIZE	– 23,500 SF
LARGEST LOT SIZE	– 38,705 SF

ADE	ACCESS PERMITTED
B/L	BUILDING SETBACK LINE
D/E	DRAINAGE EASEMENT
LNA	LINES OF NO ACCESS
R/W	RIGHT-OF-WAY
U/E	UTILITY EASEMENT

FLOOD PLAIN NOTE:
PROPOSED SITE IS OUTSIDE OF FEMA 100 YEAR FLOOD PLAIN BOUNDARIES. FEMA PANEL NO. 40143C0110L REVISED DATE: OCTOBER 16, 2012

DEED OF DEDICATION

STONE LAKE PHASE V IS AN AREA OF DISTINCTIVE LANDSCAPE AND NATURAL BEAUTY. IT IS THE DESIRE AND INTENT OF K&S DEVELOPMENT, INC AN OKLAHOMA CORPORATION ("THE DEVELOPER"), TO CREATE A RESIDENTIAL COMMUNITY IN WHICH SUCH BEAUTY SHALL BE SUBSTANTIALLY PRESERVED AND ENHANCED BY THE CREATION AND ENFORCEMENT OF DEVELOPMENT THE U.S. GOVERNMENT SURVEY, THEREOF, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OF LAND LOCATED IN THE WEST HALF OF THE NORTHEAST QUARTER (N/2 NE/4) OF SECTION THIRTY-FOUR (34) OF TOWNSHIP THIRTY-TWO (22) NORTH AND RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, ACCORDING TO THE U.S. GOVERNMENT SURVEY, THEREOF, TULSA COUNTY, STATE OF OKLAHOMA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF THE NE/4 OF SEC. 34, T-22-N, R-13-E, I.B.&M. (INDIAN BASE AND MERIDIAN); THENCE N 89°50'54" E A DISTANCE OF 201.28 FEET TO THE POINT OF BEGINNING; THENCE N 89°50'54" E A DISTANCE OF 417.49 FEET; THENCE S 01°09'25" E A DISTANCE OF 1356.01 FEET; THENCE S 89°50'35" W A DISTANCE OF 109.97 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 180.00 FEET, A CENTRAL ANGLE OF 19°33'16", A CHORD LENGTH OF 61.14 FEET, A CHORD BEARING OF S 10°56'14" E, FOR A DISTANCE OF 61.43 FEET; THENCE S 01°09'25" E A DISTANCE OF 131.81 FEET; THENCE S 88°50'35" W A DISTANCE OF 108.70 FEET; THENCE N 32°08'50" W A DISTANCE OF 179.88 FEET; THENCE N 37°51'55" W A DISTANCE OF 51.39 FEET; THENCE N 52°08'05" W A DISTANCE OF 210.05 FEET; THENCE N 37°51'55" E A DISTANCE OF 334.58 FEET; THENCE N 22°37'52" E A DISTANCE OF 121.50 FEET; THENCE N 01°09'25" W A DISTANCE OF 817.00 FEET; THENCE S 88°50'35" W A DISTANCE OF 57.55 FEET; THENCE N 01°09'25" W A DISTANCE OF 210.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 14.08 ACRES, MORE OR LESS.

BASIS OF BEARING IS THE OKLAHOMA STATE PLANE COORDINATE SYSTEM.

HAS CAUSED THE SAME TO BE ENGINEERED, SURVEYED, STAKED AND PLATTED INTO LOTS, BLOCKS, STREETS AND RESERVE AREAS IN CONFORMITY TO THE ACCOMPANYING PLAT AND SURVEY THEREOF, WHICH PLAT IS MADE A PART HEREOF (THE "PLAT"), AND HAS CAUSED THE SAME TO BE NAMED STONE LAKE PHASE V, AN ADDITION TO TULSA COUNTY, STATE OF OKLAHOMA (THE "ADDITION").

THE DEVELOPER, BEING THE OWNER OF ALL LOTS AND BLOCKS WITHIN STONE LAKE PHASE V AND DESIRING TO ESTABLISH A COMPATIBLE SYSTEM OF DEVELOPMENT AND PRESERVE THE CHARACTER OF STONE LAKE PHASE V ("THE SUBDIVISION"), DOES HEREBY DECLARE AND ESTABLISH THE FOLLOWING PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS:

1. PUBLIC STREETS AND UTILITY EASEMENTS:

PUBLIC STREETS AND UTILITY EASEMENTS. THE DEVELOPER DEDICATES TO THE PUBLIC, FOR PUBLIC USE FOREVER, THE EASEMENTS AND RIGHT-OF-WAYS AS SHOWN ON THE PLAT FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING AND REPLACING ANY AND ALL STREETS AND PUBLIC UTILITIES, INCLUDING BUT NOT LIMITED TO, STORM AND SANITARY SEWER LINES, COMMUNICATION LINES, ELECTRIC POWER LINES, CABLE TELEVISION LINES, TRANSFORMERS, PEDESTALS, GAS AND WATER LINES, TOGETHER WITH ALL FITTINGS AND EQUIPMENT FOR EACH SUCH FACILITY AND ANY OTHER APPURTENANCES TH-ERETO, WITH THE RIGHT OF INGRESS AND EGRESS TO AND UPON SAID EASEMENTS AND RIGHT-OF-WAYS FOR THE USES AND PURPOSES THEREOF.

2. UNDERGROUND ELECTRIC AND COMMUNICATION SERVICE:

UNDERGROUND AND ELECTRIC AND COMMUNICATION SERVICE. IN CONNECTION WITH THE INSTALLATION OF UNDERGROUND ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES, ALL LOTS ARE SUBJECT TO THE FOLLOWING:

A. OVERHEAD POLE LINES FOR THE SUPPLY OF ELECTRIC SERVICE, TELEPHONE AND CABLE TELEVISION SERVICE MAY ONLY BE LOCATED ALONG THE NORTH PROPERTY LINES OF THE ADDITION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE, AND ELSEWHERE THROUGHOUT THE ADDITION, ALL SUPPLY LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENT WAYS RESERVED FOR GENERAL UTILITIES AND STREETS SHOWN ON THE PLAT. SERVICE PEDESTALS AND TRANSFORMERS AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES MAY BE ALSO LOCATED IN SUCH EASEMENT WAYS.

B. ALL SUPPLY LINES IN THE SUBDIVISION INCLUDING ELECTRIC, TELEPHONE, AND 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.

C. THE SUPPLIER OF ELECTRIC, TELEPHONE, AND CABLE TELEVISION SERVICE, THROUGH ITS PROPER AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL SUCH EASEMENT WAYS SHOWN ON THE PLAT OR PROVIDED FOR IN THIS DEDICATION FOR THE PURPOSES OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF SAID UNDERGROUND ELECTRIC, TELEPHONE, OR CABLE TELEVISION SO INSTALLED BY IT.

D. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED ON ALL LOTS IN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON EACH SAID LOT: PROVIDED THAT UPON THE INSTALLATION OF SUCH A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, AND EFFECTIVE RIGHT-OF-WAY EASEMENT ON SAID LOT, CONTAINS A FIVE-FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF SUCH SERVICE CABLE OR LINE, EXTENDING FROM THE SERVICE PEDESTAL TRANSFORMER OR GAS MAIN TO THE SERVICE ENTRANCE ON THE STRUCTURE OR A POINT OF METERING.

E. THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, AND CABLE TELEVISION FACILITIES LOCATED ON SUCH OWNER'S PROPERTY AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID ELECTRIC, TELEPHONE OR CABLE TELEVISION FACILITIES. SUCH UTILITY COMPANY WILL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND ELECTRIC, TELEPHONE, OR CABLE TELEVISION FACILITIES, BUT THE OWNER WILL PAY FOR THE DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, ITS AGENTS OR CONTRACTORS.

F. THE FOREGOING COVENANTS CONCERNING UNDERGROUND ELECTRIC, TELEPHONE, AND CABLE TELEVISION FACILITIES SHALL BE ENFORCEABLE BY THE SUPPLIER OF ELECTRIC, TELEPHONE OR CABLE TELEVISION SERVICE, AND THE OWNER OF EACH LOT AGREES TO BE BOUND THEREBY.

3. UNDERGROUND GAS SERVICE:

UNDERGROUND GAS SERVICE. UNDERGROUND SERVICE LINES TO ALL HOMES MAY BE RUN FROM THE NEAREST SERVICE CONNECTION TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF THE HOME; PROVIDED, THAT UPON THE INSTALLATION OF SUCH A SERVICE LINE TO A HOME, THE SUPPLIER OF GAS SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND EXCLUSIVE RIGHT-OF-WAY EASEMENT ON SAID LOT, CONTAINS A FIVE FOOT (5') STRIP EXTENDING 3.5 FEET ON EACH SIDE OF SUCH SERVICE LINE, EXTENDING FROM THE SERVICE CONNECTION TO THE SERVICE ENTRANCE ON THE HOME. ALL GAS METERS SHALL BE PHYSICALLY LOCATED AT OR NEAR THE SERVICE ENTRANCE TO THE HOME.

A. THE SUPPLIER OF GAS SERVICE, THROUGH ITS PROPER AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL SUCH EASEMENT WAYS SHOWN ON THE PLAT, OR PROVIDED FOR IN THIS DEDICATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF SAID UNDERGROUND GAS FACILITES SO INSTALLED BY IT.

B. THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED ON ITS LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID GAS FACILITIES. THE SUPPLIER OF GAS SERVICES WILL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND GAS FACILITIES, BUT SUCH OWNER WILL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED BY ACTS OF SUCH OWNER OR ITS AGENTS OR CONTRACTORS.

C. THE FOREGOING COVENANTS CONCERNING UNDERGROUND GAS FACILITIES SHALL BE ENFORCEABLE BY THE SUPPLIER OF GAS SERVICE, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

4. WATER AND STORM SEWER:

THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS AND STORM DRAIN FACILITIES LOCATED ON SUCH OWNER'S LOT AND SHALL PREVENT THE ALTERATION OF GRADE FROM THE ORIGINAL CONTOURS OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTEFYERE WITH SAID FACILITIES. SAID ALTERATION OF GRADE RESTRICTIONS SHALL BE LIMITED TO EASEMENT AREAS.

A. RURAL WATER DISTRICT NO.3, WASHINGTON COUNTY SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF ITS PUBLIC WATER LINE MAINS, BUT THE OWNER OF EACH LOT WILL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS. RURAL WATER DISTRICT NO.3, WASHINGTON COUNTY SHALL HAVE THE RIGHT OF ACCESS WITH ITS EQUIPMENT TO ALL EASEMENT WAYS SHOWN ON THE PLAT FOR INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF ITS UNDERGROUND WATER LINE FACILITIES. THE FOREGOING COVENANTS CONCERNING WATER LINE FACILITIES SHALL BE ENFORCEABLE BY RURAL WATER DISTRICT NO.3, WASHINGTON COUNTY, AND THE OWNER OF EACH LOT AGREES TO BE BOUND HEREBY.

B. SANITARY SEWER DISPOSAL: SEWAGE SHALL BE DISPOSED OF BY INDIVIDUAL, ON-SITE OED APPROVED AEROBIC SEWAGE DISPOSAL SYSTEMS. NO OTHER ON-SITE INDIVIDUAL SEWAGE DISPOSAL SYSTEMS SHALL BE ALLOWED WITHOUT WRITTEN APPROVAL FROM THE DEVELOPER AND/OR HIS AGENTS. ALL SEWAGE DISPOSAL SYSTEMS SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE RULES AND REGULATIONS SET FORTH BY THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY.

5. LANDSCAPE AND PAVING REPAIR:

LANDSCAPE AND PAVING REPAIR. THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE REPAIR AND REPLACEMENT OF ANY LANDSCAPING AND PAVING LOCATED WITHIN THE UTILITY EASEMENTS IN THE EVENT IT IS NECESSARY TO REPAIR ANY UNDERGROUND WATER, STORM SEWERS, ELECTRIC, NATURAL GAS, TELEPHONE, OR CABLE TELEVISION SERVICE NO LOT OWNER SHALL PLANT ANY TREES OR SHRUBBERY IN DEDICATED UTILITY EASEMENTS OR RIGHT-OF-WAYS WHICH WOULD POTENTIALLY ENDANGER, THREATEN, OR HARM ANY UTILITIES LOCATED WITHIN SAID EASEMENTS OR RIGHT-OF-WAYS. IF IT IS DETERMINED THAT ANY TREES OR SHRUBBERY LOCATED WITHIN SAID EASEMENTS OR RIGHT-OF-WAYS ARE DAMAGING OR ENDANGERING UTILITIES IN SAID EASEMENTS OR RIGHT-OF-WAYS, THE UTILITY PROVIDER SHALL HAVE THE RIGHT TO REMOVE SAID TREES OR SHRUBBERY UPON FIVE (5) DAYS NOTICE THEREOF AT THE LOT OWNER'S EXPENSE, OR WITHIN SUCH TIME THE LOT OWNER MAY REMOVE SAME.

6. FENCE AND LANDSCAPE EASEMENT:

AREAS DESIGNATED ON THE PLAT AS FENCE EASEMENTS AND/OR LANDSCAPE EASEMENT ARE HEREBY DESIGNATED BY THE DEVELOPER AS PERPETUAL EASEMENTS FOR THE BENEFIT OF THE ASSOCIATION FOR THE PURPOSE OF PROVIDING PROPER VISUAL SCREENING OF THE SUBDIVISION FROM SURROUNDING AREAS, MAINTENANCE OF ENTRYWAYS AND FOR THE CONSTRUCTION AND MAINTENANCE OF ANY SIGNAGE, FENCE, LANDSCAPING OR WALL AND FOR OTHER PURPOSES DEEMED TO BE IN THE COMMON GOOD BY DEVELOPER AND/OR THE ASSOCIATION

7. HOME OWNERS' ASSOCIATION:

HOME OWNERS' ASSOCIATION. A HOME OWNERS' ASSOCIATION, KNOWN AS "STONE LAKE HOME OWNERS ASSOCIATION," AN OKLAHOMA NOT-FOR-PROFIT CORPORATION, HAS BEEN OR SHALL BE ESTABLISHED PURSUANT TO 60 O.S. 1981, 851, ET SEQ., TO MAINTAIN THE ENTRYWAYS AND THE RESERVE AREAS IN THE SUBDIVISION AND FOR SUCH OTHER PURPOSES AS SHALL BE DEEMED ADVISABLE. ALL LAWFUL ACTS, IF ANY, OF "STONE LAKE HOME OWNERS ASSOCIATION (THE "ASSOCIATION"), MADE UNDER AND PURSUANT TO ITS CERTIFICATE OF INCORPORATION AND BY-LAWS SHALL BE BINDING UPON THE LOTS CONTAINED IN THE ADDITION AND THE OWNERS THEREOF. MEMBERSHIP IN THE ASSOCIATION SHALL CONSIST OF ALL OWNERS OF LOTS IN THE ADDITION AND ALL OWNERS OF SUCH ADDITIONAL PROPERTY DESIGNATED BY THE DEVELOPER.

8. RESIDENTIAL DWELLING AND LOT IMPROVEMENTS:

RESIDENTIAL DWELLING AND LOT IMPROVEMENTS. THE RESPECTIVE OWNER OF EACH DWELLING AND THE OWNER'S BUILDER SHALL BE RESPONSIBLE FOR ALL STRUCTURAL DESIGN, GEOTECHNICAL DESIGN, GRADING, DRAINAGE, AND ALL OTHER STRUCTURAL ASPECTS OF THE DWELLING INDEPENDENT OF THE DEVELOPER AND THE DEVELOPER'S ENGINEER. SAID OWNER AND BUILDER SHALL CONSTRUCT ALL ASPECTS OF THE DWELLING IN ACCORDANCE WITH ALL FEDERAL, STATE, AND TULSA COUNTY BUILDING CODES.

9. WAIVER OF RIGHT OF RECOVERY:

WAIVER OF RIGHT OF RECOVERY. EACH OWNER SHALL BE RESPONSIBLE FOR OBTAINING INSURANCE COVERAGE FOR THE RISK OF BODILY INJURY AND PHYSICAL LOSS OR DAMAGES OF ANY KIND TO HIS AND HIS INVITEES' PERSONAL PROPERTY, INCLUDING, BUT NOT LIMITED TO, ANY PERSONAL PROPERTY STORED OR LOCATED ON PROPERTY WITHIN THE SUBDIVISION AND WITH RESPECT TO HIS HOME. THE ASSOCIATION AND EACH OWNER HEREBY WAIVE AND RELEASE ANY AND ALL CLAIMS WHICH THEY MAY HAVE AGAINST ANY OWNER, THE ASSOCIATION, ITS DIRECTORS AND OFFICERS, THE DEVELOPER, THE MANAGING AGENT, IF ANY, AND THEIR RESPECTIVE EMPLOYEES AND AGENTS, FOR DAMAGE TO THE LOTS, OR THE HOMES, OR TO ANY PERSONAL PROPERTY LOCATED IN THE LOTS, OR THE HOMES, CAUSED BY FIRE, FLOOD OR OTHER CASUALTY, TO THE EXTENT THAT SUCH DAMAGE IS INSURABLE BY FIRE, FLOOD OR OTHER FORMS OF CASUALTY INSURANCE, AND TO THE EXTENT POSSIBLE, ALL SUCH POLICIES SHALL CONTAIN WAIVERS OF THE INSURER'S RIGHTS TO SUBROGATION AGAINST ANY OWNER, THE ASSOCIATION, ITS DIRECTORS AND OFFICERS, DEVELOPER, THE MANAGING AGENT, IF ANY, AND THEIR RESPECTIVE EMPLOYEES AND AGENTS.

GENERAL NOTES:

1. WATER SERVICE. POTABLE WATER SHALL BE PURCHASED FROM RURAL WATER DISTRICT NO.3, WASHINGTON COUNTY.
2. SANITARY SEWER DISPOSAL. SEWAGE SHALL BE DISPOSED OF BY INDIVIDUAL, ON-SITE OED APPROVED AEROBIC SEWAGE DISPOSAL SYSTEMS. NO OTHER ON-SITE INDIVIDUAL SEWAGE DISPOSAL SYSTEMS SHALL BE ALLOWED. ALL SEWAGE DISPOSAL SYSTEMS SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE RULES AND REGULATIONS SET FORTH BY THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY.
3. GAS SERVICE. GAS SERVICE SHALL BE SUPPLIED BY ONG.
4. ELECTRIC SERVICE. ELECTRIC SERVICE SHALL BE SUPPLIED BY WEC.

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.

THE CULVERT NOTATIONS REPRESENT THE MINIMUM SIZE OF SMOOTH HDPE PIPES OR SMOOTH PVC PIPES OR SMOOTH STEEL PIPES REQUIRED FOR PROPER DRAINAGE.

THE RESPECTIVE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR CONSTRUCTING A SIDEWALK ACROSS THE FRONT OF THE LOT AS REQUIRED BY THE TULSA COUNTY BOARD OF COUNTY COMMISSIONERS.

CURVE TABLE

CURVE NUMBER	L	R	Ch	Ch	D
C-1	61.43'	180.00'	S 10°56'14" E	61.14'	19°33'16"

Preliminary Plat
Stone Lake PHASE V
October 23, 2019
SHEET 1 of 2

2.5

PRELIMINARY PLAT
STONE LAKE PHASE V
PART OF THE NE/4 OF THE NW/4 OF SECTION 34, T-22-N, R-13-E I.B.&M.
TULSA COUNTY, STATE OF OKLAHOMA

THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

ARTICLE I – DEFINITIONS

1.1 "ASSOCIATION" SHALL MEAN AND REFER TO STONE LAKE HOME OWNERS ASSOCIATION, INC., AN OKLAHOMA NON-PROFIT CORPORATION, ITS SUCCESSORS AND ASSIGNS.

1.2 "STONE LAKE PHASE V" SHALL MEAN AND REFER TO THAT CERTAIN REAL PROPERTY HEREINBEFORE DESCRIBED.

1.3 "OWNER AND/OR OWNERS" SHALL MEAN THE PERSON, INCLUDING CORPORATIONS, OF STONE LAKE PHASE V OWNED OR MAINTAINED BY THE ASSOCIATION FOR THE COMMON ENJOYMENT OF THE OWNERS, SUCCESSORS OR ASSIGNS, INCLUDING THE DECLARANT, OR THE OWNER OF RECORD OF A FEE SIMPLE TITLE TO ANY LOT SITUATED WITHIN STONE LAKE PHASE V, INCLUDING CONTRACT PURCHASERS, BUT EXCLUDING THOSE HAVING SUCH INTEREST MERELY AS SECURITY FOR THE PERFORMANCE OF AN OBLIGATION.

1.4 "LOT" SHALL MEAN AND REFER TO A PLATTED LOT, BLOCK OR PARCEL OF LAND SHOWN UPON THE RECORDED PLAT OF STONE LAKE PHASE V WITH THE EXCEPTION OF THE COMMON AREA.

1.5 "MEMBER" SHALL MEAN AND REFER TO EVERY PERSON OR ENTITY WHO HOLDS MEMBERSHIP IN THE ASSOCIATION.

1.6 "OWNER" SHALL MEAN AND REFER TO THE RECORD OWNER, WHETHER ONE OR MORE PERSONS OR ENTITIES, OF A FEE SIMPLE TITLE TO ANY LOT SITUATED WITHIN STONE LAKE PHASE II, INCLUDING CONTRACT SELLERS, BUT EXCLUDING OTHERS HAVING SUCH INTEREST MERELY AS SECURITY FOR THE PERFORMANCE OF AN OBLIGATION.

1.7 "DECLARANT" SHALL MEAN AND REFER TO K&S DEVELOPMENT, INC., AN OKLAHOMA CORPORATION, ITS SUCCESSORS AND ASSIGNS.

1.8 "SECRETARY" SHALL MEAN AND REFER TO THE SECRETARY OF THE ASSOCIATION.

1.9 "BOARD OF DIRECTORS" SHALL MEAN AND REFER TO THE BOARD OF DIRECTORS OF THE ASSOCIATION.

1.10 "ARTICLES" SHALL MEAN AND REFER TO THE ARTICLES OF INCORPORATION (INCLUDING ANY AMENDMENTS OR CHANGES THERETO) PURSUANT TO WHICH THE ASSOCIATION, AS MEMBERSHIP DEFINED, IS OR WILL BE ORGANIZED.

1.11 "BYLAWS" SHALL MEAN AND REFER TO THE EXISTING BYLAWS OF THE ASSOCIATION, INCLUDING ANY AMENDMENTS OR CHANGES THERETO.

ARTICLE II – POWERS OF ASSOCIATION AND MEMBERSHIP

2.1 POWERS OF THE ASSOCIATION. THE ASSOCIATION, IN ADDITION TO ALL OTHER RIGHTS, POWERS AND DUTIES PROVIDED HEREIN AND AS CONTAINED IN ITS ARTICLES OF INCORPORATION, BYLAWS, RULES AND REGULATIONS, AND OTHERWISE AS PERMITTED BY LAW, IS A NON-PROFIT CORPORATION ORGANIZED UNDER THE LAWS OF THE STATE OF OKLAHOMA BY LAW MAY NOW OR HEREAFTER HAVE TO CARRY OUT ITS CORPORATE PURPOSES.

2.2 MEMBERSHIP. ANY OWNER OF A LOT IN STONE LAKE PHASE V, TULSA COUNTY, STATE OF OKLAHOMA, SHALL AUTOMATICALLY BECOME A MEMBER OF THE ASSOCIATION. THIS MEMBERSHIP OF THE ASSOCIATION SHALL BE LIMITED TO THE RECORD OWNERS, WHETHER ONE OR MORE PERSONS OR ENTITIES, OF A FEE SIMPLE TITLE TO A LOT SITUATED WITHIN STONE LAKE PHASE V, AND IN ANY ADDITIONAL PROPERTY AS MAY BE ANNEXED TO OR MERGED INTO THE ASSOCIATION. THE OWNERSHIP OF SUCH LOT SHALL BE SUFFICIENT TO ENTITLE THE PROCEDURES SET FORTH IN THE BYLAWS, INCLUDING (WITHOUT LIMITATION) HOME OWNERS IN FUTURE PHASES OF THE STONE LAKE DEVELOPMENT TO BE LOCATED ADJACENT TO THE SUBDIVISION AND ENTITLED TO THE BENEFITS OF SUBSEQUENT ADDITIONS TO TULSA COUNTY, STATE OF OKLAHOMA, ACCOMPANIED BY THE PERFORMANCE OF THE OBLIGATIONS AND THE PAYMENT OF THE PROPORTIONATE SHARE OF THE COMMON EXPENSES, WHICH WOULD BE NOTIFIED BY THE ASSOCIATION. AS SECURITY FOR THE PERFORMANCE OF AN OBLIGATION, OTHER THAN CONTRACT SELLER, MEMBERSHIP SHALL BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM OWNERSHIP OF ANY LOT SITUATED WITHIN STONE LAKE PHASE V. OWNERSHIP OF A LOT SHALL BE THE SOLE QUALIFICATION FOR MEMBERSHIP WITH RESPECT TO THOSE HOME OWNERS IN STONE LAKE PHASE V.

ARTICLE III – VOTING RIGHTS

3.1 VOTING CLASSES. THE ASSOCIATION SHALL HAVE TWO CLASSES OF VOTING MEMBERSHIP.

A. CLASS A: CLASS A MEMBERS SHALL BE ALL THOSE PERSONS OR ENTITIES ENTITLED TO MEMBERSHIP AS DEFINED IN ARTICLE II WITH THE EXCEPTION OF DECLARANT. AFTER THE TERMINATION DATE DESCRIBED BELOW, CLASS A MEMBERS SHALL BE ENTITLED TO ONE (1) VOTE FOR EACH LOT IN WHICH THEY HOLD THE INTEREST REQUIRED FOR MEMBERSHIP BY ARTICLE II; PROVIDED, HOWEVER, WHEN TWO OR MORE PERSONS OR ENTITIES HOLD SUCH INTEREST OR INTERESTS IN ANY LOT, ALTHOUGH ALL OF SUCH PERSONS OR ENTITIES SHALL BE MEMBERS OF THE ASSOCIATION, THE VOTE FOR SUCH LOT SHALL BE EXERCISED AS THEY AMONG THEMSELVES, AND NOT MORE THAN ONE (1) VOTE PER LOT SHALL BE CAST WITH RESPECT TO ANY ONE LOT.

B. CLASS B: THE CLASS B MEMBERS SHALL BE THE DECLARANT AND ITS ASSIGNEES INCLUDED UNDER THE REDEVELOPMENT STRUCTURE THEREON WHO DOES NOT OCCUPY SUCH STRUCTURE AS ITS PRINCIPAL RESIDENCE. THE CLASS B MEMBERS SHALL BE ENTITLED TO FIVE HUNDRED (500) VOTES EACH PROVIDED, THAT THE CLASS B MEMBERSHIP OF A PARTICULAR CLASS B MEMBER SHALL CEASE AND BE CONVERTED TO CLASS A MEMBERSHIP ON THE EARLIER OF THE FOLLOWING DATES:

1. THE DATE ALL LOTS IN EACH SUBDIVISION OF STONE LAKE (AS OPPOSED TO JUST THOSE LOTS IN THE STONE LAKE PHASE I, II, III AND IV) SO PLATTED HAVE BEEN SOLD BY SUCH CLASS B MEMBER; OR
2. DECEMBER 31, 2020; OR
3. SUCH DATE AS THE DECLARANT (IN ITS SOLE DISCRETION) EXECUTES AND RECORDS WITH THE COUNTY CLERK OF TULSA COUNTY, OKLAHOMA, A NOTICE THAT THE DECLARANT HAS ELECTED TO CONVERT THE CLASS B MEMBERSHIP TO CLASS A MEMBERSHIP.

3.2 DECLARANT CONTROL OF ASSOCIATION. THE DECLARANT, OR ITS DESIGNEE, SHALL BE IN SOLE AND COMPLETE LEGAL CONTROL OF THE ASSOCIATION FROM THE EFFECTIVE TERMINATION DATE OF SUCH MEMBERSHIP. THE DECLARANT MAY, AT ANY TIME PRIOR TO THE EFFECTIVE TERMINATION DATE, ON WHICH DECLARANT'S RIGHTS UNDER THIS SECTION 3.3 SHALL TERMINATE SHALL BE REFERRED TO AS THE "TURNOVER DATE", THE FIRST AND ALL SUBSEQUENT BRANCHES PRIOR TO THE TURNOVER DATE SHALL CONSIST OF THREE PERSONS DESIGNATED BY DECLARANT. DECLARANT'S RIGHTS UNDER THIS SECTION TO DESIGNATE THE MEMBERS OF THE BOARD SHALL TERMINATE ON THE FIRST TO OCCUR OF (A) SUCH TIME AS DECLARANT NO LONGER HOLDS OR CONTROLS TITLE TO ANY PART OF THE PROPERTIES OR OTHER LANDS THAT MAY COME UNDER THE CONTROL OF THE ASSOCIATION AS PROVIDED FOR HEREIN, (B) THE GIVING OF WRITTEN NOTICE BY DECLARANT, TO THE ASSOCIATION'S BOARD, OF THE DECLARANT'S ELECTION TO TERMINATE SUCH RIGHTS, OR (C) TEN (10) YEARS FROM THE DATE OF RECORDATION OF THE DECLARATION (THE "TURNOVER DATE"). THE BOARD SHALL BE CONSTITUTED AND ELECTED AS PROVIDED IN THE ASSOCIATION BYLAWS. PRIOR TO THE TURNOVER DATE, A QUORUM OF THE BOARD SHALL BE ONE (1) MEMBER OF THE BOARD. THE DECLARANT SHALL HAVE THREE (3) VOTES IN ALL MATTERS PRESENTED TO THE BOARD, AND VOTING RIGHTS AT THAT TIME IN THE SAME MANNER AS ANY OTHER LOT OWNER. SUCH OWNERS' LOTS SHALL NEVERTHELESS BE SUBJECT TO ASSESSMENTS BY ASSOCIATION UPON REQUEST, SHALL SUPPLY SUCH OWNERS WITH AN ANNUAL ACCOUNTING OF THE MANNER IN WHICH COLLECTED ASSESSMENTS WERE SPENT.

ARTICLE IV – PROPERTY RIGHTS

4.1 MEMBERS' EASEMENTS OF ENJOYMENT. EVERY MEMBER SHALL HAVE THE NONEXCLUSIVE RIGHT AND PEDESTRIAN ACCESS EASEMENT TO USE AND ENJOY THE COMMON AREA AND ALL IMPROVEMENTS CONSTRUCTED THEREON, SUCH RIGHT AND EASEMENT SHALL BE APPURTENANT TO AND SHALL PASS WITH THE TITLE TO EVERY LOT WITHIN STONE LAKE PHASE V, SUBJECT, HOWEVER, TO THE FOLLOWING PROVISIONS:

A. THE RIGHT OF THE ASSOCIATION TO LIMIT THE NUMBER OF GUESTS OF MEMBERS AS WELL AS THE VOLUME OF NOISE AND ANY OTHER NUISANCE WHICH INTERFERES WITH THE PEACEFUL ENJOYMENT OF STONE LAKE PHASE V.

B. SUBJECT TO THE PROVISIONS OF ARTICLE V HEREIN, THE RIGHT OF THE ASSOCIATION, IN ACCORDANCE WITH ITS ARTICLES AND BYLAWS, TO BORROW MONEY FOR THE PURPOSE OF IMPROVING THE COMMON AREA AND FACILITIES AND IMPROVEMENTS CONSTRUCTED THEREON AND IN AID THEREOF TO MORTGAGE SAID PROPERTY, BUT ONLY UPON THE PRIOR WRITTEN CONSENT OF THE DECLARANT. IN THE EVENT SUCH PROPERTY IS SO MORTGAGED, THE RIGHTS OF THE MEMBERS OF THE ASSOCIATION HEREUNDER TO USE AND ENJOY SUCH COMMON AREA SHALL BE SUBJECT AND SUBORDINATE TO THE RIGHTS OF THE MORTGAGEE.

C. THE RIGHT OF THE DECLARANT, UPON THE CONVERSION OF ALL CLASS B MEMBERSHIP INTO CLASS A MEMBERSHIP, TO DEDICATE OR TRANSFER ALL OR ANY PART OF THE COMMON AREA TO ANY PUBLIC AGENCY, AUTHORITY, OR UTILITY FOR SUCH PURPOSES AND SUBJECT TO SUCH CONDITIONS AS DETERMINED IN THE DECLARANT'S SOLE DISCRETION.

D. UPON THE CONVERSION OF ALL CLASS B MEMBERSHIP INTO CLASS A MEMBERSHIP, THE RIGHT OF THE ASSOCIATION TO DEDICATE OR TRANSFER ALL OR ANY PART OF THE COMMON AREA TO ANY PUBLIC AGENCY, AUTHORITY, OR UTILITY FOR SUCH PURPOSES AND SUBJECT TO SUCH CONDITIONS AS MAY BE AGREED TO BY THE MEMBERS. SUCH DEDICATION AND TRANSFER SHALL BE EFFECTIVE ONLY UPON THE RECORDING OF AN INSTRUMENT SIGNED BY MEMBERS ENTITLED TO EIGHT (8) VOTES OF THE MEMBERS OF THE CLASS A MEMBERSHIP IN WHICH SUCH MEMBERS EXPRESS THEIR AGREEMENT TO SUCH DEDICATION AND TRANSFER, OR UPON THE ANNUAL MAJORITY VOTE OF THE BOARD OF DIRECTORS OF THE ASSOCIATION. NOTICE OF SUCH BOARD DECISION WRITTEN OBJECTION FROM THE DECLARANT.

E. THE RIGHT OF THE ASSOCIATION TO SUSPEND THE VOTING RIGHTS AND SUSPEND OR TERMINATE THE RIGHT TO USE AND EASEMENT OF THE COMMON AREA OF A MEMBER:

(1) WITH RESPECT TO VOTING RIGHTS, FOR ANY PERIOD DURING WHICH ANY ASSESSMENT AGAINST HIS LOT REMAINS UNPAID; PROVIDED, HOWEVER, THE ASSOCIATION SHALL GIVE WRITTEN NOTICE TO THE DECLARANT.

(2) WITH RESPECT TO USE AND EASEMENT OF THE COMMON AREA, FOR ANY PERIOD DURING WHICH ANY ASSESSMENT AGAINST HIS OR HER LOT REMAINS UNPAID OR FOR ANY INFRINGEMENT OF THE PUBLISHED RULES AND REGULATIONS OF THE ASSOCIATION RELATIVE TO SUCH USE.

F. THE RIGHT OF THE ASSOCIATION TO PRESCRIBE RULES AND REGULATIONS FOR THE USE, ENJOYMENT AND MAINTENANCE OF THE COMMON AREA.

4.2 DELEGATION OF USE OF COMMON AREA. ANY MEMBER MAY DELEGATE, IN ACCORDANCE WITH THE BYLAWS OF THE ASSOCIATION, HIS RIGHT TO USE, BUT NOT OWNERSHIP OF HIS EASEMENT RIGHT TO, THE COMMON AREA AND FACILITIES AND IMPROVEMENTS SITUATED THEREON, TO HIS ON HER FAMILY MEMBERS AND GUESTS, AND TO TENANTS WHO RESIDE IN STONE LAKE PHASE V.

4.3 TITLE TO THE COMMON AREA. THE DECLARANT HEREBY RESERVES THE RIGHT AND EASEMENT TO ENTER UPON THE COMMON AREA AND CONSTRUCT, REPAIR AND MAINTAIN IMPROVEMENTS THEREON. MAINTENANCE OF THE COMMON AREA SHALL BE BORNE BY THE ASSOCIATION; PROVIDED, HOWEVER, IN THE EVENT THE ASSOCIATION CLASS OR REFUSES, THE DECLARANT SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO MAINTAIN THE COMMON AREA IN A REASONABLE MANNER AND THE ASSOCIATION SHALL REIMBURSE THE DECLARANT FOR SUCH EXPENSES UPON DEMAND. THE DECLARANT HEREBY COVENANTS FOR itself, ITS SUCCESSORS AND ASSIGNS, THAT IT WILL CONVEY FEE SIMPLE TITLE TO THE COMMON AREA TO THE ASSOCIATION, SUBJECT ONLY TO ANY EASEMENTS AND RESTRICTIONS OF RECORD, EITHER PRIOR TO OR UPON THE CONVERSION, IN THE DECLARANT'S SOLE DISCRETION, OF ITS CLASS B MEMBERSHIP TO CLASS A MEMBERSHIP PURSUANT TO THE PROVISIONS OF ARTICLE III. CONVEYANCE OF THE COMMON AREA TO THE ASSOCIATION SHALL NOT BE REFUSED BY THE ASSOCIATION.

4.4 DAMAGE TO COMMON AREA: IF, DUE TO THE ACT OR OMISSION OF ANY OWNER, HIS FAMILY, TENANTS, CONTRACT PURCHASERS, GUESTS, LICENSEES OR OTHER INVITEES, THE COMMON AREA IS DAMAGED (NORMAL WEAR AND TEAR EXCEPTED) AND MAINTENANCE, REPAIR OR REPLACEMENT SHALL BE REQUIRED THEREBY, THEN SUCH OWNER SHALL PAY FOR THE FULL COST OF SUCH MAINTENANCE, REPAIR AND REPLACEMENT AS SHALL BE DETERMINED BY THE ASSOCIATION.

ARTICLE V – PROPERTY RIGHTS

5.1 CREATION OF LIEN AND PERSONAL OBLIGATION OF ASSESSMENTS. EXCEPT FOR ANNUAL ASSESSMENTS DESCRIBED IN PARAGRAPH 5.3 BELOW, NO SPECIAL ASSESSMENTS SHALL BE ASSESSED AGAINST OR ATTACH TO ANY LOT OWNED BY THE DECLARANT OR ANY BUILDER OF THE RESIDENTIAL STRUCTURE THEREON WHO DOES NOT OCCUPY SUCH STRUCTURE AS ITS PRINCIPAL RESIDENCE WITHIN STONE LAKE PHASE V, THE DECLARANT AND EACH BUILDER OF THE RESIDENTIAL STRUCTURE ON ANY LOT WITHIN STONE LAKE PHASE V WHO DOES NOT OCCUPY SUCH STRUCTURE AS ITS PRINCIPAL RESIDENCE SHALL PAY THE ANNUAL ASSESSMENT DESCRIBED IN PARAGRAPH 5.3 BELOW. ALL OTHER OWNERS OF ANY LOT BY ACCEPTANCE OF A DEED THEREFOR, WHETHER OR NOT IT SHALL BE SO EXPRESSED IN ANY SUCH DEED OR OTHER CONVEYANCE, SHALL BE DEEMED TO COVENANT AND AGREE TO PAY TO THE ASSOCIATION THEIR SHARE OF:

A. ANNUAL ASSESSMENTS OR CHARGES PROVIDED FOR HEREIN; AND

B. SPECIAL ASSESSMENTS FOR CAPITAL IMPROVEMENTS, SUCH ASSESSMENTS TO BE FIXED, ESTABLISHED, AND COLLECTED FROM TIME TO TIME AS HEREINAFTER PROVIDED.

IF PROMULGATED BY BOARD, DECLARANT, ON ANNUAL OR SPECIAL ASSESSMENTS, TOGETHER WITH SUCH INTEREST THEREON, AND COSTS OF COLLECTION THEREOF, AS HEREINAFTER PROVIDED, SHALL BE A LIEN UPON THE LOT AGAINST WHICH EACH SUCH ASSESSMENT IS MADE. NOTWITHSTANDING ANY LIEN IS ACTUALLY FILED BY RECORD FOR ANY SUCH ASSESSMENT, TOGETHER WITH SUCH INTEREST, COSTS AND REASONABLE ATTORNEYS' FEES INCURRED IN COLLECTION THEREOF, SHALL ALSO BE THE PERSONAL OBLIGATION OF THE OWNER WHO WAS THE OWNER OF SUCH PROPERTY AT THE TIME WHEN THE ASSESSMENT BECAME DUE.

5.2 PURPOSE OF ASSESSMENTS. THE ASSESSMENTS LEVIED BY THE ASSOCIATION SHALL BE USED FOR THE PURPOSE OF PROMOTING THE RECREATION, HEALTH, AND WELFARE OF THE RESIDENTS IN STONE LAKE PHASE V, AND PROMOTING THE MAINTENANCE OF RESIDENTIAL STRUCTURES AND DRAINAGE PROPERTY VALUES IN STONE LAKE PHASE V INCLUDING, BUT NOT LIMITED TO THE IMPROVEMENT AND MAINTENANCE OF THE COMMON AREA AND IMPROVEMENTS THEREON, INCLUDING (WITHOUT LIMITATION) AN ADEQUATE RESERVE FOR MAINTENANCE AND DRAINAGE IMPROVEMENTS, DRIVEWAYS, PARKING AREAS, FENCES AND WALLS, AND LANDSCAPED AREAS.

5.3 ANNUAL ASSESSMENTS. THE ANNUAL ASSESSMENT ON ANY LOT OWNED BY ANY OWNER OF A LOT IN STONE LAKE PHASE V (INCLUDING THE DECLARANT AND ANY BUILDER OF THE RESIDENTIAL STRUCTURE THEREON WHO DOES NOT OCCUPY SUCH STRUCTURE AS ITS PRINCIPAL RESIDENCE), COMMENCEMENT OF WHICH IS PROVIDED FOR IN ARTICLE V, PARAGRAPH 5.8, SHALL BE IN AN AMOUNT NECESSARY TO ADEQUATELY MAINTAIN AND SUPPORT ALL COMMON AREAS OF INTEREST WITHIN STONE LAKE PHASE V INCLUDING (WITHOUT LIMITATION) ALL RESERVE AREAS DESCRIBED ON THE PLAT, AS DETERMINED BY THE BOARD OF DIRECTORS OF THE ASSOCIATION IN ACCORDANCE WITH ITS BYLAWS.

ANNUAL AND SPECIAL ASSESSMENTS SHALL BE ESTABLISHED AT A UNIFORM RATE APPLYING SUCH FACTORS AS THE BOARD OF DIRECTORS SHALL DETERMINE APPROPRIATE, SUCH AS THE OPERATING COSTS OF THE ASSOCIATION, MAINTENANCE OF THE COMMON AREAS, COST OF LAWN, HOUSEKEEPING, OWNERSHIP OF PROPERTY VALUES AND OTHER QUALITY FACTORS. ANNUAL ASSESSMENTS PAID BY THE DECLARANT AND OWNERS OF LOTS IN STONE LAKE PHASE I, PHASE II SHALL BE USED EXCLUSIVELY FOR THE MAINTENANCE AND DRAINAGE IMPROVEMENTS AND OPERATING AREAS, FENCES AND WALLS, AND LANDSCAPED AREAS WHICH ARE RELATED TO THE OPERATION OF THE COMMON AREAS AND THE GENERAL OPERATIONS OF THE ASSOCIATION.

5.4 SPECIAL ASSESSMENT. IN ADDITION TO THE ASSESSMENTS AUTHORIZED ABOVE, THE ASSOCIATION MAY LEVY A SPECIAL ASSESSMENT FOR THE PURPOSE OF DEFRAYING, IN WHOLE OR IN PART, THE COSTS OF ANY CONSTRUCTION, RECONSTRUCTION, REPAIR OR REPLACEMENT OF A CAPITAL IMPROVEMENT UPON THE COMMON AREA OR EASEMENTS, INCLUDING THE NECESSARY FIXTURES AND PERSONAL PROPERTY RELATED THERETO, PROVIDED THAT ANY SUCH ASSESSMENT SHALL HAVE THE ASSENT OF TWO-THIRDS (2/3) OF THE VOTES OF THE MEMBERS WHO ARE VOTING IN PERSON OR BY PROXY, AT A MEETING DULY CALLED FOR THIS PURPOSE. THE ASSESSMENTS AGAINST LOTS IN STONE LAKE PHASE V SHALL BE UNIFORM AND SHALL REQUIRE THE AFFIRMATIVE VOTE OF THE CLASS B MEMBER AND ONE-HALF (1/2) OF THE VOTES OF THE CLASS A MEMBERS WHO ARE VOTING IN PERSON OR BY PROXY, AT A MEETING DULY CALLED FOR THIS PURPOSE. THIS SPECIAL ASSESSMENT SHALL NOT BE SUBJECT TO ANY SPECIAL ASSESSMENT.

5.5 DATE OF COMMENCEMENT OF ANNUAL ASSESSMENTS; DUE DATES. THE ANNUAL ASSESSMENT PROVIDED FOR HEREIN SHALL COMMENCE ON THE DATE (OR DATES, IF THE BOARD OF DIRECTORS SHALL DETERMINE THAT OTHER DATES AFFORD THE ASSOCIATION, THE OWNER AND MEANS OF WRITTEN NOTICE OF THE ANNUAL ASSESSMENT SHALL BE ESTABLISHED BY THE BOARD OF DIRECTORS.

A CERTIFICATE IN WRITING SIGNED BY AN OFFICER OF THE ASSOCIATION SETTING FORTH WHETHER ANNUAL AND/OR SPECIAL ASSESSMENTS ON A SPECIFIED LOT HAVE BEEN PAID. A REASONABLE CHARGE MAY BE MADE BY THE BOARD FOR THE ISSUANCE OF THOSE CERTIFICATES. SUCH CERTIFICATES SHALL BE CONCLUSIVE EVIDENCE OF PAYMENT OF ANY ASSESSMENT THEREIN STATED TO HAVE BEEN PAID.

5.6 EFFECT OF NONPAYMENT OF ASSESSMENTS: REMEDIES OF THE ASSOCIATION. ANY ASSESSMENT NOT PAID ON OR BEFORE THE DUE DATE, AS PROCLAIMED BY THE BOARD OF DIRECTORS OF THE ASSOCIATION HEREUNDER, SHALL BE DELINQUENT AND SHALL CONSTITUTE THE LIEN OF THE LOT AGAINST WHICH SUCH ASSESSMENT IS MADE. IF THE ASSESSMENT IS NOT PAID WITHIN THIRTY (30) DAYS AFTER THE DELINQUENT DATE, SUCH ASSESSMENT SHALL BEAR INTEREST FROM THE DATE OF DELINQUENCY AT THE RATE OF EIGHTEEN PERCENT (18%) PER ANNUM. THE ASSOCIATION MAY BRING AN ACTION AGAINST THE OWNER OF SUCH LOT TO PAY THE ASSESSMENT, OR FORECLOSE THE LIEN AGAINST THE PROPERTY IN ACCORDANCE WITH THE LAWS OF THE STATE OF OKLAHOMA. BY LAW MAY NOW OR HEREAFTER HAVE TO CARRY OUT ITS CORPORATE PURPOSES.

5.7 SUBORDINATION OF THE LIEN TO MORTGAGES. THE LIEN OF THE ASSESSMENTS PROVIDED FOR HEREIN SHALL BE SUBORDINATE TO THE LIEN OF ANY MORTGAGE NOW OR HEREAFTER PLACED UPON THE PROPERTIES SUBJECT TO ASSESSMENT; PROVIDED, HOWEVER, SUCH SUBORDINATION SHALL APPLY ONLY TO THOSE PAYMENTS OR INSTALLMENTS THEREOF WHICH HAVE BECOME DUE AND PAYABLE PRIOR TO THE SALE OF SUCH PROPERTY PURSUANT TO A FORECLOSURE OF SUCH MORTGAGE OR TRANSFER OR CONVEYANCE IN LIEU OF SUCH FORECLOSURE. SUCH SALE PURSUANT TO SUCH FORECLOSURE OR SUCH TRANSFER OR CONVEYANCE IN LIEU OF SUCH FORECLOSURE SHALL NOT RELIEVE SUCH LOT FROM LIABILITY FOR ANY ASSESSMENTS THEREAFTER BECOMING DUE, OR FROM THE LIEN OF ANY SUCH SUBSEQUENT ASSESSMENT. ALL PAYMENTS OR INSTALLMENTS.

5.8 EXEMPT PROPERTY. THE FOLLOWING PROPERTY SUBJECT TO THIS DECLARATION SHALL BE EXEMPT FROM THE ASSESSMENTS CREATED HEREIN: (A) ALL PROPERTIES OR INTERESTS THEREIN DEDICATED TO AND ACCEPTABLE BY A LOCAL GOVERNMENTAL BODY OR PUBLIC AUTHORITY OR CONVEYED TO A PUBLIC UTILITY; PROVIDED, HOWEVER, IN THE EVENT OF THE DEDICATION OF AN EASEMENT TO A LOCAL GOVERNMENTAL BODY, PUBLIC AUTHORITY OR PUBLIC UTILITY, THE LANDOWNER SHALL CONTINUE TO PAY THE ASSESSMENTS DUE ON THE LOT.

ARTICLE VI – USES OF LAND

6.1 LOT USE. ALL LOTS SHALL BE USED ONLY FOR RESIDENTIAL SINGLE-FAMILY PURPOSES, SUBJECT TO THE TERMS, CONDITIONS, AND PROVISIONS, OF THE TOWNSIC DISTRICT NO LOT SHALL BE USED FOR ANY BUSINESS, COMMERCIAL OR MANUFACTURING PURPOSE, AND NO BUSINESS OR BUILDING OF ANY KIND WHATSOEVER SHALL BE ERECTED ON ANY LOT. NOTWITHSTANDING THE FOREGOING, NO LOT SHALL BE USED FOR OR BUILT UPON FOR A "HOME OFFICE" FOR BUSINESS PURPOSES AS LONG AS BUSINESS VISITORS, GUESTS, AND CUSTOMERS DO NOT VISIT THE OWNER'S LOT, AND COMMERCIAL VEHICLES AND EQUIPMENT, INCLUDING BUT NOT LIMITED TO, DELIVERY SUPPLIES OR MATERIALS AND SUCH BUSINESS ACTIVITIES ARE CONDUCTED IN A MANNER WHICH DOES NOT INTERFERE WITH THE PEACEFUL ENJOYMENT OF THE RESIDENTIAL PROPERTIES BY THE OTHER OWNERS. THE DECLARANT MAY ERECT AND MAINTAIN SUCH TEMPORARY SALES OFFICES, A MODULAR OR MANUFACTURED HOUSE, A TEMPORARY PARKING LOT AND SIGNS AS IT MAY FIND NECESSARY OR PROPER FOR THE SALE OF LOTS IN STONE LAKE PHASE V. SUCH USE MAY CONTINUE FOR A PERIOD NOT TO EXCEED TWO (2) YEARS, AT THE DECLARANT'S SOLE DISCRETION. THE DECLARANT MAY BE EMPOWERED TO WORK WITH OTHER OWNERS OR DWELLINGS, NO STRUCTURE SHALL BE PLACED, ALTERED, ERECTED OR PERMITTED TO REMAIN ON ANY LOT, WHICH EXCEEDS TWO (2) STORIES IN HEIGHT. NO OUTBUILDING, TENT, SHACK, BARN, OR OTHER BUILDING, OTHER THAN THE SAME OF THE HOUSE, SHALL BE USED ON ANY LOT AT ANY TIME AS A RESIDENCE, NO STRUCTURE OF A TEMPORARY CHARACTER MAY BE USED AS A RESIDENCE. NO MOBILE HOME SHALL BE MOVED INTO OR PLACED ON ANY LOT. NO OUTBUILDING SHALL BE ERECTED ON ANY LOT PRIOR TO THE ERECTION OF A DWELLING THEREON. NO OUTBUILDING SHALL BE USED AS A DWELLING.

6.2 RESERVE AREA. "RESERVE AREA", AS REFLECTED ON THE RECORDED PLAT OF STONE LAKE PHASE V, SHALL BE USED AS COMMON AREAS ONLY. THE COMMON AREA HAS BEEN GRANTED BY DECLARANT AS A PERPETUAL EASEMENT FOR THE PURPOSES OF PEDESTRIAN ACCESS, OPEN AREA, RECREATION, PARK AREAS AND RELATED ACTIVITIES, AND FOR PROVIDING THE FLOW, CONVEYANCE, AND DISCHARGE OF STORM WATER RUNOFF FROM THE LOTS WITHIN STONE LAKE PHASE V. DRAINAGE FACILITIES CONSTRUCTED IN SAID COMMON AREA SHALL BE IN ACCORDANCE WITH STANDARDS PRESCRIBED BY TULSA COUNTY. THE DECLARANT MAY PLANS AND SPECIFICATIONS FOR IMPROVEMENTS IN THE TULSA COUNTY ENGINEER. SAID DRAINAGE RESERVE AREA AND FACILITIES SHALL BE MAINTAINED BY THE ASSOCIATION IN ACCORDANCE WITH STANDARDS PRESCRIBED BY TULSA COUNTY. IN THE EVENT THE ASSOCIATION SHOULD FAIL TO ADEQUATELY AND PROPERLY MAINTAIN SAID DRAINAGE RESERVE AREA AND FACILITIES, TULSA COUNTY MAY ENTER UPON SAID AREA, PERFORM SAID MAINTENANCE, AND THE COST OF PURCHASING SAID MAINTENANCE SHALL BE ASSESSED IN THE SAME MANNER AS SPECIAL ASSESSMENTS AGAINST ALL MEMBERS OF THE ASSOCIATION. EXCEPT FOR DRAINAGE FACILITIES, NO ANY OTHER STRUCTURE OR IMPROVEMENT WITHIN STONE LAKE PHASE V WHICH DOES NOT SUCH STRUCTURE AS ITS PRINCIPAL RESIDENCE, ACCESS BY ANY LOT OWNER WITHIN STONE LAKE PHASE V, IN THE DECLARANT'S SOLE DISCRETION, SHALL BE SUBJECT NOT DULY TO MEMBERSHIP IN THE ASSOCIATION, BUT ALSO TO PAYMENT OF ANY SPECIAL ASSESSMENT DESCRIBED IN ARTICLE V HEREOF.

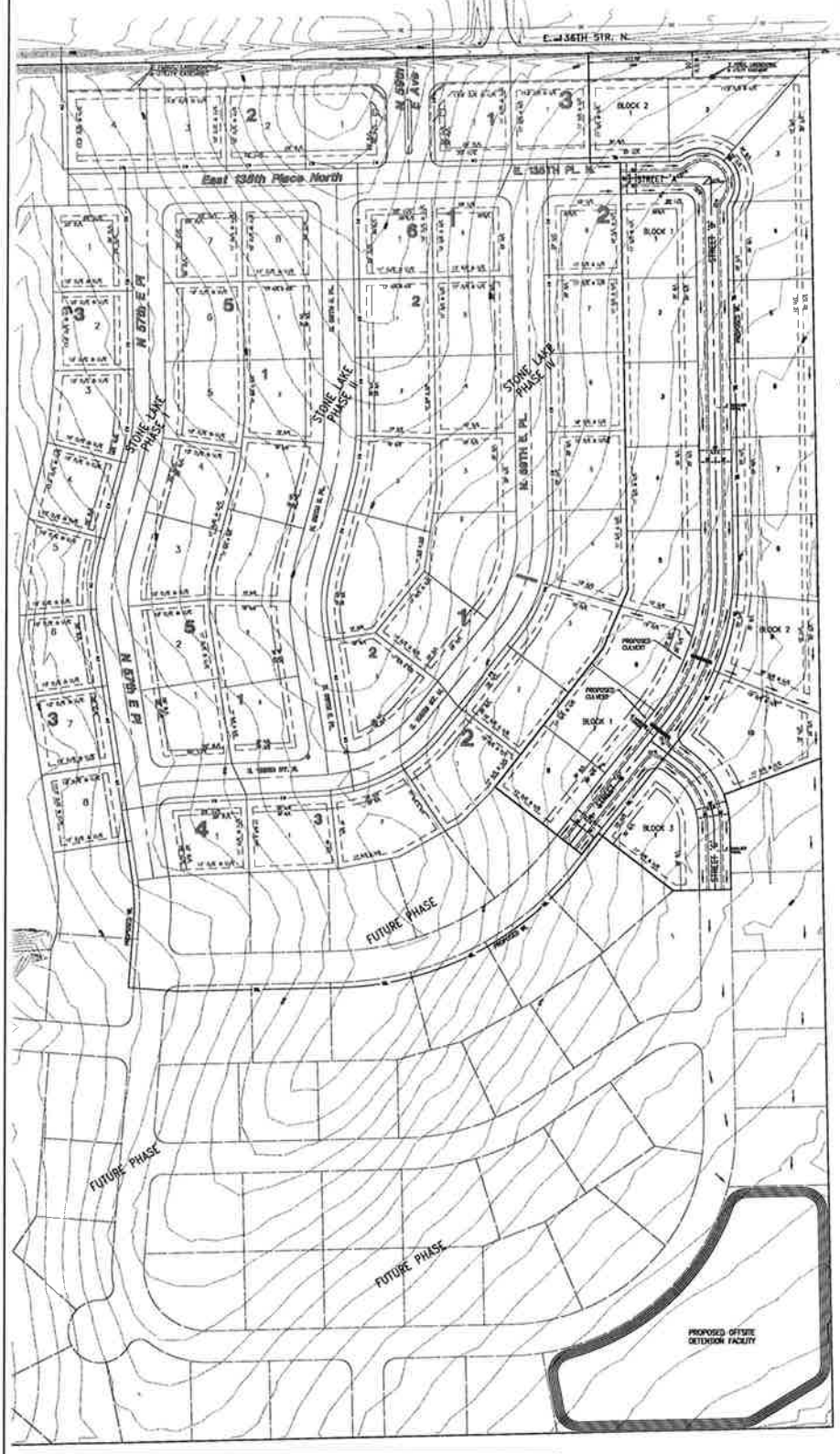
6.3 NUISANCE. NO NOXIOUS OR OFFENSIVE ACTIVITY OF ANY KIND SHALL BE CARRIED ON UPON ANY LOT OR THE COMMON AREA, NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD. NO ALARM OR DETECTION DEVICE SHALL BE INSTALLED WHICH SHRILL OR EMITS AN AUDIBLE SIGNAL, BELL, OR OTHER SOUND DEVICE, EXCEPT SECURITY AND FIRE DEVICES USED EXCLUSIVELY FOR SECURITY AND FIRE PURPOSES, SHALL BE LOCATED, USED OR PLACED ON A LOT. ACTIVITIES EMPHASIZING PRODUCTION OF ANY KIND OF NOISE, ODOR, SMOKE, GAS, VIBRATION, GLARE, FLASHES, DUST, SMOKE, INSECT, VIBRATION, OR POLLUTION, OR WHICH ARE HAZARDOUS BY REASON OF EXCESSIVE DANGER, FIRE, OR EXPLOSION.

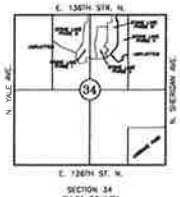
6.4 ANIMALS. NO ANIMALS, LIVESTOCK, OR POULTRY OF ANY KIND SHALL BE KEPT ON ANY LOT EXCEPT FOR A TOTAL OF THREE (3) HOUSEHOLD, DOMESTIC PETS AND THE SUCKLING YOUNG OF SAID ANIMALS PROVIDED, HOWEVER, THAT NO MORE THAN TWO (2) ADULT DOGS SHALL BE MAINTAINED ON ANY LOT. EXCESSIVE BARKING BY ANY DOG SHALL, IN THE SOLE OPINION OF THE DECLARANT OR THE MAJORITY OF THE BOARD OF DIRECTORS OF THE ASSOCIATION, BE DEEMED A NUISANCE AND IMMEDIATELY SUBJECT THE DOG TO IMPOUND AND THE OWNER THEREOF TO A FINE LEVIED BY THE ASSOCIATION IN AN AMOUNT DETERMINED BY THE ASSOCIATION IN ACCORDANCE WITH ITS ESTABLISHED RULES AND REGULATIONS (NOT TO EXCEED $100.00 PER DAY), AND FOR SUCH OTHER ACTIONS AS THE ASSOCIATION MAY DETERMINE APPROPRIATE. THE AMOUNT OF SUCH FINE, IF NOT PAID BY ITS DUE DATE, SHALL BECOME A LIEN UPON THE OWNER'S LOT AND SUBJECT TO ENFORCEMENT AND FORECLOSURE AS SET FORTH IN ARTICLE V HEREOF. ANIMALS SHALL NOT BE KEPT, BRED OR MAINTAINED FOR ANY COMMERCIAL PURPOSES. NOTWITHSTANDING THE FOREGOING, THE DECLARANT OR BOARD OF DIRECTORS MAY, IN ITS SOLE DISCRETION, GRANT A VARIANCE TO ALLOW AN ANIMAL TO BE DEEMED DIFFERENT TO SUBMUNICIPAL HOME OWNERS AND/OR A NUISANCE TO THE PUBLIC. THE OWNER OF SUCH ANIMAL SHALL RESPECT SUCH DECISION AND REMOVE SUCH ANIMAL FROM THE PROPERTY WITHIN TEN (10) DAYS OF WRITTEN NOTICE FROM THE DECLARANT OR THE OWNER BY THE DECLARANT OR THE ASSOCIATION. ALL ANIMALS MUST BE FENCED IN OR KEPT ON A LEASH. ANIMAL SHELTERS, SUBJECT TO THE RULES AND REGULATIONS OF THE ASSOCIATION, SHALL BE ALLOWED WITHIN THE PROPERTY. THE DECLARANT MAY, IN IT

CONCEPTUAL PLAN
STONE LAKE PHASE V

PART OF THE NE/4 OF SECTION 34, T-22-N, R-13-E I.B.&M.
TULSA COUNTY, STATE OF OKLAHOMA

ZONED: RE
ADDITION HAS 19 LOTS IN 3 BLOCKS
ALL CONTAINED IN 14.09 ACRES MORE OR LESS





LOCATION MAP
SCALE: 1"=2000'

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE WEST HALF OF THE NORTHEAST QUARTER (W/2 NE/4) OF SECTION THIRTY-FOUR (34) OF TOWNSHIP TWENTY-TWO (22) NORTH AND RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, ACCORDING TO THE U.S. GOVERNMENT SURVEY, THEREOF, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF THE NE/4 OF SEC. 34, T-22-N, R-13-E, I.B.&M. (INDIAN BASE AND MERIDIAN); THENCE N 88°30'54" E A DISTANCE OF 901.28 FEET TO THE POINT OF BEGINNING; THENCE N 88°30'54" E DISTANCE OF 417.49 FEET; THENCE S 01°09'07" E A DISTANCE OF 1,346.61 FEET; THENCE S 88°17'07" W A DISTANCE OF 196.73 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 13°31'18", A CHORD LENGTH OF 61.19 FEET, A CHORD BEARING OF S 12°04'14" E, FOR A DISTANCE OF 61.43 FEET; THENCE S 01°39'25" E A DISTANCE OF 121.61 FEET; THENCE S 88°30'25" W A DISTANCE OF 108.37 FEET; THENCE N 12°06'05" W A DISTANCE OF 179.88 FEET; THENCE N 27°51'55" W A DISTANCE OF 53.38 FEET; THENCE N 12°06'05" W A DISTANCE OF 210.00 FEET; THENCE N 27°51'55" E A DISTANCE OF 354.38 FEET; THENCE N 22°37'52" E A DISTANCE OF 121.30 FEET; THENCE N 01°09'55" W A DISTANCE OF 813.00 FEET; THENCE S 88°30'25" W A DISTANCE OF 87.50 FEET; THENCE N 01°09'55" W A DISTANCE OF 210.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 14.09 ACRES, MORE OR LESS.

BASIS OF BEARING IS THE OKLAHOMA STATE PLANE COORDINATE SYSTEM.

LEGEND

	PROPOSED BOUNDARY
	PROPOSED ROW
	PROPOSED LOT LINE
	PROPOSED BUILDING LINE
	PROPOSED EASEMENT
	ADJACENT LOT LINE
	EXISTING CONTOURS
	PROPOSED CENTER LINE
	PROPOSED EDGE OF ASPHALT
	PROPOSED EDGE OF SHOULDER
	PROPOSED STORM DRAIN
W	PROPOSED WATER LINE
W	EXISTING WATER LINE
	DRAINAGE FLOW ARROW

SITE DATA

EXISTING ZONING	- RE
PROPOSED USE	- SINGLE FAMILY RESIDENTIAL
EXISTING LAND USE	- VACANT
TOTAL ACREAGE	- 14.09 AC.
NUMBER OF LOTS	- 19 LOTS
DENSITY	- 0.74 LOTS/ACRE
AVERAGE LOT SIZE	- 23,304 SF
SMALLEST LOT SIZE	- 22,500 SF
LARGEST LOT SIZE	- 38,705 SF

ACC	ACCESS PERMITTED
B/L	BUILDING SETBACK LINE
D/E	DRAINAGE EASEMENT
LNA	LIMITS OF NO ACCESS
R/W	RIGHT-OF-WAY
U/E	UTILITY EASEMENT

FLOOD PLAIN NOTE:
PROPOSED SITE IS OUTSIDE OF FEMA 100 YEAR FLOOD PLAIN BOUNDARIES. FEMA PANEL NO. 40143C0110L REVISED DATE: OCTOBER 16, 2012

OWNER/DEVELOPER:
K&S DEVELOPMENT, INC.
12150 E. 96th ST. N., SUITE 200
OWASSO, OKLAHOMA 74055
CONTACT PERSON: BRIAN DOYLE
PHONE: (918) 274-0406
EMAIL: brian@simmonskourtis.com

ENGINEER:
KELLOGG ENGINEERING, INC.
6755 SOUTH 4060 ROAD
TALALA, OKLAHOMA 74080
PHONE: (918) 275-4080
FAX: (918) 275-7171
EMAIL: kelloggengineering@totalcsl.com
CERT. OF AUTHORIZATION NO. 2788
RENEWAL DATE: JUNE 30, 2021

SURVEYOR:
BENCHMARK SURVEYING AND LAND SERVICES, INC.
P.O. BOX 1078
OWASSO, OKLAHOMA 74055
PHONE: (918) 274-9081
FAX: (918) 274-0807
FAX: (918) 274-0807
EMAIL: benchmark@allosok.com
RENEWAL DATE: JUNE 30, 2020

DETENTION NOTE:
DETENTION PROVIDED BY OFFSITE DETENTION TO BE CONSTRUCTED WITH THIS PROJECT.

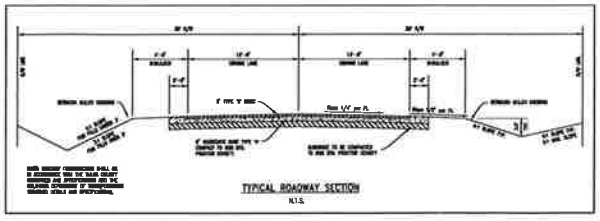
NOTE:
ALL CULVERTS UNDER ROADWAYS SHALL BE ROUND SMOOTH STEEL PIPE HAVING A MINIMUM OF 1/4" WALL THICKNESS.

NOTE:
ALL PAVEMENT AND SUBGRADE WORK SHALL BE IN ACCORDANCE WITH THE GEOTECHNICAL INVESTIGATION.

NOTE:
ALL WATER LINE CONSTRUCTION SHALL BE IN ACCORDANCE WITH DETAILS PROVIDED IN THE CONSTRUCTION PLANS & WITH THE WRWA, CO. RWD #3 STANDARD DETAILS AND SPECIFICATIONS.

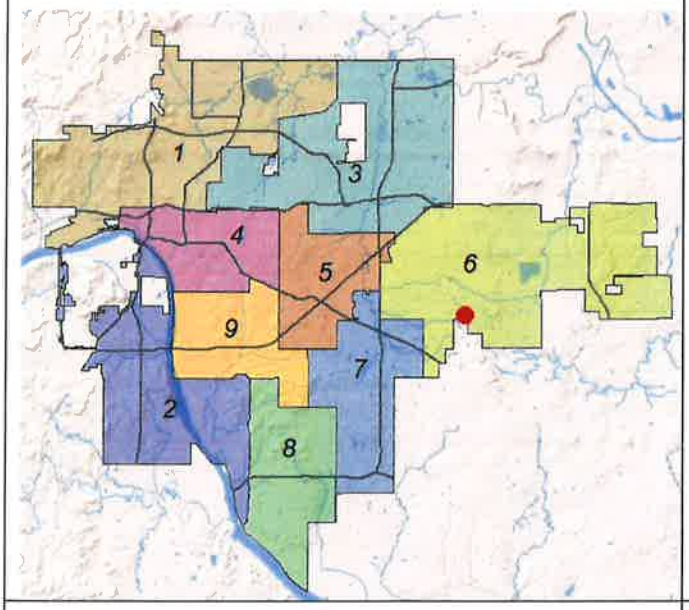
NOTE:
ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH DETAILS PROVIDED IN THE CONSTRUCTION PLANS WITH THE TULSA COUNTY STANDARDS AND SPECIFICATIONS, AND WITH THE O.D.O.T. STANDARD DETAILS AND SPECIFICATIONS.

NOTE:
ALL UTILITY ROAD CROSSINGS SHALL BE BACKFILLED WITH ODOT TYPE "A" AGGREGATE FROM TOP OF PIPE TO THE BASE OF PAVEMENT PER TULSA COUNTY STANDARD DETAILS AND SPECIFICATIONS.



TYPICAL ROADWAY SECTION
N.T.S.

GENERAL NOTES:
1. WATER SERVICE. POTABLE WATER SHALL BE PURCHASED FROM RURAL WATER DISTRICT NO.3, WASHINGTON COUNTY.
2. SANITARY SEWER DISPOSAL. SEWAGE SHALL BE DISPOSED OF BY INDIVIDUAL ON-SITE DEQ APPROVED AEROBIC SEWAGE DISPOSAL SYSTEMS. NO OTHER ON-SITE INDIVIDUAL SEWAGE DISPOSAL SYSTEMS SHALL BE ALLOWED. ALL SEWAGE DISPOSAL SYSTEMS SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE RULES AND REGULATIONS SET FORTH BY THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY.
3. GAS SERVICE. GAS SERVICE SHALL BE SUPPLIED BY ONG.
4. ELECTRIC SERVICE. ELECTRIC SERVICE SHALL BE SUPPLIED BY WVEC.

TMAPC Tulsa Metropolitan Area Planning Commission	**Case :** **Battle Creek Park Phase III** **Hearing Date**: **December 4, 2019**
Case Report Prepared by: Nathan Foster	**Owner and Applicant Information**: *Applicant*: Nicole Watts, KKT Architects *Owner*: Glenwood Homes
Location Map: **(shown with City Council Districts)**  	**Applicant Proposal:** Preliminary Plat 110 lots, 5 blocks, 27.62± acres *Location*: East of the northeast corner of South 145th East Avenue and East 41st Street South
Zoning: RS-3	**Staff Recommendation:** Staff recommends **approval** of the preliminary plat.
	City Council District 6: *Councilor Name*: Connie Dodson **County Commission District 1:** *Commissioner Name:* Stan Sallee

EXHIBITS: Site Map, Aerial, Land Use, Growth & Stability, Preliminary Plat, Conceptual Improvements

PRELIMINARY SUBDIVISION PLAT

Battle Creek Park Phase III - (CD 6)
East of the northeast corner of South 145th East Avenue and East 41st Street South

This plat consists of 110 lots, 5 blocks, 27.62± acres.

The Technical Advisory Committee (TAC) met on November 21, 2019 and provided the following conditions:

1. **Zoning:** The property is zoned RS-3 (Residential Single-Family). All lots proposed are required to conform to the RS-3 lot regulations found in the City of Tulsa Zoning Code.

2. **Addressing:** City of Tulsa will assign addresses to the plat. Address assignments must be shown on the face of the final plat.

3. **Transportation & Traffic:** Infrastructure Development Plans (IDP) must include all required streets, ADA ramps, and sidewalks within the public ROW. IDP must be approved prior to approval of the final plat. Correct street names on the face of the plat.

4. **Sewer:** Sanitary sewer extensions are required to obtain IDP approval prior to release of the final plat. Adequate easement must be provided to cover all proposed extensions.

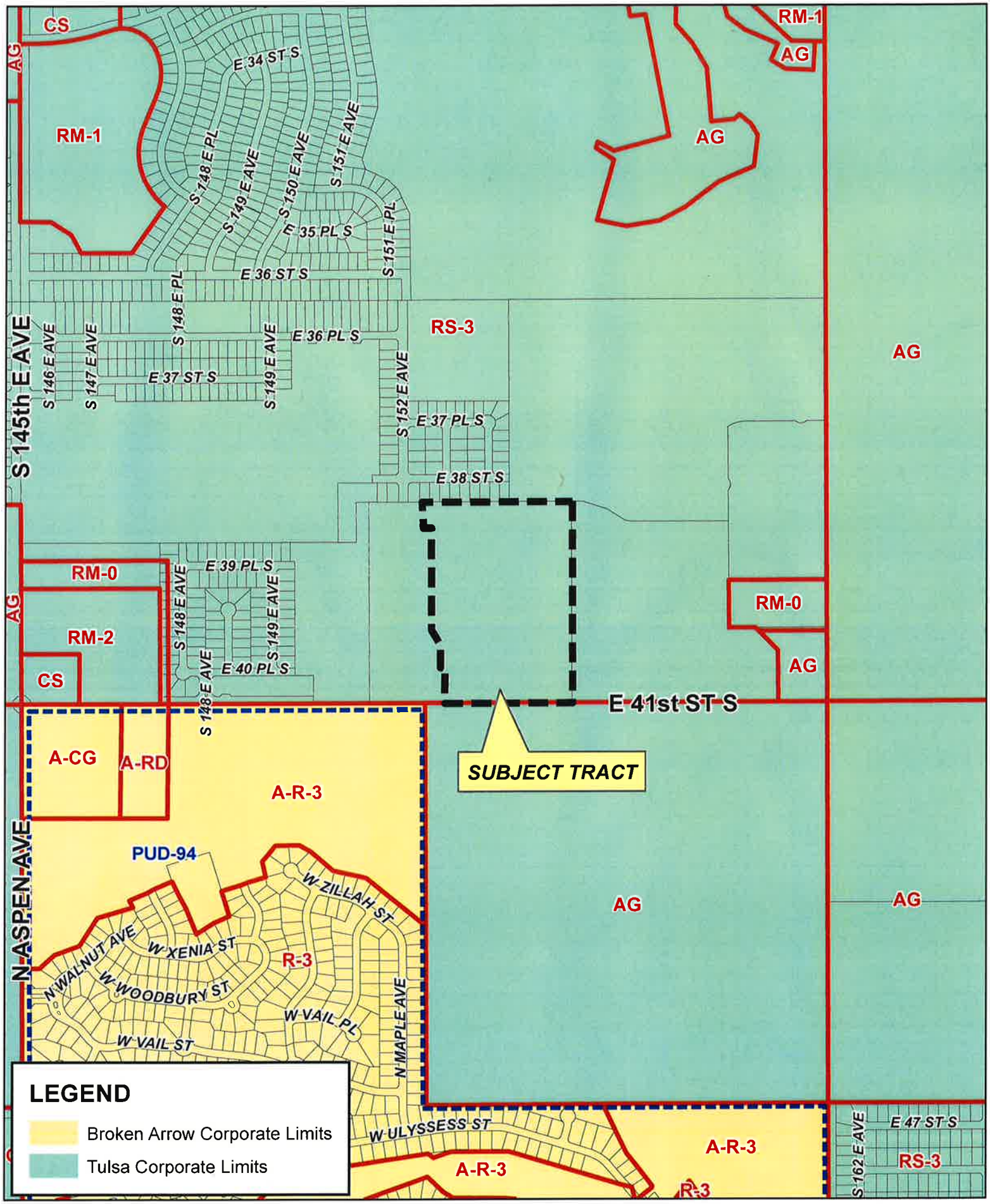
5. **Water:** Water main extensions are required to obtain IDP approval prior to release of the final plat. Adequate easement must be provided to cover all proposed extensions.

6. **Engineering Graphics:** Submit a subdivision data control sheet with final plat. Provide C.A. number under surveyor information and provide renewal date. Update location map to reflect only platted properties and label all other property "Unplatted". Indicate "Project Location" or "Site" in the location map for the property being platted. Graphically show all property pins found or set that are associated with the plat. Ensure written legal and face of the plat match.

7. **Stormwater, Drainage, & Floodplain:** Drainage plans must be submitted and approved through the IDP process. Approval for IDP must be obtained prior to approval of the final plat.

8. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and all other requirements of the Subdivision and Development Regulations.



BATTLE CREEK PARK PHASE III

19-14 22

3.3

Feet
0 400 800

Subject Tract

BATTLE CREEK PARK PHASE III

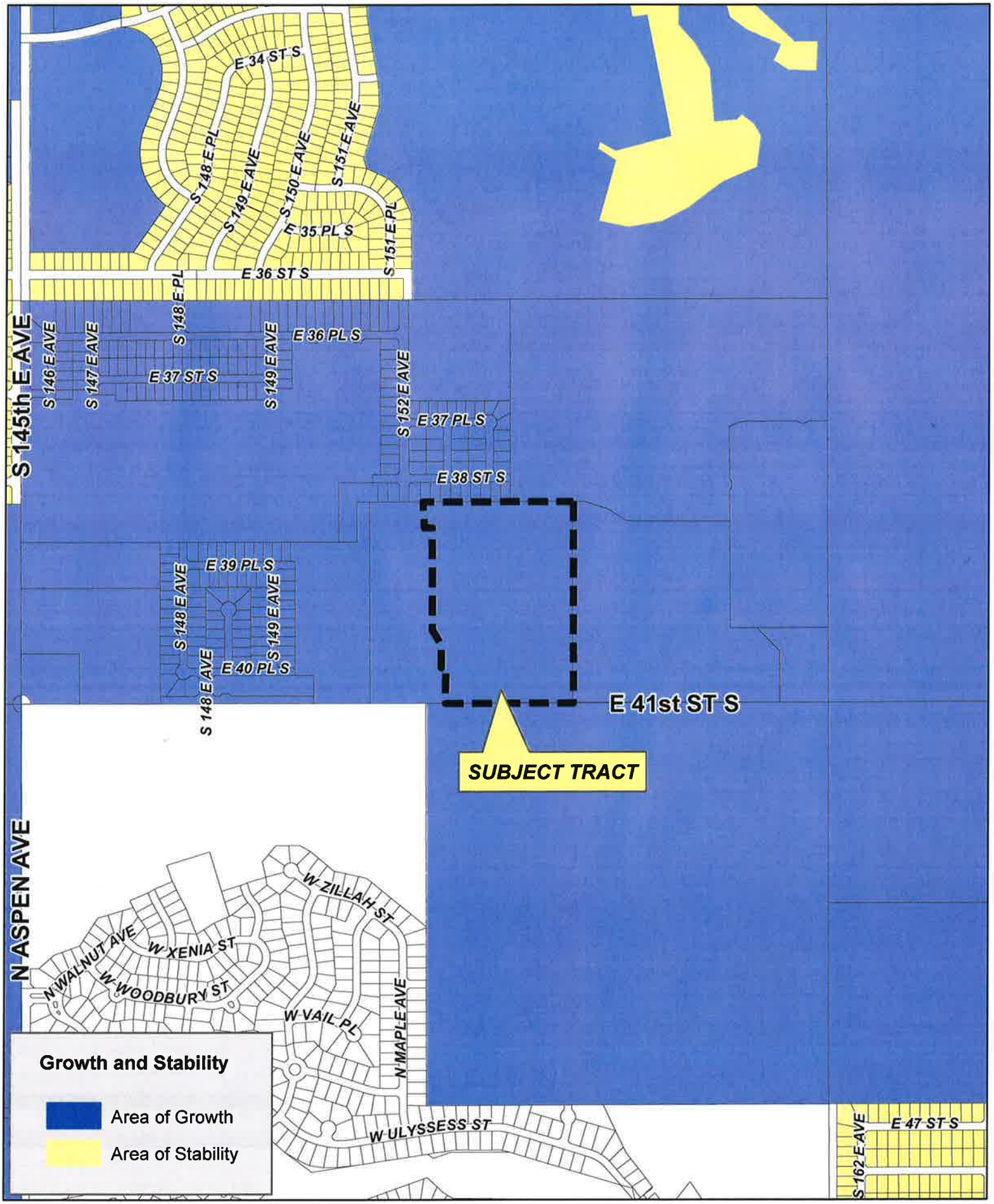
19-14 22

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

N

3.4



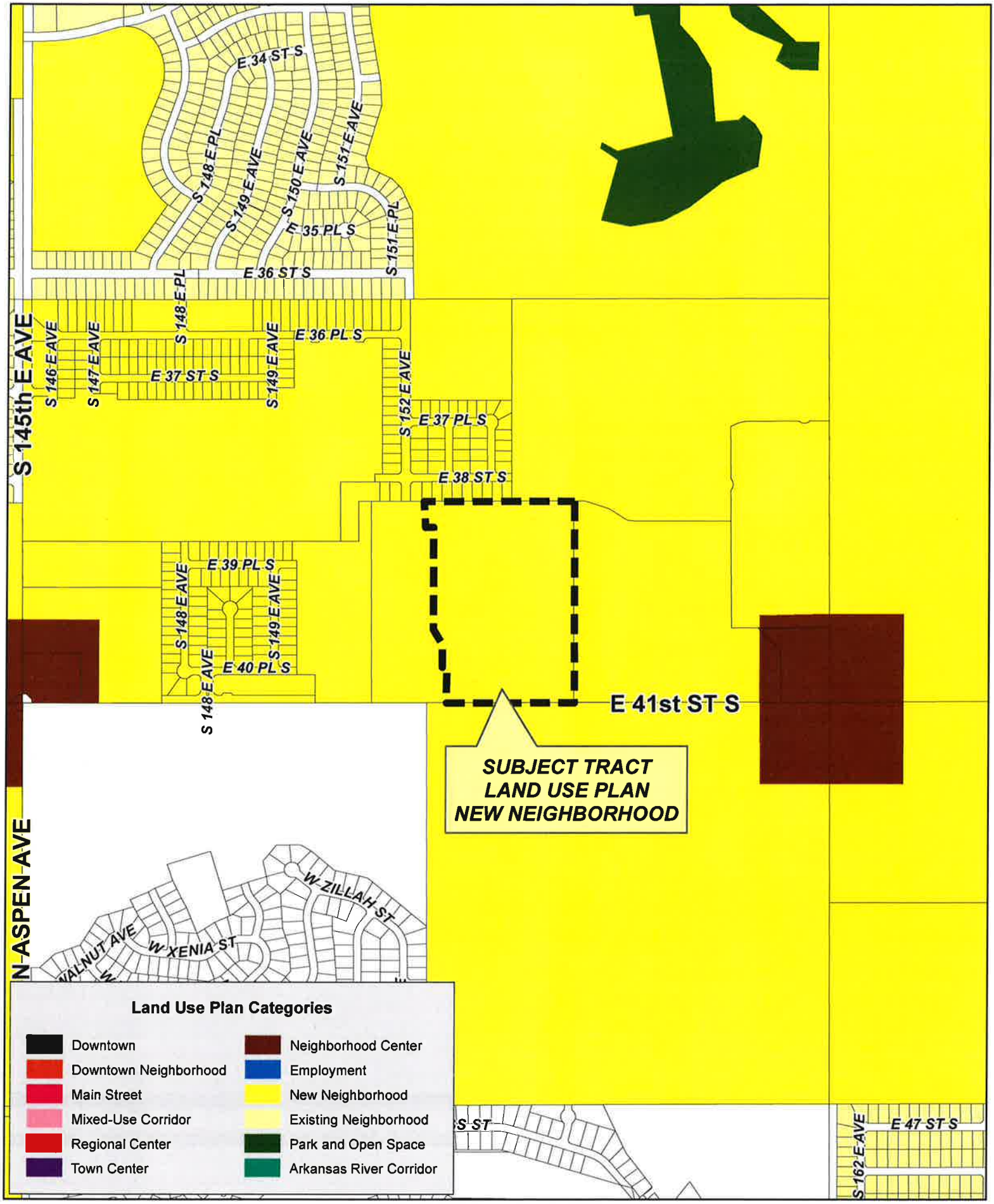
Feet
0 400 800

BATTLE CREEK PARK PHASE III

19-14 22

3.5

N



Feet
0 400 800

BATTLE CREEK PARK PHASE III

19-14 22

3.4

N

NOTES

1. THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
2. ADDRESSES SHOWN ON THIS PLAT ARE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.

FLOOD ZONE 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. 40143C0385M, MAP REVISED: SEPTEMBER 30, 2016, WHICH SHOWS THE ENTIRE PORTION OF THE PROPERTY DESCRIBED HEREON AS LOCATED OUTSIDE FLOODPLAIN LIMITS

BASIS OF BEARINGS

HORIZONTAL DATUM BASED ON NAD 83 OKLAHOMA STATE PLANE COORDINATE SYSTEM NORTH ZONE USING N88°44'15"E AS THE SOUTH LINE OF SECTION 22, T-19-N, R-14-E OF THE INDIAN BASE AND MERIDIAN WAS USED AS THE BEARING FOR THIS SURVEY.

SITE DATA

EXISTING ZONING:	RS-3 - RESIDENTIAL SINGLE FAMILY
TOTAL ACREAGE:	27.62 ACRES (1,203,067.93 SQUARE FEET)
NUMBER OF BLOCKS:	5
NUMBER OF LOTS:	110
RESERVE AREAS:	1

MONUMENTATION

ALL CORNERS TO BE SET WITH A ½" X 18" STEEL PIN WITH A PINK PLASTIC CAP STAMPED "ATLAS 8060" AT ALL CORNERS

LINE LEGEND

- BOUNDARY
- RIGHT-OF-WAY
- LOT LINE
- BUILDING LINE
- EASEMENT LINE
- CENTER LINE
- ADJACENT PROPERTY

ABBREVIATIONS

ACC	ACCESS
B/L	BUILDING LINE
D/E	DRAINAGE EASEMENT
FL/E	FENCE & UTILITY EASEMENT
IPF	IRON PIN FOUND
LNA	LIMITS OF NO ACCESS
POB	POINT OF BEGINNING
ROW	RIGHT-OF-WAY
U/E	UTILITY EASEMENT

LEGAL DESCRIPTION

A PART OF THE SOUTH HALF (S/2) OF SECTION TWENTY-TWO (22), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF,

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF BATTLE CREEK PARK PHASE II [illegible] THENCE N88°44'15"E FOR A DISTANCE OF 840.54 FEET; THENCE N01°25'43"W FOR A DISTANCE OF 1320.54 FEET; THENCE S88°43'38"W FOR A DISTANCE OF 981.37 FEET; THENCE S01°25'43"E FOR A DISTANCE OF 170.01 FEET; THENCE [illegible] FOR A DISTANCE OF 52.08 FEET; THENCE [illegible] FOR A DISTANCE OF [illegible] FEET; THENCE [illegible] FOR A DISTANCE OF [illegible] FEET; THENCE S01°25'43"E FOR A DISTANCE OF 148.46 FEET; THENCE N88°44'16"E FOR A DISTANCE OF 60.00 FEET; THENCE [illegible] FOR A DISTANCE OF [illegible] FEET TO THE **POINT OF BEGINNING,**

[illegible]

Line Data

LINE NO.	DISTANCE	BEARING
L1	10.18'	N88°44'16"E
L2	11.44'	N14°34'03"W
L3	39.82'	N14°34'03"W
L4	28.00'	N14°24'54"W
L5	52.24'	N14°24'54"W
L6	24.47'	N88°43'38"E
L7	3.79'	N88°43'38"E
L8	15.81'	S44°21'02"E

Curve Data

CURVE NO.	DISTANCE	RADIUS	DELTA ANGLE	CHORD LENGTH	CHORD BEARING	CURVE NO.	DISTANCE	RADIUS	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	39.20'	25'	89°50'38"	35.31'	N46°21'02"W	C22	15.57'	25	35°40'51"	15.32'	N63°38'28"E
C2	39.34'	25'	90°09'22"	35.40'	N43°38'58"E	C23	7.54'	25	17°16'50"	7.51'	N80°05'17"E
C3	7.40'	25'	16°57'28"	7.37'	N82°47'41"W	C24	39.20	25	89°50'38"	35.31'	N46°21'02"W
C4	16.71'	25'	38°00'06"	15.42'	N58°18'58"W	C25	39.42	25	90°09'22"	35.42'	N43°38'58"E
C5	72.21'	58'	71°20'18"	67.64'	N73°58'02"W	C26	9.58	200	02°38'37"	9.58'	S87°56'35"W
C6	50.00'	58'	49°23'34"	48.47'	S40°38'02"W	C27	61.20	200	17°32'52"	60.97'	S78°21'31"W
C7	45.00'	58'	44°27'12"	43.88'	S81°16'21"E	C28	57.62	200	16°30'54"	57.42'	S81°16'23"W
C8	50.00'	58'	49°23'34"	48.47'	S46°11'49"E	C29	26.82	200	07°37'49"	26.80'	S66°13'49"W
C9	72.21'	58'	71°20'18"	67.64'	N71°10'26"E	C30	44.88	150	17°08'14"	44.48'	S53°54'38"W
C10	15.66	25'	36°20'31"	15.58'	N53°58'27"E	C31	68.88'	150	26°18'58"	68.28'	S75°34'45"W
C11	7.25'	25'	16°38'56"	7.22	N80°25'11"E	C32	8.79'	200	02°30'40"	8.79'	N87°45'58"E
C12	39.37'	25'	89°50'38"	35.31'	N46°21'02"W	C33	73.44	200	21°02'18"	73.03'	N76°18'27"E
C13	39.34'	25'	90°09'22"	35.40'	N43°38'58"E	C34	71.00	200	20°21'18"	70.66	N55°34'40"E
C14	7.40'	25'	17°32'28"	7.40	N82°27'38"W	C35	58.89	150	22°28'45"	58.47'	N56°38'24"E
C15	15.42'	25'	35°19'54"	15.17'	N50°58'54"W	C36	54.58'	150	20°50'52"	54.28'	N78°18'12"E
C16	72.18'	58'	71°42'02"	67.84	N74°08'58"W	C37	23.11'	25	52°57'26"	22.30'	S64°47'38"E
C17	49.03'	58'	48°01'47"	48.12'	S49°28'09"W	C38	53.60'	58	52°56'48"	51.71'	S88°47'20"E
C18	45.00'	58'	44°27'12"	43.88'	S81°16'21"E	C39	128.60'	58'	127°07'53"	103.87'	N25°19'18"E
C19	33.52'	58'	33°06'51"	33.06'	S40°50'27"E	C40	16.19'	58'	15°59'33"	16.14'	N46°23'23"W
C20	33.52	58'	33°06'51"	33.06'	S73°10'14"E	C41	23.11'	25	52°57'26"	22.29'	N27°54'27"W
C21	55.11'	58'	54°30'09"	53.12'	N63°01'17"E	C42	39.34'	25	90°09'22"	35.40'	N43°38'58"E

Lot Sizes

BLOCK	LOT	LOT AREA	BLOCK	LOT	LOT AREA	BLOCK	LOT	LOT AREA	BLOCK	LOT	LOT AREA	BLOCK	LOT	LOT AREA	BLOCK	LOT	LOT AREA	BLOCK	LOT	LOT AREA	BLOCK	LOT	LOT AREA	BLOCK	LOT	LOT AREA
1	1	8,400.70	1	14	7,200.60	2	11	7,200.00	2	24	7,286.76	3	2	7,200.00	3	15	8,848.89	3	28	7,200.00	4	6	7,826.48	5	8	7,200.00
	2	7,200.60		15	7,200.60		12	8,866.76		25	11,753.97		3	7,200.00		16	9,036.36		29	7,200.00		7	7,827.13		9	7,200.00
	3	7,200.60		16	8,565.11		13	8,865.05		26	8,801.49		4	7,200.00		17	8,303.49		30	7,200.17		8	7,827.77		10	7,200.00
	4	7,200.60	2	1	8,657.10		14	7,200.00		27	7,197.56		5	7,200.00		18	7,567.85		31	7,071.00		9	7,828.41		11	7,200.00
	5	7,200.60		2	8,650.19		15	7,200.00		28	7,200.00		6	7,200.00		19	7,200.00		32	7,426.92		10	7,829.05		12	7,200.00
	6	7,200.60		3	7,200.00		16	7,200.00		29	7,200.00		7	7,200.00		20	7,200.00		33	9,278.67		11	7,869.15		13	8,756.19
	7	7,200.60		4	7,200.00		17	7,200.00		30	7,200.00		8	7,200.00		21	7,200.00		34	11,320.30	5	1	8,865.02			
	8	7,200.60		5	7,200.00		18	7,200.00		31	7,200.00		9	7,197.10		22	7,200.00		35	12,571.20		2	7,200.00			
	9	7,200.60		6	7,200.00		19	7,200.00		32	7,200.00		10	8,778.51		23	7,200.00	4	1	9,979.51		3	7,200.00			
	10	7,200.60		7	7,200.00		20	7,200.00		33	7,200.00		11	11,752.96		24	8,866.76		2	10,557.79		4	7,200.00			
	11	7,200.60		8	7,200.00		21	7,197.41		34	7,200.00		12	7,286.76		25	8,865.05		3	12,285.30		5	7,200.00			
	12	7,200.60		9	7,200.00		22	8,746.05		35	8,866.76		13	8,443.30		26	7,200.00		4	7,386.18		6	7,200.00			
	13	7,200.60		10	7,200.00		23	11,818.53	3	1	8,865.05		14	11,781.23		27	7,200.00		5	8,284.66		7	7,200.00			

ADS Control Data

STATION	COORDINATES	DESCRIPTION OF POINTS
NW CORNER OF PROPERTY	N: 410396.221 E: 2615543.272	½" IRON PIN - 18" LONG SET WITH PLASTIC CAP STAMPED "COWAN" AT NW PROPERTY CORNER
3	N: 409356.507 E: 2613764.403	5/8" REBAR-1 1/2" ALUMINUM CAP-FLUSH-STAMPED "3", SET IN CONCRETE, SET NW OF 41ST ST AND 145TH EAST AVE.
BA 42	N: 409444.454 E: 2619201.446	5/8" REBAR-1 1/2" ALUMINUM CAP-FLUSH-STAMPED "BA 42", ON THE NORTH SIDE OF EAST 41ST ST, APPROX. 1.05 MILES EAST OF S. 145TH EAST AVE

PRELIMINARY PLAT

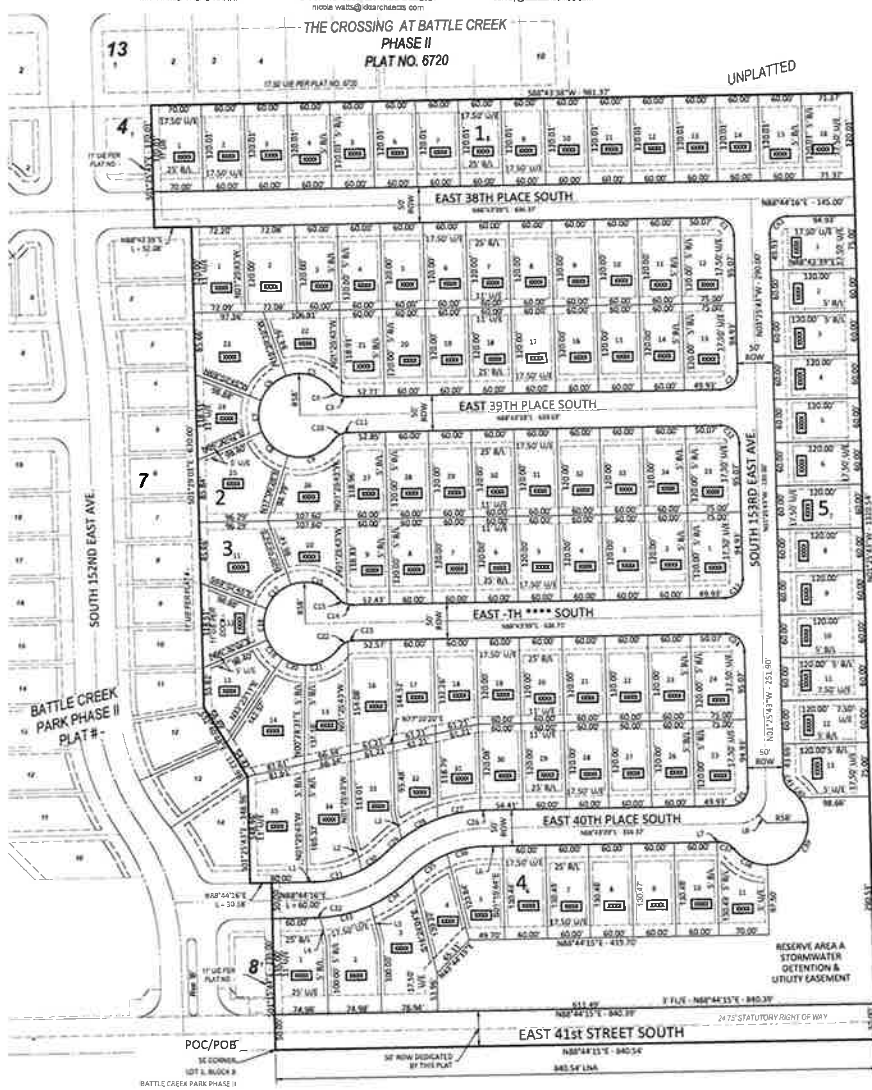
Battle Creek Park Phase III

A SUBDIVISION IN TULSA COUNTY, OKLAHOMA, BEING PART OF THE SOUTH HALF (S/2) OF SECTION TWENTY-TWO (22); TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST ON THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OWNER:
Glen Wood Homes, L.P.
2252 N Broadway
Moore, Oklahoma 73160
Phone: (405) 692-2222
MR. HAMID VALAD KHANI

ENGINEER:
KKT Architects, Inc.
2200 South Utica Place
Tulsa, Oklahoma, 74114
Phone: (918) 744-4270
A. NICOLE WATTS, P.E. NO. 21511
OK CA NO. 5305, EXPIRES 6/30/2021
nicole.watts@kktarchitects.com

SURVEYOR:
Atlas Land Office, Inc.
202 South Main Street
Wagoner, Oklahoma 74467
Phone: (918) 485-9987
OK CA NO. CA 8060, EXPIRES 6/30/2020
survey@atlaslandoffice.com



Location Map
Scale: 1" = 2000'

NORTH
Scale: 1" = 80'

FINAL PLAT
ENDORSEMENT OF APPROVAL

Tulsa Metropolitan Area Planning Commission

Approval Date ____________

TMAPC/INCOG

CITY ENGINEER

Council of the City of Tulsa, Oklahoma

Approval Date ____________

CHAIRMAN

MAYOR

ATTEST: CITY CLERK

CITY ATTORNEY

The approval of the Final Plat will expire one year from the date of City Council approval if not filed in the Office of the County Clerk before that date

CERTIFICATE

I hereby certify that all real estate taxes involved in this plat have been paid as reflected by the current tax rolls. Security as required has been provided in the amount of $____________ per trust receipt no ____________ to be applied to 20_____ taxes. This certificate is NOT to be construed as payment of 20_____ taxes in full but is given in order that this plat may be filed on record. 20_____ taxes may exceed the amount of the security deposit.

Dated: ____________

DENNIS SEMLER
Tulsa County Treasurer

By: ____________
Deputy

Battle Creek Park Phase III

3.7

PRELIMINARY PLAT

Battle Creek Park PHASE IIII

A SUBDIVISION IN TULSA COUNTY, OKLAHOMA, BEING PART OF THE SOUTH HALF (S/2) OF SECTION TWENTY-TWO (22); TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST ON THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS

GLEN WOOD HOMES, L.P., AN OKLAHOMA LIMITED PARTNERSHIP, HEREINAFTER REFERRED TO AS THE "OWNER" IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, TO WIT

A PART OF THE SOUTH HALF OF (S/2) OF SECTION TWENTY-TWO (22), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U S GOVERNMENT SURVEY THEREOF

MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE SOUTHEAST CORNER OF BATTLE CREEK PARK PHASE III (PLAT NO -), THENCE, N88°44'15"E FOR A DISTANCE OF 640 54 FEET, THENCE, N01°25'43"W FOR A DISTANCE OF 1320 54 FEET, THENCE, S88°43'38"W FOR A DISTANCE OF 981 37 FEET, THENCE, S01°25'43" E FOR A DISTANCE OF 170 01 FEET, THENCE N88°43'38" E FOR A DISTANCE OF 52 08 FEET, THENCE, S01°28'01"E FOR A DISTANCE OF 670 00 FEET, THENCE, S32°40'48"E FOR A DISTANCE OF 112 88 FEET, THENCE, S01°25'43"E FOR A DISTANCE OF 148 96 FEET, THENCE N88°44 18"E FOR A DISTANCE OF 30 18 FEET, THENCE, S01°15'44"E FOR A DISTANCE OF 185 00 FEET TO THE POINT OF BEGINNING,

SAID TRACT OF LAND CONTAINING 27 82 ACRES, MORE OR LESS

THE OWNER HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO LOTS, BLOCKS, AND RESERVES, IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLAT") AND HAS ENTITLED AND DESIGNATED THE SUBDIVISION AS "BATTLE CREEK PARK PHASE III", A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA (HEREINAFTER "BATTLE CREEK PARK PHASE III" OR THE "SUBDIVISION")

SECTION I. PUBLIC STREETS, EASEMENTS AND UTILITIES

A PUBLIC STREETS AND UTILITY EASEMENTS

THE OWNER HEREBY DEDICATES TO THE PUBLIC THE STREET RIGHTS-OF-WAY DEPICTED ON THE ACCOMPANYING PLAT. THE OWNER FURTHER DEDICATES TO THE PUBLIC THE UTILITY EASEMENTS DESIGNATED AS "U/E" 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, MANHOLES 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 STATED, PROVIDED THE OWNER RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND REPAIR OR REPLACE WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING, REPAIRING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO AREAS DEPICTED ON THE PLAT. THE OWNER HEREIN IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF TULSA, 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 STATED USES AND PURPOSES OF THE UTILITY EASEMENTS SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES THAT DO NOT CONSTITUTE AN OBSTRUCTION

B UTILITY SERVICE

1 OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED WITHIN THE PERIMETER EASEMENTS OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD LINE OR UNDERGROUND CABLE, AND ELSEWHERE THROUGHOUT THE SUBDIVISION. ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN EASEMENTS 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 GENERAL UTILITY EASEMENTS

2 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, EFFECTIVE 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

3 THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICE, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE 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 FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE

4 THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON THE OWNER'S 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 THESE SERVICES SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF 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 LOT OWNER'S AGENTS OR CONTRACTORS

5 THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY EACH SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF ANY LOT AGREES TO BE BOUND BY THESE COVENANTS

C GAS SERVICE

1 THE SUPPLIER OF GAS SERVICE THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS SHOWN ON THE PLAT OR AS OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, REMOVING, REPAIRING, OR REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE

2 THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED WITHIN THE LOT 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

3 THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND BY THESE COVENANTS

D WATER, SANITARY SEWER AND STORM SEWER SERVICE

1 THE OWNER OF ANY LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS LOCATED ON THE OWNER'S LOT

2 WITHIN UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE 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, IN THE JUDGMENT OF THE CITY OF TULSA, WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS SHALL BE PROHIBITED

3 THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER SYSTEMS, SANITARY SEWER MAINS, AND STORM SEWERS BUT THE LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER, OR THE LOT OWNER'S AGENTS AND/OR CONTRACTORS

4 THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL UTILITY 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 UNDERGROUND WATER, SANITARY SEWER OR STORM SEWER FACILITIES

5 THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF EACH LOT AGREES TO BE BOUND BY THESE COVENANTS

E STORMWATER DETENTION EASEMENTS

1 THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC PERPETUAL EASEMENTS ON, OVER, AND ACROSS THE PROPERTY DESIGNATED AND SHOWN ON THE ACCOMPANYING PLAT AS "STORM WATER DETENTION EASEMENT" FOR THE PURPOSES OF PERMITTING THE FLOW, CONVEYANCE, RETENTION, DETENTION AND DISCHARGE OF STORMWATER RUNOFF FROM THE VARIOUS LOTS WITHIN THE SUBDIVISION AND FROM PROPERTIES NOT INCLUDED WITHIN THE SUBDIVISION

2 DETENTION, RETENTION AND OTHER DRAINAGE FACILITIES LOCATED WITHIN THE STORM WATER DETENTION EASEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS APPROVED BY THE CITY OF TULSA, OKLAHOMA

3 NO FENCE, WALL, BUILDING, OR OTHER OBSTRUCTION SHALL BE PLACED OR MAINTAINED IN THE STORMWATER DETENTION EASEMENTS NOR SHALL THERE BE ANY ALTERATION OF GRADE IN SAID STORM WATER DETENTION EASEMENTS UNLESS APPROVED BY THE CITY OF TULSA, OKLAHOMA

4 DETENTION, RETENTION, AND OTHER DRAINAGE FACILITIES SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION TO BE FORMED PURSUANT TO SECTION III ("THE HOMEOWNERS' ASSOCIATION") TO THE EXTENT NECESSARY TO ACHIEVE THE INTENDED DRAINAGE, RETENTION AND DETENTION FUNCTIONS INCLUDING REPAIR OF APPURTENANCES AND REMOVAL OF OBSTRUCTIONS AND SILTATION. THE ASSOCIATION SHALL MAINTAIN THE STORMWATER DETENTION EASEMENT AREA IN ACCORDANCE WITH THE FOLLOWING MINIMUM STANDARDS

a GRASS AREAS SHALL BE MOWED (IN SEASON) AT REGULAR INTERVALS OF FOUR WEEKS, OR LESS

b CONCRETE APPURTENANCES SHALL BE MAINTAINED IN GOOD CONDITION AND REPLACED IF DAMAGED

c. THE STORM WATER DETENTION EASEMENT AREA SHALL BE KEPT FREE OF DEBRIS

d CLEANING OF SILTATION AND VEGETATION FROM CONCRETE CHANNELS SHALL BE PERFORMED TWICE YEARLY

5 LANDSCAPING, APPROVED BY THE CITY OF TULSA, OKLAHOMA, SHALL BE ALLOWED WITHIN THE STORM WATER DETENTION EASEMENTS

6 IN THE EVENT THE HOMEOWNERS' ASSOCIATION SHOULD FAIL TO PROPERLY MAINTAIN THE DETENTION, RETENTION, AND OTHER DRAINAGE FACILITIES OR, IN THE EVENT OF THE PLACEMENT OF AN OBSTRUCTION WITHIN, OR THE ALTERATION OF GRADE WITHIN A STORMWATER DETENTION EASEMENT, THE CITY OF TULSA, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER AND PERFORM MAINTENANCE NECESSARY TO ACHIEVE THE INTENDED DRAINAGE FUNCTIONS AND MAY REMOVE ANY OBSTRUCTION OR CORRECT ANY ALTERATION OF GRADE, AND THE COSTS THEREOF SHALL BE PAID BY THE HOMEOWNERS' ASSOCIATION. IN THE EVENT THE ASSOCIATION FAILS TO PAY THE COSTS OF MAINTENANCE AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, THE CITY OF TULSA, OKLAHOMA, MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS IN THE LAND RECORDS OF THE TULSA COUNTY CLERK, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST EACH LOT WITHIN THE SUBDIVISION, PROVIDED, THE LIEN AGAINST EACH LOT SHALL NOT EXCEED 1/80TH OF THE COSTS. A LIEN ESTABLISHED AS ABOVE PROVIDED MAY BE FORECLOSED BY THE CITY OF TULSA, OKLAHOMA

7 RESERVE AREA 'A' SHALL BE UTILIZED FOR OVERLAND DRAINAGE EASEMENT, UTILITY EASEMENT, COMMON AREAS AND OPEN AREAS.

F RESERVE AREAS

1 RESERVE AREA A

a USE OF RESERVE AREA A SHALL BE LIMITED TO STORMWATER DETENTION, OVERLAND DRAINAGE, OPEN SPACE, LANDSCAPING AND LOCATION OF UTILITIES

G DRAINAGE EASEMENT

1 THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC PERPETUAL EASEMENTS ON, OVER, AND ACROSS THOSE AREAS DEPICTED ON THE ACCOMPANYING PLAT AS "DRAINAGE EASEMENT" FOR THE PURPOSES OF PERMITTING THE FLOW, CONVEYANCE, AND DISCHARGE OF STORMWATER RUNOFF FROM THE VARIOUS LOTS WITHIN THE SUBDIVISION AND FROM PROPERTIES OUTSIDE THE SUBDIVISION AND FOR THE PURPOSES OF CONSTRUCTING, MAINTAINING, REPAIRING, REMOVING AND REPLACING STORM SEWERS, AND ANY APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE DRAINAGE EASEMENTS FOR THE USES AND PURPOSES STATED

2 DRAINAGE FACILITIES LOCATED WITHIN DRAINAGE EASEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS APPROVED BY THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS

3 NO FENCE, WALL, BUILDING OR OTHER OBSTRUCTION SHALL BE PLACED OR MAINTAINED IN DRAINAGE EASEMENTS NOR SHALL THERE BE ANY ALTERATION OF GRADE IN THE EASEMENT AREAS UNLESS APPROVED BY THE CITY OF TULSA, OKLAHOMA, PROVIDED THE PLANTING OF TURF SHALL NOT REQUIRE APPROVAL OF THE CITY OF TULSA

4 THE ABOVE GROUND AREA OF ANY DRAINAGE EASEMENT SHALL BE MAINTAINED BY THE OWNER OF THE LOT WITHIN WHICH THE EASEMENT IS LOCATED, AND MAINTENANCE SHALL BE IN ACCORDANCE WITH STANDARDS PRESCRIBED BY THE CITY OF TULSA, OKLAHOMA. IN THE EVENT THE LOT OWNER FAILS TO PROPERLY MAINTAIN THE DRAINAGE EASEMENT OR, IN THE EVENT OF THE PLACEMENT OF AN OBSTRUCTION WITHIN A DRAINAGE EASEMENT, OR THE ALTERATION OF THE GRADE THEREIN, THE CITY OF TULSA, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER THE EASEMENT AND PERFORM MAINTENANCE NECESSARY TO ACHIEVE THE INTENDED DRAINAGE FUNCTIONS AND MAY REMOVE ANY OBSTRUCTION OR CORRECT ANY ALTERATION OF GRADE, AND THE COSTS THEREOF SHALL BE PAID BY THE LOT OWNER. 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 TULSA, OKLAHOMA, MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST THE LOT. A LIEN ESTABLISHED AS ABOVE PROVIDED MAY BE FORECLOSED BY THE CITY OF TULSA, OKLAHOMA

H CERTIFICATE OF OCCUPANCY RESTRICTIONS

NO CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN THE SUBDIVISION SHALL BE ISSUED BY THE CITY OF TULSA, OKLAHOMA UNTIL CONSTRUCTION OF THE REQUIRED INFRASTRUCTURE (STREETS, WATER, SANITARY SEWER, STORM SEWER SYSTEMS AND SIDEWALKS ALONG RESERVES AND ALONG E 41ST STREET SOUTH) SERVING THE ENTIRE SUBDIVISION HAS BEEN COMPLETED AND ACCEPTED BY THE CITY. NOTWITHSTANDING THE FOREGOING, THE CITY MAY AUTHORIZE THE ISSUANCE OF A TEMPORARY CERTIFICATE OF OCCUPANCY IF, IN THE CITY'S SOLE DESCRETION, THE CIRCUMSTANCES SUPPORT THE ISSUANCE. FURTHER NOTWITHSTANDING THE FOREGOING, THE CITY MAY AUTHORIZE THE PHASING OF THE CONSTRUCTION OF INFRASTRUCTURE WITHIN THE SUBDIVISION, AND IF PHASING IS AUTHORIZED, A CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN AN AUTHORIZED PHASE MAY ISSUE UPON COMPLETION AND ACCEPTANCE OF THE INFRASTRUCTURE SERVING THE PARTICULAR PHASE. BUILDING CONSTRUCTION OCCURING PRIOR TO THE CITY'S ACCEPTANCE OF INFRASTRUCTURE SHALL BE AT THE RISK OF THE OWNER OF THE LOT, NOTWITHSTANDING THE ISSUANCE OF A BUILDING PERMIT OR OF A TEMPORARY CERTIFICATE OF OCCUPANCY

I SURFACE DRAINAGE

EACH LOT SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORMWATER FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION. NO LOT OWNER SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS THE OWNER'S LOT. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF TULSA, OKLAHOMA

J ROOF DRAIN REQUIREMENTS

THE OWNER HEREBY IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON THE LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA, THAT BUILDINGS CONSTRUCTED SHALL EACH HAVE ROOF DRAINS DESIGNED AND CONSTRUCTED TO DISCHARGE STORMWATER RUNOFF TO THE ADJACENT STREET

K LIMITS OF NO ACCESS

THE OWNER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO EAST 41ST STREET SOUTH WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" OR "L.N.A." ON THE ACCOMPANYING PLAT, WHICH LIMITS OF NO ACCESS MAY BE AMENDED OR RELEASED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, OR ITS SUCCESSOR, WITH THE APPROVAL OF THE CITY OF TULSA, OKLAHOMA, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA PERTAINING THERETO, AND THE LIMITS OF NO ACCESS ESTABLISHED ABOVE SHALL BE ENFORCEABLE BY THE CITY OF TULSA, OKLAHOMA

L PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF ANY LOT DEPICTED ON THE ACCOMPANYING PLAT SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY INSTALLATION OR NECESSARY MAINTENANCE OF UNDERGROUND WATER, SANITARY SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION OR ELECTRIC FACILITIES WITHIN THE EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED THE CITY OF TULSA, OKLAHOMA, OR ITS SUCCESSORS, OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES

M SIDEWALKS

SIDEWALKS SHALL BE CONSTRUCTED AND MAINTAINED ALONG STREETS DESIGNATED BY AND IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF TULSA, OKLAHOMA. SIDEWALKS SHALL BE CONSTRUCTED IN CONFORMANCE WITH THE STANDARDS OF THE CITY OF TULSA, OKLAHOMA. THE OWNER SHALL BE REQUIRED TO CONSTRUCT SIDEWALKS WITHIN RESERVES, COMMON AREAS AND ALONG ARTERIAL STREET FRONTAGES. WHERE SIDEWALKS ARE NOT CONSTRUCTED BY THE OWNER, THE OWNER OF THE LOT SHALL CONSTRUCT THE REQUIRED SIDEWALK.

SECTION II. FENCE AND LANDSCAPE EASEMENT

A FENCE AND LANDSCAPE EASEMENT

THE OWNER HEREBY ESTABLISHES AND RESERVES FOR SUBSEQUENT CONVEYANCE TO THE HOMEOWNERS' ASSOCIATION AN EXCLUSIVE PERPETUAL EASEMENT TO ERECT AND MAINTAIN FENCING, LANDSCAPING AND SUCH WALLS AS MAY BE PERMITTED BY THE CITY, WITHIN THE EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT AS "FENCE & LANDSCAPE EASEMENT" OR "FL/E". THE RIGHT TO CONSTRUCT AND MAINTAIN FENCING OR WALLS WITHIN THE EASEMENTS SHALL BE SUBORDINATE THE RIGHTS TO ESTABLISHED IN UTILITY EASEMENTS.

SECTION III. HOMEOWNERS' ASSOCIATION

A FORMATION OF HOMEOWNERS' ASSOCIATION

THE OWNER HAS FORMED OR SHALL CAUSE TO BE FORMED AND ASSOCIATED OF THE OWNERS OF THE LOTS WITHIN BATTLE CREEK PARK PHASE III (THE "HOMEOWNERS ASSOCIATION")TO BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, AND TO BE FORMED FOR THE GENERAL PURPOSES OF MAINTAINING THE COMMON AREA OF THE SUBDIVISION, INCLUDING BUT WITHOUT LIMITATION, THE LANDSCAPING, STORM WATER DETENTION FACILITIES, FENCING, ENTRY FEATURES AS MAY EXIST WITHIN RESERVE AREA A AND RESERVE AREA B, THE SIDEWALK WITHIN THE RIGHTS OF WAY OF EAST 41ST STREET SOUTH ABUTTING RESERVE AREA A, AND FENCING AND LANDSCAPING WITHIN THE FENCE & LANDSCAPE EASEMENTS, AND ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF BATTLE CREEK PARK PHASE III

B MEMBERSHIP

EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST OF A LOT IN THE SUBDIVISION SHALL BE A MEMBER OF THE HOMEOWNERS' ASSOCIATION. MEMBERSHIP SHALL BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT

C ASSESSMENT

EACH RECORD OWNER OF A LOT IN THE SUBDIVISION SHALL BE SUBJECT TO ASSESSMENT BY THE HOMEOWNERS' ASSOCIATION FOR THE PURPOSES OF IMPROVEMENT AND MAINTENANCE OF THE COMMON AREAS OF THE SUBDIVISION

SECTION IV. PRIVATE RESTRICTIONS AND COVENANTS

THE OWNER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE LOTS IN THE SUBDIVISION AND CONFORMITY AND COMPATIBILITY OF IMPROVEMENTS THEREIN. THEREFORE, THE OWNER DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE APPLICABLE TO ALL LOTS AND SHALL BE COVENANTS RUNNING WITH THE LAND, AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE BY THE OWNER OF A LOT AND BY THE HOMEOWNERS' ASSOCIATION

A ARCHITECTURAL COMMITTEE

1 PLAN REVIEW. NO BUILDING, STRUCTURE, FENCE, WALL, PAVING, HARDSCAPE, LANDSCAPING, SWIMMING POOL, EXTERIOR LIGHTING, EXTERIOR ANTENNAE, EXTERIOR WINDOWS, EXTERIOR DOORS, EXTERIOR FINISH (INCLUDING EXTERIOR PAINTING AND COLORS AND WINDOW COVERINGS VISIBLE FROM THE EXTERIOR), GARBAGE RECEPTACLE ENCLOSURE, OR FREE STANDING MAIL BOX SHALL AT ANY TIME BE ERECTED, PLACED OR ALTERED ON ANY LOT UNTIL THE PLANS AND SPECIFICATIONS HAVE BEEN APPROVED IN WRITING BY THE OWNER OR ITS AUTHORIZED REPRESENTATIVES OR SUCCESSORS, WHICH ARE HEREINAFTER REFERRED TO AS THE "ARCHITECTURAL COMMITTEE". FOR EACH BUILDING, THE REQUIRED PLANS AND SPECIFICATIONS SHALL BE SUBMITTED IN DUPLICATE AND INCLUDE A SITE PLAN, A FLOOR PLAN, EXTERIOR ELEVATIONS, INCLUDING DESIGNATION OF EXTERIOR MATERIALS, COLOR SCHEME AND LIGHTING, A LANDSCAPE PLAN, INCLUDING LANDSCAPE HARDSCAPE AND LIGHTING, AND DRAINAGE AND GRADING PLANS. APPROVAL OF PLANS IS AT THE SOLE DISCRETION OF THE ARCHITECTURAL COMMITTEE EXERCISED IN ACCORDANCE WITH THE PURPOSES OF THE COMMITTEE HEREINAFTER SET FORTH. IN THE EVENT THE ARCHITECTURAL COMMITTEE FAILS TO APPROVE OR DISAPPROVE PLANS AND SPECIFICATIONS SUBMITTED TO IT AS HEREIN REQUIRED WITHIN TWENTY (20) DAYS AFTER SUBMISSION, THE PLANS SO SUBMITTED SHALL BE DEEMED APPROVED. THE DEVELOPMENT AND USE OF THE SUBJECT LOT SHALL THEREAFTER BE IN SUBSTANTIAL COMPLIANCE WITH THE APPROVED PLANS OR APPROVED AMENDMENTS THERETO. IN THE EVENT NO SUIT TO ENJOIN THE ERECTION OF THE BUILDING OR STRUCTURE OR THE MAKING OF AN ALTERATION HAS BEEN COMMENCED PRIOR TO THE 30TH DAY FOLLOWING COMPLETION THEREOF, APPROVAL OF THE ARCHITECTURAL COMMITTEE SHALL NOT BE REQUIRED AND THIS COVENANT SHALL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH. NOTWITHSTANDING THE FOREGOING, THE APPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION

2 COMMITTEE PURPOSE. THE ARCHITECTURAL COMMITTEE'S PURPOSE IS TO PROMOTE GOOD DESIGN AND COMPATIBILITY WITHIN THE SUBDIVISION AND IN ITS REVIEW OF PLANS OR DETERMINATION OF ANY WAIVER AS HEREINAFTER AUTHORIZED MAY TAKE INTO CONSIDERATION THE NATURE AND CHARACTER OF THE PROPOSED BUILDING OR STRUCTURE, THE MATERIALS OF WHICH IT IS TO BE BUILT, THE AVAILABILITY OF ALTERNATIVE MATERIALS, THE PROPOSED COLOR SCHEME, THE SITE UPON WHICH IT IS PROPOSED TO BE ERECTED AND THE HARMONY THEREOF WITH THE SURROUNDING AREA. THE ARCHITECTURAL COMMITTEE SHALL NOT BE LIABLE FOR ANY APPROVAL, DISAPPROVAL OR FAILURE TO APPROVE HEREUNDER, AND ITS APPROVAL OF BUILDING PLANS SHALL NOT CONSTITUTE A WARRANTY OR RESPONSIBILITY FOR BUILDING METHODS, MATERIALS, PROCEDURES, STRUCTURAL DESIGN, GRADING OR DRAINAGE OR CODE VIOLATIONS. THE APPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION. NOTHING HEREIN CONTAINED SHALL BE DEEMED TO PREVENT ANY LOT OWNER IN THE SUBDIVISION FROM PROSECUTING ANY LEGAL ACTION RELATING TO IMPROVEMENTS WITHIN THE SUBDIVISION WHICH THEY WOULD OTHERWISE BE ENTITLED TO PROSECUTE

3 TRANSFER OF DUTIES. THE OWNER MAY ASSIGN THE POWERS AND DUTIES OF THE ARCHITECTURAL COMMITTEE TO THE HOMEOWNERS' ASSOCIATION AT ANY TIME, AT THE DISCRETION OF THE OWNER, BY A WRITTEN INSTRUMENT. UNLESS ASSIGNED TO IT IN WRITING BY THE ARCHITECTURAL COMMITTEE PRIOR TO SUCH TIME, THE POWERS AND DUTIES OF THE ARCHITECTURAL COMMITTEE SHALL BE DEEMED TRANSFERRED TO THE HOMEOWNERS' ASSOCIATION AT SUCH TIME AS THE OWNER (OR ITS SUCCESSOR BY ASSIGNMENT) OWNS NO LOTS OR RESERVES, AND THEREAFTER THE FOREGOING POWERS AND DUTIES SHALL BE EXERCISED BY THE BOARD OF DIRECTORS OF THE HOMEOWNERS' ASSOCIATION

B USE OF LOTS

THE LOTS SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS AND LIMITATIONS.

1 USE - THE USE OF THE LOTS SHALL BE LIMITED TO DETACHED SINGLE FAMILY RESIDENCES AND CUSTOMARY ACCESSORY USES

2 FLOOR AREA - A SINGLE STORY DWELLING SHALL HAVE A MINIMUM OF 1100 SQUARE FEET OF LIVING FLOOR AREA. THE COMPUTATION OF LIVING AREA SHALL EXCLUDE BASEMENTS, ATTICS, GARAGES, OPEN SPACE AND BREEZEWAYS

3 ORIENTATION OF DWELLINGS - THE ORIENTATION OF THE DWELLING WITHIN A LOT (DIRECTION FACED BY FRONT OF THE DWELLING) SHALL BE SUBJECT TO THE APPROVAL OF THE ARCHITECTURAL COMMITTEE

4 GARAGES - WITHIN EACH LOT THERE SHALL BE PROVIDED A MINIMUM OF 2 PARKING SPACES WITHIN AN ATTACHED GARAGE. GARAGES SHALL BE ENCLOSED, AND CARPORTS ARE PROHIBITED. RAISED PANEL GARAGE DOORS SHALL BE CONSTRUCTED AND GLASS IN GARAGE DOORS IS PROHIBITED

5 FOUNDATIONS - ANY EXPOSED FOUNDATION SHALL BE BRICK, STONE OR STUCCO. NO STEM WALL SHALL BE EXPOSED

6 EXTERIOR WALLS - THE EXTERIOR SURFACE OF THE FIRST STORY OF A DWELLING, EXCEPTING WINDOWS AND DOORS, SHALL BE A MINIMUM OF 25% BRICK, STONE, OR STUCCO. NO STEEL, ALUMINUM, VINYL OR PLASTIC SIDING SHALL BE PERMITTED. THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST, WAIVE THE REQUIREMENTS OF THIS PARAGRAPH 6

7 WINDOWS - WINDOWS SHALL BE VINYL, WOOD, OR VINYL CLAD WOOD. ALUMINUM WINDOWS ARE PROHIBITED

8 ROOF PITCH - NO DWELLING SHALL HAVE A ROOF PITCH OF NOT LESS THAN 6/12

9 ROOFING MATERIALS - ROOFING FOR A DWELLING SHALL BE COMPOSITION SHINGLES, HAVING A MINIMUM THIRTY YEAR LIFE RATING AND SHALL BE WOOD GRAINED IN APPEARANCE SUCH AS TAMKO HERITAGE 30 YEAR SIMULATED "WEATHERED WOOD" SHINGLES. PROVIDED, HOWEVER, THAT IF SUCH ROOFING SHOULD NOT BE REASONABLY AVAILABLE, ALTERNATIVE ROOFING APPROVED BY THE ARCHITECTURAL COMMITTEE SHALL BE PERMITTED UPON DETERMINATION OF THE ARCHITECTURAL COMMITTEE THAT THE ALTERNATIVE IS OF EQUAL OR SUPERIOR QUALITY AND OF A DESIGN AND COLOR COMPATIBLE WITH THE ROOFING MATERIAL ABOVE SPECIFIED. IN NO EVENT SHALL WOOD SHINGLES BE PERMITTED. ROOF FLASHING AND VALLEYS SHALL BE BRONZE OR COPPER OR SHALL BE PAINTED TO MATCH THE ROOF OF THE DWELLING. SHEET METAL, ALUMINUM VENTS, FLUE LINER TERMINALS, CHIMNEY CAPS OR OTHER ROOFTOP PROTRUSIONS SHALL BE PAINTED TO MATCH THE ROOF OF THE DWELLING. ROOF MOUNTED EQUIPMENT, INCLUDING BUT NOT LIMITED TO MECHANICAL EQUIPMENT, AIR CONDITIONING AND SOLAR EQUIPMENT, IS PROHIBITED

3.8

PRELIMINARY PLAT

Battle Creek Park PHASE IIII

A SUBDIVISION IN TULSA COUNTY, OKLAHOMA, BEING PART OF THE SOUTH HALF (S/2) OF SECTION TWENTY-TWO (22); TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST ON THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

10. CHIMNEYS - THE EXTERIOR SURFACE OF CHIMNEYS SHALL BE SUBJECT TO THE APPROVAL OF THE ARCHITECTURAL COMMITTEE. CHIMNEYS SHALL HAVE A DECORATIVE SHROUD OR CAP, AND ALL CHIMNEY SHROUDS AND CAPS ARE SUBJECT TO THE APPROVAL OF THE ARCHITECTURAL COMMITTEE.

11. DRIVEWAYS - DRIVEWAYS SHALL BE CONCRETE AND SHALL BE THE SAME COLOR AS THE SIDEWALKS AND CURBS WITHIN THE SUBDIVISION. PROVIDED HOWEVER, THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE, UPON WRITTEN REQUEST, WAIVE THIS RESTRICTION.

12. FENCING - FENCING OR WALLS WITHIN A LOT ARE SUBJECT TO THE APPROVAL OF THE ARCHITECTURAL COMMITTEE. FENCING OR WALLS WITHIN A LOT SHALL NOT EXTEND BEYOND THE FRONT BUILDING LINE DEPICTED WITHIN THE ACCOMPANYING PLAT. IF A DWELLING IS BUILT BEHIND THE FRONT BUILDING LINE, NO FENCE MAY EXTEND BEYOND THAT POINT NEAREST THE STREET AT EACH CORNER OF THE FRONT BUILDING WALL OF THE DWELLING. ALL FENCES SHALL BE PRIVACY FENCES CONSTRUCTED OF WOOD OR MASONRY AND SHALL BE 6 FEET IN HEIGHT. PROVIDED HOWEVER, THAT THE ARCHITECTURAL COMMITTEE MAY IN THE PARTICULAR INSTANCE, AND UPON WRITTEN REQUEST, WAIVE THE REQUIREMENTS OF THIS PARAGRAPH. ALL FENCE TYPES PROPOSED FOR LOCATION ADJACENT TO RESERVES PONDS, AND GREEN BELTS SHALL BE SUBMITTED TO THE ARCHITECTURAL COMMITTEE FOR DETERMINATION AND SHALL NOT BE INSTALLED PRIOR TO APPROVAL OF THE ARCHITECTURAL COMMITTEE.

13. LANDSCAPING OF LOTS: IRRIGATION SYSTEMS - LANDSCAPING WITHIN A LOT IS SUBJECT TO THE APPROVAL OF THE ARCHITECTURAL COMMITTEE PRIOR TO THE OCCUPANCY OF A DWELLING. THE OWNER OF THE LOT SHALL HAVE PROFESSIONALLY LANDSCAPED THE FRONT (AND SIDE OF DWELLING ON CORNER LOTS) ENTIRE BACKYARD SHALL BE SODDED.

14. ON-SITE CONSTRUCTION: NO DWELLING OR BUILDING BUILT OFF-SITE SHALL BE MOVED TO, OR PLACED ON, ANY LOT.

15. OUTBUILDINGS: OUTBUILDINGS ARE PROHIBITED. PROVIDED HOWEVER, THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE, WAIVE THIS RESTRICTION.

16. SWIMMING POOLS - ABOVE GROUND SWIMMING POOLS ARE PROHIBITED.

17. ANTENNAS - EXTERIOR TELEVISION, RADIO OR OTHER TYPE ANTENNAS INCLUDING SATELLITE DISHES SHALL BE PROHIBITED. PROVIDED HOWEVER THAT ONE SATELLITE DISH NOT EXCEEDING TWO (2) FEET IN DIAMETER, AND IN A LOCATION NOT VISIBLE FROM A PUBLIC OR PRIVATE STREET, SHALL BE PERMITTED WITHIN A LOT.

18. LOT MAINTENANCE - NO INOPERATIVE VEHICLE OR MACHINERY SHALL BE STORED ON ANY LOT AND EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION FREE OF RUBBISH, TRASH AND OTHER DEBRIS AND SHALL BE CUT, TRIMMED OR MOWED TO PREVENT GROWTH OF WEEDS OR TALL GRASS.

19. RECREATIONAL VEHICLES AND EQUIPMENT - NO BOATS, RECREATIONAL TRAILERS, PERSONAL WATER CRAFT, CAMPERS, MOTOR HOMES OR OTHER RECREATIONAL VEHICULAR EQUIPMENT, SHALL BE STORED, PLACED OR PARKED ON ANY STREET WITHIN THE SUBDIVISION OR ON ANY LOT, EXCEPT WITHIN AN ENCLOSED GARAGE.

20. TRAILERS, MACHINERY AND EQUIPMENT; COMMERCIAL VEHICLES - NO TRAILERS, MACHINERY OR EQUIPMENT, OR COMMERCIAL VEHICLES, SHALL BE STORED, PLACED OR PARKED ON ANY STREET WITHIN THE SUBDIVISION OR ON ANY LOT, EXCEPT WITHIN AN ENCLOSED GARAGE; PROVIDED HOWEVER, NOTHING HEREIN SHALL PROHIBIT THE PARKING OF VEHICLES, TRAILERS, MACHINERY OR EQUIPMENT WHEN BEING UTILIZED IN CONNECTION WITH SERVICES PERTAINING TO A RESIDENCE IN THE SUBDIVISION; FURTHER PROVIDED THAT NOTHING HEREIN SHALL PROHIBIT THE PARKING OF LIGHT TRUCKS WITHOUT COMMERCIAL SIGNAGE (MAXIMUM 3/4 TON).

21. ALL-TERRAIN VEHICLES AND UNLICENSED MOTOR VEHICLES - NO ALL-TERRAIN VEHICLES (ATVS) OR UNLICENSED MOTOR VEHICLES SHALL BE OPERATED WITHIN THE SUBDIVISION.

22. BASKETBALL GOALS - NO BASKETBALL GOALS SHALL BE VISIBLE FROM A PUBLIC OR PRIVATE STREET.

23. ON-STREET PARKING PROHIBITED - ON-STREET PARKING BY OWNERS OF LOTS OR THEIR TENANTS IS PROHIBITED, PROVIDED THAT THE HOMEOWNERS' ASSOCIATION MAY PERMIT, BY RULES AND REGULATIONS, ON-STREET PARKING DURING OCCASIONAL EVENTS WITHIN THE SUBDIVISION.

24. CLOTHESLINES AND GARBAGE RECEPTACLES - CLOTHESLINE POLES OR OTHER OUTSIDE DRYING APPARATUS ARE PROHIBITED, AND NO EXPOSED GARBAGE CAN, TRASH CAN OR ANY TRASH BURNING APPARATUS OR STRUCTURE SHALL BE PLACED ON ANY LOT. ALL TRASH CONTAINERS SHALL BE STORED OUT OF PUBLIC VIEW EXCEPT FOR A 12-HOUR PERIOD DURING COLLECTION.

25. MAILBOXES - MAILBOXES SHALL BE CONSTRUCTED OF BRICK AND OF A UNIFORM DESIGN TO BE SELECTED BY THE ARCHITECTURAL COMMITTEE AND SHALL BE PLACED AT A HEIGHT AND LOCATION WITHIN THE LOT TO BE DESIGNATED BY THE ARCHITECTURAL COMMITTEE.

26. ANIMALS - NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND MAY BE MAINTAINED, BRED, SOLD OR KEPT EXCEPT THAT TWO DOGS, TWO CATS AND OTHER HOUSEHOLD PETS MAY BE KEPT PROVIDED THAT THEY ARE NOT USED FOR COMMERCIAL PURPOSES. EXCEPT WHEN ACCOMPANIED BY THE OWNER OF THE LOT, THE OWNERS FAMILY MEMBER OR GUEST, DOGS SHALL BE KEPT INSIDE THE DWELLING ON THE LOT BETWEEN THE HOURS OF 10:00 P.M. AND 7:00 A.M.

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

28. SIGNAGE - NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT EXCEPT ONE SIGN OF NOT MORE THAN 5 SQUARE FEET ADVERTISING THE PROPERTY FOR SALE OR RENT OR SIGNS USED BY THE OWNER OR A BUILDER TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD.

29. MATERIALS AND STORAGE - NO LOT SHALL BE USED FOR THE STORAGE OF MATERIALS FOR A PERIOD OF GREATER THAN THIRTY (30) DAYS PRIOR TO THE START OF CONSTRUCTION AND THE CONSTRUCTION SHALL BE COMPLETED WITHIN SIX (6) MONTHS THEREAFTER. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION.

SECTION V. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION II (PUBLIC STREETS, EASEMENTS AND UTILITIES AND SECTION II. FENCE AND LANDSCAPE EASEMENT 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 TULSA, OKLAHOMA. THE COVENANTS CONTAINED IN SECTION III, HOMEOWNERS' ASSOCIATION AND SECTION IV. PRIVATE RESTRICTIONS AND COVENANTS SHALL INURE TO THE BENEFIT OF ANY OWNER OF A LOT AND THE HOMEOWNERS' ASSOCIATION, IF THE UNDERSIGNED OWNER, OR ITS SUCCESSORS OR ASSIGNS, SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTIONS II OR III, IT SHALL BE LAWFUL FOR ANY OWNER OF A LOT OR THE HOMEOWNERS' ASSOCIATION TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT HIM OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT. IN ANY JUDICIAL ACTION BROUGHT 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. IN ANY JUDICIAL ACTION BROUGHT BY ANY OWNER OF A LOT OR THE ASSOCIATION, WHICH ACTION SEEKS TO ENFORCE THE COVENANTS CONTAINED IN SECTIONS II OR III AND/OR TO RECEIVE DAMAGES FOR THE BREACH THEREOF, THE PREVAILING PARTY SHALL BE ENTITLED TO RECEIVE REASONABLE ATTORNEY FEES AND COSTS AND EXPENSES INCURRED IN SUCH ACTION.

B. DURATION

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

C. AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I (PUBLIC STREET, EASEMENTS AND UTILITIES) MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS TO BE APPLICABLE AND APPROVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, OR ITS SUCCESSORS, AND THE CITY OF TULSA, OKLAHOMA. THE COVENANTS CONTAINED WITHIN SECTION III. HOMEOWNERS' ASSOCIATION OR SECTION IV. PRIVATE RESTRICTIONS AND COVENANT'S MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER DURING SUCH PERIOD THAT THE OWNER IS THE RECORD OWNER OF AT LEAST 1 LOT OR ALTERNATIVELY, THE COVENANTS AND RESTRICTIONS MAY BE AMENDED OR TERMINATED BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNERS OF NOT LESS THAN 60% OF THE LOTS. IN THE EVENT OF ANY CONFLICT BETWEEN AN AMENDMENT OR TERMINATION PROPERLY EXECUTED BY THE OWNER (DURING ITS OWNERSHIP OF AT LEAST 1 LOT) AND ANY AMENDMENT PROPERLY EXECUTED BY THE OWNERS OF 60% OF THE LOTS, THE INSTRUMENT EXECUTED BY THE OWNER SHALL PREVAIL. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS AND RESTRICTIONS SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

D. SEVERABILITY

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

IN WITNESS WHEREOF, OWNER HAS EXECUTED THIS INSTRUMENT THIS ____ DAY OF _____, 2019.

GLEN WOOD HOMES, L.P.
AN OKLAHOMA LIMITED PARTNERSHIP

BY:_____
HAMID VALAD KHANI, GENERAL PARTNER

STATE OF OKLAHOMA)
) SS:
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____DAY OF_____, 2019, BY HAMID VALAD KHANI AS GENERAL PARTNER OF GLEN WOOD HOMES, L.P., AN OKLAHOMA LIMITED PARTNERSHIP.

_____
NOTARY PUBLIC

_____
MY COMMISSION NUMBER

_____
MY COMMISSION EXPIRES

CERTIFICATE OF SURVEY

I, ALBERT JONES III, OF ATLAS LAND OFFICE, INC., A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS "BATTLE CREEK PARK PHASE III", A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, IS A TRUE REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED PRACTICES, AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED.

_____
ALBERT JONES
LICENSED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1380

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 ALBERT JONES III, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED HIS NAME AS A LICENSED LAND SURVEYOR TO THE FOREGOING CERTIFICATE OF SURVEY AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN SET FORTH.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES:

MY COMMISSION NUMBER:

3.9

CONCEPTUAL UTILITY LAYOUT

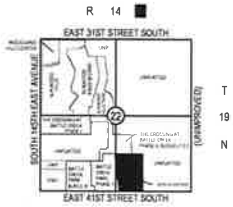
Battle Creek Park Phase III

A SUBDIVISION IN TULSA COUNTY, OKLAHOMA, BEING PART OF THE SOUTH HALF (S/2) OF SECTION TWENTY-TWO (22); TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST ON THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

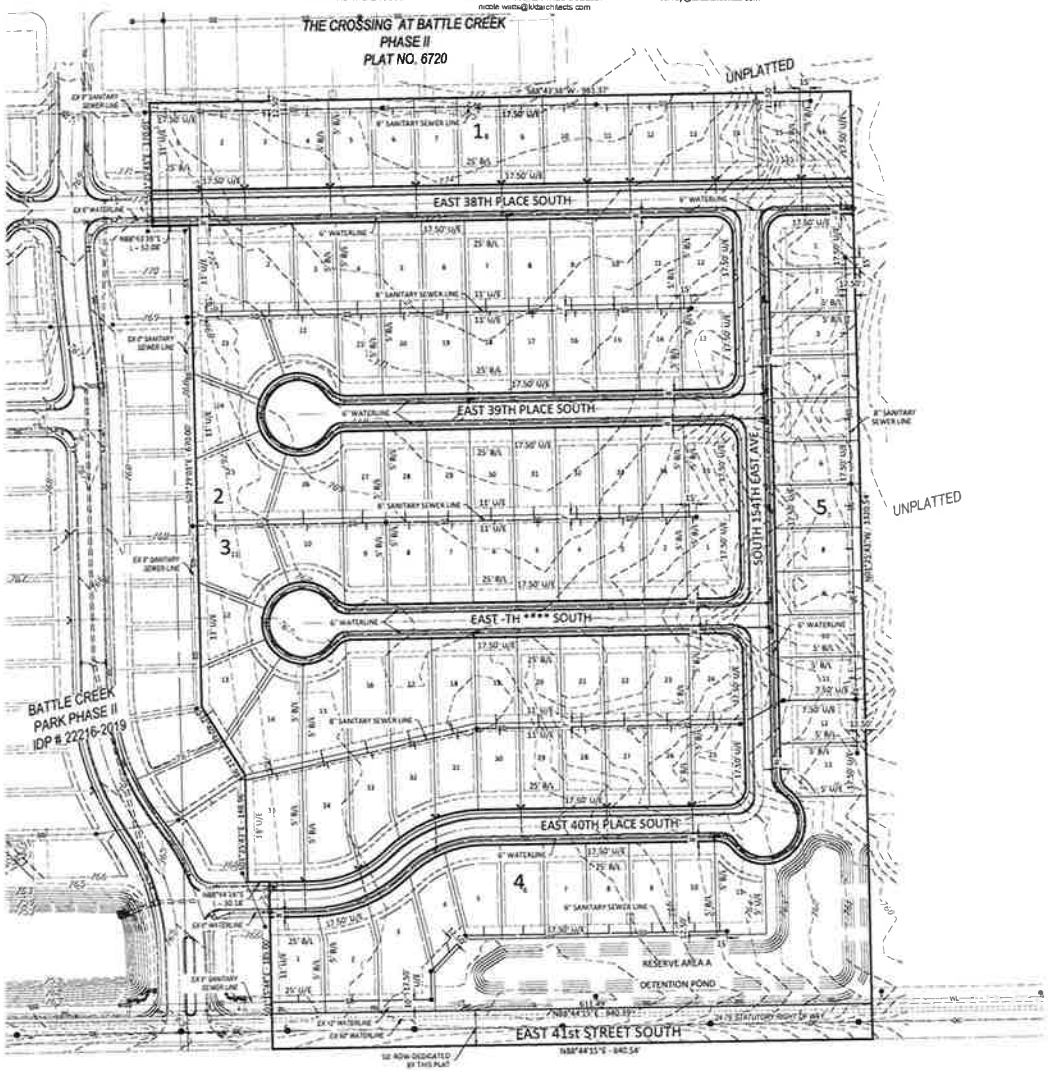
OWNER:
Glen Wood Homes, L.P.
2252 N Broadway
Moore, Oklahoma 73160
Phone: (405) 692-2222
MR. HAMID VALAD KHANI

ENGINEER:
KKT Architects, Inc.
2200 South Utica Place
Tulsa, Oklahoma, 74114
Phone: (918) 744-4270
A. NICOLE WATTS, P.E. NO. 21911
OK CA NO. 5905, EXPIRES 6/30/2021
nicole.watts@kktarchitects.com

SURVEYOR:
Atlas Land Office, Inc.
202 South Main Street
Wagoner, Oklahoma 74467
Phone: (918) 485-9987
OK CA NO. CA 8060, EXPIRES 6/30/2020
survey@atlaslandoffice.com



Location Map
Scale: 1"= 2000'
NORTH



Battle Creek Park - Phase III

3.10

TMAPC

Tulsa Metropolitan Area Planning Commission

Case Number: Z-7503

Hearing Date: December 4, 2019
(Continued from October 16, 2019, November 6, 2019 and November 20, 2019)

Case Report Prepared by:

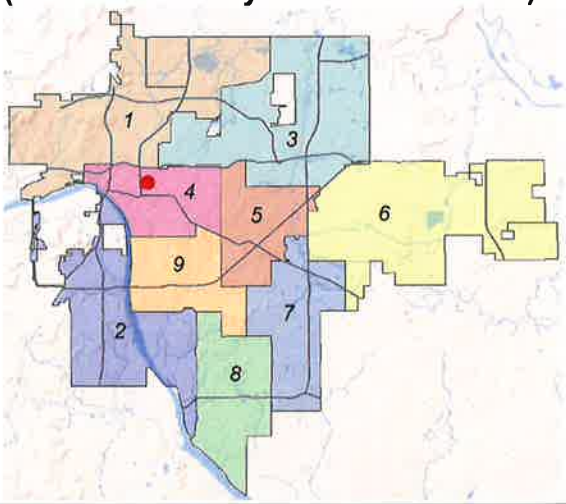
Dwayne Wilkerson

Owner and Applicant Information:

Applicant: City Council C/O David Henke

Property Owner: NORIA PROPERTIES LLC

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Vacant

Proposed Use: Mixed Use Building

Concept summary: Rezoning request as part of the mixed-use zoning initiative associated with the bus rapid transit system along Peoria Avenue.

Tract Size: 1.89 ± acres

Location: North of the Northeast corner of East 11th Street South & South Peoria Avenue

Zoning:
Existing Zoning: RS-4,CH

Proposed Zoning:
Amended applicant request:
MX1-U-U west of the alley centerline
MX1-F-35 East of the alley centerline

Original application: MX1-U-U for entire site.

Comprehensive Plan:
Land Use Map:
Downtown Neighborhood, Mixed-Use Corridor
Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends approval of MX1-U-U west of the alley centerline and MX1-F-35 east of the alley centerline.

Staff Data:

TRS: 9306
CZM: 37

City Council District: 4

Councilor Name: Kara Joy McKee

County Commission District: 2

Commissioner Name: Karen Keith

4.1

SECTION I: Z-7503

DEVELOPMENT CONCEPT: This request for rezoning is responsive to a City Council initiative to encourage mixed-use development along the bus rapid transit system route on Peoria. The west half of the block is currently zoned CH and does not have a building height restriction. The east half of the block is zoned RS-4 and allows 35-foot-tall building construction adjacent to South Quaker.

The Mixed-Use rezoning as requested is for unlimited height on the west half of the block and 35-foot building height on the east side of the block.

The City of Tulsa initiated a land use study that resulted in zoning recommendations on property within ½ a mile of proposed enhanced stations along the bus rapid transit (BRT) route. The subject property was included in that recommendation and the owner of that property has opted-in to a voluntary rezoning program initiated by the Tulsa City Council.

The BRT study recommended MX1-P zoning on this site without height limitations and only provided recommendations on a 150-foot-wide strip west of the alley. This site is confined by power lines along Peoria and in the alley resulting in a site that needs a slightly less restrictive build to zone along Peoria to support a more pedestrian friendly environment that would allow street trees and building canopies.

The MX1-P recommendation of the BRT study requires building placement within 10 feet of the planned right of way forcing any trees or canopies under the power lines. MX1-U requires building placement within 20 feet of the planned right of way providing a wider pedestrian realm with opportunities for street trees and other pedestrian oriented amenities.

EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map
- City Council MX initiative map (South Peoria at 11th Street)
- Applicant Exhibits:
  - Zoning map illustration
  - Build to zone illustration
  - Bullet point

DETAILED STAFF RECOMMENDATION:

Z-7503 requesting MX1-U-U west of the alley requires building placement along Peoria and 10th Street that is consistent with the goals of the BRT study along South Peoria Avenue and,

MX1-F-35 east of the alley allows uses as anticipated in the Pearl District Small Area Plan and is supportive of development consistent with the Downtown Neighborhood and,

The bus rapid transit study recommended MX1-P without a height recommendation on this site. The uses and build-to-zone requirements of the requested MX1-U district are generally consistent with the Bus Rapid Transit System study and,

MX1-U-U is consistent with he Mixed Use Corridor land use designation west of the alley as identified in the Land Use designation of the Tulsa Comprehensive Plan therefore,

Staff recommends **APPROVAL** of Z-7503 to rezone property from CH and RS-3 to MX1-U-U west of the centerline of the alley and MX1-F-35 east of the centerline of the alley.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

MX1-U-U as originally submitted is consistent with the land use vision in the Tulsa Comprehensive Plan and is also consistent with the goals, objectives and strategies of the Executive Summary of the Pearl District Small Area Plan as adopted in July 2019. The Urban character zone requires building placement within 10 feet of the planned right of way.

MX1-P-U as currently requested on the subject property west of the alley supports the uses anticipated and building placement recommended by the BRT study and by the applicant. The pedestrian character zone requires the building to be placed within 20 feet of the planned right of way along Peoria and 10th street.

MX1-F-35 removes the build-to-zone requirements but provides building design requirements for transparency, front door entrances and facing the street and supports mixed use development for future expansion opportunities.

Land Use Vision:

Land Use Plan map designation: Downtown Neighborhood, Mixed-Use Corridor

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium to high-rise mixed-use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. The streets usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods.

Areas of Stability and Growth designation: Area of Growth

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for and, in

some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile."

Transportation Vision:

Major Street and Highway Plan: South Peoria Avenue is classified as Multi Modal Corridor.

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

Trail System Master Plan Considerations: None

Small Area Plan: Pearl District Small Area Plan

The small area plan was updated July 3rd, 2019. The land use designations are Mixed Use Corridor and Downtown neighborhood. The priorities of the small area plan and some of the redevelopment goals of that plan include:

Priority 1: Stabilize and revitalize existing residential areas, promote homeownership and housing affordability and increase housing choice.

Priority 2: Promote development that retains existing businesses and increases employment, mixed-use, commercial and retail opportunities

Goal 6: Revitalize and redevelop vacant properties
Goal 7: Provide more retail, ding, and entertainment options
Goal 8: Encourage higher density development in transit rich areas
Goal 9: Improve commercial transportation access
Goal 10: Ensure adequate parking supply using shared parking approach in the Pearl District.
Action Items:
10.1 Work with businesses to develop a shared parking approach to provide adequate parking as corridors redevelop.

10.2 Identify potential sites for off-street shared parking lots, especially within walking distance to major destinations and Aero BRT transit station areas.
10.3 Create a public/private parking strategy that includes a centrally located parking structure.
10.4 Explore the use of alleys for private parking, as feasible.

Priority 3: Increase safety and security throughout the district.

Priority 4: Improve targeted infrastructure to support health and wellness and catalyze development.

Special District Considerations:

This site is included in the Bus Rapid Transit Corridor Study area along Peoria. MX1-U zoning was recommended along the west half of this block.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site west of the alley is empty. East of the alley only two homes on the northeast corner of the block remain. The alley is not maintained by the city but is paved and utilities are in the alley. The northwest corner of the block is not included in this development and it is unlikely that the alley could be vacated unless the remaining property owners agree to removal of the alley.

Remaining driveways and repair curb during development. Sidewalks are also in poor condition and will require reconstruction.

View from southeast corner of site looking northwest:

View from Northeast Corner of site looking southwest:
(See next page)

Environmental Considerations: None that affect site redevelopment

Streets:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Peoria Avenue	Secondary arterial with multi modal corridor	100 feet	4
East 8th Street South	None	50 feet	2
East 10th Street South	None	50 feet	2
South Quaker Avenue	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-4 and CS	Mixed use corridor / downtown neighborhood	Growth	Single story office buildings
East	RS-4	Downtown neighborhood	Growth	Single family residential
South	CH and RM-2	Mixed use corridor / downtown neighborhood	Growth	Office and surface parking
West	MPD-FBC1	Park and open space/ mixed use corridor	Growth	Cemetery across Peoria Avenue

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11815 dated June 26, 1970 established zoning for the subject property.

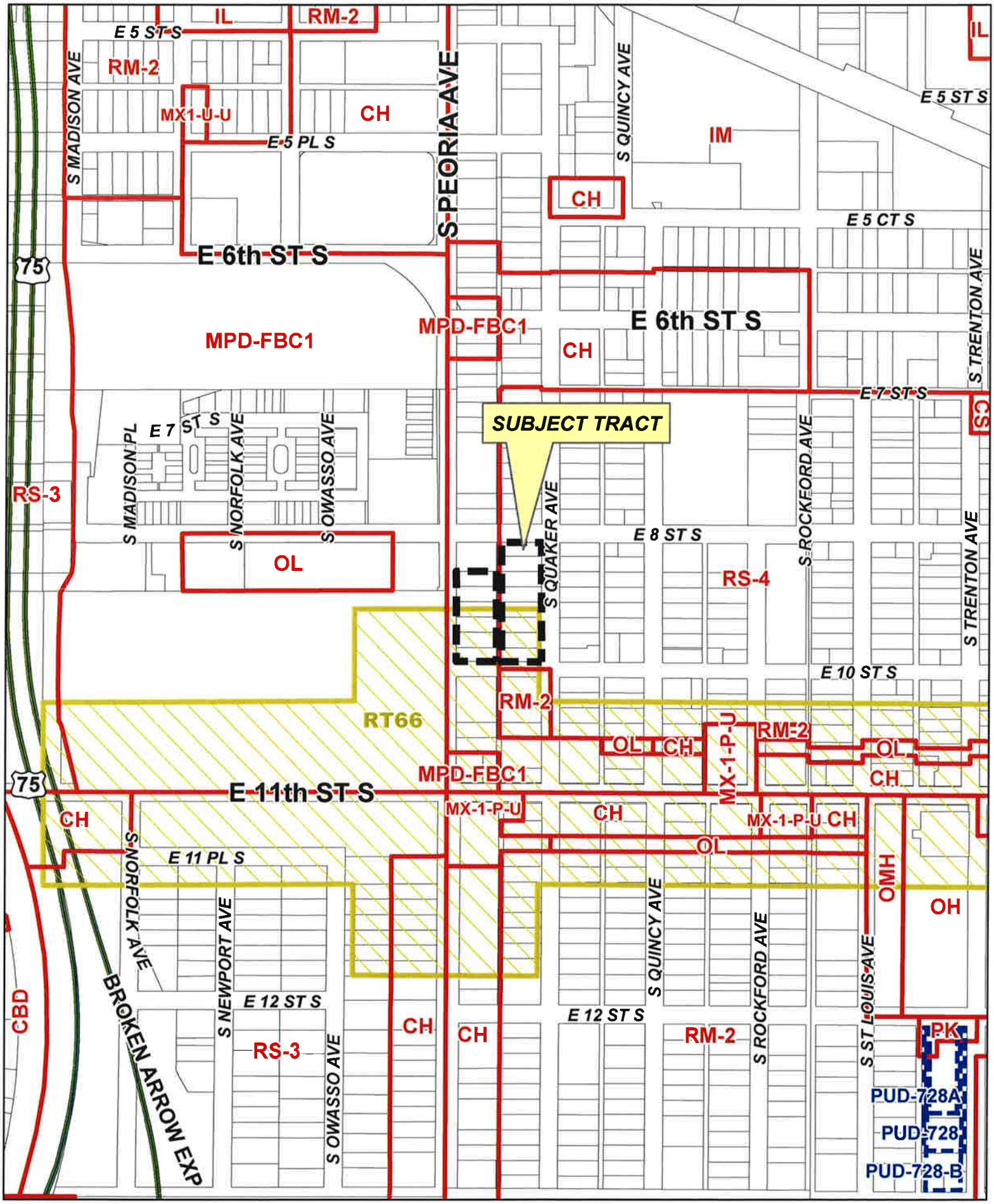
Subject Property:

CPA-81 July 2019: All concurred in **approval** to *adopt* CPA-81, The Pearl District Small Area Plan as an amendment to the Tulsa Comprehensive Plan. The plan area boundary is located east of Downtown Tulsa, bordered by Interstate 244 to the north, Utica Avenue to the east, 11th Street to the south, and Highway 75 to the west.

Surrounding Property:

SA-4 (Route 66 Overlay) June 2018: All concurred in approval to apply supplemental RT66 (Route 66 Overlay) zoning to multiple properties along South 193rd East Avenue, East 11th Street, South Mingo Road, East Admiral Boulevard, East Admiral Place, West 11th Street South, and Southwest Boulevard.

BOA-22410 March 2018: The Board of Adjustment **approved** a request for a *variance* to allow required accessible parking spaces to be located off site from the principal use, on property located at 1007 South Peoria Avenue East.



Feet
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Z-7503

19-13 06

4.8

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Feet
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Subject Tract

Z-7503

19-13 06

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

N

4.9

Feet
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Subject Tract

Z-7503

19-13 06

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

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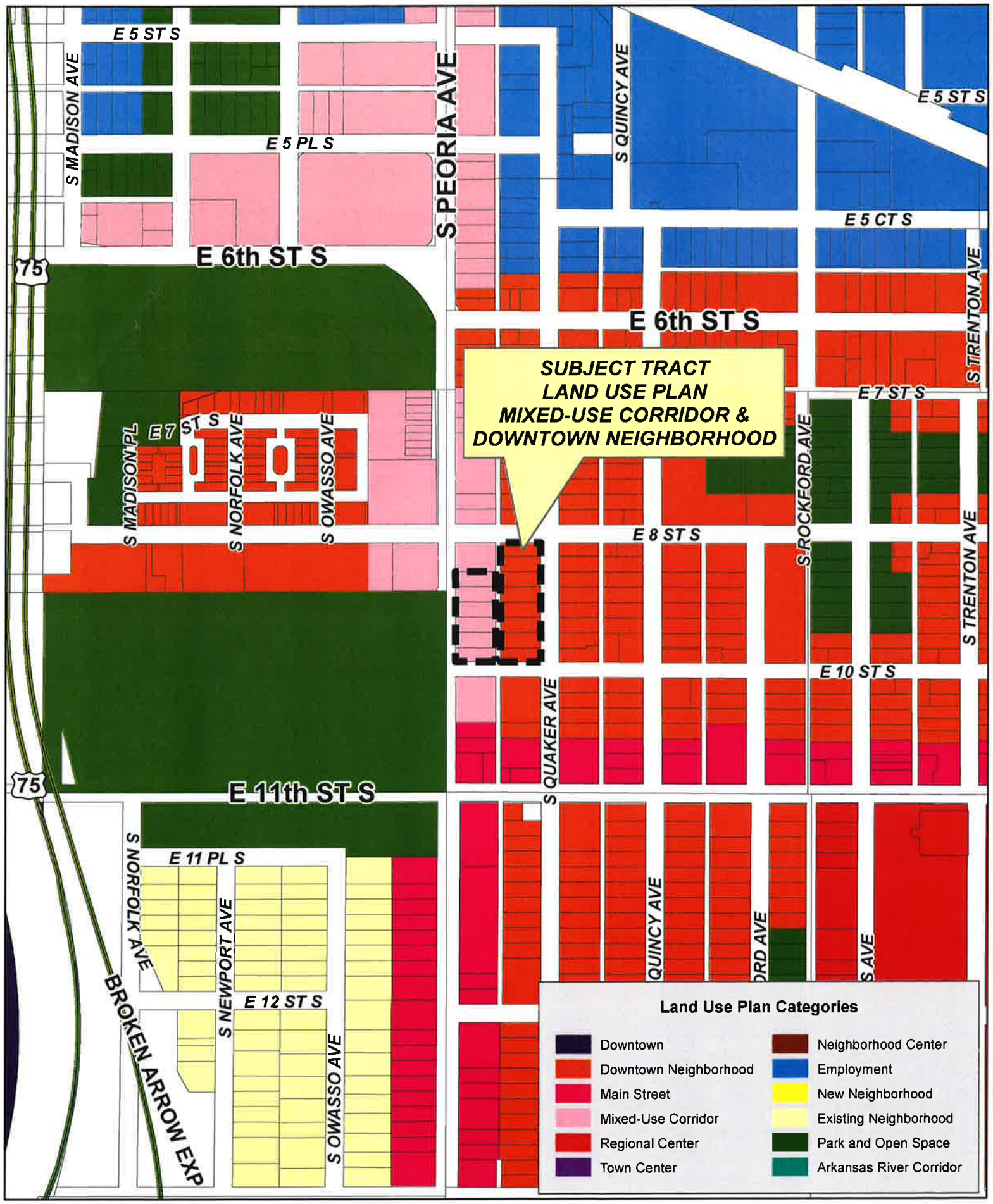

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Z-7503

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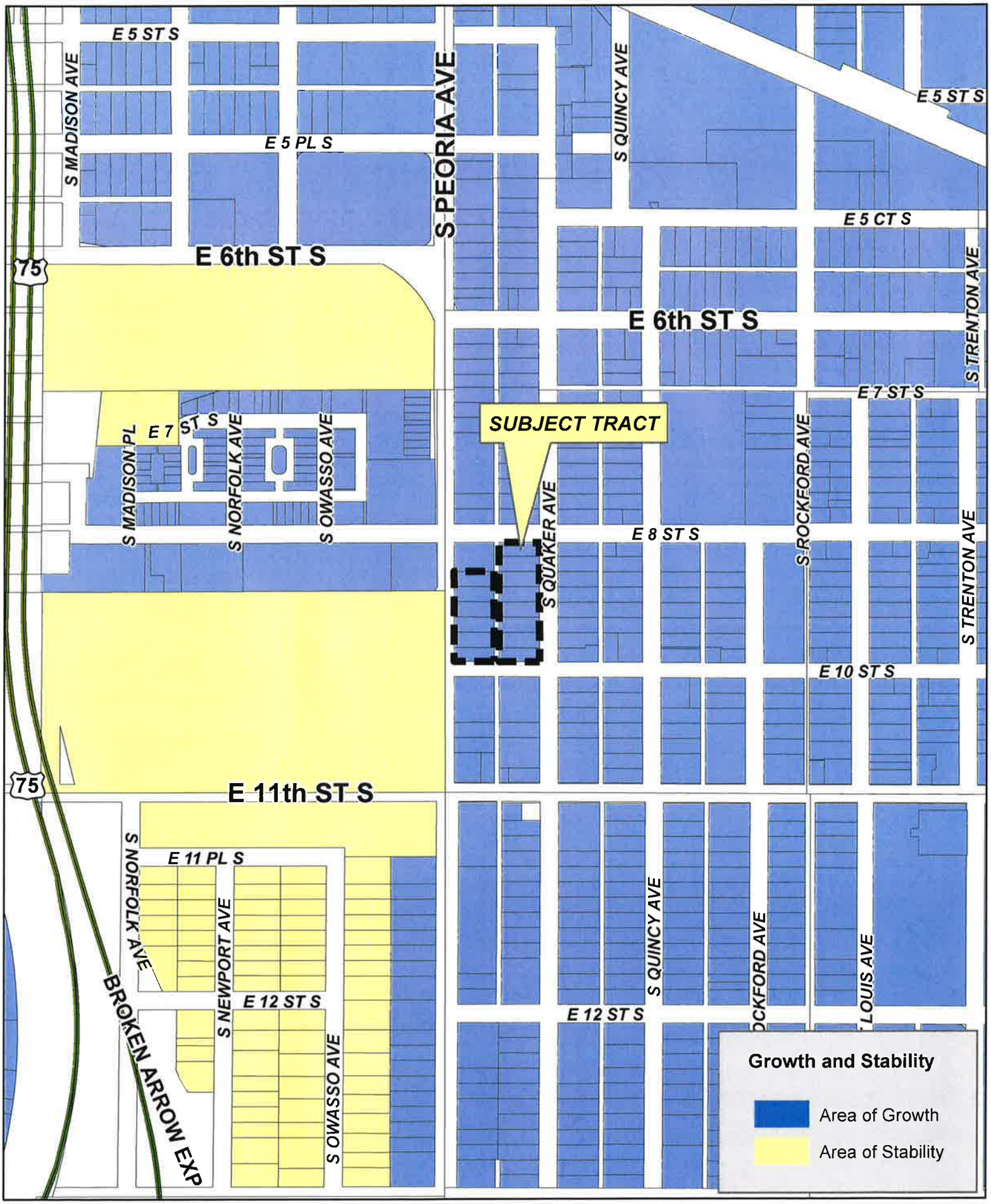

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Z-7503

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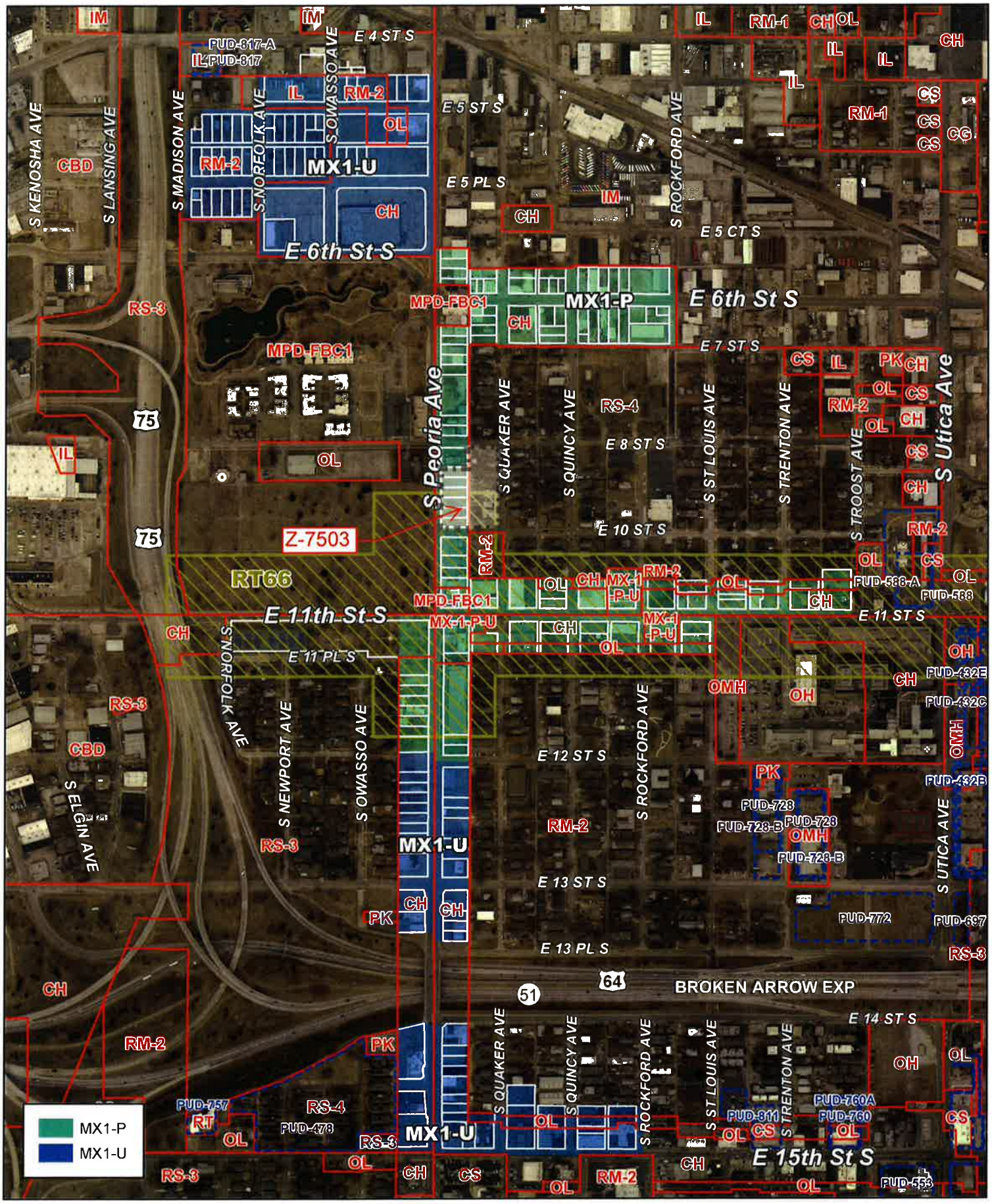

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

11th Street

Feet
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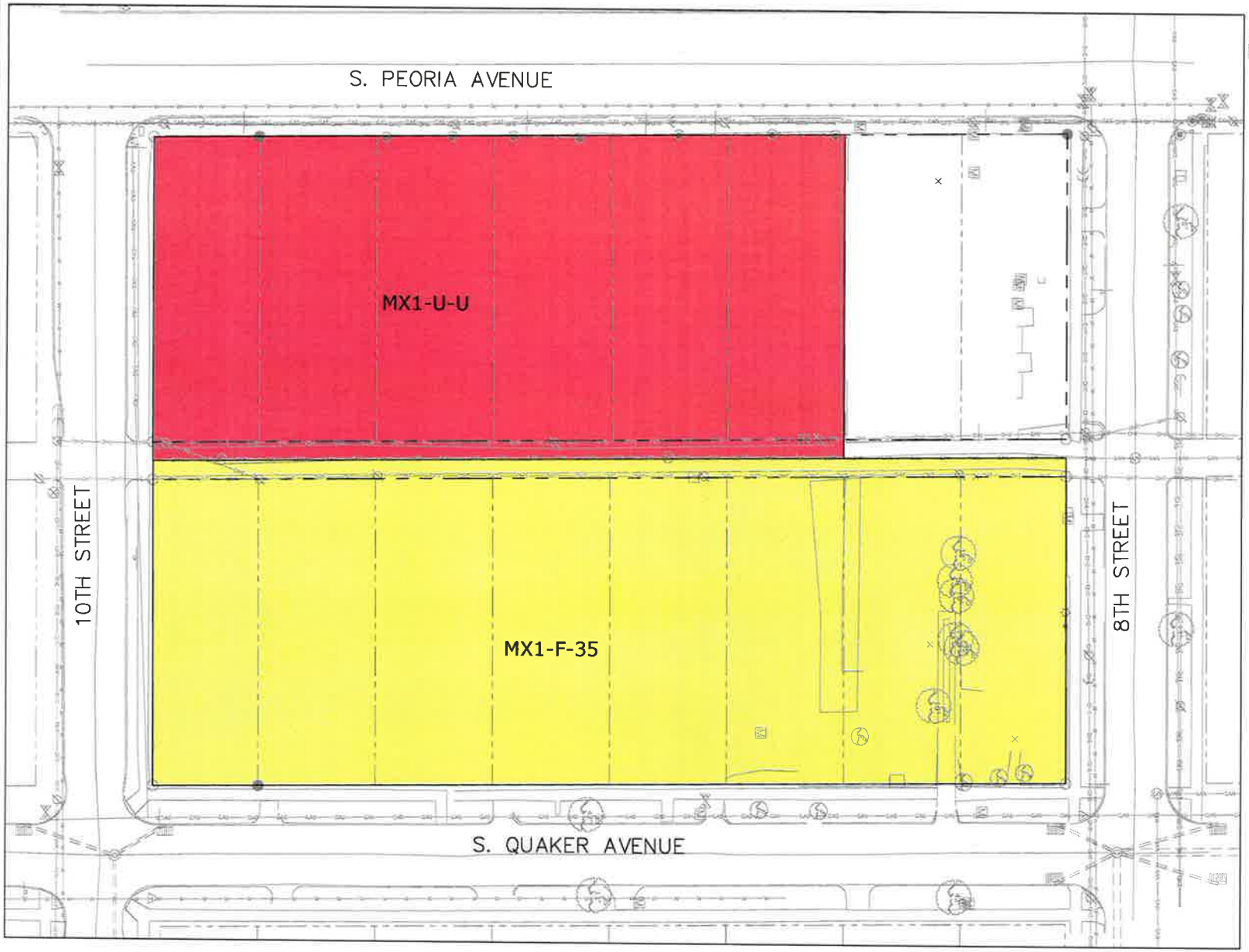


DETENTION REQUIREMENT:
THE OWNER WOULD LIKE TO PAY FEE-IN-LUE FOR THE INCREASED IMPERSIOUS AREA ADDED TO THE SITE.

McCLELLAND CONSULTING ENGINEERS, INC.
4606 S. GARNETT RD
TULSA, OK 74146
918.619.6803
HTTP://WWW.MCE-US.COM

PRELIMINARY NOT FOR CONSTRUCTION

ORIGINAL SIGNATURE ON FILE

PEARL RIDGE DEVELOPMENT

REV	DATE	DESCRIPTION

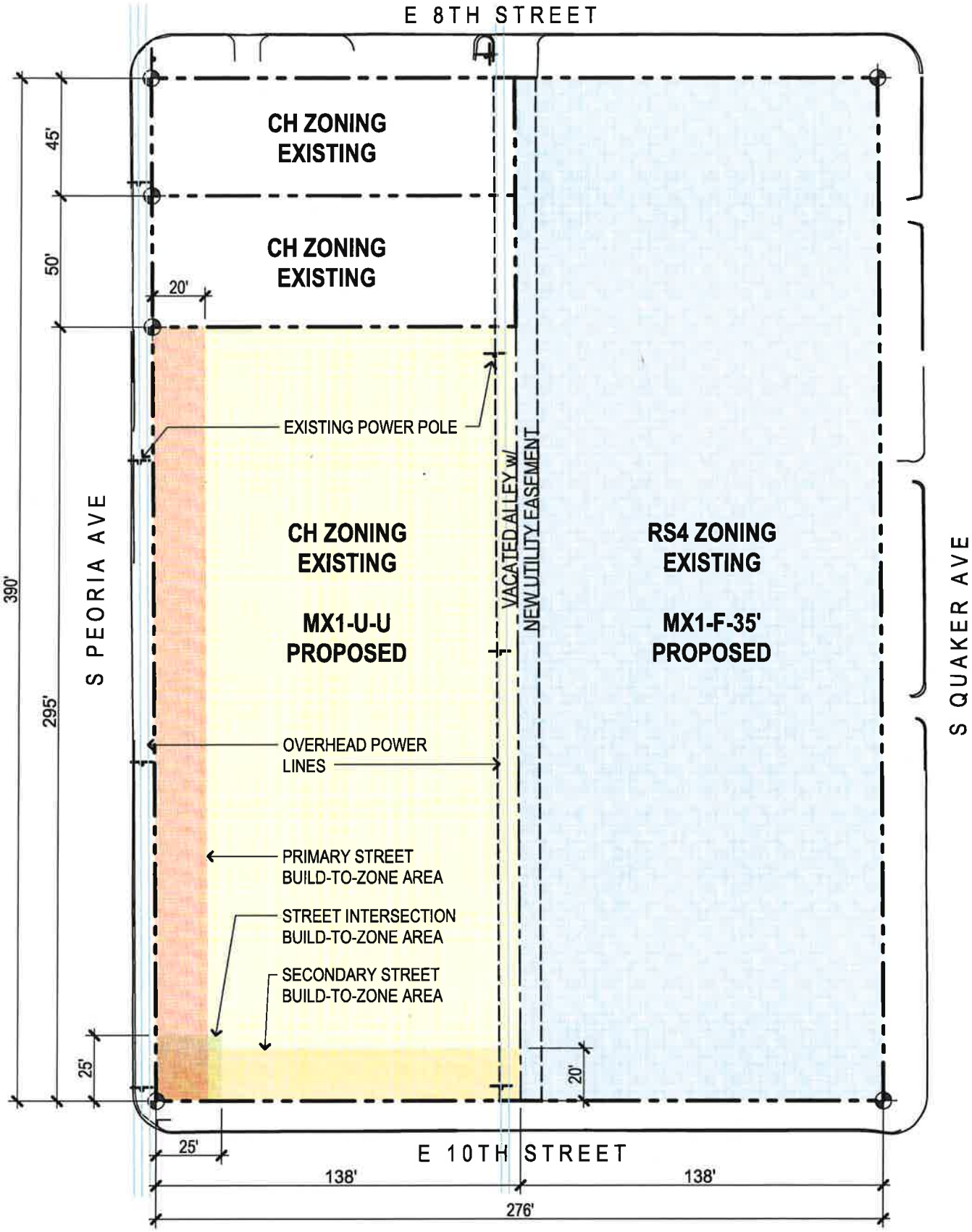
REVISIONS

SHEET

DESIGNED BY: DPOR
DRAWN BY: DESIGNER
DATE: DATE
REVISION: PROJ_PHASE
SCALE: SCALE
JOB NUMBER:

C1.1

SAVE_PATH



MX1-U(rban)-U(nlimited height) DISTRICT BUILD-TO-ZONE REQUIREMENTS

1) BUILDING MUST BE LOCATED WITHIN THE STREET INTERSECTION BUILD-TO-ZONE AREA

2) A STREET FACING BUILDING FACADE MUST BE LOCATED WITHIN THE THE PRIMARY STREET BUILD-TO-ZONE AREA AND EXTEND A MINIMUM OF 60% OF THE LENGTH OF THE PRIMARY STREET FRONTAGE

3) A STREET FACING BUILDING FACADE MUST BE LOCATED WITHIN THE THE SECONDARY STREET BUILD-TO-ZONE AREA AND MUST EXTEND A MINIMUM OF 30% OF THE LENGTH OF THE SECONDARY STREET FRONTAGE

- At last week's TMAPC meeting we were asked to revise our rezoning application to a zoning solution that would more carefully restrict the proposed project to the design presented at the meeting. This design proposed a four story mixed use office building located at the corner of Peoria Ave and 10th Street. Parking was located behind the building, east of the existing alley.
- We have agreed to modify the application to change the west side of the subject tract to MX1-U-U and the east side of the subject tract to MX1-F-35.
- The MX1-U-U zoning for the west half of the site permits the uses and setbacks needed for this mixed use project and imposes requirements on the property that meet the goals of the small area plan.
- The MX1-U-U zoning for the west half of the site requires that the building be located within the street intersection build-to-zone area extending 25' from the corner of the street. This will ensure that a building façade will be located along the street intersection.
- The MX1-U-U zoning for the west half of the site requires that the building's front facing façade on Peoria Ave occupy 60% of the build-to-zone area running along the street frontage. This will ensure that the building is adjacent to Peoria Ave and prevent off-street parking from being located between the street and the building.
- The MX1-U-U zoning for the west half of the site requires that the building's front facing façade on 10th St occupy 30% of the build-to-zone area running along the street frontage. This will ensure that the building is adjacent to 10th St and prevent on-site parking from being located between the street and the building.

- The MX1-F-35 zoning for the east half of the site allows the same uses as permitted on the west half, but does not have the build-to-zone requirements of the 'Urban' character designation. This will allow on-site, accessory use parking to be provided on the property.
- The MX1-F-35 zoning for the east half of the site retains the requirements for a landscape buffer, street trees, screen fence and 25' parking setback required in the zoning code.
- The MX1-F-35 zoning for the east half the site limits any structure to 35' in height, which is the same height allowed by the current zoning.

- The MX1-P(edestrian) designation does not support the proposed design for the west half of the site.
- The MX1-P(edestrian) zoning defines the maximum setback from the building to the property line to 10'. We would like to have a wider pedestrian sidewalk that is out from under the powerlines and provides more space from the busy traffic lanes of Peoria. The Urban character allows for a setback of 20' maximum.

FILE COPY

Stephen Yoakum
817 S. Quaker Ave.
Tulsa, OK 74120

Metropolitan Planning Commission
City of Tulsa, OK. 74103

Ref. case number ~~Z-7199~~ Z-7503

Received letter regarding re-zoning of 10th & Peoria.
I live on Quaker St, and have been here about sixty years,
At age of Ninety Two I don't feel capable of attending
This coming hearing. but do seriously object.
The hourguse of Quaker would make living here most dificult,
To say the least. My home is paid and have new
roof, a bit of paint and I will be comfortable for rest of
my days. Hopefully years.
Please, please, consider my request to cancel request
for rezoning. Or put on hold for couple of years, if you do
that? Tulsa is my hometown. Born 1-3-27. Love it!

Thank You for hearing me.
Stephen Yoakum.

P.S. read Psalm 41:1

4.17

Wilkerson, Dwayne

From: Miller, Susan
Sent: Wednesday, October 9, 2019 12:34 PM
To: Wilkerson, Dwayne
Cc: Foster, Nathan
Subject: Z-7503

For the staff report...

FILE COPY

Susan Miller, AICP
Director
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9470
smiller@incog.org

From: Baugher, Mayo <MayoBaugher@tulsacouncil.org>
Sent: Wednesday, October 9, 2019 11:52 AM
To: Miller, Susan <SMiller@incog.org>
Subject: FW: Rezoning my neighborhood

Would you be sure TMAPC sees this? Thanks!

Mayo Baugher | Council Aide III
Tulsa City Council
175 E. 2nd St, 4th Floor
Tulsa, OK 74103
918-596-1961
E:mayobaugher@tulsacouncil.org
www.tulsacouncil.org
Visit/Like/Follow/Watch:

From: Sarah Hetherington <sarahkhetherington@gmail.com>
Sent: Tuesday, October 8, 2019 9:01 PM
To: (DIST4) McKee, Kara Joy <dist4@tulsacouncil.org>
Subject: Fwd: Rezoning my neighborhood

Heya KJ! I sent you a note on Instagram but I know lots of folks don't use that often, so thought I'd hit you up here. I'm forwarding what I sent Dwain a moment ago - it explains the situation. Any advice or guidance would be EXTREMELY appreciated!

Best wishes,
Sarah

4.18

---------- Forwarded message ---------
From: **Sarah Hetherington** <sarahkhetherington@gmail.com>
Date: Tue, Oct 8, 2019 at 8:27 PM
Subject: Rezoning my neighborhood
To: Midget, Dwain <dmidget@cityoftulsa.org>

Hello Dwain,
You gave me great advice in the past about an abandoned house next door that had a lot of squatters, and I'm hoping you may be able to help me again.

After searching for the right home in the right location, my husband and I bought and moved into a cute little cottage at the corner of 10th and Quaker in the Pearl district. We quickly fixed up our house and made it into our cozy home.

Right when we closed on our place in December 2018, the row of homes from 8th to 10th along Quaker were bulldozed. Turns out that a company wants to put a 4 story building along Peoria, and have that row of residential lots become their parking lot. Not only does this mean my gorgeous view of the skyline will be totally blotted out, but I just went from being in a home nestled in a neighborhood to (potentially) living next to a huge parking lot.

The board of adjustment hearing is next Wednesday the 16th, and I'm hoping you can guide me in some way. I'm really excited about the new bus line down Peoria, and was looking forward to the development that I knew would accompany it. Living next to a 4 story office building and parking lot are the opposite of my dream when I bought this home less than a year ago and now I'm wondering if I have any footing to fight this.

Thanks for any advice or direction you can point me in,
Sarah Hetherington

I'm attaching the request for rezoning and have marked my spot (1335 E 10th St) in yellow.

1335 E 10th St: Hetherington Home
Bought in December

OFFICIAL RECORD EXHIBIT
ENTERED IN THE
MINUTES OF THE TULSA METROPOLITAN
AREA PLANNING COMMISSION.

4:20

Item: #7

TMAPC

Tulsa Metropolitan Area Planning Commission

Case Number: **Z-7513**

Hearing Date: **December 4th, 2019**

Case Report Prepared by:

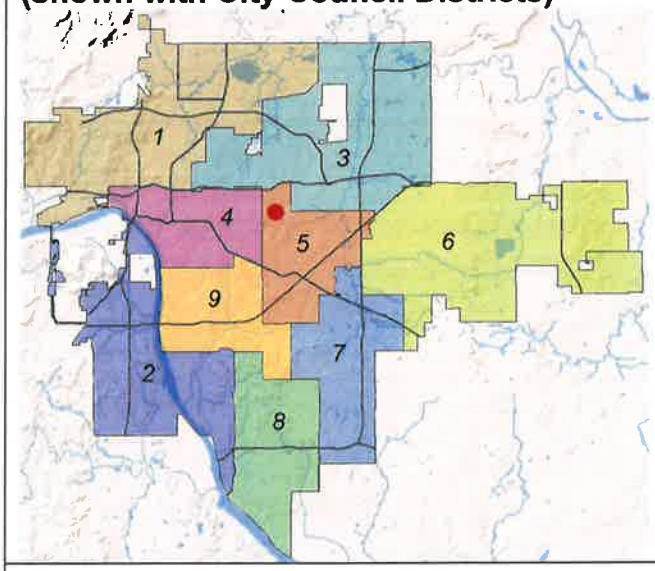
Jay Hoyt

Owner and Applicant Information:

Applicant: Natalie Funk

Property Owner: CLEARY, RYAN & NATALIE FUNK

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Manufacturing

Proposed Use: Manufacturing & Medical Marijuana Grow

Concept summary: Rezone from CH to IL to permit light manufacturing and a medical marijuana grow facility.

Tract Size: 1.18 ± acres

Location: South of the southwest corner of South Hudson Avenue & East 11th Street South

Zoning:

Existing Zoning: CH

Proposed Zoning: IL

Comprehensive Plan:

Land Use Map: Employment

Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 9310
CZM: 38

City Council District: **5**

Councilor Name: Cass Fahler

County Commission District: **2**

Commissioner Name: Karen Keith

REVISED 11/26/2019

SECTION I: Z-7513

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from CH to IL in order to permit a medical marijuana cultivation facility and all allowable light industrial uses on the subject lot.

The proposed facility will be required to follow all city and state requirements for a medical marijuana cultivation facility. The City of Tulsa zoning code requires the facility to be indoors with an air filtration / ventilation system installed that prevents odors from being detected from outside the boundaries of the lot. An electronic security system and surveillance camera are also required to be installed.

EXHIBITS:

INCOG Case map
INCOG Aerial (small scale)
INCOG Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Tulsa Comprehensive Plan Areas of Stability and Growth Map

DETAILED STAFF RECOMMENDATION:

Z-7513 is requesting IL zoning. That zoning classification is intended to provide areas suitable for manufacturing, wholesaling, warehousing and other industrial activities that have few if any adverse land use or environmental impacts and is not expected to have adverse impacts on surrounding properties and,

IL zoning is consistent with the anticipated future development pattern of the surrounding property and;

IL zoning is consistent with the Employment land use designation of the Comprehensive Plan, therefore;

Staff recommends **Approval** of Z-7513 to rezone property from CH to IL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The subject lot is located within the Employment designation and an area of Growth. This location is surrounded by CH and IM districts and is at the northwest corner of a larger industrial area.

Land Use Vision:

Land Use Plan map designation: Employment

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some

instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

Areas of Stability and Growth designation: Area of Growth

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

Transportation Vision:

Major Street and Highway Plan: South Hudson Ave does not have a designation in the vicinity of the subject lot.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: The lot is located within the Route 66 Overlay, which permits special signage allowances and does not affect the uses of the lots themselves.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site currently contains two building used for a welding shop.

Environmental Considerations: None

Streets:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
S Hudson Ave	None	N/A	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CH	Employment	Growth	Auto Sales
South	CH	Employment	Growth	Commercial
East	CH/IM	Employment	Growth	Commercial
West	CH	Employment	Growth	Commercial/Industrial

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11815 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-04972 February 1966: The Board of Adjustment **approved** a request to continue manufacturing trailers in a U-3-E District, on property located at NE ¼, NE ¼, NW ¼, of Section 10-19-13, Tulsa County, Oklahoma.

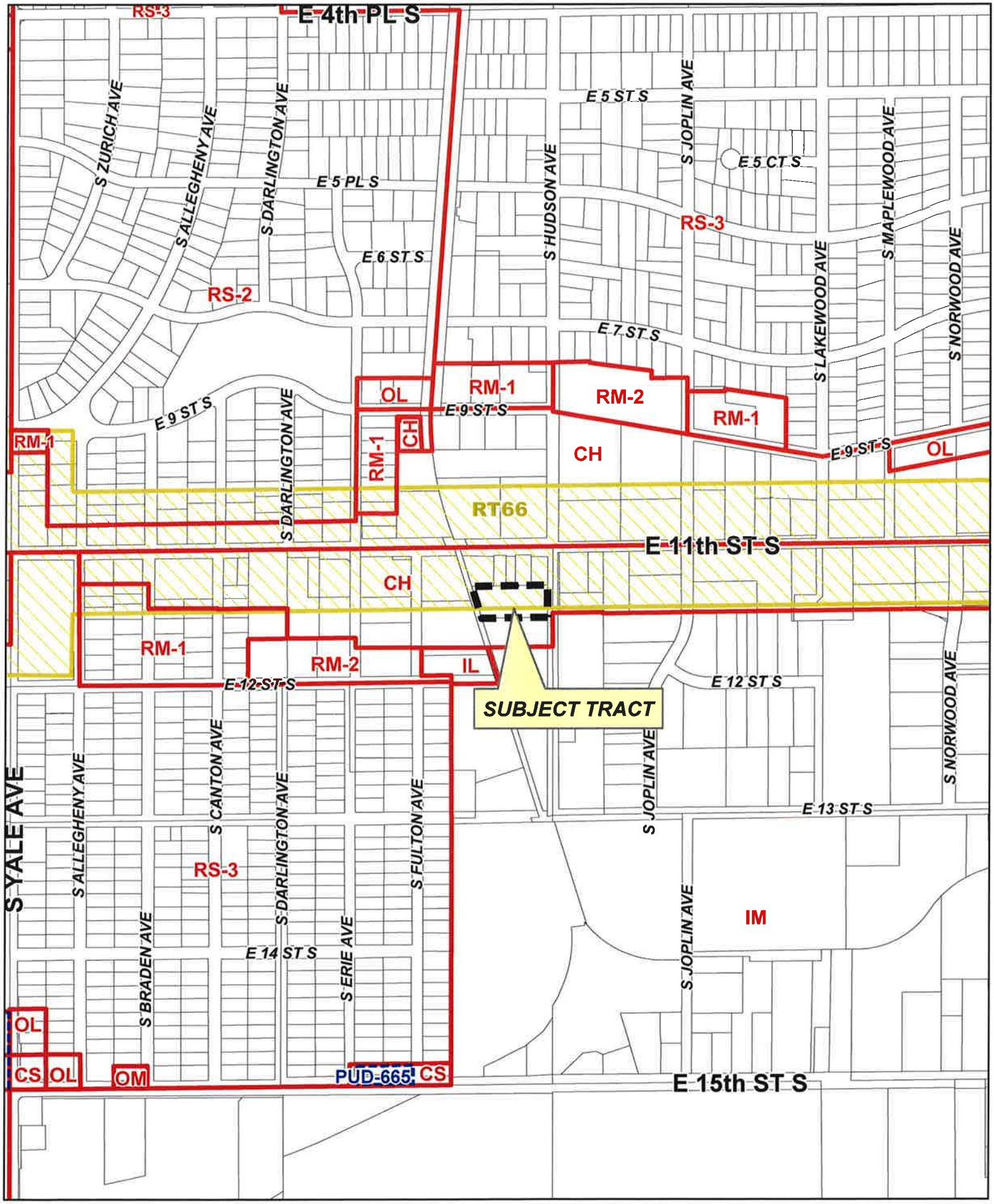
BOA-04321 March 1964: The Board of Adjustment **denied** a *Special Exception* to permit an apartment in a one-family residential district due to a lack of a hardship, on property located at NW ¼, NE¼, of Section 10-19-13, Tulsa County, Oklahoma.

BOA-03134 November 1958: The Board of Adjustment **approved** a request for permission to change non-conforming use of machine shop to a sheet metal works in a U-3-e District, on property located at NE ¼, NE ¼, NW ¼, of Section 10-19-13, Tulsa County, Oklahoma.

BOA-02722 July 1955: The Board of Adjustment **approved** a request for a waiver of set-back requirements of 10 feet on Eleventh Street, on property located a part of NE ¼, Section 10-19-13.

Surrounding Property:

BOA-19444 September 2002: The Board of Adjustment **approved** a *Special Exception* to permit a welding shop in a CH district, on property located 1120 South Hudson.



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Z-7513

19-13 10

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Feet
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Subject Tract

Z-7513

19-13 10

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

5.6

N

Feet
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Subject Tract

Z-7513

19-13 10

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

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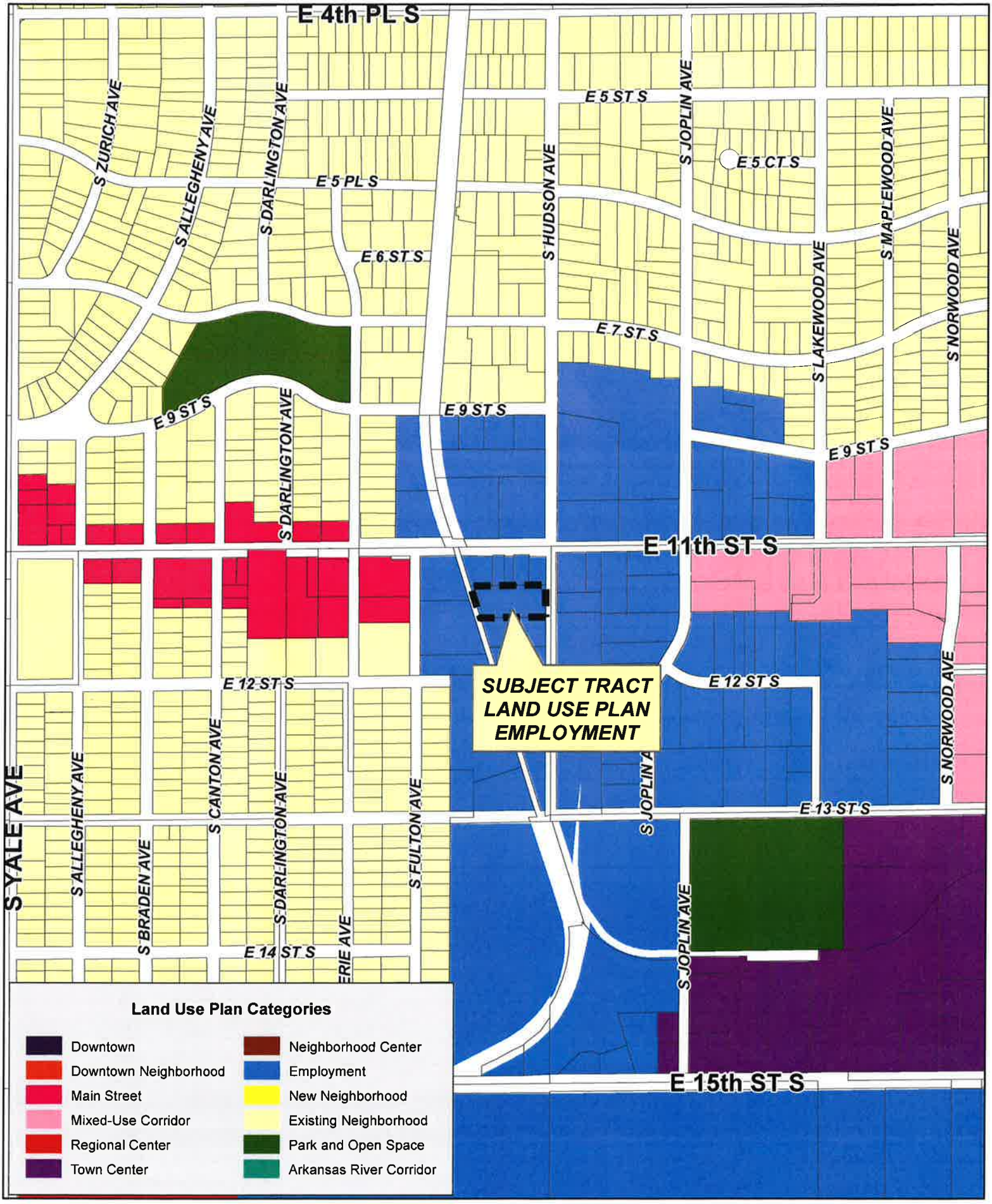

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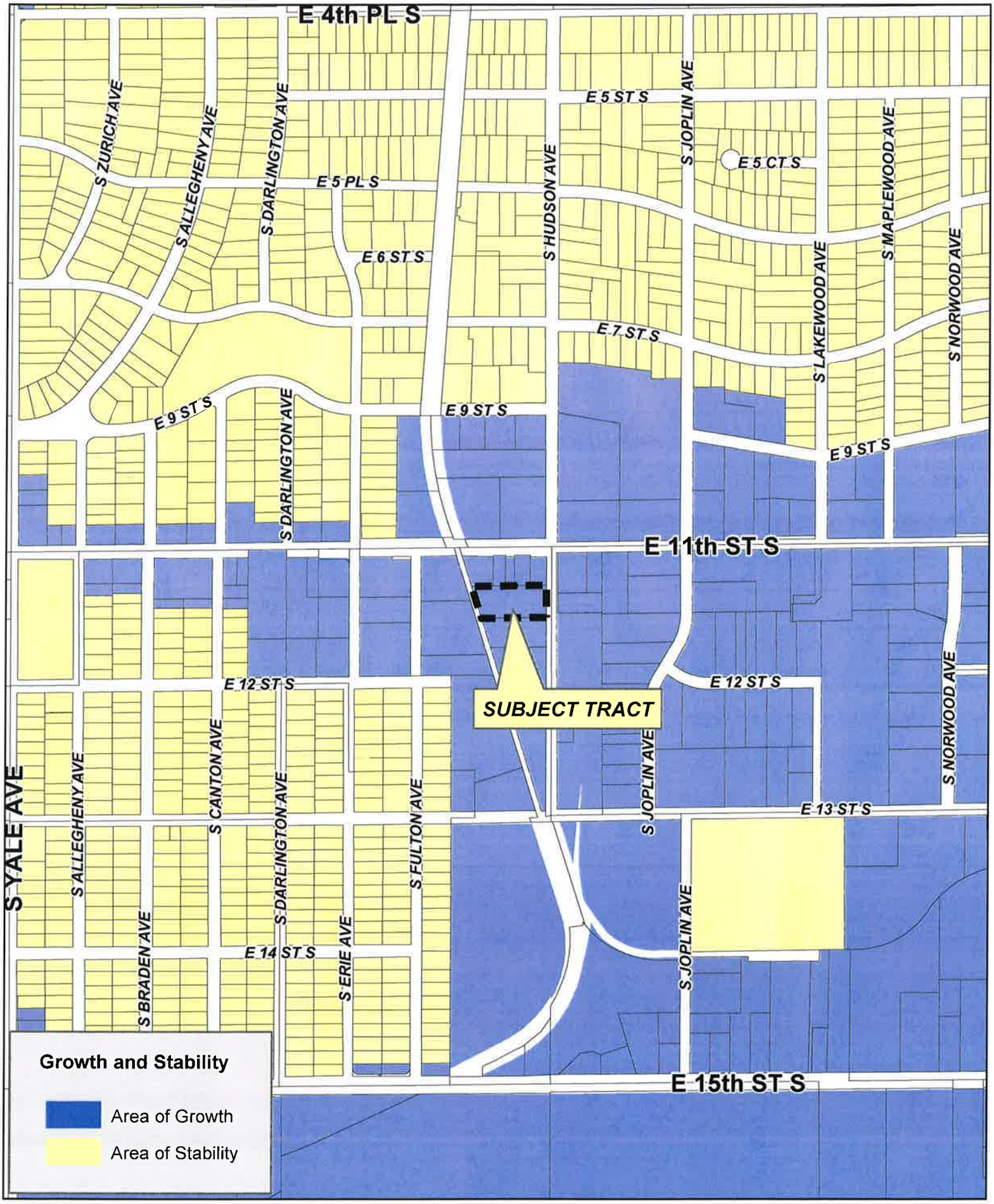

Feet
0 300 600

Z-7513

19-13 10

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N

TO WHOM IT MAY CONCERN,

I, Joe Harris, owner of 1140 S. Hudson in Tulsa, OK agree with the owners, Ryan and Natalie Cleary of 1136 S Hudson in Tulsa, OK to rezoning their property to Light Industrial which would include our property as well.

Joe Harris

Joe Harris

Charla Butler

TMAPC

Tulsa Metropolitan Area Planning Commission

Case Number: **PUD-533-C**

Hearing Date: **December 4th, 2019**

Case Report Prepared by:

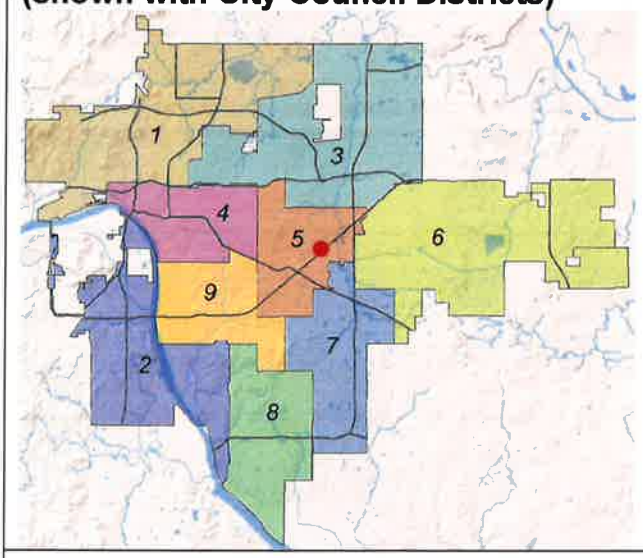
Jay Hoyt

Owner and Applicant Information:

Applicant: Lou Reynolds

Property Owner: SINGER BROS LLC

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Vacant

Proposed Use: Commercial

Concept summary: PUD Major Amendment intended to allow a truck rental facility on the subject lot.

Tract Size: 6.31 ± acres

Location: Northeast of the northeast corner of I-44 East & South Memorial Drive

Development Area B-2

Zoning:

Existing Zoning: OM, CS, PUD-533

Proposed Zoning: PUD-533-C

Comprehensive Plan:

Land Use Map: Town Center

Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 9313
CZM: 38

City Council District: **5**

Councilor Name: Cass Fahler

County Commission District: **2**

Commissioner Name: Karen Keith

REVISED 11/25/2019

SECTION I: PUD-533-C

DEVELOPMENT CONCEPT: The applicant is requesting a PUD Major Amendment in order to permit a commercial truck rental facility on the subject lot. The facility is intended to provide commercial trucks for rent to companies doing business within the Tulsa area to provide hauling and transport solutions needed on a temporary basis.

EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map
- Applicant Exhibits:
  - Development Concept
  - PUD Zoning Site Plan
  - Proposed Landscape
  - Development Areas Map

DETAILED STAFF RECOMMENDATION:

Uses allowed in PUD-533-C are not consistent with the Town Center land use vision of the comprehensive plan however permitted uses are consistent with the vision of the original PUD and:

The original PUD did not clearly identify development area boundaries. This PUD amendment clarifies development area boundaries and provides development standards that require landscaping and other standards that will help integrate the subject property into the surrounding area and:

PUD-533-C has provided updates to allow development standards that are consistent with the current City of Tulsa Zoning Code and;

PUD-533-C is consistent with the provision of the PUD chapter of the Tulsa Zoning Code therefore: staff recommends **Approval** of PUD-533-C as defined in Section II.

SECTION II: PUD-533-C DEVELOPMENT STANDARDS:

GENERAL PROVISIONS:
All district use regulations, supplemental regulations, building types, lot and building regulations, along with other relevant regulations shall conform with the provision of the Tulsa Zoning Code for development in a CG zoning district except as further limited below.

Permitted Uses:

All specific uses within the Public, Civic and Institutional and the Commercial Subcategories that are permitted by right within the CG – Commercial General District and uses accessory thereto.

Maximum Building Floor Height:	45 FT
Minimum Building Setbacks:	
From the North boundary of PUD	50 FT
From the West boundary of PUD	0 FT

6.2

From the internal PUD boundaries	10 FT
From South 85th East Ave	10 FT
From I-44 Frontage Road right-of-way	10 FT
From other street rights-of-way	50 FT

Minimum Parking Lot Setbacks:

From the north boundary	50 FT
From I-44 Frontage Road right-of-way	10 FT
From other street rights-of-way	10 FT
From Lots 1-5, if they contain residential uses	10 FT

Signage:

1. Ground Signage:
   A. One (1) ground sign shall be permitted along the I-44 Frontage Road not to exceed thirty feet (30 FT) in height or one hundred fifty square feet (150 SF) of display surface area. Such ground sign shall be at least one hundred feet (100 FT) from a residential district boundary or residentially used lot.

2. Wall Signs:

   A. Wall Signs shall not exceed two square feet (2 SF) per linear foot of building wall to which such sign is attached. Wall signs shall only be permitted on walls which face the I-44 frontage.

3. Directional Signs:

   A. Directional signs may be applicable at the entry onto South 85th East Avenue in accordance with a Detail Sign Plan as approved by the TMAPC.

4. Dynamic Displays:

   A. A maximum of one (1) of the wall signs or ground signs allowed herein may include a dynamic display. The dynamic display may not exceed the maximum sign area allowed for the respective sign or 48 feet, whichever is less. Dynamic displays shall comply with the applicable provisions of Chapter 60 of the City of Tulsa Zoning Code.

Landscaping:

A minimum of a 50' wide landscape buffer strip and seven foot (7 FT) high screening fence shall be provided along the entire northern boundary of the PUD. A minimum of 52 trees plus additional groundcover landscaping shall be planted within the 50' wide landscaped buffer along the north line. These requirements exceed the F1 screen standards of the City of Tulsa Zoning Code.

Additional screening fences may be required around the residential lots (Lots 1 through 5, inclusive, Tri-Center Village) depending upon the configuration of non-residential development. These screening requirements will be determined by the TMAPC when they review the detail site plan.

The 10' wide parking lot setback along E Skelly Drive shall additionally be maintained as a 10' wide landscape buffer. A minimum of 33 landscaping trees and additional groundcover landscaping shall be planted and maintained within the landscaped area containing the 10' wide landscaped buffer.

Along the west side of the PUD, a seven foot (7 FT) minimum width landscaped strip shall be planted and the landscaped area containing same shall contain a minimum of 10 landscaping trees and additional groundcover landscaping.

In addition to the minimum number of trees required to comply with zoning code buffering standards, plus the additional buffering trees along the perimeters as described above (proposed to be required by this PUD), 34 landscaping trees shall be planted and maintained within parking islands or on the peripheries of the parking areas.

Lighting:

1. Lighting standards shall be hooded and directed downward and shall not exceed sixteen feet (16 FT) in height within fifty feet (50 FT) of residentially zoned districts or residentially developed property.
2. Building mounted lights shall be directed downward and comply with City of Tulsa requirements for building mounted lighting.

Trash and mechanical equipment areas:

All trash and mechanical equipment areas (excluding utility service transformers, pedestals or equipment provided by franchise utility providers) including building mounted, shall be screened from public view in such a manner that the same cannot be seen by a person standing on any part of the property line at ground level.

Trash dumpster areas shall be screened by a masonry construction with steel doors. The doors shall be covered with an appropriate covering containing a minimum of 95% opacity on the gate frame.

Outside Storage:

There shall be no outside storage of recycling material, trash or similar materials outside of a screened receptacle. Truck trailers and shipping containers shall not be used for storage. No inoperable trucks or other vehicles shall be parked or stored on the property.

Pedestrian Access and Circulation:

Pedestrian access will be provided via a sidewalk along East Skelly Drive connecting to the existing sidewalk abutting to the west/south.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within an area designated as a Town Center and an Area of Growth by the City of Tulsa Comprehensive Plan. The previously approved PUD allowed many uses that are not consistent with the Town Center land use designation. PUD 533-A allowed agricultural implements including consumer goods equipment and services related to home and business landscaping.

Land Use Vision:

Land Use Plan map designation: Town Center

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

Areas of Stability and Growth designation: Area of Growth

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

Transportation Vision:

Major Street and Highway Plan: E Skelly Drive is designated as a Residential Collector.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The subject lot is currently vacant.

Environmental Considerations:

Streets:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
E Skelly Drive	Residential Collector	60 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RM-2	Existing Neighborhood	Growth	Multi-Family
South	RS-2	N/A	N/A	I-44
East	RS-2	N/A	N/A	I-44
West	CS	Town Center	Growth	Commercial

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11816 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-20377 November 2006: The Board of Adjustment **approved** a *Verification* of the spacing requirement for an outdoor advertising sign, 1,200 ft. from another outdoor advertising sign on the same side of the expressway, having met the requirement for spacing, on property located at the northeast corner of East Skelly Drive and East 27th Street South.

BOA-05201 September 1966: The Board of Adjustment **approved** a request for permission to allow temporary use of Lot 2, Block 1, Tri-Center Addition as a golf driving range in a U-2-B District for a period of two years.

Z-4293 October 1972: All concurred in **approval** of a request for *rezoning* a 8± acre tract of land from RM-2/CS to OM/CS, on property located west of Skelly Bypass and North of 27th Street.

Z-7039/PUD-553-B May 1995: All concurred in **approval** of a proposed *Minor Amendment* to PUD and request to *rezone* a 1.55± acre tract of land from CS to CG on a 1.55± acre tract of land to permit the retail sale and manufacture of rustic furniture, on property located northwest corner of East 27th Street South and South Skelly Drive (I-44).

PUD-533-A June 1995: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 7.9± acre tract of land to allow agricultural sales on property located northwest corner of East 27th Street South and South Skelly Drive (I-44).

PUD-533 May 1995: All concurred in **approval** of a proposed *Planned Unit Development* on a 8.6± acre tract of land for on property located northwest corner of East 27th Street South and South Skelly Drive (I-44).

Surrounding Property:

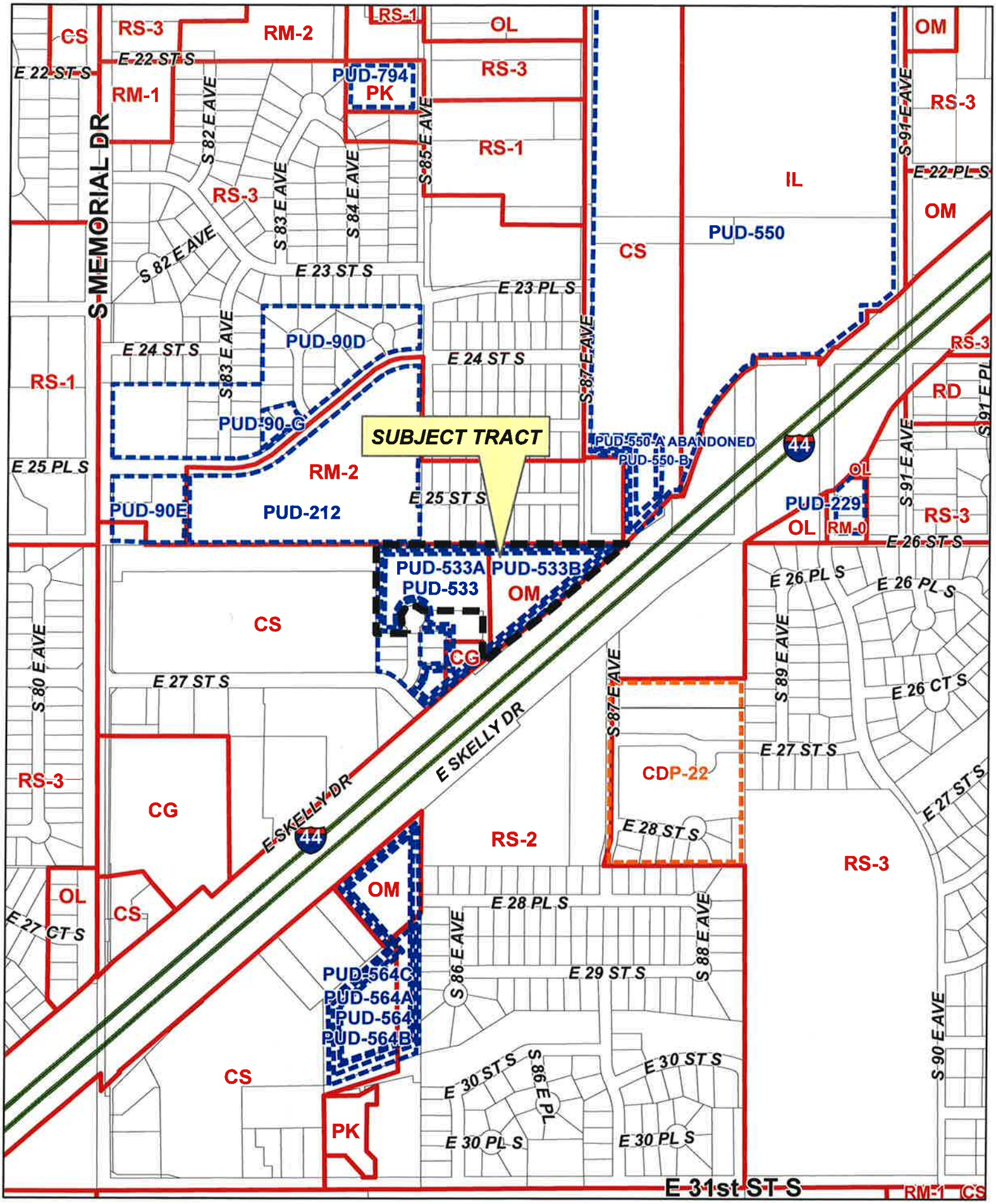
PUD-550-B March 2014: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 1.78± acre tract of land to abandon PUD-550-A, on property located east of South 87th East Avenue and East 24th Place.

PUD-550-A September 2004: All concurred in **approval** of a proposed *Major Amendment* to include a hotel/motel use within the PUD on a 1.7± acre tract, on property located east of South 87th East Avenue and East 24th Place.

PUD-550 December 1996: All concurred in **approval** of a proposed *Planned Unit Development* on a 60± acre tract of land for a proposed commercial/industrial mixed use development on property located south side of East 21st Street and west of South 91st East Avenue.

Z-5158/PUD-212 August 1978: All concurred in **approval** to abandon PUD-90, **approve** a new proposed *Planned Unit Development*, and rezone a 10.5± acre tract of land to RM-1/RS-3/PUD to RM-2/PUD-212 to convert the existing recreational center and day nursery into apartments, on property located on the southeast corner of East 25th Place and South Memorial Drive.

12/4/2019 1:30 PM



Feet
0 250 500

PUD-533-C

19-13 13

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Feet
0 250 500

Subject Tract

PUD-533-C

19-13 13

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

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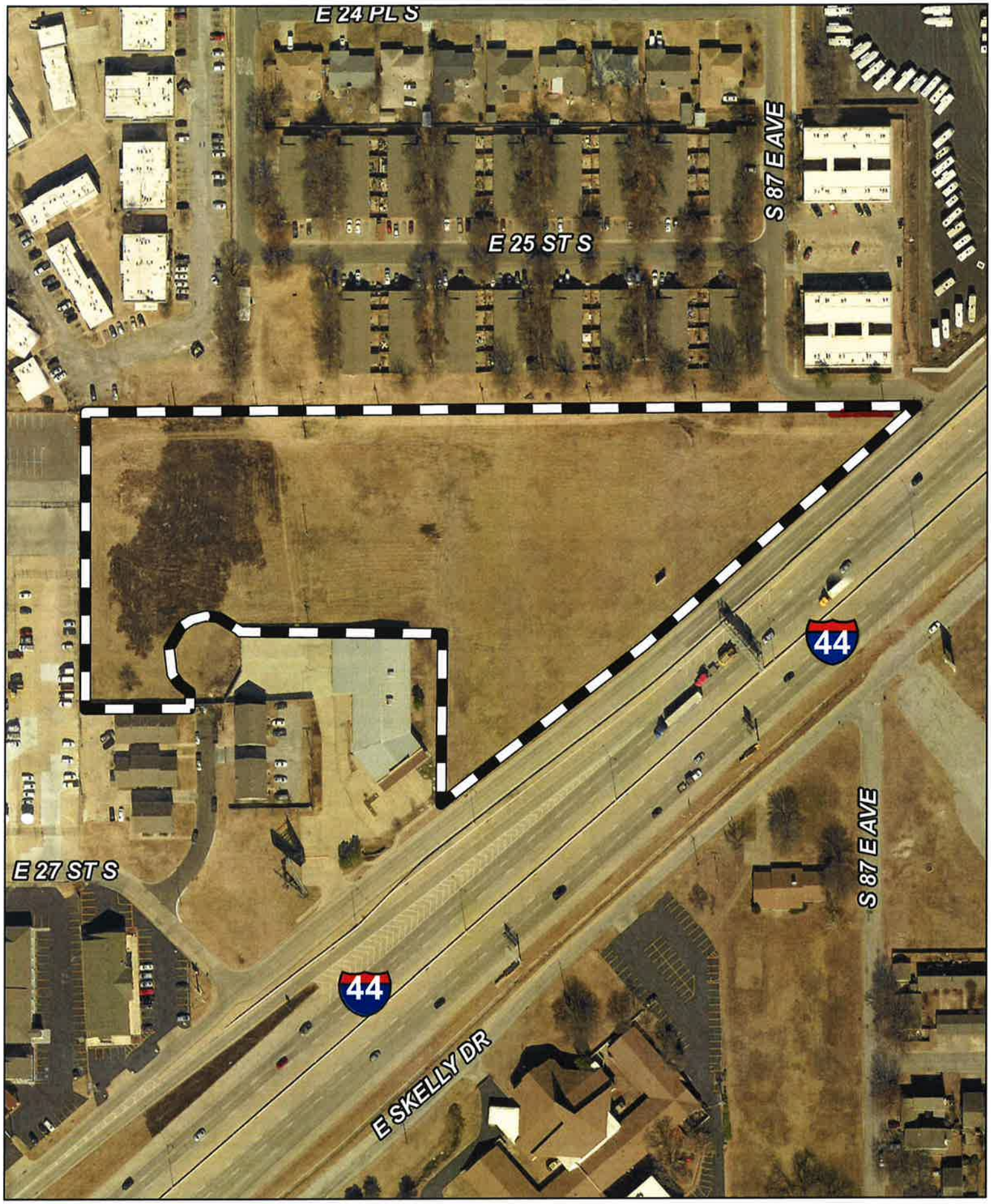

Feet
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Subject Tract

PUD-533-C

19-13 13

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

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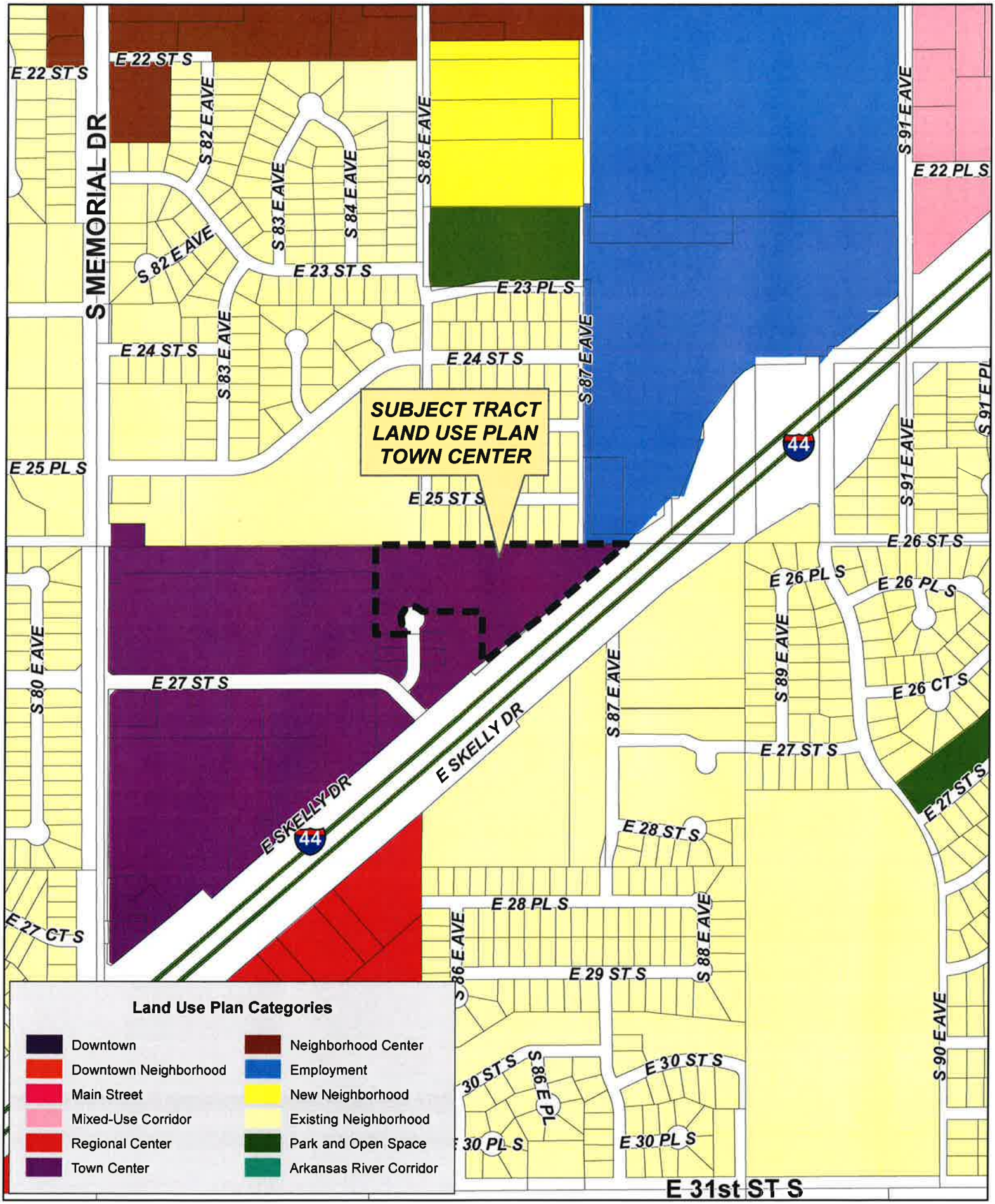

PUD-533-C

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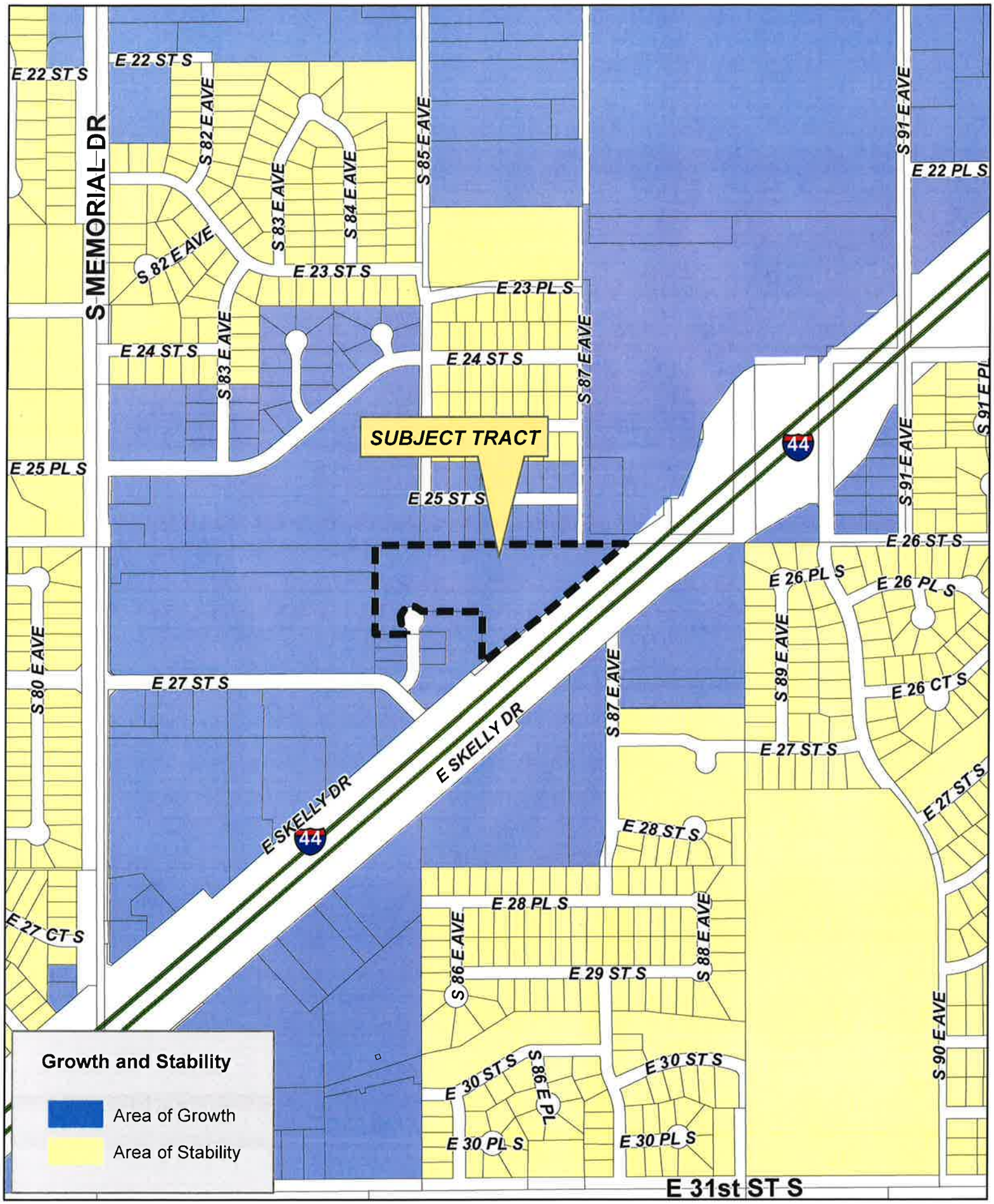

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PUD-533-C

19-13 13

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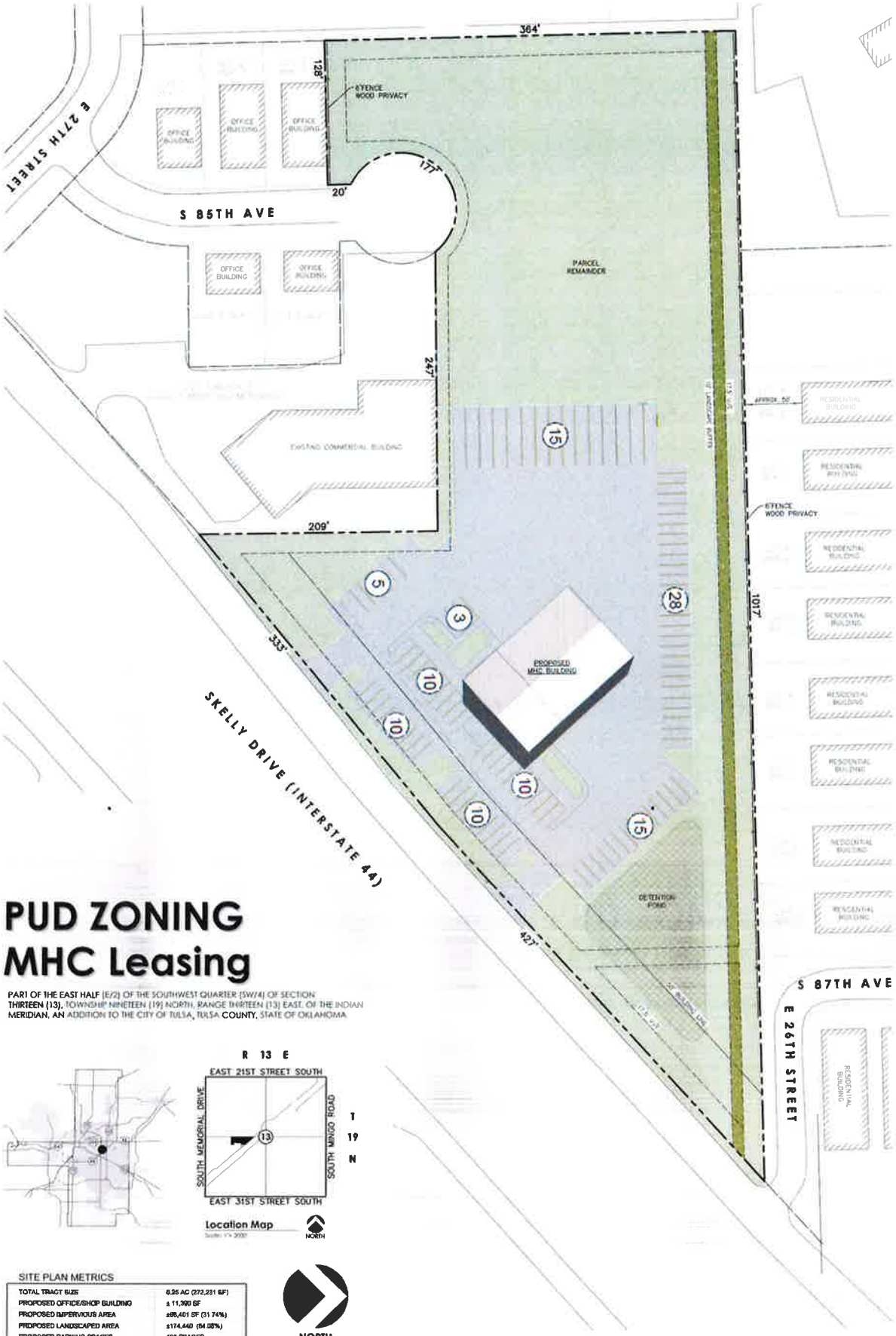
M-H Real Estate, LLC

PUD-533-C

DEVELOPMENT AREA B-2

I. DEVELOPMENT CONCEPT:

PUD Major Amendment 533-C amends the Development Standards for Development Area B-2 to permit the use of Development Area B-2 by M-H Real Estate, LLC ("M-H") as a truck rental facility. Specifically, PUD-533-C amends the Permitted Uses to be consistent with the Tulsa Zoning Code, as revised since such PUD was approved, and establishes the necessary landscaping, screening and setbacks to permit the use of Development Area B-2 by M-H. A Conceptual Site Plan for the Project is attached hereto as Exhibit "A".



PUD ZONING
MHC Leasing

PART OF THE EAST HALF (E/2) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION THIRTEEN (13), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Location Map

NORTH

SITE PLAN METRICS

TOTAL TRACT SIZE	6.25 AC (272,231 SF)
PROPOSED OFFICE/SHOP BUILDING	± 11,390 SF
PROPOSED IMPERVIOUS AREA	±85,401 SF (31.74%)
PROPOSED LANDSCAPED AREA	±174,440 (64.08%)
PROPOSED PARKING SPACES	106 SPACES

* ALL DIMENSIONS AND AREAS SHOWN HEREON ARE APPROXIMATE

NORTH

0 40 80 160

Scale: 1"= 80'

Tanner Consulting, LLC
Tulsa, Oklahoma

9/18/19 130M CONCEPTUAL SITE PLAN 1

6.14

PROPOSED LANDSCAPE
MHC Leasing

PART OF LOT 6 OF TRI-CENTER VILLAGE, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Location Map

NORTH

Scale: 1"= 80'

Tanner Consulting, LLC
Tulsa, Oklahoma

SITE PLAN NOTE :
This conceptual site plan is subject to change during engineering process

SITE PLAN METRICS - PHASE I DEVELOPMENT

TOTAL TRACT SIZE	6.25 AC (272,231 SF)
PROPOSED OFFICE/SHOP BUILDING	± 11,300 SF
PROPOSED IMPERVIOUS AREA	±96,847 SF (35.31%)
PROPOSED LANDSCAPED AREA	±173,384 (63.16%)
PROPOSED PARKING SPACES	106 SPACES
ZONING CODE BUFFER & PARKING LOT TREES - REQUIRED	58
ZONING CODE BUFFER & PARKING LOT TREES - PROVIDED	58
OPTIONAL SITE TREES	24

* ALL DIMENSIONS AND AREAS SHOWN HEREON ARE APPROXIMATE

SITE PLAN METRICS - PHASE I & II DEVELOPMENT

TOTAL TRACT SIZE	6.25 AC (272,231 SF)
PROPOSED OFFICE/SHOP BUILDING	± 11,300 SF
PROPOSED IMPERVIOUS AREA	±135,951 SF (49.79%)
PROPOSED LANDSCAPED AREA	±136,680 (50.21%)
PROPOSED PARKING SPACES	170 SPACES
ZONING CODE BUFFER & PARKING LOT TREES - REQUIRED	70
ZONING CODE BUFFER & PARKING LOT TREES - PROVIDED	70
OPTIONAL SITE TREES	50

* ALL DIMENSIONS AND AREAS SHOWN HEREON ARE APPROXIMATE

PLANT LEGEND - PHASE I & II DEVELOPMENT

PLANTS	PLANT TYPES	QTY	CONT	SIZE
	ZONING OVERSTORY TREES REQUIRED	97	B & B	2" cal & 12' Ht min
	OPTIONAL TREES	41	B & B	1" CAL
	ZONING LANDSCAPE BUFFER PLANTS REQUIRED			
	OPTIONAL PLANTS			

10/8/19 TMSH CONCEPTUAL SITE PLAN

6.15

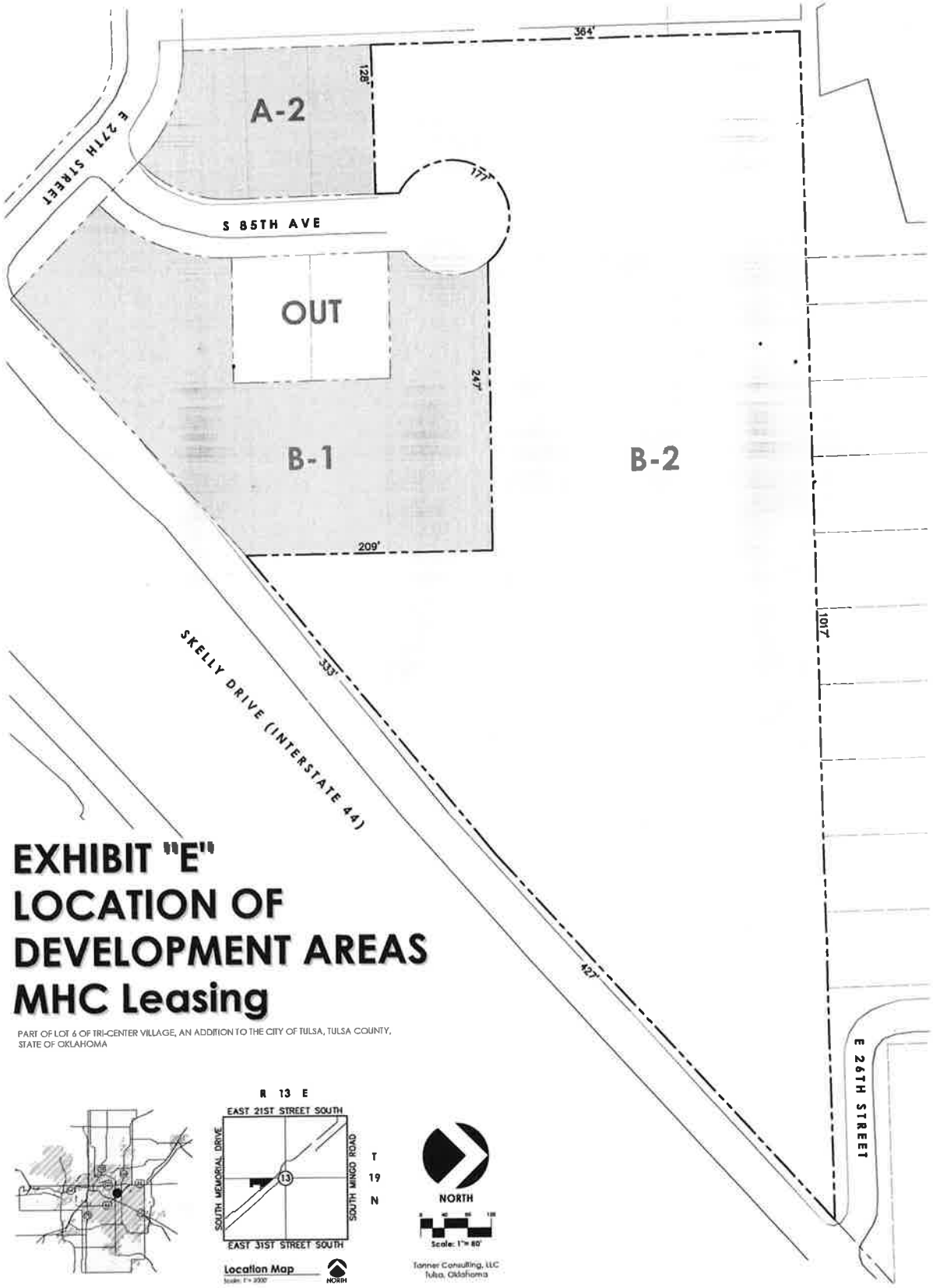


EXHIBIT "E"
LOCATION OF DEVELOPMENT AREAS
MHC Leasing

PART OF LOT 6 OF TRI-CENTER VILLAGE, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

10/23/19 16034 CONCEPTUAL SITE PLAN

6.14

Sawyer, Kim

Staff continuance request to 12-18-19

From: Wilkerson, Dwayne
Sent: Tuesday, November 26, 2019 9:48 AM
To: Sawyer, Kim
Cc: Miller, Susan; FRISCO YARDS
Subject: Z-7515 with optional development plan

Kim,

Staff request a continuance for Z-7515 to the December 18th meeting. Additional time is required to complete the details of the optional development plan standards identified in the application.

Please forward this request to the Planning Commission Chair.

Thanks

Dwayne Wilkerson, ASLA, PLA
Principal Planner | Current Planning
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9475
dwilkerson@incog.org

TULSA PLANNING OFFICE

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START HERE >
United States Census 2020

7.1

TMAPC

Tulsa Metropolitan Area Planning Commission

Case Number: **Z-7516 with an optional development plan**

Hearing Date: December 4th, 2019

Case Report Prepared by:

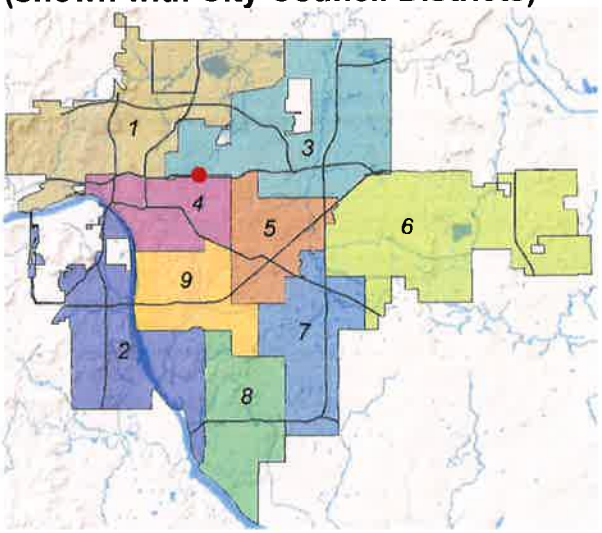
Jay Hoyt

Owner and Applicant Information:

Applicant: Justin Moura

Property Owner: MOURA, PAULO J & MARY ANNE

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Restaurant / Catering

Proposed Use: Medical Marijauna Growing and Low-Impact Processing

Concept summary: Rezone from CH to IL with Optional Development Plan to permit a medical marijuana growing facility and low-impact processing.

Tract Size: 0.55 ± acres

Location: West of the Southwest corner of East Admiral Place & North Harvard Avenue

Zoning:

Existing Zoning: CH

Proposed Zoning: IL

Comprehensive Plan:

Land Use Map: Mixed-Use Corridor

Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 9305
CZM: 37

City Council District: **3**

Councilor Name: Crista Patrick

County Commission District: **2**

Commissioner Name: Karen Keith

8.1

SECTION I: Z-7516

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from CH to IL with an Optional Development Plan to permit a Medical Marijuana Growing and processing facility. The site currently houses a commercial kitchen for a catering company, which would remain, if rezoning is approved. The intent is to use the three existing buildings on the site for the various functions of growing and processing medical marijuana, including office, grow and processing while also maintaining the existing commercial kitchen for both catering and medical marijuana related uses. The applicant may encounter issues with setbacks if the site is ever redeveloped as IL zoning requires a 75 ft building setback from R zoned districts. This would require the applicant to conform to those setbacks or seek a variance of those requirements from the Board of Adjustment if they could not be met.

EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map
- Applicant Exhibits:
  - Sketch Site Plans
  - Concept Statement
  - Support Letters

DETAILED STAFF RECOMMENDATION:

Z-7516 is requesting IL zoning with an optional development plan as outlined in Section II below. That zoning classification is intended to provide areas suitable for manufacturing, wholesaling, warehousing and other industrial activities that have few if any adverse land use or environmental impacts. IL zoning without the optional development plan would have negative impacts on the surrounding properties and would not be supported and,

Z-7516 is consistent with the anticipated future development pattern of the surrounding property;

Many uses allowed in an IL zoning district are not consistent with the Mixed-Use Corridor land use designation of the Comprehensive Plan however the development plan outlined below only allows light industrial uses related to medical marijuana processing and horticultural nursery. All commercial uses normally associated with a Mixed-Use Corridor included in the allowed uses in the development plan, therefore;

Staff recommends **Approval** of Z-7516 to rezone property from CH to IL with the provisions of the optional development plan outlined in Section II.

SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS:

General Provisions:

All district use regulations, supplemental regulations, building types, lot and building regulations, along with other relevant regulations shall conform to the provisions of the City of Tulsa Zoning Code for development in an IL zoning district except as further limited below.

Permitted Use Category:

A) Residential

Household Living
- Single Household
- Two Households on a single lot
- Three or more households on a single lot

B) Public, Civic and Institutional

Safety Service
Utilities and Public Service Facility (minor)
Wireless Communication Facility (includes all permitted specific uses)

C) Commercial

Animal Service (includes all permitted specific uses)
Broadcast or Recording Studio
Commercial Service (includes all permitted specific uses)
Financial Services (includes all permitted specific uses)
Funeral or Mortuary Service
Office (includes all permitted specific uses)
Parking, Non-Accessory
Restaurants and Bars
- Restaurants (Bars allowed as an accessory use)

Retail Sales (includes all permitted specific uses)
Self-Service Storage Facility
Studio, Artist or Institutional Service
Trade School
Vehicle Sales and Service
- Commercial Vehicle repair and maintenance
- Commercial sales and rentals
- Fueling Station
- Personal Vehicle sales and rental
- Vehicle part and supply sales
- Vehicle body and paint finishing shop

D) Industrial

Low-Impact Manufacturing & Industry – Only allowing production of medical marijuana edibles using medical marijuana components processed elsewhere.

E) Recycling

Consumer Material Drop-off Station

F) Agricultural

Community Garden
Farm, Market or Community-supported
Horticulture Nursery

G) Other

Drive-in or drive-through facility

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The subject lot is located within a Mixed-Use Corridor and an Area of Growth. It is also located within the Kendall-Whittier Sector Plan area which calls for the subject lot and surrounding area along Admiral Pl between College Ave and Harvard Ave to be a Mixed-Use Corridor.

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

Areas of Stability and Growth designation: Area of Growth

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit and automobile.

Transportation Vision:

Major Street and Highway Plan: E Admiral Pl is classified as a Residential Collector in the area near the subject lot. E Admiral Pl becomes a Secondary Arterial approximately 900 feet to the east of the lot.

Trail System Master Plan Considerations: None

Small Area Plan: Kendall-Whittier Sector Plan (adopted November 2016)

The sector plan calls for the subject lot and the surrounding area along Admiral Pl to be a Mixed-Use Corridor and states that these areas include a variety of non-residential uses, such as retail, restaurants and offices. However, some industrial uses may be appropriate as well, assuming they minimize the impacts on surrounding development and the overall character of the corridor.

Special District Considerations: The lot is located within the Route 66 Overlay, which permits special signage allowances and does not affect the uses of the lots themselves.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site currently contains a catering company and multiple existing commercial buildings.

Environmental Considerations: None

Streets:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
E Admiral Place	Residential Collector	60 Feet	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CH	Mixed-Use Corridor	Growth	Single-Family
South	RS-3	Mixed-Use Corridor	Growth	Single-Family
East	CH	Mixed-Use Corridor	Growth	Commercial
West	CH	Mixed-Use Corridor	Growth	Commercial

SECTION IV: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11815 dated June 26, 1970 established zoning for the subject property.

Subject Property:

No Relevant History.

Surrounding Property:

PUD-594 September 1998 : All concurred in **approval** of a proposed *Planned Unit Development* on a 1.68± acre tract of land for on property located northwest corner of South Harvard Avenue and East Admiral Place.

BOA-06354 May 1969: The Board of Adjustment **approved** a *Variance* to permit the operation of a light industrial machine shop, on property located at 16 N. College.

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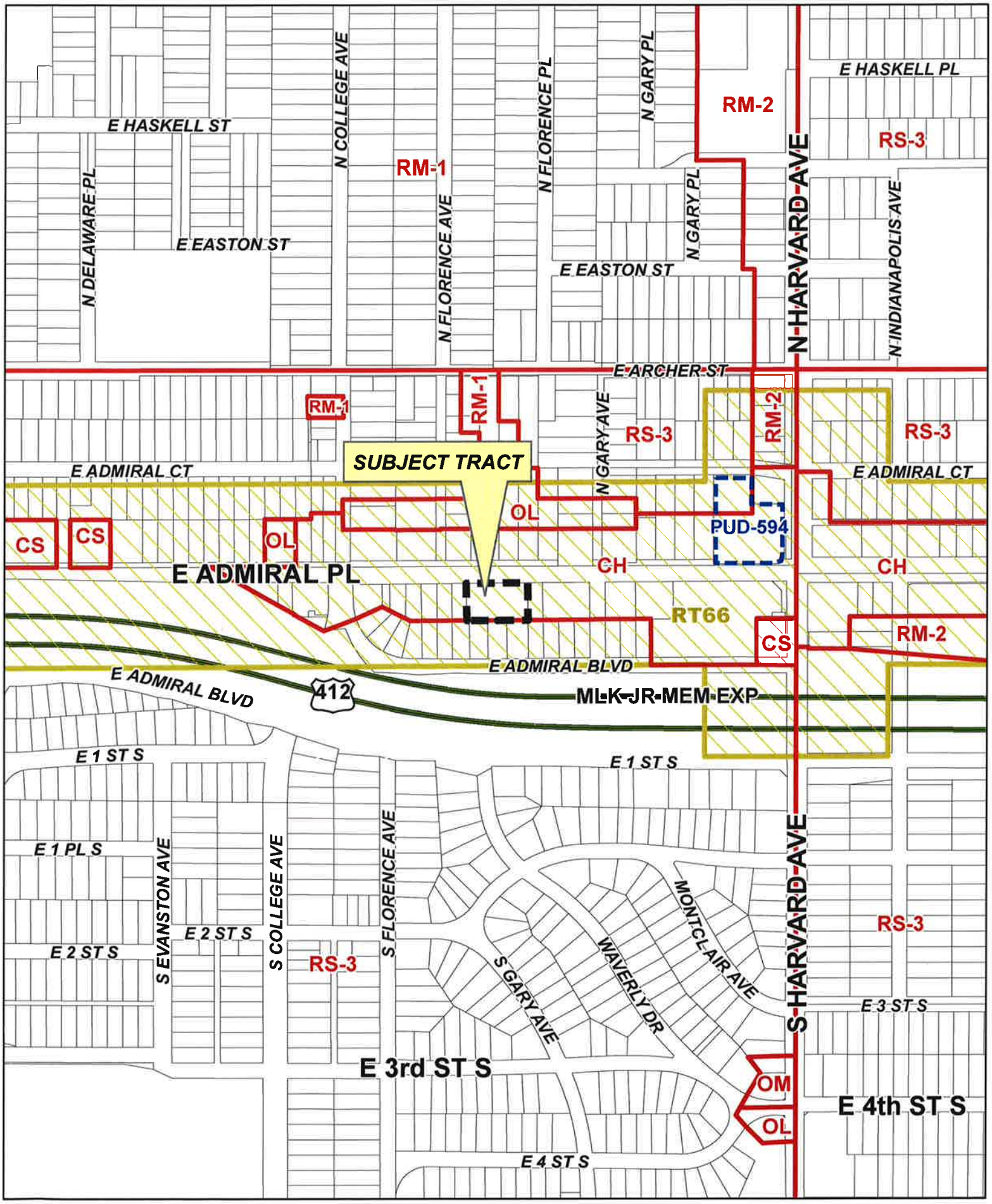

Feet
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19-13 05

Z-7516
with Optional
Development Plan

8.7

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Feet
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Subject Tract

19-13 05

Z-7516 with Optional Development Plan

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

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Subject Tract

19-13 05

Z-7516 with Optional Development Plan

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

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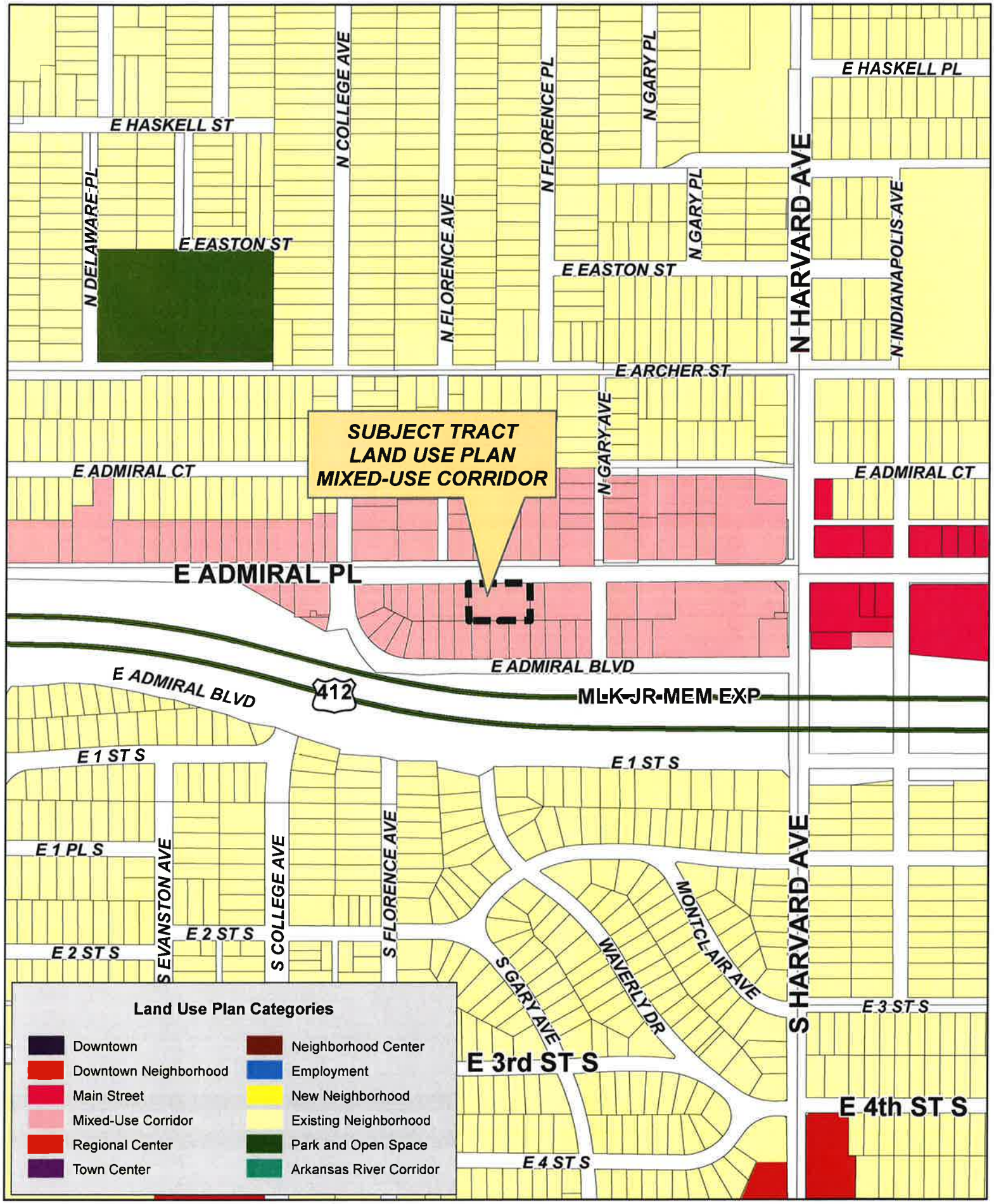

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Z-7516
with Optional
Development Plan

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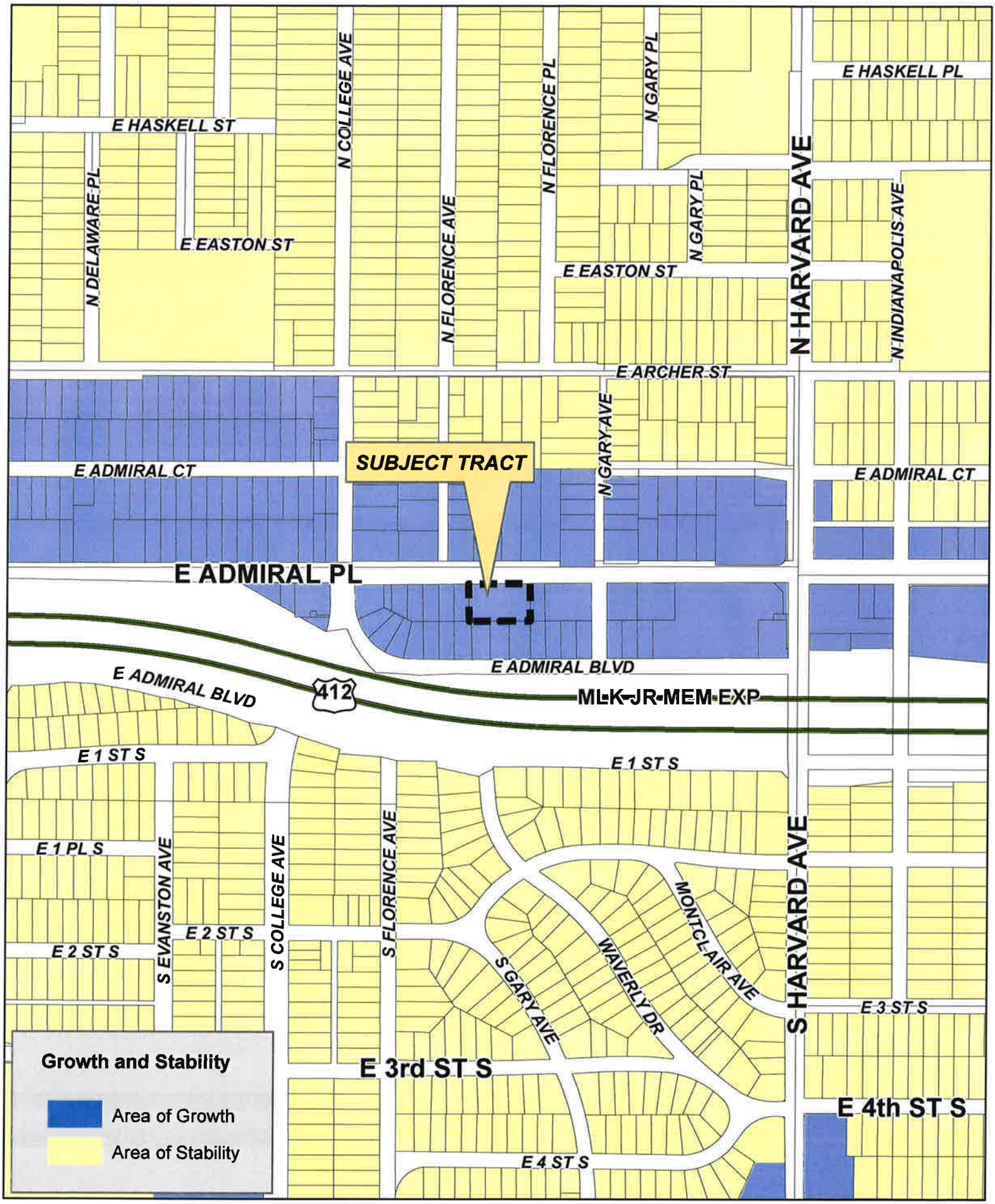

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Z-7516
with Optional
Development Plan

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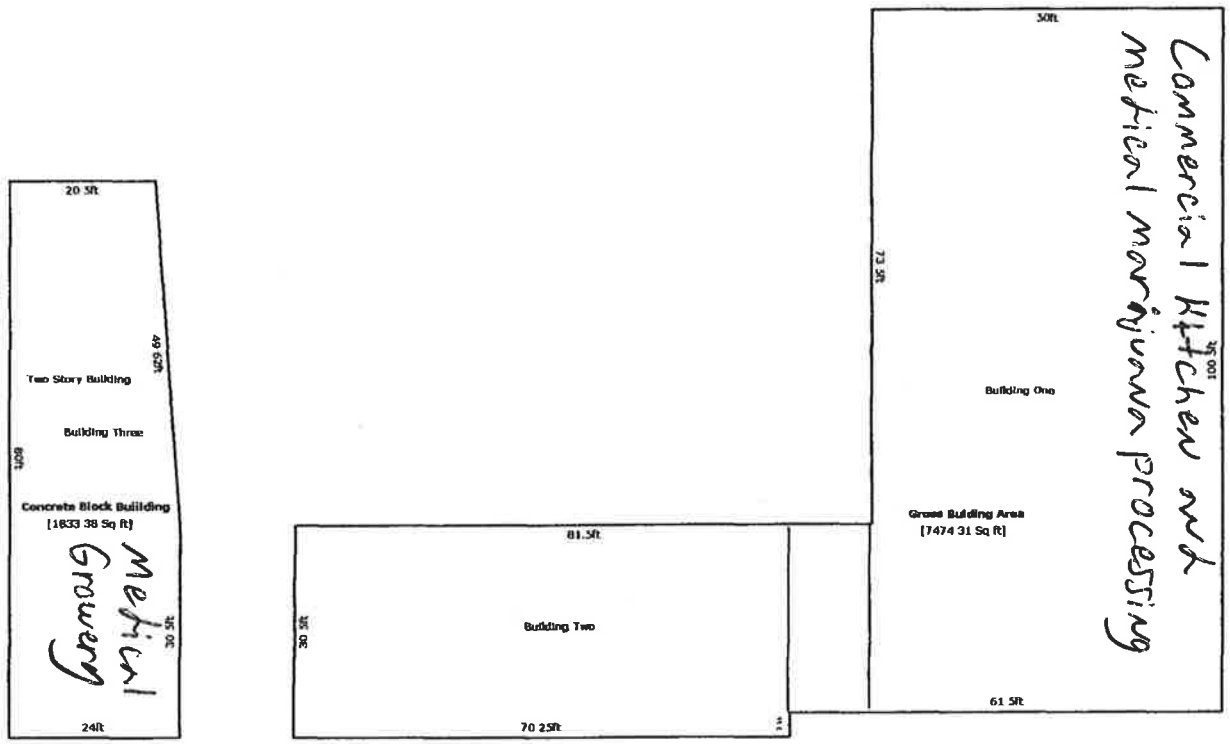
Fiesta Catering Inc. Rezoning Application

CONCEPT STATEMENT

The property is currently being used as a commercial kitchen that prepares food for food trucks and has no customers that are served on site. The property owner desires to produce medical marijuana edibles in said kitchen. Tulsa Health Department has given permission that both operations can be ran at the same time. The owner would also like to convert the east building into a grower operation.

Building Sketch

Client	CSB				
Property Address	3112 E. Admiral Place				
City	Tulsa	County Tulsa		State OK	Zip Code 74110
Borrower	Paulo & Mary Moura				



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DaVinci by a la mode, inc.

Area Calculations Summary

Living Area		Calculation Details		
Concrete Block Building	1833.4 Sq ft	24 × 30.5	=	732
		49.5 × 20.5	=	1014.75
		0.5 × 49.5 × 3.5	=	86.625
Gross Building Area	7474.3 Sq ft	50 × 73.5	=	3675
		27 × 61.5	=	1660.5
		30.5 × 70	=	2135
		0.5 × 30.5 × 0.25	=	3.8125
Total Living Area (Rounded):	**9308 Sq ft**			

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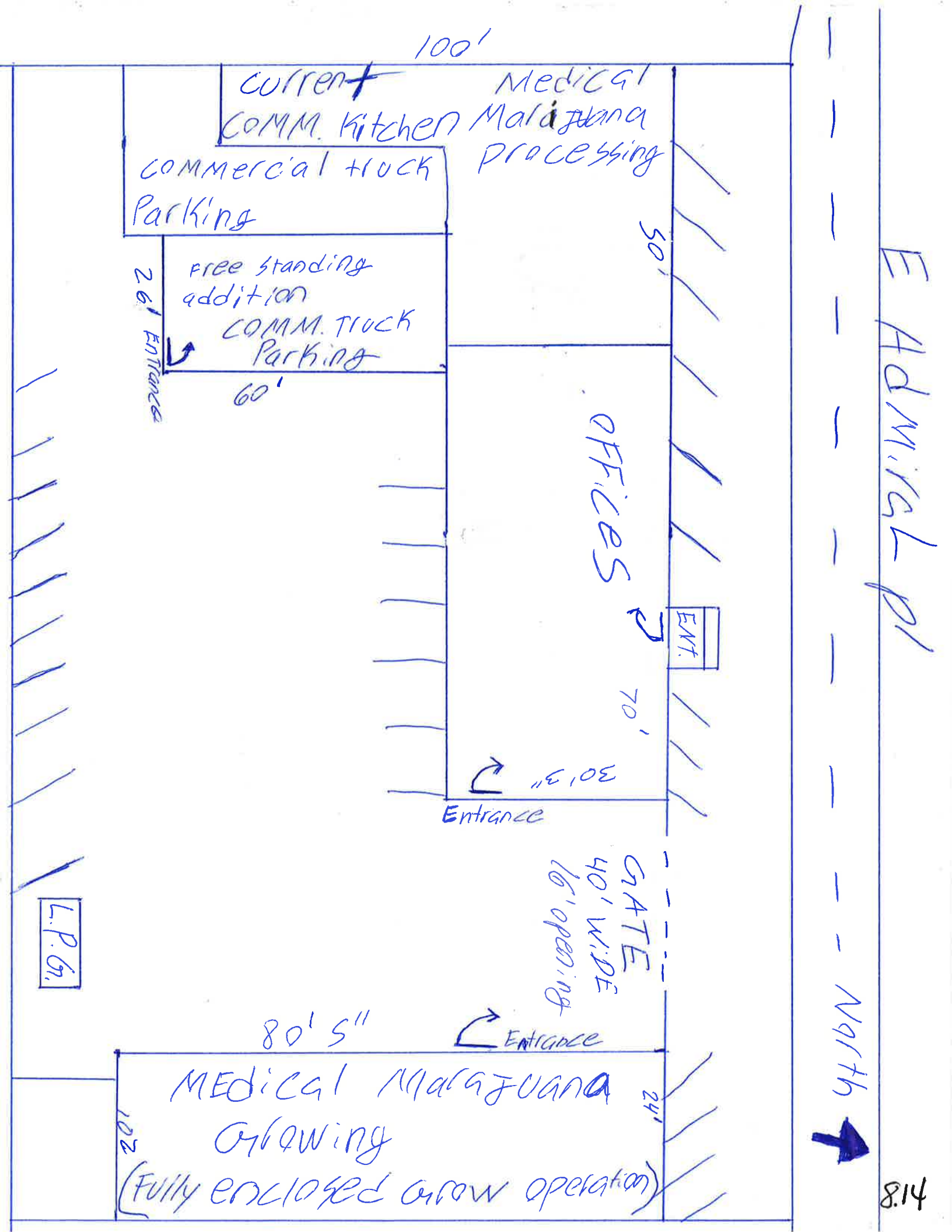

100'
current COMM. Kitchen
Medical Marijuana processing
commercial truck Parking
50'
26' Entrance
free standing addition
COMM. Truck Parking
60'
OFFICES
Ent.
70'
30' 5"
Entrance
GATE 40' WIDE 16' opening
L.P. Gas
80' 5"
Entrance
MEdical Marajuana Growing
(Fully enclosed grow operation)
102'
24'
E Admiral Pl
North

8.14

I STACY CHUMLEY, located at 3014 E. Admiral Pl., Tulsa, OK 74110 dba S & S TIRE

approve that the premises located at 3112 E. Admiral Pl. Tulsa, OK 74110 to be re-zoned Industrial Light with an Optional Development Plan for the Purpose of growing and/or the processing of MEDICAL MARAJIANA.

I STACY CHUMLEY acknowledge this document will be used in a public hearing as part of the case for 3112 E. Admiral Pl. for the purpose of re-zoning to industrial light.

Signature: _____ Date: 10-17-19

Witness: Ryan Moore Date: 10-17-19

8.15

G+A FRAME

I _____, located at: 2885 E-ADMIRAL PL.

approve that the premises located at 3112 E. Admiral Pl. Tulsa, OK 74110 to be re-zoned Industrial Light with an Optional Development Plan for the Purpose of growing and/or the processing of MEDICAL MARAJIANA.

I _____ acknowledge this document will be used in a public hearing as part of the case for 3112 E. Admiral Pl. for the purpose of re-zoning to industrial light.

Signature: _____ Date: 10/17/19

Print name: DAVID W. GRIMM

8.16

I Jeff Bean, located at 3020 E. Admiral Pl., Tulsa, OK 74110 dba Helix Metal Works

approve that the premises located at 3112 E. Admiral Pl. Tulsa, OK 74110 to be re-zoned Industrial Light with an Optional Development Plan for the Purpose of growing and/or the processing of MEDICAL MARAJIANA.

I Jeff Bean acknowledge this document will be used in a public hearing as part of the case for 3112 E. Admiral Pl. for the purpose of re-zoning to industrial light.

Signature: _____ Date: 10-17-19

Witness: Ryan Mauer Date: 10-17-19

8.17

I _____, located
at: 3117 E Admiral blvd

approve that the premises located at 3112 E. Admiral Pl. Tulsa, OK 74110 to be re-zoned Industrial Light with an Optional Development Plan for the Purpose of growing and/or the processing of MEDICAL MARAJIANA.

I _____ acknowledge this document will be used in a public hearing as part of the case for 3112 E. Admiral Pl. for the purpose of re-zoning to industrial light.

Signature: _____ Date: 10-17-19

Print name: Jennifer Lovins

8.18

I JH Hathaway, located at: 3129 E. ADMIRAL BLVD, TULSA, OK 74110

approve that the premises located at 3112 E. Admiral Pl. Tulsa, OK 74110 to be re-zoned Industrial Light with an Optional Development Plan for the Purpose of growing and/or the processing of MEDICAL MARAJIANA.

I JH Hathaway acknowledge this document will be used in a public hearing as part of the case for 3112 E. Admiral Pl. for the purpose of re-zoning to industrial light.

Signature: JH Hathaway Date: 10-17-19

Print name: THOMAS H. HATHAWAY

8.19

TMAPC

Tulsa Metropolitan Area Planning Commission

Case Number: **Z-7517**

Hearing Date: December 4th, 2019

Case Report Prepared by:

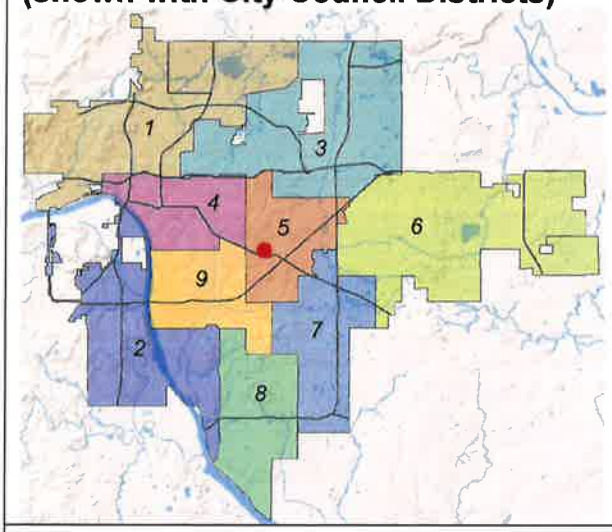
Jay Hoyt

Owner and Applicant Information:

Applicant: Tulsa Habitat For Humanity, Inc

Property Owner: TULSA HABITAT FOR HUMANITY

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Vacant

Proposed Use: Single-family Residential

Concept summary: Rezone from RS-3 to RS-4 to permit single family housing

Tract Size: 0.37 ± acres

Location: West of the Southwest corner of East 31st Street South & South Sheridan

Zoning:

Existing Zoning: RS-3

Proposed Zoning: RS-4

Comprehensive Plan:

Land Use Map: Existing Neighborhood

Stability and Growth Map: Area of Stability

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 9322
CZM: 48

City Council District: **5**

Councilor Name: Cass Fahler

County Commission District: **2**

Commissioner Name: Karen Keith

SECTION I: Z-7517

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from RS-3 to RS-4 in order to permit single-family homes on lots that are smaller than the currently existing RS-3 zone. RS-3 zones require 6,900 sf per single-family detached house and a minimum lot width of 75 Feet. RS-4 would require 5,500 sf per single-family detached house and a minimum lot width of 50 Feet. This would be a minor increase in density over the current zoning of the subject lot and would be compatible with existing homes in the vicinity of the subject lot.

EXHIBITS:

INCOG Case map
INCOG Aerial (small scale)
INCOG Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Tulsa Comprehensive Plan Areas of Stability and Growth Map

DETAILED STAFF RECOMMENDATION:

Z-7517 requesting RS-4 zoning allows single family residential uses that are compatible with the surrounding properties;

Lot and building regulations in a RS-4 district allow a greater density than the abutting RS-3 zoned properties however RS-4 zoning is consistent with the anticipated future development pattern of the surrounding property;

RS-4 zoning is consistent with the Existing Neighborhood land use designation of the Comprehensive Plan, therefore;

Staff recommends **Approval** of Z-7517 to rezone property from RS-3 to RS-4.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The subject site is located in an area designated as an Existing Neighborhood and an Area of Stability.

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood

The Existing Neighborhood category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

Areas of Stability and Growth designation: Area of Stability

The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Transportation Vision:

Major Street and Highway Plan: E 32nd St S does not have a designation.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site currently contains a garage associated with a neighboring property which will be removed prior to construction of the proposed dwellings.

Environmental Considerations: None

Streets:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
E 32nd St S	None	N/A	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	OL	Mixed-Use Corridor	Growth	Commercial
South	RS-3	Existing Neighborhood	Stability	Single-Family Residential
East	RS-3	Existing Neighborhood	Stability	Single-Family Residential
West	RS-3	Existing Neighborhood	Stability	Single-Family Residential

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11824 dated June 26, 1970 established zoning for the subject property.

Subject Property:

No Relevant History.

Surrounding Property:

No Relevant History.

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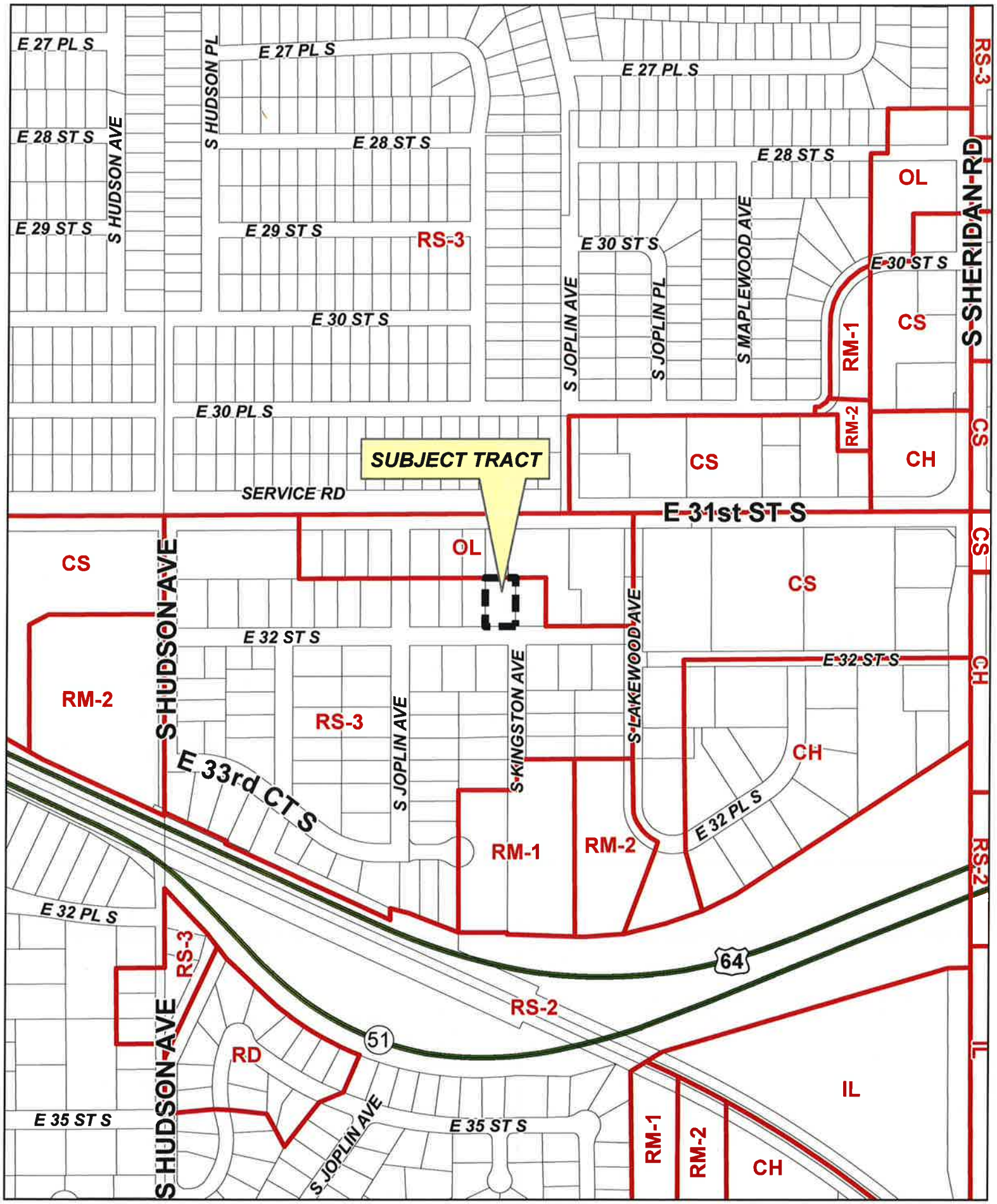

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Z-7517

19-13 22

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Feet
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Subject Tract

Z-7517

19-13 22

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

9.6

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Feet
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Subject Tract

Z-7517

19-13 22

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

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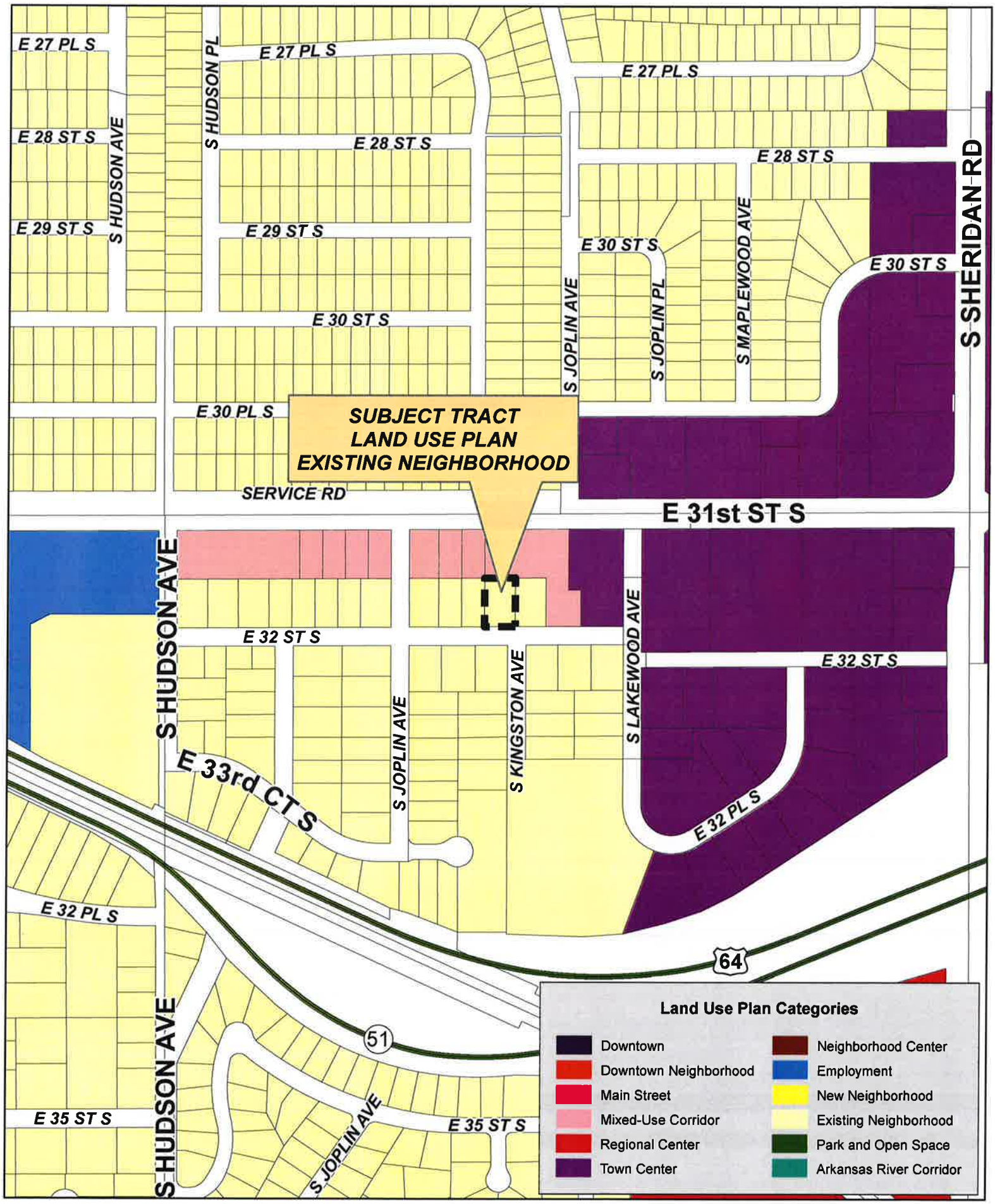

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Z-7517

19-13 22

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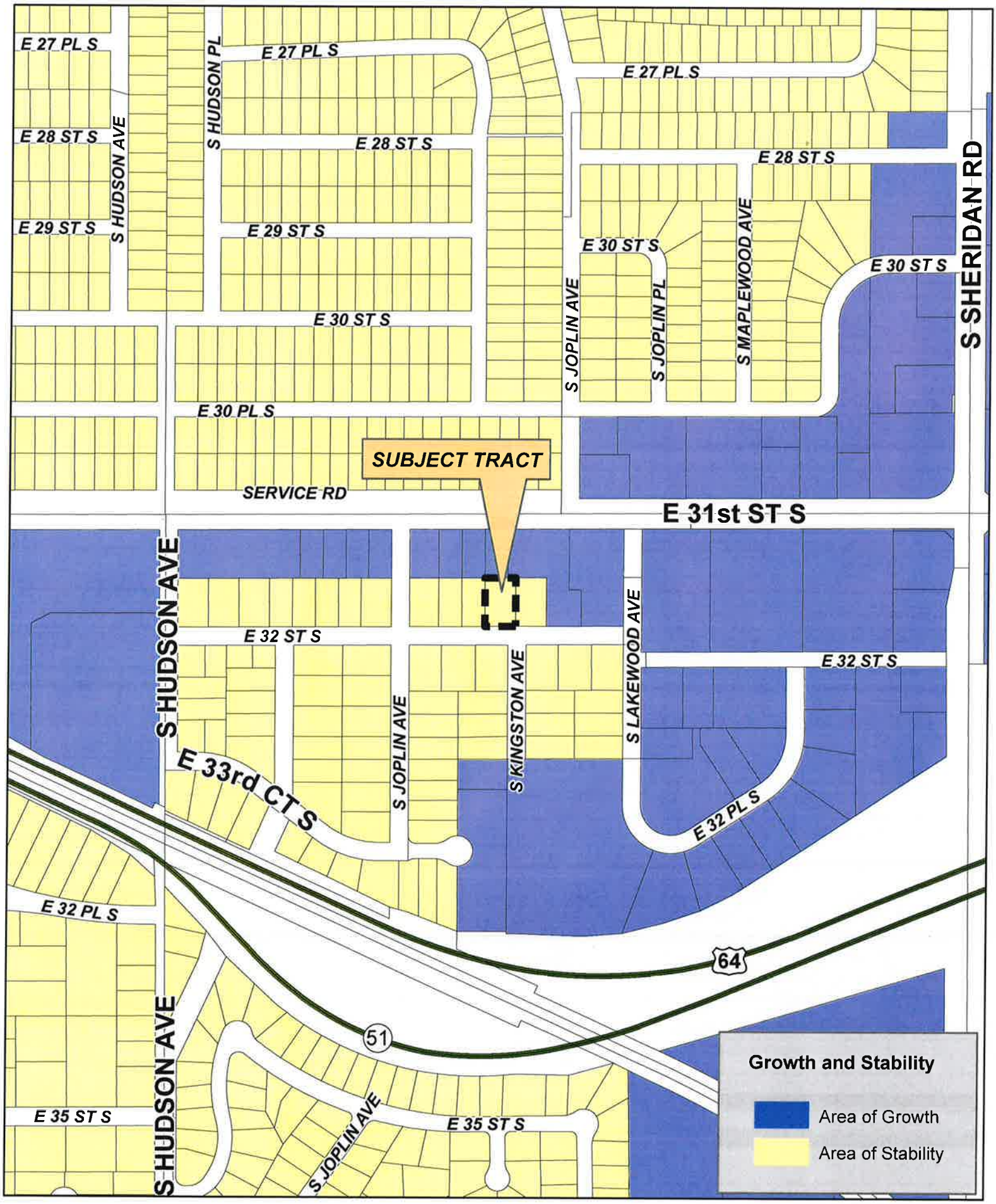

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Z-7517

19-13 22

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