

FOREST CREEK

NE/C Garnett and Houston

Planned Unit Development No.- 146
Amended Text

APPROVED	<u>CITY COUNCIL</u>
DATE	<u>9/20/04</u>
BROKEN ARROW PLANNING DEPT.	

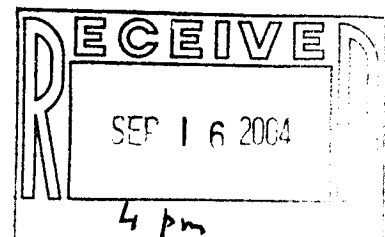


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Exhibit "D" Legal Description

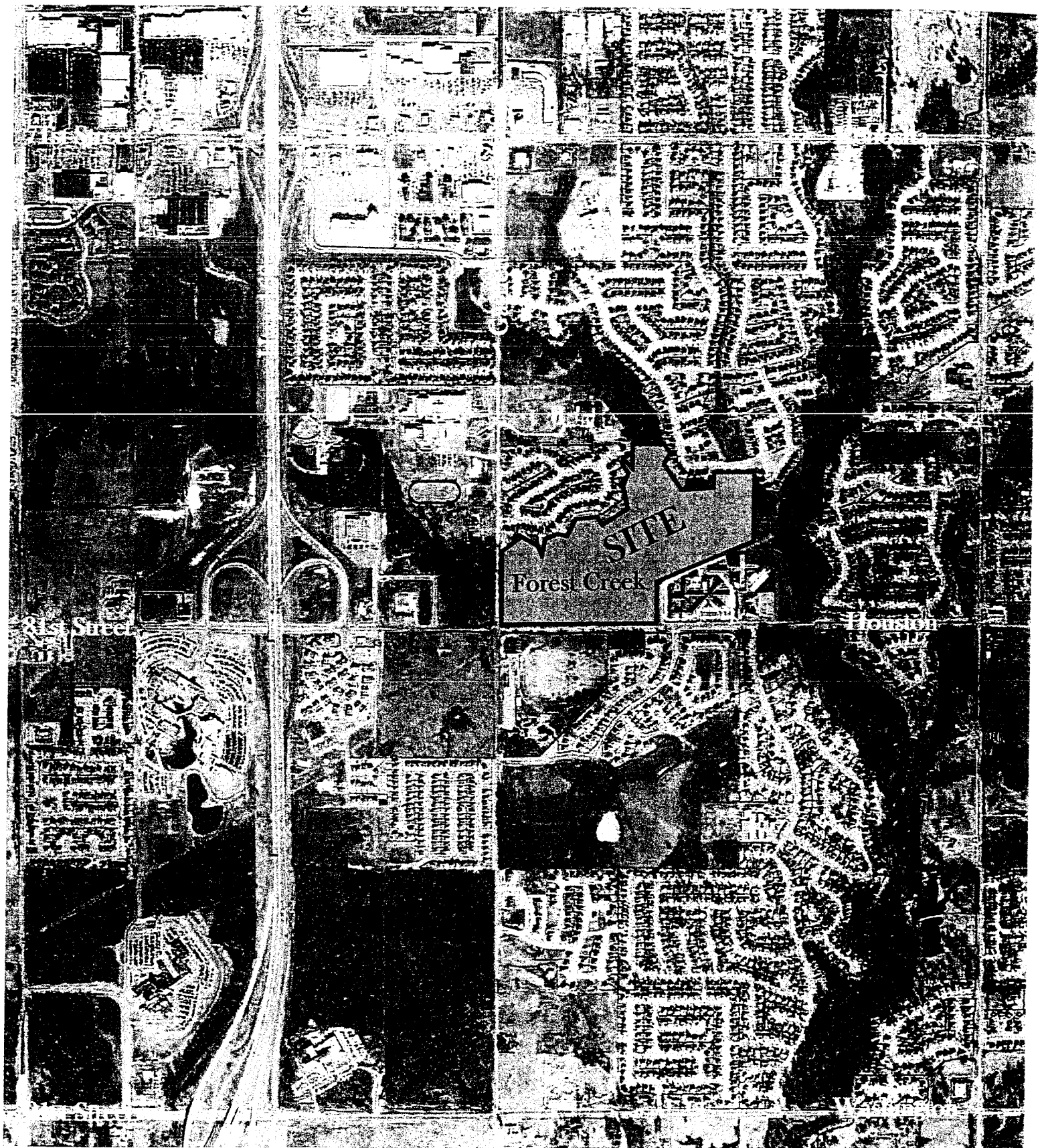


Exhibit B-1 – AERIAL

I. Development Concept

The project site (the "Property") comprises 71.72 acres situated at the northeast corner of Garnett and Houston. The Property has approximately 1800 feet of frontage along Houston and approximately 795 feet of frontage along Garnett. The northerly 26 acres is within the Haikey Creek flood plain. The easterly boundaries of the Property are adjoined by the Forest Hills Health Care Center.

The proposed planned unit development consists of a mixed use project which includes predominantly commercial use (20.5 acres gross*) along the arterial street frontages and an interior residential development area (24.50 acres gross*) consisting of townhomes intended for individual ownership. The flood plain area will be maintained as open space.

The Property was the subject matter of a proposed Comprehensive Plan amendment (BACP 39) which was approved by the Broken Arrow City Council on August 5, 2002 and the then existing Level 3 and Level 4 intensity designations were reconfigured consistent with a concurrently filed application for rezoning (BAZ - 1570). The City Council conditioned the Comprehensive Plan amendment on the submission and approval of a planned unit development and BAZ-1570 was held, pending the submission of a planned unit development. It is intended that this planned unit development and the completion of rezoning application BAZ-1570 (refiled as BAZ 1651) implement the Comprehensive Plan as amended, though minor reallocation of uses permitted by the resulting underlying zoning may occur if approved within and as a part of the planned unit development.

*The rezoning boundary between the southeasterly boundary of the R-5 and the adjoining C-2 were initially drawn (and advertised) based on an alignment along the centerline of an existing pipeline easement. As detail planning has progressed, it was concluded that the development area boundary should be established along the northwesterly line of the easement and the proposed screening fence aligned accordingly. This adjustment is permitted within an planned unit development and resulted in a .372 acre reduction in the townhome development area and an offsetting increase in the adjoining commercial development area.

II. Development Standards - Area 1 (commercial)

Net Land Area	13.37 acres
Permitted Uses:	Uses permitted by right within a C-2 District including drive in restaurants and restaurants with drive through windows.
Maximum Floor Area:	132,000 square feet
Maximum Floor Area Ratio Per Lot	.25
Minimum Lot Frontage	100 feet
Minimum Lot Size	25,000 sq. ft.
Maximum Height:	2 stories
Minimum Building Setbacks:	
from c/l of Garnett	100 feet
from c/l of Houston	100 feet
from interior lot lines	10 feet
from abutting residential area	40 feet
from Development Area 4	5 feet
from high pressure pipeline	50 feet
Minimum Landscaped Area	10 % of the net development area, provided however, a maximum of 3% of the required landscaped area may be deemed to be located within Development Area 4 - Reserve and Open Space.
Landscaping Standards	Landscaping shall be provided in accordance with Article VIII, Section 19 of the Broken Arrow Zoning Ordinance, provided however: (1) A landscaped edge of at least 15 feet in width shall be provided along Houston Street and along Garnett for the first 150 feet extending from the rights of way and a landscaped edge of at least 10 feet in width shall be provided along the remainder of the frontages and the required landscape edges shall include not less than one tree per 25

lineal feet of the landscaped edges; (2) A landscaped edge of variable width of 3 to 10 feet shall be provided along the common boundary of Development Area 1 and Development Area 3 and shall include not less than one evergreen tree per 25 lineal feet of the landscaped edge. The design of the landscaped edge shall be determined as a part of site plan review.

Screening Fence

Opaque fencing not less than 8 feet in height shall be installed and maintained (in accordance with the screening provisions of the Broken Arrow Zoning Ordinance) along the common boundary of Development Area 1 and Development Area 3.

Building Design Requirements

The exterior finish of building walls visible from a public street shall be constructed of brick or other masonry material.

Parcelization

Parcelization of the development area may occur by platting or by subsequent lot splits, provided however in the event that the intended floor area ratio of a parcel shall exceed .25, the floor area allocation shall require the approval by the Broken Arrow Planning Commission of a minor amendment.

III. Development Standards - Area 2 (commercial)

Net Land Area	4.08 acres
Permitted Uses:	Uses permitted by right within a C-2 District
Maximum Floor Area:	45,000 square feet
Maximum Floor Area Ratio Per Lot	.30
Minimum Lot Frontage	100 feet
Minimum Lot Size	4000 sq. ft.
Maximum Height:	2 stories
Minimum Building Setbacks:	
from c/l of Houston	100 feet
from interior lot lines	10 feet
from abutting residential area	25 feet
from east boundary	15 feet
from high pressure pipelines	50 feet
Minimum Landscaped Area	15 % of the net development area
Landscaping Standards	Landscaping shall be provided in accordance with Article VIII, Section 19 of the Broken Arrow Zoning Ordinance, provided however: (1) A landscaped edge of at least 10 feet in width shall be provided along the Garnett frontage and shall include not less than one tree per 25 lineal feet of the landscaped edge; (2) A landscaped edge of variable width of 3 to 10 feet shall be provided along the common boundary of Development Area 2 and Development Area 3 and shall include not less than one evergreen tree per 25 lineal feet of the landscaped edge. The design of the landscaped edge shall be determined as a part of site plan review.
Screening Fence	Opaque fencing not less than 8 feet in height shall be installed and maintained (in

accordance with the screening provisions of the Broken Arrow Zoning Ordinance) along the common boundary of Development Area 2 and Development Area 3.

Building Design Requirements

The exterior finish of building walls visible from a public street shall be constructed of brick or other masonry material.

Parcelization

Parcelization of the development area may occur by platting or by subsequent lot splits, provided however in the event that the intended floor area ratio of a parcel shall exceed .35, the floor area allocation shall require the approval by the Broken Arrow Planning Commission of a minor amendment.

IV. Development Standards - Area 3 - Townhomes/Attached Single Family Residences

Net Land Area	24.38 acres
Permitted Uses:	Attached single family residences and customary accessory uses
Maximum Dwelling Units:	140 dus.
Minimum Lot Size:	2800 sq. ft.
Minimum Lot Width	28 ft.
Maximum Lot Building Coverage	2100 sq. ft.
Maximum Building Height:	35 ft.
Minimum Yards/Setbacks	
from adjoining private street	15 ft.
from adjoining alleyway	15 ft.
from side lot lines	0 ft.
from high pressure pipelines	50 ft.
Perimeter Building Setbacks	
from Houston	165 ft.
from Development Area 4	20 ft.
from other development area boundaries	25 ft.
Livability Open Space (open space not utilized for parking or drives)	
minimum square feet within each lot	700 ft.
minimum square feet of common area	3300 ft. per lot
Other Bulk And Area Requirements	As provided within an R-5 District
Off-street Parking	Within each lot, 2 garage parking spaces shall be provided and within the development area 35 guest parking spaces shall be provided.

Common Area Maintenance

The common area within Area 3 shall be maintained by an association of the owners of the townhome dwellings.

V. Development Standards - Area 4 (Reserve and Open Space)

Area 4, consisting of 26.72 acres gross, is intended to encompass designated flood plain and shall be limited to use for open space, recreation, landscaping and flood plain management including detention facilities serving the planned unit development.

VI. Access and Circulation

The approximate location of access points to the abutting arterial streets are depicted on the Concept Plan attached as Exhibit "A" Within the commercial development areas it is anticipated that parcelization may occur and that mutual access easements would be established. Within the townhome area, access is derived by a gated private street system

Within the planned unit development, access to Garnett Road shall be limited to three points of access and access to Houston Street shall be limited to six points of access and the design of the turning movements at each access point shall be determined during subdivision plat review. Access points shall be spaced not less than 200 feet apart, measured from centerline to centerline. The centerline of the southernmost point of access to Garnett Road shall be located no closer than 250 feet from the right of way of Houston Street. The centerline of the westernmost point of access to Houston Street shall be located no closer than 175 feet to the right of way of Garnett Road and shall be designed for and limited to right-turn only.

VII. Landscaping and Screening

The project shall comply with the landscaping requirements of Article VIII, Section 19 of the Broken Arrow Zoning Ordinance, except as modified within the above set forth Section II. Development Standards - Area 1 and Section III. Development Standards - Area 2.

VIII. Transfer of Allocated Floor Area

Allocated floor area may be transferred to another lot or lots by written instrument executed by the owner of the lot from which the floor area is to be allocated provided however the allocation shall not exceed 10 % of the initial allocation to the lot to which the transfer of floor area or dwelling units is to be made.

IX. Site Plan Review

Development may occur in phases and no building permit shall issue until a detailed site plan (including landscaping) of the proposed improvements shall have been submitted to and approved by the Broken Arrow Planning Commission as being in compliance with the development concept and the development standards. No certificate of occupancy shall be issued for a building until the landscaping of the applicable phase of development has been installed in accordance with a landscaping plan submitted to and approved by the Broken Arrow Planning Commission.

X. Platting Requirement

Required platting may proceed in phases but no building permit shall issue until the area for which the improvements are planned has been included within a subdivision plat submitted

Required platting may proceed in phases but no building permit shall issue until the area for which the improvements are planned has been included within a subdivision plat submitted to and approved by the Broken Arrow Planning Commission and the Broken Arrow City Council and duly filed of record. The deed of dedication of the required subdivision plat shall include covenants of record, enforceable by the City of Broken Arrow, setting forth the development standards of the planned unit development.

XI. Expected Schedule of Development

Development of the project is expected to commence within 12 months and to be completed as market conditions permit.

XII. Legal Description

The legal description of the proposed planned unit development is attached as Exhibit "D" Legal Description.

EXHIBIT "D"

LEGAL DESCRIPTION

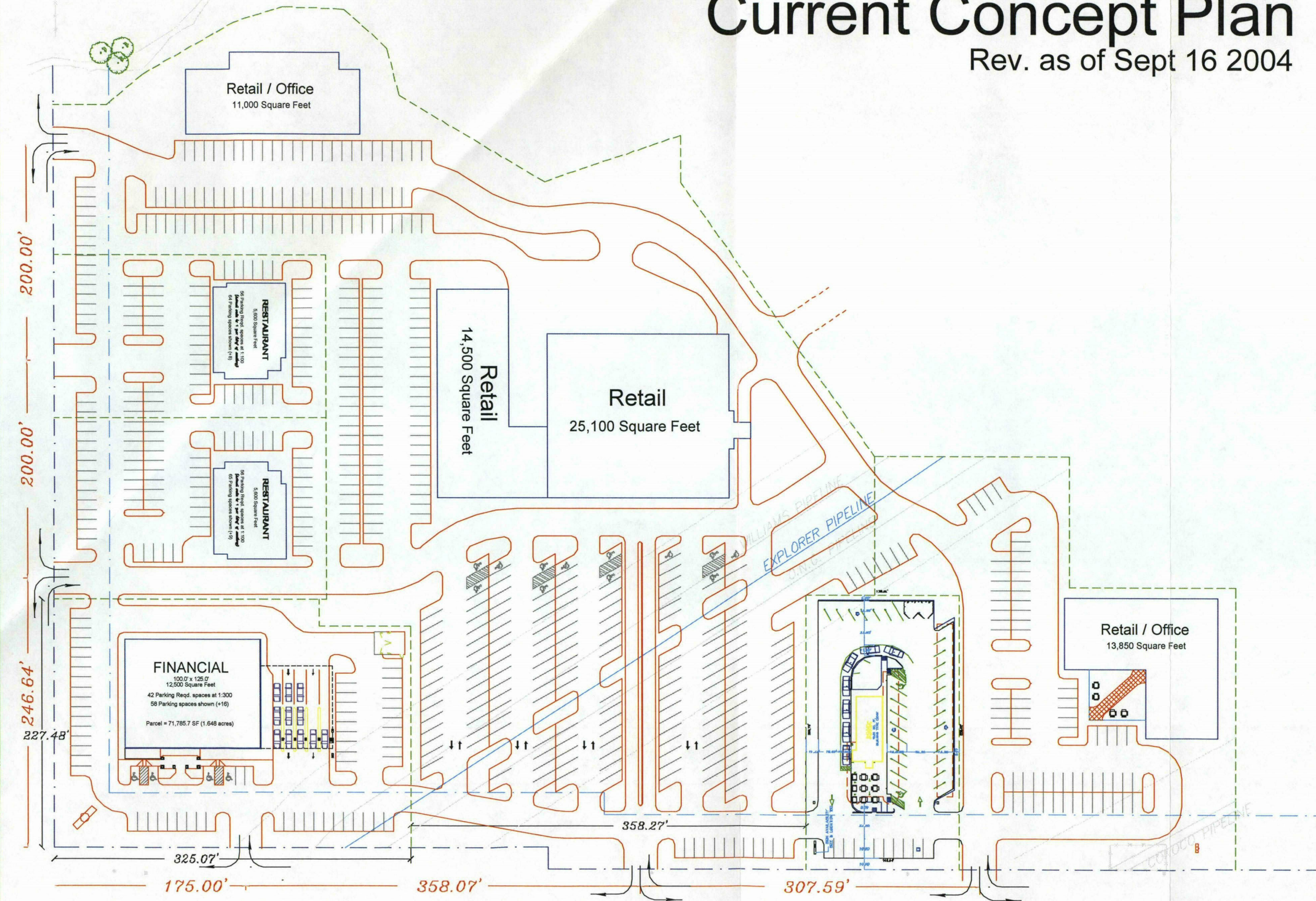
A tract of land lying in the SW/4, Section 8, Township 18 North, Range 14 East of the Indian Base & Meridian according to the U.S. Government Survey thereof, City of Broken Arrow, Tulsa County, State of Oklahoma, more particularly described as follows:

BEGINNING at the Southwest Corner of said Section 8; thence $N89^{\circ}55'21''E$ along the south line of said Section 8 a distance of 1804.89 feet to a point; thence $N00^{\circ}05'15''E$ a distance of 485.65 feet to the northwest corner of "Forest Hills Health Care Center", an addition in the City of Broken Arrow, State of Oklahoma according to the recorded Plat Number 5215 thereof; thence along the northerly boundary of said "Forest Hills Health Care Center" $N61^{\circ}07'21''E$ a distance of 211.91 feet to a point; thence $N68^{\circ}25'21''E$ and along said north line of "Forest Hills Health Care Center" a distance of 698.84 feet to a point on the east line of the Southwest Quarter (SW/4) of said Section 8; thence $N00^{\circ}04'45''E$ and along said east line of the SW/4 of Section 8 a distance of 910.64 feet to a point on the southerly boundary of "Lancaster Park II", an addition in the City of Broken Arrow, State of Oklahoma, and the southerly Right-of-Way of West Commercial Street, according to the recorded Plat Number 5109 thereof; thence along the southerly and southwesterly boundary of said "Lancaster Park II" on a curve to the right having a radius of 800.00 feet and Delta angle of $06^{\circ}32'53''$ for a distance of 91.43 feet to a point of tangency; thence $S86^{\circ}51'04''W$ a distance of 254.19 feet to the northeast corner of Lot 18 in Block 6 of "Lancaster Park II"; thence $S03^{\circ}08'56''E$ a distance of 120.00 feet to the southeast corner of said Lot 18 in Block 6; thence $S89^{\circ}59'12''W$ a distance of 135.00 feet to a point; thence $S86^{\circ}51'04''W$ a distance of 143.09 feet to a point; thence $N42^{\circ}45'30''W$ a distance of 252.00 feet to a point; thence $N07^{\circ}29'40''E$ a distance of 121.76 feet to a point; thence $N29^{\circ}53'54''W$ a distance of 85.60 feet to a point on the westerly boundary of "Lancaster Park II", said point also being on the south line of the N/2 N/2 SW/4 of said Section 8; thence along said south line of the N/2 N/2 SW/4 $S89^{\circ}59'14''W$ a distance of 345.58 feet to the northeast corner of "Waterford Crossing", an addition in the City of Broken Arrow according to the recorded Plat Number 5200 thereof; thence along the southerly boundary of said "Waterford Crossing" $S00^{\circ}09'44''E$ a distance of 163.98 feet to a point; thence $S36^{\circ}13'46''W$ a distance of 62.86 feet to a point; thence $N54^{\circ}29'43''W$ a distance of 110.00 feet to a point; thence $S89^{\circ}59'14''W$ a distance of 65.00 feet to a point; thence $S14^{\circ}39'15''E$ a distance of 70.00 feet to a point; thence $S35^{\circ}28'02''E$ a distance of 95.00 feet to a point; thence $S20^{\circ}02'20''W$ a distance of 150.00 feet to a point; thence $S17^{\circ}51'30''E$ a distance of 165.00 feet to a point; thence $S54^{\circ}28'48''W$ a distance of 300.00 feet to a point; thence $N38^{\circ}02'30''W$ a distance of 75.00 feet to a point; thence $S82^{\circ}18'25''W$ a distance of 230.00 feet to a point; thence $S46^{\circ}39'34''W$ a distance of 67.50 feet to a point; thence $S28^{\circ}45'05''E$ a distance of 127.84 feet to a point; thence $S19^{\circ}16'52''W$ a distance of 180.00 feet; thence $N89^{\circ}13'29''W$ a distance of 160.00 feet to a point; thence $S53^{\circ}13'02''W$ a distance of 115.00 feet to a point; thence $S22^{\circ}37'56''W$ a distance of 100.00 feet to a point; thence $S70^{\circ}47'34''W$ a distance of 50.00 feet to a point; thence $N19^{\circ}26'26''W$ a distance of 105.00 feet to a point; thence $N63^{\circ}59'27''W$ a distance of 180.00 feet to a point; thence $S56^{\circ}10'02''W$ a distance of 220.00 feet to a point; thence $S88^{\circ}28'51''W$ a distance of 80.00 feet to a point on the west line of said Section 8; thence $S00^{\circ}05'08''W$ along the west line of said Section 8 a distance of 795.67 feet to the POINT OF BEGINNING, containing 71.728 Acres, more or less.

Current Concept Plan

Rev. as of Sept 16 2004

South Garnett Road



West Houston Street (81st Street)

NW COR SW/4 SECTION 8

DEVELOPMENT AREA I - WEST Parcel
C-2 Zoning (West)

Total Gross Land Area	597,331.80 Sq. Ft.	13.71 Acres
Total Net Land Area	527,032.04 Sq. Ft.	12.10 Acres
Total Area of Buildings	90,945.78 Sq. Ft.	17% of Net Land Area
Total Area of Paving & Parking	371,309.20 Sq. Ft.	70% of Net Land Area
Total Area of Open Space	64,797.06 Sq. Ft.	1.49 Acres
Open Space/Land Area Ratio		10.82% of Gross Land Area
Parking Spaces	Required 435	
Drive Paving Width	Minimum 24 Ft.	
Building Setbacks		
Abutting a Public Street	Minimum 30 Ft.	
Rear	Minimum 30 Ft.	
From R-5 Buildings	Minimum 75 Ft.	

C-3 Zoning

Total Gross Land Area	89,966.10 Sq. Ft.	2.07 Acres
Total Net Land Area	55,226.92 Sq. Ft.	1.27 Acres
Total Area of Buildings	7,500.00 Sq. Ft.	14% of Net Land Area
Total Area of Paving & Parking	37,971.61 Sq. Ft.	69% of Net Land Area
Total Area of Open Space	13,214.08 Sq. Ft.	0.30 Acres
Open Space/Land Area Ratio		15% of Gross Land Area
Parking Spaces	Required 38	
Drive Paving Width	Minimum 24 Ft.	
Building Setbacks		
Abutting a Public Street	Minimum 35 Ft.	
Rear	Minimum 30 Ft.	
From C-2 Buildings	Minimum 30 Ft.	
Building Height	Maximum 35 Ft.	

DEVELOPMENT AREA III
Parcel
RESERVE AND OPEN SPACE
Total Gross Land Area 1,163,961.35 Sq. Ft. 26.72 Acres

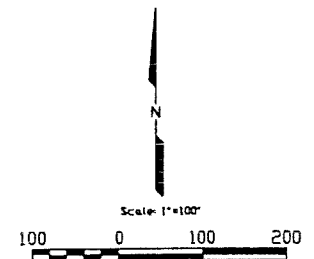
DEVELOPMENT AREA II - EAST Parcel
C-2 Zoning

Total Gross Land Area	205,686.34 Sq. Ft.	4.72 Acres
Total Net Land Area	176,571.45 Sq. Ft.	4.05 Acres
Total Area of Buildings	30,354.71 Sq. Ft.	17% of Net Land Area
Total Area of Paving & Parking	54,074.06 Sq. Ft.	31% of Net Land Area
Total Area of Open Space	91,940.66 Sq. Ft.	2.11 Acres
Open Space/Land Area Ratio		44.7% of Gross Land Area
Parking Spaces	Shown 120	
Drive Paving Width	Minimum 26 Ft.	
Building Setbacks		
Abutting a Public Street	Minimum 50 Ft.	
Abutting a Private Street	Minimum 25 Ft.	
Rear	Minimum 20 Ft.	
From R-5 Buildings	Minimum 75 Ft.	

R-5 Zoning

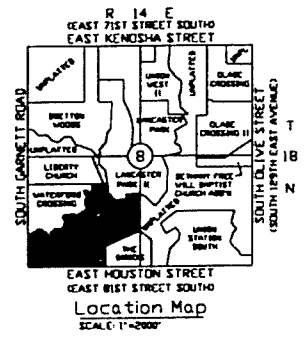
Total Gross Land Area	1,067,192.43 Sq. Ft.	24.50 Acres
Total Net Land Area	1,062,187.36 Sq. Ft.	24.38 Acres
Total Area of Buildings	236,290.85 Sq. Ft.	22% of Net Land Area
Total Area of Paving & Parking	263,910.03 Sq. Ft.	25% of Net Land Area
Total Area of Open Space	360,026.46 Sq. Ft.	12.86 Acres
Open Space/Land Area Ratio		52% of Gross Land Area
Parking Spaces	Allowed 267	
Drive Paving Width	Minimum 30 Ft.	
Building Setbacks		
Abutting a Public Street	Minimum 35 Ft.	
Abutting a Private Street	Minimum 15 Ft.	
Rear	Minimum 15 Ft.	
Side - Zero Lot Line	0 Ft.	
Building Height	Maximum 35 Ft.	

RESERVE AND OPEN SPACE
1163961.35 SF
26.721 Acres



LEGEND

--- FIRM BOUNDARY
Effective April 16, 2007



Part of Lot 1
Block 1
Forest Hills
Health Care Center

CONCEPT PLAN
EXHIBIT "A"

SANDERS ENGINEERING, INC.
1200 E. 66th E. Ave.
Bldg. 1000, Room 7000
Tulsa, Oklahoma 74116
Phone: (918) 438-1000
Fax: (918) 438-1001

DATE: July 12, 2004

7-04 Concepting

South Garnett Road

SECTION LINE

West Houston Street (81st Street)

SECTION LINE

SE COR SW/4 SECTION 8

Reserve and Open Space

1163961.35 SF
26.721 Acres

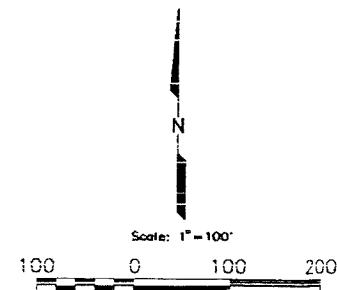
R-5
1083423.09 SF
24.87 Acres

C-2
597331.80 SF
13.713 Acres

C-3
89966.10 SF
2.065 Acres

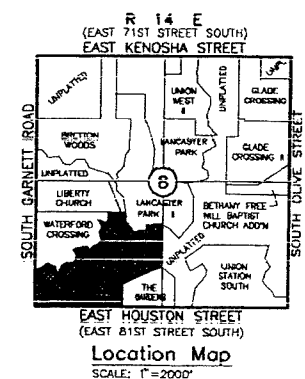
C-2
189455.68 SF
4.35 Acres

Part of Lot 1
Block 1
Forest Hills
Health Care Center



LEGEND

— FIRM BOUNDARY
Effective April 16, 2003



ZONING

EXHIBIT "B"

ORDINANCE NO. 2767

An ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma (Ordinance No. 1560), approving BAZ 1651, granting R-5, C-2, C-3, and FD zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency.

WHEREAS, the State of Oklahoma has granted cities, as governmental entities, the duty and power to enact zoning ordinances for the protection of persons and property residing within the City limits, and for securing the benefits of orderly development as a whole; and

WHEREAS, a series of governmental administrative hearings have been conducted at which time it was determined that the land in question would be proper for a multi-family neighborhood district, a planned shopping center district, a neighborhood convenience shopping district, and a floodplain district, which were approved along with PUD 146 on September 20, 2004; and

WHEREAS, the property associated with BAZ 1651 has been platted as Sonic Drive-In at Houston Commons filed in Tulsa County on June 1, 2005, and Forest Creek Business Park filed in Tulsa County on October 24, 2005; and

WHEREAS, the proposed zonings are compatible with the comprehensive plan and surrounding uses; and

WHEREAS, the granting of these applications will not have an adverse effect on the other property in the area or in the community; and

WHEREAS, for these reasons, the City Council finds this request should be granted.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA:

SECTION I. The zoning classification of the following described real estate situated in Tulsa County, State of Oklahoma, being more particularly described as follows:

Legal Description for PUD 146

A tract of land lying in the SW/4, Section 8, Township 18 North, Range 14 East of the Indian Base & Meridian according to the U.S. Government Survey thereof, City of Broken Arrow, Tulsa County, State of Oklahoma, more particularly described as follows:

BEGINNING at the Southwest Corner of said Section 8; thence N89°55'21"E along the south line of said Section 8 a distance of 1804.89 feet to a point; thence N00°05'15"E a distance of 485.65 feet to the northwest corner of "Forest Hills Health Care Center", an addition in the City of Broken Arrow, State of Oklahoma according to the recorded Plat Number 5215 thereof; thence along the northerly boundary of said "Forest Hills Health Care Center" N61°07'21"E a distance of 211.91 feet to a point; thence N68°25'21"E and along said north line of "Forest Hills Health Care Center" a distance of 698.84 feet to a point on the east line of the Southwest Quarter (SW/4) of said Section 8; thence N00°04'45"E and along said east line of the SW/4 of

ACTION: APPROVAL: _____ APPROVAL W/ CONDITION: _____ DENIAL: _____ TABLED: _____ VOTE: _____

Section 8 a distance of 910.64 feet to a point on the southerly boundary of "Lancaster Park II", an addition in the City of Broken Arrow, State of Oklahoma, and the southerly Right-of-Way of West Commercial Street, according to the recorded Plat Number 5109 thereof; thence along the southerly and southwesterly boundary of said "Lancaster Park II" on a curve to the right having a radius of 800.00 feet and Delta angle of $06^{\circ}32'53''$ for a distance of 91.43 feet to a point of tangency; thence $S86^{\circ}51'04''W$ a distance of 254.19 feet to the northeast corner of Lot 18 in Block 6 of "Lancaster Park II"; thence $S03^{\circ}08'56''E$ a distance of 120.00 feet to the southeast corner of said Lot 18 in Block 6; thence $S89^{\circ}59'12''W$ a distance of 135.00 feet to a point; thence $S86^{\circ}51'04''W$ a distance of 143.09 feet to a point; thence $N42^{\circ}45'30''W$ a distance of 252.00 feet to a point; thence $N07^{\circ}29'40''E$ a distance of 121.76 feet to a point; thence $N29^{\circ}53'54''W$ a distance of 85.60 feet to a point on the westerly boundary of "Lancaster Park II", said point also being on the south line of the N/2 N/2 SW/4 of said Section 8; thence along said south line of the N/2 N/2 SW/4 $S89^{\circ}59'14''W$ a distance of 345.58 feet to the northeast corner of "Waterford Crossing", an addition in the City of Broken Arrow according to the recorded Plat Number 5200 thereof; thence along the southerly boundary of said "Waterford Crossing" $S00^{\circ}09'44''E$ a distance of 163.98 feet to a point; thence $S36^{\circ}13'46''W$ a distance of 62.86 feet to a point; thence $N54^{\circ}29'43''W$ a distance of 110.00 feet to a point; thence $S89^{\circ}59'14''W$ a distance of 65.00 feet to a point; thence $S14^{\circ}39'15''E$ a distance of 70.00 feet to a point; thence $S35^{\circ}28'02''E$ a distance of 95.00 feet to a point; thence $S20^{\circ}02'20''W$ a distance of 150.00 feet to a point; thence $S17^{\circ}51'30''E$ a distance of 165.00 feet to a point; thence $S54^{\circ}28'48''W$ a distance of 300.00 feet to a point; thence $N38^{\circ}02'30''W$ a distance of 75.00 feet to a point; thence $S82^{\circ}18'25''W$ a distance of 230.00 feet to a point; thence $S46^{\circ}39'34''W$ a distance of 67.50 feet to a point; thence $S28^{\circ}45'05''E$ a distance of 127.84 feet to a point; thence $S19^{\circ}16'52''W$ a distance of 180.00 feet; thence $N89^{\circ}13'29''W$ a distance of 160.00 feet to a point; thence $S53^{\circ}13'02''W$ a distance of 115.00 feet to a point; thence $S22^{\circ}37'56''W$ a distance of 100.00 feet to a point; thence $S70^{\circ}47'34''W$ a distance of 50.00 feet to a point; thence $N19^{\circ}26'26''W$ a distance of 105.00 feet to a point; thence $N63^{\circ}59'27''W$ a distance of 180.00 feet to a point; thence $S56^{\circ}10'02''W$ a distance of 220.00 feet to a point; thence $S88^{\circ}28'51''W$ a distance of 80.00 feet to a point on the west line of said Section 8; thence $S00^{\circ}05'08''W$ along the west line of said Section 8 a distance of 795.67 feet to the POINT OF BEGINNING, containing 3,124,138.02 Square Feet, or 71.720 Acres, more or less.

Legal Description for R-5

A tract of land lying in the SW/4, Section 8, Township 18 North, Range 14 East of the Indian Base & Meridian according to the U.S. Government Survey thereof, City of Broken Arrow, Tulsa County, State of Oklahoma, more particularly described as follows:

Commencing at the Southwest Corner of said Section 8; thence $N89^{\circ}55'21''E$ along the south line of said Section 8 a distance of 1122.63 feet to the POINT OF BEGINNING; thence Due North a distance of 307.45 feet to a point; thence Due West a distance of 150.00 feet to a point; thence Due North a distance of 120.00 feet to a point; thence Due West a distance of 176.57 feet to a point; thence $N34^{\circ}53'08''W$ a distance of 307.09 feet to a point; thence Due North a distance of 148.71 feet to a point; thence Due East a distance of 168.05 feet to a point; thence $N32^{\circ}41'55''E$ a distance of 243.50 feet to a point; thence $S88^{\circ}21'14''E$ a distance of 83.41 feet to a point; thence $S36^{\circ}45'50''E$ a distance of 171.72 feet to a point; thence $N55^{\circ}49'21''E$ a distance of 210.00 feet to a point; thence $S74^{\circ}08'22''E$ a distance of 81.56 feet to a point; thence $N56^{\circ}26'02''E$ a distance of 77.72 feet to a point; thence $N23^{\circ}15'08''E$ a distance of 52.92 feet to a point; thence $N48^{\circ}52'08''E$ a distance of 358.49 feet to a point; thence $S65^{\circ}12'15''E$ a distance of 225.00 feet to a point; thence $S09^{\circ}16'46''W$ a distance of 65.00 feet to a point; thence $S62^{\circ}52'51''E$ a distance of 150.00 feet to a point; thence $S81^{\circ}19'10''E$ a distance of 75.00 feet to a point; thence $S74^{\circ}18'44''E$ a distance of 150.00 feet to a point; thence $S36^{\circ}22'52''E$ a distance of 329.11 feet to a point on the north line of Lot 1, Block 1 "Forest Hills Health Care Center", an addition in the City of Broken Arrow, State of Oklahoma according to the recorded Plat Number 5215 thereof; thence $S68^{\circ}25'21''W$ and along said north line of "Forest Hills Health

ACTION: APPROVAL: _____ APPROVAL W/ CONDITION: _____ DENIAL: _____ TABLED: _____ VOTE: _____

"Care Center" a distance of 498 feet to a point; thence S61°07'21"W along said north line of "Forest Hills Health Care Center" a distance of 211.91 feet to the northwest corner of said "Forest Hills Health Care Center; thence continuing S61°07'21"W a distance of 665.79 feet to a point; Due South a distance of 164.90 feet to a point on the south line of said Section 8; thence S89°55'21"W along the south line of said Section 8 a distance of 100.00 feet to the POINT OF BEGINNING, containing 1,083,423.09 Square Feet, or 24.872 Acres, more or less.

Legal Description for C-2

A tract of land lying in the SW/4, Section 8, Township 18 North, Range 14 East of the Indian Base & Meridian according to the U.S. Government Survey thereof, City of Broken Arrow, Tulsa County, State of Oklahoma, more particularly described as follows:

Commencing at the Southwest Corner of said Section 8; thence N89°55'21"E along the south line of said Section 8 a distance of 265.00 feet to the POINT OF BEGINNING; thence continuing N89°55'21"E along the south line of said Section 8 a distance of 857.63 feet; thence Due North a distance of 307.45 feet to a point; thence Due West a distance of 150.00 feet to a point; thence Due North a distance of 120.00 feet to a point; thence Due West a distance of 176.57 feet to a point; thence N34°53'08"W a distance of 307.09 feet to a point; thence Due North a distance of 43.00 feet to a point; thence S70°47'34"W a distance of 129.49 feet to a point; thence N59°00'26"W a distance of 154.20 feet to a point; thence N13°34'20"W a distance of 44.44 feet to a point; thence N47°27'31"W a distance of 53.02 feet to a point; thence N88°09'36"W a distance of 56.14 feet to a point; thence S72°44'07"W a distance of 46.51 feet to a point; thence S60°22'44"W a distance of 95.99 feet to a point; thence S49°37'10"W a distance of 44.13 feet to a point; thence S06°33'17"W a distance of 30.69 feet to a point; thence S36°43'04"W a distance of 83.47 feet to a point; thence N05°05'21"W a distance of 92.70 feet to a point; thence S88°28'51"W a distance of 36.14 feet to a point on the west line of said Section 8; thence S00°05'08"W along the west line of said Section 8 a distance of 405.67 feet; thence Due East a distance of 264.49 feet to a point; thence Due South a distance of 339.64 feet to the POINT OF BEGINNING, containing 597,331.80 Square Feet, or 13.713 Acres, more or less.

AND

A tract of land lying in the SW/4, Section 8, Township 18 North, Range 14 East of the Indian Base & Meridian according to the U.S. Government Survey thereof, City of Broken Arrow, Tulsa County, State of Oklahoma, more particularly described as follows:

Commencing at the Southwest Corner of said Section 8; thence N89°55'21"E along the south line of said Section 8 a distance of 1222.63 feet to the POINT OF BEGINNING; thence continuing N89°55'21"E along the south line of said Section 8 a distance of 582.26 feet; thence N00°05'15"E a distance of 485.65 feet to a point, said point being the northwest corner of "Forest Hills Health Care Center", an addition in the City of Broken Arrow, State of Oklahoma according to the recorded Plat Number 5215 thereof; thence S61°07'21"W a distance of 665.79 feet to a point; thence Due South a distance of 164.90 feet to the POINT OF BEGINNING, containing 189,455.68 Square Feet, or 4.349 Acres, more or less.

Legal Description for C-3

A tract of land lying in the SW/4, Section 8, Township 18 North, Range 14 East of the Indian Base & Meridian according to the U.S. Government Survey thereof, City of Broken Arrow, Tulsa County, State of Oklahoma, more particularly described as follows:

ACTION: APPROVAL: _____ APPROVAL W/ CONDITION: _____ DENIAL: _____ TABLED: _____ VOTE: _____

BEGINNING at the Southwest Corner of said Section 8; thence N89°55'21"E along the south line of said Section 8 a distance of 265.00 feet; thence Due North a distance of 339.64 feet to a point; thence Due West a distance of 264.49 feet to a point on the west line of said Section 8; thence S00°05'08"W along the west line of said Section 8 a distance of 340.00 feet to the POINT OF BEGINNING, containing 89,966.10 Square Feet, or 2.065 Acres, more or less.

Legal Description for FD

A tract of land lying in the SW/4, Section 8, Township 18 North, Range 14 East of the Indian Base & Meridian according to the U.S. Government Survey thereof, City of Broken Arrow, Tulsa County, State of Oklahoma, more particularly described as follows:

Commencing at the Southwest Corner of said Section 8; thence N00°05'08"E along the west line of said Section 8 a distance of 745.67 feet to the POINT OF BEGINNING; thence N88°28'51"E a distance of 36.14 feet to a point; thence S05°05'21"E a distance of 92.70 feet to a point; thence N36°43'04"E a distance of 83.47 feet to a point; thence N06°33'17"E a distance of 30.69 feet to a point; thence N49°37'10"E a distance of 44.13 feet to a point; thence N60°22'44"E a distance of 95.99 feet to a point; thence N72°44'07"E a distance of 46.51 feet to a point; thence S88°09'36"E a distance of 56.14 feet to a point; thence S47°27'31"E a distance of 53.02 feet to a point; thence S13°34'20"E a distance of 44.44 feet to a point; thence S59°00'26"E a distance of 154.20 feet to a point; thence N70°47'34"E a distance of 129.49 feet to a point; thence Due North a distance of 105.71 feet to a point; thence Due East a distance of 168.05 feet to a point; thence N32°41'55"E a distance of 243.50 feet to a point; thence S88°21'14"E a distance of 83.41 feet to a point; thence S36°45'50"E a distance of 171.72 feet to a point; thence N55°49'21"E a distance of 210.00 feet to a point; thence S74°08'22"E a distance of 81.56 feet to a point; thence N56°26'02"E a distance of 77.72 feet to a point; thence N23°15'08"E a distance of 52.92 feet to a point; thence N48°52'08"E a distance of 358.49 feet to a point; thence S65°12'15"E a distance of 225.00 feet to a point; thence S09°16'46"W a distance of 65.00 feet to a point; thence S62°52'51"E a distance of 150.00 feet to a point; thence S81°19'10"E a distance of 75.00 feet to a point; thence S74°18'44"E a distance of 150.00 feet to a point; thence S36°22'52"E a distance of 329.11 feet to a point on the north line of Lot 1, Block 1 "Forest Hills Health Care Center", an addition in the City of Broken Arrow, State of Oklahoma according to the recorded Plat Number 5215 thereof; thence N68°25'21"E and along said north line of "Forest Hills Health Care Center" a distance of 200.00 feet to a point on the east line of the Southwest Quarter (SW/4) of said Section 8; thence N00°04'45"E and along said east line of the SW/4 of Section 8 a distance of 910.64 feet to a point on the southerly boundary of "Lancaster Park II", an addition in the City of Broken Arrow, State of Oklahoma, and the southerly Right-of-Way of West Commercial Street, according to the recorded Plat Number 5109 thereof; thence along the southerly and southwesterly boundary of said "Lancaster Park II" on a curve to the right having a radius of 800.00 feet and Delta angle of 06°32'53" for a distance of 91.43 feet to a point of tangency; thence S86°51'04"W a distance of 254.19 feet to the northeast corner of Lot 18 in Block 6 of "Lancaster Park II"; thence S03°08'56"E a distance of 120.00 feet to the southeast corner of said Lot 18 in Block 6; thence S89°59'12"W a distance of 135.00 feet to a point; thence S86°51'04"W a distance of 143.09 feet to a point; thence N42°45'30"W a distance of 252.00 feet to a point; thence N07°29'40"E a distance of 121.76 feet to a point; thence N29°53'54"W a distance of 85.60 feet to a point on the westerly boundary of "Lancaster Park II", said point also being on the south line of the N/2 N/2 SW/4 of said Section 8; thence along said south line of the N/2 N/2 SW/4 S89°59'14"W a distance of 345.58 feet to the northeast corner of "Waterford Crossing", an addition in the City of Broken Arrow according to the recorded Plat Number 5200 thereof; thence along the southerly boundary of said "Waterford Crossing" S00°09'44"E a distance of 163.98 feet to a point; thence S36°13'46"W a distance of 62.86 feet to a point; thence N54°29'43"W a distance of 110.00 feet to a point;

ACTION: APPROVAL: _____ APPROVAL W/ CONDITION: _____ DENIAL: _____ TABLED: _____ VOTE: _____

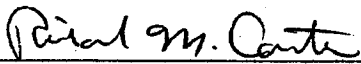
thence S89°59'14"W a distance of 65.00 feet to a point; thence S14°39'12"E a distance of 70.00 feet to a point; thence S35°28'02"E a distance of 95.00 feet to a point; thence S20°02'20"W a distance of 150.00 feet to a point; thence S17°51'30"E a distance of 165.00 feet to a point; thence S54°28'48"W a distance of 300.00 feet to a point; thence N38°02'30"W a distance of 75.00 feet to a point; thence S82°18'25"W a distance of 230.00 feet to a point; thence S46°39'34"W a distance of 67.50 feet to a point; thence S28°45'05"E a distance of 127.84 feet to a point; thence S19°16'52"W a distance of 180.00 feet; thence N89°13'29"W a distance of 160.00 feet to a point; thence S53°13'02"W a distance of 115.00 feet to a point; thence S22°37'56"W a distance of 100.00 feet to a point; thence S70°47'34"W a distance of 50.00 feet to a point; thence N19°26'26"W a distance of 105.00 feet to a point; thence N63°59'27"W a distance of 180.00 feet to a point; thence S56°10'02"W a distance of 220.00 feet to a point; thence S88°28'51"W a distance of 80.00 feet to a point on the west line of said Section 8; thence S00°05'08"W along the west line of said Section 8 a distance of 50.00 feet to the POINT OF BEGINNING, containing 1,163,961.35 Square Feet, or 26.721 Acres, more or less.

be and the same is hereby changed from the zoning classification of R-1 to R-5, C-2, C-3 and FD.

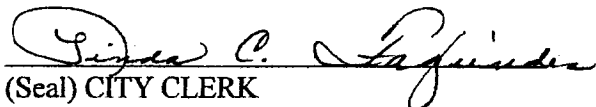
SECTION II. Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

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

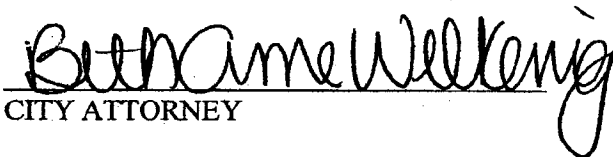
PASSED AND APPROVED and the emergency clause ruled upon separately this 20th day of February, 2006.


MAYOR

ATTEST:


(Seal) CITY CLERK

APPROVED:


CITY ATTORNEY

ACTION: APPROVAL: _____ APPROVAL W/ CONDITION: _____ DENIAL: _____ TABLED: _____ VOTE: _____

City of Broken Arrow

P.O. Box 610
Broken Arrow, Oklahoma 74013

Phone: (918) 259-8412
FAX: (918) 251-6642

PLANNING DEPARTMENT



September 28, 2004

Roy D. Johnsen
Attorney-at-law
201 West Fifth Street, Suite 501
Tulsa, OK 74103

Subject: PUD 146 and BAZ 1651 – Forest Creek Development

Dear Roy:

The Broken Arrow City Council, in their meeting of September 20, 2004, reviewed and approved PUD 146 and BAZ 1651 for the Forest Creek development project to be located at the northeast corner of Houston Street and Garnett Road. PUD 146 and BAZ 1651 were approved as outlined in the Amended Design Text submitted September 16, 2004. A copy of the approved document is attached.

An ordinance confirming this rezoning will be presented to the City Council after this property is platted.

Action taken by the City Council will be recorded in the minutes of their meeting of September 20, 2004. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, reading "Farhad K. Daroga". The signature is fluid and cursive, with the first name "Farhad" being more prominent.

Farhad K. Daroga
Planning Director

ENC

cc: Vaunda Pendergraft, CDC
Daniel S. Buford

Allen Stanton, Chief Bldg Insp