

Working Draft*
of
First Amendment to Battle Creek South of Granger Street (20.374 acres)

PUD No. 94

Battle Creek Patio Homes



November 9, 2015

* Submitted along with Petition to Amend Comprehensive Plan

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BATTLE CREEK PATIO HOMES CONCEPTUAL NARRATIVE

Twice named one of the top 100 cities in the U.S. by Money Magazine, Broken Arrow is the perfect blend of small town charm and big city amenities. Broken Arrow's appeal is strong and growing – it is one of the largest and fastest-growing cities in Oklahoma.

It is, thus, no surprise that within Broken Arrow, Battle Creek is an optimal place to relax and reside. It is home to a beautiful golf club, quiet neighborhoods, and a strong sense of community.

Capital Homes' patio home concept is the perfect addition to such a community. This type of housing product is in relatively short supply and yet it serves an important market segment: empty nesters with a solid economic base and favorable disposable incomes. Capital Homes has built this product in another neighborhood in Broken Arrow, and the homes maintained a serene feel despite very close proximity to commercial activity and a highway system. How? With a model of luxury living at an affordable price. The gated neighborhood has an active homeowners association that maintains all landscaping. Residents are generally mature buyers that have downsized but are seasoned in homeowner responsibilities. The units themselves are attractive and are all single-story units, with spacious front and back patios, inviting neighborly bonding. These attached, individually owned, single-family homes are designed for lower-maintenance home ownership.

Capital Homes proposes bringing its successful patio home concept to Battle Creek, on land currently labeled within the Comprehensive Plan as "Land Use Intensity System (LUIS) Level 6 – Regional Commercial/ Employment." The intention of Level 6 classification is to maximize use based on the close proximity to the highway. Typical Level 6 uses include "large shopping centers, big box retailers, commercial, automotive, and office/employment centers."

While well-intentioned, the commercial classification of this particular tract no longer seems appropriate. The subject property is long and narrow with an unusual configuration and irregular boundaries. The proposed patio home tract directly faces a popular and well-maintained golf-course, surrounded mostly by residential and recreational uses, including single family homes on much of its eastern perimeter. Any "regional commercial/employment" use – even if well screened and buffered from adjoining residences – could only do so much to limit noise, traffic, and multi-story uses. Further, many such permitted commercial uses have loading/shipping bays, commercial dumpsters, and security lighting being used at all hours of the day. With the fast-paced growth Broken Arrow continues to see, it is only a matter of time before such a use manifests in this more serene area – unless a change to the comprehensive plan is made.

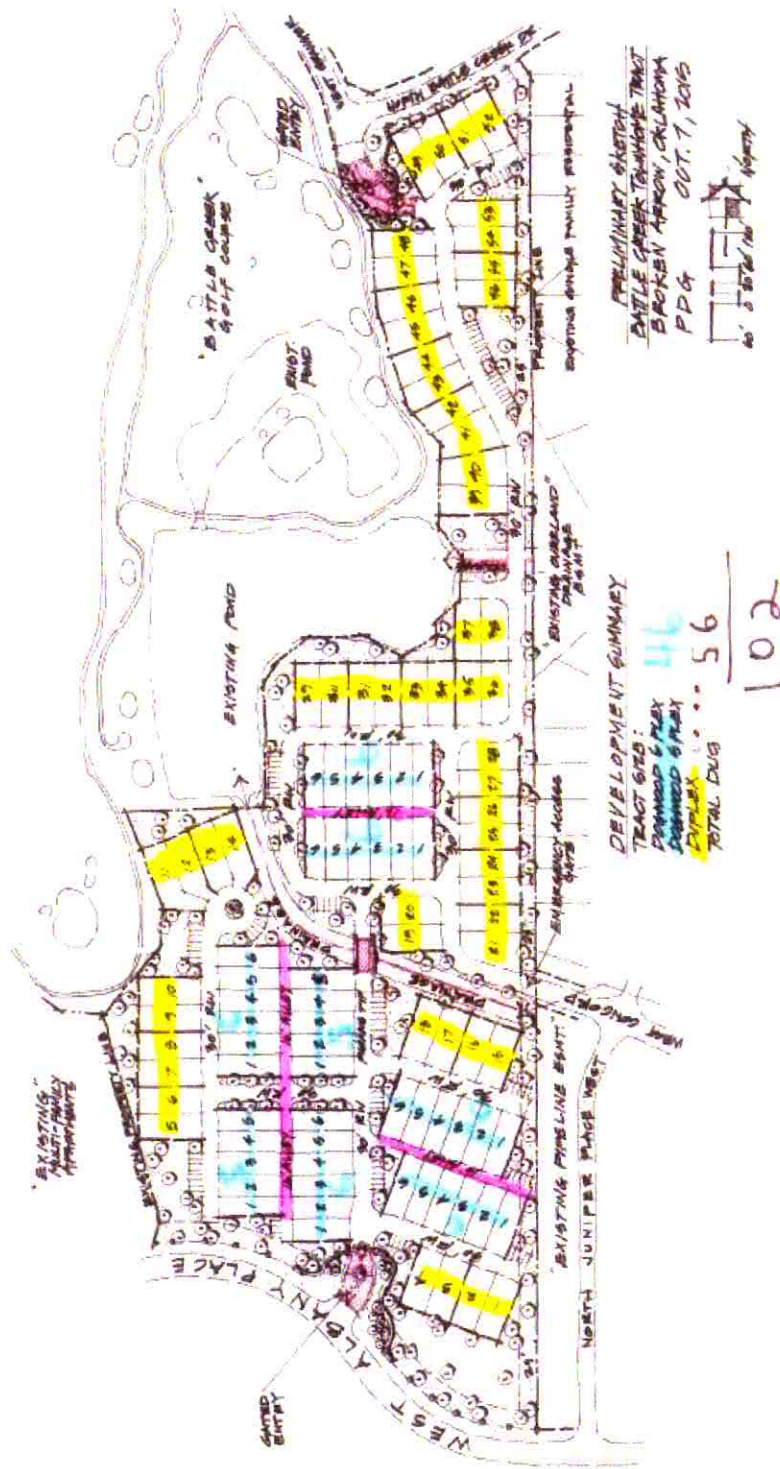
Capital Homes hopes to be able to add to the strong familial community already existing in this area of Battle Creek, and thus, requests a change to the comprehensive plan to allow the construction of its patio homes on the subject tract.

Exhibit A: Proximity Aerial



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Exhibit B: Conceptual Development Plan – Draft*



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* Lot layout and street design are subject to refinement upon submission of Preliminary Plat

Exhibit C: Concept Elevations

(Indicative of actual product, but subject to change within approved guidelines for Battle Creek)

Elevation Concepts:

- 1) Single-story
- 2) Professionally landscaped with irrigation
- 3) Excluding doors and windows, exterior facades will be 90% masonry of either brick, stone, EIFS, stucco, or HardiePlank cementitious siding. The front elevation shall contain at least 60% brick or stone. The percentage of brick or stone used on the front of the building shall be shown on the elevations submitted during site plan review.
- 4) Architecturally compatible/attractive color schemes
- 5) Modest roof pitches with architectural shingles





**Development Standards
Patio Homes**

If approved, the property within the amended PUD will be developed with attached single-family patio homes, ranging from 2 to 6 units per building. The property will be developed in accordance with the current City of Broken Arrow Zoning Ordinance and the use and development regulations of the RS-3 district, except as noted below.

Permitted Uses:	Limited to dwelling, single-family attached and dwelling, single-family detached.	
Maximum Dwelling Units/Acre	5.1 (Same as the RS-3 District)	
Maximum Acreage	Approximately 20.374 acres	
Maximum Number of DUs	102	
Minimum Lot Size:	2800 square feet	
Minimum Lot Width:	28 feet	
Maximum Lot Coverage:	2100 square feet	
Maximum Building Height:	Single story structures with a maximum height of 25 feet	
Minimum Yards/ Setbacks*: *May be further refined upon submission of preliminary plat.	From adjoining private street right-of-way or alleyway	15 feet
	Rear yards adjacent to an open space reserve area of at least 10 feet in width	10 feet
	Side lot lines abutting a residential dwelling unit or open space reserve area of at least 15 feet in width	0 feet
	Side yards not adjacent to an alleyway, open space reserve area, or abutting a residential dwelling unit	5 feet
	Rear yards not adjacent to an alleyway or open space reserve area	15 feet
	Setback from high pressure pipelines	50 feet

Perimeter Landscape Reserve Areas	A landscape reserve area of at least 10 feet in width shall be provided along all public streets and along the entire east boundary.	
Landscaping	In the perimeter landscape reserve areas (excluding the westerly perimeter), at least 1 tree per 30-50 linear feet of frontage shall be provided. All the trees shall be medium to large trees and at least 60% of the trees shall be evergreen.	
Fencing	Lots and reserve areas sharing a common boundary with the Battle Creek Golf Course shall have a fence of at least four feet in height that shall match the rest of the fencing on the Battle Creek Golf Course. Said fencing shall be limited to galvanized chain link construction, and the fencing materials shall be limited to hot-dipped galvanized, residential grade fencing material, which shall be green in color. Perimeter fencing shall be uniform in height, design, and material, and no gates or other openings shall be permitted to the Battle Creek Golf Course. All perimeter fencing shall be owned and maintained by the homeowners association. Perimeter fencing along publicly dedicated streets may be ornamental/architectural in nature.	
Private Streets and Gates	The private streets shall be constructed to City of Broken Arrow standards. The private streets shall be owned and maintained by the homeowners association. Gates into the subdivision shall be designed in accordance with City of Broken Arrow Subdivision Regulations.	
Off-street parking	Within each lot, 2 garage parking spaces shall be provided and within the development area at least 26 guest parking spaces shall be provided.	
Sidewalks	Sidewalks will be constructed along the perimeter public streets. While sidewalks will not be required along the interior private streets, a concrete trail of at least four feet in width will be provided that links certain of the open space reserve areas.	

Legal Description

REIP PROPERTY LEGAL DESCRIPTION

A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER (SW/4) AND PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS THE SOUTHWEST CORNER OF RIGHT-OF-WAY DEDICATED FOR NORTH JUNIPER PLACE AS SHOWN ON THE RECORDED PLAT OF BROKEN ARROW POST ACUTE HEALTH CARE CAMPUS, A SUBDIVISION TO THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND ALSO LYING ON THE NORTHERLY RIGHT-OF-WAY LINE FOR WEST ALBANY DRIVE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT, AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WEST ALBANY DRIVE, SAID CURVE HAVING A TANGENT BEARING OF NORTH 89°59'36" WEST, A CENTRAL ANGLE OF 51°58'02", A RADIUS OF 310.00 FEET, A CHORD BEARING OF NORTH 64°00'35" WEST, A CHORD LENGTH OF 271.63 FEET, FOR AN ARC LENGTH OF 281.17 FEET; THENCE NORTH 38°01'34" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 50.00 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY ALONG A CURVE TO THE LEFT AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, SAID CURVE HAVING A CENTRAL ANGLE OF 59°02'10", A RADIUS OF 390.00 FEET, A CHORD BEARING OF NORTH 67°32'38" WEST, A CHORD LENGTH OF 384.30 FEET, FOR AN ARC LENGTH OF 401.85 FEET TO THE SOUTHEAST CORNER OF LOT ONE (1), BLOCK ONE (1), THE GREENS AT BATTLE CREEK, A SUBDIVISION TO THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE NORTH 07°11'35" WEST ALONG THE EASTERLY LINE OF SAID LOT 1 FOR 2.09 FEET; THENCE NORTH 07°49'27" EAST ALONG SAID EASTERLY LINE FOR 47.64 FEET; THENCE NORTH 15°51'40" WEST ALONG SAID EASTERLY LINE FOR 332.90 FEET TO A POINT OF CURVE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT, AND ALONG SAID EASTERLY LINE, SAID CURVE HAVING A TANGENT BEARING OF SOUTH 84°23'15" WEST, A CENTRAL ANGLE OF 05°37'50", A RADIUS OF 200.00 FEET, A CHORD BEARING OF SOUTH 87°12'10" WEST, A CHORD LENGTH OF 19.65 FEET, FOR AN ARC LENGTH OF 19.65 FEET; THENCE NORTH 38°52'08" EAST FOR 151.45 FEET; THENCE NORTH 39°26'54" EAST FOR 100.10 FEET; THENCE NORTH 58°31'22" EAST FOR 156.76 FEET; THENCE NORTH 15°56'14" WEST FOR 86.47 FEET; THENCE NORTH 04°11'31" EAST FOR 84.46 FEET; THENCE NORTH 28°16'33" WEST FOR 71.70 FEET; THENCE NORTH 05°23'30" EAST FOR 49.28 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 63°18'41", A RADIUS OF 102.03 FEET, A CHORD BEARING OF NORTH 37°02'50" EAST, A CHORD LENGTH OF 107.09 FEET, FOR AN ARC LENGTH OF 112.74 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 75°06'23" EAST FOR 25.63 FEET; THENCE SOUTH 68°53'46" EAST FOR 40.67 FEET; THENCE NORTH 86°41'27" EAST

FOR 71.22 FEET; THENCE SOUTH 64°17'22" EAST FOR 70.91 FEET; THENCE NORTH 62°46'31" EAST FOR 59.58 FEET; THENCE NORTH 02°31'38" EAST FOR 26.51 FEET; THENCE NORTH 47°51'44" EAST FOR 60.94 FEET; THENCE NORTH 05°13'21" EAST FOR 60.80 FEET; THENCE NORTH 36°48'58" WEST FOR 67.61 FEET; THENCE NORTH 03°31'12" EAST FOR 140.65 FEET; THENCE NORTH 36°24'02" WEST FOR 101.81 FEET; THENCE NORTH 17°42'30" WEST FOR 147.35 FEET; THENCE NORTH 03°19'40" WEST FOR 134.73 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A TANGENT BEARING OF NORTH 41°17'51" WEST, A CENTRAL ANGLE OF 33°01'28", A RADIUS OF 268.63 FEET, A CHORD BEARING OF NORTH 24°47'07" WEST, A CHORD LENGTH OF 152.70 FEET, FOR AN ARC LENGTH OF 154.83 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST GRANGER STREET NORTH; THENCE NORTH 79°40'23" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 60.03 FEET; THENCE NORTH 31°56'41" EAST FOR 36.97 FEET; THENCE NORTH 74°15'16" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 20.46 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT, AND ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, SAID CURVE HAVING A CENTRAL ANGLE OF 14°32'16", A RADIUS OF 597.00 FEET, A CHORD BEARING OF NORTH 66°59'08" EAST, A CHORD LENGTH OF 151.07 FEET, FOR AN ARC LENGTH OF 151.48 FEET; THENCE NORTH 59°43'00" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 87.86 FEET TO THE NORTHWEST CORNER OF LOT ONE (1), BLOCK FIVE (5), GETTYSBURG, AN ADDITION TO THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE SOUTH 30°17'00" EAST ALONG THE WESTERLY LINE OF SAID LOT 1 FOR 31.19 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, THE SAME BEING THE NORTHWEST CORNER OF LOT FORTY (40), BLOCK FIVE (5), STONE WOOD CROSSING II, AN ADDITION TO THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, THE SAME ALSO BEING THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF SECTION 34; THENCE SOUTH 00°03'00" EAST ALONG THE EASTERLY LINE OF SAID SW/4, AND ALONG THE WESTERLY LINE OF SAID STONE WOOD CROSSING II, AND ALONG THE WESTERLY LINE OF RESERVE 'D', STONE RIDGE TOWNE CENTER, A SUBDIVISION TO THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND ALONG THE WESTERLY LINE OF RIGHT-OF-WAY DEDICATED FOR WEST CONCORD DRIVE AS SHOWN ON THE RECORDED PLAT OF SAID STONE RIDGE TOWNE CENTER, AND ALONG THE WESTERLY LINE OF RIGHT-OF-WAY DEDICATED FOR NORTH JUNIPER PLACE AS SHOWN ON THE RECORDED PLAT OF SAID BROKEN ARROW POST ACUTE HEALTH CARE CAMPUS, FOR 2250.44 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

SAID TRACT OF LAND CONTAINING 861,444 SQUARE FEET OR 19.776 ACRES, MORE OR LESS.

(See preliminary survey on following page)

CITY OF BROKEN ARROW PROPERTY LEGAL DESCRIPTION

A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF RIGHT-OF-WAY DEDICATED FOR NORTH JUNIPER PLACE AS SHOWN ON THE RECORDED PLAT OF BROKEN ARROW POST ACUTE HEALTH CARE CAMPUS, A SUBDIVISION TO THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND ALSO LYING ON THE NORTHERLY RIGHT-OF-WAY LINE FOR WEST ALBANY DRIVE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT, AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WEST ALBANY DRIVE, SAID CURVE HAVING A TANGENT BEARING OF NORTH 89°59'36" WEST, A CENTRAL ANGLE OF 51°58'02", A RADIUS OF 310.00 FEET, A CHORD BEARING OF NORTH 64°00'35" WEST, A CHORD LENGTH OF 271.63 FEET, FOR AN ARC LENGTH OF 281.17 FEET; THENCE NORTH 38°01'34" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 50.00 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY ALONG A CURVE TO THE LEFT AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, SAID CURVE HAVING A CENTRAL ANGLE OF 59°02'10", A RADIUS OF 390.00 FEET, A CHORD BEARING OF NORTH 67°32'38" WEST, A CHORD LENGTH OF 384.30 FEET, FOR AN ARC LENGTH OF 401.85 FEET TO THE SOUTHEAST CORNER OF LOT ONE (1), BLOCK ONE (1), THE GREENS AT BATTLE CREEK, A SUBDIVISION TO THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE NORTH 07°11'35" WEST ALONG THE EASTERLY LINE OF SAID LOT 1 FOR 2.09 FEET; THENCE NORTH 07°49'27" EAST ALONG SAID EASTERLY LINE FOR 47.64 FEET; THENCE NORTH 15°51'40" WEST ALONG SAID EASTERLY LINE FOR 332.90 FEET TO A POINT OF CURVE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT, AND ALONG SAID EASTERLY LINE, SAID CURVE HAVING A TANGENT BEARING OF SOUTH 84°23'15" WEST, A CENTRAL ANGLE OF 05°37'50", A RADIUS OF 200.00 FEET, A CHORD BEARING OF SOUTH 87°12'10" WEST, A CHORD LENGTH OF 19.65 FEET, FOR AN ARC LENGTH OF 19.65 FEET; THENCE NORTH 38°52'08" EAST FOR 151.45 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE NORTH 02°52'07" EAST FOR 229.62 FEET; THENCE NORTH 85°25'34" EAST FOR 162.58 FEET; THENCE SOUTH 15°56'14" EAST FOR 86.47 FEET; THENCE SOUTH 58°31'22" WEST FOR 156.76 FEET; THENCE SOUTH 39°26'54" WEST FOR 100.10 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

SAID TRACT OF LAND CONTAINING 26,036 SQUARE FEET OR 0.598 ACRES, MORE OR LESS.

(See preliminary survey on following page)

Summary of Proposed Covenants and Amenities

General Summary of Battle Creek Patio Homes Covenants

- (1) Homeowners' Association. There will be a homeowners association, the members of which will be owners of the neighborhood homes and the Declarant, the builder. The Declarant will control the Association until such time that it is turned over the home owners. The Association will oversee the maintenance of the neighborhood's reserve/common areas.
- (2) Masonry. All homes will have at least 90% of the exterior walls in brick, stone, or cement-based siding such as HardiePlank (excluding window and door areas).
- (3) Fencing and Gate. Fencing will be erected along the property lines of the subdivision, and an electric gate will be installed for ingress/egress to and from the neighborhood at a point on the north boundary and a point on the south boundary. Both the fencing and gate will be maintained by the Association.
- (4) Garages. All homes shall have two-car, attached garages, accessible by overhead garage door. No carports will be permitted.
- (5) Roof Material. Roof shingles shall be uniform in color and shall be made of asphalt or comparable composition shingles referred to in the industry as "architectural 40-year shingles".
- (6) Sodding; Landscaping. Each lot shall have a sodding and landscaping package, approved and installed by Declarant. Lawn care is maintained through the Association.
- (7) Heating and Air Conditioning Requirements. All homes will be constructed with central heat and air systems only; window units are not permitted.
- (8) Lease of a Residence. No residence shall be permitted to be leased unless the Owner thereof shall have occupied the residence as a principal place of residence prior to leasing the same. No lease of a residence shall be for a period of less than one year, or cover less than the entire residence, unless otherwise approved by the Homeowners' Association. Notwithstanding the above, Declarant shall be entitled to lease any residence owned by it upon such terms and conditions as are acceptable to Declarant in its sole discretion. Any lease agreement shall provide that the terms of the lease shall be subject in all respects to the provisions of this Declaration, the Bylaws and all Rules and Regulations of the Homeowners' Association, and that any failure by the lessee to comply with the terms of such documents shall be a default under the lease. All leases shall be in writing and a copy of all leases shall be provided to the Homeowners' Association by the Owner; providing, however, that the economic terms of the lease, such as rent, may be deleted by the Owner.

General Summary of Neighborhood Amenities

The proposed footprint of Battle Creek Patio Homes makes the most of the area's natural beauty. The neighborhood is directly adjacent to the rolling hills and sparkling lakes of Battle Creek Golf Course, with many homes' back patios opening directly to the golf course and/or adjacent lakes. The neighborhood's location is equally convenient as it is serene – it is just moments away from the highway system.

We envision a community that enhances the natural beauty of the area, even within the neighborhood itself. We have planned the gated community with private streets, to limit traffic and noise. We want to connect the neighborhood to the green-spaces and the view corridors of the golf course and adjacent lakes. We do wish to avoid less attractive concrete sidewalks in order to maximize the already limited lawn area. Instead, we plan to invest in walking trails winding around a portion of the lake area, including some benches and/or tables will allow residents to get exercise and peacefully enjoy their surroundings.