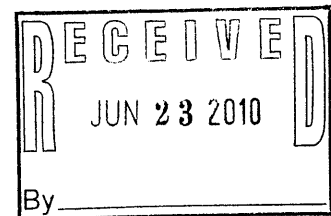
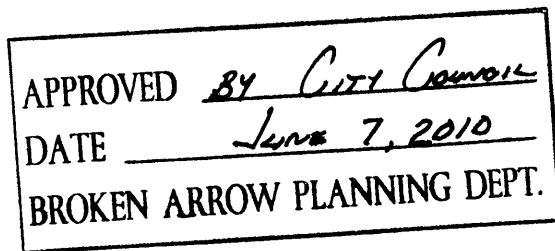


BATTLE CREEK - DEARBORN/ASPEN

SE Corner Dearborn (41st St.) and Aspen (145th E. Ave.)

PLANNED UNIT DEVELOPMENT NO. 94 - Q



March 22, 2010
Rev. April 30, 2010
Rev. June ___, 2010

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I. DEVELOPMENT CONCEPT

The property which is the subject of this application consists of 75.33 acres located at the southeast corner of Dearborn (41st St.) and Aspen (145th E. Ave) in the of Broken Arrow, Oklahoma and is hereinafter referred to as the "Subject Property".

The Subject Property is a part of PUD No. 94, comprising 786.5 acres known as "Battle Creek", which was approved by the Broken Arrow City Council in 1995. Battle Creek was planned as a mixed use development including single family and multifamily residential uses, office and retail uses and as the centerpiece, included an 18 hole championship golf course. The Broken Arrow Comprehensive Plan as adopted September 2, 1997 and as amended March 17, 2003, incorporated the previously approved PUD No.94.

PUD No. 94 designated the Subject Property as follows:

Commercial/Office	23.3 acres	.415 floor area ratio
Villas	23.6 acres	16.5 dwelling units per acre
Executive Homesites	28.43 acres	4.25 dwelling units per acre

and consistent with PUD No. 94, the Comprehensive Plan designated the Commercial/Office area as Level 4 Intensity, the Villas area as Level 3 Intensity (the required intensity for apartment development) and the Executive Homesites area as Level 2.

On January 5, 2010, upon application of REIP, LL.C., the initial owner of the land comprising Battle Creek, the Broken Arrow City Council, on January 5, 2010, amended the Comprehensive Plan to designate 20 acres located at the Broken Arrow Expressway, east of Aspen, as Level 3 Intensity and concurrently designated the Subject Property as follows:

Level 4 Intensity	9.99 acres
Level 3 Intensity	5.83 acres
Level 2 Intensity	59.51 acres

The Subject Property is planned for development as Commercial (within the area designated Level 4 in the Comprehensive Plan), Patio Homes (within the area designated Level 3 in the Comprehensive Plan), and Executive Homesites (within the area designated Level 2 in the Comprehensive Plan). This application is intended to amend PUD No. 94 to implement the January 5, 2010 amendment of the Comprehensive Plan. The proposed uses and intensity of use and relevant development standards are hereinafter set forth. The format of the initial PUD No. 94 has been substantially followed.

DEVELOPMENT STANDARDS

The Development Standards herein set forth are intended to implement the Development Concept and to establish permitted intensities.

A. Development Area A

Gross Land Area:	9.99 Acres
Permitted Uses:	As permitted within a C-2 District as existing on 1.31.08.
Maximum Floor Area	Floor Area Ratio 0.415
Maximum Stories	2 stories
Maximum Building Height	35 ft.
Minimum Internal Landscaped Open Space	10% of net lot area
Minimum Building Setbacks:	
From Abutting Public/ <u>Private Street*</u>	50 ft.
From Abutting Residential Development Area	50 ft.
From interior lot line	0 ft
<u>* Interior mutual access drives shall not be deemed private streets</u>	
Rear Yards	NA.
Side Yards	NA.
Minimum Parking Ratio	One space per 200 sq. ft. of floor area
<u>Landscaping, Fencing, Parking Lot Lighting, Signage and Exterior Building Materials</u>	<u>As required in Broken Arrow Zoning Code as existing on 1.31.08</u>

B. Development Area B

Gross Land Area:	5.83 Acres
Permitted Uses:	Patio Homes (single family dwellings, detached or attached, and intended for individual lot ownership) as permitted within an R-4 District as existing on 1.31.08
Maximum Number of Dwelling Units	8.5 Dwelling Units Per Acre
Minimum Lot Size (per unit)	3,300 sq. ft.
Maximum Building Height	2 stories (35 ft.)
Minimum Yard if Abutting Public/Private Street	20/25 ft. (private)
Corner Lot Minimum Side Yard Abutting Public/Private Street	10/20 ft. if side loaded garage
Minimum Lot Frontage	30 ft. (at building line)
Minimum Lot Depth	100 ft.
Minimum Rear Yard	20 ft.
Minimum Side Yards	5/5 ft.

C. Development Area C

Gross Land Area:	59.51 Acres
Permitted Uses:	Executive Homesites (Single family dwellings) as permitted within an R-2 District as existing on 1.31.08
Maximum Number of Dwelling Units	4.25 Dwelling Units Per Acre
Minimum Lot Size (per unit)	7,500 sq. ft.
Maximum Building Height	2 stories (35 ft.)

Minimum Yard if Abutting Public/Private Street	25/30 ft. (private)
Corner Lot Minimum Side Yard Abutting Public/Private Street	15/20 ft. if side loaded garage
Minimum Lot Frontage	65 ft. (at building line)
Minimum Lot Depth	110 ft.
Minimum Rear Yard	25 ft.
Minimum Side Yards	5/5 ft.

D. Other Requirements

The requirements of PUD 94 as currently existing which are not amended as above set forth shall remain applicable, provided however that access shall be provided in accordance with Section 5.3 Transportation and Access, of Chapter 5 Development Standards of the Zoning Ordinance of the City of Broken Arrow, Oklahoma as existing on February 1, 2008.

E. Site Plan Review

1. Development Area A.

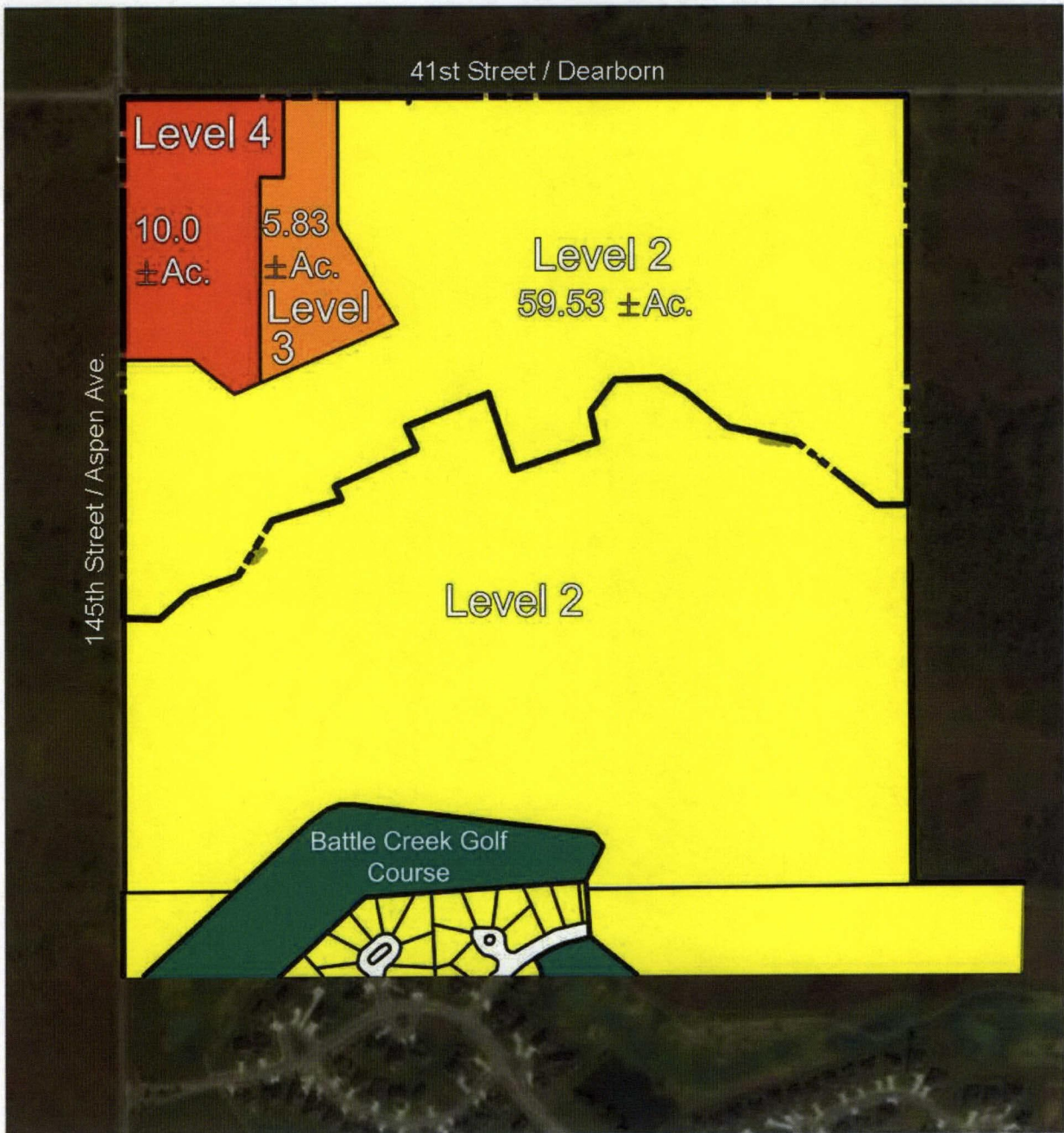
The development Area may be developed in phases, and no building permit shall issue until a detailed site plan (including landscaping) of the proposed improvements has been submitted to the City of Broken Arrow and approved as being in compliance with the development standards. No certificate of occupancy shall issue for a building until the landscaping of the applicable phase of development has been installed in accordance with a landscaping plan and phasing schedule submitted to and approved by the City of Broken Arrow.

2. Development Areas B and C.

The development Areas may be developed in phases, and an approved final plat for the phase being developed shall constitute the required site plan for improvements within Development Areas B and C.

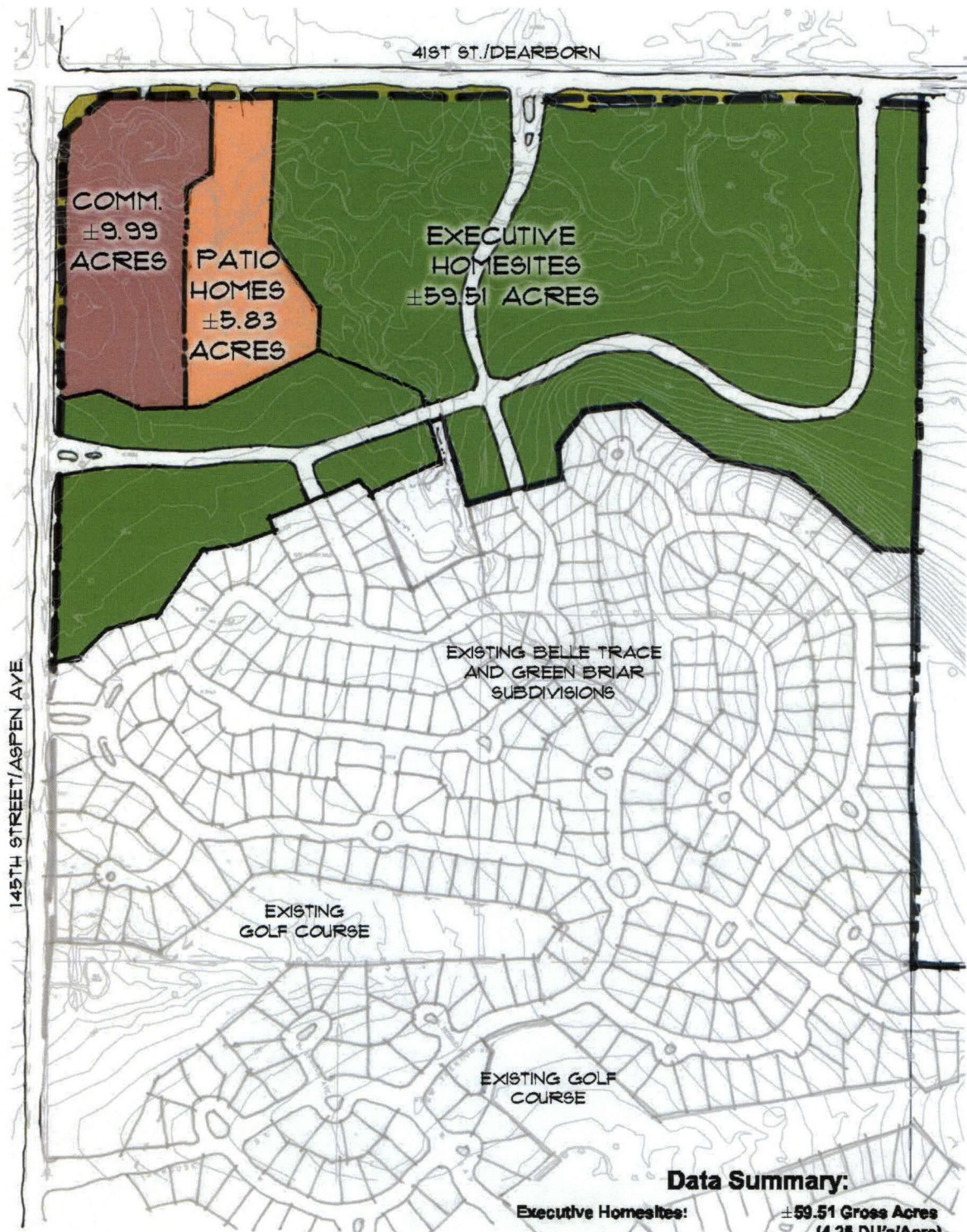


Proximity Aerial
Exhibit A
PUD 94 -Q



*City of Broken Arrow Comprehensive Plan
as Approved January 5, 2010*

Exhibit B



Data Summary:

Executive Homesites:	±59.51 Gross Acres (4.25 DU's/Acre)
Patio Homes:	±5.83 Gross Acres (8.5 DU's/Acre)
Commercial:	±9.99 Acres ±180,593 SF. (F.A.R. -0.415)
Total:	±75.33 Acres

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#4286 3/19/10



Scale: 1"=300'-0"



*Conceptual
Site Plan*

Exhibit C
PUD 94 - Q