

DESIGN STATEMENT
OF THE
PLANNED UNIT DEVELOPMENT
OF
PLAZA SHOPPES

SECTION 1.0 **INTRODUCTION**

The Planned Unit Development (PUD) of Plaza Shoppes, consisting of 2.9968 acres, is a part of Block "C" of Yukon Hills Addition, Second Section, located within the SW/4 of Section 21, Township 12 North, Range 5 West, of the Indian Meridian, Canadian County, Oklahoma (the "property"). The property is located on the East side of Cornwell Avenue immediately North of Bass Avenue. On the property is an existing shopping center, it having been developed in 1986.

Prior to the developer's purchase and development of the property, two parcels from Block "C" were previously deeded away, the United Pharmacy site and the Taco Bell site. With the three parcels having been created from the original Block "C", another lot split was not possible. Therefore, the developer is rezoning the property via this PUD and creating the companion Replat of Plaza Shoppes Addition.

The purpose for this PUD is to allow the creation of three lots on the property, Lot One (1) being the footprint of the shopping center, Lot Two (2) being the footprint of the bank building (formerly Arvest Bank) and the remainder of the property being the common area.

SECTION 2.0 **LEGAL DESCRIPTION**

The legal description of the property comprising the proposed PUD of Plaza Shoppes is described in Exhibit A, attached hereto and made a part of this Design Statement.

SECTION 3.0 **OWNER/DEVELOPER**

The owner and developer of the property is Plaza Shoppes, LLC.

SECTION 4.0 **SITE AND SURROUNDING AREA**

The subject property is presently used as a strip shopping center that is currently zoned C-3 Restricted Commercial. There is a vacant bank building on the North end. The

shopping center has a total of 32,600 square feet, of which 9,600 square feet is the vacant bank building. Of the remaining 23,000 square feet, 17,178 is occupied. Of the occupied space, 2,340 square feet is for restaurants. The balance of the occupied space is retail sales and office space. There are a total of 177 parking spaces, of which 157 are head-in spaces, five (5) are handicap accessible and twenty (20) are parallel spaces to the East of the building, which spaces are required by the leases and which leases have been approved by the shopping center lender, to be used by the tenants and their employees. Surrounding properties are zoned and used for:

North: Property that is zoned R-1 Single Family Residential and fully developed as such.

East: R-3 PUD zoned property that is developed as a senior citizen living facility.

South: To the South across Bass Ave. is C-3 Restricted Commercial zoned property that is used as a bank. Immediately South of the bank is property zoned C-4 "Planned Shopping Center" District and is used as such.

West: West of the site, across Cornwell Drive is an R-3 Multi-Family zoned property used as apartments.

The center has been in existence since 1986. A good relationship between the existing use of the PUD property and the adjoining uses is well established.

SECTION 5.0 PHYSICAL CHARACTERISTICS

The property generally slopes from East to West. None of the property is in the 50 or 100 year flood plain.

The property is primarily covered with buildings and a parking lot. The buildings themselves are steel structures with tilt up concrete and brick and glass facades. Some landscaping currently exists; new landscaping will be provided.

SECTION 6.0 CONCEPT

Though the property has been developed as a shopping center for over thirty years, it had a major setback when Arvest Bank moved to its own facility across the street to the South. The owner has found it to be all but impossible to lease the space to another bank because now banks all want to own their buildings. The vacated bank space was and still is designed only for a bank, and it would be economically extremely difficult to remodel the bank space into another use. Therefore, the owner needs to put zoning in place that will allow for the bank space to be sold or perhaps even converted to office/retail space and sold to a new user.

The common area includes all the entry points, driveways and the parking area. A previous cross access agreement/cross parking agreement is already in place and will continued to be enforced on the site. By definition, the owners, tenants, invitees, guests, customers and contractors of Lots One (1) and Two (2) have a right to use all access points and parking. No additional parking is proposed. The twenty-one (21) parking spaces to the rear of the building are designated for use by tenants and employees and are to be included in calculations for required parking.

SECTION 7.0 SERVICE AVAILABILITY

7.1 STREETS

The property is served by Cornwell Drive, a four lane arterial section line road, which is to the immediate West of the subject property. To the South is Bass Avenue.

Streets or driveways within 200 feet of this Planned Unit Development shall be shown on the Master Development Plan.

7.2 SANITARY SEWER

Sanitary sewer facilities are currently in place and will be maintained by either the properties owners' association if there is only one sewer line serving both lots or by the owner of each lot if there are two lines, one serving each lot.

7.3 WATER

Water facilities are currently in place. Water will be metered separately for each lot.

7.4 FIRE PROTECTION

Fire protection is provided by Fire Station No. 1 located 1000 East Main Street. The property is served by five fire hydrants.

7.5 GAS SERVICE, ELECTRICAL SERVICE AND TELEPHONE SERVICE

The property is fully served by all utilities.

7.6 PUBLIC TRANSPORTATION

There are no bus stops in this Planned Unit Development.

7.7 DRAINAGE

The property within this Planned Unit Development is not within the FEMA 100 year flood plain.

Drainage of the property itself flows East to West. The flat built up roof flows West to East. There are a series of underground storm sewers that carry water to the street drains under Cornwell Avenue.

7.8 YUKON COMPRHENSIVE PLAN

The proposed zoning set forth herein and the actual functioning of the shopping center places the existing center in conformance with the Yukon Comprehensive Plan, which designates the property for low intensity commercial development.

SECTION 8.0 SPECIAL DEVELOPMENT REGULATIONS

The following Special Development Regulations and/or limitations are placed upon the development under this Planned Unit Development. Planning and zoning regulations will be those which are in effect at the time of the development of this PUD, provided, however, with the exception of the addition of more tenants so as to fill out the shopping center, that the density and/or intensity of the PUD shall not be increased. Development is when a permit is issued for any construction or addition to any structure on a development tract. Certain zoning districts are referenced as a part of the Special Development Regulations of this PUD. For purposes of interpretation of these Special Development Regulations, the operative and controlling language and regulations of such zoning districts shall be the language and regulations applicable to the referenced zoning districts as contained in the City of Yukon Planning and Zoning Code as such exists at the time of development of this PUD. In the event of a conflict between provisions of this PUD and any provisions of the current Yukon Municipal Code, as amended ("Code"), in effect at the time an application for a permit with respect to any lot, block, tract and/or parcel of land subject to this PUD, the provisions of the Code shall prevail and be controlling; provided, however, that in the event of a conflict between the Special Use and Development Regulations specifically negotiated as a part of this PUD and the provisions Code in effect at the time of application for a permit is made with respect to any lot, block, tract and/or parcel of land subject to this PUD, such Special Use and Development Regulations shall prevail and be controlling.

The following special conditions listed in Sections 8.1 through 10.0 shall not be changed or amended in any way except by action of the City Council, after review and recommendation by the Planning Commission.

8.1 USE AND DEVELOPMENT REGULATIONS

The development regulations of the C-3 Restricted Commercial District shall govern this PUD. All conditional, special permit, special exception, alcohol beverage consumption requirements and/or accessory uses must be subjected to their appropriate conditions and review procedures for public hearings where applicable, unless otherwise noted herein.

SECTION 9.0 SPECIAL CONDITIONS

The following special conditions shall be made a part of this PUD:

9.1 ARCHITECTURAL REGULATIONS

The existing façade may remain in place; however, should any structure be destroyed by fire, storm or other natural calamity or in the event of remodeling of the entire shopping center, any new or replacement structure shall consist of a minimum of 70% brick veneer, masonry, tilt-up concrete, EIFS, rock, stone, stucco, composites, wood, masonry board, glass or other similar type single finish or combination thereof.

9.2 LANDSCAPING REGULATIONS

The developer proposes to install an irrigation system, plant trees on the South greenbelt in the Bass Ave. street right of way, plant low level landscaping in the Cornwell right of way (because of the concrete drainage structure four feet below ground) and along the North boundary where possible. The irrigation system and the landscaping shall be installed within six (6) months of the approval of this PUD.

9.3 LIGHTING REGULATIONS

9.3.1 The site lighting in this PUD shall be in accordance with the City of Yukon Municipal Code, as amended.

9.3.2 Current lighting standards shall be deemed acceptable. For future lighting, in order to minimize light spillover, outdoor lights within the development will be directed away from any residential properties. To accomplish this, lights shall utilize shields, shades or other appropriate methods of directing light beams.

9.4 SCREENING REGULATIONS

Sight proof screening is required to be maintained along the North property line. No additional screening shall be required within this PUD except that rooftop equipment shall be screened.

9.5 PLATTING REGULATIONS

Platting will be required for property within this PUD.

9.6 DRAINAGE REGULATIONS

Existing drainage improvements, installed in accordance with the Yukon ordinances, have previously been approved prior to installation. No additional drainage improvements are required.

9.7 DUMPSTER REGULATIONS

Existing dumpsters, located on the east side of the building, adjacent to the property line, shall be permitted to remain in their present location. Existing screening shall be maintained by the Property Owners' Association.

9.8 ACCESS REGULATIONS

There shall be no more than three access points (the main entrance is a double access point), two on Cornwell and one on Bass (all existing). An existing cross access agreement shall remain in place to address access to each business. Businesses shall not be required to front on a street. No lot is required to have direct access to a public street other than the common area.

9.9 PARKING REGULATIONS

The design of all parking facilities in this PUD shall be in accordance with the Yukon Municipal Code. The required number of parking spaces for all uses within the PUD are the number of spaces currently on site, which is 177, of which 157 are head-in spaces, five (5) are handicap accessible parking spaces and twenty (20) are parallel parking spaces in the rear of the building and which were included in the total number of required spaces when the shopping center was built in 1986. Those spaces in the rear of the building are required for use by tenants and employees. Under no circumstances shall the developer be required to remove any existing structure or obtain additional property in order to meet any required number of parking spaces.

The parking count shall be based on the following use square footage breakdown:

Bank building:	9,600 square feet
Restaurant:	2,340 square feet
Retail/office:	14,838 square feet
Unoccupied:	5,822 square feet (this square footage is permitted to be a mix of restaurant, retail and office)

Total Center square footage (not including two outparcels): 32,600 square feet.

Before any new use is established, a parking count shall be required before the issuance of a Certificate of Occupancy or a Building Permit. No use shall be permitted within the PUD that exceeds or causes to exceed the existing total number of spaces without the benefit of a variance issued by the Board of Adjustment.

Maintenance of the parking areas shall be shared the responsibility of the Property Owners Association and in accordance with the Reciprocal Easement and Reservation and Restrictive Covenant filed of record on February 6, 1985, and recorded in Book 1235 at Page 128 in the records of the County Clerk of Canadian County.

The parking lot was restriped in January of 2016. No restriping will occur until such time as it is needed.

9.10 SIGNAGE REGULATIONS

There shall be a maximum of one freestanding pole sign allowed in this PUD. It may be an LED or EMD sign with any required dimming mechanism in place. The sign shall be a maximum of thirty-five (35) feet in height and may include ladder panels. The existing twenty-five (25) feet in height sign may be expanded to allow additional height up to thirty-five (35) feet. Identification of the shopping center itself will be permitted at the top of the sign (within the thirty-five (35) feet maximum height). Attached signs shall be permitted in accordance with the City of Yukon Sign Ordinance. Non-accessory signs shall be specifically prohibited in this PUD.

Maintenance of the pole sign shall be by the Property Owners' Association.

9.11 ROOFING REGULATIONS

Every structure in this PUD shall have Class C roofing or better.

9.12 SIDEWALK REGULATIONS

No additional sidewalks are required along the adjacent arterial or collector streets.

The sidewalk running in front of the individual stores shall be maintained by the individual owners of the two lots. The sidewalks will be brought to ADA standards if they do not already meet such standards.

9.13 HEIGHT REGULATIONS

Maximum height of any structure shall be thirty-five (35) feet; provided, should any current structure on site exceed that height it shall so remain. If any said structure is destroyed by fire, wind or other calamity, or is part of a remodeling permit, said structure must then observe the height regulations set forth herein.

9.14 SETBACK REGULATIONS

Setbacks shall be in conformance with those allowed in the C-3 Restricted Commercial zoning district; provided, if any such structure as it currently exists violates the setback provided in the C-3 zoning district, it may continue even though it is not in conformance with the ordinances then in effect. If any said structure be destroyed by fire, wind or other calamity, upon the rebuilding of said structure, it must then observe the setback regulations set forth herein.

9.15 PUBLIC IMPROVEMENTS

Public improvements shall be made by the property owner throughout the PUD as required by the City of Yukon Public Works Department or other City, County, or State Department or agency. All Local, State, and Federal ordinances as they apply to the site shall be followed fully. The fire hydrant and the water line leading to it will be dedicated to the public.

9.16 COMMON AREAS

The common areas shall be all driveways, concrete approaches, curbs, parking areas, alleys to the East and North of the buildings, pole sign, lighting in the parking area, electrical lines to the sign, the meter for the pole sign, parking area lights, electrical lines to the parking area lights, the meter for the electrical lines in the parking area, storm sewer drainage system in the parking area and behind the building, lawn water sprinkling system including sprinkler heads, water meter in common area, fire hydrants, protective poles surrounding the fire hydrants, gas meter, the main sign identifying the shopping center and any directional or traffic control signs within the parking area or driveways, all lawns, grass and landscaping, including all those located in any street right of way, trees North of the bank, any landscaping which may be added, all fencing and retaining walls. All common areas shall be maintained by the Property Owners' Association.

SECTION 10.0 DEVELOPMENT SEQUENCE

Development within the PUD shall be permitted to be phased.

SECTION 11.0 EXHIBITS

The following exhibits are hereby attached and incorporated into this PUD. These exhibits are:

EXHIBIT A: Legal Description of the property.

EXHIBIT B: Master Development Plan.

EXHIBIT C: Landscaping Plan.