

January 31, 2005

**Design Statement for the
PLANNED UNIT DEVELOPMENT
OF
RED ROCK COMMERCIAL CENTER
YUKON, OKLAHOMA**

A Part of the Northeast One-Quarter, Section 30, T-12-N, R-5-W, I.M.

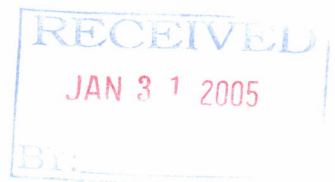
Canadian County, Oklahoma

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**PLANNED UNIT DEVELOPMENT OF
RED ROCK COMMERCIAL CENTER**

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1.0 INTRODUCTION

The Planned Unit Development of Red Rock Commercial Center consists of approximately 16.30 acres more or less, and is located in the Northeast One-Quarter (NE ¼) of Section Thirty (30), Township Twelve North (T-12-N), Range Five West (R-5-W), Indian Meridian, Yukon, Canadian County, Oklahoma. The subject property is bordered on the east by Garth Brooks Boulevard and on the north by Vandament Avenue. The site is presently vacant except for an existing oil well and a storm water detention pond constructed at the time the adjoining AutoZone was completed.

This Planned Unit Development of the Red Rock Commercial Center contemplates the development of a large piece of commercial property lying north of Wal-Mart. A portion of the property will be more stand-alone commercial tracts less than an acre in size, which will front onto Vandament Avenue. The remainder of the property will consist of development east and west of the existing Wal-Mart access road from Vandament. The property east of this access road will consist of a commercial strip center that would front onto the Wal-Mart parking lot along with two potential out-parcels also fronting onto the Wal-Mart parking lot. The property west of the Wal-Mart access road from Vandament will consist of commercial development, which will have as its frontage and access the existing Wal-Mart access road as well a direct access to Vandament Avenue. Access throughout this Planned Unit Development will be development jointly so

as to limit conflict points as much as possible. The largest parcels east and west of the Wal-Mart access road will be developed with similar materials that will compliment each other. The out-parcels in all areas may be developed with different materials so long as such development complies with the building materials provided in this Planned Unit Development.

LEGAL DESCRIPTION

The legal description of the property comprising the Planned Unit Development of Red Rock Commercial Center is described in Exhibit "A" attached hereto and made a part of this Design Statement.

2.0 THE DEVELOPER

The developer of this Planned Unit Development is Salt Creek, L.P., Attn: Mr. Woody Loden, P. O. Drawer 1634, Edmond, OK 73083 Tele: (405) 570-6644, Fax: (405) 359-6799.

3.0 THE HISTORY

The subject property comprising this Planned Unit Development is presently zoned “C-3” Restricted Commercial District. The property was previously included in a Preliminary Plat which was approved by the City of Yukon in 1994 as a part of the approval process for the AutoZone store adjacent to the subject property. As a part of the development of the AutoZone property an access road to Vandament was constructed immediately adjacent to this property as well as a detention pond on the subject property. Subsequently a Big O Tire store was constructed on a portion of the previously approved preliminary plat site. Although a joint access drive to Garth Brooks Boulevard was constructed, at the request of officials of the City of Yukon, the use of that access point to Garth Brooks Boulevard was intentionally left out of the development plan for this Planned Unit Development at the request of city officials due to its insufficient size. Numerous proposed development opportunities have been envisioned for this property; however, this is the first Planned Unit Development to be pursued for this site.

4.0 SITE AND SURROUNDING DEVELOPMENT

4.1 Site Topography - The site has gently sloping terrain across the property generally falling from west to northeast across the site. A topography survey is included on the Master Development Plan map, Exhibit "C".

4.2 Soil Condition - The site consists primarily of Kingfisher silt loam, having one to three percent slopes. This soil is typified by moderate to low shrink swell and low soil strength, which would not prohibit the site from thoughtful site development.

4.3 Site and Surrounding Properties - The site is presently zoned "C-3" Restricted Commercial District. The property is presently vacant except for an oil well and stormwater detention pond. The surrounding properties are as follows:

West: Properties to the west are zoned "C-3" Restricted Commercial and remain undeveloped except for an existing funeral home fronting onto Vandament Avenue.

North: Properties to the north are zoned "C-3" Restricted Commercial and partially developed as mixed use commercial and an automobile dealership.

East: Properties to the east are zoned "C-3" Restricted Commercial and developed as a bank, auto parts store and fast food. Further to the east is Garth Brooks Boulevard. Across Garth Brooks Boulevard are properties, which are zoned and developed commercially.

South: The property to the south is zoned "C-3" Restricted Commercial and developed as a Wal-Mart store. Further to the south is Interstate 40.

5.0 CONCEPT

The concept of this Planned Unit Development of Red Rock Commercial Center is to construct quality commercial development on the remaining large piece of commercial property lying north of the Yukon Wal-Mart. That portion of the property which fronts onto Vandament will be stand-alone commercial lots marketed to individual users but with common driveway access to Vandament. The remaining property east and west of the existing Wal-Mart access road from Vandament will consist of a commercial strip center, out-parcels and a potential large commercial user north of the Wal-Mart store. Access will be developed jointly so as to limit conflict points as much as possible. The overall style of the development to be located on all but the Vandament out-parcels will be similar to that shown on the Conceptual Elevation, Exhibit H, attached hereto and made a part of this PUD. The materials will be noncombustible, unprotected CMU

exterior walls with EIFS and aluminum storefront on the front wall. Single slope roofs sloping from front to back are to be utilized. For the out-parcels fronting onto Vandament materials as outlined in this planned unit development must be utilized, however, the look may vary from the conceptual elevation. Restaurants may be developed on portions of the Planned Unit Development site. Such restaurants will be required to meet City of Yukon parking requirements.

The concept for Lot 1, Block 1 is for a 30,000 square foot commercial center. The concept for Lot 3, Block 1 is for a 13,000 square foot commercial center. The concept for Lot 2, Block 1 is for out-parcel commercial development or alternatively if Lot 3 is developed with a restaurant or other more intensive parking use, Lot 2 will be developed for the additional parking that would be required to accommodate such use. The maximum coverage requirements of the City of Yukon codes and regulations will govern development of property within this Planned Unit Development.

6.0 SERVICE AVAILABILITY

Due to the location of Red Rock Commercial Center within this area of the City of Yukon, all urban services are presently available to serve this site. The services are as follows:

- 6.1 Streets – The property has frontage and access onto Vandament Avenue a recently four-laned section line arterial for a portion of the frontage. Access to Vandament will be limited to those access points generally shown on the Master Development Plan, Exhibit “B”. No access is planned directly onto Garth Brooks Boulevard. Access is also available to the Wal-Mart parking lot through private agreements with Wal-Mart.
- 6.2 Sanitary Sewer – Sanitary Sewer is available to serve the subject property by means of existing sanitary sewer lines located along Vandament Avenue and from an existing line located at the southeast corner of the subject property. The line will be extended to serve the shopping center and its out-parcels.
- 6.3 Water – Water service to the subject property is available from existing water lines located along Vandament Avenue and Garth Brooks Boulevard. Water lines will need to be extended to serve the development

of the Red Rock Shopping Center site and its out-parcels. Those properties fronting onto Vandament presently have water service.

- 6.4 Fire Protection - Fire protection is presently available from existing city of Yukon fire facilities. Appropriate fire lines and hydrants will be extended throughout the development as required. Existing fire lines are located along the northern boundary of the Wal-Mart property although the City Engineer would need to approve their use for the Red Rock development.
- 6.5 Gas, Electricity, and Telephone Utility lines for all normal services are available. Easements will be coordinated with the utilities prior to filing the final plat.

7.0 SPECIAL DEVELOPMENT REGULATIONS

The following Special Development Regulations and/or limitations are placed upon the development carried out under this Planned Unit Development. Certain zoning districts and regulations referred to in this text shall be those that appear in the Planning and Zoning Code of the City of Yukon, as amended. For purposes of clarification and interpretation, 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's

Planning and Zoning Code, as amended. In cases of conflict between provisions of the Planning and Zoning Code, 2002, and the provisions of the Planned Unit Development, the Planned Unit Development provisions shall supersede. The regulations are as follows:

7.1 USE AND DEVELOPMENT REGULATIONS

- 7.1.1 Use Restrictions – The use and development regulations of the “C-3” Restricted Commercial District shall govern the development of this Planned Unit Development site, except as modified herein.

7.2 ACCESS

Access to Vandament Avenue and Garth Brooks Boulevard shall be limited in accordance with the following access restrictions, which shall apply for all property within this Planned Unit Development. The access restrictions are as follows:

- 7.2.1 There shall be limits of no access from this Planned Unit Development directly to Garth Brooks Boulevard (specifically in the area between AutoZone and Wendy’s) as shown on the Master Development Plan (Exhibit “B”) attached

hereto and made a part hereof. Concrete curbs will be installed along parking and drives to limit such access.

7.2.2 There shall be limits of no access to Wendy's and the Wal-Mart detention pond site as shown on the Master Development Plan (Exhibit "B") and Preliminary Plat (Exhibit E) attached hereto and made a part hereof.

7.2.3 Access shall be permitted to the north-south access drive immediately east of the subject property and west of AutoZone in the following locations: one at the southernmost end of the existing drive and connecting to the proposed shopping center parking lot and one at the rear access to the shopping center. The connection at the rear of the shopping center shall be designed in such a way that trucks exiting the rear of the shopping center site shall be required to turn left onto the access drive towards Vandament only. Appropriate signage shall be installed to indicate "Left Turn Only" and "Stop" at locations noted on the Traffic Plan.

7.2.4 Limits of Access to Vandament Avenue shall be as described herein as follows and as shown on the Master Development Plan (Exhibit "B") attached hereto and made a part hereof. The limits of access to Vandament are as follows: Block 1, Lot 1, Red Rock Commercial Center – one access point; Block 1, Lots 4, 5 and 6, Red Rock Commercial Center – two shared access points; Block 2, Lots 1 and 4, Red Rock Commercial Center – one shared access point; Block 2, Lots 2 and 3,

Red Rock Commercial Center – one shared access point. There shall be Limits of No Access to Vandament Avenue in all other areas.

7.2.5 At the time of development, half-street paving of Vandament Avenue shall be installed by the developer for of Lots 1 thru 4, Block 2, Red Rock Commercial Center.

7.2.6 Required lot frontage and access to a public street for Lots 2 and 3, Block 1, Red Rock Commercial Center notwithstanding other codes and requirements of the City of Yukon shall be through the access drive and parking lots of Lot 1, Block 1, Red Rock Commercial Center and the Wal-Mart parking lot. A cross access and parking agreement and covenants and restrictions shall be recorded for these properties with the plat for this development. No further public street frontage and/or access shall be required for these lots.

7.3 LANDSCAPING

The following landscaping provisions shall apply to this Planned Unit Development.

7.3.1 Each Lot within this Planned Unit Development shall have a minimum of ten percent (10%) of the gross area of each lot developed as landscape open space

consisting of trees, shrubs, bushes, groundcovers, flowerbeds, boulders, grass and other such features. Such landscaping shall be spread throughout the development of each lot.

- 7.3.2 Trees and shrubs as required by the City of Yukon codes and ordinances shall be installed throughout the development of this Planned Unit Development and in such areas as described herein and as shown on the Landscape Plan (Exhibit F) attached hereto and made a part of this Planned Unit Development.
- 7.3.3 Trees shall be planted along the frontage(s) of each lot as shown on the Landscape Plan (Exhibit F) so that there shall be one (1) tree for every fifty feet (50') of frontage of said lots. Trees as required by this provision may be conifer or deciduous, however, the trees must be at least six (6) feet in height when planted.
- 7.3.4 All landscape areas shall be maintained so that plant material is regularly watered by controlled irrigation and trimmed and any dead plant material is to be replaced by the property owner in a timely (same planting season) manner.
- 7.3.5 A landscape open space strip at least fifteen (15) feet in width shall be established in the following areas as shown on the Landscape Plan (Exhibit F) except where streets and/or drives exist or are planned: (a) along the entire Vandament frontage; (b) along the Wal-Mart parking lot frontage; and, (c) along both sides of the

north-south Wal-Mart access road from Vandament to the Wal-Mart parking lot lying between Blocks 1 and 2.

7.4 GENERAL REGULATIONS

7.4.1 Phasing of the development of this Planned Unit Development site shall be permitted as a part of the development process. Phasing as shown on the Preliminary Plat is to be as follows: Phase I, Lots 1-3, Block 1; Phase II, Lots 4-6, Block 1; Phase III, Block 2.

7.4.2 Drainage improvements will be in accordance with applicable sections of the Yukon Code of Ordinances. Private drainageways may be permitted and constructed. Such private drainageways must be designed to handle adequate flows and cannot be built without specific approval of the City Engineer of the City of Yukon. The maintenance of such private drainageways shall be the responsibility of a property owners association.

7.4.3 Stormwater detention has previously been planned and constructed to serve that portion of the property located east of the Wal-Mart access road (Block 1). Calculations and plans for stormwater detention for the property west of the Wal-Mart access road (Block 2) will be provided at the time of final platting for that portion of the site.

- 7.4.4 All buildings to be constructed within this Planned Unit Development must have at least 80% of the exterior vertical wall construction consisting of masonry, brick, block, rock, stucco, tile or other similar materials. Buildings constructed within Lots 1 thru 3, Block 1 shall conform to the general concept envisioned by the Conceptual Elevation Plan (Exhibit H) attached hereto and made a part of this Planned Unit Development.
- 7.4.5 A variance is specifically granted in this Planned Unit Development to allow for the existing Wal-Mart access road from Vandament to be of asphalt construction with concrete curbs and gutters as presently exist and to be perpetually owned and maintained by Wal-Mart and/or the property owners of this Planned Unit Development.
- 7.4.6 Frontage requirements and front yard setback requirements shall be deemed to only apply to exterior boundaries of this Planned Unit Development notwithstanding city codes and ordinances. There shall be no interior frontage requirements and/or setbacks between lots in this Planned Unit Development.
- 7.4.7 Joint parking and access may be utilized throughout this Planned Unit Development in accordance with ordinances and regulations to allow for required parking to be located on adjoining lots so long as the overall parking requirements are met.

8.0 EXHIBITS

The following exhibits are hereby attached and incorporated into this Planned Unit Development. The exhibits are:

EXHIBIT "A"	LEGAL DESCRIPTION
EXHIBIT "B"	MASTER DEVELOPMENT PLAN
EXHIBIT "C"	TOPOGRAPHY PLAN
EXHIBIT "D"	CONCEPTUAL SITE PLAN
EXHIBIT "E"	PRELIMINARY PLAT
EXHIBIT "F"	LANDSCAPE PLAN
EXHIBIT "G"	TRAFFIC CIRCULATION PLAN
EXHIBIT "H"	CONCEPTUAL ELEVATION