

Yamaguchi, Amanda

From: Jerry Ferguson <jerry.ferg@yahoo.com>
Sent: Thursday, September 20, 2018 10:20 AM
To: Murphy, Brent
Cc: Skates, Michael; Curtis, Larry
Subject: Re: RE: Thank you! Re: Revised landscape plan for Forest Creek Patio Homes

Hello Mr. Murphy,

There are visitor/guest parking spaces shown on the site plan that are not physically in existence. When we sent out a punch list of things we need the developer to correct (non-HOA maintenance types of items), the lack of sufficient visitor parking was on that list since our physical count didn't come up to the PUD 146 quantity.

Capital Homes had somebody come out and put white lines on several areas to make it easier for them to do a space count, and it was something like 7 short. But, they also counted some areas as guest parking spaces that are either unsafe to park at, or are at the end of dead-end streets. As of a week ago, Rich Sullivan told me he thought they had enough guest parking spaces, to which I told him it was still short.

We have some areas that are heavily lacking guest parking, which forces people to have to park at street curbs which is against the covenants. We have asked for a few guest parking spaces to be placed at strategic locations within the edges of the main reserve area (where the walking trail winds through). At one time, Capital Homes said they would put in additional parking spaces to meet the PUD 146 minimum, but would charge the HOA for half of it. We refused that offer. They also wanted us to pay for half of the repairs to damaged streets by contractor disregard, and pay for half of replacement of a couple of faulty service road concrete where a couple of places barely had enough concrete to cover the dirt and broke through. Again, we refused to accept those offers to pay for half, which was projected to be \$7,000 for us to pay.

On another location, we had asked Capital Homes to repair the patterned concrete entrance due to large gaps and separation and lifting. Their superintendent continually let concrete trucks roar through that entrance instead of using the service entrance. We think that exasperated the situation with the failing patterned concrete. Anyway, Kevin Crook, the then COO of Capital Homes, told me they were not going to repair that patterned concrete entrance because the "damage likely was caused by poor subgrade material and poor compaction by the original developer"... "Capital Homes does not intend to pay for any repair of the entryway pavement." He went on to say that "these were distressed properties when we chose to invest in the future of Forest Creek and purchase the remaining lots. The City was relieved that we took on the responsibility and were willing to work with us and were not holding us responsible for all of the failures of the original developer."

By his own admission, the failure of the expensive patterned concrete was not a maintenance issue, but a poor construction problem caused by a subcontractor for which Capital Homes assumed the liabilities for.

They also said they were not going to do the walking trails or the retaining walls, but of course you guys made them walk those statements back.

We have had this type of resistance for a year now, so I do apologize for taking so much of your time and no doubt causing you guys a little frustration and possibly exasperation with continually coming back to you; but this is the best path forward we have at this time unless Capital Homes willingly extends the olive branch and does what is right versus what they are forced to do or fits their desired pocketbook expenses.

Best Regards,

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On Thursday, September 20, 2018, 8:49:44 AM CDT, Murphy, Brent <BMurphy@BrokenArrowOK.Gov> wrote:

Good morning Mr. Ferguson. The revised landscape plan will be the only item related to PUD 146 on the Planning Commission agenda. The Planning Commission approved the original landscape plan, therefore the revised landscape plan is going back to them. Any modifications to the retaining walls will be reviewed by Staff. Tell me more about the guest parking, first I have heard of it. By PUD 146, 35 guest parking spaces were to be provided.

Brent Murphy, AICP

Senior Planner

City of Broken Arrow

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From: Jerry Ferguson <jerry.ferg@yahoo.com>
Sent: Wednesday, September 19, 2018 8:16 PM
To: Murphy, Brent <BMurphy@BrokenArrowOK.Gov>
Cc: Skates, Michael <MSkates@brokenarrowok.gov>; Curtis, Larry <LCurtis@brokenarrowok.gov>
Subject: Thank you! Re: Revised landscape plan for Forest Creek Patio Homes

Hi Mr. Murphy,

Yes, the lions-share of the crepe myrtles are foundation plantings.

Thank you very much for your quick reply and clarification on the questions!

One last question...will anything else from our PUD-146 be on the Consent Agenda, such as the retaining wall plans, or any modifications to the quantity of visitor parking spaces? I believe either you, or Mr. Skates stated that the retaining walls plan revision will not be ready in time for the 27th Planning Commission meeting, correct?

Best Regards,

Jerry

On Wednesday, September 19, 2018, 6:42:49 PM CDT, Murphy, Brent <BMurphy@BrokenArrowOK.Gov> wrote:

Mr. Ferguson: I have responded to your questions below in red. I hope your meeting tomorrow with Mr. Sullivan is productive. Let me know if you have any questions.

Brent Murphy, AICP

Senior Planner

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From: Jerry Ferguson <jerry.ferg@yahoo.com>
Sent: Wednesday, September 19, 2018 3:00 PM
To: Murphy, Brent <BMurphy@BrokenArrowOK.Gov>
Subject: Re: Revised landscape plan for Forest Creek Patio Homes



Hello Mr. Murphy,

Thank you for the 2nd revision. I am pleased they went a little better on the walking trail than they had, versus their previous revision of only 4". However, we are concerned about the fact that tractors will be going over the walking trail during the mowing season. Not so worried about it when the weather is dry, but during the rainy season, or if there are low spots in the landscaped area, then the weight will start to rut the trail.

So, my questions at this time are:

- 1) What is the city's standard construction (material type, depth, gravel size base, top coat, and edging) for a gravel walking trail in public areas where heavy equipment typically travels over it? (The City of Broken Arrow does not have a standard for gravel walking trails.)
- 2) Do these typically have metal edgings for maintenance and containment of the trail? It is not specified in the proposed revised plan, but it was in the 2008 plan. (The City of Broken Arrow does not have a standard for gravel walking trails.)
- 3) I've walked on the walking trail south of St. Francis Medical Park, and that looks (and walks) very nice, and shouldn't present any problems for the 70+ year old residents who will be walking on ours. Will ours have that same type of finished surface? (The City of Broken Arrow was not involved with design of the St. Francis Medical Park, therefore, cannot not answer this. Since the City of Broken Arrow does not have a standard for gravel walking trails, please discuss with Mr. Sullivan.)
- 4) The 2008 plan had leveled and sodded soil. The current terrain is pretty rough and hard to mow without the landscaper scalping. I do not see smoothing it out as being addressed in the plan, which doesn't have any "notes" section like the 2008 plan had on the 2nd page of it. (Please discuss with Mr. Sullivan.)
- 5) The Capital Homes revised plans state that "All ordinance required landscape area irrigated by an underground automatic irrigation system". The 2008 plan had all of the reserves specified with underground automatic irrigation systems. Section 5.2.b. in the Development Standards says "required new landscaping shall be irrigated". The reserves should meet requirements of that section. (Section 5.2.B.4.b of the Zoning Ordinance states, "Required new landscaping shall be irrigated by one of the following methods: i. An underground sprinkling system; ii A drip system". The required landscape area is the trees that are shown on the landscape plan. The revised landscape plan states these will be irrigated by an underground automatic irrigation system.)
- 6.) Capital Homes' landscape architect says that the city permits 2 qualifying ornamentals to count as one tree. What is a "qualifying ornamental", and does a shrub or crepe myrtle within 18" of a home qualify? Attached is an example of one that didn't get trimmed back by the landscaper last year, but probably will be this year. Attached is a photo example regarding a crepe myrtle against a foundation. Section 5.2.B.4.a of the Zoning Ordinance, which pertains to the approved tree list for landscape requirements. Crapemyrtles are listed as a small tree on this list. There is a footnote the says "Requires 1 plant per 25' of Required Landscape Plan;" This has been applied to mean that two crapemyrtles are needed for every required tree. We believe that "qualifying standard" referenced by the Landscape Architect is an industry standard. Are all the crapemyrtles shown on the revised landscape plan I provided to you yesterday installed next to the foundation as shown in the picture? If this is the scenario, then yes, that is what they are requesting.)

By the way, Capital Homes landscape contractor installed mostly 1" caliper trees when each home was built. Even today, several of them are still below the 2" minimum, as their revised plan shows. I was going to bring that up to them, but your request for them to list type and size took care of that for me. Thank you! They've mislabeled some tree varieties, but that's okay.

We meet tomorrow afternoon with Rich Sullivan of Capital Homes, and it would be a great help if we knew the answers to these in advance of that meeting.

Best Regards,

Jerry Ferguson

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On Tuesday, September 18, 2018, 4:55:12 PM CDT, Murphy, Brent <BMurphy@BrokenArrowOK.Gov> wrote:

Mr. Ferguson: Attached please find a revised landscape plan that we received today from Planning Design Group along with a letter from Mr. Jim Crosby. We will be forwarding this landscape plan and letter to the Planning Commission for their meeting on September 27, 2018. Once the staff report has been completed and approved by our management, I will forward that to you also. As noted previously, I will also send your September 14, 2018, email to the Planning Commission. Let me know if you have any questions.

Brent Murphy, AICP

Senior Planner

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