

**MINUTES
JENKS PLANNING COMMISSION
WORK SESSION**

6:00 P.M. TUESDAY, JANUARY 30, 2024

JENKS CITY HALL, 211 NORTH ELM STREET

The Jenks Planning Commission Work Session was called to order at 6:35 p.m. on January 30, 2024, by Chair Scott West. A roll call vote of members was taken as follows:

Present

Amy Bors
Craig Bowman
Gina Wilson
Ray Stephens
Rob Sellers
Chair Scott West

Absent

Greg Nixon

Business

1. Thank You from the Mayor
2. Dinner and PC Training Planning Director Marcaé Hilton presented the training and answered questions. City Clerk Brandon Macy also spoke and answered questions from the Planning Commission.

Adjournment. The Jenks Planning Commission adjourned at 8:24 p.m.

The Role of Planning Commissions

2024 City of Jenks Planning Commission Training

Reference: Oklahoma Municipal League

Origins of Planning Commissions

The idea of the planning commission originated in the Standard Planning and Zoning Enabling Acts developed under Herbert Hoover in the 1920s.

These model ordinances were drafted to standardize land use planning procedures across the US.

Almost all states adopted the standard acts, which authorized cities, towns and counties to establish planning commissions and adopt zoning and subdivision regulations.

These acts defined and established the essential duties of planning commissions, boards of zoning appeals or adjustment, and legislative bodies.

Oklahoma was one of the states that adopted the "Standard Enabling Act," which is the basis for our zoning and planning legislation and practice.

Where Powers Originate



MUNICIPAL CODE



APPOINTED BY CITY
COUNCIL



COULD ALSO BE
APPOINTED BY COUNTY
COMMISSIONERS OR
ALDERMAN

Case Law on Planning Commissions



Do we need a planning commission? YES!



Can City Council act as the Planning Commission? NO!

"a municipality must have both a zoning commission and board of adjustment in order to exercise its zoning authority. It may not do so in their absence."

- Town of Wellston v. Wallace*, 152 P.3d 284 (2006)

Duties and Powers of the Planning Commission – Employees:



Prepare plans for the betterment of the municipality as a place of residence or for business.



Consider and investigate any subject matter tending to the development and betterment of the municipality and make recommendations to any department of the municipal government, and for any purpose make or cause to be made surveys, maps or plans.



Employ engineers, attorneys, clerks and a secretary, or any other help deemed necessary, subject to the approval of the municipal governing body.



The necessary expenses incurred by the commission shall be appropriated and paid out of the municipal treasury as other legal expenses of the municipality, but in no event may the planning commission be authorized to create a deficiency.

Public Improvements and Plats of Land

Before final action may be taken by any municipality or department thereof on [any] question it shall be submitted to the planning commission for investigation and report.

location	construction	or design of any public building	statue
memorial	park	parkway	boulevard
street	alley	playground	public ground
or bridge	or the change in the location	or grade of any street or alley,	



All plans, plats, or replats of land laid out in lots or blocks, and the streets, alleys, or other portions of the same, intended to be dedicated to public or private use, within the corporate limits of a municipality, shall first be submitted to the municipal planning commission for its approval or rejection.

The planning commission may exercise jurisdiction over subdivision of land and adopt regulations governing the subdivision of land within its jurisdiction.

Such regulations may include provisions as to the extent to which streets and other ways shall be graded and improved and to which water, sewer, and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of the plat.

Key Roles



Making recommendations to City Council on community development issues, zoning ordinances and zoning map amendments, preliminary and final subdivision plats, special permits, land use plans, etc.



Holding public hearings to gain public information and advice from professional staff, citizen groups, property owners, and development applicants on planning issues



Developing and updating the community Comprehensive Plan



Providing an opportunity for long-term, in-depth study of major issues and a forum for consensus building

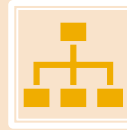


Facilitating an opportunity to promote intergovernmental cooperation with school districts, utilities, and neighboring jurisdictions' office holders and civic leaders

When Making Recommendations



Ask relevant questions.



Provide framework for an issue.



Consider all sides of an issue without political pressure from constituents.



Provide a venue for an impartial public hearing.



Consider balance with comprehensive plan.



Consider potential annexations.

Taking Action



Request comprehensive plan updates.



Request new studies, such as traffic analysis, housing studies, updated zoning categories, and updated use categories.

How Councils Can Utilize P&Z



The planning commission (**recommending body**) should function like a technical consultant to the legislative body, recommending effective ways to accomplish the general community goals adopted by the city council.

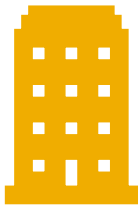


It is the city council (**legislative body**) that makes the final decisions with whatever political considerations it deems appropriate.



The planning commission and city council are separate bodies, and each is vital to a smoothly functioning community.

Planned Unit Developments (PUDs): What are they?



A type of building development and also a regulatory process.



Designs a grouping of both varied and compatible land uses, housing, recreation, commercial centers, industrial parks, etc. All within one contained development or subdivision.



Unify land development by social, economic, or other means rather than by traditional lot-by-lot design.

PUDs: Appropriate Conditions 11

O.S. § 43-110

Permitted uses

Lot sizes

Setbacks

Height limits

Required facilities

Buffers

Open space areas

Lighting

Signage

Landscaping

Parking and Loading

Compatibility

Avoid arbitrary decisions!

Permitted uses

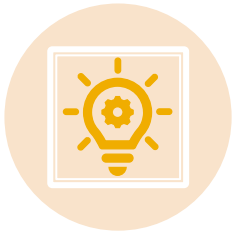
Avoid arbitrary decisions!

PUDs: Appropriate Conditions 11

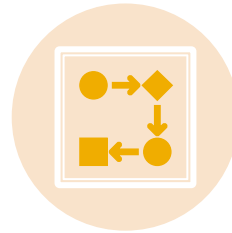
O.S. § 43-110 (cont.)

- PUDs can include:
 - Cluster Housing.
 - Residential.
 - Non-residential.
 - Community Unit Plan.
 - Other zoning requirements which are designed to accomplish the objectives of a comprehensive plan and zoning ordinance.

What is a comprehensive plan?



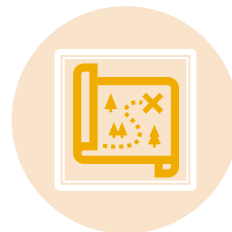
A long-range planning tool that is intended to be used to guide the growth and physical development of the community for ten to twenty years.



A dynamic planning document that responds to changing needs and conditions.



Any element of the plan can be amended or changed if a petitioner demonstrates to the City Council that they have a better idea.



A comprehensive plan is not a zoning ordinance.

How is the comprehensive plan used?



Guide for daily decision-making.



Identify steps necessary to achieve the vision for the City.



Amending the subdivision and zoning ordinances based on the comprehensive plan's recommendations.

Purpose of Regulations 11 O.S. § 43-103



Municipal regulations as to buildings, structures and land shall be made in accordance with a comprehensive plan and be designed to accomplish any of the following objectives:



Lessen congestion in the streets.



Secure safety from fire, panic, and other dangers.



Promote health and the general welfare, including the peace and quality of life of the district.



Prevent the overcrowding of land.



Promote historical preservation.



Avoid undue concentration of population.



Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements,

Specific Use Permits: Purpose

11 O.S. § 43-113

The types of uses for which a specific use permit may be required shall be those types of uses which, because of the size of the land they require or the specialized nature of the use, may more intensely dominate the area in which they are located and their effects on the general public are broader in scope than other uses permitted in the district.

Specific Use Permits: Process

11 O.S. § 43-113



The planning commission shall conduct a public hearing and make recommendations on the specific use permit request which shall be transmitted to the municipal governing body for consideration in making a final decision.



If an amendment of a zoning ordinance is required by the specific use permit regulations of a municipal zoning ordinance (yes, here), the requirements for amendment of a zoning ordinance shall be followed.

Open Meeting Act: Purpose

25 O.S. § 301 et seq.

“It is the public policy of the State of Oklahoma to encourage and facilitate an informed citizenry’s understanding of the governmental processes and governmental problems.” (25 O.S. § 302)

Open Meeting Act: What is a meeting?



A meeting occurs when “conducting business” of public body, by a majority of members (quorum), being personally together.



Does not include informal gatherings of a majority when no business of the public body is being discussed.



Does include meetings that are business-related (e.g. tour of facilities). To be safe, give notice of a special meeting.

Open Meeting Act:

Communication with Other Members

Avoid
quorum
outside of
meetings
(even by
email,
social
media, and
texts).

These informal
meetings cannot be
used to reach or
negotiate agreement
in avoidance of Open
Meeting
requirements.

If quorum exists,
including phone
calls, emails, etc.:

- Provide notice of meeting
- Avoid discussing City business unless it's on an agenda.

Smaller non-open
informational
meetings with less
than a quorum are
okay.

Open Meeting Act: Voting



Votes must be publicly cast
and recorded

Cannot occur by phone or
email

Not in executive session



No deciding or taking action
at an informal gathering

BEWARE of text messages and
social media

Don't text or tweet or FB live
etc. during meetings

Avoid polling/negotiating.

Open Meeting Act: Legal Guidance

Do not send or respond to emails, texts, or other electronic messages pertaining to City business that involve more than 3 planning commission members including yourself.

Do not "reply all" to emails to all or multiple planning commission members.

Watch out for emails from the public or new city employees or officials who have not learned the general practice that city staff follow of bcc'ing recipients.

Don't text each other during meetings.

Don't text anyone else regarding agenda items during meetings.

Do not tag other commission members in posts about City business.

Social media posts and comments could result in an illegal meeting under the Act.

Do not comment on posts from or involving other commission members about City business.

Carefully consider whether you should post or comment on social media posts regarding City business beyond basic informational posts about events, emergencies, etc.

Keep your city-related communications on your City email when possible. Don't use your personal email.

Consider limiting your texts to scheduling and information only, not substantive City-related conversations.

Remember to strictly adhere to the agenda and issues germane to PC business.

Public Hearing Process



The planning commission's public hearing process is the central action where legal notice, public input, and information come together.

Public hearings should be carefully managed and should provide the following:



Notice for Meetings



Notice is given to the municipal clerk.



All municipal public bodies must file their calendar of regular meetings with the municipal clerk.

Changing a Meeting



Any change of a regular meeting including:



date,



time,



or place,



must made in writing at least **ten days** before the date of the regular meeting. 25 O.S. § 311(A)(8)

Cancelling a Meeting

- ✓ If the regularly scheduled meeting should be cancelled, notice should be done as soon as possible.
 - ✓ Best Practice: State the reason for the cancellation (e.g. lack of quorum, meeting falls on a holiday, etc.).
- ✓ No statutory mandates for cancelling a meeting, however notifying the public in the same manner demonstrates the governing body is mindful of its responsibilities.

Notice for Special Meetings



Public notice of the date, time, and place of a special meeting must be posted for 48 hours.

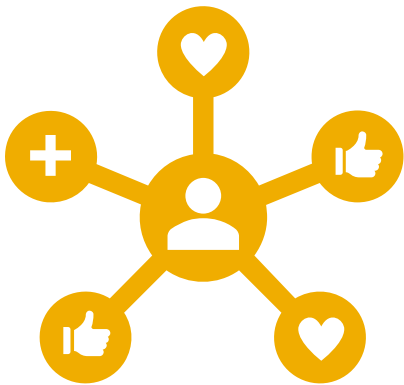


The agenda for the special meeting must be posted for 24 hours. 25 O.S. § 311(A)(11)



Notice requirements excludes Saturdays, Sundays, and State holidays.

Other issues



Beware of influence from Councilmembers on Planning Commission process.



Recommendations should be independent –Council should not be involved in process.

Petitions



AN OK CONSTITUTIONAL RIGHT: RESERVED TO THE PEOPLE OF EVERY MUNICIPAL CORPORATION WITH REFERENCE TO ALL LEGISLATIVE AUTHORITY WHICH IT MAY EXERCISE AND AMENDMENTS TO MUNICIPAL CHARTERS.



REFERENDUM VS INITIATIVE

Further Information

**OKLAHOMA PLANNING COMMISSIONERS
HANDBOOK**

www.okplanning.org



Oklahoma Chapter
American Planning Association
April 2007

