

AGENDA
JENKS PLANNING COMMISSION
6:00 P.M. THURSDAY, APRIL 23, 2020

I. CALL TO ORDER

II. ROLL CALL

1. MEMBERS MEETING BY VIDEOCONFERENCE

- Chair Carol Minden
- Scott West
- John Brown
- Travis Fulkerson
- Leon Davis
- Craig Bowman
- David Randolph

The meeting will be live streamed on the City of Jenks' Facebook page here: <https://www.facebook.com/cityofjenks/>. If you have any comments pertinent to the agenda items for the public record, please send them to the City Clerk at bmacy@jenksok.org at least 1 hour before the start of the meeting. Your name and address are required to be included in the public record. Comments must be limited to 3 minutes in length. Facebook comments will not be taken as public comments.

III. REQUEST TO APPROVE MINUTES OF APRIL 09, 2020

Documents:

[2020.04.09 PC MINUTES.PDF](#)

IV. BUSINESS

1. TUP 20-43: Request by Jake's Fireworks for a Temporary Use Permit to allow for the retail sale of fireworks. General Location 11608 S Union Ave

Documents:

[SR.TUP 20-43 PC.PDF](#)
[CASE MAP.PDF](#)
[TUP APPLICATION - JAKES FIREWORKS.PDF](#)

V. OTHER BUSINESS

1. Planning Updates
2. Horizon Jenks - Comprehensive Plan Project Update

VI. ADJOURNMENT

MINUTES
JENKS PLANNING COMMISSION
6:00 P.M. THURSDAY, APRIL 09, 2020
COUNCIL CHAMBERS, JENKS CITY HALL, 211 NORTH ELM STREET
JENKS, OKLAHOMA

The Jenks Planning Commission was called to order at 6:00 p.m. on April 09, 2020, at Jenks City Hall by Chair Carol Minden. A roll call vote of members was taken as follows:

Present

David Randolph - Videoconference
Travis Fulkerson - Videoconference
John Brown - Videoconference
Scott West - Videoconference
Leon Davis - Videoconference
Craig Bowman - Videoconference
Chair Carol Minden- Videoconference

Absent

Request to approve minutes of March 05, 2020. John Brown made a motion to approve the minutes. Craig Bowman seconded the motion. A roll call vote of members was taken as follows:

YEA: Randolph, Brown, West, Davis, Bowman, Minden

NAY: None

ABSTAIN: Fulkerson

Motion carried.

Business

1. ARC 20-486: Request by Melissa Skopak for approval of architecture, materials, and colors for Gateway First Bank. General Location: Gateway Place & Main St

Planning Director Marcae Hilton presented the staff report and recommended approval. Craig Bowman made a motion to approve Item 1. Scott West seconded the motion. A roll call vote was taken as follows:

YEA: Randolph, Fulkerson, Brown, West, Davis, Bowman, Minden

NAY: None

Motion carried

2. JZ 20-651: Request by David Dryer for a zone change from RS-1 (Residential Single-Family Low Intensity) to OM (Office Medium Intensity). General Location: 1223 W Main St

Planning Director Marcae Hilton presented the staff report and recommended approval. She then answered questions from the Commission. David Randolph made a motion to approve Item 2. Craig Bowman seconded the motion. A roll call vote was taken as follows:

YEA: Randolph, Fulkerson, Brown, West, Davis, Bowman, Minden

NAY: None

Motion carried.

3. JZ 20-652 PUD 119: Request by Tim Terral to approve Planned Unit Development 119 for a subdivision named Torrey Lakes. General Location: West side of Harvard between 131st & 141st St

Planning Director Marcae Hilton presented the staff report and recommended approval. She then answered questions from the Commissioners. Tim Terral (the applicant; TEP Engineering, 9810 E 42nd St suite 110, Tulsa, OK) spoke about the application. Comments from the public were read to the Commissioners (all public comments are attached). Tim Terral addressed the public comments and other questions from the Commissioners. Scott West made a motion to approve Item 3. Leon Davis seconded the motion. A roll call vote was taken as follows:

YEA: Randolph, Fulkerson, Brown, West, Davis, Bowman, Minden

NAY: None

Motion carried.

4. JZ 20-653 SUP 102A: Request by Jason Poulin of CORE Hospital to amend the site plan of SUP 102 to allow for more parking spaces. General Location: 3029 W Main St

Planning Director Marcae Hilton presented the staff report and recommended approval. She then answered questions from the Commissioners. John Brown made a motion to approve Item 4. Scott West seconded the motion. A roll call vote of members was taken as follows:

YEA: Randolph, Fulkerson, Brown, West, Davis, Bowman, Minden

NAY: None

Motion carried

Other Business

1. Planning Update

Planning Director Marcae Hilton gave an update on the Comp Plan.

Adjournment. Carol Minden made a motion to adjourn. Scott West seconded the motion. A roll call vote of members was taken as follows:

YEA: Randolph, Fulkerson, Brown, West, Davis, Bowman, Minden

NAY: None

Motion carried. The Jenks Planning Commission adjourned at 7:20 p.m.

To Planning Commission
Chris Shrout, City Manager
Robert Carr, Assistant City Manager

Subject Q&A for Regularly Scheduled PC meeting April 9, 2020

From Marcaé Hilton, City Planner

QUESTIONS

Preparer | Marcaé Hilton

PLANNING COMMISSION | questions and comments



David Randolph Via Email April 09, 2020

- JZ 20-652 (Torrey Lakes)
 - o Livability Space: I assume the livability space being below the minimum is due to the amenities. I believe the short answer is yes. In the case of PUD vs. straight zoning it is generally believed in the communities I have worked as well as communities across the country that a PUD is a legal way to use the elements of the code (Use Units, Bulk and Area) and bend them to create a unique product/development. Otherwise, any deviation of the code would require an action by the Board of Adjustment. As you know, “the developer” is trying to provide a product that will make money and meet the market conditions. The City is trying to protect its citizens and make sure there are adequate amenities and more than ever plenty of greenspace and connectivity. Therefore, it gets complicated, some Commissions and Councils have very specific asks in their community and it is fairly accepted by the developer and community so the negotiation is not a long or arduous process. Since I am new to Jenks, I am scrambling to understand the previous development and regulatory processes. It would appear, from the few documents I have read, the Bulk and Area was of little consequence as long as the Comprehensive Plan was not compromised, if a project was single-family the applicant deviated as needed for the market demand and site constraints. it was I also understand we are adopting the new Comprehensive Plan this summer and will follow that action with the adoption of a new zoning code. look forward to learning the nuances of the code and how the expectations of the Commission, Council and Citizens. Also, the gazebo on the water that is pictured in the materials is not the site plan, so I'm assuming it's not included. It is my understanding the developer wants to add this feature.
 - o Drainage: I suggest you address drainage in your initial presentation, as it's a problem in other areas of Jenks and a hot topic with citizens. However, drainage here appears to be handled with the two stormwater detention areas. Also, FEMA shows this tract as being in Zone X, which is good.
 - o Trail System: In the public comments for the new Comprehensive Plan, there was a clear desire for a network of trails linking neighborhoods. I see that there are two small trails

around the ponds, but nothing more. My question: is it possible to link this neighborhood to trails outside of the neighborhood? This could probably be done through the Right of Way on Harvard.

- o Environmental Due Diligence. Has there been any environmental due diligence on the property? In other neighborhoods, there have been existing wells that were not properly plugged/capped, and some homeowners have complained about oil bubbling up at times, among other issues. I understand that the approval process may not currently incorporate environmental due diligence, and this will be a comment to the Comprehensive Plan. But for this application, it would be helpful to know if there is any existing oil and gas activity (other than the pipeline easement on the north side), and what remediation has been done or is proposed. Based on a search of the Oklahoma Corporation Commission's website, there appear to be six plugged and abandoned wells on or near this property, and one potentially active well near the north-center of the property.

Commissioner David Randolph on behalf of citizens

As a follow-up, after getting some citizen comments, I have the following additional comments/thoughts on Torrey Lakes:

- We should nail down the minimum amenities required, such as whether there will be a pool or pool house.
- In other PUDs, there has been a 100% masonry requirement for the first floor. I suggest we keep it consistent again here.
- FYI, the City Council has previously requested 25 ft setback to garage, not the 20 ft setback shown here.
- Also like other PUDs, and as a basic safety measure, there should be street lights for the Harvard entrance. I suggest adding it to the landscape design.
- The six parking spaces for the pool (assuming there is one) seems low. I'm curious what other developments have used for neighborhood pool parking, and whether a similar amount was sufficient.
- For the existing oil and gas wells (I see them on the site plan now), I suggest marking these on the plat to give public notice to future homeowners.

CITIZEN | QUESTIONS



Charlotte Muñiz-Montgomery VIA Email April 09, 2020 | 10612 S Fir Ave., Jenks, OK

1. Some applications have the PUD broken into 2 or more development areas (e.g. Perryman, Kirk Crossing). Is there only 1 development area with this application?

2. The first paragraph of the Supplemental Staff Memo states that the level of detail of the Development Concept document is not required by code and not regularly included. It should be!

Sec 940 specifies that the Development is to provide benefits in the form of exceptional amenities, design, excellence, etc. Waiver of any requirement shall be the direct cause of accrual of positive benefits to residents of the development as well as to the general community. These details validate and visually illustrate that the amenities warrant departure from code. Departure from code is a privilege and not a right of the developer (Sec 940).

Furthermore, Sec 950 provides that the applicant: "...shall agree to furnish information about the proposed development, and later to abide by certain conditions and safeguards as may be imposed by the City Council in establishing such developments. To that end the regulations set forth herein are minimum requirements and it is the intent of this ordinance that the City Council may impose conditions and safeguards in excess of or in addition to the specific requirements set forth herein..." and that the applicant submit (Sec 950 B, 1, g) "Other information the Planning Commission or its staff may deem necessary to properly evaluate the proposal."

The Staff, PC, and CC have a right to request these details and should be required in all future applications.

3. It is essential to assess if the waiver of code requirements is adequately offset by the proposed amenities. A pool is a high profile amenity. Without it, this is 143 to 150 packed-in lots with one playground, a gazebo with a grill, and a code required sidewalk that ties into a path around two required detention ponds. There are only two small green areas at opposite ends of the subdivision. Something needs to be added to the plate to make you want to vote a resounding "yes". Therefore, you should know if the pool will or will not be included in this development before outright approval of tonight's application.
4. There are 6 parking spaces provided where the pool and pool house might be located. There are potentially 143 to 150 lots. More parking should be required if the developer wishes to include a pool and pool house. No resident living to the west and south is going to tow kids, plus blankets, snacks, sunscreen, and pool toys....they're going to drive. Spaces should be doubled, with one of those spaces for handicap.
5. At the July 17, 2019 CC meeting (regarding Frazier Meadows): Councilors requested that future PUD applications have 25' setback for garages. 20' setback for livable space okay.
6. Minimum sq footage is a Development Standard and should be included.
7. PC and CC have consistently required 100% masonry on the first story, as part of the Development Standards. Also no vinyl or aluminum siding allowed.
8. The landscaping details need to specify that street lights will be at both entrances to the development off Harvard, in addition to, any landscape lighting. There are

resident complaints along secondary streets that they can't see where to turn into subdivisions at night, when there are no street lights at entrances.

9. It is my understanding that the Corps of Engineers has changed freeboard from 1 foot to 2 feet. Has/will the Detention Report for Torrey Pines use this new standard?
10. Exhibit "C" Existing Conditions Plan shows topo highlights and ridge lines. With ridge lines sloping south and east on the right side of the diagram, is a detention pond needed in the SE corner to capture runoff? The post and pre-construction discharge rates will be of interest as there will be a tremendous increase in impervious surfaces.
11. Did anybody check if any part of the development has wetlands? (Note: This oversight has halted current development of Hickory Creek)
12. The Development Concept document Page 1, 2nd paragraph, last sentence. Says there will be "a" stub street for connection to a future subdivision. The Conceptual Site Plan shows two.
13. The Conceptual Site Plan and Existing Conditions Plan indicate plugged wells at the: NE detention pond and Block 2, lot 1 and Block 3, lots 10,11 & 28. If there were wells, there were also tank batteries (storage). Wells and tank battery sites should be clearly indicated on the plat. Future lot owners have a right to disclosure and this is likely a State or Federal requirement, specifically during closing.
14. I believe the stated Project Density of 3.61 DU is incorrectly calculated. You need the acreage for streets and UE. Number of lots also impacts DU, will you use 143 or 150 in the calculation? The resulting DU will be higher than 3.61 and higher than the 4 DU requirement in the Comprehensive Plan. Increase lot widths to reduce number of lots and/or increase open space to meet the 4 DU requirement.

From my email thread with Jim Beach regarding the Perryman application on Oct 31, 2019:

*According to the Zoning Code, Section 940.1.A.b, "The residential area for the purposes of the above-described computation shall be the gross area of the PUD **less the areas designated for any use other than residential uses.**" In the Comprehensive Plan on page 28 it says, "The expressions of residential intensities are in terms of number of dwelling units per net acre and are determined per an individual tract of land. The **net acre is established by the subtraction of streets, alleys, and utility easements** in order to calculate on the basis of the residence-related space only."*

Staff Report: Evaluation & Recommendation Page 3. Suggested items to add:

- Determine if pool/pool house will be an amenity.
 - i. If yes, parking spaces need to be increased.
- Development Standards:
 - i. 25 ft set back to garage. 20 ft set back to living space.
 - ii. 100% masonry requirement first floor. No vinyl or aluminum siding.

iii. Provide minimum square footage.

- Include street lights at entries off of Harvard, in the landscaping details.
- Verify free board parameter used in the Detention Report.
- Verify number and location of detention ponds are adequate to meet peak run off.
- Verify with the Army Corps of Engineers that no part of this development has designated wetlands.
- Clarify if there will be one or two stub street connections.
- Verify that all wells were plugged and tanks removed according to the OCC (Oklahoma Corporation Commission, Oil and Gas Division) guidelines.

i. Mark locations on the plat.

ii. Determine if disclosure of these locations should be required in the text of the plat document.

- Include streets and UE, and a fixed number of lots, in the calculation of DU.



RaeLea Francis Submitted via email 04.09.2020 | 13424 S. 20th ct. Bixby, Ok 74008

Dear Marcae,

Is the rezoning meeting for the property at roughly 138th ? and Harvard planned for 6:00 pm still on for tonight, 4/9/20, It's an agriculture property that is requesting a change For a PUD. I have been informed of the meeting as I and my neighbors will be impacted by the change. Given the present restrictions on gatherings during coronavirus mandates, Will this meeting still be held or is it postponed?

David Francis, 13424 S. 20th ct. Bixby, Ok 74008

Cell # 918-527-3973

Work # 918-747-4855

RaeLea Francis, 989-860-3123

Would appreciate your prompt reply

Thanks in advance



Greg and Andra Pinkston via email April 08, 2020 | 2701 E 138th Pl S, Bixby, OK 74008

We have reviewed the available information pertaining to the above referenced proposed Torrey Lake Development and as affected property owners have the following questions, comments and concerns that we ask the Commission to consider in their decision.

Our property is located just west and south of the southwest corner of the proposed development. Our lot is Lot #5 on the east end of Snow Tree Addition.

Our primary concerns are related to the stormwater runoff and how it will impact the drainage across our property. The proposed plans contain a document showing the current elevation grade lines across the 40 acres. Referencing that document, our property is slightly south & west of the southwest corner of the proposed development. This document shows that approximately 40% of the stormwater from this area currently drains toward and across our property. Previously, this stormwater had been held and controlled by two (2) ponds (now only one pond – see below) on the acreage.

While there is a drainage easement across our property, our concern is that this proposed development will greatly increase the stormwater flow and potentially cause flooding of our property during heavy rains. The following are issues noted in the PUD 119 documents that lead us to this concern:

Comment:

1. Again referring to the Elevation (Topography) document in the plans (please see Attachment 1), we note that the west property line of the PUD 119 splits the existing pond on the acreage. This pond had functioned for many years as a retention pond capturing the stormwater from the west end of the proposed development and east end of the adjoining agriculture property. On February 18, 2020, without any notice to us as adjoining property owners, a construction crew broke the dam on that pond. This action, as evidenced by our video documentation, created an immediate surge of water into the drainage ditch across our property. This action is concerning to us as we have 3 children who frequently play in our yard and while they were not in the yard at the time of the surge, they very likely could have been and could have been injured by the flash flooding that was created. While this unexpected water surge did recede after about an hour and nobody was harmed, we are very concerned that we were not notified prior to the dam being broken and hope that this disregard to surrounding property owners is not typical of the developers if this development request is approved.

Questions:

2. As mentioned, our primary concern is the increase in stormwater runoff created by the proposed development. This concern is heightened when we reviewed the comparative table on page 3 of 6 in the Torrey Lakes Memo from the City Planner (please see Attachment 2). This table lists the density of houses in the proposed development as 3.3 times what is recommended in the code for RS-1 zoned property (per table RS-1 Code lot area minimum is 24,000 sq. ft. and the PUD 119 proposed lot area is 7,250 sq. ft.). When comparing the other RS-1 Code values per the table and the proposed values for PUD 119, it is concerning that the proposed values vary significantly from those listed as code for RS-1 zoning. The City Planner memo states that the proposed values are closer to RS-3 than the requested RS-1 zoning. Allowing this density of houses and small lot sizes leaves little to no green space and essentially turns the entire acreage into rooftops and concrete streets.
 - a. Will the proposed retention pond as noted in the PUD 119 plan be sized to account for this high density? Is there a finished grade plot for the proposed development?

- b. Now that the dam on the pond that was previously holding stormwater has been cut and it will no longer be retaining any stormwater, what are the plans to provide retention for the stormwater that will drain from the west side of the proposed development property (through the stub street) and the east side of the adjoining agriculture property that was previously retained by the pond? We ask that the developer be required to remedy this concern as a part of the development.

Requests:

We are very supportive of growth in the Jenks area and understand the need for creating new developments to allow for that growth. However, we also have confidence that the codes for zoning property RS-1 for single family homes were created to ensure the city could encourage growth without creating adverse impacts on the existing surroundings. **Noting that the current development documents for PUD 119 do not meet these codes and vary significantly from the code guidelines, we request that the application for RS-1 zoning for the PUD 119 development be rejected and the developers be asked to redesign the development to conform to required RS-1 zoning codes.**



Rae Lea Francis via Email on April 09, 2020 | 13242 S 20th Ct., Bixby, OK 74008

To whom it may concern,

I am writing in regard to the upcoming proposal that changes the zoning for the land behind my home from agricultural to residential. This change would allow for a neighborhood/subdivision to be built in place of the field.

I am strongly against this idea because it is destroying the wildlife and taking away the natural habitat in our community. It would also mean an increase in traffic, when the area is already very congested with the existing neighborhoods. The current roads and infrastructure cannot accommodate any increase in population because it is already nearly impossible to get in an out during rush hour. These simple points are enough to support keeping the zone agricultural.

Thank you for your consideration,

Rae Lea Francis



Ryan & Kimberly Hamilton via email on April 09, 2020 | 2040 E 135th St S, Bixby, OK 74008

Our home backs up to the South property line of Providence Hills. We have a Utility Easement that backs up to the North property line of PUD 119. We want to make sure that PUD 119 will be maintaining "the 50' Pipeline Easement" as listed in the document PUD 119 (Torrey Lakes) submitted from the Tulsa Engineering and Planning Associates (Page One, Development Concept, Paragraph Two) "The main encumbrances to the site are two 50' pipeline

easements...The second is a 50' Conoco Phillips pipeline easement that runs east/west along the north boundary line". Our concern is that they maintain this easement as such and not allow residents to fence it, effectively incorporating it into their back yards, as we have witnessed happening in our previous neighborhood. We purchased our home in Providence Hills specifically because it was on the greenbelt and subsequently backed up to the field that is now PUD 119, before it was up for sale. As we welcome growth in the community we would still like to maintain as much of the current low noise level that the greenbelt and field has afforded us. Having PUD 119 keeping the proposed 50' Easement on the North side of their property as a truly unusable by their residents would continue to allow this. I appreciate you taking the time to hear our concerns. Thank you for your continued service to the City of Jenks during these trying times.



Pecan Creek Homeowners Association, President Dan Stahl via email on April 09, 2020 | 13803 S 19th Ct, Bixby, OK 74008

Water that comes off of the property in question affects our neighborhood in several ways.

1. First, water drainage very directly controls the level of two of our neighborhood ponds. These ponds do not have any other source for water other than run-off from rain. If that is interrupted or changed in any way it will have very negative effects.
2. Second, too much water from this property can and does cause damage to adjoining properties. A simple viewing of the adjoining properties shows a lot of drainage issues that Pecan Creek homeowners have to deal with. We do not want the drainage from this proposed addition to adversely affect our properties.
3. We would strongly suggest that any development on the property by Tim Terral be made so there is not a material change to the water flow towards Pecan Creek.



David Francis via email on April 09, 2020 | 13242 S 20th Ct., Bixby, OK 74008

This email is in reference to the re-zoning meeting regarding the land on Harvard south of 136th St. My home is immediately north adjacent to the property which is presently an open hay field utilized for the raising of cattle and for a time, horses. It is a pleasant rolling green field with two ponds which have been a sanctuary for wild fowl such as geese and ducks. It has attracted abundant wild life including fox, coyote and birds of prey. My wife and I moved there for that very reason in 2009. This natural green space was a rejuvenating place to live by, away from overcrowded suburbia. A place away from noise of traffic and noise from neighbors. A place where you could see the stars in the night sky free from light pollution created by overpopulation. Those things which make Jenks and Bixby desirable places to live are the very things which will be permanently destroyed by unchecked over development. Those who benefit financially from property sales and home construction are relatively few versus those

of us whose Quality of life will be diminished by unchecked overdevelopment which seems to fly in the face of “Jenks Comprehensive Plan 2015-2025” which designates this parcel as “Low Intensity” land and not residential or commercial. I urge you to keep this property low intensity land as originally intended. Discounting profit, there is no overarching need to build another PUD on top of the many developments already happening. It seems as if there is no thoughtful design, restraint, oversight from city planners and zoning boards. The people who already live there need green spaces to enjoy with their families and children. None of the newer neighborhoods have adequate shared living spaces built into their plans for people to recreate and enjoy. The infrastructure cannot handle the present over influx of new neighborhoods already in existence. The two lane roads used to be adequate for an easy commute to Tulsa for work. They are now overcrowded thoroughfares jammed packed with traffic during rush hour which never existed when I moved to Bixby/Jenks. The over development and overcrowding is absolutely destroying the appeal of living there. Please have some regard for the people already living there, for nature, for their quality of life.

David Francis, DPM



Brent Griffith via email on April 9, 2020 |

Good afternoon

Regarding re-zoning of Land south of 136th St. and Harvard

I also received the notice about tonight’s meeting and am affected by this proposal. We purchased this lot in 2007 and were one of the first 10 sold in Providence Hills. We specifically chose our lot in the corner because of the pasture land behind us and the beauty that it provides. In addition, I raise bees and the natural habitat behind us with the current pasture is very beneficial to the bees that are so helpful to our natural world. Taking that away would harm them and me in the process.

Excerpts taken from CHAPTER 9 - PLANNED UNIT DEVELOPMENT (PUD)

The intent of the Planned Unit Development district is to preserve optimum service by community facilities, and better functioning of vehicular access and circulation. Presently vehicular access has been adversely affected over development of numerous newly constructed subdivisions, making commutes difficult on two lane rural roads.

To encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions. Putting in another subdivision on Pasture land does not preserve natural topography and natural vegetation.

These uses are restricted to intensities as specified by the Jenks Comprehensive Plan.

Thank you for your time.



Bryan Boler email on April 9, 2020 | 2629 E 138th Pl S, Bixby, OK 74008

Dear Jenks Planning Commission,

After reviewing the new housing addition information, I oppose the request for smaller lot sizes. I am concerned with water run off. Heavy rains already fill the creeks and bar ditches. I am concerned with the amount of traffic that would be created. The traffic is already pretty bad. There are no turn lanes at intersections, no third lane for turning into housing additions. Plus home owners already out here would like to keep the value of our homes as high as possible. Thank you for your time.

Long time Jenks resident.



Beth Oakes via email on April 09, 2020 | 2112 W D Ct

If this land becomes residential property, what will the developer do to make sure all of the old wells on the property are properly plugged and sealed off and not leaking any methane or posing any open hole dangers? Will they have all of the wellsites located, marked and tested and inspected by the OCC and provide those reports to the city? Thank you.

Jenks | Staff Report



To	Planning Commission
Hearing Date	April 23, 2020
Case Number	TUP 20-43
Request	Temporary Use Permit Fireworks
Location	11608 S Union Ave
Applicant	Jake's Fireworks

Staff Report

Preparer | Marcaé Hilton

Attachments

☐ CASE MAP	Preparer
☐ SITE PLAN	INCOG
☐ APPLICATION, INSURANCE CERTIFICATE, LETTER OF AGREEMENT	APPLICANT

Background Information

STAFF COMMENTARY | Jake's Fireworks plans to sell fireworks on a commercially zoned lot. Planning Commission and City Council members have expressed a concern for fireworks stands in City limits; Planning Staff will add "fireworks stand | TUP's" to the list for upcoming conversations during the code update.

PLANNING DATA

Public Comment	1 inquiry, just noticed sign and wanted to understand the request Notice mailed out and posted online
Zoning	CG Commercial General
Comprehensive Plan	Medium Commercial
General Location	11608 S Union Ave (S. Vancouver Avenue) West of HWY 75 between 111 th and 121 st
Acres	4.68

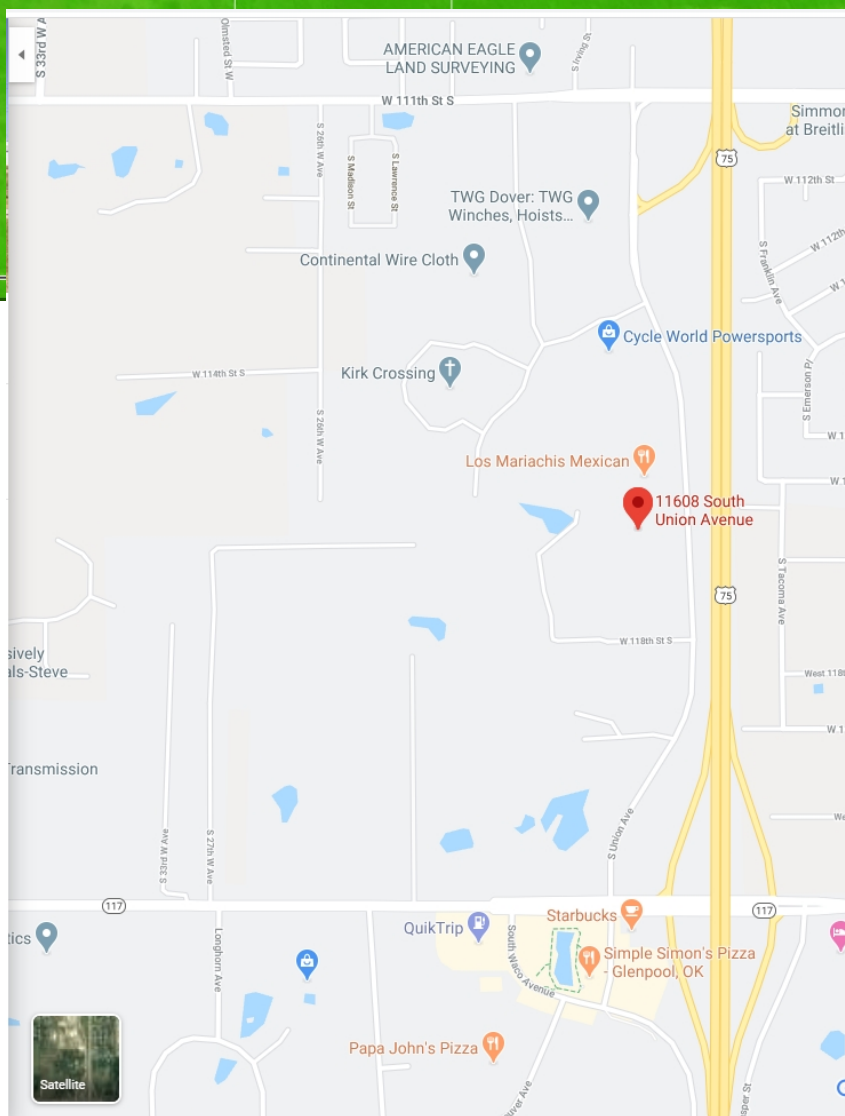
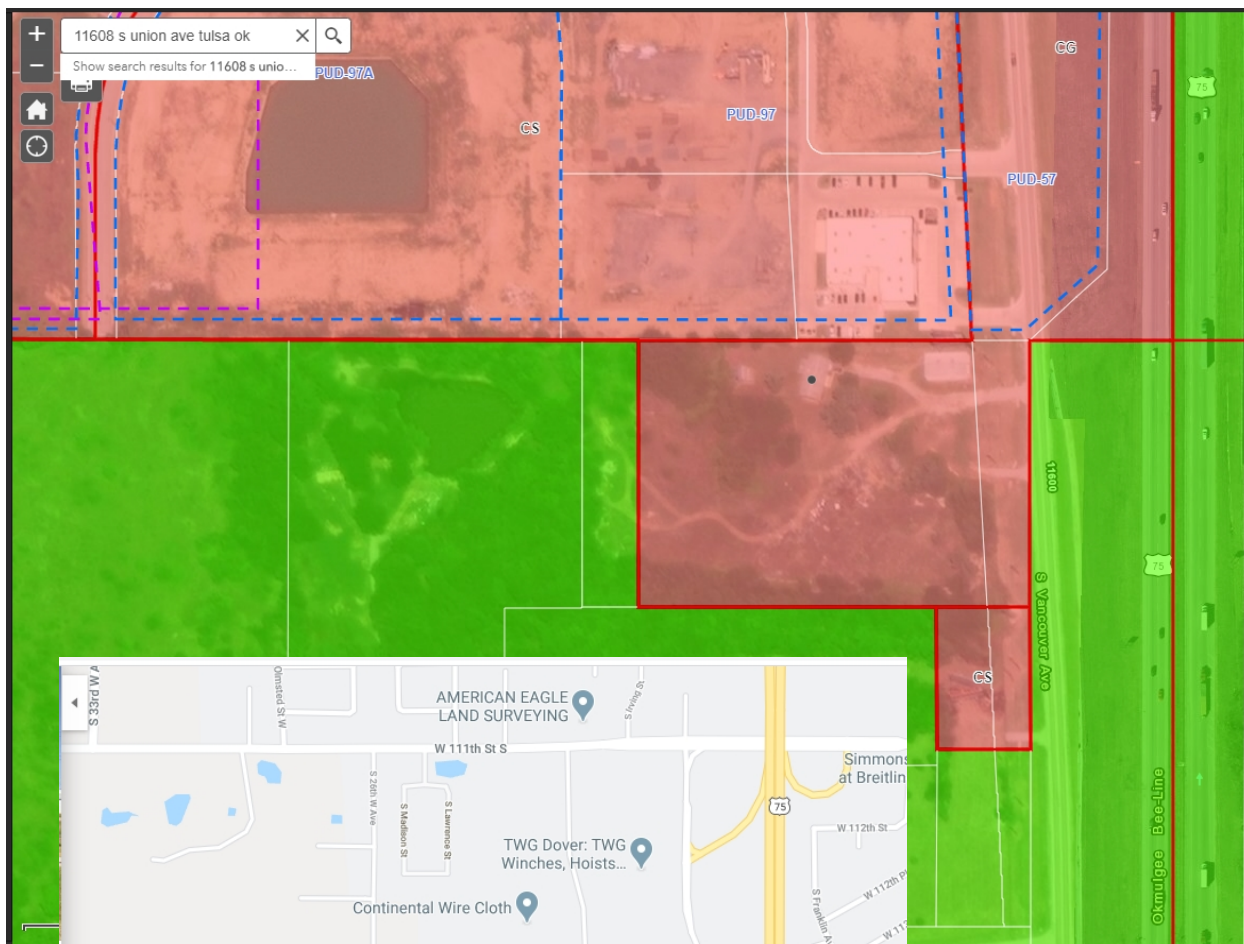
Staff Evaluation & Recommendation

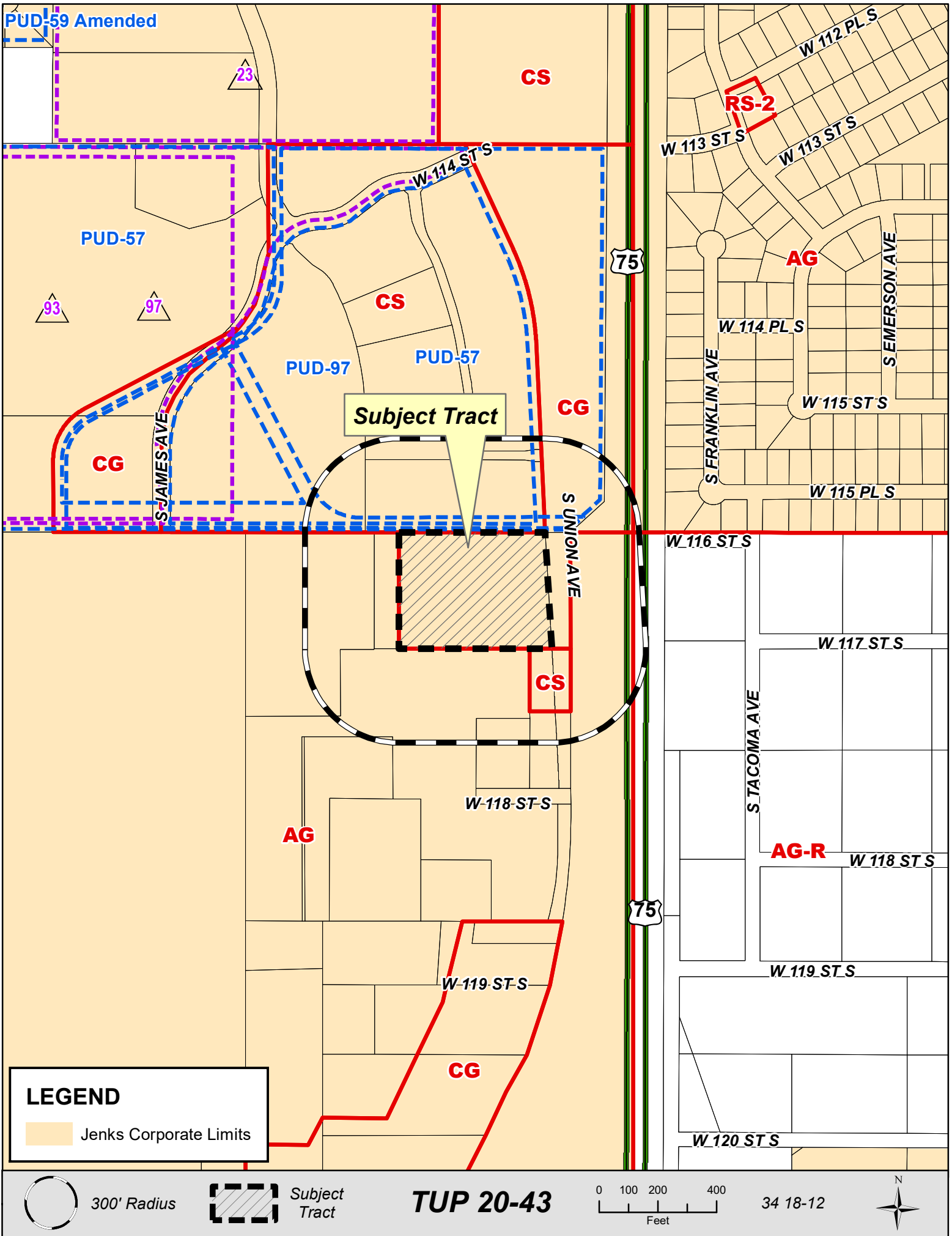
Evaluation

The request fits the current Comprehensive Plan and all requirements for a Temporary Use Permit. Staff sees no reason to deny the request.

Recommendation *Approve Temporary Use Permit to allow for the sale of fireworks*









City of Jenks
Temporary Use Permit
Application

TUP _____

Page 1 of 2

Note: See Jenks Zoning Code: Chapter 19 at Jenks.com/Ordinances for Temporary Use Permit Specifications

Date of Application: 2/24/20
Project Name: Jakes Fireworks - Union Ave Proposed Use: Retail Sales of Consumer Fireworks
Name of Applicant (Print): Jakes Fireworks Phone: 620-231-2264
Address: 1500 E 27th Terrace Pittsburg, KS Zip Code: 66762
Email: Karen.spielbusch@jakesfireworks.com FAX: 620-231-2416

Property Owner: Oakbrook Investments Phone: 918-829-9971
Property Owners Address: 8625 E 77th Place Tulsa, OK Zip Code: 74133
Email: _____ FAX: _____
If applicant is other than owner, please indicate interest (purchaser, lessee, agent for, other) and provide signed authorization from the owner: See attached lease
Are there any private or deed restrictions controlling use of tract (if yes, explain.): No

A. GENERAL DESCRIPTION OF PROPERTY

1. Legal Description of tract under application: (If described by metes and bounds, attach plat of survey.):
11608 S Union Ave W, Jenks, OK 74037
2. County Parcel Number: _____ Township: _____ Range: _____ Section: _____
2. Size in acres or square feet: _____
3. Current Use: Empty Lot
4. Identify structures and improvements on the property: None
5. Topography (Flat, Rolling Hills, Levee, etc): flat
6. Frontage Road: _____
7. City Water: ☒ Yes ☐ No
8. City Sewer: ☒ Yes ☐ No

B. PROPOSED TEMPORARY USE

- Proposed use of subject property (Identify the use(s) intended for the subject property):
Retail Sales of Consumer Fireworks in Tent
Selling dates - 6/20/20 - 7/5/20
Tent set up around 6/15/20 - take down around 7/10/20
- The application shall be submitted with a development text outlining all aspects of the proposed use.
- Site plans and elevation drawings shall be submitted and must be drawn to scale and noted on plans.
- Please provide an electronic copy of all drawings in PDF format.

Bill advertising and sign charges to:

Phone: _____

Name: _____

Address: _____

I do hereby certify that the information herein submitted is complete, true and accurate.

Signed: _____

Date: _____

Print name: _____

Phone: _____

Address: _____

DO NOT WRITE IN THIS AREA.

Application Received By: _____

Date: _____

Tract Acreage: _____

Public Hearing Date: _____

Application No. TUP- _____

Section _____ Township _____ Range _____

Present Zoning: _____

Proposed Use: _____

Fee Receipt No.: _____

PC Recommendation:

Recommendation: _____

Vote: _____

Date: _____

Provisions: _____

Staff Recommendation:

Recommendation: _____

Subdivision Name: _____

City Council Action:

Action: _____

Vote: _____

Date: _____

Provisions: _____

Date: _____

Ordinance No: _____



CITY OF JENKS COMMERCIAL BUILDING PERMIT

P.O. Box 2007 • 211 N. Elm
Jenks, OK 74037(918) 299-5883

CERTIFICATE OF OCCUPANCY: <u>Jakes Fireworks</u>		BUILDING PERMIT NO.:	
DATE RECEIVED:		Water and Sewer Tap Fees must be paid before permit will be issued.	
BUILDING ADDRESS: <u>11608 S Union Ave W</u>		OKLAHOMA STATE SALES TAX All building materials used on this project should indicate on the purchase order that material will be delivered within Jenks City Limits for proper crediting to the City of Jenks. Provide the vendor with Jenks sales tax reporting No. 7208. <u>This requirement is a condition for the validity of this permit.</u>	
LOT:	BLOCK:	ADDITION:	
SECTION:	TOWNSHIP:	RANGE:	
OWNER: <u>Oakbrook Investments</u>	PHONE:		
BUSINESS FEDERAL IDENTIFICATION NO.: <u>48-0980804</u>	OKLA. SALES TAX NO.: <u>10080889-05</u>		
BUILDING CONTRACTOR: <u>Jakes Fireworks</u>	CELL PHONE:		
ADDRESS: <u>1500 E 27th Terrace</u>	CITY: <u>Pittsburg</u>	STATE: <u>KS</u>	ZIP: <u>66762</u>
OFFICE PHONE: <u>620-231-2264</u>	FAX:	EMAIL: <u>Karen.spielbusche@jakesfireworks.com</u>	
PROPOSED USE:	USE GROUP:	ZONING DISTRICT:	SEE ATTACHED CONDITIONS. Initials: _____
* RESTAURANT MUST INCLUDE APPROVED HEALTH DEPARTMENT PLANS *			
LOT FRONTAGE:	AVERAGE DEPTH:	Type of Construction:	
<u>Tent</u>		Building Height:	No. of Stories:
BUILDING WIDTH: <u>30' x 50'</u>	DEPTH:	No. of Basement Levels:	
NO. DWELLING UNITS:	EXT WALLS:	Total Sq Feet:	Total Lot Area:
INT WALLS:	EASEMENTS:	Building Sprinkler: ☐ Yes ☐ No	
ROOF:		If Yes, to what standard?	
☐ New Building	☐ Enlarge Existing Building	☐ Interior Remodeling	☐ Fire Job
☐ City Sewer	☐ Accessory	☐ Other Water (Specify)	☒ Temporary Use
☐ City Water	☐ Private Sewer Perk Test No.	Change of Use Group	☐ Yes ☐ No
ESTIMATE TOTAL COST OF BUILDING:			
TWO (2) SETS OF PLANS, SPECIFICATIONS, SITE/PLAN SURVEY AND LEGAL DESCRIPTION MUST BE ATTACHED.			
- - ZONING RESTRICTIONS - -			
PROPERTY LOCATED IN FLOODPLAIN: ☐ Yes ☒ No			
☐ CITY OF JENKS FLOODPLAIN DEVELOPMENT PERMIT		☐ FEDERAL ELEVATION CERTIFICATE	
PARKING:	BUILDING SETBACK FROM CENTERLINE OF STREET:	BUILDING LINE:	
SETBACKS:	SIDE:	EXTERIOR SIDE:	REAR:

PERMITS:		APPROVALS:	
Zoning	Applicant:	Date:	
<u>Tent</u>	<u>30' x 50'</u>	Date:	
Building	Zoning:	Date:	
Plumbing	Building Inspector:	Date:	
Electrical	*Fire Chief:	Date:	
Mechanical	Final Inspection:	Date:	
Waste Water Treatment Dev.	*City Engineer:	Date:	
Park Development Fee	Public Works:	Date:	
Other: Promotional	* On all public / commercial / industrial buildings, except Certificate of Occupancy Only with same Use Group and no work requiring permits.		
OK State Govt. Permit Fee	** Building permit total does not include Water & Sewer Tap.		
\$ - TOTAL BUILDING PERMIT**			



Oklahoma Tax Commission

www.tax.ok.gov



JAKE'S FIREWORKS INC.
1500 E 27TH TER
PITTSBURG KS 66762-2757

Date Issued: June 4, 2019
Letter ID: L0717897600
Taxpayer ID: **_***0804

TMG

Licenses/Permits at this Location
SALES TAX PERMIT effective on June 4, 2019
FIREWORK RETAIL PERMIT effective on June 1, 2019

County TULSA COUNTY

Holders of an Oklahoma Sales Tax Permit will find notice of penalties for violation of the Oklahoma Sales Tax code at www.tax.ok.gov

If the sales tax permit at this location becomes invalid then all associated permits will become invalid. If the business changes location or ownership or is discontinued for any reason, this permit must be returned to the Oklahoma Tax Commission for cancellation WITH AN EXPLANATION ON THE REVERSE SIDE.

Sales Account ID

STS-10080889-05

Site Permit Number

651137024

Business Location	Industry Code	City Code	Site Effective	Expires
JAKES FIREWORKS 11608 S UNION ST JENKS OK 74037-6979	453998 423920	7288	June 4, 2019	March 16, 2021

PLEASE POST IN CONSPICUOUS PLACE

Charles T. Prater, Chairman
Clark Jolley, Vice-Chairman
Steve Burrage, Secretary Member

Non-Transferable

Lease Agreement

THIS AGREEMENT, made and entered into this 1st day of February, by and between **Jake Watkins, DBA: Oakbrook Investments LLC** hereinafter referred to as LESSOR, and **Jake's Fireworks, Inc.**, hereinafter referred to as LESSEE.

LESSOR, in consideration of the covenants and agreements hereafter made by LESSEE, hereby leases exclusively unto LESSEE on the following described real estate:

11608 S Union Ave W
Jenks, OK 74037

for the purpose of selling and distributing fireworks for the period of **June 20, 2020, through July 10, 2020**; provided, however, LESSEE shall be allowed to erect and remove his equipment on and from the premises within a reasonable period prior to and following the lease period.

LESSEE AGREES:

1. To pay LESSOR, as rent on the above-described premises, the sum of **\$1200 plus 10% of net sales over \$12,000.**
2. To operate his business on the leased premises in a lawful manner and in full compliance with applicable laws and regulations.
3. To remove all trash, debris, and rubbish that shall have been caused to be place thereon by LESSEE's operations.

In the event the leased premises are annexed to a city where the sale of fireworks is not permitted or it is in any other way deemed unlawful to sell fireworks on the leased premises this lease will be terminated and rental money returned to the LESSEE.

This lease may be renewed each year by signature of lease agreement on or about **May 1st** of each consecutive year, provided that the ground is vacant.

LESSEE is hereby granted right of first refusal at this location for the same purpose and period for the year following expiration of this lease.

The agreement and covenants shall extend to the heirs and assigns of each of the parties.

Jake's Fireworks will provide a certificate of insurance on or before June 1st.

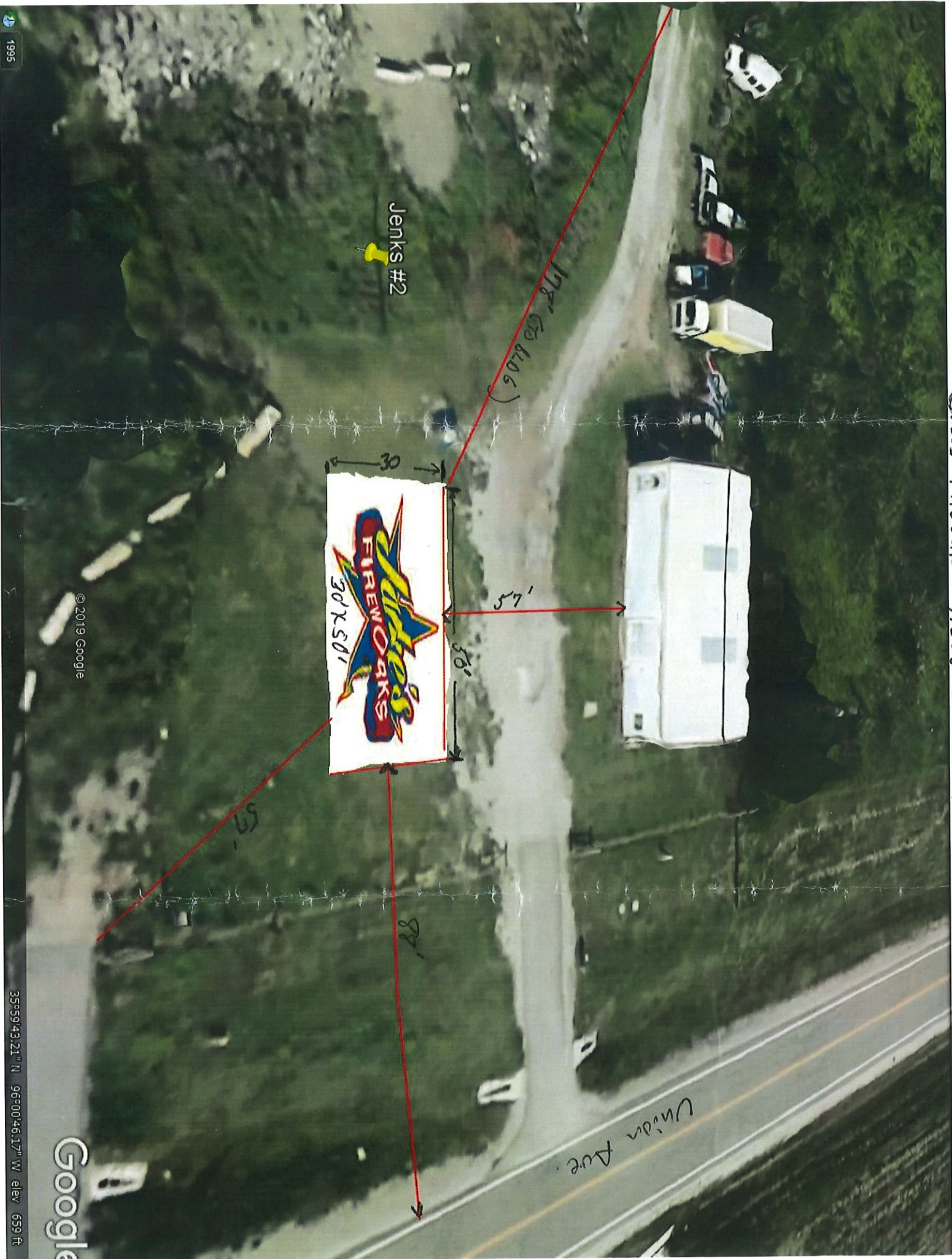
IN WITNESS WHEREOF, the parties have executed this lease the day and year first above written.

JAKE WATKINS
Oakbrook Investments LLC

Karen Spiebusch
Jake's Fireworks, Inc

Choose an item.

Takes Fireworks - 11608 S Union Ave W



Jenks #2

178' (to 6106)

57'

38'

88'

57'

Union Ave.

Takes
FIREWORKS
30' x 50'



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/21/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Britton Gallagher One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114		CONTACT NAME: PHONE (A/C, No, Ext): 216-658-7100 FAX (A/C, No): 216-658-7101 E-MAIL ADDRESS:	
INSURED 2567 Jake's Fireworks Inc. 1500 E 27th Terr. Pittsburg KS 66762		INSURER(S) AFFORDING COVERAGE INSURER A: Everest Indemnity Insurance Co. NAIC # 10851 INSURER B: Arch Speciality Ins Co 21199 INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER: 204685568

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO. ☒ LOC AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ SCHEDULED ☐ ALL OWNED AUTOS ☐ AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS		SI8ML01699-201	2/15/2020	2/15/2021	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	UMBRELLA LIAB ☒ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$ ☐		UXP1037038-00	2/15/2020	2/15/2021	EACH OCCURRENCE \$4,000,000 AGGREGATE \$4,000,000 WC STATUTORY LIMITS ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y ☒ N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.
Sales Location: 11608 S Union Ave W., Jenks, OK
Landowner: Oakbrook Investments LLC
City of Jenks, OK
The Certificate Holder and the above listed are Additional Insureds with respect to General Liability Policy as required by written contract.

CERTIFICATE HOLDER**CANCELLATION**

Jakes Fireworks, Inc
1500 E 27th Terrace
Pittsburg KS 66762

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2010 ACORD CORPORATION. All rights reserved.