AGENDA
JENKS PLANNING COMMISSION
6:00 P.M. THURSDAY, MAY 07, 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 YOUTUBE CHANNEL. 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 by noon on the day 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. No other comments will be taken as public comments.

III. REQUEST TO APPROVE MINUTES OF APRIL 23, 2020

Documents:

2020.04.23 PC MINUTES.PDF

IV. BUSINESS

1. TUP 20-44: Request by Melissa Torkleson for a Temporary Use Permit to allow for the retail sale of fireworks. General Location: NE Corner of 106th St S & S Elm

Documents:

1.SR.TUP 20-44 TORKELSON.PDF
2.TUP20-44.PDF
3.TUP20-44.APPLICATION.PDF

2. ROW-UEC 20-73: Request by Shawna Norris for a Utility Easement Closure to close a portion of the Utility Easement in her rear yard. General Location: 116 W 125th Ct S

Documents:

SR.ROW-UEC 20-73 NORRIS.PDF
2.ZONING MAP.ROW-UEC_20-73.PDF
3.PINNACLE DESIGN.SITE PLAN.PDF
4.APPLICATION.PDF

3. Request by TEP for approval of Torrey Lakes Preliminary Plat. General Location: South of 131st and west Harvard

Documents:

SR.PP TORREY LAKES.F.PDF
TORREY LAKES PRELIMINARY PLAT.PDF
04.27.2020 PRELIMINARY PLAT REGULATORY CHECKLIST MEMO.PDF

4. PA 20-17: Request by Robert Bell for an amendment to the Jenks Comprehensive Plan. General Location: 813 E B St

   Documents:

   SR.PUD 120 FIDLER ACRE.PDF
   LETTER.PDF

5. JZ 20-655: Request by Robert Bell for a zone change to ROC (River Oriented Commercial). General Location: 813 E B St

   Documents:

   ZONE CHANGE APPLICATION.PDF
   CASE MAP.PDF

6. JZ 20-654 PUD 120: Request by Robert Bell for Planned Unit Development 120 - Fidler Acre. General Location: 813 E B St

   Documents:

   PUD TEXT.PDF

7. ROWUEC 20-74: Request by Robert Bell for a Utility Easement Closure. General Location: 813 E B St

   Documents:

   UTILITY EASEMENT CLOSURE APP.PDF
   PLAT.PDF

8. Request by Robert Bell for approval of Fidler Acre Preliminary Plat. General Location: 813 E B St

   Documents:

   PLAT.PDF
   DEED OF DEDICATION.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 23, 2020

The Jenks Planning Commission was called to order at 6:00 p.m. on April 23, 2020, at Jenks City Hall by Chair Carol Minden. A roll call vote of members was taken as follows:

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

Request to approve minutes of April 09, 2020. John Brown made a motion to approve the minutes. David Randolph seconded the motion. A roll call vote of members was taken as follows:

YEA: Fulkerson, Brown, West, Davis, Bowman, Randolph, Minden
NAY: None

Motion carried.

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

   Planning Director Marcae Hilton presented the staff report and recommended approval. Scott West made a motion to approve Item 1 waiving the requirement of a dust-free parking lot. John Brown seconded the motion. A roll call vote was taken as follows:

   YEA: Fulkerson, Brown, West, Davis, Bowman, Randolph, Minden
   NAY: None

   Motion carried

Other Business

1. Planning Update
   Planning Director Marcae Hilton gave a Planning Department update.

2. Horizon Jenks – Comprehensive Plan Project Update.
   Planning Director Marcae Hilton gave an update on the Jenks Comprehensive Plan.

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

YEA: Fulkerson, Brown, West, Davis, Bowman, Randolph, Minden
NAY: None

Motion carried. The Jenks Planning Commission adjourned at 6:14 p.m.

Jenks | Staff Report

To	Planning Commission
Hearing Date	May 7, 2020
Case Number	TUP 20-44
Request	Temporary Use Permit-Intensive	Fireworks Stand
Location	10597 S Elm
Applicant	Melissa Torkleson	DBA Big Blast

Staff Report — Preparer | Marcaé Hilton

Attachments

☐ CASE MAP — Preparer: INCOG

☐ APPLICATION, INSURANCE CERTIFICATE, LETTER OF AGREEMENT, SITE PLAN — APPLICANT

Background Information

STAFF COMMENTARY | Big Blast Fireworks (Jenks Band) plans to sell fireworks on a agriculture zoned lot. Planning Commission and City Council members have expressed a concern for fireworks stands in City limits; Planning Staff has added "fireworks stand | TUP's" to the list for upcoming conversations during the code update.

PLANNING DATA

Public Comment	0 inquiries	Notice mailed out and posted online
Zoning	AG	Agriculture
Comprehensive Plan	Development Sensitive
General Location	10597 S Elm Street	West 106th and Elm, northeast corner
Acres	41.79
Surrounding Zoning	AG (Agriculture)	North (AG-FD), West, South, East
Parcel ID	983-3083-302-4440

Evaluation The request must meet the code requirements for an Intensive Temporary Use Permit and comply with the standards established in 1902. 2. Temporary Use Minimum Zoning Regulations or seek a waiver. Staff requests a waiver of the *dust free all weather surface* and otherwise sees no reason to deny the request.

CHAPTER 19 - TEMPORARY USE PERMITS | Sec. 1900. - Purposes.
1900. 1. General. | Temporary Use Permits are required for a range of different uses that are temporary in nature and are required to be removed following the expiration of the permit. A Temporary Use cannot be applied for on a residentially zoned property or within a residential subdivision except as specifically outlined within this section for the marketing of a new residential subdivision or for public infrastructure projects. Temporary Use Permits are required for uses such as special events on private lands, carnivals, seasonal businesses (including Christmas Tree Lots and Firework Stands). Temporary Uses considered as open air sales not associated with sales from a principal building must comply with Appearance Review Guidelines. A temporary use can be specified for a single event time up to 45 days, up to a 180-day period, or for one year. Temporary uses are identified by two categories, Temporary Uses—Intensive and Non Intensive. A Temporary Uses—Intensive requires process as outlined under Section 1901 Application—Intensive.
Temporary Uses—Intensive.
1.The following uses can be applied for up to 45 days.
A. Special Events on private lands.
B. Carnivals.
C. Annual, Seasonal (Holiday), or Recurring Uses (Including Christmas Tree Lots and Fireworks Stands).

The City Council may, after a public hearing and recommendation by the Planning Commission and after conducting a public hearing as is required in accordance with the provisions of this section, authorize for specific parcels of land, the issuance of a Temporary Use Permit—Intensive.

The designation of a Temporary Use Permit as possible does not constitute an authorization or an assurance that such use will be permitted. Rather, each Temporary Use Permit—Intensive application shall be valued as to its probable effect on the adjacent property and community welfare and may be approved or denied as the findings indicate appropriate.
1902. 2. Temporary Use Minimum Zoning Regulations.
1. Any temporary or portable structure used for such sales or services shall meet the applicable provision as specified by the City of Jenks building codes and comply

with the Appearance Review District Guidelines. Temporary Structures must comply with all Fire Safety Codes.

2. Customer Parking shall be on an improved surface recognized as a dust free all weather surface such as asphalt or concrete. The City Council may authorize the use of different parking standards for Temporary Uses utilizing larger tracts of lands for a specific amount of time not warranting the need for full compliance of the required parking standards.

3. Temporary uses and associated activities shall not be conducted within the required minimum setback areas or within unobstructed open space areas adjacent to public rights-of-way.

4. Adequate sanitary facilities for customers and employees shall be provided.

5. Storage areas and trash containers shall be screened from view from adjacent residential property and public rights-of-way.

6. A cash bond shall be deposited with the City by the operator of the proposed temporary use in the amount of $2,500.00. Said bond shall be for the purpose of ensuring the prompt repair, by the operator, of any damage to public improvements, including, but not limited to, streets, sidewalks, curbs, gutters, and landscaping which may occur as a result of the operation of the temporary use. Also, this cash bond may be applied if the operator fails to promptly repair damage to adjacent property caused by the temporary use, or to remove debris, litter, trash, mud or dirt permitted to remain on the site or on public property by the operator of such temporary use for any unreasonable amount of time. Such bond shall be released or returned to the operator upon certification by the Zoning Official that all of the requirements of this zoning code have been met.

7. All temporary uses providing the sale of merchandise must have a Sales Tax Permit with the State of Oklahoma specifying the City of Jenks as the point of sale.

1902. 3. Planning Commission Requirements.

The Planning Commission may recommend to the City Council that certain safeguards and conditions concerning setbacks, ingress and egress, off-street parking and loading arrangements and location or construction of buildings and uses and operation are required. If the Planning Commission fails to review and make a recommendation within 45 days from the date the application is accepted for processing, the City Council can take action on the application.

1902. 4. City Council Requirements.

The City Council may, in the interest of the public welfare and to assure compliance with the intent of this ordinance and the Jenks Comprehensive Plan, deny a specific request, or require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole and be compatible with the natural environment and the planned capacities of public services and facilities affected by the land use. The City Council may impose conditions including, but not limited

to, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, lighting, noise levels, signage, landscaping, parking and loading, compatibility, and land use density as may be indicated depending upon the proposed use and its potential effect on adjacent areas or the community.

The City Council shall consider the following criteria in granting a temporary use permit:

1. That the temporary use permit is compatible with the various provisions of chapter 19;
2. That the temporary use is a reasonable use of land compatible with the general plan land use designation and zoning classification;
3. That the temporary use will not impede the reasonable use of land, or the orderly development of land in the immediate vicinity;
4. The temporary use will not adversely affect the adjacent uses, buildings or other structures;
5. That the temporary use will not endanger the public health, safety or general welfare;
6. Provisions for adequate traffic access/circulation, off-street parking and pedestrian safety have been provided and will be maintained during the operation of the use or activity; and
7. That the granting of the temporary use permit is made subject to those conditions necessary to preserve the general welfare, not the individual welfare of any particular applicant.

Recommendation ***Approve Temporary Use Permit-Intensive to allow for the sale of fireworks waiving the dust free parking and meeting the requirements of 1902. 2. Temporary Use Minimum Zoning Regulations including but not limited to someone being present 24 hours a day with access to restroom facilities and provide screening from public view for trash receptacles and storage.***

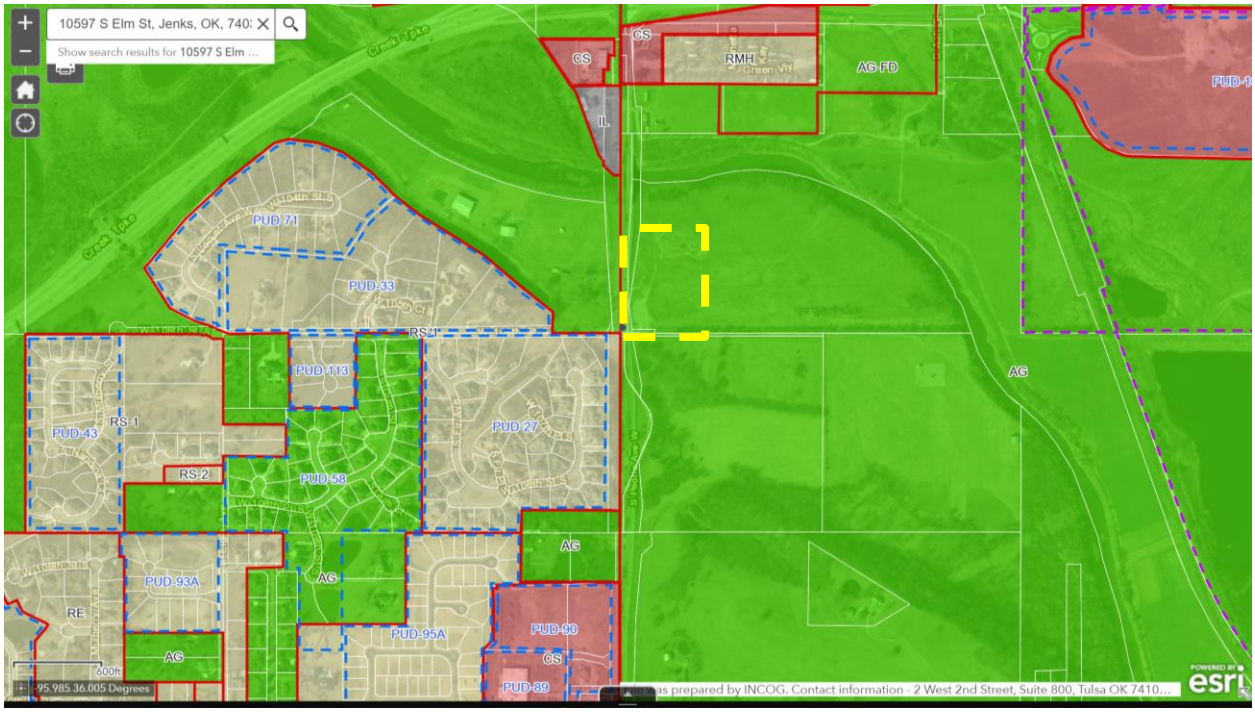


Figure 1: Zoning Map

Figure 2: Aerial Map

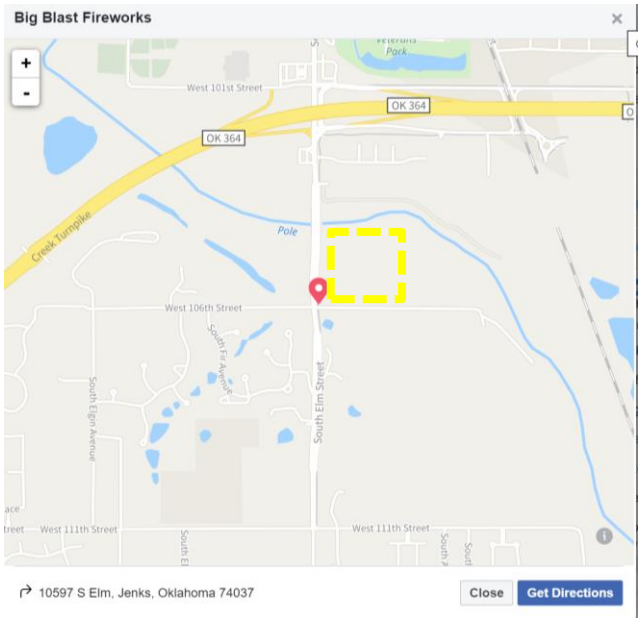
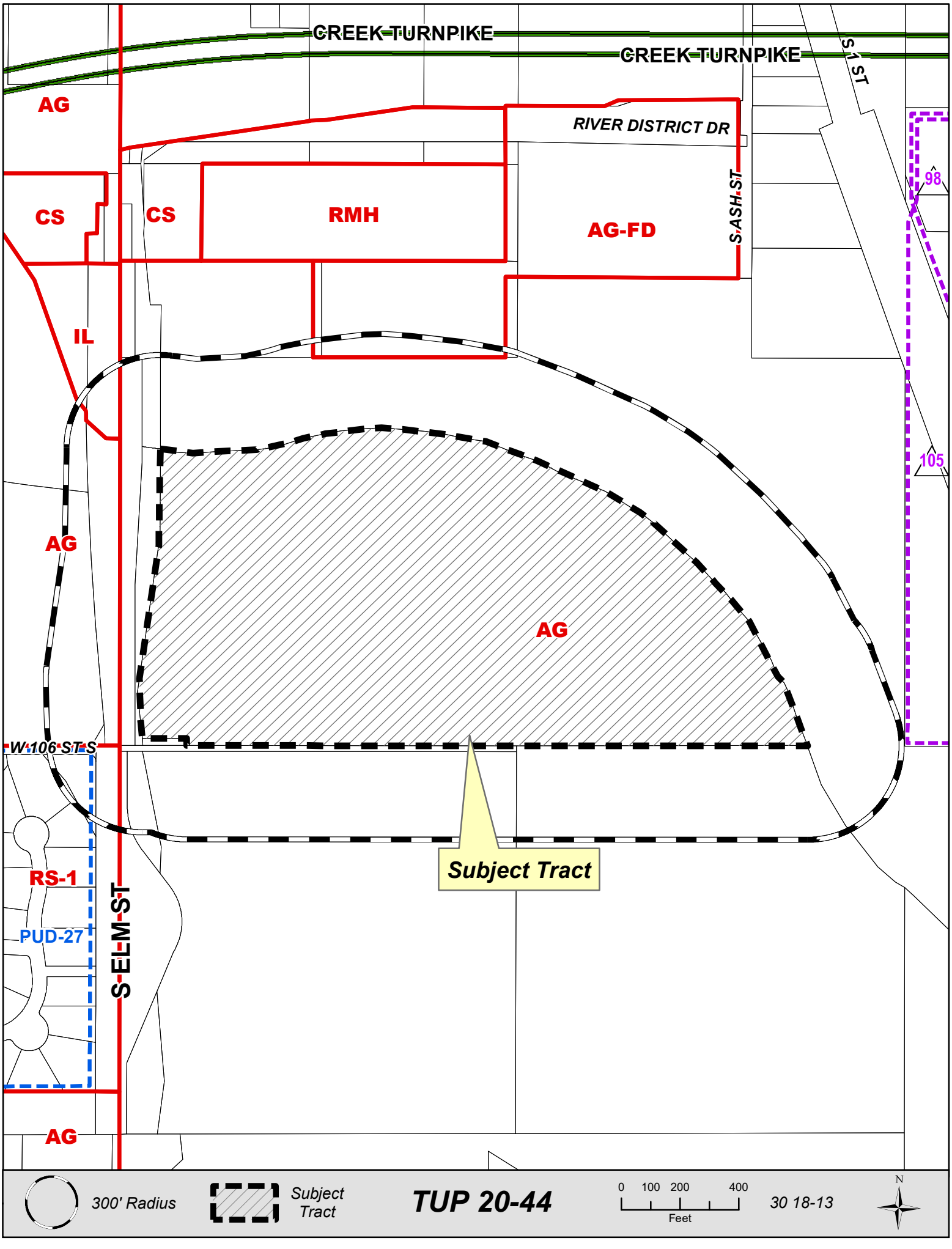


Figure 3: Google Map Location

Figure 4: View from west on 106th

Figure 5: View from north on Elm

SE 1st St


CREEK TURNPIKE
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W 106 ST S
Subject Tract
RS-1
PUD-27
S ELM ST
AG
300' Radius
Subject Tract
TUP 20-44
0 100 200 400
Feet
30 18-13
N

City of Jenks

Temporary Use Permit Application

TUP _____

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

Date of Application: 3/19/20

Project Name: Tork Investments LLC dba Big Blast Proposed Use: Retail/Seasonal Class C Fireworks

Name of Applicant (Print): Melissa Torkelson Phone: 9186401869

Address: 637 S. 193rd W. Ave., Sand Springs Zip Code: 74063

Email: torkinvestments@yahoo.com FAX: _____

Property Owner: Duane Phillips Phone: 918-289-9007

Property Owners Address: 702 10597 S. Elm St Jenks Zip Code: 74037

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

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.): See attached
2. County Parcel Number: _____ Township: 18N Range: 13E Section: 30
2. Size in acres or square feet: _____
3. Current Use: not in use / empty field / lot
4. Identify structures and improvements on the property: n/a
5. Topography (Flat, Rolling Hills, Levee, etc): flat
6. Frontage Road: 300'
7. City Water: ☐ Yes ☒ No
8. City Sewer: ☐ Yes ☒ No

B. PROPOSED TEMPORY USE

1. Proposed use of subject property (Identify the use(s) intended for the subject property): retail / seasonal use for retail fireworks sales June 15 - July 5, 2020 & Dec. 27 - Jan 1, 2021

3. The application shall be submitted with a development text outlining all aspects of the proposed use.
4. Site plans and elevation drawings shall be submitted and must be drawn to scale and noted on plans.
5. Please provide an electronic copy of all drawings in PDF format.

Bill advertising and sign charges to:

Name: Melissa Torkleson Phone: 918-640-1869

Address: 637 S. 193rd W. Ave. Sand Springs, OK 74063

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

Signed: _____ Date: _____

Print name: Melissa Torkleson Phone: 918-640-1869

Address: 637 S. 193rd W. Ave. Sand Springs OK 74063

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: _____

City Council Action:

Action: _____

Vote: _____

Date: _____

Provisions: _____

Staff Recommendation:

Recommendation: _____

Subdivision Name: _____

Date: _____

Ordinance No: _____

City of Jenks
Everything's going our way.

CITY OF JENKS
COMMERCIAL BUILDING PERMIT

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

CERTIFICATE OF OCCUPANCY: **BUILDING PERMIT: NO.:**

DATE RECEIVED: 3-19-20

BUILDING ADDRESS: 10597 S. Elm St.

LOT: **BLOCK:** **ADDITION:** Unplatted

SECTION: 30 **TOWNSHIP:** 18N **RANGE:** 13E

OWNER: Melissa Torkleson **PHONE:** 918-640-1869

BUSINESS FEDERAL IDENTIFICATION NO.: 30-421674 **OKLA. SALES TAX NO.:**

BUILDING CONTRACTOR: Big Blast **CELL PHONE:**

ADDRESS: 637 S. 193rd W Ave **CITY:** Sand Springs **STATE:** OK **ZIP:** 74063

OFFICE PHONE: 9186401869 **FAX:** **EMAIL:**

PROPOSED USE: Retail fireworks **USE GROUP:** **ZONING DISTRICT:** AG

*** RESTAURANT MUST INCLUDE APPROVED HEALTH DEPARTMENT PLANS ***

LOT FRONTAGE: 300' **AVERAGE DEPTH:** 200'

BUILDING WIDTH: 80' **DEPTH:** 40'

NO. DWELLING UNITS: **EXT WALLS:**

INT WALLS:

ROOF:

EASEMENTS

Type of Construction:
Building Height: No. of Stories: 1
No. of Basement Levels:
Total Sq Feet: 3200 Total Lot Area *:
Building Sprinkler: ☐ Yes ☐ No
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:

DOCUMENTS REQUIRED TO BE SUBMITTED WITH PERMIT – Go to Protective Inspections at jenks.com and select Commercial Building Permit to review requirements.

Water and Sewer Tap Fees must be paid before permit will be issued.

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. Provide the City of Jenks a list of all associated vendors with all associated vendor receipts upon request for review.
This requirement is a condition for the validity of this permit.

SEE ATTACHED CONDITIONS.
Initials: _____

Construction shall comply with 2015 OUBC Commercial Code.

- - 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:** **SIDE:** **EXTERIOR SIDE:** **REAR:**

PERMITS:		APPROVALS:	
	Zoning	Applicant:	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		
	OK State Govt. Permit Fee	* Earth Change Permit required for total lot area exceeding one (1) acre.	
$ -	TOTAL BUILDING PERMIT **	** Building permit total does not include Water & Sewer Tap.	

PERMIT NO.:

BUILDING ADDRESS: 10597 S. Elm St.		
BUILDING CONTRACTOR:		PHONE:
LICENSED PLUMBING CONTRACTOR:	LICENSE NO.	PHONE:
LICENSED ELECTRICAL CONTRACTOR: Reed Electrical	LICENSE NO.	PHONE: 918-261-8851
LICENSED MECHANICAL CONTRACTOR:	LICENSE NO.	PHONE:
EARTH CHANGE CONTRACTOR:		PHONE:
LANDSCAPE CONTRACTOR:		PHONE:
CORE-PIER CONTRACTOR:		PHONE:
OTHER CONTRACTOR:		PHONE:

FOR CITY USE

REQUIRED INSPECTIONS	REMARKS	DATE	BY
Earth Change			
Piers			
Footing Inspection			
Stemwall			
Electrical Temp Pole			
Temp Pole Release Called to Utility			
Plumbing Rough			
Sewer Tap			
Slab			
Mechanical Duct Work			
Framing Rough Inspection			
Fire Stop Inspection			
Plumbing Top Out			
Gas Pressure Test			
Electrical Rough Inspection			
Mechanical Rough Inspection			
Electrical Temp to Building			
Release Called to Utility			
Temporary Gas Service			
Meter Release Called to Utility			
Final Building Inspection			
Final Plumbing Inspection			
Final Electrical Inspection			
Final Mechanical Inspection			
Final Earth Change			

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 3/19/2020

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 have ADDITIONAL INSURED provisions or 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
DRAYTON INSURANCE BROKERS INC
2500 Center Point Rd #301
Birmingham, AL 35215

CONTACT NAME:
PHONE (A/C, No, Ext): (205) 854-5806 FAX (A/C, No): (205) 854-5899
E-MAIL ADDRESS: georgine@draytonins.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: Admiral Insurance Company	27856
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
Tork Investments, LLC
17516 West 8th Street
Sand Springs, OK 74063

COVERAGES CERTIFICATE NUMBER: 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 INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [X] POLICY [ ] PRO-JECT [ ] LOC OTHER:	X		CA000003209-30-1163	3/1/20	3/1/21	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ NONE
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ 2,000,000
							PRODUCTS - COMP/OP AGG	$ 2,000,000
								$
	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY HIRED AUTOS ONLY SCHEDULED AUTOS NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	$
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB [ ] OCCUR EXCESS LIAB [ ] CLAIMS-MADE DED [ ] RETENTION $						EACH OCCURRENCE	$
							AGGREGATE	$
								$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N [ ] (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A					[ ] PER STATUTE [ ] OTH-ER	
							E.L. EACH ACCIDENT	$
							E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Oak Properties LLC is included as an Additional Insured in respect of liability caused by the Named Insureds operations at 10597 S. Elm St. Jenks, OK 74037.

CERTIFICATE HOLDER
City of Jenks
211 North Elm St.
Jenks, OK 74037

CANCELLATION
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

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Tork Investments dba Big Blast Fireworks
2019 Site Plan Diagram & descriptions

A= 40×60 tent

B= 8×40 enclosed ground container for product storage

C= 2nd 8×40 enclosed ground container for product storage

D= Hard-sided RV for Jenks Band security and used as cooling station.

E= Jenks Band Truck for use of cardboard boxes, trash and on-site volunteer supplies.

XXX = Parking

Tork Investments LLC
dba Big Blast

Legal Description

The area of the S/2 of the NW/4 of Section 30, Township 18 North, Range 13 East of the Indian Base and Meridian, City of Jenks, Tulsa County, Oklahoma, Lying South and West of the Center of Polecat Creek; Less and except Beginning 50 feet east of the Southwest Corner of the S/2 of the Northwest Corner of Section 30 Thence North 549.15 feet; Thence Northeasterly 419.84 feet; Thence north 53.30 feet to a curve to the left 60.06 feet; Thence South 295.75 feet; Thence Southwesterly 541.11 feet; Thence Southeasterly 183.13 feet; Thence West 23.49 feet to the point of beginning and Less and Except Beginning 73.49 feet east of the Southwest Corner of the SW/4 of Section 30 Thence Northwesterly 25.37 feet; Thence East 150.88 feet; Thence South 23.69 feet; Thence west 148.24 feet to the point of beginning.

General Location: Northeast Corner of 106th Street South and South Elm.

Tork Investments LLC dba Big Blast Fireworks
637 S. 193rd W. Ave.
Sand Springs, OK 74063
(918) 640-1869

Duane Phillips
Oak Properties LLC

RENTAL AGREEMENT

This Rental Agreement dated this 11th day of MARCH 2020, by and between Tork Investments LLC dba Big Blast Fireworks (hereinafter T.I.) and OAK Properties, LLC (hereinafter "OWNER").

1. **Property.** In considerations of T.I's payment of the rent as set below, and its performance of all of the other terms and conditions of this Rental Agreement, For property known as (Insert address) 106th & Peoria.

2. **Term.** This rental Agreement shall be for a term of the 13th day of June, 2020 through the 13th day of July, 2020 and also for the 15th day of December 2020 through the 15th day of January of 2021.

3. **Permitted Use.** T.I. shall only be permitted to use the above described premises for the purpose of temporary retail sales of Class "C" fireworks as defined by the laws of the State of Oklahoma. Including in this contemplated use is the right to install, construct, and erect necessary and reasonable structures, stand(s) and or tent(s) and other equipment necessary and reasonable for the temporary retail sale of Class "C" fireworks..

4. **Tenant's Obligations.** T.I. will be responsible for repairing or correcting any damages to the premises that occur as a result of actions taken by TI, it's agents, representatives, or other unrelated parties drawn to the location because of the temporary retail sale of Class "C" fireworks.

5. **Limited Right of Occupancy.** T.I. shall only be entitled to occupy and use the above described premises for two periods within the 12-month cycle that this Rental Agreement shall be in effect. The first such period shall commence on the 13th day of June, 2020 and continue until the 13th day of July, 2020. In the event that the City of Jenks allows the sell of Class C fireworks for the New Years Season, the second period begins the 15th day of the following December and continues until the 15th day of January. This Agreement does not prohibit (nor require) OWNER and T.I.

Initials DP MT

from conducting discussions regarding a new agreement at a future date.

6. **Rental Charge.** Annual Lease payment of $1,000 shall be paid on or before the 1st day of July of each year of this Agreement. T.I. shall not be allowed to occupy the premises pursuant to the terms of this Agreement unless said Annual Lease payment is paid in full.

7. **Indemnity and Insurance.** T.I. shall indemnify and hold OWNER harmless from any injury, loss or damages suffered or sustained by any person or entity arising out of or in any way related to T.I.'s use or occupancy of the above-described premises. T.I at its cost shall provide a general liability insurance policy each year in the amount of TWO MILLION AND NO/dollars ($2,000,000.00) from Drayton Insurance Brokers Inc. or such other underwriter as from time to time may be acceptable to OWNER. This policy will be written for the dates of the lease to cover all liability of T.I. stemming from their operation on the above referenced property. OWNER will be listed as co-insuranced on this policy. A copy of the policy in effect shall be sent to OWNER on or before the first day of each year lease period.

8. **Sale of Property.** Should this portion of the property be sold this agreement becomes void (with the exception that T.I. will be allowed access to the property for the purpose of temporary retail sales of Class "C" fireworks for the upcoming period defined as the 13th of June to the 13th of July). OWNER shall give T.I. notice of such sale within fourteen (14) days of the payment of earnest monies, the signing of any option to purchase. T.I. shall have the right to inquire of OWNER if any such sales under discussion with-in a period beginning ninety (90) days before the 10th day of June and the 20th day of December in all years for which this agreement is in force.

9. **Non-compete Agreement.** If and when this lease is terminated OWNER agrees not to allow any portion of this property to be used for the sale of Class "C" fireworks by any other entity other than T.I. for a period of three years.

10. **Tenant Improvements.** T.I. will be allowed to complete the following: Remove trees and brush and mow. Install utility poles, lines, lights, gravel and a cable across front entrance to keep unauthorized vehicles from parking on the premises throughout the year. OWNER agrees to allow utility poles lines, lights and gravel to remain intact throughout the year. In the event that this agreement is terminated, T.I. has the right to remove all improvements placed on the property.

11. **Tenant's Responsibilities.** T.I. shall comply with all the sanitary laws, ordinances, rules, and order of appropriate governmental authorities affecting the cleanliness, occupancy, and

Initials

preservation of the premises.

12. **Signs.** OWNER agrees to not allow the placement of signs advertising the sale of fireworks or the conducting of any business operation engaged in the sale of fireworks other than T.I. on any property occupied or owned by the owner within one-half mile of the above described property.

13. **Binding Effects.** The covenants and conditions contained in the Agreement shall apply to and bind the heirs, legal representatives, and assigns of the parties and all covenants are to be construed as conditions of the Agreement.

14. **Termination.** OWNER shall be entitled to terminate this Rental Agreement upon any breach of its provisions, if, providing T.I. with written notice thereof, such breach has not been remedied within 30 days of the date of such notice.

15. **Emergency declaration.** In the event any governing agency makes or causes to be made any declaration regulating the purchase or ignition of "Class C" fireworks during the occupation cycle dates and within the term (article 2) of this lease this agreement, the agreement would become inactive or suspended during the emergency declaration period. The suspension will continue only so long as the emergency declaration is in place.

16. **Notice.** Any notice permitted or required by this Rental Agreement shall be in writing and deemed given if deposited in the United States mail, postage paid, addressed as follows:

OWNER :

NAME: DUANE R. ILL, JR
ADDRESS: 203 E. MAIN ST
CITY: Jenks STATE: OK ZIP: 74037

T.I.:

Tork Investments LLC (dba Big Blast Fireworks)
637 S. 193rd W. Ave.
Sand Springs, OK 74063

17. **Governing Law.** It is agreed that this Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Oklahoma.

18. **Entire Agreement**. This Agreement shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding upon either party except to the extent incorporated in the Agreement.

Initials

19. **Modification.** Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if evidenced in writing signed by each party or an authorized representative of each party. Any Notice required by this Agreement shall be mailed to the addresses noted above (Section 17) or at such other address as may be made known to each other in writing during the term of this Agreement.

20. **Invalidiy.** If any provision(s) of this lease shall be held invalid or unenforceable by any court to any extent the remainder shall be in force to the greatest extent allowed by law.

21. **Privacy.** All names, details and terms in this agreement are to remain confidential between the signing parties, visual witnesses and their legal representatives.

In witness whereof, each party to this lease, agreement has caused it to be executed at Jenks Oklahoma, Tulsa County, the date indicated below.

OWNER

By _____ Dated 3/11/2020
An Authorized Member

Tork Investments LLC (T.I.)

By _____ Dated 3/11/20

Initials _____

Jenks | Staff Report

To	Planning Commission
Hearing Date	May 7, 2020
Case Number	ROW-UEC 20-73 NORRIS
Request	Closure and Ultimate Vacation of a portion of a Utility Easement
Location	116 W 125th Ct S
Applicant	Shawna Norris | Home Owner

Staff Report — Preparer | Marcaé Hilton

Attachments

- ☐ CASE MAP
- ☐ EASEMENT DOCUMENT | SITE PLAN
- ☐ APPLICATION AND SUPPORT DOCUMENTS

Preparer

INCOG
Pinnacle Design | Dalessandro
Shawna Norris | Homeowner

Background Information

STAFF COMMENTARY | Shawnna Norris has submitted an application for a utility easement (UE) closure, the applicant is in the process of designing/building a swimming pool in the back yard. In order to accommodate the pool as designed, an easement closure is required. The City of Jenks does not have any utilities in the rear yard. The request is to reduce the UE from 17.5 feet to 10 feet. TAC was notified, the only comment was from the electric provider. The applicant has a legal agreement with AEP/PSO and is in the process of relocating the electric line.

PLANNING DATA

Public Comment	0 inquiries
Zoning	PUD 15 | RS-2
General Location	116 W 125th Ct S | south of 121st and east of Elm
Plat	Lot 3 Blk 3, Wakefield Crossing
Acres	.18
Surrounding Zoning	RS-2
Parcel ID	605-24-730-653360

Staff Evaluation & Recommendation

Evaluation The Technical Advisory Committee received notice of the UE Closure request on April 16, 2020. PSO has requested and is in the process of relocating their line, staff has had no other comments or objections from utility providers. Staff is not opposed to the closure and ultimate vacation of the 7.5 feet of utility easement and will not oppose the vacation at district court.

PER BUILDING INSPECTOR | TANNER RUSH

1. Customary decking and landscaping are allowed on/within an easement; no portion of the pool structure or other structures like retaining walls can encroach. Alteration of grade at the easement (removing or adding dirt) should be kept to a minimum. As Shawna stated, accessing the easement would come at their expense, although the City/Utility providers should exercise reasonable care.

2. The zoning setback for swimming pools is 10ft from side and rear property lines per Jenks Zoning Code 240.2.g "Permitted Yard Obstructions". This setback is measured to the water's edge.

Recommendation ***Staff recommends approval of closing the requested 7.5 feet portion of the utility easement pending AEP/PSO successfully completes their line relocation.***

Figure 1: Zoning Map

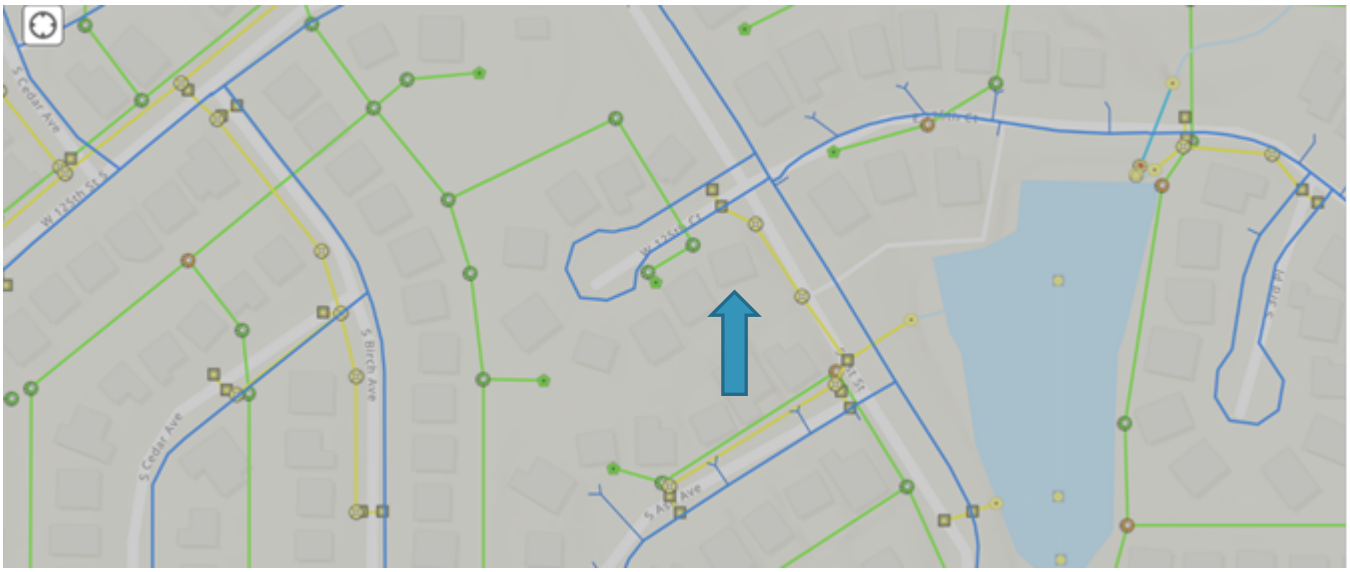


Figure 2: Jenks Utility Locations

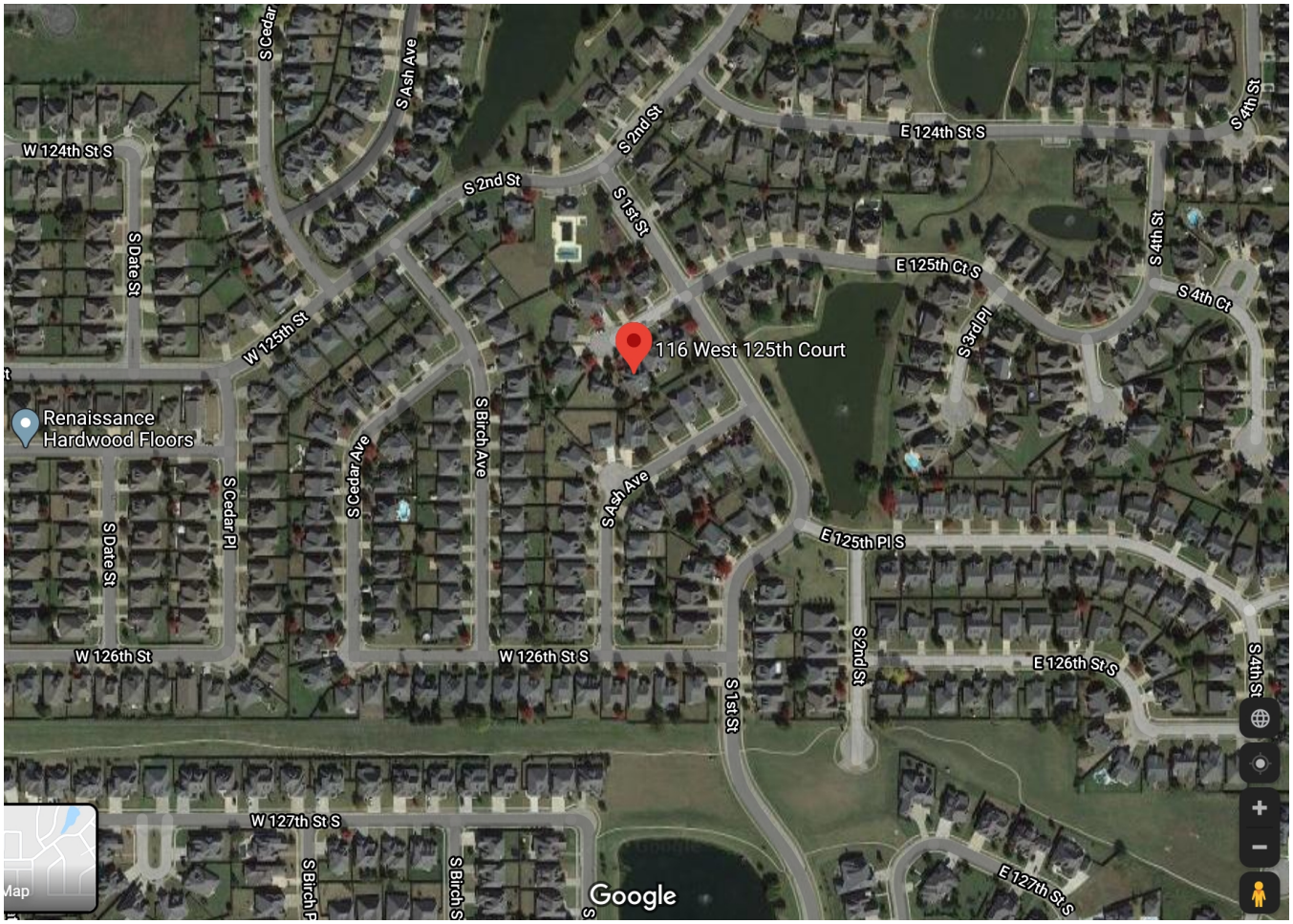
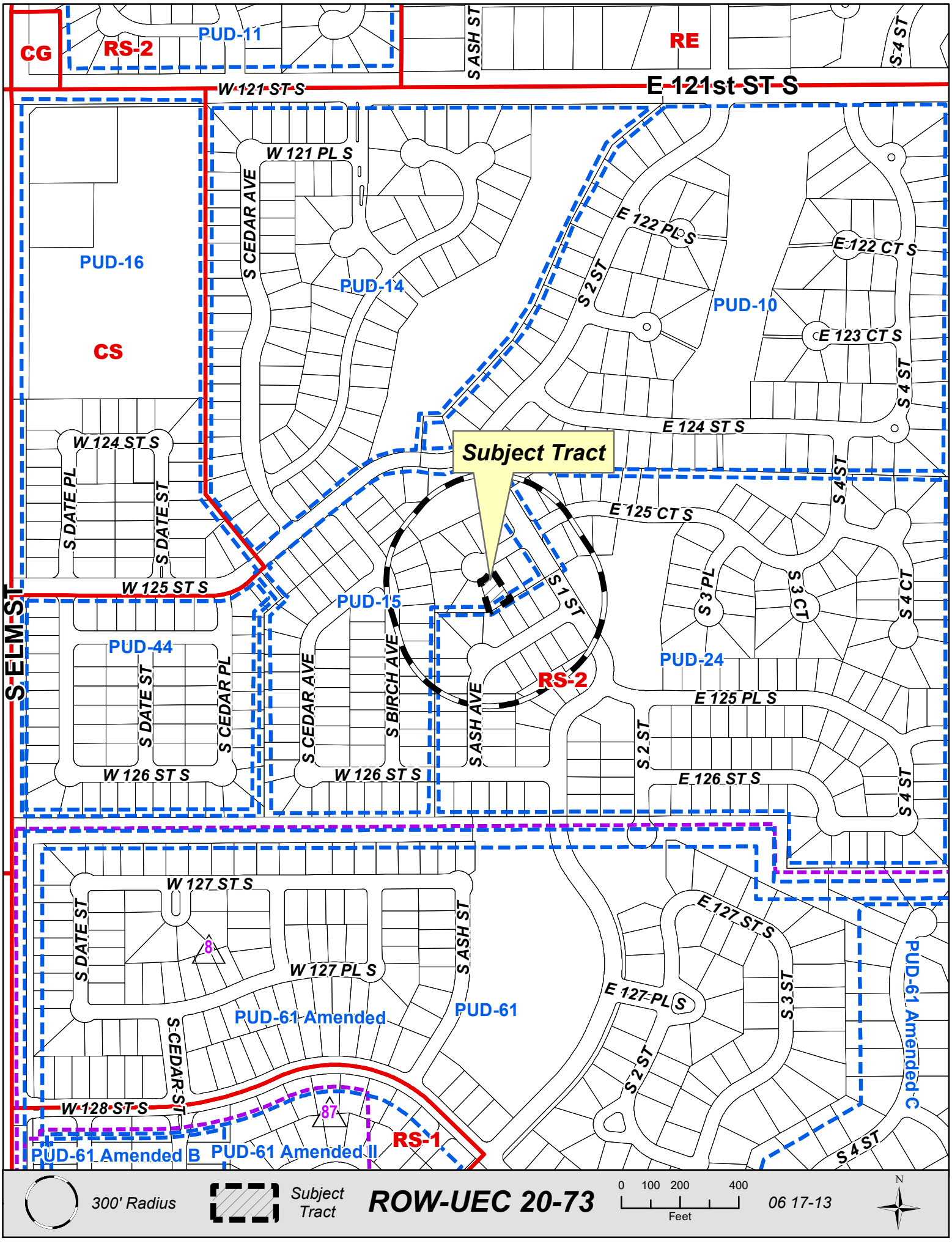


Figure 3: Aerial View


CG
RS-2
PUD-11
RE
S ASH ST
S 4 ST
W 121 ST S
E 121st ST S
W 121 PL S
S CEDAR AVE
PUD-16
CS
PUD-14
E 122 PL S
S 2 ST
PUD-10
E 122 CT S
E 123 CT S
S 4 ST
E 124 ST S
W 124 ST S
S DATE PL
S DATE ST
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PUD-15
S 1 ST
S 3 PL
S 3 CT
S 4 CT
PUD-44
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S CEDAR PL
S CEDAR AVE
S BIRCH AVE
RS-2
PUD-24
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W 127 PL S
PUD-61 Amended
PUD-61
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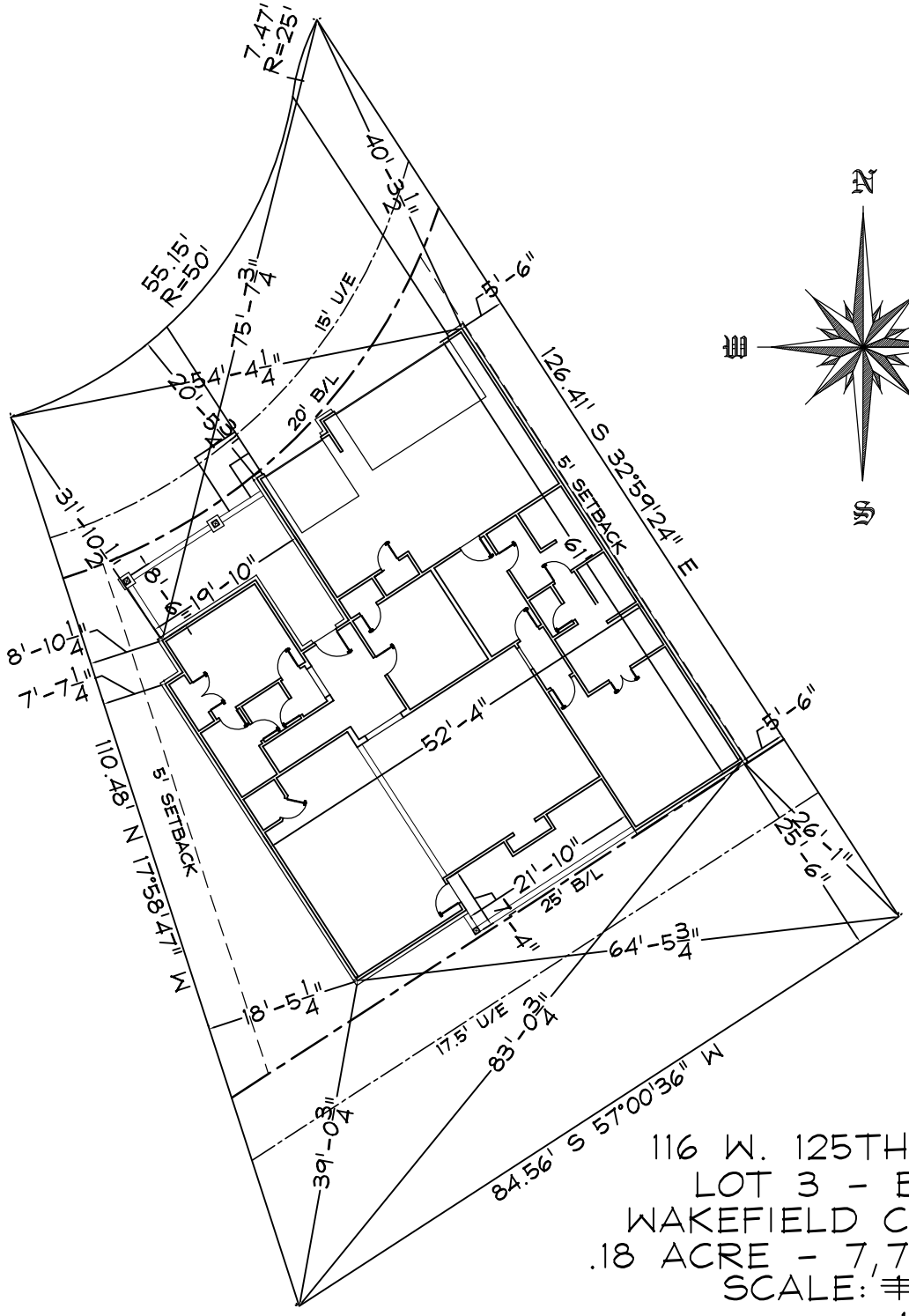
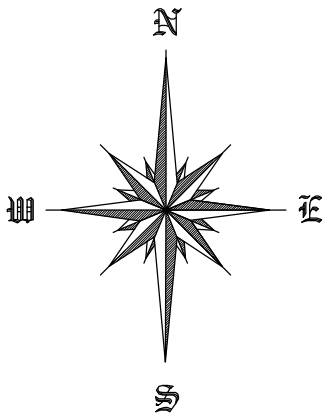
PUD-61 Amended C
S CEDAR ST
S 2 ST
W 128 ST S
87
RS-1
PUD-61 Amended B
PUD-61 Amended II
S 4 ST
300' Radius
Subject Tract
ROW-UEC 20-73
0 100 200 400
Feet
06 17-13
N

Pinnacle Design

KEITH DALESSANDRO
1112 S. Kalanchoe Ave.
Broken Arrow, OK 74012
918.691.3967
pinnacledesign@yahoo.com





116 W. 125TH CT. S.
LOT 3 - BLK 3
WAKEFIELD CROSSING
.18 ACRE - 7,710 SQ. FT.
SCALE: ~~1"=10'~~
1"=20'

Brandon Macy

From: noreply@civicplus.com
Sent: Tuesday, April 14, 2020 15:40
To: Brandon Macy; Marcae Hilton
Subject: Online Form Submittal: PLANNING APPLICATIONS

Follow Up Flag: Follow up
Flag Status: Flagged

PLANNING APPLICATIONS

Applicant Information

City of Jenks
PO Box 2007
211 N Elm St Jenks, OK 74037
918-299-5883

First Name	DeShawnna
Last Name	Norris
Address	116 w 125th ct south
City	Jenks
State	Ok
Zip Code	74037
Phone Number	9185277701
Email Address	shawnna.norris@swagelok.com

Application Type

Type of Application	Right-of-Way or Utility Easement Closure
Planning FAQ	FAQ
Right-of-Way or Utility Easement Closure	Utility Easement Closure

Subject Property Information & Proposal

Subject Property Information

Is the property the Applicant's listed address?	Yes
Legal description of property containing easement	Jenks Plot 002 - 16-033-C1 Brochure.pdf
Legal description of portion of easement to be closed	pool layout with Dimension on lot.jpg
Do you have any other documents?	No
Present Zoning	RS-2 PUD 15
Present Use	RS-2 PUD 15
Comprehensive Plan Designation	*Field not completed.*
Reason for Closing	We are wanting to install an inground pool and would like to move the easement to 9 or 10ft from fense line. If possible allow pool to be 4ft from house instead of 5ft. Since our yard is very wide but not deep we want to use as much as is allowed. We have had all utlitiy companies mark the lot and based drawing off the lines.

(Section Break)

Proposal Information
Section will be blank for lot splits and combinations, as well as easement closures.

Applicant and Property Owner

Is the Applicant Also the Record Owner?	Yes

Billing and Fees

Fees
All applications have an associated fee. This fee must be paid before the application will be considered for approval. Once your application has been received, you will be contacted with the fee amount and instructions on how to pay at City Hall.

Do you understand that the applications has associated fees?	Yes
Bill public notice advertising and sign charges to	Applicant

Email not displaying correctly? View it in your browser.

Jenks | City Council Staff Report

To	Planning Commission
Hearing Date	May 7, 2020
Case Number	Preliminary Plat | TORREY LAKES
Request	Approval of the Preliminary Plat for Torrey Lakes PUD 119
Location	South of 131st and west Harvard
Applicant	Tim Terral

Staff Report

Preparer | Marcaé Hilton

Attachments

- ☐ PRELIMINARY PLAT | TORREY LAKES
- ☐ PRELIMINARY PLAT CHECKLIST MEMO

Preparer

TEP
Marcaé Hilton

Background Information

STAFF COMMENTARY | This preliminary plat is part of a rezoning and Planned Unit Development | PUD 119 Torrey Lakes, which was heard and recommended for approval by Planning Commission on April 9, 2020. City Council heard and approved the PUD on April 27, 2020 per Ordinance No. 1516. Torrey Lakes is a proposed single-family residential subdivision by Cozort Homes. The subdivision is located one-half a mile south of 131st and west of Harvard. The site is surrounded by similar development including Providence Hills (PUD-49) on the north, Clearfield Estates PUD 107) on the south and Dutchers Crossing (PUD 40) on the east side of Harvard. Several of the existing subdivisions in the area are similar in size and designed to meet current market demands. The lots are approximately 135 feet in depth allowing for large backyards.

The PUD shows two shared reserve/open space areas for the subdivision. Each area will provide stormwater detention for the project as well as trails which connect to the interior sidewalk system and ultimately to the project sidewalk along Harvard. The PUD shows the north/east parkland as a reserve area, it is here that the developer is providing neighborhood amenities including a large playground, pool and outdoor kitchen area. There will be a dock on one of the ponds. The southwest corner is the second reserve area with a dedicated detention pond. There are two entrances to the subdivision on Harvard and a stub out street to the west. The entry features will incorporate lighting, wood and stone or masonry screening, and is expected to be similar to Clearfield Estates in style. The project will commence as market conditions permit.

During the PUD approval process, Marcaé Hilton, City Planner, stated all drainage questions would be received and if the PUD was approved, they would be addressed in her staff report for the Preliminary Plat following discussion and input from the City Engineer. Please see the public comments regarding drainage, oil wells, and other plat related questions below as well as responses from staff and Chris Robinson, City Engineer.

PLANNING DATA

Intended Use	Single-family Residential
Appearance District	None
Zoning	(PUD 119 & RS-1) Residential Single-Family
Comprehensive Plan	Intensity | Low
General Location	West of Harvard and ½ mile between 131st and 141st
Acres	41.518
Floodplain	No 100-year FP
Lot Data	Total Lots | 140 drawn | Max 155 per PUD
	Lot Width | 79 Lots @ 60′ | 61 Lots @ 65′
	Lot Depth | 135 feet
	Project Density | 3.61 DU (Gross Dwelling Units per Acre)
	Open Space | 2.98 Acres (7.4% of Total Project Area)
Streets	Public
Amenities	2 park areas | 1 with playground equipment and or Pool
	Sidewalk and connection to private trails
	2 detention ponds | 1 water feature includes a dock
TAC Comments	Meeting Via Email, April 14, 2020
	ONG Comment: Kymberly Vossler, Project Manager

- We would need at minimum of 15′ but prefer a 17.5′ U/E be provided on the Plat in the front of the lots for Torrey Lakes.
- Along the eastern edge of this plat, they call out a 50′ ONG Easement. This easement does not belong to Oklahoma Natural Gas. It was acquired by ONG Transmission Company, but these agreements were kept by ONEOK when we split. The only ROW owned by ONG in the ¼ section is south of where this plat is.

Fire Chief, Greg Ostrum,: No concerns on any of these items from fire.

PUBLIC COMMENT:

RESPONSES & LEGEND

Marcae Hilton, City Planner | MH

Technical Advisory Committee | TAC

Chris Robinson, City Engineer | CR

United States Army Corps of Engineers | USACE

Oklahoma Department of Environmental Quality | ODEQ

Oklahoma Corporation Commission | OCC

Notice of Intent | NOI

Stormwater Pollution Prevention Plan | SWP3

PLAT | DRAINAGE

Chris Robinson, City Engineer | April 20, 2020 | The earth change permit requires the following:

1) Erosion control plan as required by ODEQ and our stormwater regulations.
2) Drainage report showing equal or less discharge from site at each runoff location. The engineers must show that the proposed layout and pond layout will equal or reduce runoff from 1-year to 100 year storms (at least 1 foot freeboard above 100 year storm). The ponds must also have the capacity for the 500 year storm (must include calculations to verify capacity).
3) Contact and response from USACE is now required on the earth change permit.
4) Grading Plan – They must show all groundwater, oil-gas well locations.
    a. We typically do not allow homes to be placed over old well locations.
    b. See Section 3.9 of Subdivision Regulations below.
5) I have been working on adding requirements to the Earth Change permit to include all Geotechnical, Phase 1/Phase 2 ESA reports, and any OCC or cleanup activity report. This is not in City Code yet as a requirement of the Earth Change permit.
6) Part of the earth change permit is for the application to submit a SWP3 (Stormwater Pollution Prevention Plan) and copy of the NOI (Notice of Intent).

Andra Pinkston <andra.pinkston@gmail.com> | Sent: Monday, April 13, 2020 6:03 PM | My husband and I submitted a public comment regarding our concerns over drainage

Marcae, you mentioned in the meeting that the drainage concerns would be addressed by the city engineers.

1. I was curious how the resolution that the engineers reach will be communicated back to those of us with the drainage concerns. MH | *Per phone conversation | the questions have been given to the City Engineer for response, responses will be presented during the Preliminary Plat*
2. A significant portion of the runoff from this property drains directly through our yard and we have already had an issue arise concerning lack of notification by either the landowner or the developer of drainage changes. MH | *Anytime there is adverse impact, a citizen can make a code complaint, an investigation will be started.*
3. What communication should we expect as drainage plans are developed? MH | *Planning Commission is the first opportunity to hear the details of the plan followed by City Council. Drainage plans are part of platting; they are submitted to the City Engineer in phases or steps. They are technical documents created and submitted to the City from Licensed professional engineers. The documents are reviewed by multiple entities and different City staff, each having department looking or specific criteria.*

These reviewers include but are not limited to: Technical Advisory Committee (TAC), Jenks development staff, City Engineers, Building Inspections, Fire/Public Safety, other state and local governing entities and consultants as needed. Upon review of the information, staff makes a recommendation to Planning Commission and City Council during the plat approval process.

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.

4. 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.
    a. Our primary concerns are related to the stormwater runoff and how it will impact the drainage across our property.
    b. The proposed plans contain a document showing the current elevation grade lines across the 40 acres.
    c. Referencing that document, our property is slightly south & west of the southwest corner of the proposed development.
    d. This document shows that approximately 40% of the stormwater from this area currently drains toward and across our property.
    e. Previously, this stormwater had been held and controlled by two (2) ponds (now only one pond – see below) on the acreage.
5. 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.

    MH | *It is unlawful to cause adverse impact to surround properties, the engineer of record conducts modeling to understand post and pre-construction discharge rates, or plainly speaking, where a drop of water on the property goes presently and where it will go following development.*

    CR | *The engineers must show that the proposed layout and pond layout will equal or reduce runoff from 1-year to 100 year storms (at least 1 foot freeboard above 100 year storm.*

Greg and Andra Pinkston via email April 08, 2020 | The following are issues noted in the PUD 119 documents that lead us to this concern:

6. 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.
    a. 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.
    b. On February 18, 2020, without any notice to us as adjoining property owners, a construction crew broke the dam on that pond. CR | *The existing pond was emptied by the previous owner and City was notified until after the pond had been emptied.*
    c. This action, as evidenced by our video documentation, created an immediate surge of water into the drainage ditch across our property.
    d. 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.

e. As mentioned, our primary concern is the increase in stormwater runoff created by the proposed development. CR | *The engineers must show that the proposed layout and pond layout will equal or reduce runoff from 1-year to 100 year storms (at least 1 foot freeboard above 100 year storm.*

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

7. Will the proposed retention pond as noted in the PUD 119 plan be sized to account for this high density? CR | *Drainage report showing equal or less discharge from site at each runoff location. The engineers must show that the proposed layout and pond layout will equal or reduce runoff from 1-year to 100 year storms (at least 1 foot freeboard above 100 year storm). The ponds must also have the capacity for the 500 year storm (must include calculations to verify capacity).*
8. Greg and Andra Pinkston via email April 08, 2020 | 2701 E 138th Pl S, Bixby, OK 74008 |
   Is there a finished grade plot for the proposed development? CR | *No plans have been submitted for this development as of April 29, 2020.*

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

9. 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? MH | *The new stormwater detention ponds will be engineered and sized to handle the changes to the land disturbances.*
10. We ask that the developer be required to remedy this concern as a part of the development. MH | *It is unlawful to cause adverse impact to surround properties, the engineer of record conducts modeling to understand where a drop of water on the property goes presently and where it will go following development, the ponds are sized according to the studies.*

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

11. Water that comes off of the property in question effects our neighborhood in several ways.
    a. 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.
    b. 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.
    c. 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.

    CR | *Part of the earth change permit is for the application to submit a SWP3 (Stormwater Pollution Prevention Plan) and copy of the NOI (Notice of Intent).*

    Hec-Ras modeling using the USACE Hec-Ras 5.0 model or equivalent is required.

    Drainage report showing equal or less discharge from site at each runoff location. The engineers must show that the proposed layout and pond layout will equal or reduce runoff from 1-year to 100 year

storms (at least 1 foot freeboard above 100 year storm). The ponds must also have the capacity for the 500 year storm (must include calculations to verify capacity).

Charlotte Muñiz-Montgomery VIA Email April 09, 2020 | Verify free board parameter used in the Detention Report.

CR | *I am unaware the USACE having requirements on free boards on sub-division detention/retention ponds that are not part of one of their nationwide/individual permit requirements.*

Verify number and location of detention ponds are adequate to meet peak run off.

CR | *Part of the earth change permit is for the application to submit a SWP3 (Stormwater Pollution Prevention Plan) and copy of the NOI (Notice of Intent).*
Drainage report showing equal or less discharge from site at each runoff location. The engineers must show that the proposed layout and pond layout will equal or reduce runoff from 1-year to 100 year storms (at least 1 foot freeboard above 100 year storm). The ponds must also have the capacity for the 500 year storm (must include calculations to verify capacity).

12. Verify with the Army Corps of Engineers that no part of this development has designated wetlands. MH | *This is done on the private side by the engineer of record and presented to the City with appropriate documentation.*
13. Clarify if there will be one or two stub street connections. MH | *One*
14. 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? CR | *I have emailed the USACE about the freeboard regulation. I have not had a response and I am unaware of such a change to their regulations that would require 2 feet of freeboard on residential sub-division retention/detention ponds.*
15. 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. *No Comment*
16. Did anybody check if any part of the development has wetlands? (Note: This oversight has halted current development of Hickory Creek) MH | *This is done on the private side by the engineer of record and presented to the City with appropriate documentation.*
    Drainage and Flooding. There hasn't been a PUD the last three years where this hasn't been a comment or complaint.
17. With the Stone Bluff PUD, Beach told me there were no specific requirement set by the City as to what models the applicants engineer may use in calculating rainfall, run-off, catchment system, and other criteria in the detention report. The "Detention Report" typically includes a hydrology report, drainage plan, and detention pond design.
    As the result of the historic 2019 flooding, supposedly the freeboard requirement has been increased by the Corps of Engineers from 1 foot to 2. This could greatly influence the Detention Report findings and recommendations.
    There were several public comments regarding run-off and flooding in general, and removal of the current pond straddling the center-west boundary of site and moving the pond to the SW corner.

CR | *City of Jenks Stormwater requirements that post construction run-off has to equal or be less than pre-construction conditions. The stormwater ponds will have to be sized for post-construction conditions. The required drainage/hydrology report will need to show the pre and post construction conditions*

CR | *From an email dated April 28, 2020 at 3:11pm from Dr. David Williams at the USACE CESWT location: "You are correct, USACE has no authority or requirements concerning privately-owned detention or retention ponds. A few years ago, USACE moved away from strict freeboard requirements in favor of a risk-based approach for levees, but FEMA (as part of the NFIP) does have a freeboard requirement for accreditation. Please see 44 CFR 65.10 for more information. I suspect that the change in levee freeboard requirements has prompted the question about freeboard in the detention pond. Any specific requirements pertaining to the detention pond would be a local code or ordinance."*

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

18. I am concerned with water run off. Heavy rains already fill the creeks and bar ditches.

PLAT | ENVIRONMENTAL Due Diligence

City Code | Sec. 5-7-16. - Storage Tanks and Separators.

A. It shall be unlawful and an offense for any person to use, construct or operate in connection with any producing well within the city limits, any crude oil storage tanks, except to the extent of two low-type steel tanks for oil storage, not exceeding 500 barrels capacity for each well connected thereto and so constructed and maintained as to be vapor-tight and properly vented. A permittee may use, construct and operate a conventional steel separator, vapor recovery unit and such other approved tanks and appurtenances as are necessary for treating oil with each of such facilities, to be so constructed and maintained as to be vapor tight. Each oil/gas separator shall be equipped with both a regulation pressure relief safety valve and bursting head. All such tanks shall be placed above ground, and the tanks shall be placed upon a suitable earth or concrete pad. All tubing for said tanks and separators shall be made of internally plastic coated steel.

B. The use of a central tank battery is permitted so long as not more than two tanks as specified in subsection (A) of this section are used for each well connected to the battery.

C. The tank or tanks shall be enclosed within a conventional-type fire wall constructed of compacted earth; sufficient water shall be used during the fire wall construction to ensure adequate compaction.

D. The fire wall enclosing the tanks shall have a minimum capacity equal to two times the volume of the tanks enclosed.

E. The tanks shall be within the fire wall and shall be fenced and landscaped to ensure them being practically unseen when viewed from outside the fenced or landscaped enclosure.

F. The separators shall be installed in a manner that will ensure them being practically unseen when viewed from outside the fenced or landscaped enclosure.

G. No tanks or separators shall be located closer than 300 feet to a dwelling, business structure, school or street without the permittee having first secured the written permission of the owner or owners thereof; except that no storage tank or separator shall be located nearer than 400 feet from a property line of a residential subdivision.

Sub-Division Regulations

SECTION 3.9 OIL AND GAS WELLS Where there is found to be a producing oil or gas well which is in or near the proposed subdivision, or an abandoned oil or gas well which is not adequately plugged according to the standards established by State law and the Oklahoma Corporation Commission, a building setback line as determined by the Planning Commission and City Council shall be shown on the final plat to prevent the erection of a building near such wells or said well shall be adequately plugged according to said standards and so certified by the Oklahoma Corporation Commission 37 before the plat of such addition is given final approval. In any event, a certificate or clearance shall be obtained from the Oklahoma Corporation Commission as to the existence of any unplugged wells reflected in their records.

Charlotte Muñiz-Montgomery VIA Email April 09, 2020 |

19. 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. MH | *They are identified in the approved PUD, Preliminary Plat, Grading Plan and Civil Subdivision Plans.*

    CR | *Engineering does require the location of the Wells to be shown on the grading plans for the earth change and later on the civil sub-division plans.*

    CR | *Grading Plan – They must show all groundwater, oil-gas well locations. We do not allow homes to be placed over old well locations. See Section 3.9 of Sub-Division Regulations*

    ii. Determine if disclosure of these locations should be required in the text of the plat document. MH | *They are identified in the approved PUD, Preliminary Plat, Grading Plan and Civil Subdivision Plans.*

Charlotte Muñiz-Montgomery VIA Email April 09, 2020 | *The Staff, PC, and CC have a right to request these details and should be required in all future applications.*

20. 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. MH | *SECTION 3.9 OIL AND GAS WELLS Where there is found to be a producing oil or gas well which is in or near the proposed subdivision, or an abandoned oil or gas well which is not adequately plugged according to the standards established by State law and the Oklahoma Corporation Commission,* ***a building setback line as determined by the Planning Commission and City Council shall be shown on the final plat to prevent the erection of a building near such wells or said well shall be adequately plugged according to said standards and so certified by the Oklahoma Corporation Commission before the plat of such addition is given final approval.*** *In any event, a* ***certificate of clearance*** *shall be obtained from the Oklahoma Corporation Commission as to the existence of any unplugged wells reflected in their records.*

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

21. 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? MH | *The developer must submit a certificate of clearance shall be obtained from the Oklahoma Corporation Commission as to the existence of any unplugged wells reflected in their records.*

22. Will they have all of the wellsites located, marked and tested and inspected by the OCC and provide those reports to the city? MH | *Standards are provided in the City Code.*

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

23. 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…

24. 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.

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

25. 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. MH Q-23, 24, 25 | *All existing easements are presented in the PUD and preliminary plat they will be part of the final plat exhibit, allowed uses will be written into the deed of dedication document.*

PLAT ENVIRONMENTAL

Charlotte Muñiz-Montgomery VIA Email April 09, 2020 | If there are plugged wells, then there were tank batteries. When tank batteries are removed, the ground on and around the site is usually remediated. Tank batteries should be indicated on the plat also.

CR | *Engineering does require the location of the wells to be shown on the grading plans for the earth change and later on the civil sub-division plans.*

Grading Plan – They must show all groundwater, oil-gas well locations. We do not allow homes to be placed over old well locations. See Section 3.9 of Sub Division Regulations below

We have been working on adding requirements to the Earth Change permit to include all Geotechnical, Phase 1/Phase 2 ESA reports, and any OCC or cleanup activity report. This is not in City Code yet as a requirement of the Earth Change permit.

Sub-Division Regulations

SECTION 3.9 OIL AND GAS WELLS Where there is found to be a producing oil or gas well which is in or near the proposed subdivision, or an abandoned oil or gas well which is not adequately plugged according to the standards established by State law and the Oklahoma Corporation Commission, a building setback line as determined by the Planning Commission and City Council shall be shown on the final plat to prevent the erection of a building near such wells or said well shall be adequately plugged according to said standards and so certified by the Oklahoma Corporation Commission 37 before the plat of such addition is given final approval. In any event, a certificate or clearance shall be obtained from the Oklahoma Corporation Commission as to the existence of any unplugged wells reflected in their records.

CR | *We will require all Oklahoma Corporation Commission correspondence and letters pertaining to this property to be submitted with the Earth Change Permit.*

We will also require any Phase 1 Environmental Site Inspection reports and any Phase II Site Investigation or any Remediation actions to be disclosed for our records.

We do verify well locations during plan review to make sure they will not be placed under homes, or in conflicts with proposed infrastructure.

There is nothing that I have found in the OCC rules that have a setback for closed wells and residential structures. They have setbacks for active wells as follows:

Per 2019 Oklahoma Statutes Title 52. Oil and Gas §52-320.1. Restriction on location of habitable structures. Universal Citation: 52 OK Stat § 52-320.1 (2019)

A. After the effective date of this act, it shall be unlawful to locate any habitable structure within:

1. A radius of one hundred twenty-five (125) feet from the wellbore of an active well; or
2. A radius of fifty (50) feet from the center of any surface equipment or other equipment necessary for the operation of an active well, including, but not limited to, hydrocarbon and brine storage vessels, tanks, compressors, heaters, separators, dehydrators, or any other related equipment.

B. Provided, however, the provisions of this section shall not prohibit an operator and surface owner from agreeing in writing to setback provisions with distances different from those set forth in this section.

Per 165:26-2-213 (5) Permanent closure: All UST's currently being used as AST's must be destroyed upon closure. A certificate of destruction must be included with the AST Closure Report and submitted to PSTD within forty-five (45) days of closure.

Charlotte Muñiz-Montgomery VIA Email April 09, 2020 | Natural Habitat/Green Space. Jenks is now a member of "Tree America (?)" and you are using their guidelines to achieve a better balance between grey and green space as Jenks develops. Staff and Council are requiring all commercial and residential applications to provide an amped-up landscaping plan.

a. Ask applicant to provide the City with an email/letter from the Corps of Engineers that there is no wildlife habitat areas on the property that will affect development plan Please, no repeat of Hickory Creek!
b. Based upon comments submitted, require tree buffering along the open space(s) perimeter.
c. Sorry, but there is little you or Staff can do about habitat loss. Focus on green space.

Contact and response from USACE is now required on each earth change permit.

CR | Engineering has already made contact with the USACE on the upcoming Torrey Lake development. We have discussed this project with the USACE and have told the developer they will need to provide correspondence from the USACE for any earth change permit submittals.

Charlotte Muñiz-Montgomery VIA Email April 09, 2020 | Traffic. The top community complaint and concern. This is your opportunity to pump up support for the GO Bond on Monday evening. Most of us don't realize that streets are funded via GO Bonds. We assume there are funds available through property

and sales tax to build and maintain streets and utilities serving residential areas. Say something for the record. CR | Traffic: Patch and overlay projects are being looked at due to the increase use of Harvard Avenue.

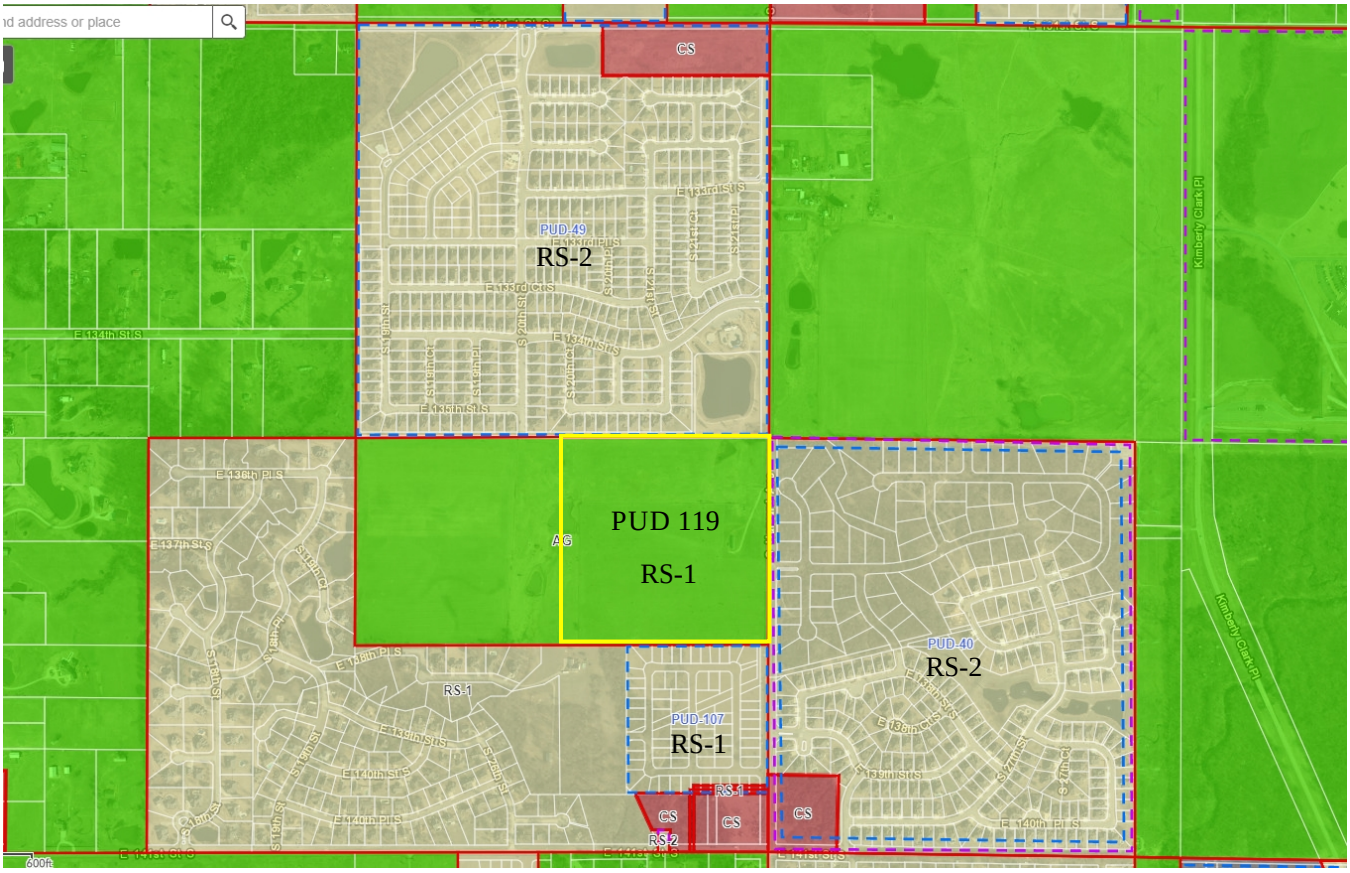
Zoning Surrounding:

North: (PUD 49 | RS-2) Single-Family Residential | Providence Hills

South: (PUD 107 | RS-1) Single-family Residential |Clearfield Estates | Approved 02.19.18
(RS-1) Snow Tree & (RS-1) Country Meadows

West: (AG) Undeveloped, (RS-1) Pecan Creek

East: (PUD 40 | RS-2) Single-family Residential | Grey Oaks & Dutchers Crossing | Approved 04.2004



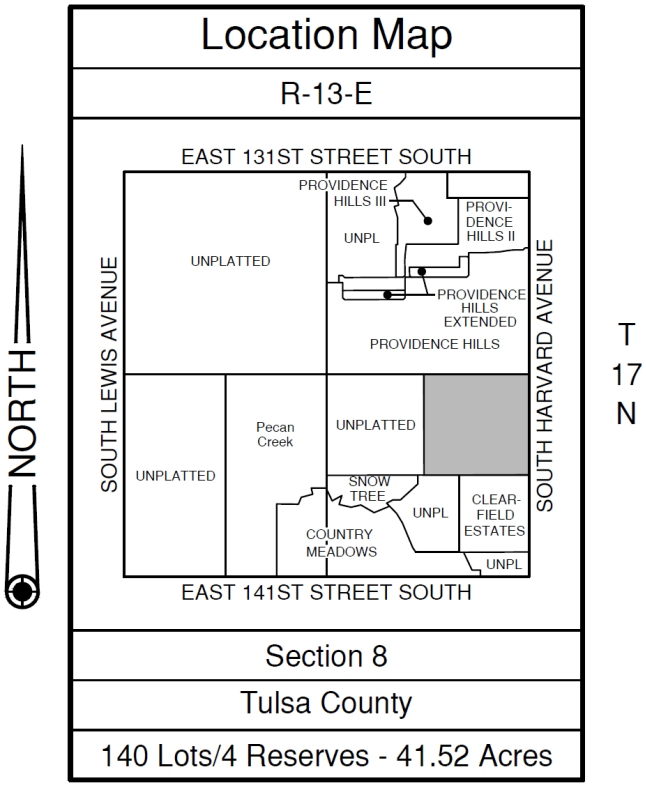
Staff Evaluation & Recommendation

Evaluation | Staff received many concerns including but not limited to storm water and abandoned oil wells. The public, Planning Commission and Council questions presented to staff have been addressed by City of Jenks staff report, TAC and staff believe the approval request for the preliminary plat will match the language in the approved PUD, meet City Code and Regulations, and is in harmony with the surrounding properties and uses.

Comments | Not Compete List

1. Submit revised PUD matching approval comments
2. Include PUD language in Deed of Dedication
3. Show all groundwater, oil-gas well locations. We do not allow homes to be placed over old well locations. See Section 3.9 of Subdivision Regulations
4. Provide correspondence from the USACE for any earth change permit submittals
5. Provide Phase 1 Environmental Site Inspection reports and any Phase II Site Investigation or any Remediation actions to be disclosed for our records.
6. Determine if disclosure of these locations should be required in the text of the plat document.
7. TAC Comments | Meeting Via Email, April 14, 2020 | Revise as needed
   a. Conoco is not on our TAC list, please contact Conoco for comments on plans
      Provide email or letter from Conoco comments
   b. ONG Comment: Kymberly Vossler, Project Manager
      - We would need at minimum of 15′ but prefer a 17.5′ U/E be provided on the Plat in the front of the lots for Torrey Lakes.
      - Along the eastern edge of this plat, they call out a 50′ ONG Easement. This easement does not belong to Oklahoma Natural Gas. It was acquired by ONG Transmission Company, but these agreements were kept by ONEOK when we split. The only ROW owned by ONG in the ¼ section is south of where this plat is.
8. Fire Chief, Greg Ostrum | No concerns on any of these items from fire.

Recommendation | ***Approve the preliminary plat for Torrey Lakes a single-family residential subdivision per staff comments.***



OWNER/DEVELOPER

C & C Development Group, L.L.C.
an Oklahoma Limited Liability Company
P.O. Box 265
Jenks, Oklahoma 74037
918.260.6578

ENGINEER / SURVEYOR

Tulsa Engineering & Planning Associates, Inc.
an Oklahoma corporation
9810 East 42nd Street South, Suite 100
Tulsa, Oklahoma 74146
918.252.9621

CERTIFICATE OF AUTHORIZATION NO. 531
RENEWAL DATE: JUNE 30, 2021

Planned Unit Development No. 119

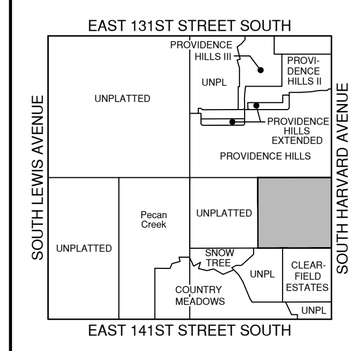
Torrey Lakes

A subdivision in the City of Jenks, being a part of the SE/4 of
Section 8, Township 17 North, Range 13 East,
of the Indian Base and Meridian, Tulsa County, State of Oklahoma

100 50 0 100 200 300
SCALE: 1" = 100 FEET

Location Map

R-13-E



Section 8

Tulsa County

140 Lots/4 Reserves - 41.52 Acres

Legend

B/L	=	Building Line	Res.	=	Reserve
B/L & U/E	=	Building Line and Utility Easement	U/E	=	Utility Easement
	=	Right-of-Way dedicated by this plat.	L.N.A.	=	Limits of No Access
			Esmt.	=	Easement

Monument Notes

A 5/8" x 18" deformed bar with a yellow plastic cap stamped "CA 531" to be set at all plat boundary corners, prior to recordation unless noted otherwise.

A 3/8" x 18" deformed bar with a yellow plastic cap stamped "CA 531" to be set at all lot corners after completion of improvements, unless noted otherwise.

A 3/8" x 18" deformed bar with a yellow plastic cap stamped "CA 531" to be set at all street centerline intersections, points of curve, points of tangent, points of compound curve, points of reverse curve, center of cul-de-sacs and center of eyebrows, after completion of improvements, unless noted otherwise.

Basis of Bearings

The non-astronomic bearings for this plat are based on an assumed bearing of N 00°13'55"E along the east line of the SE/4 of Section 8, T-17-N, R-13-E, of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof.

Benchmark

Chiseled "X" on top of curb, 7' east of the west end of curb on the south side of 139th Street South and 57' east of the centerline of Harvard Avenue.

Elevation = 666.87 NAVD 1988

Backflow Preventer Valve

If the actual finished floor elevation is lower than one (1) foot above the upstream sanitary sewer manhole top of rim elevation, it shall be the builder's responsibility to install a backflow preventer valve near the building. The builder is responsible to comply with all city ordinances regarding the installation of any required backflow preventer valve.

Curve Table

Curve #	Delta	Radius	Length	Chord Direction	Chord Length
C1	90°08'15"	30.00	47.20	N44° 50' 12"W	42.48
C2	29°55'35"	25.00	13.06	S75° 07' 53"W	12.91
C3	149°51'10"	50.00	130.77	S44° 54' 20"E	96.56
C4	29°55'35"	25.00	13.06	N15° 03' 28"E	12.91
C5	90°00'00"	25.00	39.27	N44° 54' 20"W	35.36
C6	90°00'00"	25.00	39.27	N45° 05' 40"E	35.36
C7	29°55'35"	25.00	13.06	N14° 52' 07"W	12.91
C8	119°55'35"	50.00	104.66	S30° 07' 53"W	86.57
C9	90°00'00"	25.00	39.27	N45° 05' 40"E	35.36
C10	90°00'00"	25.00	39.27	N44° 54' 20"W	35.36
C11	41°24'35"	50.00	36.14	S69° 23' 23"W	35.36
C12	262°49'09"	50.00	229.35	S0° 05' 40"W	75.00
C13	41°24'35"	50.00	36.14	S69° 12' 02"E	35.36
C14	12°14'06"	250.00	53.39	N83° 58' 37"E	53.28
C15	12°11'21"	250.00	53.19	S83° 57' 15"W	53.08
C16	89°49'00"	30.00	47.03	N45° 08' 25"E	42.36
C17	89°51'45"	30.00	47.05	N45° 09' 48"E	42.38
C18	90°00'00"	25.00	39.27	S44° 54' 20"E	35.36
C19	79°43'56"	25.00	34.79	S39° 57' 38"W	32.05
C20	10°13'19"	200.00	35.68	S84° 56' 16"W	35.63
C21	90°11'00"	30.00	47.22	N44° 51' 35"W	42.49
C22	90°00'00"	25.00	39.27	N45° 05' 40"E	35.36

Curve #	Delta	Radius	Length	Chord Direction	Chord Length
C23	90°00'00"	25.00	39.27	S44° 54' 20"E	35.36
C24	41°24'35"	50.00	36.14	S20° 47' 58"W	35.36
C25	262°49'09"	50.00	229.35	N89° 54' 20"W	75.00
C26	41°24'35"	50.00	36.14	N20° 36' 37"W	35.36
C27	90°00'00"	25.00	39.27	N45° 05' 40"E	35.36
C28	90°00'00"	25.00	39.27	S44° 54' 20"E	35.36
C29	41°24'35"	50.00	36.14	S20° 47' 58"W	35.36
C30	262°49'09"	50.00	229.35	N89° 54' 20"W	75.00
C31	41°24'35"	50.00	36.14	N20° 36' 37"W	35.36
C32	90°00'00"	25.00	39.27	N45° 05' 40"E	35.36
C33	90°00'00"	25.00	39.27	S44° 54' 20"E	35.36
C34	90°00'00"	25.00	39.27	S45° 05' 40"W	35.36
C35	29°55'35"	25.00	13.06	N74° 56' 32"W	12.91
C36	149°51'10"	50.00	130.77	N45° 05' 40"E	96.56
C37	29°55'35"	25.00	13.06	S14° 52' 07"E	12.91
C38	90°00'00"	25.00	39.27	S45° 05' 40"W	35.36
C39	90°00'00"	25.00	39.27	N44° 54' 20"W	35.36
C40	41°35'39"	50.00	36.30	N20° 53' 29"E	35.51
C41	262°49'07"	50.00	229.35	S89° 43' 15"E	75.00
C42	41°13'28"	50.00	35.98	S20° 31' 04"E	35.20
C43	90°00'00"	25.00	39.27	S45° 05' 40"W	35.36
C44	90°00'00"	25.00	39.27	N44° 54' 20"W	35.36

FINAL PLAT

CERTIFICATE OF APPROVAL

I hereby certify that this plat was approved by the Jenks City Council

on _____

_____
MAYOR – VICE MAYOR

This approval is void if the above signature is not endorsed by the City Manager.

_____
CITY MANAGER

G:\19-129\Final\19-129 Preliminary Plat 200330.dwg, 3/30/2020 - 5:13 PM

Jenks | Preliminary Plat Memo

To	Planning Commission Chris Shrout, City Manager Robert Carr, Assistant City Manager
Subject	PRELIMINARY PLAT CHECKLIST PER SUBDIVISION REGULATIONS
From	Marcaé Hilton, City Planner

Preliminary Plat Checklist — Preparer | Marcaé Hilton

Sec. 16-3-2. - Subdivision Plat Required. (Ord. No. 336, 1-2-1979)

A. For the purposes of providing a proper arrangement of streets and assuring the adequacy of open spaces for traffic, utilities, and access of emergency vehicles, commensurate with the intensification of land use customarily incident to a change of zoning, a platting requirement is established as provided in section 16-3-1 above and shall be governed by the requirements set forth therein.

B. A fee of $50.00 is hereby established for the filing of a preliminary plat submitted for consideration by the Jenks Planning Commission and City Council. A filing fee of $100.00, plus $1.00 per lot for additions in excess of ten lots is hereby established and shall accompany a final plat requested for approval by the Jenks Planning Commission and City Council. A resubmittal of a final plat shall not be accepted for review if not accompanied by a resubmittal fee of $100.00.

PLAT REQUIREMENTS

A. The preliminary plat shall show or be accompanied by the following:

1. NAME AND ADDRESS
   - ☐ The name and address of the owner or owners of the land to be subdivided,
   - ☐ the name and address of the subdivider if other than the owner and the name and address of the land surveyor.
2. DATE | SYMBOLOGY
   - ☐ The date of preparation of the plat,
   - ☐ north arrow and
   - ☐ scale (written and graphic presentation).
3. LOCATION MAP
   - ☐ Key or location map showing location of subdivisions within the mile section.
4. LEGAL DESCRIPTION

- ☐ An accurate legal description of the property.

5. BOUNDARY LINES
   - ☐ The location and
   - ☐ dimensions of all boundary lines of the proposed subdivision to the nearest one-hundredth foot.
6. LABELING | adjacent to the property.
   - ☐ The names of all adjacent subdivisions and the
   - ☐ names, locations and widths of all existing and proposed streets,
   - ☐ easements,
   - ☐ drainage ways and
   - ☐ other public ways,
7. OTHER UTILITIES
   - ☐ The locations and widths of easements of all (oil, gas and petroleum products pipelines) and of
   - ☐ existing utilities on or adjacent to the property.
8. OTHER SIGNIFICANT FEATURES
   - ☐ The location and description of all existing structures,
   - ☐ water bodies and
   - ☐ watercourses.
9. FLOODPLAIN
   - ☐ The areas subject to flooding based upon the regulatory floor.
10. STREETS | of all proposed streets.
    - ☐ The names,
    - ☐ locations and
    - ☐ widths
11. OTHER DEDICATED FEATURES
    - ☐ The location and dimension of all proposed streets,
    - ☐ drainage ways,
    - ☐ pedestrian ways,
    - ☐ bike paths,
    - ☐ parks,
    - ☐ playgrounds,
    - ☐ public ways, or
    - ☐ other public or private reservations.

12. LOT & SETBACK
    - All proposed lots progressively numbered and
    - building setback lines.
13. BLOCK
    - Blocks progressively numbered.
14. TOPOGRAPHICAL INFORMATION
    - A topographic map of the subdivided area with contour lines having two (2) feet contour intervals based on United States Coastal and Geodetic Survey datum.
15. PLANNING COMMISSION | Any other information as may be deemed by the Planning Commission as reasonably necessary for the full and proper consideration of the proposed subdivision.

PLANNING COMMISSION SECRETARY SHALL

a. Distribute copies of the preliminary plat to appropriate City officials and members of the Technical Advisory Committee.
b. Set the plat on the TAC and Planning Commission agendas.
c. Visually inspect the tracts being platted.
d. Review the plat for conformance:
    - Zoning Code,
    - Comprehensive Plan,
    - Planned Unit Development requirements
    - Board of Adjustment rulings
    - Subdivision regulations.

e. Prepare recommendations for submission to the TAC and Planning Commission.

THE TECHNICAL ADVISORY COMMITTEE SHALL:

a. Review the preliminary plat and made recommendations to the Planning Commission.
    - Such recommendations shall include specific recommendations on any request for exceptions to these regulations requested by the subdivider.

THE PLANNING COMMISSION SHALL:

a. Hold a public hearing on the preliminary plat.
b. After the Planning Commission has reviewed
    - The preliminary plat,
    - The report of the Planning Commission secretary,
    - The recommendation of the Technical Advisory Committee and
    - Testimony, and
    - Exhibits submitted at the hearing,
    - The subdivider shall be advised of any changes and/or additions required in order to comply with these regulations.
c. The Planning Commission shall, at such meeting or within thirty (30) days after the date of the regular meeting of the Commission.
    - Approve,
        i. If the preliminary plat is approved with a modification of any requirements of these regulations, the reasons therefore shall be stated.
    - Conditionally approve, or
        i. If the preliminary plat is approved with conditions, the Planning Commission may require the subdivider to submit a revised preliminary plat.
    - Disapprove the preliminary plat
    - If the preliminary plat is disapproved, the reasons for that action shall be stated.
~~d. One (1) copy of the proposed preliminary plat as acted upon by the Planning Commission shall be retained in its office.~~
~~e. One (1) copy of the proposed preliminary plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat.~~

f. SUNSET CLAUSE

The approval of a preliminary plat shall be effective for a period of two (2) years from the date of approval by the Planning Commission for an extended period of time,

At the end of which time approval of the final plat must have been obtained from the Planning Commission.

Any preliminary plat not receiving final plat approval within the period of time set forth herein, including any approved extensions by the Planning Commission, shall be null and void.

g. Every plat shall conform to existing subdivision regulations applicable at the time of approval of preliminary plat unless modifications have been granted.

h. The subdivider may, within fifteen (15) days of Planning Commission action of disapproval, file a written request with the City Clerk for a hearing by the City Council for their consideration.

    - Upon notice of said request, the secretary of the Planning Commission shall transmit the preliminary plat along with its report and recommendations to the City Council.

Jenks | PC Staff Report

To	Planning Commission
Hearing Date	May 7, 2020
Case Numbers	PA 20-17, JZ 20-655, JZ 20-654 PUD 120, ROW-UEC 20-74
Request	5 Approvals for the Fiddler Acre Project 1. Comprehensive Plan Amendment 2. Rezoning request 3. Planned Unit Development (Overlay Zoning) 4. Utility Easement closure 5. Preliminary/Final Plat
Location	813 E B St | north of B Street and west of River Walk
Applicant	Robert Bell

Staff Report
Hilton

Preparer | Marcaé

Attachments

- ☐ PA 20-17 | Comprehensive Plan Amendment
- ☐ JZ 20-655 | Rezoning
- ☐ JZ 20-654 PUD 120 | Planned Unit Development
- ☐ ROW-UEC 20-74 | Utility Easement Closure
- ☐ Preliminary/Final Plat | Fidler Acre

Preparer

- Rob Bell
- INCOG
- INCOG
- Rob Bell
- Tulsa Land Surveyor

Background Information

STAFF COMMENTARY | This parcel is located at the intersection of the Jenks Riverwalk and the heart of the Jenks Downtown just north after you cross the 96th Street Bridge. It is primarily accessed from "B" Street which becomes Aquarium Drive when followed to the east.

This parcel has a recent history of requests, in August of 2019, a request to rezone to (CS) Commercial Shopping was denied, the Planning Commission and City Council expressed concerns regarding the potential impacts of commercial intensity on the adjacent single-family residences.

A new application was processed and approved January 7, 2019 | JZ-635 Rezone from (RS-1) Residential Single-Family to (OM) Office Medium. The applicant anticipated building a 1-2 story office building, approximately 3,000 to 8,000 square feet on the north reserving the south for future development.

Currently, the new applicant is proposing to amend the Comprehensive Plan, rezone, approve a Planned Unit Development (providing restrictions and limited uses) and plat. The project as presented would create a west gateway feature to the Riverwalk.

PLANNING DATA

Intended Use	Commercial, possible restaurant
Appearance District	None, but PUD is written to meet standards of the Riverfront Appearance District which includes the Theme District
Comp Plan Map	*Current* ǀ Medium Intensity ǀ Office *Request* ǀ Medium Intensity ǀ Riverfront Entertainment /Tourism District
Comp Plan Text	*Amend Page 10, 2.5* ǀ The west boundary of the district shall be amended to include the south 322 feet of Reserve "A" of Riverwalk Crossing, the west one (1) acre parcel owned by the City of Jenks which includes the street providing access between (Riverfront Drive) 9th Street and the Riverwalk commercial area, and an additional one (1) acre parcel located further west to be platted as Fidler Acre. *Amend Page 10, 2.5.1* ǀ …is located outside the boundaries of the Jenks Levee System "*except as amended*" …
Zoning ǀ Current	(OM) Office Medium
Zoning ǀ Request	(ROC) River Oriented Commercial
General Location	813 E B St ǀ north of B Street and west of River Walk
Acres	1 (One)
Floodplain	0.2% annual chance flood hazard
Plat	Currently unplatted
Proposed Plat	FIDLER ACRE 1 Lot, 1 Block 1 Acre
Streets	"B" Street, Riverfront Drive
TAC Comments	Meeting Via Email, April 14, 2020 ONG Comment: Donald Kafer, Project Manager ǀ Can you have a 15' easement added along the southern property line. Fire Chief, Greg Ostrum ǀNo concerns on any of these items from fire. AEP/PSO is working directly with applicant
WARD	1
Public Comment:	3 Emails received at time of report 5.5.20

COMPREHENSIVE PLAN | PA 20-17

This request is an effort, on the applicant's part, to protect the neighborhoods including Garden Park Addition from future commercial sprawl, while allowing for limited and restricted commercial development opportunities. The applicant and staff can agree the corner lots, in question, are a significant gateway to the Riverfront Entertainment District and if developed appropriately, can be a benefit to the community of Jenks. This is a 2-part request:

1. **MAP AMENDMENT REQUEST |** *MEDIUM INTENSITY | RIVERFRONT ENTERTAINMENT DISTRICT*
   Current Map Plan Data| Parcel ID(s) for Comprehensive Plan Amendment:
   - Part of 60835-83-192-9120 | RESERVE A of Riverwalk Crossing, PUD 30 | Low & Medium Intensity
     - SOUTH 322.32 FEET
   - 98319-83-193-5970 | CITY OF JENKS | Medium Intensity | Office
     - BEG 634 E OF SWC LT 4 TH E132 N330 W132 S330 TO POB | SEC 19 18 13
     - 1 ACRE
   - 98319-83-193-2970 | FIDLER ACRE | Medium Intensity | Office
     - BEG 502 E OF SWC LT 4 TH E132 N330 W132 S330 TO POB | SEC 19 18 13
     - 1 ACRE
2. **TEXT LANGUAGE AMENDMENT REQUEST**
   - Amend Page 10, 2.5 | The west boundary of the district shall be amended to include the south 322 feet of Reserve "A" of Riverwalk Crossing, the west one (1) acre parcel owned by the City of Jenks which includes the street providing access between (Riverfront Drive) 9th Street and the Riverwalk commercial area, and an additional one (1) acre parcel located further west to be platted as Fidler Acre.
   - Amend Page 10, 2.5.1 | …is located outside the boundaries of the Jenks Levee System "except as amended" …

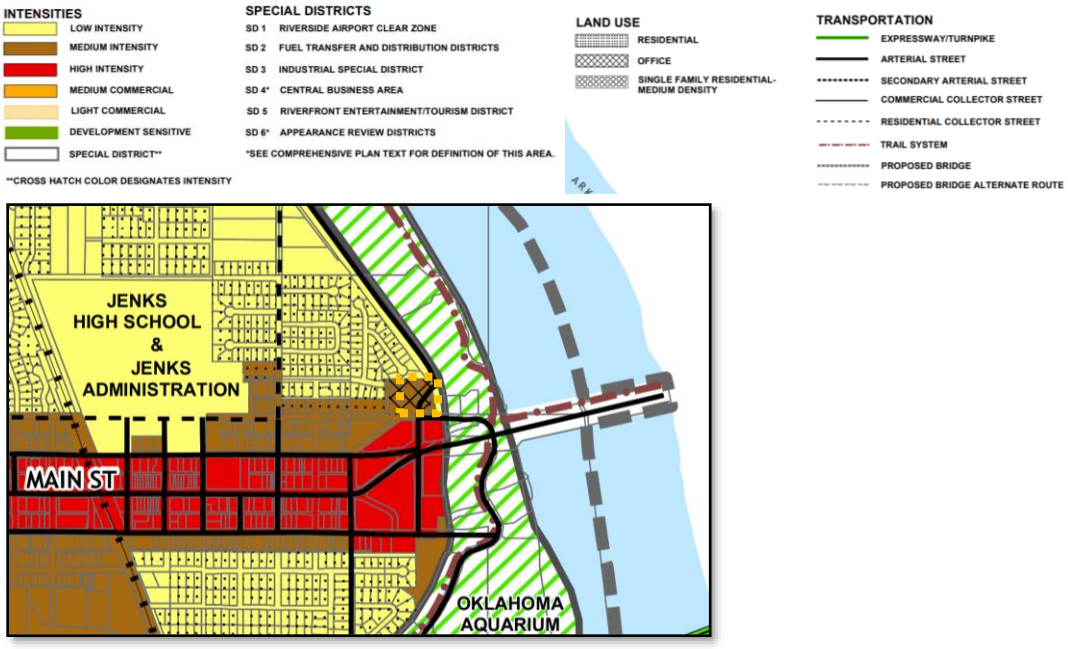


Figure 1: Comprehensive Plan Map

***Consider** | Is the Text Amendment and the Land Use Map Amendment acceptable to the allow for the creation of the gateway?*

REZONING | JZ 20-655 | (ROC) RIVER ORIENTED COMMERCIAL FROM (OM) OFFICE MEDIUM

If the comp plan amendment request is approved, this rezoning application would fit the land use guide designation and the Comprehensive Plan text. The applicant has requested to change the zoning to ROC. This zoning district is the most restrictive commercial zoning and further supports the concept of a gateway/entry feature project to the Riverwalk. In addition, the applicant has requested to overlay the zoning with a Planned Unit Development in order to codify the restrictions and limited uses. The parcel in question is not part of any special district in Jenks, but the PUD places restrictions on the appearance. The land is surrounded on the east by a street which serves as the southern entrance to the Jenks Riverwalk. The north is bounded by a mature neighborhood, the citizens are very active and have consistently voiced concerns commercial development. The west is adjacent to several residential, unplatted lots, and an office fronting "B" Street.

600.6. Purposes of the ROC River Oriented Commercial District.

The ROC District shall be limited to areas located within the Riverfront Entertainment Special District of the Jenks Comprehensive Plan. The purpose of the District is to allow lodging, restaurant facilities, and retail establishments designed to incorporate waterfront amenities and linkage to riverfront activities. Office uses may be considered accessory or compatible with River Oriented Commercial. Multiple-family Residential uses may be utilized in the ROC as accessory or in conjunction with the commercial developments provided that they are designed at a second floor height or greater. (Multi-family is restricted in the PUD.)

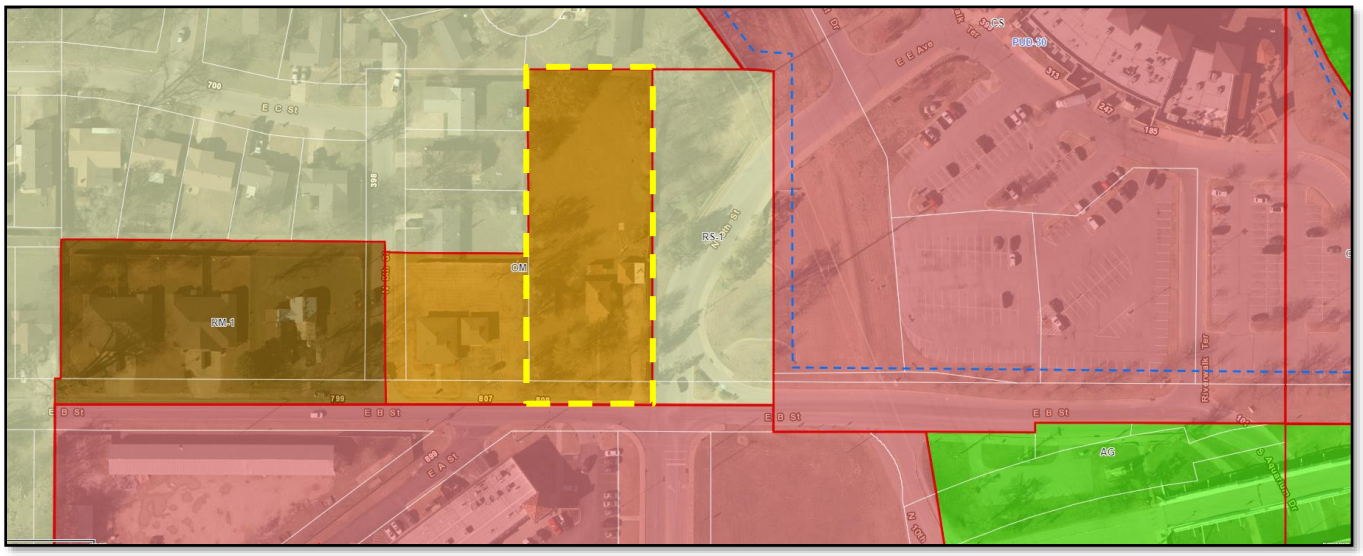


Figure 2: Zoning Map

North: RS-3 (Single-family Residential | Garden Park Addition)
East: RS-1 (Single-family Residential) and PUD 30 Riverwalk Commercial Uses
South: CG (Commercial General) across B Street with Commercial Retail Uses
West: RS-3 (Single-family Residential | Garden Park Addition) and OM (Office Medium | law office)

Consider | Is RIVER ORIENTED COMMERCIAL a good fit at the intersection of B street and Riverfront Drive?

PLANNED UNIT DEVELOPMENT JZ 20-654 PUD 120

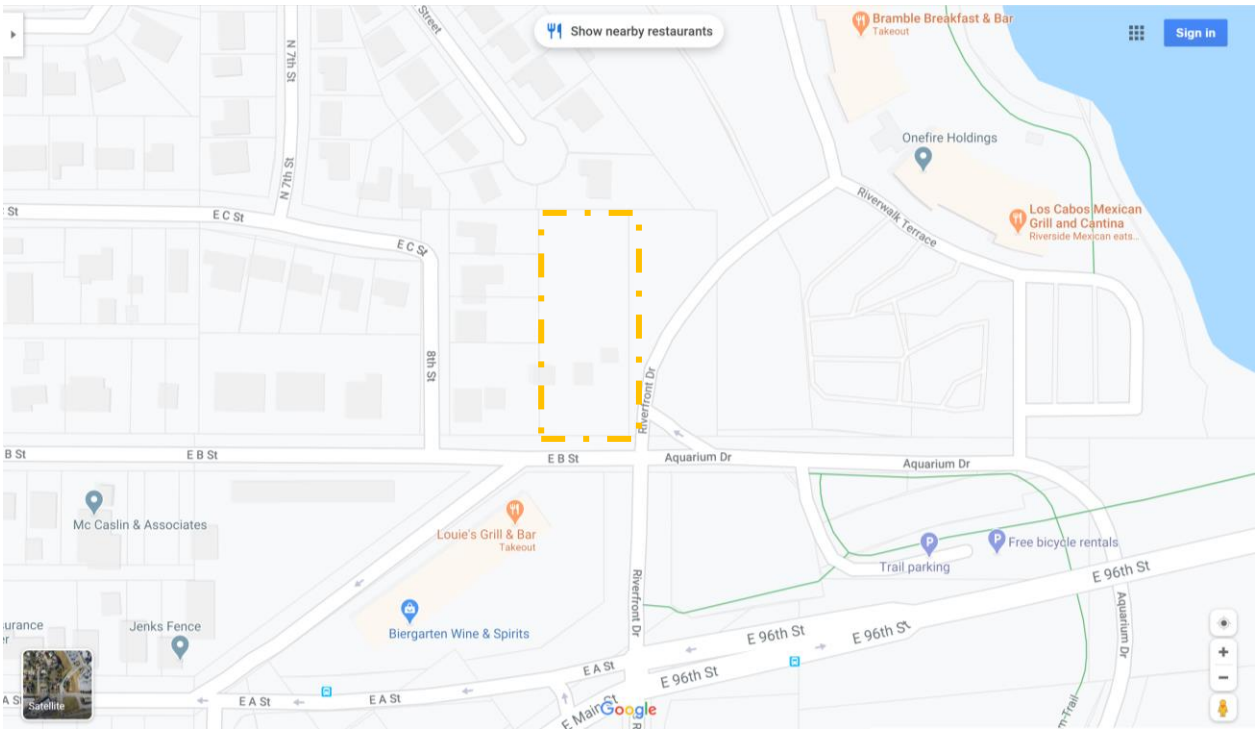


Figure 3: PUD Location on Google Map

PUD-120 is located at the entrance to the Riverfront Entertainment District in Jenks, it is north and west of established a commercial and destination developments. However, it is also south and east of residential development. The applicant currently proposes a high-end restaurant on the parcel, approximately 5,000-6,000 square feet, but other commercial uses would be allowed as seen in the PUD document. The structure would be located along "B" street with the parking on the north portion of the lot. Approval of the PUD includes approval of the site plan, building elevations, and landscaping as submitted and per staff/PC comments as in conformance with the Appearance Review Guidelines. Any changes after approval would require additional approval.

Screening: 8 ft fence is required to be built and maintained by the commercial entity along the north and west property line

Uses Allowed:

11 | Office and Studio,

12 | Eating Places,

13 | Convenience Goods and Services,

14 | Shopping Goods and Services,

21 | Business Signs (more restrictive than appearance district-Channel lettering prohibited)

Uses Prohibited in PUD: 2, 4, 5, 8, 10, 19, 20

See Supplemental Information for details

Traffic: the site allows for Right in/Right along Riverfront Drive

Consider | Is PUD-120 a good fit at the intersection of "B" street and Riverfront Drive and does it provide enough protections/restrictions for residential citizens?

PLAT | Fidler Acre

Staff has limited comments on the plat

1. Utility Easement is proposed to be closed
2. Confirm street name “Riverwalk Terrace” correct as needed
3. Submit revised plans before filing with Tulsa County
4. Add Limits of No Access to north boundary prohibiting future access to East “E” Street
5. Resubmit with 17.5 perimeter easements
6. Work with City Engineer on engineering comments (none at this time)
7. Work with TAC to resolve comments

Consider | Does the Plat meet the standards of the City of Jenks?

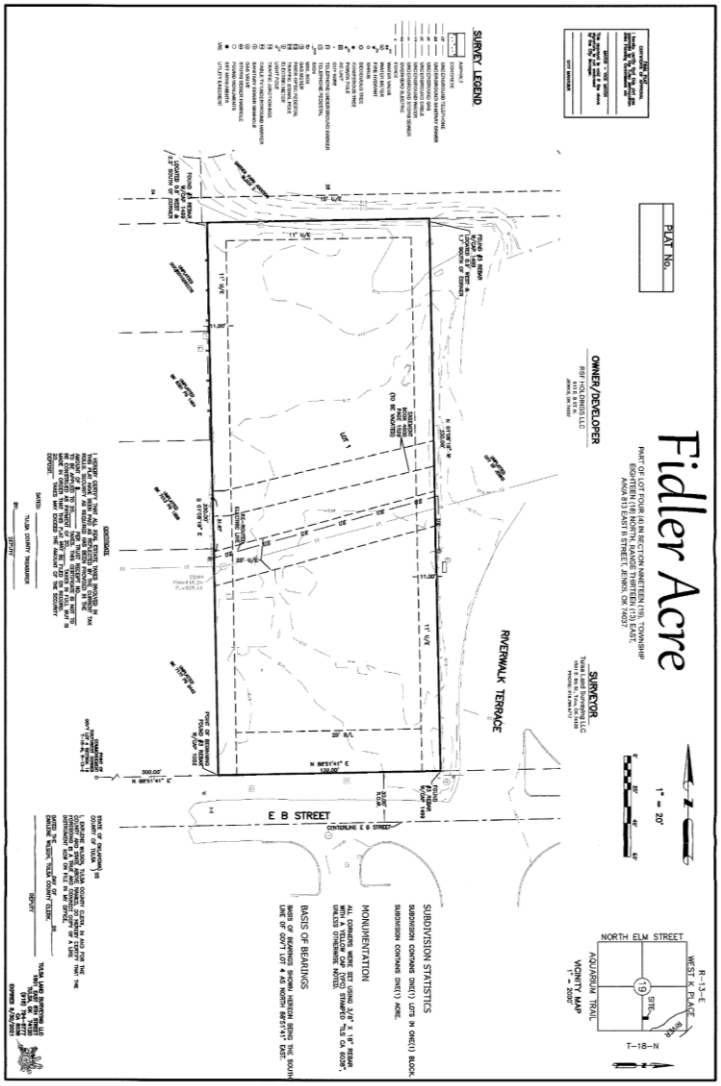


Figure 4: Excerpt from Riverwalk Crossing Plat | PUD-30

UTILITY EASEMENT CLOSURE | ROW-UEC 20-74

Staff Comments: Provide updated plat and easement documents

Robert Bell, Applicant to Aep/Pso and AT&T reps

In discussion the applicant has had with PSO. The overhead lines that are not in an easement and are requires to be removed. The applicant will install the pipe for the line to be placed in and PSO will provide, pull lines and connections. The location of the lines will be adjacent to the sewer line that is also nor currently in an easement. The easement will be created with the plat.

There is no good location at the East property line to come back out of the ground. The property to the East is in the same situation and owner wants to and is is going to also put the infrastructure to have the lines pulled through to Eight Street.

AT&T has no reason to cross the subject property other than to provide service to the new planned building which will likely comes from the South. however they should look at and plan for the removal of their line that is not in an easement.

We will add a 15 foot easement along the road frontage as requested by ONG.

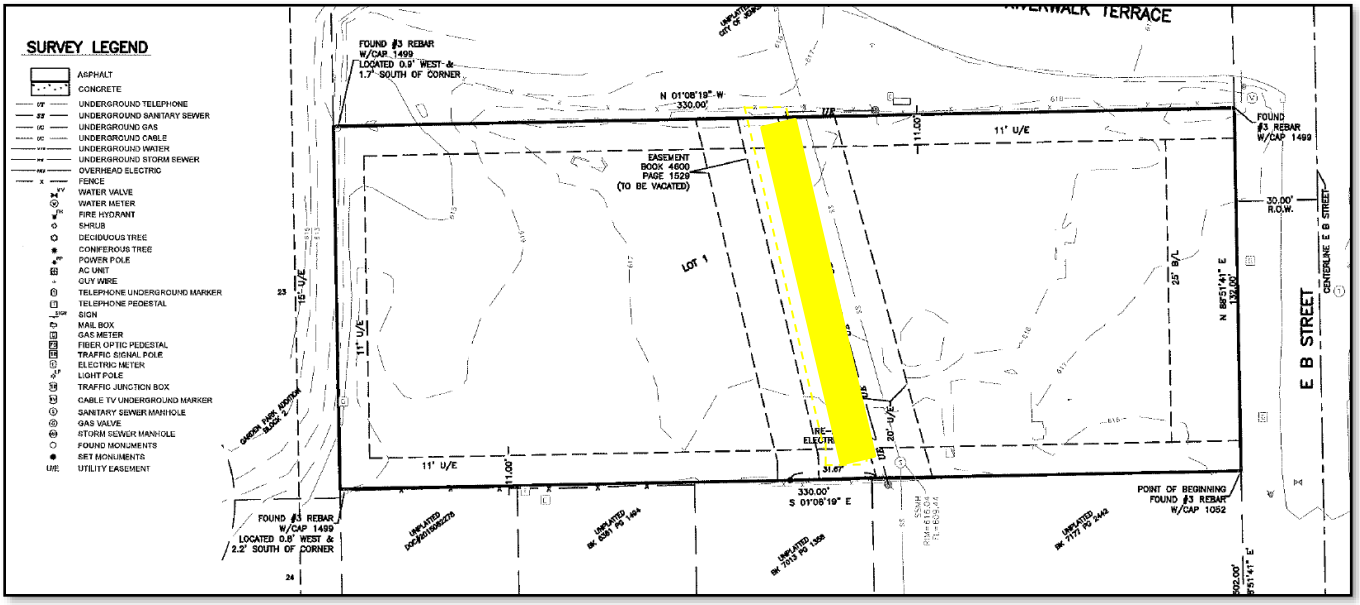


Figure 5: Preliminary Plat with Easement Closure identification.

Consider | Staff and TAC recommend closure of Utility Easement

Staff Evaluation & Comments

Evaluation | Staff has received several emails from the pubic: traffic congestion, unknown businesses, multi-story structures, noise | traffic, music, delivery trucks, customer activity (loud music) vs (peace, tranquility), pollution, drainage, property values. The PUD provides more restrictions and limits on the development. The project

Comments | Not Compete List

PUD

1. Submit revised PUD matching approval comments
2. Protect neighbors with screening, shrubs and trees/landscape
3. Include any new comments regarding the PUD language changes in Deed of Dedication of Final Plat
4. Screening: 8 ft fence is required to be built and maintained by the commercial entity along the north and west property line, provide details for review
5. Page 5, what is the FAA?
6. Move "West" building set back -recommend 10 minimum

PUD AND SITE PLAN

7. Access to any development on the site should be limited only to Right in/Right Out on Riverfront Drive, and located at least 150 feet from its intersection with East "B" Street.

PLAT

8. Confirm street name "Riverwalk Terrace" correct as needed
9. Submit revised Plat plans before filing with Tulsa County
10. Add Limits of No Access to north boundary prohibiting future access to East "E" Street
11. Resubmit with requested 17.5 perimeter easements
12. Work with City Engineer on engineering comments (none submitted at this time)
13. Work with TAC to resolve comments

Recommendation

5 Approvals | 5 separate votes for the Fiddler Acre Project

1. Comprehensive Plan Amendment
   - *Staff recommends approval of a request for an amendment to the Land Use Map and the noted text changes to allow for Medium Intensity Riverfront Entertainment District*
2. Rezoning
   - *Staff recommends approval of the River Oriented Commercial zoning*
3. Planned Unit Development (Overlay Zoning)
   - *Staff recommends approval of the Planned Unit Development (PUD-120)*
4. Utility Easement closure
   - *Staff recommends approval of closing the utility easement and understands the plat will cover any necessary new easements for relocation of utilities. The City of Jenks has established that it has NO present or future reason to reopen or use the easement, therefore foreclosure of the right to reopen the easement will not be disputed in district court*
5. Preliminary/Final Plat | Fidler Acre
   - *Staff recommends approval of the Fidler Acre plat per comments*

CHAPTER 6 - COMMERCIAL DISTRICT PROVISIONS

Sec. 600. - Purposes of commercial districts.

600.1. General Purposes.

The Commercial Districts are designed to:

a. Achieve the commercial objectives of the Comprehensive Plan.

b. Meet the needs for the commercial services and goods of the trade area.

c. Preserve and promote the development of efficient commercial facilities and encourage a compatible relationship between commercial facilities and other land uses and thoroughfares by:

1. Differentiating the types and purposes of commercial activities.
2. Establishing bulk and area controls.
3. Requiring off-street loading and parking facilities.
4. Controlling the number, area, location, and types of signs.
5. Protecting the character of commercial districts and their peculiar suitability for commercial uses.

600.2. Purposes of the CS Shopping Center District.

600.3. Purposes of the CG General Commercial District.

600.4. Purpose of the CH Commercial High Intensity District.

600.5. Purposes of the LC Light Commercial District.

600.6. Purposes of the ROC River Oriented Commercial District.

The ROC District shall be limited to areas located within the Riverfront Entertainment Special District of the Jenks Comprehensive Plan. The purpose of the District is to allow lodging, restaurant facilities, and retail establishments designed to incorporate waterfront amenities and linkage to riverfront activities. Office uses may be considered accessory or compatible with River Oriented Commercial. Multiple-family Residential uses may be utilized in the ROC as accessory or in conjunction with the commercial developments provided that they are designed at a second floor height or greater.

600.7. Purposes of the RTC Riverfront Tourist Commercial District.

Sec. 610. - Principal uses permitted in commercial districts.

The principal uses permitted in the Commercial Districts are designated by use units. The use units are groupings of individual uses and are fully described, including their respective off-street parking, loading, and screening requirements and other use conditions in Chapter 10. The use units permitted in Commercial Districts are set forth below in Table 1 and Table 1A.

	Table 1. Use Units Permitted in Commercial Districts [1] (Chapter 10) Chapter 10 Use Units	Districts				
No.	Name	ROC	PUD 120	LC	CS	CG
1.	Area wide Uses			X	X	X
2.	Area wide Specific Use	S		S	S	S
4.	Public Protection	X		X	X	X
5.	Community Services and Cultural Facilities	P		X	X	X
8.	Multifamily Dwellings and Similar uses	P			P	P
10.	Off-Street Parking Areas	X			X	X
11.	Offices and Studios	P	X	X	X	X
12.	Eating Places Other Than Drive-Ins	X	X		X	X
13.	Convenience Goods and Services	X	X	X	X	X
14.	Shopping Goods and Services	X	X		X	X
15.	Other Trades and Services					X
16.	Gasoline Service Stations				X	X
17.	Automotive and Allied Activities				E	X
18.	Drive-In Restaurants					X
19.	Hotel, Motel, and Recreation Facilities	X			X	X
20.	Commercial Recreation, Intensive	P				S
21.	Business Signs and Outdoor Advertising	X	X		X	X
[1] X = Use by Right.						
E = Special Exception-unless use is specifically identified on Specific Use List.						
S = Specific Use - see Use Unit 2 and Chapter 17.						
P = Requires Planned Unit Development Application due to Mixed Use Requirements.						

Sec. 630. - Bulk and area requirements in the commercial districts.

Table 2. Bulk and Area Requirements in the Commercial Districts

	Districts					
	PUD 120	ROC	LC	CS	CG	CH
Frontage (min. ft.)						
—Not an Arterial (B STREET)	132	50	50	50	50	N/A
Floor Area Ratio (maximum)	TBD	0.50	0.25	0.50	0.75	N/A
Setback from centerline of abutting street (min. ft.) (Measured from centerline of abutting street; add, to the distance designated in the column to the right, one-half of the right-of-way designated on the Major Street Plan or one-half of the dedicated right-of-way, whichever is greater, or 25 feet if the street is not designated on the Major Street Plan.)						
—Arterial		50	50	50	50	N/A
—Not an Arterial		25	25	25	25	N/A
Setback from an abutting R District boundary line (NORTH PROPERTY LINE)	10 | north 11 | east 5 | west 25 | South	N/A	10 [1]	10 [1]	10 [1]	N/A
Building Height (max. ft.)	40	35	35	35	35	35
[1] Plus two feet of setback for each one foot building height exceeding 15 feet, if the property is within an RE, RS, or RD District.						

BELL LAND USE LLC

Robert Bell 918-902-0462

March 1, 2020

City of Jenks
211 N. Elm
Jenks, Oklahoma 74037

RE: Request for an Amendment to the Comprehensive Plan Map related to property identified as Beginning 502 feet east of the SW Corner of Government Lot 4; thence east 264 feet, thence north 330 feet, thence west 264 feet, thence south 330 feet to the point of Beginning and to include the south 322.32 feet of Reserve "A" Riverwalk Crossing all within Section 19, Township 18 North, Range 13 East (See Exhibit A) to be included within the Jenks Riverfront Entertainment District of the Jenks Comprehensive Plan Map and to modify the Comprehensive Plan text to incorporate the same area by definition.

Jenks Planning Commission and Jenks City Council:

This correspondence is an official request of Shane Fidler, the owner of the western one (1) acre lot of the property described, to amend the Comprehensive Plan Map designation of the property identified from Medium Intensity office Land Use and Low Intensity to a Medium Intensity Riverfront Entertainment District Designation and to include the described area to the Riverfront Entertainment District Area of the Comprehensive Plan text.

There are various factors that affect each of the described areas that would warrant consideration for the requested change. A more in-depth discussion follows. The characteristics of these areas are different and must be discussed separately. Currently the Riverfront Entertainment District follows the Jenks Levee as its west boundary.

In consideration of the south 322.32 feet of Reserve A of Riverwalk Crossing;

This is a small area between the Jenks Levee and the east one (1) acre parcel that is owned by the City of Jenks. Since this property is a part of the Riverwalk Subdivision Plat and is located west of the land side toe of the levee it was not incorporated into the Entertainment District or included in the area for office use. This would be considered a remnant of Low Intensity that used to be designated in the area and would be corrected with the proposed Amendment.

In consideration of the east one (1) acre parcel owned be the City of Jenks:

The subject tract is owned by the City of Jenks, It is used for the access road to Riverwalk Crossing and has been utilized for signage to Riverwalk and is established with a detention facility related to the developments that are located west of the property. The road located on the property appears to be the extension of Riverfront Drive (9th Street), However, this roadway has

never been dedicated to the Jenks road system nor has any easement been established for Riverwalk Crossing, though the road was established by the Riverwalk Development. Therefore, in accordance with the Jenks Comprehensive Plan Map this property is designated Medium Intensity and restricted to Office Use. The use of the property is critical as the entrance to the Riverfront Entertainment District and those businesses located in Riverwalk. Including this tract within the District legitimizes the uses established on the property and will support the future planned uses associated with the District.

In consideration of the west one (1) acre parcel owned Shane Fidler:

This tract was the subject of a proposed Zone Change to CS in 2019. Though ultimately and correctly denied, the council recognized that the property was being limited and struggled with the possibility to allow a Light Commercial Zoning. Since that zoning hearing, the property was rezoned to office in compliance with the Comprehensive Plan and has been cleared in preparation of development. With the removal of the two older structures and the fence between the Riverwalk entrance it became evident that the commercial development of the tract related to the intersection and the entrance to Riverwalk Crossing would better serve the property, the Entertainment District and the City of Jenks. Designating the property as within the Entertainment District is the perfect designation to protect against the fear of expansion of commercial areas into the established residential areas to the west. The justification for the District being established on this tract is its connection to the entrance of Riverwalk Crossing. This alleviates any precedence being established for further commercial expansion to the west or north.

Accompanying this request for a Plan Amendment is a Zone Change application to ROC (River Oriented Commercial) and a Planned Unit Development that is designed to greater protect "B" Street and adjacent residential used properties. The ROC zone is only allowed in the Riverfront Entertainment District. It is designed to restrict uses that would not be considered compatible in the District. This zone would be very similar to the Light Commercial Zone that was anticipated in previous hearings. The ROC Zone will allow a restaurant, retail shopping and convenience goods and services but eliminates the other uses of a CS Zone that would be considered negative related to "B" Street and the neighborhood. The only use allowed by right in the ROC zone that could be considered negative is Use Unit 19 Hotel/Motel which is eliminated in the proposed Planned Unit Development (PUD). The PUD further outlines various criteria that is designed to help accomplish the intent of the office restriction that was originally placed on the property. The PUD will establish limits of no access for the west 92 feet of frontage along "B" Street, this equates to 100 feet from the 9th and B Street intersection. The PUD is requesting a right in and a right out along Riverfront Drive, this access will help improve circulation in the area and will be located greater than 100 feet from the 9th and B Street intersection. The PUD establishes an eight (8) foot high screening fence requirement to be established between all adjacent properties that are used for residential use.

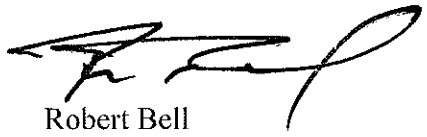
There are two areas of the Comprehensive Plan Text that would require modification associated with the proposed Amendments. The Riverfront Entertainment District specifies that all lands within the District are in the area between the river and the levee. This is related to floodplain development criteria associated with the area between the Jenks Levee and the Arkansas River.

If this Amendment is approved an exception that included the proposed area would need to be added to this paragraph of the Plan. The second modification would be to add the proposed area to the Entertainment District legal description.

It is requested that the Jenks Comprehensive Plan Map and Comprehensive Plan Text be amended to reflect these changes and the designations as identified.

It is requested that staff submit this as a periodic review to the Planning Commission for their recommendation to the City Council. If Staff is not inclined to submit to the Planning Commission, it would be our request to have this documentation forwarded to City Council for their consideration to direct the Planning Commission to review the request and make recommendation to the City Council.

Sincerely,



Robert Bell
Bell Land Use

City of Jenks

Application for Rezoning

JZ _____

[x] Zoning Change [ ] Specific Use Permit (SUP)

Address or General Location: 813 E. "B" Street

Present Zoning: OM Requested Zoning: ROC

Record Owner: RSF Holdings LLC

Legal Description of tract under application: (If described by metes and bounds, attach plat of survey.):

Located in Government Lot 4, Section 19, T18N, R13E of the Indian Base and Meridian, and more particularly described as follows:

Beginning 502 feet east of the southwest corner of Government Lot 4 Section 19, T18N, R13E of the Indian Base and Meridian to the point of beginning; thence east 132 feet, thence north 330 feet, thence west 132 feet, thence south 330 feet to the Point of Beginning.

If applicant is other than owner, please indicate interest (purchaser, lessee, agent for, other): Agent

Are there any private or deed restrictions controlling use of tract (If yes, explain.): No Restrictions

Bill advertising and sign charges to:

Name: Fidler Wealth Management Phone: 918-523-0023

Address: 7335 S. Lewis Ave, Tulsa OK 74136

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

Signed: _____ Date: 3-9-20

Print name: Robert Bell Phone: 918-902-0462

Address: 1011 W. "G" Street, Jenks OK 74037

A. GENERAL DESCRIPTION OF PROPERTY

1. Size in acres or square feet: 43560
2. Current Use: Vacant
3. Topography (Flat, Rolling Hills, Levee, etc): Flat Parcel of ground
4. Frontage Road: East "B" Street
5. Identify structures and improvements on the property: All Structures have been removed from the property. There is a sanitary sewer line and a overhead power line that traverses the property from west to east. These improvements are currently not located in an easement. The platting of the property will create an easement for the sewer which will also allow for placement of electric underground utilizing same easement.

6. City Water: [x] Yes [ ] No
7. City Sewer: [x] Yes [ ] No
8. Proposed use of subject property (Identify the use(s) intended for the subject property): The planned use for the property is a high end type restaurant facility.

B. GENERAL DESCRIPTION OF ADJOINING PROPERTY

1. Identify any buildings and give their approximate distances from your property lines: To the southwest is an office building located 50 feet from property line. Three properties along the west line are designated office by the Comprehensive Plan but are developed for residential use. The backyards abut to the tract.
2. Explain surrounding land uses: To the north is a property located in a residential subdivision developed for residential use. A storm water drainage facility lies between the house and the subject tract. Riverfront drive and Riverwalk Crossing is located to the east. A retail strip center is located on the property to the south.

If you are applying to change the zoning designation of your property, complete Section C. If you are applying for a Specific Use Permit, complete Section D. You must answer either Section C or Section D.

C. ZONE CHANGE CRITERIA

Zoning Code Section 1510: Amendments will be adopted to recognize changes in the Comprehensive Plan, to correct errors, or to recognize changed/changing conditions in a particular area or in the jurisdictional area generally.

1. If you believe that an error exists, what supports that position? (If you are not aware that an error exists, proceed to the next item. If you answer this question, skip the next one.) _____
2. To recognize changed or changing conditions in a particular area, what supports that position? The area has been undergoing extensive change since 2000. The subject property was developed with two dilapidated structures and a dilapidated fence. These improements have had a negative impact on the introduction to the Entertainment District. With the recent removal of these improvements made it clear that a development that works with the entrance is needed.
3. Explain how the proposed zone change and use conforms to the intent of the Comprehensive Plan Designation for this area: The Zone Change was accompanied with a Plan Amendment that includes the property into the Enterainment District. The District is equiped with two zones that have limitations to them as to the types of uses that are appropriate. This limitation is also appropriate for the subject tract because of the traffic related on B Street and the neighborhoods To the north and northeast.
4. Identify and explain any characteristics that would make the subject property suit the proposed zone change. (Examples: Schools, commercial areas, development patterns, compatibility with surrounding land uses): _____ The proposed zone change will allow the property to develop in a design that accomodates its location at the entrance To the Riverfront Entertainment District and in a manner that creates a proper buffer from the commercial developments to the south and east and the residential properties that lie west of the office designations of the comprehensive plan

5. Explain how the proposed change in use will affect the road system serving your area. The B Street intersection with Riverfront Drive is known for poor traffic circulation but mainly at two peak times of each day. Those times are recognized as 7:30 am and 2:30 pm. This traffic is associated with the start and end of each school day to include bus traffic. The proposed use will open after 10 am with its first peak business hours ending at 2 pm. This use is very is compatible with the traffic patterns of the area.
6. How will access to public roads be located to ensure traffic safety? Only one access to the property from B Street will be allowed and shall begin at least 100 feet from the intersection with Riverfront Drive.In recognition of traffic congestion that is common with special events in the area, a right turn in and right turn out only, access point is being proposed in the PUD from Riverfont Drive. Patrons will seek this access to enter the flow of the intersection if B Street is congested.
7. How will approval of your request allow land uses on this property that conflict with adjacent land uses or otherwise cause problems for adjacent property owners? What actions do you propose that would help alleviate such conflicts? To help with traffic circulation a access point has been requested from Riverfront Drive. In recognition of the inbound traffic to Riverwalk and the location of the Jenks Levee the PUD is outlining an access similar to that of the strip center to the south onto the one way Street creating a right in and right out only. The PUD also specifies that perimeter fencing on the north and west property lines where the property abuts to residential a 8 foot high screening fence will be erected. The development of the tract will restrict storm water flow to the storm water channel that currently exist to the north which help alleviate the historic conditions associated with the cul-de-sac at this location. It is further anticpated that improvements to the detention facility to receive direct drainage from the subject tract will improve the outflow of the channel to the detention and further improving the area.

D. SPECIFIC USE PERMIT REQUEST

Specific Use is an activity which is basically similar to the uses permitted in a zone, but which may not be entirely compatible with the permitted uses. As a consequence, an application for Specific Use requires review to ensure that the specific use may be made compatible with the permitted uses in the zone or other adjacent permitted uses which may be affected.

1. Describe the Specific Use as it pertains to your property. _____
2. Describe the benefits, if any, of your proposed use to the adjacent properties and/or to the City of Jenks. _____
3. Identify how well suited the subject property is for your proposed use. (Cite such advantages as topography, foliage, soil, drainage, access, distance to centers of population, availability of utilities, etc.). Explain: _____
4. Explain how the proposed change in use will affect the road system serving your area. _____

5. Give an estimated traffic count (average daily trips) for the proposed use. How will the potential traffic resulting from the increased use or activity be controlled? _____

6. Is the proposed use compatible to surrounding permitted uses and the existing development pattern? Explain: _____

7. How will the proposed use be detrimental to property in the same zone or vicinity? (Identify any adverse effects and explain measures you would propose to minimize these effects.) Explain: _____

DO NOT WRITE IN THIS AREA.

Application Received By: _____ Date: _____

Tract Acreage: _____ Public Hearing Date: _____

Application No. JZ-_____ Section_____ Township _____ Range_____

Present Zoning: _____ Proposed Zoning: _____

Fee Receipt No.: _____

PC Recommendation:

Recommendation: _____

Vote: _____

Date: _____

Provisions: _____

City Council Action:

Action: _____

Vote: _____

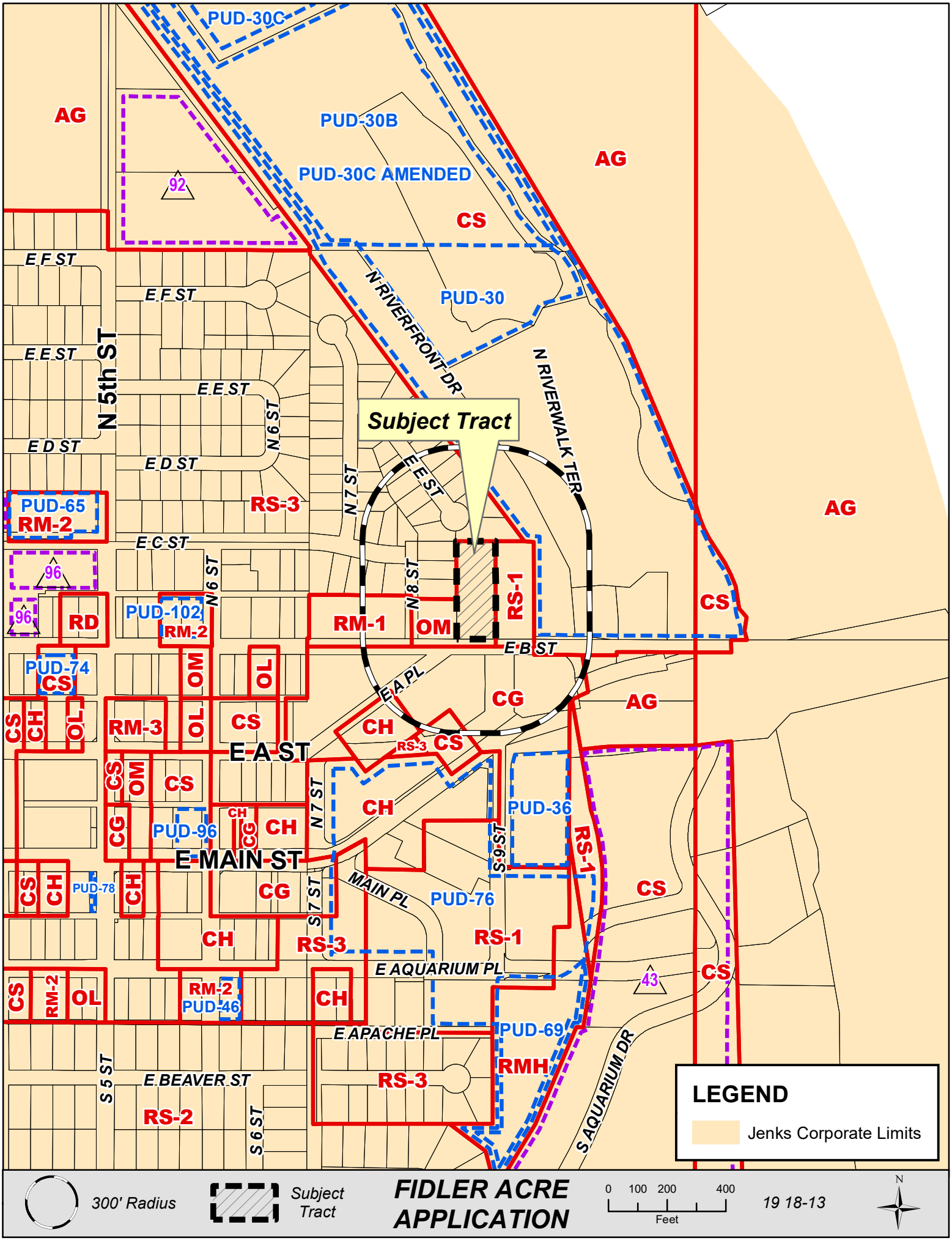
Date: _____

Provisions: _____

Staff Recommendation:

Recommendation: _____ Date: _____

Subdivision Name: _____ Ordinance No: _____


PUD-30C
AG
PUD-30B
PUD-30C AMENDED
AG
92
CS
E F ST
N RIVERFRONT DR
PUD-30
E F ST
N 5th ST
E E ST
N RIVERWALK TER
E E ST
N 6 ST
Subject Tract
E D ST
E D ST
N 7 ST
E E ST
PUD-65
RM-2
RS-3
AG
E C ST
N 6 ST
96
N 8 ST
RS-1
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RD
PUD-102
RM-2
RM-1
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CS
E B ST
PUD-74
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MAIN PL
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RS-1
CH
E AQUARIUM PL
43
CS
CS
RM-2
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RM-2
PUD-46
CH
E APACHE PL
PUD-69
RMH
S 5 ST
E BEAVER ST
RS-3
S AQUARIUM DR
RS-2
S 6 ST
LEGEND
Jenks Corporate Limits
300' Radius
Subject Tract
FIDLER ACRE APPLICATION
0 100 200 400
Feet
19 18-13
N

The Entrance to the

Riverfront Entertainment District

Jenks Oklahoma

Planned Unit Development Number _____

A River Oriented Commercial Development

Riverfront Drive and "B" Street

An RSF Holdings Development

Bell Land Use LLC
918-902-0462

Tulsa Land Surveying LLC
Josh Lamb

APPLICATION FOR PLANNED UNIT DEVELOPMENT

Jenks Planning Commission
City of Jenks

NO _____
STR _____

GENERAL INFORMATION:

Residential Acres: None
No. of Residential Units: None
Non-Residential Acres: 1 acre
Total Square Feet Non-Residential: 43560
Livability Area: N/A

REQUIREMENTS (3 copies):

- ☑ Topo
- ☑ Plot Plan
- ☑ Text
- ☑ General Location Map

GENERAL LOCATION: Northwest Corner "B" Street and Riverfront Drive

PRESENT ZONING: OM (Medium Office) **PRESENT USE:** vacant

RECORD OWNER: RSF Holdings LLC

LEGAL DESCRIPTION OF TRACT UNDER APPLICATION: Part of Gov Lot 4, Section 19, T18N, R13E, of the Indian Base and Meridian and more particularly desccribed as follows:

Beginning 502 feet east of the southwest corner of Government Lot 4 Section 19, T18N, R13E of the Indian Base and Meridian; Thence east 132 feet; north 330 feet; west 132 feet, south 330 feet to the Point of Beginning.

If applicant is not the owner, indicate interest: Bell Land Use LLC

I certify that the submitted information is true and correct.

Signed: _____ Date: 3-9-20

Address: 1011 W. "G" Street Phone: 918-902-0462

BILL ADVERTISING AND SIGN CHARGES TO: Fidler Wealth Management
Name
7335 S. Lewis Ave, Tulsa OK 74136
Address
918-523-0023
Phone

DO NOT WRITE IN THIS AREA.

P.H. Date: _____ Date Received: _____ Received By: _____
Receipt No.: _____ Plat Name: _____
Fee Paid: _____ Receipt No.: _____

Planning Commission Action: _____ City Council Action: _____

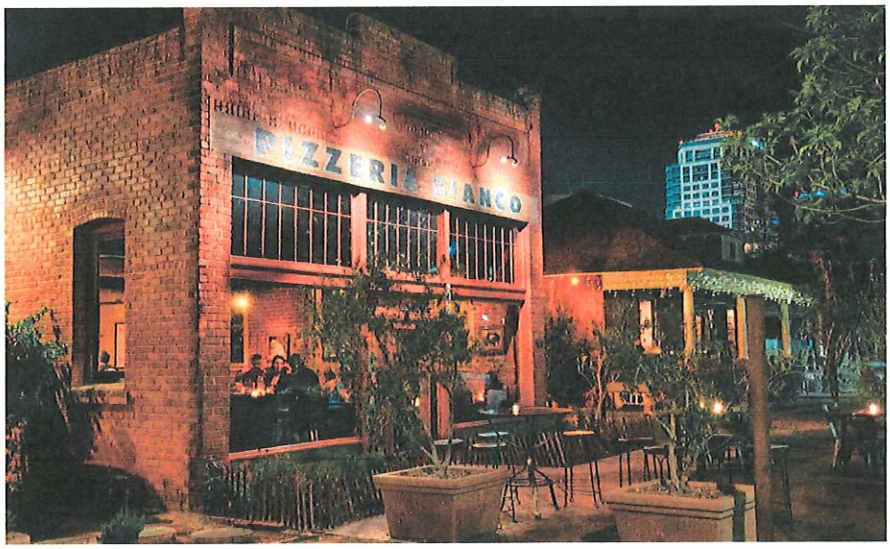
Provisions: _____ Provisions: _____
Date/Vote: _____ Date/Vote: _____
Staff Recommendations: _____ Ordinance No.: _____
Plat Name: _____

The Entrance

I. Development Concept

The property is located at the intersection of Riverfront Drive and East "B" Street. A unique location to provide a direct correlation and interaction with the 96th Street Bridge, the entrance to the City of Jenks, the Riverfront Entertainment District and Riverwalk Crossing. The Development Concept is to incorporate a use and look that ties the development to the District and promote linkage in design to the Jenks character. The subject tract was always considered a drawback to the lifestyle center that was developed adjacent to it, especially the fence that was located on the property that was not only an eyesore but was a visual constraint at the intersection with "B" Street. Once the building and fence were removed it became evidently clear that this property needed to be developed in consideration of one of most important retail centers of the City and its front door. The subject tract was an asset waiting to be discovered.

Located outside the boundary of the Appearance Review Districts of the City of Jenks, the development through the Planned Unit Development process will incorporate the Riverfront Appearance Review District Guidelines which also includes the concepts of the Theme District.



It is anticipated that the proposed Planned Unit Development will consist of a high end restaurant of approximately 5,000 to 6,000 square feet located on the south east corner of the tract to include outside seating located on the east side of the structure. The north half of the tract will be utilized for parking. Discussion with a user that complies with this design is currently in negotiation. The site plan submitted with the PUD incorporates this concept. Approval of the PUD is also approving the building elevations, site plan, and landscape plans as in conformance with the Appearance Review Guidelines. However, other development concepts should be considered possible. In

compliance with the PUD Text any alternate site plan or building elevation will be required to be approved through the Appearance Review Process.

Accompanying the Planned Unit Development application is an application for a zone change to ROC (River Oriented Commercial) . The ROC District shall be limited to areas located within the Riverfront Entertainment Special District of the Jenks Comprehensive Plan. The purpose of the District is to allow lodging, restaurant facilities, and retail establishments designed to incorporate waterfront amenities and linkage to riverfront activities. Office uses may be considered accessory or compatible with River Oriented Commercial. However, in protection of surrounding properties The Planned Unit Development will restrict lodging uses on the property.

II. Development Standards

Permitted Uses:

The following uses shall be permitted:

Use Units

11. Offices and Studios
12. Eating Places Other Than Drive-Ins
13. Convenience Goods and Services
14. Shopping Goods and Services
21. Business Signs

Minimum Setback from North Property Line:	10 Feet
Minimum Setback from East Property Line (3rd Street)	11 Feet
Minimum Setback from west property boundary:	5 Feet
Minimum Setback from south Property Line ("B" Street):	25 Feet
Minimum Off-Street Parking Setback from street r-o-w:	15 Feet
On Street/Off Parking:	Per Zoning Code
Maximum Permitted Building Height: All plans shall be submitted to FAA for review and approval of height	40 Feet
Minimum Landscape area:	10% of lot area

Screening:

An eight-foot screening fence will be established along the north and west property line.

Lighting:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from adjacent residential properties. Street and parking lot lighting shall no exceed 19 feet in height. All Exterior Building lighting shall be approved through the Appearance Review District process.

Landscape:

Street frontages within lot 1 should provide a sense of open-space and should be buffered from the streets by landscaped drives, lawns, or parking.

Trash receptacles: all trash receptacles shall be located in the rear of the building(s) and shall be enclosed from public view utilizing same building materials of the primary structure located within the development.

Office developments are required to provide 15% lot area be developed for lanscape purposes.

Appearance review

The property is subject to the riverfront appearance review guidelines and process requirements as specified in the Jenks zoning code.

III. Signage

1. General requirements:

    a. Commercial buildings will be limited to Channel (lettering and logo) wall signs.
    b. A 2' x 4' ground sign will be allowed in the traffic directional triangle on the east side of the development. The purpose of this sign is to help prevent violation of the right in and right out design of the access. The sign must be located far enough west to not effect visual aspects of a turning motion to the intersection with Riverfront Drive. The sign will be allowed the name of the business or logo of the restaurant but must also include in only on north side and exit only on the south. The owner of the property must process an encroachment agreement with the City of Jenks prior to installation of the sign.

2. Wall or canopy signs shall not exceed an aggregate display surface area of 1.5 square feet per each lineal foot of the building wall to which the sign or signs are affixed. Wall and canopy signs shall be further restricted as follows:

    a. A wall or canopy sign shall not extend above the top of the parapet or building wall on which it is located.

3. In addition to the wall or canopy signs permitted a lot containing one business establishment may utilize for business signs an aggregate display surface area of projecting or ground signs as follows

a. If not more than one projecting or ground sign is erected, two square feet of display surface area per each linear foot of street frontage.
b. If more than one projecting or ground sign is erected, one square foot of display surface area per each linear foot of street frontage.
c. A ground sign shall not exceed 20 feet in height, measured from the mean curb level of the lot upon which it is erected.
d. One sign for each tenant may be erected not exceeding one square foot of display surface area per each linear foot of frontage building wall of the tenancy or 60 square feet, whichever is greater.

4. During the period of construction, but not exceeding 24 months, a maximum of two signs advertising the construction and the business improvements may be erected on the perimeter street frontages of the development. These signs shall not exceed 32 square feet of surface display area. Such sign shall not exceed fifteen feet in height, illumination if any shall be by constant light.

IV. Parking

Off Street Parking consistent with the Jenks Zoning Code shall be required.

V. Drainage and Utilities:

A subdivision plat has been submitted with the Zone Change and PUD request of the subject property.

Currently there is an overhead power line and a sewer line located near the center of the property that traverses the subject tract from west to east. These utilities are not located within an easement. It appears that an easement was filed that was intended for location of the sanitary sewer, however the sewer was located south of the existing easement. Public Service Company of Oklahoma (PSO) developed the overhead power line in a location that it anticipated an alley existed, however this property was not a part of the Original Town Site and no alleyway exist.

It was anticipated that the sewer line would need to be relocated to support development of the tract. Investigation of the existing fall of the sewer line has determined that relocation may not be attainable. If the property develops in accordance with the site plan submitted with PUD, relocation will not be required and the proposed plat will include an easement to incorporate the existing sewer location. If the sewer is relocated the easement will be filed to encompass the new location. An easement vacation application has been filed with the zoning request for the existing easement that has no services located in it.

The applicant has had discussion with PSO concerning the overhead power line. This line only serves the lift station of the City and signage associated with the Riverwalk

entrance. It was agreed that the owner of the property will locate casing along the new sewer easement for PSO to place new line underground for this service line. The adjacent property to the west is in the same situation and has agreed to provide casing to 8th Street. PSO will need to determine how the service will reconnect to the overhead lines located on and over 8th Street.

Water and gas are available and located along the right of way of "B" Street.

The storm water from the property currently drains to the north and northeast to the existing channel to the north of the property and to the detention facility located on the city property at the northeast corner of the subject tract. History of these facilities indicate that a severe problem existed with the storm flow to the detention that was improved with the facilities constructed with Riverfront Drive. The facility constructed with Riverfront Drive included two outflow pipes that traverse under the road for connection to area drainage pipes and direct outflow to the Arkansas River.

The development will be required to submit a detailed drainage plan to the City Engineer for review and approval with the building permit for the planned structure and parking.

It is anticipated that the proposed development will redirect storm water to the existing drainage from the channel located to the north and allow for direct outflow to the detention facility located at the northeast corner on the City property. This facility is where the storm water from the property currently ends up.

The drainage plan will require a hydrology report to determine the existing conditions of the area detention facility and the effect of full development of the tract. The hydrology report will address whether the storm water would need to be metered from the site via parking lot collection system or whether improvements could be accomplished to the detention area that will also improve the area drainage system.

VI. Existing Zoning and Comprehensive Plan

The property is currently zoned OM (Medium Office) and has been razed of all structures in preparation of redevelopment. The property is being requested to be placed in the Riverfront Entertainment District of the Jenks Comprehensive Plan and is being requested for a Zone Change to ROC (River Oriented Commercial.

VII. Riverfront Drive and "B" Street

Access from B Street shall be a minimum of 100 feet from the intersection of "B" Street and Riverfront Drive.

In consideration of the liability of Riverfront Drive being a public access to Riverwalk Crossing across a private property under ownership of the City of Jenks, it may be advantages to have the roadway dedicated in the required plat of the subject tract. A filed easement to the subject property would be needed if the road is not dedicated.

VIII. Site Plan Review

Review of the Planned Unit Development meets all requirements related to the Site Plan Review except the requirement to submit a detailed drainage plan to the City Engineer for Review and Approval

EXHIBIT 'A'

Site Plan
Page 2

Site Plan
for

FIDLER ACRE

PART OF LOT FOUR (4) IN SECTION NINETEEN (19), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 502 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT FOUR (4), RUNNING THENCE EAST 132 FEET, THENCE RUNNING NORTH A DISTANCE OF 330 FEET, THENCE RUNNING WEST A DISTANCE OF 132 FEET, THENCE SOUTH A DISTANCE OF 330 FEET TO POINT OF BEGINNING, CONTAINING ONE (1) ACRE, MORE OR LESS, A/K/A 813 EAST B STREET, JENKS, OK 74037.

1" = 20'

0' 20' 40' 60'

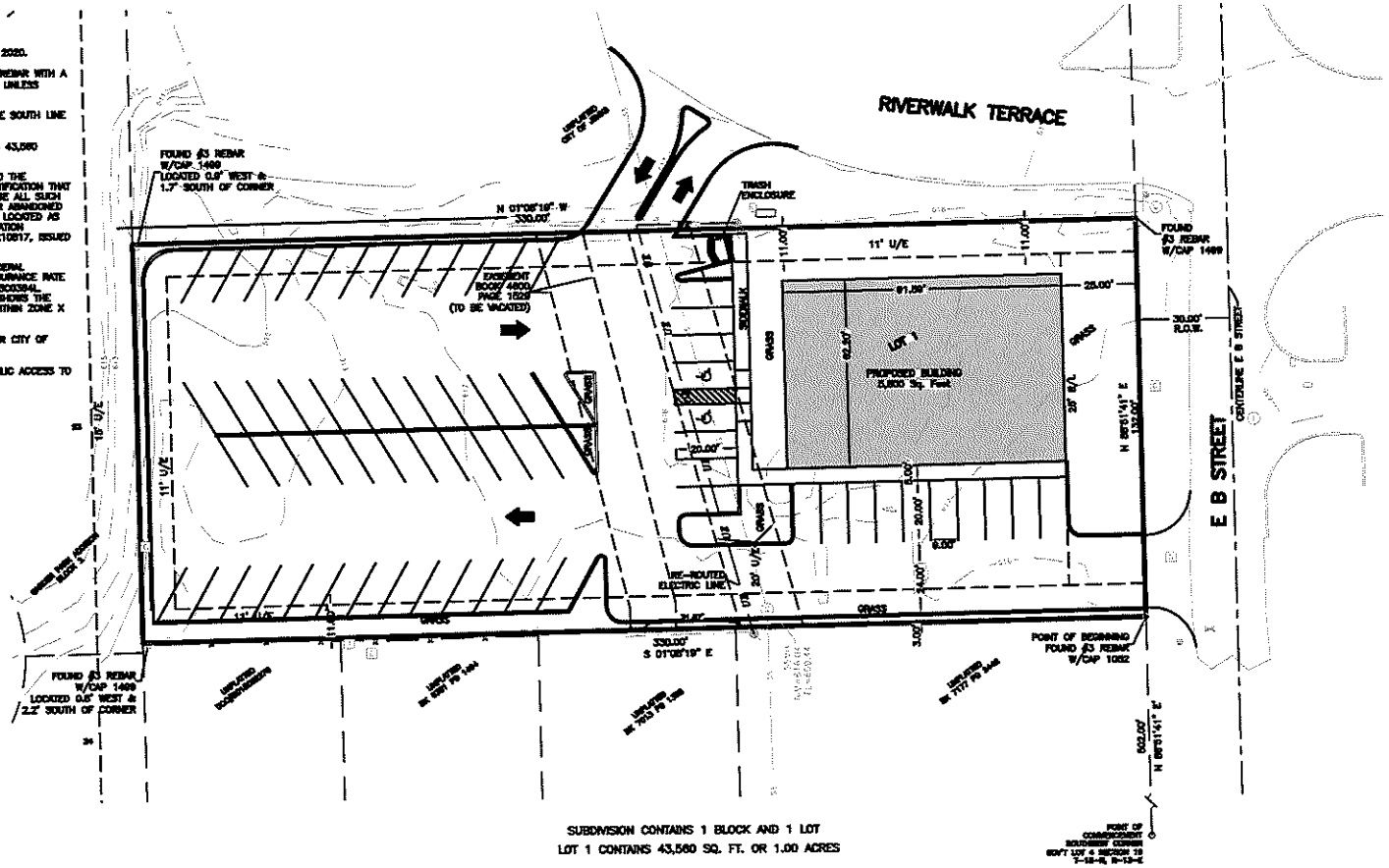
GENERAL NOTES

1. PLAT AND SITE PLAN CREATED ON MARCH 9, 2020.
2. ALL CORNERS WERE SET USING 3/8" X 18" REBAR WITH A YELLOW CAP (YPC) STAMPED "TLS CA 6038", UNLESS OTHERWISE NOTED.
3. BASIS OF BEARING SHOWN HEREON BEING THE SOUTH LINE OF GOV'T LOT 4 AS NORTH 88°51'41" EAST.
4. THE PROPERTY DESCRIBED HEREON CONTAINS 43,560 SQUARE FEET OR 1.00 ACRES.
5. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES AND MAKES NO CERTIFICATION THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. CALL OKIE TICKET NO. 161204062108017, ISSUED ON DECEMBER 4, 2016.
6. SURVEYOR HAS EXAMINED A MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, TULSA COUNTY, OKLAHOMA, MAP# 40143C0339L, EFFECTIVE DATE OCTOBER 16, 2012, WHICH SHOWS THE PROPERTY DESCRIBED HEREON IS LOCATED WITHIN ZONE X (SHADED).
7. BUILDING SETBACK LINES SHOWN HEREON PER CITY OF JENKS OFFICE MEDIUM (OM) ZONING CODES.
8. THE PROPERTY DESCRIBED HEREON HAS PUBLIC ACCESS TO EAST "B" STREET ALONG THE SOUTH LINE.

BENCHMARK

(E) REBAR WITH RED CAP LOCATED AT THE SOUTHEAST CORNER OF INNER WALK TERRACE AT EAST B STREET, APPROXIMATELY 50 FEET EAST AND 53 FEET SOUTH OF THE SOUTHEAST CORNER OF SUBJECT TRACT.

ELEV. = 817.73' (NAVD '88)



SUBDIVISION CONTAINS 1 BLOCK AND 1 LOT

LOT 1 CONTAINS 43,560 SQ. FT. OR 1.00 ACRES

LOT 1 CONTAINS 60 PARKING SPACES

R-13-E
WEST K PLACE
RIVER
NORTH ELM STREET
SITE
19
T-18-N
AQUARIUM TRAIL

VICINITY MAP
1" = 2000'

OWNER/DEVELOPER

RSF HOLDINGS LLC
813 E. B ST. N.
JENKS, OK 74037
PHONE: 918.794.6777

SURVEYOR

Tulsa Land Surveying LLC
1501 E. 6th St.
Tulsa, OK 74120
PHONE: 918.794.6777

SURVEY LEGEND

- ASPHALT
- CONCRETE
- UG — UNDERGROUND TELEPHONE
- UGS — UNDERGROUND SANITARY SEWER
- UGG — UNDERGROUND GAS
- UGC — UNDERGROUND CABLE
- UGW — UNDERGROUND WATER
- UGSM — UNDERGROUND STORM SEWER
- OHE — OVERHEAD ELECTRIC
- FENCE
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- SHRUB
- DECIDUOUS TREE
- COMPEROUS TREE
- POWER POLE
- AC UNIT
- GUY WIRE
- TELEPHONE UNDERGROUND MARKER
- TELEPHONE PEDESTAL
- SIGN
- MAIL BOX
- GAS METER
- FIBER OPTIC PEDESTAL
- TRAFFIC SIGNAL POLE
- ELECTRIC METER
- LIGHT POLE
- TRAFFIC JUNCTION BOX
- CABLE TV UNDERGROUND MARKER
- SANITARY SEWER MANHOLE
- GAS VALVE
- STORM SEWER MANHOLE
- FOUND MONUMENTS
- SET MONUMENTS

BEFORE YOU DIG OKLAHOMA CALL OKIE

TULSA LAND SURVEYING LLC
1501 EAST 6TH STREET
TULSA, OK 74120
(918) 794-6777
CA 6038
EXPIRES 6/30/2021

EXHIBIT 'B'

Plat
Page 2

Deed of Dedication
Page 3

Fidler Acre

PLAT No.

PART OF LOT FOUR (4) IN SECTION NINETEEN (19), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST, A/K/A 813 EAST B STREET, JENKS, OK 74037.

1" = 20'

0' 20' 40' 60'

R-13-E
WEST K PLACE
RIVER
NORTH ELM STREET
SITE
19
T-18-N
AQUARIUM TRAIL

VICINITY MAP
1" = 2000'

OWNER/DEVELOPER
RSF HOLDINGS LLC
813 E. B ST. N.
JENKS, OK 74037

SURVEYOR
Tulsa Land Surveying LLC
1501 E. 6th St., Tulsa, OK 74120
PHONE: 918.794.6777

FINAL PLAT
CERTIFICATE OF APPROVAL

I hereby certify that this plat was approved by the Tulsa Metropolitan Area Planning Commission on:

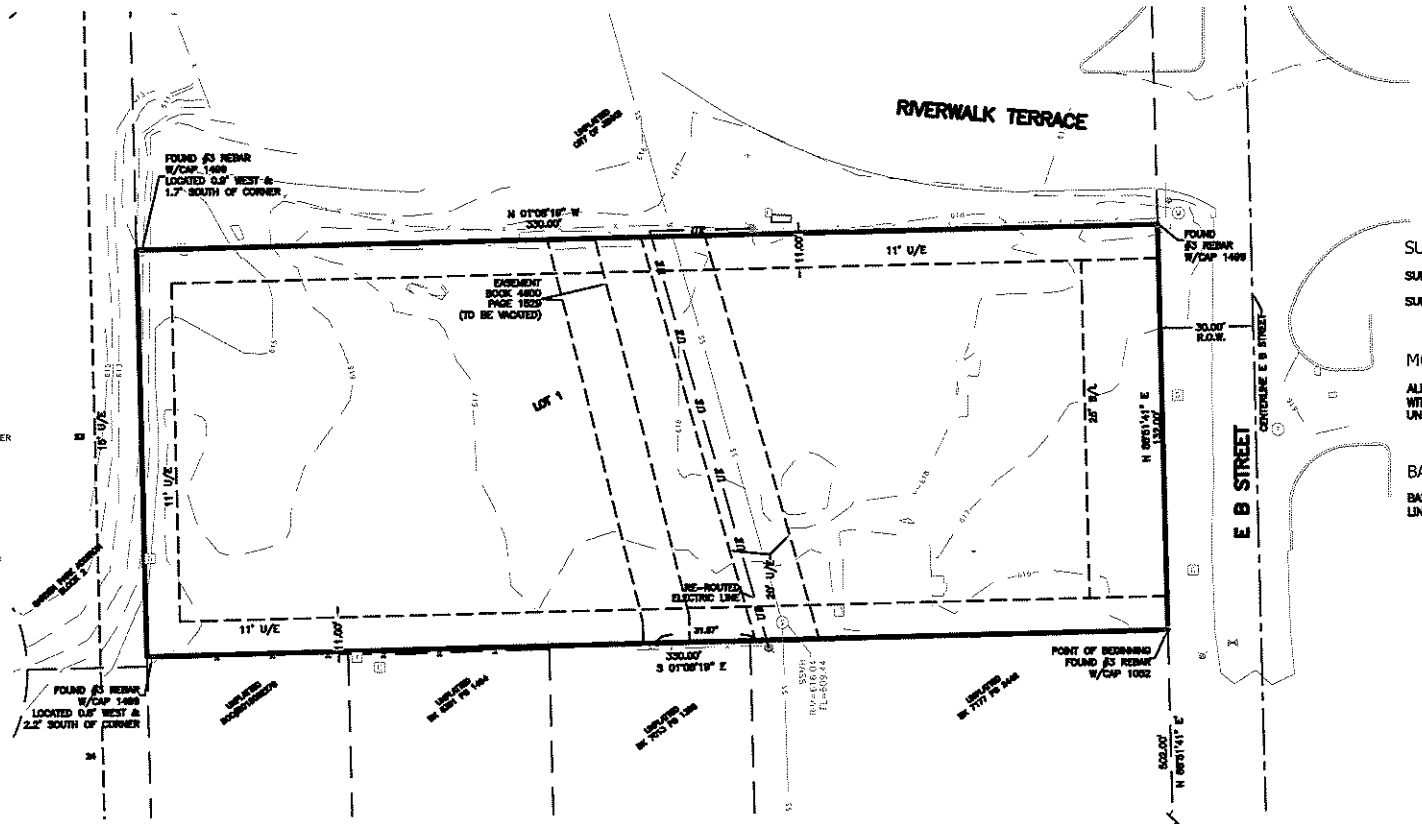
MAYOR – VICE MAYOR

This approval is void if the above signature is not endorsed by the City Manager.

CITY MANAGER

SURVEY LEGEND

- ASPHALT
- CONCRETE
- UNDERGROUND TELEPHONE
- UNDERGROUND SANITARY SEWER
- UNDERGROUND GAS
- UNDERGROUND CABLE
- UNDERGROUND WATER
- UNDERGROUND STORM SEWER
- OVERHEAD ELECTRIC
- FENCE
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- SHRUB
- DECIDUOUS TREE
- CONIFEROUS TREE
- POWER POLE
- AC UNIT
- GUY WIRE
- TELEPHONE UNDERGROUND MARKER
- TELEPHONE PEDESTAL
- SIGN
- MAIL BOX
- GAS METER
- FIBER OPTIC PEDESTAL
- TRAFFIC SIGNAL POLE
- ELECTRIC METER
- LIGHT POLE
- TRAFFIC JUNCTION BOX
- CABLE TV UNDERGROUND MARKER
- SANITARY SEWER MANHOLE
- GAS VALVE
- STORM SEWER MANHOLE
- FOUND MONUMENTS
- SET MONUMENTS
- U/E UTILITY EASEMENT



SUBDIVISION STATISTICS

SUBDIVISION CONTAINS ONE(1) LOTS IN ONE(1) BLOCK.

SUBDIVISION CONTAINS ONE(1) ACRE.

MONUMENTATION

ALL CORNERS WERE SET USING 3/8" X 18" REBAR WITH A YELLOW CAP (YPC) STAMPED "TLS CA 6038", UNLESS OTHERWISE NOTED.

BASIS OF BEARINGS

BASIS OF BEARINGS SHOWN HEREON BEING THE SOUTH LINE OF GOV'T LOT 4 AS NORTH 88°51'41" EAST.

CERTIFICATE

I HEREBY CERTIFY THAT ALL REAL ESTATE TAXES INVOLVED IN THIS PLAT HAVE BEEN PAID AS REFLECTED BY THE CURRENT TAX ROLLS. SECURITY AS REQUIRED HAS BEEN PROVIDED IN THE AMOUNT OF $_____ PER TRUST RECEIPT NO._____ TO BE APPLIED TO 20____ TAXES. THIS CERTIFICATE IS NOT TO BE CONSTRUED AS PAYMENT OF 20____ TAXES IN FULL BUT IS MADE IN ORDER THAT THIS PLAT MAY BE FILED ON RECORD. 20____ TAXES MAY EXCEED THE AMOUNT OF THE SECURITY DEPOSIT.

DATED: _____

TULSA COUNTY TREASURER

BY:_____ DEPUTY

STATE OF OKLAHOMA } SS
COUNTY OF TULSA }

I, EARLENE WILSON, TULSA COUNTY CLERK, IN AND FOR THE COUNTY AND STATE ABOVE NAMED, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A LIKE INSTRUMENT NOW ON FILE IN MY OFFICE.

DATED THE _____ DAY OF _____ 20____

EARLENE WILSON, TULSA COUNTY CLERK.

_____ DEPUTY

TULSA LAND SURVEYING LLC
1501 EAST 6TH STREET
TULSA, OK 74120
(918) 794-6777
CA 6038
EXPIRES 6/30/2021

EXHIBIT 'C'

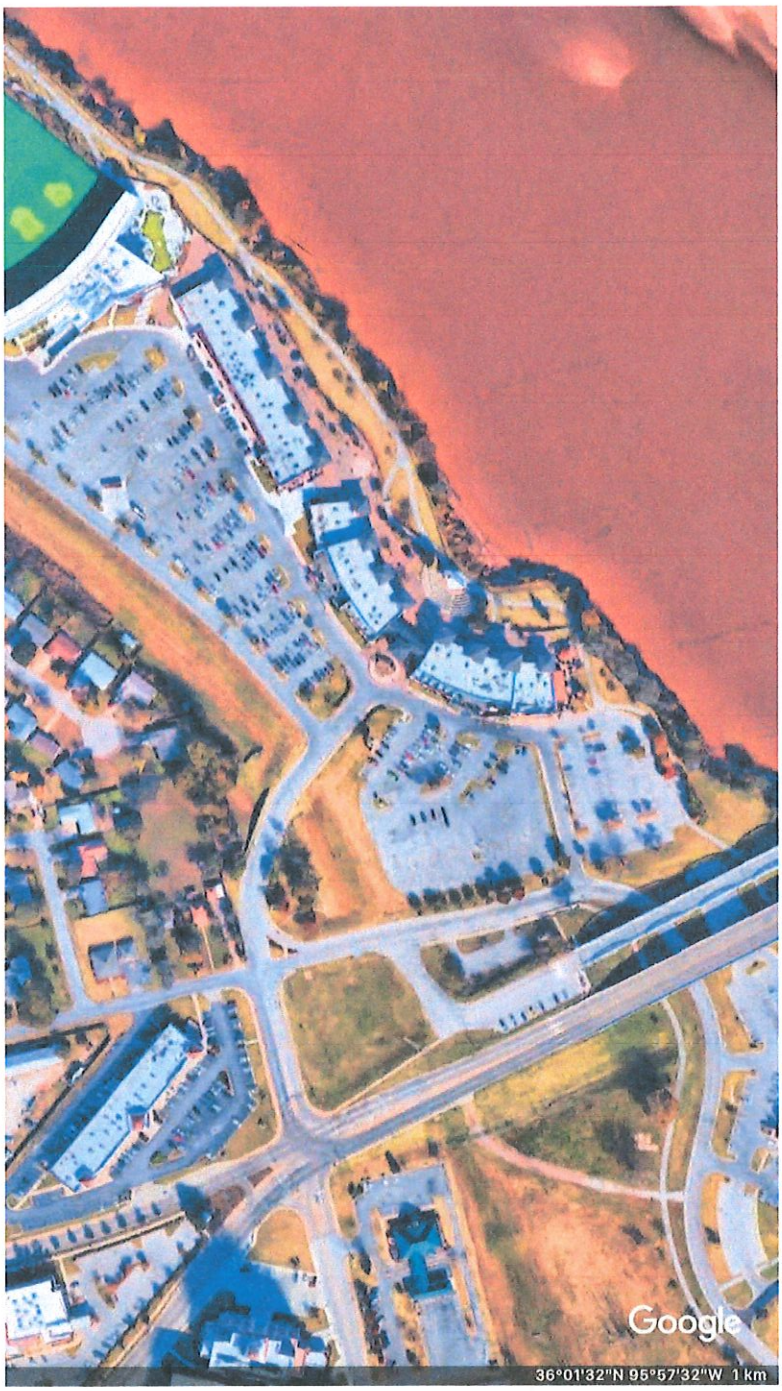


EXHIBIT ‘D’

EXHIBIT 'E'

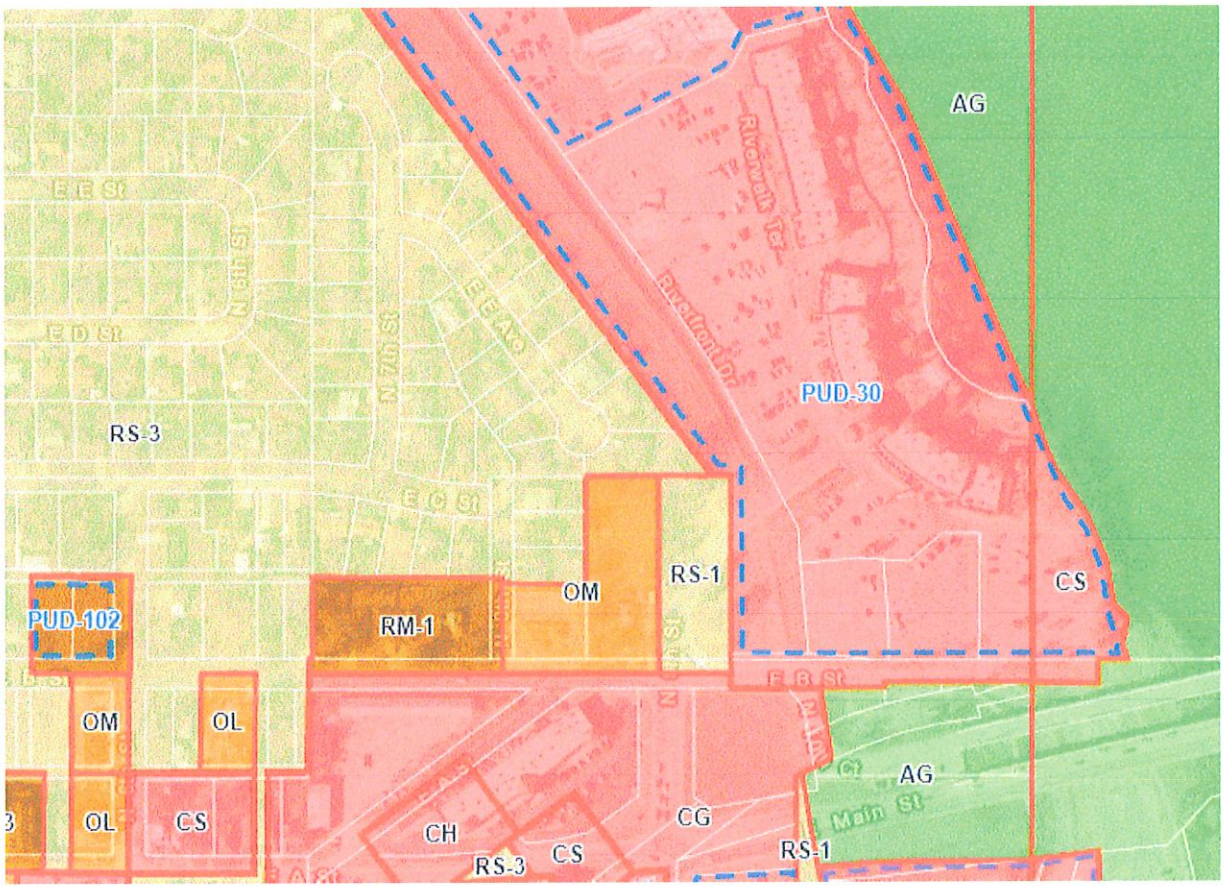
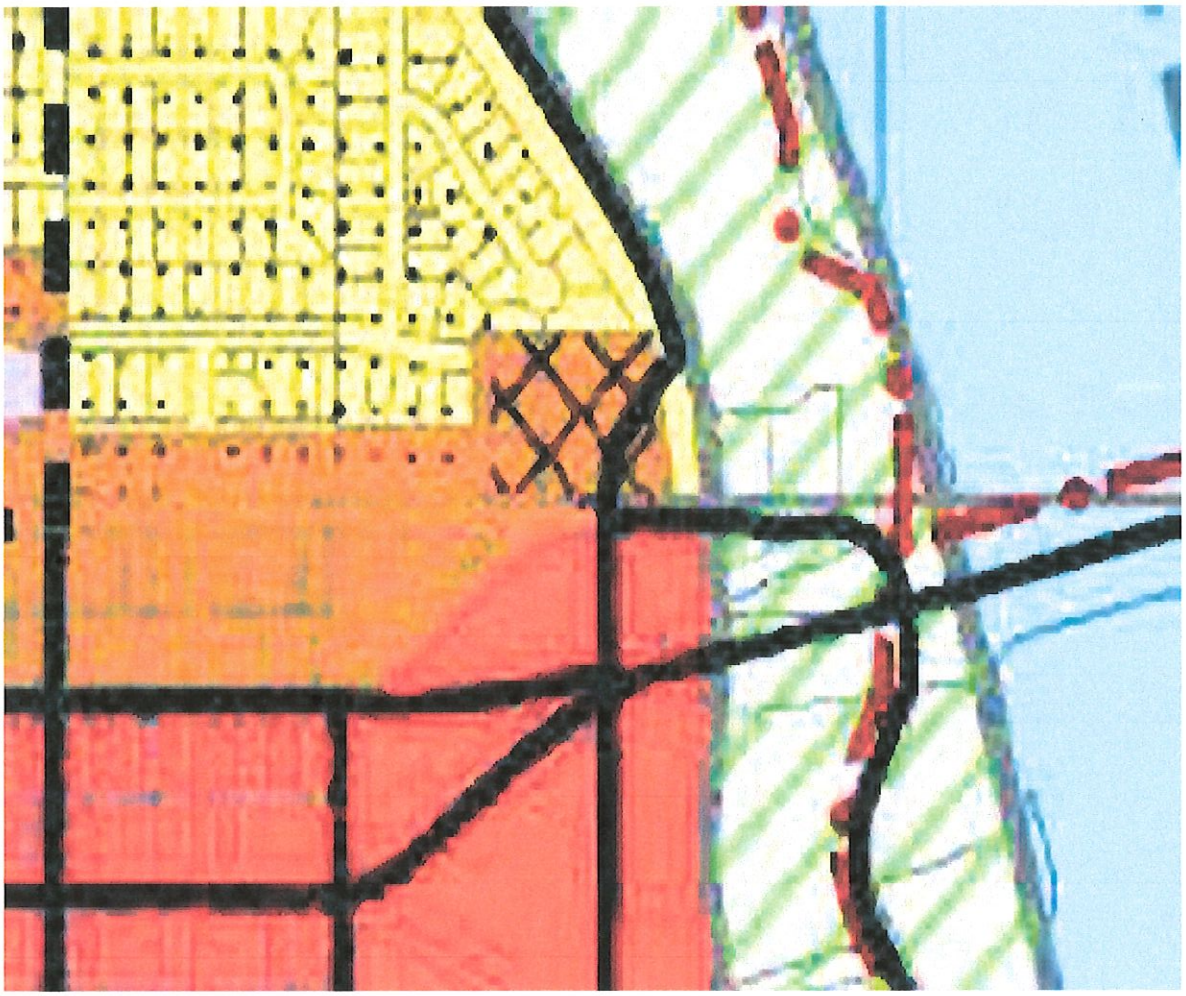

AG
Riverfront Ter
Riverfront Dr
PUD-30
RS-3
E E St
E D St
E C St
N Main St
PUD-102
RM-1
OM
RS-1
CS
E B St
OM
OL
AG
Main St
OL
CS
CH
RS-3
CS
CG
RS-1

EXHIBIT 'F'



City of Jenks
Application for Closure
of Right-of Way or Utility Easement

Right of Way Closing ☐

Easement Closing ☒

Name of Applicant: Bell Land Use LLC

Address of Applicant: 1011 W. "G" Street
Jenks, OK 74037

Phone number: 918-902-0462 Second Phone number: _____

Lot owner: RSF Holdings LLC

Lot owner address: 7335 S. Lewis Ave, Tulsa OK 74136

Legal Description of property easement or ROW is located on: _____
See Attached

Book and Page of the ROW or Easement:

Book: 4600 Page: 1529

Reason for Closing:
Easement was filed for Sanitary Sewer, however the sewer lines were not located in the easement. A plat being processed for the property corrects this error and places an easement for the correct location. The easement in question is vacant of utility use.

Signature: _____ Date: 3-9-20

Printed Name: Robert Bell Phone: 918-902-0462

Address: 1011 W. "G" Street, Jenks OK 74037 City/State: _____

Planning Commission Date: _____ City Council Date: _____

Action: _____ Action: _____

City of Jenks
How to Apply for Right-of-Way or Easement Closing

1. Fill out the Right-of-Way/ Easement Closing application form.

2. The City Planner will set your request for public hearing before the City Council. Date will be at least 30 days away, as required by state law.

3. City Planner will send a notice to all utility companies which may have a vested interest or a franchise in the area.

4. City Planner will set your case for a Planning Commission meeting.

5. The Planning Commission and the utility companies will send a recommendation to the City Council.

6. The City Council will hold a public hearing and, if they approve the closing, will pass an ordinance. **This, however, will not foreclose the reopening of the right-of-way or easement. To do this you must follow the steps set out in the Oklahoma State Statutes.**

Summary of Oklahoma State Statutes
For Closure of Right-of-Way or Easement

1. The owner(s) must file a verified petition in District Court. The petition must show the passage of an ordinance closing the public way or easement and ask for the foreclosure of the absolute right to reopen the public way or easement. Also attached to the petition shall be the certificate of a bonded abstractor listing the names and addresses of all persons required to be notified in No. 2 below.
2. Notice of the verified petition shall be given by:
   A. Service of summons to the municipality:
   B. Service of summons to public service corporation, transmission and utility rights in the public way or easement.
   C. Mailing a copy of the petition and summons to all owners of record whose property is within 300 feet in any direction from the public way or easement.
3. Notice shall also be given by one (1) publication in a newspaper of general circulation published in the county where the property is located, which publication shall be at lease 30 days prior to the hearing.
4. District Court shall hear the petition.
5. The public way or easement shall revert to the owners of real estate thereto on each side except in the case where it was all dedicated from one side, and then it would revert to the lots from which it was taken.

EXHIBIT "A"
PROPERTY LEGAL DESCRIPTION

PART OF GOVERNMENT LOT FOUR (4) IN SECTION NINETEEN (19), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 502 FEET EAST OF SOUTHWEST CORNER OF SAID LOT FOUR (4), RUNNING THENCE EAST 132 FEET, THENCE RUNNING NORTH A DISTANCE OF 330 FEET, THENCE RUNNING WEST A DISTANCE OF 132 FEET, THENCE SOUTH A DISTANCE OF 330 FEET TO POINT OF BEGINNING, CONTAINING (1) ACRE, MORE OR LESS, A/K/A 813 EAST B STREET, JENKS, OK 74037.

SAID TRACT CONTAINING 43,560 SQUARE FEET, OR 1.00 ACRES.

City of Jenks
Jenks, OK 74037

STATE OF OKLAHOMA
TULSA COUNTY
FILED OR RECORDED

35084

1982 MAR 12 PM 3:13

ANITA NESBITT
COUNTY CLERK

BOOK 4600 PAGE 1529

RIGHT OF WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That, STANLEY J. HOLLINGSWORTH and Jewell Hollingsworth, husband and wife, herein called Grantors, in consideration of One ($1.00) Dollar, and other good and valuable considerations paid by the CITY OF JENKS, hereinafter called Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell, transfer, and convey to said Grantee, its successors and assigns, a perpetual easement the right to erect, construct, install and lay and thereafter use, operate, inspect, repair, maintain, replace and remove sewer pipeline and necessary appurtenance thereto, over and across the following land owned by Grantors in Tulsa County, State of Oklahoma, towit:

A permanent easement 7.5 feet in width on either side of the described centerline,

The centerline described as follows:

Beginning at a point 808 feet ± West and 162 feet ± north of the southeast corner of the northeast quarter of Section 19, Township 18 North Range 13 East, thence east a distance of 8 feet, thence northeasterly a distance of 130.0 feet ± to a point being 676 feet ± west and 189.56 feet north from the southeast corner of the northeast quarter of said section.

A temporary construction easement described as follows:

A strip 20 feet wide north of and parallel to the north edge of the permanent easement.

together with the right of ingress and egress over Grantor's adjacent lands for the purposes for which the above mentioned rights are granted.

The rights granted hereunder shall revert to Grantors in event a sewer line is not constructed within 12 months of date of this instrument.

IN WITNESS WHEREOF, the Grantors have executed this instrument on this 5th day of March, 1982.

Stanley J. Hollingsworth
STANLEY J. HOLLINGSWORTH

Jewell Hollingsworth
JEWELL HOLLINGSWORTH

STATE OF OKLAHOMA,)
) ss.
COUNTY OF TULSA,)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 5th day of March, 1982, personally appeared Stanley J. Hollingsworth and Jewell Hollingsworth, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year above written.

Linda L. McDaniel
Notary Public

My Commission Expires:
March 6, 1983

Fidler Acre

PLAT No.

PART OF LOT FOUR (4) IN SECTION NINETEEN (19), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST, A/K/A 813 EAST B STREET, JENKS, OK 74037.

1" = 20'

0' 20' 40' 60'

R-13-E
WEST K PLACE
RIVER
NORTH ELM STREET
SITE
19
T-18-N
AQUARIUM TRAIL

VICINITY MAP
1" = 2000'

FINAL PLAT
CERTIFICATE OF APPROVAL
I hereby certify that this plat was approved by the Tulsa Metropolitan Area Planning Commission on:

MAYOR - VICE MAYOR
This approval is void if the above signature is not endorsed by the City Manager.

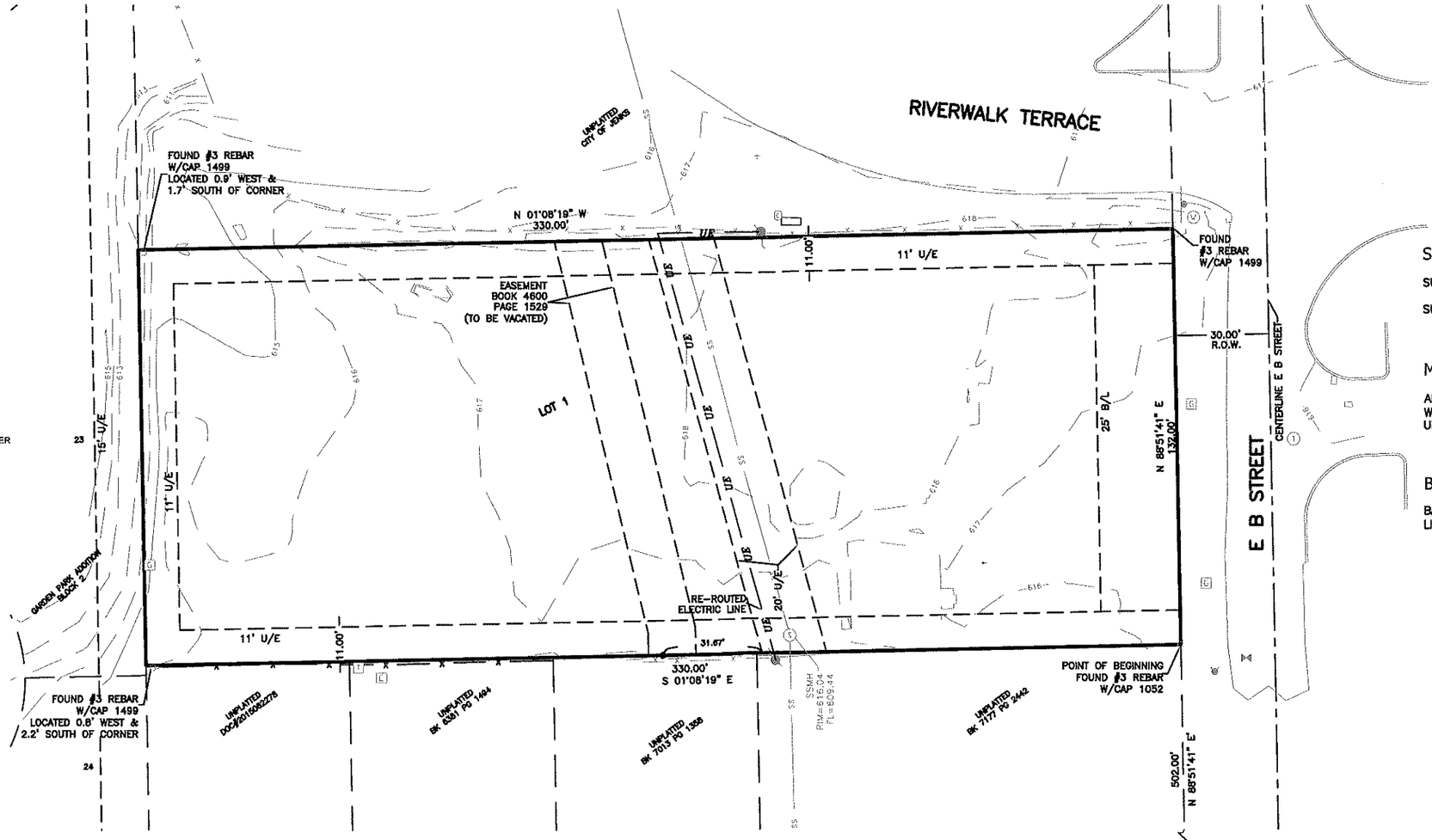
CITY MANAGER

OWNER/DEVELOPER
RSF HOLDINGS LLC
813 E. B ST. N.
JENKS, OK 74037

SURVEYOR
Tulsa Land Surveying LLC
1501 E. 6th St., Tulsa, OK 74120
PHONE: 918.794.6777

SURVEY LEGEND

- ASPHALT
- CONCRETE
- UT — UNDERGROUND TELEPHONE
- SS — UNDERGROUND SANITARY SEWER
- UG — UNDERGROUND GAS
- UC — UNDERGROUND CABLE
- UW — UNDERGROUND WATER
- SW — UNDERGROUND STORM SEWER
- OHE — OVERHEAD ELECTRIC
- x — FENCE
- WV — WATER VALVE
- WM — WATER METER
- FH — FIRE HYDRANT
- SHRUB
- DECIDUOUS TREE
- CONIFEROUS TREE
- POWER POLE
- AC UNIT
- GUY WIRE
- TELEPHONE UNDERGROUND MARKER
- TELEPHONE PEDESTAL
- SIGN
- MAIL BOX
- GAS METER
- FIBER OPTIC PEDESTAL
- TRAFFIC SIGNAL POLE
- ELECTRIC METER
- LIGHT POLE
- TRAFFIC JUNCTION BOX
- CATV — CABLE TV UNDERGROUND MARKER
- SANITARY SEWER MANHOLE
- GAS VALVE
- STORM SEWER MANHOLE
- FOUND MONUMENTS
- SET MONUMENTS
- U/E — UTILITY EASEMENT



SUBDIVISION STATISTICS

SUBDIVISION CONTAINS ONE(1) LOTS IN ONE(1) BLOCK.

SUBDIVISION CONTAINS ONE(1) ACRE.

MONUMENTATION

ALL CORNERS WERE SET USING 3/8" X 18" REBAR WITH A YELLOW CAP (YPC) STAMPED "TLS CA 6038", UNLESS OTHERWISE NOTED.

BASIS OF BEARINGS

BASIS OF BEARINGS SHOWN HEREON BEING THE SOUTH LINE OF GOV'T LOT 4 AS NORTH 88°51'41" EAST.

CERTIFICATE

I HEREBY CERTIFY THAT ALL REAL ESTATE TAXES INVOLVED IN THIS PLAT HAVE BEEN PAID AS REFLECTED BY THE CURRENT TAX ROLLS. SECURITY AS REQUIRED HAS BEEN PROVIDED IN THE AMOUNT OF $_____ PER TRUST RECEIPT NO._____ TO BE APPLIED TO 20____ TAXES. THIS CERTIFICATE IS NOT TO BE CONSTRUED AS PAYMENT OF 20____ TAXES IN FULL BUT IS MADE IN ORDER THAT THIS PLAT MAY BE FILED ON RECORD. 20____ TAXES MAY EXCEED THE AMOUNT OF THE SECURITY DEPOSIT.

DATED: _____

TULSA COUNTY TREASURER

BY:_____
DEPUTY

STATE OF OKLAHOMA) SS
COUNTY OF TULSA)

I, EARLENE WILSON, TULSA COUNTY CLERK, IN AND FOR THE COUNTY AND STATE ABOVE NAMED, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A LIKE INSTRUMENT NOW ON FILE IN MY OFFICE,

DATED THE _____DAY OF _____20_____.
EARLENE WILSON, TULSA COUNTY CLERK.

_____
DEPUTY

TULSA LAND SURVEYING LLC
1501 EAST 6TH STREET
TULSA, OK 74120
(918) 794-6777
CA 6038
EXPIRES 6/30/2021

Fidler Acre

PLAT No.

PART OF LOT FOUR (4) IN SECTION NINETEEN (19), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST, A/K/A 813 EAST B STREET, JENKS, OK 74037.

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- TELEPHONE UNDERGROUND MARKER
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- LIGHT POLE
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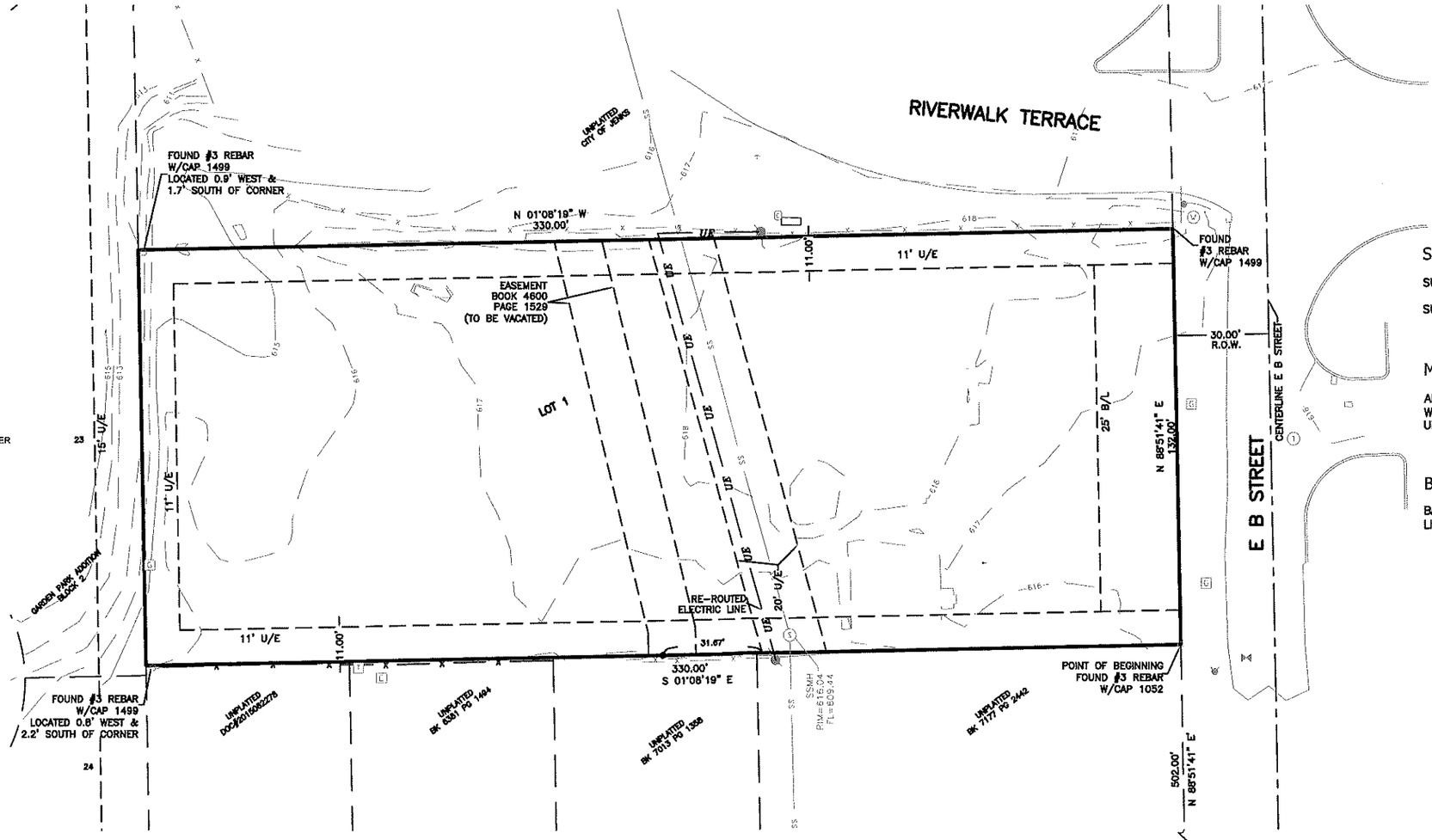
- CATV — CABLE TV UNDERGROUND MARKER
- SANITARY SEWER MANHOLE
- GAS VALVE
- STORM SEWER MANHOLE
- FOUND MONUMENTS
- SET MONUMENTS
- U/E — UTILITY EASEMENT



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DATED: _____

TULSA COUNTY TREASURER

BY:_____
DEPUTY

STATE OF OKLAHOMA) SS
COUNTY OF TULSA)

I, EARLENE WILSON, TULSA COUNTY CLERK, IN AND FOR THE COUNTY AND STATE ABOVE NAMED, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A LIKE INSTRUMENT NOW ON FILE IN MY OFFICE,

DATED THE _____DAY OF _____20_____.
EARLENE WILSON, TULSA COUNTY CLERK.

_____
DEPUTY

TULSA LAND SURVEYING LLC
1501 EAST 6TH STREET
TULSA, OK 74120
(918) 794-6777
CA 6038
EXPIRES 6/30/2021

DEED OF DEDICATION
AND
RESTRICTIVE COVENANTS
FOR
FIDLER ACRE

KNOW ALL MEN BY THESE PRESENTS:
THAT SHANE FIDLER, HEREINAFTER REFERRED TO AS THE "OWNER", IS THE OWNER OF THE FOLLOWING DESCRIBED LAND:

PART OF LOT FOUR (4) IN SECTION NINETEEN (19), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 502 FEET EAST OF SOUTHWEST CORNER OF SAID LOT FOUR (4), RUNNING THENCE EAST 132 FEET, THENCE RUNNING NORTH A DISTANCE OF 330 FEET, THENCE RUNNING WEST A DISTANCE OF 132 FEET, THENCE SOUTH A DISTANCE OF 330 FEET TO POINT OF BEGINNING, CONTAINING (1) ACRE, MORE OR LESS, A/K/A 813 EAST B STREET, JENKS, OK 74037.

SAID TRACT CONTAINING 43,560 SQUARE FEET, OR 1.00 ACRES.

AND HAS CAUSED THE SAME TO BE SURVEYED, STAKED AND PLATTED INTO ONE BLOCK, TWO LOTS, AND HAS DESIGNATED THE SAME FIDLER ACRE AN ADDITION TO THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA (THE "ADDITION").

SECTION I. EASEMENTS AND UTILITIES

GENERAL UTILITY EASEMENTS

THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC THE UTILITY EASEMENTS AS DEPICTED ON THE ACCOMPANYING PLAT AS "U/E" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, REPAIRING, REMOVING AND REPLACING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM AND SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INLCUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTLILIY EASEMENTS FOR THE USES AND PUPOSES AFORESAID, PROVIDED HOWEVER, THE OWNER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RE-LAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT AND TO AREAS OUTSIDE OF THE PLAT. THE OWNER HEREIN IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF JENKS, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING AND LANDSCAPING, THAT DO NOT CONSTITUTE AN OBSTRUCTION AND AFORESAID.

UNDERGROUND SERVICE

UNDERGROUND SERVICE LINES AND POLES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES MAY BE LOCATED ALONG THE NORTH AND WEST PROPERTY LINES ADJACENT TO RIGHT-OF-WAYS, WITHIN THE UTILITY EASEMENTS OF THE SUBDIVISION. STREETLIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE AND ELSEWHERE THROUGHOUT THE SUBDIVISION. ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENT WAYS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES MAY ALSO BE LOCATED IN THE EASEMENT WAYS.

UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE AND DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON THE LOT. PROVIDED THAT UPON THE INSTALLATION OF A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT AND EFFECTIVE AND NON-EXCLUSIVE RIGHT-OF-WAY EASEMENT ON THE LOT. COVERING A FIVE FOOT (5') STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE OR LINE EXTENDING FROM THE GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.

THE SUPPLIER OF ELECTRIC, TELEPHONE AND CABLE TELEVISION, AND GAS SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL EASEMENTS SHOWN THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE OR CABLE TELEVISION OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.

THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON HIS LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELECOMMUNICATION OR GAS FACILITIES. EACH SUPPLY OR SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACRS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.

THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH B SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF THE LOT AGREE TO BE BOUND HEREBY.

WATER SANITARY SEWER AND STORM SEWER SERVICE

THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS AND THE STORME SEWERS LOCATED ON HIS LOT.

WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER OR ANY CONSTRUCTION ACTIVITY WHICH

PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF THE LOT AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY INSTALLATION OR NECESSARY MAINTENANCE OF UNDERGROUND WATER, SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION OR ELECTRIC FACILITIES WITHIN THE UTILITY EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, THE CITY OF JENKS, OKLAHOMA, OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

OTHER USES

THE EASEMENTS HEREBY GRANTED SHALL NOT BE LIMITED EXCLUSIVELY TO ACCESS, RESTRICTED WATER LINE, STORM SEWER AND OVERLAND DRAINAGE EASEMENTS. THE PROPERTY LYING WITHIN ANY SUCH EASEMENT MAY BE USED FOR UTILITIES ACCORDING TO THE PROVISIONS IN THE CERTIFICATE OF DEDICATION. EXCEPT THAT CONSTRUCTION AND USE OF UTILITIES SHALL BOT INTERFERE WITH STORM SEWER AND OVERLAND SURFACE DRAINAGE PURPOSES.

THE LOT OWNERS ON WHICH THE EASEMENTS ARE SITUATED HAVE THE RIGHT TO USE THE EASEMENTS IN ANY MANNER THAT WILL NOT PREVENT OR INTERFERE WITH THE EXERCISE BY THE CITY OF JENKS IN THE RIGHTS GRANTED UNDER THE DEDICATION.

SECTION II. PLANNED UNIT DEVELOPMENT STANDARDS

WHEREAS, 'FIDLER ACRE' WAS SUBMITTED AS PART OF A PLANNED UNIT DEVELOPMENT (DESIIGNATED AS PUD No. _____) PURSUANT TO CHAPTER 9 OF THE CITY OF JENKS ZONING ORDINANCE.

WHEREAS, THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE JENKS ZONING CODE REQUIRE THE ESTABLIESHMENT OF COVENANTS OF RECORD, INURRING TO AND ENFORCEABLE BY THE CITY OF JENKS, OKLAHOMA, SUFFICIENT TO ASSURE THE IMPLEMENTATION AND CONTINUED COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT; AND

WHEREAS THE OWNER/DEVELOPER DESIRES TO ESTABLISHI RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY DEVELOPMENT AND TO INSURE ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF THE OWNER/DEVELOPER, ITS SUCCESSORS, ASSIGNS AND THE CITY OF JENKS, OKLAHOMA.

THEREFORE, THE OWNER/DEVELOPER DOES HEREBY IMPOSE THE FOLLOWING RESRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS SUCCESSOR AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH

I. DEVELOPMENT STANDARDS

PERMITTED USES:

THE FOLLOWING USES SHALL BE PERMITTED:

USE UNITS

11. OFFICES AND STUDIOS

PREVENT VIOLATION OF THE RIGHT IN AND RIGHT OUT DESIGN OF THE ACCESS. THE SIGN MUST BE LOCATED FAR ENOUGH WEST TO NOT EFFECT VISUAL ASPECTS OF A TURNING MOTION TO THE INTERSECTION WITH RIVERFRONT DRIVE. THE SIGN WILL BE ALLOWED THE NAME OF THE BUSINESS OR LOGO OF THE RESTAURANT BUT MUST ALSO INCLUDE IN ONLY ON NORTH SIDE AND EXIT ONLY ON THE SOUTH. THE OWNER OF THE PROPERTY MUST PROCESS AN ENCROACHMENT AGREEMENT WITH THE CITY OF JENKS PRIOR TO INSTALLATION OF THE SIGN.

2. WALL OR CANOPY SIGNS SHALL NOT EXCEED AN AGGREGATE DISPLAY SURFACE AREA OF 1.5 SQUARE FEET PER EACH LINEAL FOOT OF THE BUILDING WALL TO WHICH THE SIGN OR SIGNS ARE AFFIXED. WALL AND CANOPY SIGNS SHALL BE FURTHER RESTRICTED AS FOLLOWS:

    a. A WALL OR CANOPY SIGN SHALL NOT EXTEND ABOVE THE TOP OF THE PARAPET OR BUILDING WALL ON WHICH IT IS LOCATED.

3. IN ADDITION TO THE WALL OR CANOPY SIGNS PERMITTED A LOT CONTAINING ONE BUSINESS ESTABLISHMENT MAY UTILIZE FOR BUSINESS SIGNS AN AGGREGATE DISPLAY SURFACE AREA OF PROJECTING OR GROUND SIGNS AS FOLLOWS

    a. IF NOT MORE THAN ONE PROJECTING OR GROUND SIGN IS ERECTED, TWO SQUARE FEET OF DISPLAY SURFACE AREA PER EACH LINEAR FOOT OF STREET FRONTAGE.
    b. IF MORE THAN ONE PROJECTING OR GROUND SIGN IS ERECTED, ONE SQUARE FOOT OF DISPLAY SURFACE AREA PER EACH LINEAR FOOT OF STREET FRONTAGE.
    c. A GROUND SIGN SHALL NOT EXCEED 20 FEET IN HEIGHT, MEASURED FROM THE MEAN CURB LEVEL OF THE LOT UPON WHICH IT IS ERECTED.
    d. ONE SIGN FOR EACH TENANT MAY BE ERECTED NOT EXCEEDING ONE SQUARE FOOT OF DISPLAY SURFACE AREA PER EACH LINEAR FOOT OF FRONTAGE BUILDING WALL OF THE TENANCY OR 60 SQUARE FEET, WHICHEVER IS GREATER.

4. DURING THE PERIOD OF CONSTRUCTION, BUT NOT EXCEEDING 24 MONTHS, A MAXIMUM OF TWO SIGNS ADVERTISING THE CONSTRUCTION AND THE BUSINESS IMPROVEMENTS MAY BE ERECTED ON THE PERIMETER STREET FRONTAGES OF THE DEVELOPMENT. THESE SIGNS SHALL NOT EXCEED 32 SQUARE FEET OF SURFACE DISPLAY AREA. SUCH SIGN SHALL NOT EXCEED FIFTEEN FEET IN HEIGHT, ILLUMINATION IF ANY SHALL BE BY CONSTANT LIGHT.

III. PARKING

OFF STREET PARKING CONSISTENT WITH THE JENKS ZONING CODE SHALL BE REQUIRED.

IV. LANDSCAPE

STREET FRONTAGES WITHIN LOT 1 SHOULD PROVIDE A SENSE OF OPEN-SPACE AND SHOULD BE BUFFERED FROM THE STREETS BY LANDSCAPED DRIVES, LAWNS, OR PARKING.

TRASH RECEPTACLES: ALL TRASH RECEPTACLES SHALL BE LOCATED IN THE REAR OF THE BUILDING(S) AND SHALL BE ENCLOSED FROM PUBLIC VIEW UTILIZING SAME BUILDING MATERIALS OF THE PRIMARY STRUCTURE LOCATED WITHIN THE DEVELOPMENT.

OFFICE DEVELOPMENTS ARE REQUIRED TO PROVIDE 15% LOT AREA BE DEVELOPED FOR LANSCAPE PURPOSES.

V. APPEARANCE REVIEW

THE PROPERTY IS SUBJECT TO THE RIVERFRONT APPEARANCE REVIEW GUIDELINES AND PROCESS REQUIRMENTS AS SPECIFIED IN THE JENKS ZONING CODE.

SECTION III. ENFORCEMENT, DURATION, AMENDMENT OR TERMINATION, AND SEVERABILITY

ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I. STREETS, EASEMENTS AND UTILITIES AND SECTION II. PLANNED UNIT DEVELOPMENT STANDARDS ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO, AND ADDITIONALLY THE COVENANTS WITH SECTIONS I AND II WHETHER OR NOT SPECIFICALLY THEREIN SO STATED, SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF JENKS, OKLAHOMA. IF THE UNDERSIGNED OWNER/DEVELOPER, OR ITS SUCCESSORS OR ASSIGNS OR OWNERS OF ANY LOT WITHIN FIDLER ACRE SHALL VIOLATE ANY OF THE COVENANTS HEREIN, IT SHALL BE LAWFUL FOR THE CITY OF JENKS TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT HIM OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT IN ANY JUDICIAL ACTION BROUGHT BY THE OWNERS ASSOCIATION OR ANY OWNER OF A LOT WHICH ACTION SEEKS TO ENFORCE THE COVENANTS OR RESTRICTIONS SET FORTH HEREIN OR TO RECOVER DAMAGES FOR THE BREECH THEREOF. THE PREVAILING PARTY SHALL BE ENTITLED TO RECOVER REASONABLE ATTORNEYS FEES AND COSTS AND EXPENSES INCURRED IN SUCH ACTION.

DURATION

THE COVENANTS CONTAINED IN "FIDLER ACRE" HEREOF SHALL RUN WITH THE LAND AND SHALL BE BINDING UPON THE UNDERSIGNED OWNER, ITS GRANTEES, SUCCESSORS AND ASSIGNS AND ALL PARTIES CLAIMING UNDER IT FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM THE DATE OF THE RECORDING HEREOF. AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED THEREAFTER FOR SUCCESSIVE PERIODS OF TEN (10) YEARS UNLESS AMENDED OR TERMINATED AS HEREAFTER PROVIDED. ALL OTHER SECTIONS OF THIS DEED SHALL BE SPECIFICALLY EXEMPTED FROM THE AFORESAID TERMINATION PROVISIONS.

AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I. EASEMENTS AND UTILITIES, SECTION II. DEVELOPMENT STANDARDS MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE OWNER OF THE LAND TO WHICH THE AMENDMENT OR TERMINATION IS APPLICABLE AND APPROVED BY THE JENKS PLANNING COMMISSION, OR ITS SUCCESSORS WITH THE

APPROVAL OR JENKS CITY COUNCIL. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

SEVERABILITY

INVALIDATION OF ANY RESTRICTION SET FORTH HEREIN, OR ANY PART THEREOF, BY AN ORDER JUDGEMENT OR DECREE OF ANY COURT OR OTHERWISE SHALL NO BE INVALIDATE OR AFFECT ANY OF THE OTHER RESTRICTIONS OR ANY PART THEREOF SET FORTH HEREIN WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, RSF HOLDING, LLC, HAS ESCECUTED THIS INSATRUMENT THIS _____ DAY OF _____, 2020.

BY: _____
RANDALL SHANE FIDLER OWNER

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, ON THIS_____DAY OF _____, 2020, PERSONALLY APPEARED RANDAL FIDLER, OWNER OF RSF HOLDINGS, LLC, TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THEIR NAME TO THE FOREGOING INSTRUMENT.

_____
NOTARY PUBLIC

MY COMMISSION EXPIREs:
_____

COMMISSION NUMBER:
_____

CERIFICATE OF SURVEY

I JOSHUA LAMB, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, HEREBY CERIFY THAT I HAVE SURVEYED, SUBDIVIDED AND PLATTED THE ABOVE TRACT DESIGNATED AS "FIDLERS ACRE" AN ADDITION TO THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA. THE ABOVE PLAT IS AN ACCURATE REPRESENTATION OF SAID SURVEY.

_____

JOSHUA R. LAMB
REGISTERED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1678

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, ON THIS_____DAY OF _____, 2020, PERSONALLY APPEARED JOSHUA R. LAMB, TO ME KNOWN TO BE THE IDENITCAL PERSON WHO SUBSCRIBNED HER NAME TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSE THERIN SET FORTH.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES:

_____

COMMISSION NUMBER:

_____