

AGENDA
JENKS PLANNING COMMISSION
6:00 P.M. THURSDAY, SEPTEMBER 03, 2020
COUNCIL CHAMBERS, JENKS CITY HALL
211 NORTH ELM STREET, JENKS, OKLAHOMA 74037

I. CALL TO ORDER

II. ROLL CALL

1. MEMBERS MEETING BY VIDEOCONFERENCE

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

The meeting will be live streamed on the [CITY OF JENKS' YOUTUBE CHANNEL](#).

III. ELECTION OF OFFICERS

IV. REQUEST TO APPROVE MINUTES OF AUGUST 17, 2020

Documents:

[2020.08.17 PC MINUTES.PDF](#)

V. BUSINESS

1. ARC 20-489b: Request by Kevin Smith for approval of a new business sign. General Location: 201 E Main

Documents:

[1. SR.ARC AGENDA 489 MAGGIES.09.04.20.PDF](#)

2. Plat – Aquarium Place Carriage Homes: Request by Wallace Engineering for approval of a Final Plat of Aquarium Place Carriage Homes. General Location: SW Corner of E Aquarium Pl & S 3rd St

Documents:

- [1. SR.AQ PL CARRIAGE HOMES.PC.09.04.20.PDF](#)
- [2. AQUARIUM PLACE CARRIAGE HOMES PLAT 08042020.PDF](#)
- [3. AQUARIUM PLACE DOD 8.5X11 - 08.31.20.PDF](#)

3. JZ 20-661 PUD 121: Request by Josh McFarland for approval of Planned Unit Development 121 for Melody Lane. General Location: 716 W Main St

Documents:

1. [SR.JZ 20-661 PUD 121 MELODY LANE..PDF](#)
2. [MELODY LANE PUD 8.31.20.PDF](#)
3. [MELODY LANE CENTER OVERVIEW UPDATED.PDF](#)
4. [MELODY LANE CENTER VIEW DAYLIGHT.PDF](#)
5. [INTERIOR DESIGN CONCEPT THE CAPE BREWING.PDF](#)
6. [TABLE ONE. USE UNITS.R.PDF](#)

4. Request to recommend for approval Ordinance No. 1534, amending the Jenks Zoning Code to add proper zoning for medical marijuana related businesses.

Documents:

[SR.MEDICAL MARIJUANA.PDF](#)
[MEDICAL MARIJUANA ZONING UPDATE - DRAFT.PDF](#)
[MEMO - MEDICAL MARIJUANA.PDF](#)

VI. OTHER BUSINESS

1. Planning Commission order of meeting

Documents:

[PC GUIDELINES.PDF](#)

2. Planning Updates

VII. ADJOURNMENT

**MINUTES
SPECIAL MEETING
JENKS PLANNING COMMISSION
6:00 P.M. MONDAY, AUGUST 17, 2020
COUNCIL CHAMBERS, JENKS CITY HALL
211 NORTH ELM STREET, JENKS, OKLAHOMA 74037**

The Jenks Planning Commission was called to order at 6:00 p.m. on August 17, 2020, by Chair Carol Minden. A roll call vote of members was taken as follows:

Present

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

Absent

Scott West

Request to approve minutes of August 06, 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: Bowman, Randolph, Fulkerson, Brown, Davis, Minden

NAY: None.

Motion carried.

Business

1. Recommend approval of new Jenks Comprehensive Plan, Horizon Jenks, as the City's new Comprehensive Plan for 2020-2040.

Planning Director Marcaé Hilton introduced Item 1 and the consultants from Houseal Lavigne: Josh Koonce, Jackie Wells, and Devin Lavigne. Houseal Lavigne gave a presentation on Horizon Jenks and answered questions from the Planning Commission along with Marcaé Hilton. David Randolph made a motion to approve Item 1 with a change to Heavy Industrial on pg. 29, adding "or new uses in existing that pose a risk to public safety". John Brown seconded the motion. A roll call vote of members was taken as follows:

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

NAY: None

Motion carried.

Adjournment. Travis Fulkerson made a motion to adjourn. Craig Bowman seconded the motion. A roll call vote of members was taken as follows:

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

NAY: None

Motion carried. The Jenks Planning Commission adjourned at 7:10 p.m.

To	Planning Commission
Hearing Date	September 04, 2020
Case Number(s)	ARC 20-479 MAGGIE'S PLACE KEVIN SMITH
Request	Approval of Sign Appearance Review
Location	201 E. Main Street
Applicant	Kevin Smith

Staff Report

Preparer | Marcaé Hilton

Attachments

☐ Maggie's Place Sign

Preparer

Kevin Smith

Background Information

STAFF COMMENTARY

ARC 20-489 | MAGGIE'S PLACE | 201 E MAIN ST | [SPECIAL THEME DISTRICT](#) | Maggie's is located in the heart of the downtown, the building was constructed in 1930, the exterior has many of the original features including tan brick and light colored cut stone. Staff cannot confirm if the mid-century stone feature extending above the roof is original to the structure. They are open in a limited capacity due to COVID-19, they are considered a music venue/bar. To learn more about Kevin and Amy Smith, visit their website.

<https://maggiesmusicbox.com/the-music>

Public Comment None | no notice is given to public for ARC cases

Request New Sign on "fin" of brick architectural feature

Sign is round with no lighting

Zoning Code

1660. 1. Special Theme District Guidelines.

A. General.

1. The criteria are designed to be flexible in nature, but provide a cohesive theme for the defined special district. Architectural designs that were typical of the turn of the century are the theme for the special district. The overall appearance of structures within the defined district should adhere to the main theme as described below.

2. Conformance to the Historic Turn-of-the-Century Architectural Design Theme, especially Victorian or Western styles, shall be required.

- The site plan submitted shall conform to a flexible turn-of-the-century design theme of plus or minus 14 years surrounding the year of 1900 time period.

- Evaluation of the conformance to the architectural theme will be contingent upon the *facade color scheme*, and *material selection* for remodeling as well as *landscape and decorative treatments* proposed. An artist's rendition which is located in City Hall and which shows a streetscape of the theme, shall be conformed with as closely as possible.
3. The proposed plan shall show an overall compatibility with the design theme and streetscape. A blending of similar treatments of surrounding structures with the use of such things as period street lighting, window boxes, or pedestrian benches, is encouraged.
 4. Materials selected for the proposed plan shall be compatible in appearance and texture of the overall architectural theme.
 - a. The following factors will govern the Planning Commission evaluation of a proposal in the Special Theme District:
 1. Conformance with the design theme.
 2. Compatibility with surrounding area.
 3. Circulation patterns.
 4. Landscaping and screening.
 5. Material Selection.
 5. Traditional Turn-of-the-Century color schemes and combinations of those colors should be used for all exterior wall coverings. Fluorescent or luminescent colors should be prohibited, unless measures are in place to "soften" the effect on adjoining properties.
- B. Parking/Landscaping.
- C. Signage.
- D. Lighting.
- E. Storage and use of yards and outbuildings.

CONSIDER:

- Signage
 - Is the proposed art flexible enough to be considered compatible with the vision of the downtown and special theme district?

ARC REVIEW | August 25, 2020 | This meeting took place via TEAMS. Members who were not present were asked to submit comments or concerns via email.

Overall Committee Comments: looks good-Heather Turner, Star fish in lieu of Western star is clever-Tanner Rush, generally the sign was liked. There was some discussion regarding the lighting. Staff contacted the applicant and can confirm the sign has no lighting.

Members Present	Greg Helms, GS Helms & Associates, Architect Heather Turner, Anthem Road Academy, Downtown Business Owner JayCee Kerns, LC Kerns Contractors, Downtown Business Owner Tanner Rush, Lead Building Inspector, City of Jenks Chris Robinson, City Engineer, City of Jenks
Members Absent	Josh Driskell, Jenks Chamber of Commerce (sent email, approved design) Matt Bear, Quick Trip, Architect (no comments presented)
Nonvoting Attendees	Chris Shout, City Manager

Robert Carr, Assistant City Manager

Kaye Lynn, Ward 1 Councilor (expressed concerns about compliance with turn of the century language)

Marcaé Hilton, City Planner, City of Jenks

Brandon Macy, City Clerk

Motion | Greg Helms | approve as submitted excluding any back lighting.

The motion was approved.

ARC REVIEW | May 26, 2020 | This meeting took place via TEAMS. Overall, the ARC was supportive of the signage, outdoor uses, and general plan. However, the ARC had a lengthy conversation and struggled with the Mural as presented. They questioned the definition of a Mural vs Sign and if the City can legally regulate the content of a Mural. There were questions raised as to the content of the mural and if it fit the definition of the code.

Members Present	Josh Driskell, Jenks Chamber of Commerce
	Heather Turner, Anthem Road Academy, Downtown Business Owner
	JayCee Kerns, LC Kerns Contractors, Downtown Business Owner
	Tanner Rush, Lead Building Inspector, City of Jenks
	Chris Robinson, City Engineer, City of Jenks
Members Absent	Greg Helms, GS Helms & Associates, Architect (sent email, no comments)
	Matt Bear, Quick Trip, Architect (no comments presented)
Nonvoting Attendees	Chris Shout, City Manager
	Robert Carr, Assistant City Manager
	Kaye Lynn, Ward 1 Councilor
	Marcaé Hilton, City Planner, City of Jenks
	Brandon Macy, City Clerk

Sec. 1620. - Appearance review committee duties.

A. The ARC shall review proposed development plans related to building construction, architectural style, building materials, signage, landscaping, and lighting in accordance with prescribed appearance criteria for the Appearance Review District in which a property is located. Recommendations on the proposed project by the ARC will be forwarded to the Planning Commission for their review.

Recommendation by ARC | the voting members made a motion of support with comments as seen below:

1. No corrugated metal can be used on the corner and front eave along Main Street
 - a. Resubmit plan for staff approval
2. Mural
 - a. Confirm Art is as tastefully done as possible
 - b. Agree to maintenance and general upkeep of mural
 - c. Get legal opinion on Mural/Art/Signage
3. Signage can include bulbs within arrow, but nothing flashing

PLANNING COMMISSION | June 04, 2020 | approved all concepts as submitted by applicant and supported by ARC.

Staff Evaluation & Recommendation

EVALUATION | MAGGIE'S PLACE is part of the Special Theme District, the criteria established in the code is designed to be flexible in nature but provide a cohesive theme for the defined special



district. In this case Maggie's was previously approved for a mural, outdoor seating and an *arrow sign* to be located at the corner of the building. At this time, they have revised the signage and seek a new approval. The sign matches the approved mural and venue theme; it is round and features a female dressed in a seashell top, wearing a drum as a tiara and establishes a strong music theme. The font is all caps western style with star fish. The colors are rich earth tones with shades of turquoise and orange. Staff believed the code is



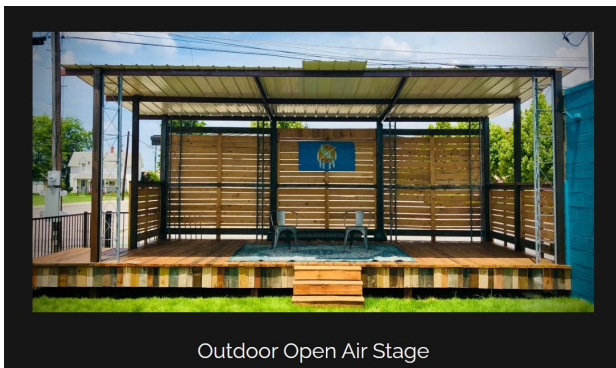
flexible enough to consider approval of this sign.

CONDITIONS by ARC and Staff

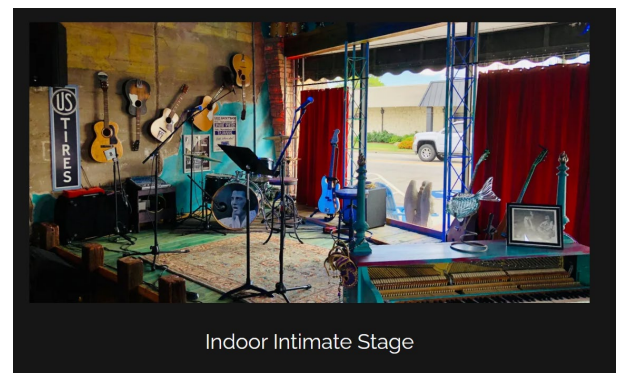
- Signage cannot include back lighting

RECOMMENDATION

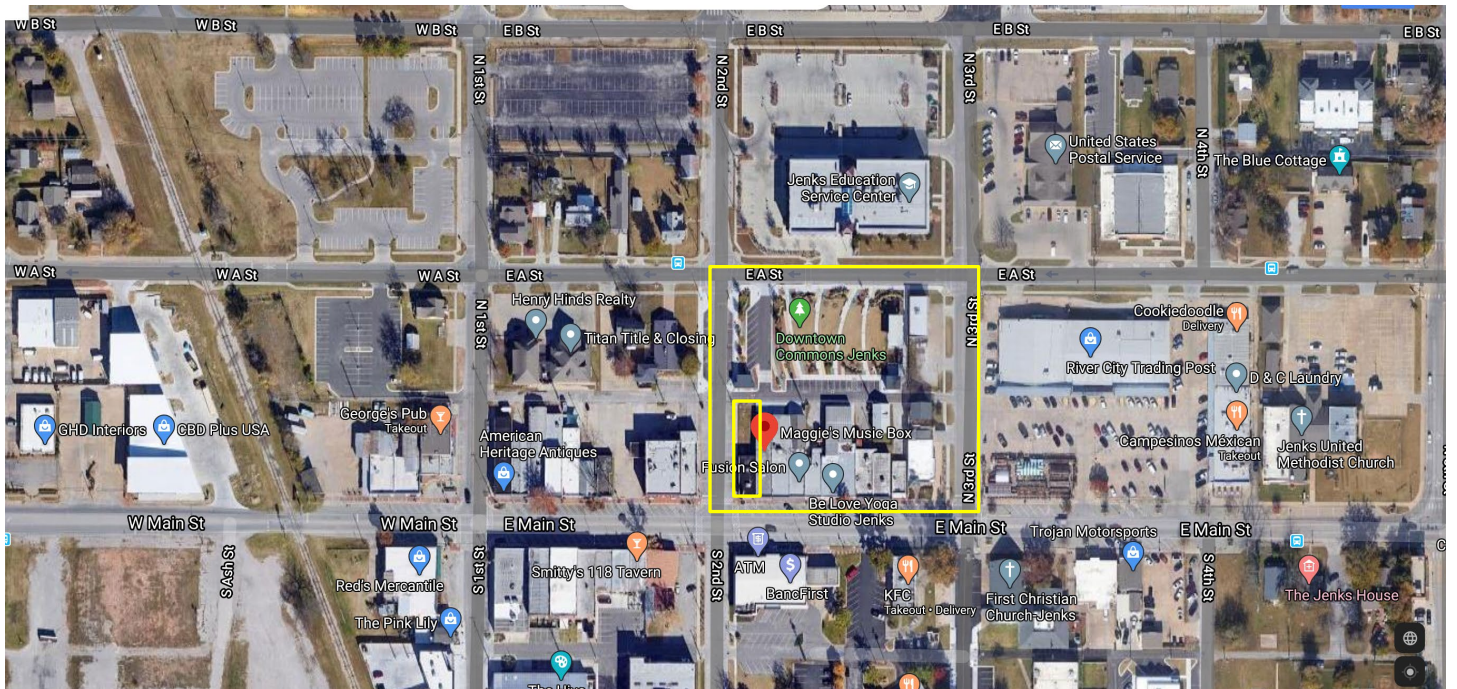
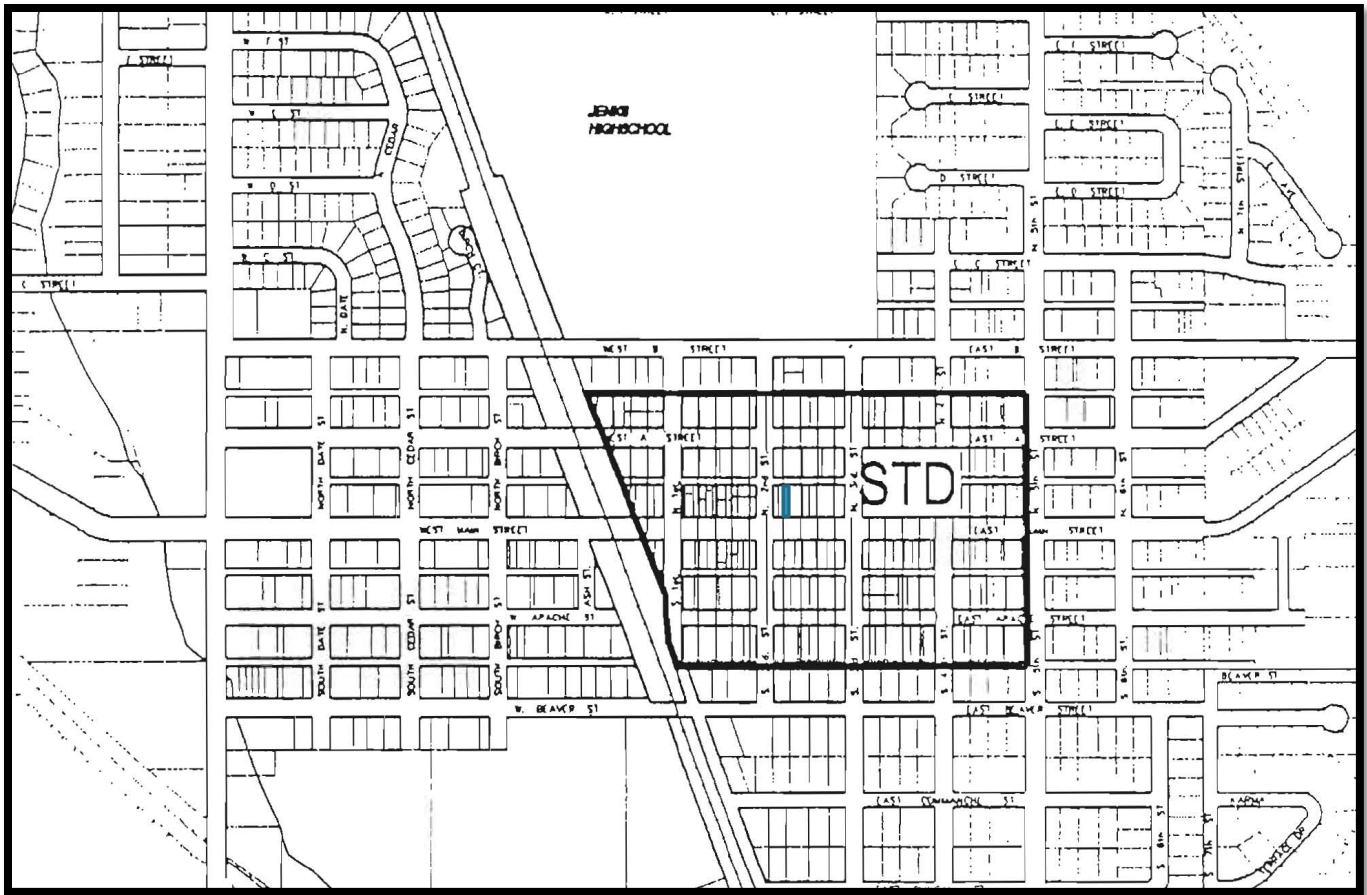
Staff recommends approval of new sign | 2x 44" x 44" Metal Signs on existing rock structure above building (rock fin)



Outdoor Open Air Stage



Indoor Intimate Stage



To	Planning Commission
Hearing Date	September 04, 2020
Case Number	Preliminary/Final Plat Aquarium Place Carriage Homes
Request	Resubdivision/Final Plat Approval
Location	Southwest corner of East Aquarium Place and S 3 rd Street
Applicant	Jim Beach Wallace Engineering, Inc.

Staff Report

Preparer | Marcaé Hilton

Attachments

- ☐ Aquarium Place Carriage Homes Final Plat
- ☐ Aquarium Place Carriage Homes DOD

Preparer

Wallace Eng.
Wallace Eng.

Background Information

STAFF COMMENTARY | This is a request to approve the resubdivision of Lots 1-8 of Block 30, Jenks-Original Town as identified in the final plat “Aquarium Place Carriage Homes.” January 22, 2019, this property was rezoned to CH | PUD-114, per Ordinance No. 1478. The PUD allows for the development of any combination of Use Units (8, 11, 12, 13, 14, 22). The approved PUD planned for a 3-story mixed-use building containing 30 residential units on the top two floors and 5,000 square feet of commercial space on the ground floor. However, the applicant will not be building a mixed-use development but will be providing high quality Carriage Homes (apartments). The rezoning and PUD approval triggered the “platting requirement” in Section 260 of the Jenks Zoning Code. The developer will be building apartments as is allowed within the PUD. There is no plan to build any commercial at the street level. The PUD is approved and its details may not be amended in this hearing. Plans will be checked during building permitting to ensure the developer complies with the conditions of PUD approval.

Considerations | Does the plat meet the requirements of the Subdivision Regulations and properly document the PUD development standards and conditions as they were approved by the City Council.

PLANNING DATA

Zoning	(CH) Commercial Heavy PUD 114 Ordinance No. 1478
PUD 114	
Original Plat	Jenks Original Town Filed 07.15.1905
Subdivision Stats	1 Lot 1 Block 0.651 Acres
STR	Section 19, T18N, R13E
Tulsa County	Parcel ID: 60525831903100 LTS 1 2 3 BLK 30 222 E AQUARIUM PL S Parcel ID: 60525831903110 LTS 4 5 6 BLK 30 216 E AQUARIUM PL S Parcel ID: 60525831903120 LTS 7 8 BLK 30 210 E AQUARIUM PL S
Comp Plan	High Intensity
Public Comment	No comments from Public, Plats do not require a public notice
Staff Comments	January 2019 Per Jim Beach, City Planner Approval Letter <i>"The above application was APPROVED granting the request by Bell Land Use for rezoning of 222 E. Aquarium Pl. from RS-3 to CH, and for a Planned Unit Development new the SW corner of Aquarium Pl. and 3rd St. with the following conditions:</i>

- 1. Approval of a subdivision plat prior to release of any building permits;*
- 2. Provide parking spaces to meet the current Jenks zoning code requirements for both the apartments and commercial or office uses;*
- 3. Construct the alley between Second and Third Streets to its full intended width and to City standards;*
- 4. Complete sidewalks on Aquarium Place and Third Street to meet ADA requirements and other City standards, or greater, and ensure the beginning and end points are at a finished elevation and location to allow for future continuation in the right-of-way;*
- 5. Provide a sidewalk easement in favor of the City at all locations where the public sidewalk is on the private property of this development;*
- 6. Reconstruct Third Street going south from its intersection with Aquarium Place to the south side of the alley;*
- 7. Provide continuous curb and gutter along both street frontages and connect storm drainage to the nearest storm sewer. The storm water design from the site must address both conveyance and storm water retention in conformance with the City Code and design standards;*
- 8. Improve public waterlines in accordance with needs as determined by the City Engineer and Fire Chief;*
- 9. The exterior design of the complex must be 100% masonry on all levels;*
- 10. If the developer Construct an area on the roof dedicated to outdoor uses as shown on page 14 of PUD text or page 74 of the City Council agenda, it must be constructed in such a way to prevent visibility to residential areas to the South.*

TAC Comments | August 27, 2020

- PSO | Matthew Riley | Coordinate with Jordan of Wallace Engineering, regarding overhead lines.
- Chief Ostrum | 26' aerial access lane due to the height of the buildings being over 30'. Greg Helms will be working on a plan for my approval. All FDC at NW corner of building.
- Robert Carr | Parking on street, what are the stall lengths? 20-24 depending on curb
- Length of longest Ford truck? 22 feet
- Robert Carr | drainage to be approved by City Engineer.

Staff Comments | August 27, 2020

- Add Building setback lines.

RELEVANT ZONING TEXT

SECTION 1.5 PLATTING REQUIREMENT AND WAIVER

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 follows:

For any land which has been rezoned upon application, no building permit shall be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or replat, as the case may be, submitted to the Planning Commission for their review and recommendation, approved by the City Council, and filed of record in the office of the County Clerk where the property is situated. Provided that the City Council, pursuant to their exclusive jurisdiction of subdivision plats, may remove the platting requirement upon a determination that the above-stated purposes have been achieved by the previous platting or could not be achieved by a plat or replat.

Sec. 950. - Administrative application and review procedures.

C. Planning Commission Action.

b. The Planning Commission shall approve, approve with modification, or disapprove the development plan required under the PUD. Approval by the Planning Commission shall be authorized for the processing of a subdivision plat incorporating the provisions of the development plan. The preliminary plat/conditional final plat may be processed simultaneously with the Planned Unit Development applications. The Planning Commission shall forward its recommendation, the application, and subdivision plat (if applicable) to the City Council for further action as provided in subsection D. of this section.

D. City Council Action.

a. If a subdivision plat incorporating the provisions of the PUD was not submitted along with the PUD application, the approval of the PUD automatically authorizes the processing of a subdivision plat incorporating said provisions. The subdivision

plat must receive prior review of the Planning Commission, who will then forward its recommendations and plat to the City Council.

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.

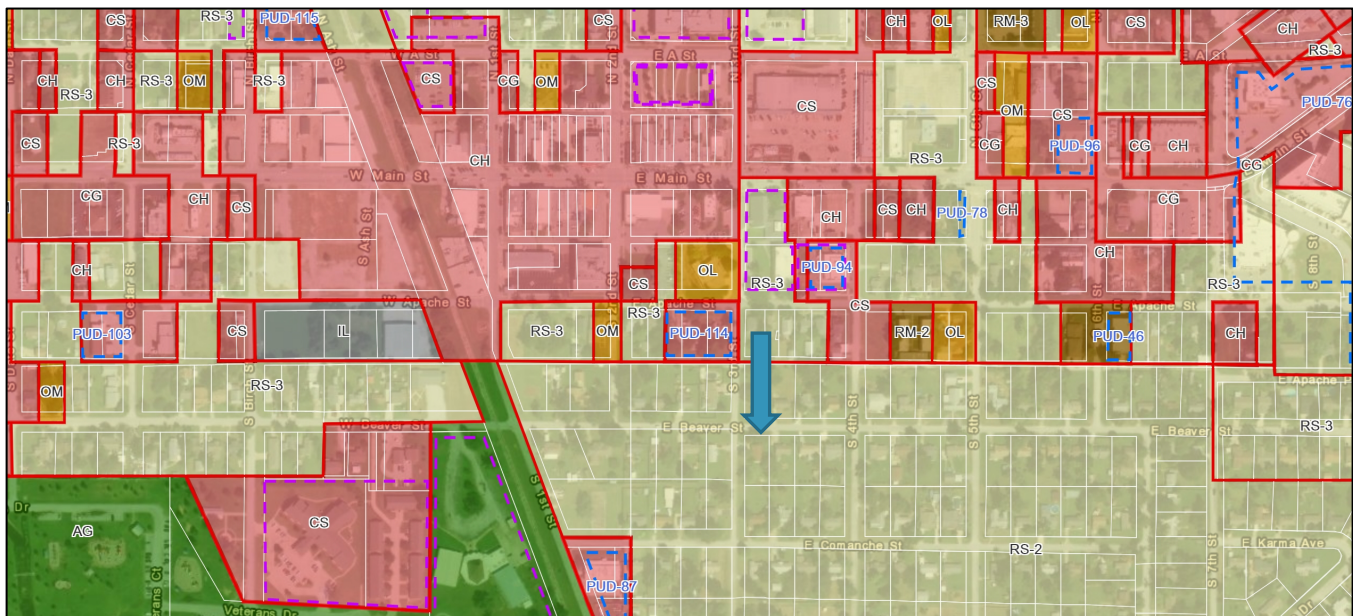


Figure 1: Zoning Map from INCOG

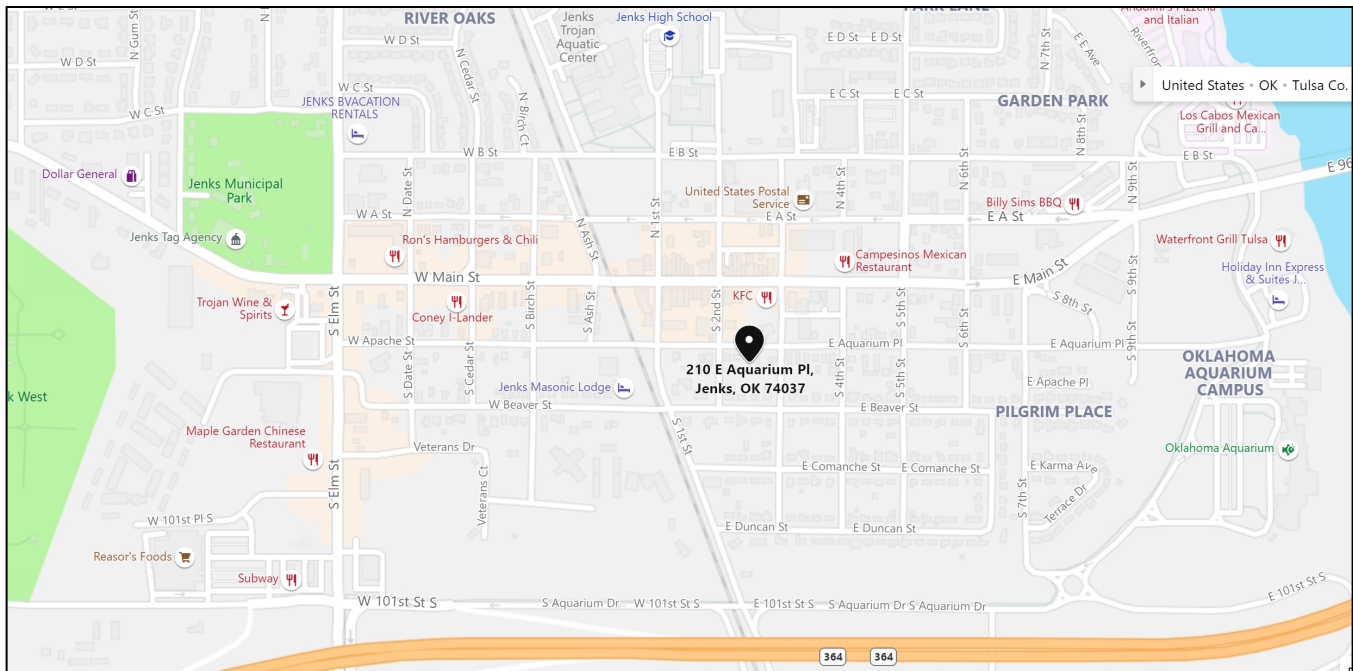


Figure 2: Bing Map

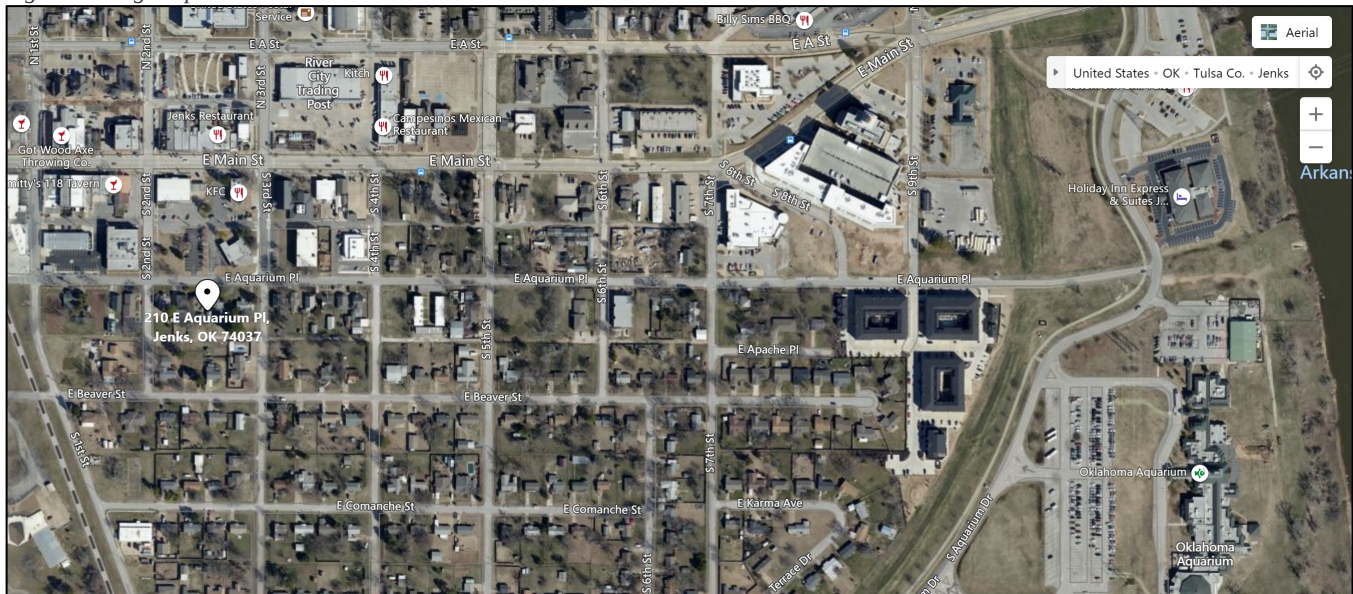


Figure 3: Aerial View of Existing Development

Staff Evaluation & Recommendation

EVALUATION Staff believes the requested plat meets the requirements of PUD 114 and other required City Codes. Staff does not believe this plat is injurious to the City of Jenks or its citizens. Building permits are contingent upon meeting the requirements of the approved PUD, engineering and any other City regulations.

- **ADD BUILDING LINE SETBACKS**

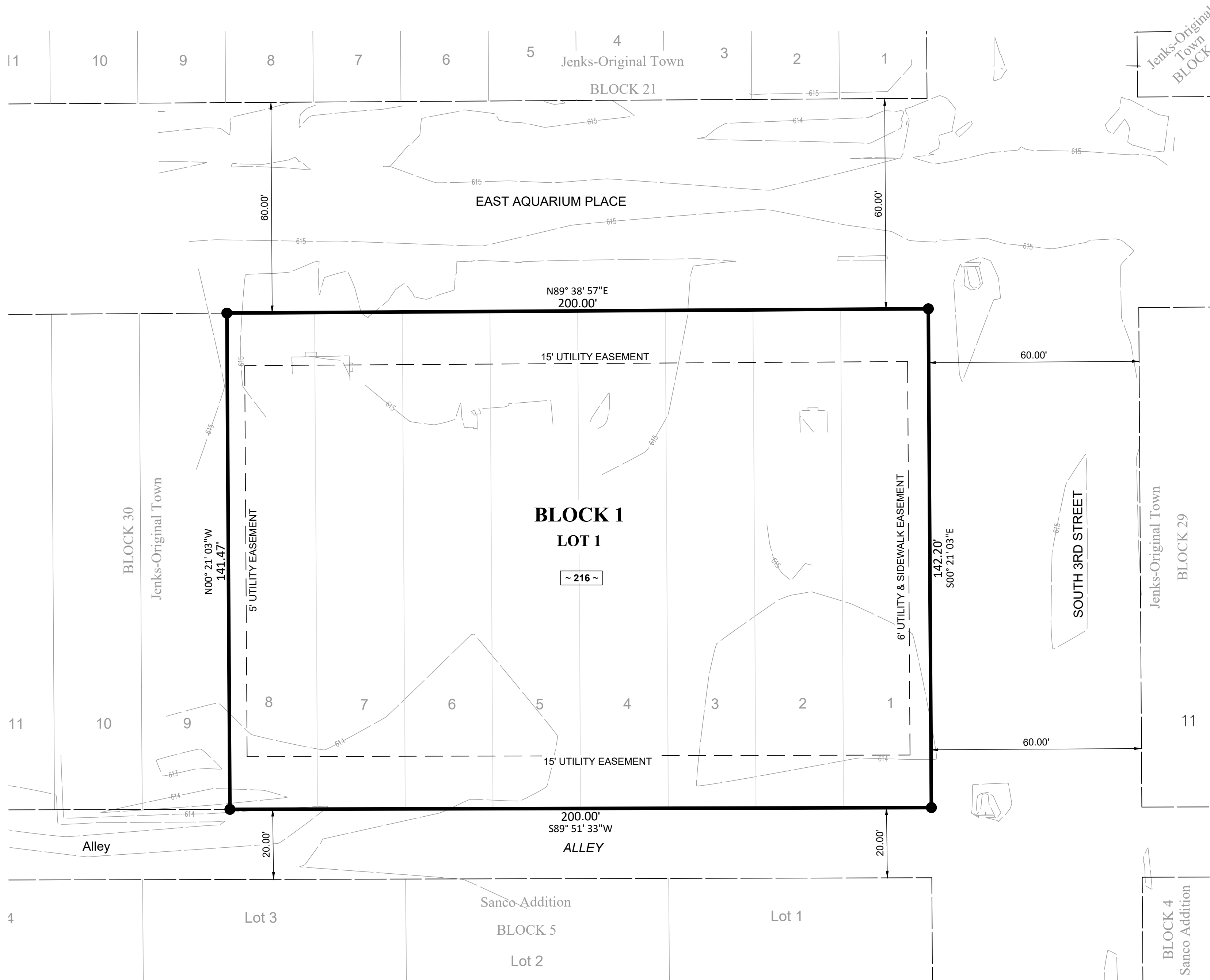
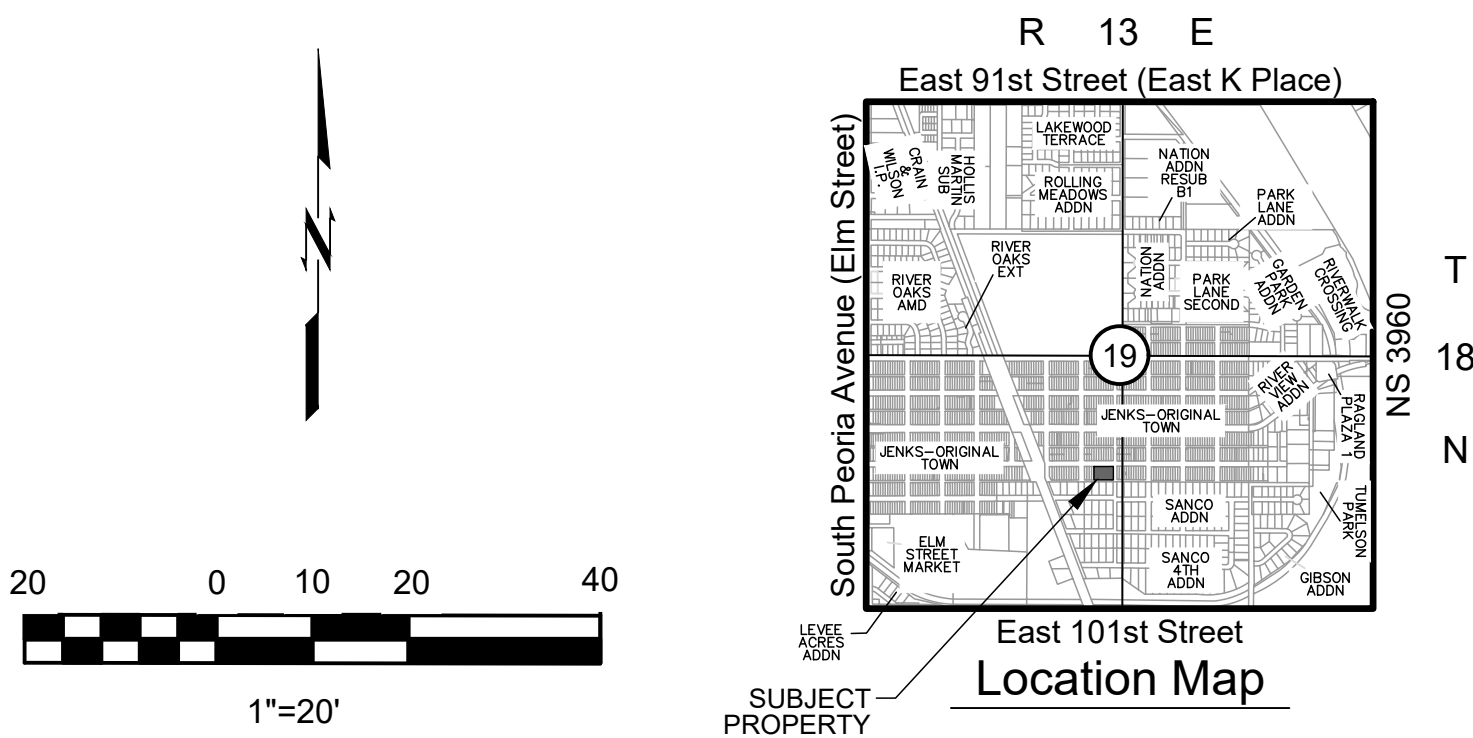
RECOMMENDATION

Staff and TAC recommend conditional approval of the requested Aquarium Place Carriage Homes per staff comments and correction of any outstanding issues.

PRELIMINARY / CONDITIONAL FINAL PLAT

AQUARIUM PLACE CARRIAGE HOMES

A RESUBDIVISION OF LOTS 1 THROUGH 8, BLOCK 30, JENKS - ORIGINAL TOWN
PLANNED UNIT DEVELOPMENT NO. 114



ENGINEER

WALLACE ENGINEERING
STRUCTURAL CONSULTANTS, INC.
123 NORTH MARTIN LUTHER KING JR.
BOULEVARD
TULSA, OK 74103
(918) 584-5858
OKLAHOMA CA #1460
EXP DATE 6/30/2021
jmoore@wallacesc.com

SURVEYOR

BENNETT SURVEYING, INC.
210 CHOUTEAU AVENUE
CHOUTEAU, OK 74337
TEL: 918-476-7484
RPLS 1556, CA #4502
EXPIRES 6/30/2021
wade@bennettsurveying.com

DEVELOPER

OAK PROPERTIES, LLC.
203 E. MAIN STREET
JENKS, OKLAHOMA 74137
ATTN: DUANE PHILLIPS

SUBDIVISION STATISTICS

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

SUBDIVISION CONTAINS 28,367 SQUARE FEET OR 0.651 ACRES.

MONUMENTATION

$\frac{3}{8}$ " IRON PIN TO BE SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.

BASIS OF BEARINGS

HORIZONTAL DATUM BASED UPON NAD 83 (1993) OKLAHOMA STATE PLANE COORDINATE SYSTEM NORTH ZONE 3501 VERTICAL DATUM BASED UPON NAVD 88.

ADDRESS NOTE

ADDRESS SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THIS PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF LEGAL DESCRIPTION.

BACKFLOW PREVENTER VALVE

IF THE ACTUAL FINISH FLOOR ELEVATION IS LOWER THAN ONE (1) FOOT ABOVE THE UPSTREAM SANITARY SEWER MANHOLE TOP OF RIM ELEVATION, IT SHALL BE THE BUILDERS RESPONSIBILITY TO INSTALL THE 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.

FLOODPLAIN NOTE

THE PROPERTY DESCRIBED HAS BEEN EXAMINED BY A MAP OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP TULSA COUNTY, OKLAHOMA, MAP NO. 40143C0364L, MAP REVISED: OCTOBER 16, 2012, WHICH SHOWS THE ENTIRE PORTION OF THE PROPERTY DESCRIBED HEREON AS LOCATED IN ZONE (X) NOT SHADED WHICH IS CLASSIFIED AS AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

LEGAL DESCRIPTION

A TRACT OF LAND LYING IN THE NORTHEAST QUARTER (NE/4), OF THE SOUTHEAST QUARTER (SE/4), OF SECTION NINETEEN (19), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

LOTS ONE (1), TWO (2), THREE (3), FOUR (4), FIVE (5), AND SIX, BLOCK THIRTY (30) JENKS - ORIGINAL TOWN, IN THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

AND

LOTS SEVEN (7) AND EIGHT (8), BLOCK THIRTY (30) JENKS - ORIGINAL TOWN, IN THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

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

LEGEND

U/E UTILITY EASEMENT
B/L BUILDING SETBACK LINE
~560~ ADDRESS

AQUARIUM PLACE CARRIAGE HOMES
DEED OF DEDICATION AND RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

OAK PROPERTIES, LLC., HEREINAFTER REFERRED TO AS "GRANTOR", IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, TO WIT:

A TRACT OF LAND LYING IN THE NORTHEAST QUARTER (NE/4), OF THE SOUTHEAST QUARTER (SE/4), OF SECTION NINETEEN (19), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

LOTS ONE (1), TWO (2), THREE (3), FOUR (4), FIVE (5), AND SIX (6), BLOCK THIRTY (30), JENKS-ORIGINAL TOWN, IN THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

AND

LOTS SEVEN (7) AND EIGHT (8), BLOCK THIRTY (30), JENKS-ORIGINAL TOWN, IN THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF. AS OWNER OF THE ABOVE DESCRIBED LAND, WE HEREBY CERTIFY THAT WE HAVE CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, COMBINED, MAPPED, DEDICATED AND ACCESS RIGHTS RESERVED AS PRESENTED ON THE PLAT AND HAS DESIGNATED THE SUBDIVISION AS "AQUARIUM PLACE APARTMENTS", A SUBDIVISION IN THE CITY OF JENKS, TULSA COUNTY, OKLAHOMA

AND HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO 1 LOT, 1 BLOCK, IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLAT"), AND HAS ENTITLED AND DESIGNATED THE SUBDIVISION AS "AQUARIUM PLACE CARRIAGE HOMES", A SUBDIVISION IN THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA (HEREINAFTER THE "SUBDIVISION" OR "PLATTED AREA" OR "AQUARIUM PLACE CARRIAGE HOMES").

SECTION I. EASEMENTS AND UTILITIES

A. PUBLIC UTILITY EASEMENTS

THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC THE UTILITY EASEMENTS DESIGNATED AS "U/E" OR "UTILITY EASEMENT" FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS, MANHOLES AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES 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 RELAYING 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. THE OWNER HEREIN IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON THE

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 THAT INTERFERES WITH THE ABOVE SET FORTH USES AND PURPOSES OF THE UTILITY EASEMENTS SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING, AND CUSTOMARY SCREENING FENCES THAT DO NOT CONSTITUTE AN OBSTRUCTION.

B. UTILITY SERVICE

1. OVERHEAD POLES FOR THE SUPPLY OF ELECTRIC AND COMMUNICATION SERVICE MAY BE LOCATED IN THE PERIMETER UTILITY EASEMENT AND THE IN THE PERIMETER RIGHT-OF- WAYS OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD OR UNDERGROUND CABLE, AND ELSEWHERE THROUGHOUT THE SUBDIVISION, ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN EASEMENTS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS AS DEPICTED UPON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE GENERAL UTILITY EASEMENTS.
2. ALL SUPPLY LINES IN THE SUBDIVISION INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENTS RESERVED FOR GENERAL UTILITY SERVICES AND STREETS SHOWN ON THE PLAT OF THE SUBDIVISION. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN SAID EASEMENTS. UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WITHIN THE SUBDIVISION MAY BE EXTENDED FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE UPON THE LOT, PROVIDED UPON 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 NON-EXCLUSIVE EASEMENT ON THE LOT, COVERING A 5 FOOT 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.
3. THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AUTHORIZED AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS SHOWN ON 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, CABLE TELEVISION OR GAS SERVICE FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.
4. THE LOT OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE OVERHEAD AND/OR UNDERGROUND SERVICE FACILITIES LOCATED ON THE OWNER'S LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. EACH SUPPLIER OF THESE SERVICES SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF OVERHEAD AND/OR UNDERGROUND FACILITIES, BUT THE LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR THE OWNER'S AGENTS OR CONTRACTORS.

5. NO CHANGES TO UTILITIES IN PLACE AS OF FEBRUARY 14TH, 2018 SHALL BE REQUIRED BY THE TERMS OF THIS COVENANT.
6. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY EACH SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE LOT OWNER AGREES TO BE BOUND BY THESE COVENANTS.

C. WATER, SANITARY SEWER AND STORM SEWER SERVICE

1. THE LOT OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS LOCATED ON THE PROPERTY.
2. WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GRADE FROM THE CONTOURS EXISTING UPON THE MODIFICATION OR INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN OR STORM SEWER, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD, IN THE JUDGMENT OF THE CITY OF JENKS INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS, AND STORM SEWERS SHALL BE PROHIBITED.
3. THE CITY OF JENKS, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF PUBLIC WATER MAINS AND SANITARY SEWER MAINS AND STORM SEWERS, BUT THE LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, OR THE OWNER'S AGENTS AND /OR CONTRACTORS.
4. THE CITY OF JENKS, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS DEPICTED UPON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF UNDERGROUND PUBLIC WATER, SANITARY SEWER, OR STORM SEWER FACILITIES.
5. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE CITY OF JENKS, OKLAHOMA OR ITS SUCCESSORS, AND THE LOT OWNER AGREES TO BE BOUND BY THESE COVENANTS.

D. GAS SERVICE

1. THE SUPPLIER OF GAS SERVICE, THROUGH ITS AGENTS AND EMPLOYEES SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL UTILITY EASEMENTS SHOWN ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE FACILITIES INSTALLED BY THE SUPPLIER OF GAS SERVICE.
2. THE LOT OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND GAS FACILITIES LOCATED WITHIN THE LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY OTHER CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH GAS SERVICE. THE SUPPLIER OF GAS SERVICES SHALL BE RESPONSIBLE FOR THE ORDINARY MAINTENANCE OF ITS FACILITIES, BUT THE LOT OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE LOT OWNER OR ITS AGENTS OR CONTRACTORS.
3. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE GAS SERVICE AND THE LOT OWNER AGREES TO BE BOUND BY THESE COVENANTS.

E. SURFACE DRAINAGE

THE LOT SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORMWATER FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION. THE LOT OWNER SHALL NOT CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS THE OWNER'S LOT. THE COVENANTS SET FORTH IN THIS SUBSECTION SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF JENKS, OKLAHOMA.

F. SIDEWALKS; PUBLIC SIDEWALK EASEMENT

SIDEWALKS SHALL BE CONSTRUCTED AND MAINTAINED BY THE LOT OWNER IN ACCORDANCE WITH THE JENKS SUBDIVISION AND DEVELOPMENT REGULATIONS AND IN ACCORDANCE WITH THE STANDARDS OF THE CITY OF JENKS. ALL SUCH SIDEWALKS SHALL BE CONSTRUCTED PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY FOR ANY BUILDING WITHIN THE SUBDIVISION. TO THE EXTENT SAID SIDEWALKS, AS DEPICTED ON THE ACCOMPANYING PLAT, EXTEND OUTSIDE OF THE RIGHT OF WAY THE OWNER HEREBY DEDICATES TO THE PUBLIC A PERPETUAL EASEMENT ON, OVER, AND ACROSS THE LOT FOR CONSTRUCTION, MAINTENANCE AND USE AS A PUBLIC SIDEWALK.

G. PAVING AND LANDSCAPING WITHIN EASEMENTS

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

H. CERTIFICATE OF OCCUPANCY RESTRICTIONS

NO CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN THE SUBDIVISION SHALL BE ISSUED BY THE CITY OF JENKS, OKLAHOMA UNTIL CONSTRUCTION OF THE REQUIRED INFRASTRUCTURE (STREETS, WATER, SANITARY SEWER, STORM SEWER SYSTEMS AND SIDEWALKS) SERVING THE ENTIRE SUBDIVISION HAS BEEN COMPLETED AND ACCEPTED BY THE CITY. NOTWITHSTANDING THE FOREGOING, THE CITY MAY AUTHORIZE THE ISSUANCE OF A TEMPORARY CERTIFICATE OF OCCUPANCY IF, IN THE CITY'S SOLE DISCRETION, THE CIRCUMSTANCES SUPPORT THE ISSUANCE. FURTHER NOTWITHSTANDING THE FOREGOING, THE CITY MAY AUTHORIZE THE PHASING OF THE CONSTRUCTION OF INFRASTRUCTURE WITHIN THE SUBDIVISION, AND IF PHASING IS AUTHORIZED, A CERTIFICATE OF OCCUPANCY FOR A BUILDING WITHIN AN AUTHORIZED PHASE MAY ISSUE UPON THE COMPLETION AND ACCEPTANCE OF THE INFRASTRUCTURE SERVING THE PARTICULAR PHASE. BUILDING CONSTRUCTION OCCURRING PRIOR TO THE CITY'S ACCEPTANCE OF THE INFRASTRUCTURE SHALL BE AT THE RISK OF THE OWNER OF THE LOT, NOTWITHSTANDING THE ISSUANCE OF A BUILDING PERMIT OR OF A TEMPORARY CERTIFICATE OF OCCUPANCY.

SECTION II. PLANNED UNIT DEVELOPMENT RESTRICTIONS

WHEREAS, AQUARIUM PLACE CARRIAGE HOMES WAS SUBMITTED AS PART OF A PLANNED UNIT DEVELOPMENT (DESIGNATED AS PUD-114) AS PROVIDED WITHIN SECTIONS 900 ET SEQ. OF THE CITY OF JENKS ZONING CODE, AS THE SAME EXISTED ON 7/03/2018, WHICH P.U.D. NO. 114 WAS APPROVED BY THE JENKS PLANNING COMMISSION ON JANUARY 10, 2019, AND BY THE JENKS CITY COUNCIL ON JANUARY 22, 2019

WHEREAS, THE PLANNED UNIT DEVELOPMENT PROVISIONS OF THE JENKS ZONING CODE REQUIRE THE ESTABLISHMENT OF COVENANTS OF RECORD, INURING 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, OWNER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY
DEVELOPMENT AND TO INSURE ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF OWNER, ITS SUCCESSORS AND
ASSIGNS, AND THE CITY OF JENKS, OKLAHOMA.

THEREFORE, OWNER DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE
COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS,
AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

A. USE OF LAND

ALL OF LOT 1, BLOCK 1 SHALL BE GOVERNED BY THE USE AND DEVELOPMENT REGULATIONS OF PUD 114, EXCEPT
WHERE NOT SPECIFIED, SHALL BE GOVERNED BY THE REQUIREMENTS OF THE CH ZONING DISTRICT.

B. DEVELOPMENT STANDARDS

1. PERMITTED USES AND DIMENSIONAL REQUIREMENTS:

MULTI-FAMILY DWELLINGS AND SIMILAR USES; OFFICES AND STUDIOS; CONVENIENCE GOODS AND
SERVICES; BUSINESS SIGNS

MAXIMUM NUMBER OF DWELLING UNITS	30
MINIMUM LOT AREA PER DWELLING UNIT	PER JENKS COMPREHENSIVE PLAN
MINIMUM LAND AREA PER DWELLING UNIT	PER JENKS COMPREHENSIVE PLAN
MINIMUM SETBACK FROM NORTH PROPERTY LINE	27 FEET
MINIMUM SETBACK FROM EAST PROPERTY LINE	10 FEET
MINIMUM SETBACK FROM WEST PROPERTY LINE	10 FEET
MINIMUM SETBACK FROM SOUTH PROPERTY LINE	27 FEET
MINIMUM SETBACK FOR OFF-STREET PARKING	5 FEET
MAXIMUM PERMITTED BUILDING HEIGHT	42 FEET
MINIMUM LIVABILITY SPACE/LANDSCAPE AREA	15% OF LOT AREA

2. SCREENING:

A SIX-FOOT SCREENING FENCE WILL BE ESTABLISHED ON THE SOUTH SIDE OF THE ALLEY AND A SIX
FOOT SCREENING FENCE WILL BE ESTABLISHED ALONG THE WEST PROPERTY LINE FROM FRONT
BUILDING SETBACK TO REAR BUILDING SETBACK. (IF THE PROPERTY OWNERS ALONG THE SOUTH LINE
OF THE ALLEY DO NOT WISH THE SCREENING FENCE TO BE ESTABLISHED ALONG THEIR PROPERTY LINE
THE FENCE WILL BE ABLE TO BE ESTABLISHED WITHIN ONE FOOT OF THE ALLEY RIGHT OF WAY).

3. 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 NOT EXCEED 19 FEET IN HEIGHT. ALL EXTERIOR BUILDING LIGHTING WILL BE CONSISTENT WITH PERIOD LIGHTING THEMES OF THE THEME APPEARANCE REVIEW DISTRICT.

C. CITY COUNCIL CONDITIONS OF APPROVAL OF PUD-114:

1. APPROVAL OF A SUBDIVISION PLAT PRIOR TO RELEASE OF ANY BUILDING PERMITS;
2. PROVIDE PARKING SPACES TO MEET THE CURRENT JENKS ZONING CODE REQUIREMENTS FOR BOTH THE APARTMENTS AND COMMERCIAL OR OFFICE USES;
3. CONSTRUCT THE ALLEY BETWEEN SECOND AND THIRD STREETS TO ITS FULL INTENDED WIDTH AND TO CITY STANDARDS;
4. COMPLETE SIDEWALKS ON AQUARIUM PLACE AND THIRD STREET TO MEET ADA REQUIREMENTS AND OTHER CITY STANDARDS, OR GREATER, AND ENSURE THE BEGINNING AND END POINTS ARE AT A FINISHED ELEVATION AND LOCATION TO ALLOW FOR FUTURE CONTINUATION IN THE RIGHT-OF-WAY;
5. PROVIDE A SIDEWALK EASEMENT IN FAVOR OF THE CITY AT ALL LOCATIONS WHERE THE PUBLIC SIDEWALK IS ON THE PRIVATE PROPERTY OF THIS DEVELOPMENT;
6. RECONSTRUCT THIRD STREET GOING SOUTH FROM ITS INTERSECTION WITH AQUARIUM PLACE TO THE SOUTH SIDE OF THE ALLEY;
7. PROVIDE CONTINUOUS CURB AND GUTTER ALONG BOTH STREET FRONTAGES AND CONNECT STORM DRAINAGE TO THE NEAREST STORM SEWER. THE STORM WATER DESIGN FROM THE SITE MUST ADDRESS BOTH CONVEYANCE AND STORM WATER RETENTION IN CONFORMANCE WITH THE CITY CODE AND DESIGN STANDARDS;
8. IMPROVE PUBLIC WATERLINES IN ACCORDANCE WITH NEEDS AS DETERMINED BY THE CITY ENGINEER AND FIRE CHIEF
9. THE EXTERIOR DESIGN OF THE COMPLEX MUST BE 100% MASONRY ON ALL LEVELS
10. IF THE DEVELOPER CONSTRUCT AN AREA ON THE ROOF DEDICATED TO OUTDOOR USES AS SHOWN ON PAGE 14 OF PUD TEXT OR PAGE 74 OF THE CITY COUNCIL AGENDA, IT MUST BE CONSTRUCTED IN SUCH A WAY TO PREVENT VISIBILITY TO RESIDENTIAL AREAS TO THE SOUTH.

SECTION III. ENFORCEMENT, DURATION, AMENDMENT AND SEVERABILITY

A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER AND ITS SUCCESSORS AND ASSIGNS IN TITLE. WITHIN THE PROVISIONS OF SECTION I. EASEMENTS AND UTILITIES ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO, AND ADDITIONALLY THE COVENANTS WITHIN SECTION I, WHETHER OR NOT SPECIFICALLY THEREIN SO STATED SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF JENKS, OKLAHOMA. IN ANY JUDICIAL ACTION BROUGHT TO ENFORCE THE COVENANTS ESTABLISHED WITHIN THIS DEED OF DEDICATION, THE DEFENSE THAT THE PARTY INITIATING THE EQUITABLE PROCEEDING HAS AN ADEQUATE REMEDY AT LAW IS HEREBY WAIVED.

B. DURATION

CERTIFICATE OF SURVEY

I, R. WADE BENNETT, OF BENNETT SURVEYING, INC., A LICENSED PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF OKLAHOMA, HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS "AQUARIUM PLACE CARRIAGE HOMES", A SUBDIVISION IN THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, IS A REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED LAND SURVEYING PRACTICES AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED.

WITNESS MY HAND AND SEAL THIS ____ DAY OF _____, 2020.

R. WADE BENNETT _____
LICENSED PROFESSIONAL LAND SURVEYOR

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
) SS:
COUNTY OF TULSA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2020, BY R. WADE BENNETT.

NOTARY PUBLIC _____

MY COMMISSION NO:

MY COMMISSION EXPIRES

[SEAL]

To	Planning Commission
Hearing Date	September 3, 2020
Case Number(s)	ARC 20-487 MELODY LANE PUD 121 JZ20-661 MELODY LANE
Request	Appearance Review PUD Approval
Location	716 W. Main Street South of Main and west of Elm

Staff Report

Preparer | Marcaé Hilton

Attachments

☐ Melody Lane Documents

Preparer

Josh McFarland

Background Information

ARC 20-487 | STAFF COMMENTARY | MELODY LANE | CORRIDOR APPEARANCE DISTRICT

- ARC | August 25, 2020 | Appearance Review Committee recommended approval of PUD Site Plan with no comments.
- ARC | June 04, 2020 | PC approved the initial ARC Site Plan request | exterior & landscaping

Currently the applicant is asking for approval of a conceptual site plan for additional site development which is part of the PUD 121 application. The site includes a brewery, outdoor dining, restroom facilities, outdoor venue with stage, passive recreation space. Ultimately, Josh's Sno Cone will relocate on the site and add a drive thru. Jenks Bible Church is not part of the project area.

The entire site is part of a professional retrofit to the onetime shopping strip-center. Melody Lane has been revitalized with an exterior facelift, new landscaping, athletic uses, and signage. The exterior is a combination of grey metal, brick and other materials.

CONSIDER: The Corridor Appearance District as created is defined by Appendix "A"- Jenks Comprehensive Plan for the purpose of extending Appearance Review standards and guidelines to achieve aesthetically pleasing and environmentally sensitive development areas through alternative compliance methods, including:

- ✓ Landscaping,
- ✓ Building material selection,
- ✓ Structural design and color-scheme provisions,
- ✓ Sound reduction methods,
- ✓ Improved air quality,

- ✓ Provide attractive sites for non-residential, commercial development, and industrial development to the benefit of Jenks visitors and residents.

Sec. 1620. - Appearance review committee duties.

A. The ARC shall review proposed development plans related to building construction, architectural style, building materials, signage, landscaping, and lighting in accordance with prescribed appearance criteria for the Appearance Review District in which a property is located. Recommendations on the proposed project by the ARC will be forwarded to the Planning Commission for their review.

Sec. 1650. - Exemptions.

1650.1. Residential Zoning Districts; Planned Unit Developments (PUDs); Specific Use Permits, and other zoning classifications or districts with Restrictive Covenants and/or Development Text when determined at the time of zoning approval to meet the Appearance Review District guidelines.

Public Comment None | no notice is given to public for ARC cases

Staff Recommendation | Approve the ARC review

The code allows for exemptions to the ARC if the PUD development text meets the Appearance Review District Guidelines, Staff believes the project meets or exceeds the ARC requirements.

PUD 121 | STAFF COMMENTARY

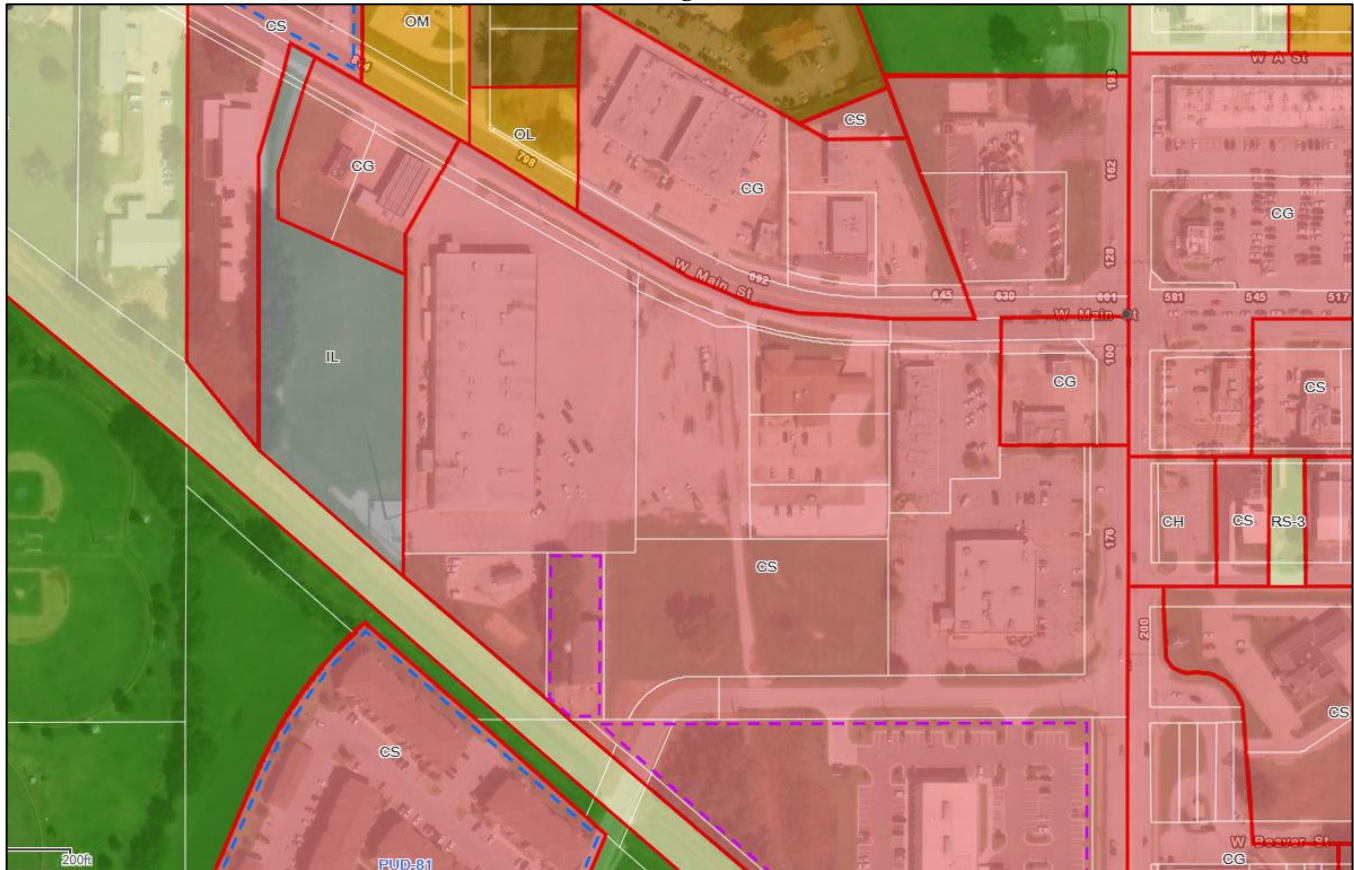
PLANNING DATA

Public Comment	None received at the time of this report
Intended Uses	Commercial Shopping, Brewery, Food Trucks, Outdoor Entertainment See Suggested PUD Language per Staff
	1. TO BE REVISED Principle Uses allowed in CS See "Table One" for details 2. COMPLETED Food Trucks Use Unit 18 Accessory Eating Establishment Use Eating establishments (Food Truck) providing curb service or offering food or drink for on-premises consumption within parked motor vehicles, or permitting the on-premises consumption of food or drink within the parked motor vehicle or outside the principal structure (truck). 3. COMPLETED Brewery Use Unit 24, Light Manufacturing Max 6,000 sq. ft. 4. COMPLETED Outdoor entertainment and recreation Use Unit 19 & 20 19.5 a. Use Unit 19.5 Commercial amusement establishments, not requiring a large site, near a commercial trade area, includes outdoor recreation and open air activities. • Use Unit 19 Commercial amusement establishments ordinarily, not requiring large sites, and which have use characteristics permitting their location in or near developed commercial trade areas. • Use Unit 20 Outdoor recreation, NEC. Commercial recreation facilities, the principal activities of which are usually open air, located in undeveloped outlying sections of the city.
Zoning	CS Commercial Shopping
Requested Zoning	CS PUD 121
Comprehensive Plan	Medium No Land Use
General Location	South of Main Street and west of Elm
Plat	MELODY LANE CENTER

Parcel ID	60760-82-24-21700
Site Address	706 W MAIN ST S JENKS 74037
Acres	1.01
STR	Section: 24 Township: 18 Range: 12
Parking	COMPLETED Add to PUD a Shared Parking Agreement for multi-tenant use
Parking Spaces Provided	COMPLETED Identify the number of spaced provided within site plan

Zoning

North | CG (Commercial General)
 East | CS (Commercial Shopping)
 South | CS (Commercial Shopping) | SP 113- Church
 West | IL (Industrial Light), CG (Commercial General)



PUD ZONING LANGUAGE

C. Planning Commission Action.

a. The Planning Commission, upon notice of filing of an application for the approval of a PUD, in Accordance with Chapter 15 of the Jenks Zoning Code, shall set the matter for public hearing and give 15 days' notice thereof by publication in a newspaper of general circulation. Additional notice may be given by the posting of a sign or signs on the property. Within 60 days after the filing of an application, the Planning Commission shall conduct the public hearing.

b. After the public hearing as provided for in Chapter 15, the Planning Commission shall make its recommendation to the City Council. In making this recommendation the Planning Commission shall consider at least the following factors:

- 1. Whether the PUD is consistent with the comprehensive plan;*

2. Whether the PUD harmonizes with the existing and expected development of surrounding areas;

3. Whether the PUD is a unified treatment of the development possibilities of the project site;

4. Whether the PUD is consistent with the stated purposes and standards of this chapter.

b-c. The Planning Commission shall *approve, approve with modification, or disapprove the development plan required under the PUD*. Approval by the Planning Commission shall be authorized for the processing of a subdivision plat incorporating the provisions of the development plan. The preliminary plat/conditional final plat may be processed simultaneously with the Planned Unit Development applications. The Planning Commission shall forward its recommendation, the application, and subdivision plat (if applicable) to the City Council for further action as provided in subsection D. of this section.

D. City Council Action.

a. Upon receipt of the PUD application, development text, and subdivision plat (if applicable), and the Planning Commission recommendation, the City Council shall hold a hearing, *review the PUD and approve, disapprove, modify, or return the development plan to the Planning Commission for further consideration*. Upon approval, the zoning map shall be amended to reflect the designated PUD and application number. If a subdivision plat incorporating the provisions of the PUD was not submitted along with the PUD application, the approval of the PUD automatically authorizes the processing of a subdivision plat incorporating said provisions. The subdivision plat must receive prior review of the Planning Commission, who will then forward its recommendations and plat to the City Council.

SUPPLEMENTAL INFORMATION

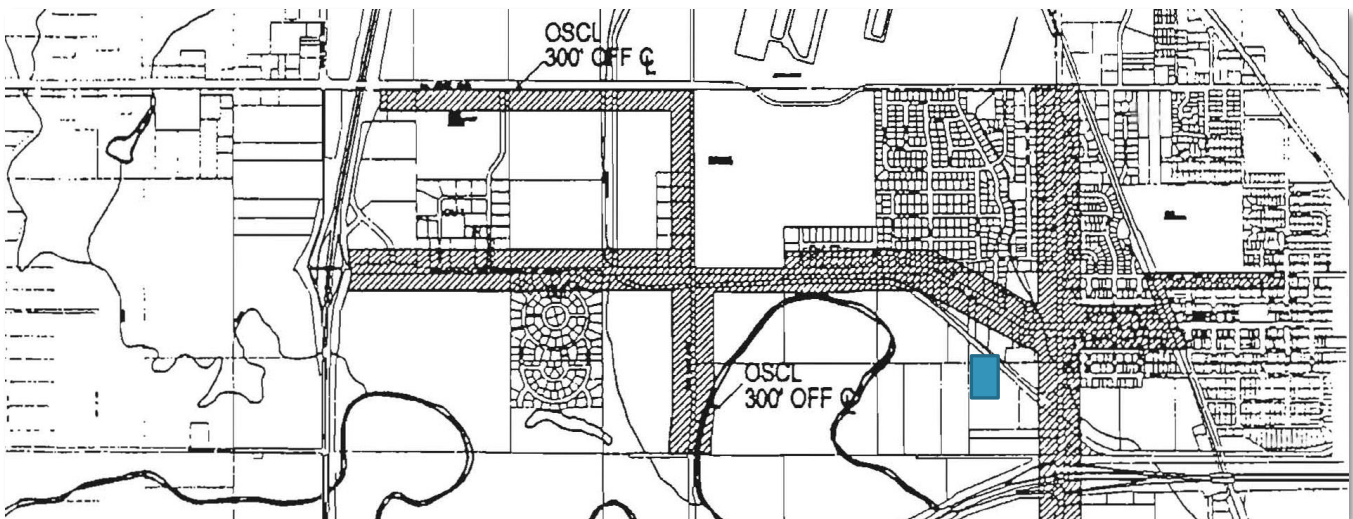


Figure 1: CORRIDOR APPEARANCE DISTRICT MAP



Figure 2: AERIAL VIEW OF MELODY LANE



Figure 3: MAIN STREET VIEW OF MELODY LANE



Figure 4: RENDERING OF MELODY LANE

Evaluation | Make the following changes:

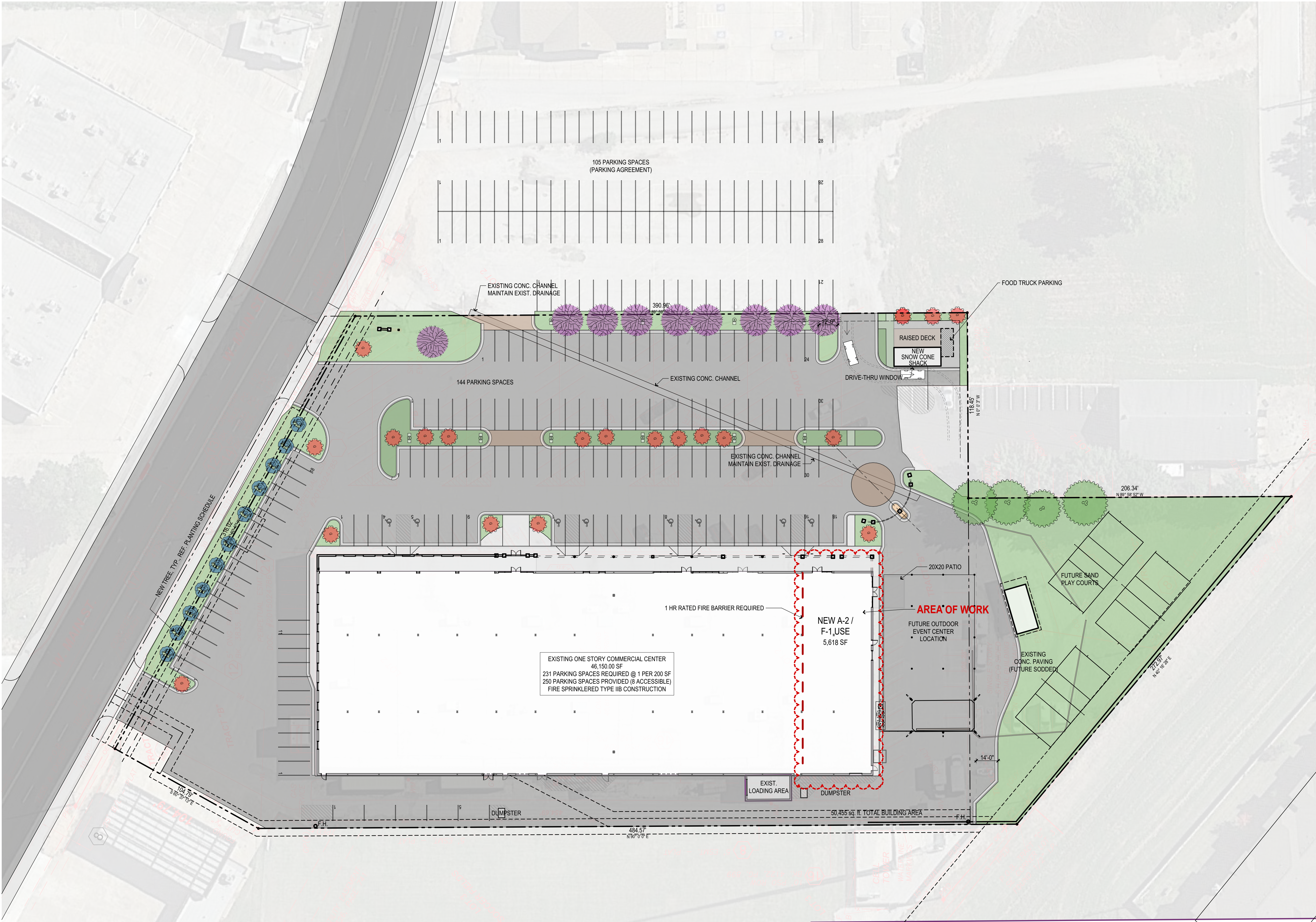
1. *Add PUD 121 to title page.*
2. *Revise and resubmit* | Principle Uses allowed in CS | See “Table One” for details
 - a. *USES to be REMOVED 1, 2, 8, 15, 16, 17, 22, 23, 25, 26, 27, 28*
3. *Requested definitions as seen below have been added*
 - a. *Food Trucks | Use Unit 18 | Accessory Eating Establishment Use | Eating establishments (Food Truck) providing curb service or offering food or drink for on-premises consumption within parked motor vehicles, or permitting the on-premises consumption of food or drink within the parked motor vehicle or outside the principal structure (truck).*
 - b. *Brewery | Use Unit 24, Light Manufacturing | Max 6,000 sq. ft.*
 - c. *Outdoor entertainment and recreation | Use Unit 19 & 20 | 19.5*
 - b. *Use Unit 19.5 | Commercial amusement establishments, not requiring a large site, near a commercial trade area, includes outdoor recreation and open air activities.*
 - *Use Unit 19 | Commercial amusement establishments ordinarily, not requiring large sites, and which have use characteristics permitting their location in or near developed commercial trade areas.*
 - *Use Unit 20 | Outdoor recreation, NEC. | Commercial recreation facilities, the principal activities of which are usually open air, located in undeveloped outlying sections of the city.*
5. *Completed* | Parking | *Add to PUD a Shared Parking Agreement for multi-tenant use*
6. *Completed* | Parking Spaces Provided | *Identify the number of spaces provided within site plan*
7. *Completed* | *Add signage requests*
8. *Add Special Event processes | I.E. 12 large events a year to be approved by Staff and noticed to the area via sign.....*

RECOMMENDATION | *Revise PUD according to Staff Comments*



Melody Lane PUD for Approval

ADD PUD 121 TO TITLE PAGE



CJC Architects, Inc.

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Revision Date	Revision

Project Title

MELODY LANE CENTER

JENKS OKLAHOMA

Sheet Title

SITE PLAN

Drawn Project Number

2005

Checked

user: klempe
file: P2004 RDC Jenks Retail

Seal Issue Date

5/19/2020

Sheet Number

A001

- I. COMMERCIAL PUD DISTRICT PROVISIONS for Melody Lane Center
- a. General Purposes: Same as Commercial Districts:
 - i. Achieve the commercial objectives of the Comprehensive Plan.
 - ii. Meet the needs for the commercial services and goods of the trade area.
 - iii. Preserve and promote the development of efficient commercial facilities and encourage a compatible relationship between commercial facilities and other land uses and thoroughfares by:
 - iv. Differentiating the types and purposes of commercial activities.
 - v. Establishing bulk and area controls.
 - vi. Requiring off-street loading and parking facilities.
 - vii. Controlling the number, area, location, and types of signs.
 - viii. Protecting the character of commercial districts and their peculiar suitability for commercial uses.
 - b. Specific Purposes: Same as the CS Shopping Center District:
 - i. Designed to accommodate convenience, neighborhood, sub-community, community, and regional shopping centers providing a wide range of retail and personal service uses.
 - c. Principal uses permitted:

Same provisions as CS Shopping Center District (See Table 1), with the following added provisions:

- a. Principle Uses allowed in CS Shopping Center District | See "Table One" for details
- b. Food Trucks | Use Unit 18 | Accessory Eating Establishment Use | Eating establishments (Food Truck) providing curb service or offering food or drink for on-premises consumption within parked motor vehicles, or permitting the on-premises consumption of food or drink within the parked motor vehicle or outside the principal structure (truck).
- c. Brewery | Use Unit 24, Light Manufacturing | Max 6,000 sq. ft.
- d. Outdoor entertainment and recreation | Use Unit 19 & 19.5
 - i. Use Unit 19 | Commercial amusement establishments ordinarily, not requiring large sites, and which have use characteristics permitting their location in or near developed commercial trade areas.
 - ii. Use Unit 19.5 | Commercial amusement establishments, not requiring a large site, near a commercial trade area, includes outdoor recreation and open-air activities. Table 1. Use Units Permitted
 - iii. Use Unit 20 | Outdoor recreation, NEC. Commercial recreation facilities, the principal activities of which are usually open air, located in undeveloped outlying sections of the city. Events will be notified to the public via onsite video marketing no less than 5 days prior to scheduled event.
 - iv. Outdoor entertainment and recreation will consist of special events such as family movie night, family picnics, farmer's market and mercantile, recorded and live music, private rental use, community events, and sporting activity including league play.

e. Operating hours and Signage

- i. Operating hours will not exceed 10:00AM-11:00PM daily.
- ii. Signage will include:
 1. Allowable use for promotional and advertising signage purposes.
 2. Area identification signage.

f. Parking

- i. 231 spaces required for CS shopping center district. 250 provided (8 handicap)
- ii. Existing Melody Lane Shared Parking access agreement is currently in place for all of Melody Lane property at Melody Lane.



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Project Title
JENKS RETAIL CENTER

Sheet Title
OUTDOOR EVENT CENTER

Project Number
P2004
Date
3/24/2020
Drawing Number

SK3

	Chapter 10 Use Units	
No.	Name	
1.	Area wide Uses	X
2.	Area wide Specific Use	S
4.	Public Protection	X
5.	Community Services and Cultural Facilities	X
8.	Multifamily Dwellings and Similar uses	P
10.	Off-Street Parking Areas	X
11.	Offices and Studios	X
12.	Eating Places Other Than Drive-Ins	X
13.	Convenience Goods and Services	X
14.	Shopping Goods and Services	X
15.	Other Trades and Services	
16.	Gasoline Service Stations	X
17.	Automotive and Allied Activities	E
18.	Drive-In Restaurants (Food Trucks Only)	X
19.	Hotel, Motel, and Recreation Facilities	X
19.5	Commercial Amusement Establishment	X
20.	Commercial Recreation, Intensive	
21.	Business Signs and Outdoor Advertising	X
22.	Warehousing and Wholesaling	
23.	Mining and Mineral Processing	
24.	Light Manufacturing and Industrial Research and Development	P ¹
25.	Moderate Manufacturing and Industry	
26.	Heavy Manufacturing and Industry	

27.	Tattoo and Massage Parlors (Requiring Special Licensing, see Use Unit for Use conditions)	
28.	(See Use Unit for Special Exception Criteria and Conditions)	
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 ¹ = Up to 6,000 sq. ft. of Brewery/Bottling Plant Use permitted.		

- d. Accessory Uses Permitted: Same provisions as CS Shopping Center District.
- e. Bulk and area requirements: Same provisions as CS Shopping Center District. See Table 2.

Table 2. Bulk and Area Requirements

Frontage (min. ft.)	
—Arterial	150
—Not an Arterial	50
Floor Area Ratio (maximum)	0.50
—Arterial	50
—Not an Arterial	25
Setback from an abutting R District boundary line (min. ft.)	10*
Building Height (max. ft.)	35
* Plus 2 feet of setback for each one foot building height exceeding fifteen feet, if the property is within an RE, RS, or RD District	

-
- 3 LIFE SAFETY PLAN**
- FIRE LANE REQUIREMENT:**
The fire lanes must be at least 20' wide with the exception of 26' wide by the hydrants. There is an approved narrowing to less than 20' by the existing loading dock only. Cross hatch required between FDC and fire lane.







The Cape Brewing Company
Interior/Exterior Design
Concepts

INTRODUCTION

The following pages are intended to give insight into how the “Concept” of The Cape Brewing Company can, and should be carried out within the interior and exterior design.

The Cape will be focused on creativity, fun, and family-centric socialization. The overall feeling should be inviting, warm and comfortable. There should be gathering spaces inside and out that accommodate larger groups, but there should also be a tucked away nook or two where more intimate socialization can take place.

One aspect of The Cape that will differentiate itself from competitors is our inclusion of kids. Therefore we need to carve out a modest space where they can entertain themselves – again, it would be best to include ways that kids can be creative while in their own zone.

NOTE: The following pages are loaded with ideas, it is not the intention to utilize all of these. The purpose is to illustrate proof of concept for a Creativity-based brewery and get the creative juices flowing amongst the group.

There will be Easter Eggs of creative musings scattered throughout the taproom, but it should not have an overwhelming effect.

Value Proposition

The Cape is much more than a company selling the best tasting locally brewed beer. Our aim is to tap into our esteemed consumers’ desire to have different outlets of creativity in their lives while also enjoying our well refined beer. We will create an environment where customers can interact with each other, perhaps color, doodle, write, experience other creative outlets, or watch as others show off their creativity.

Definition of Craft Brewery

The Cape Brewing Company is a craft microbrewery in the start-up phase. A *microbrewery is one that produces less than 15,000 barrels of beer per year and sells 75 percent or more of its beer off-site.*

According to the Brewers Association, an American craft brewer is:

Small: Annual production of six million barrels of beer or less (approximately three percent of U.S. annual sales). Beer production is attributed to the rules of alternating proprietorships.

Independent: Less than 25 percent of the craft brewery is owned or controlled (or equivalent economic interest) by a beverage alcohol industry member that is not itself a craft brewer.

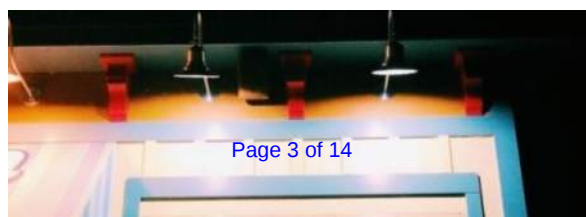
Traditional: A brewer that has a majority of its total beverage alcohol volume in beers whose flavor derives from traditional or innovative brewing ingredients and their fermentation. Flavored malt beverages (FMBs) are not considered beers.

NOTE: It is important to understand that when referring to a barrel of beer/BBL we are talking 31 gallons. What you see sold at retail and in draft houses are 1/2 Barrels.

BBL = 31.0 gallons = 248 pints = 330 12oz bottles
(Full Size Keg) 1/2 barrel = 15.5 gallons = 124 pints = 165 12oz bottles
(Pony Keg) 1/4 barrel = 7.75 gallons = 62 pints = 83 12oz bottles

Exterior

Crafted. Artistic. Solid. Stand the test of changing fads. Something iconic/interesting should mark the entrance.



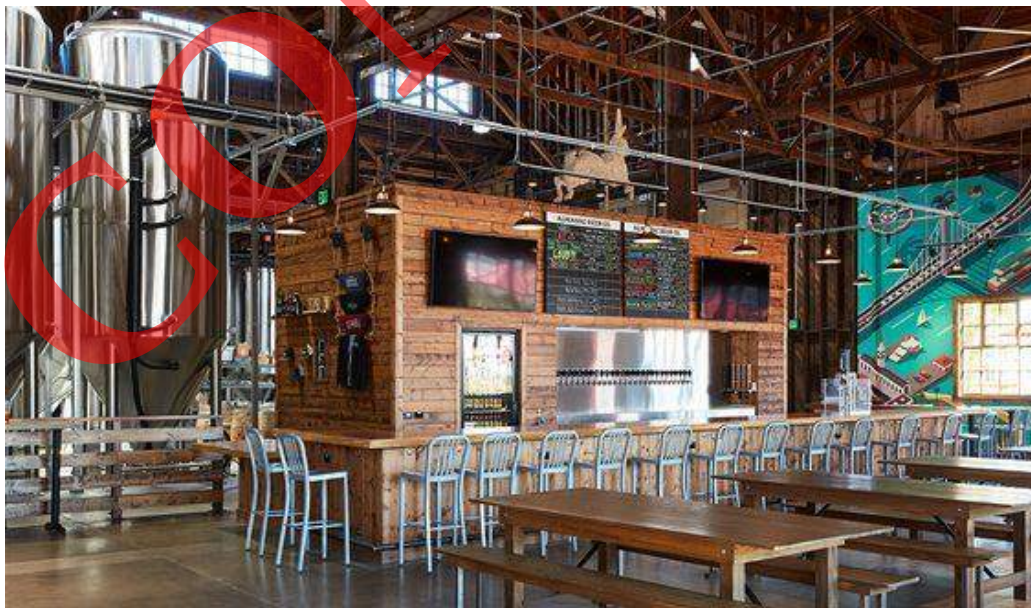
Interior

Rustic but refined. Comfortable with open seating, but small areas for more intimate moments. The higher the ceilings the better. Natural lighting wherever possible.



Ability To See Brewhouse

Fermenters are iconic in crafting beer, it would be advantageous to have them as background Art.



Kids Area

A small place where kids can entertain themselves with parents nearby to supervise. The area should have creative ways to play – possibly even a small stage for them to perform on.



Bar

The bar will be the focal point – designed in a flying V that can comfortably seat 14 or 15 people. The backdrop will be the shiny vessels framed in glass and lit with lights that we can change colors to support and celebrate special events, patrons and moments in time.



Design Accents

Art, music lyrics, quotes from great novels, poetry will be all around. We may even have art that can be sold by local artists. A small section of wall space could be set aside to rotating art. We can incorporate areas that lend themselves to Instagram photos, and other social media postings for our guests – their reach extends our reach.



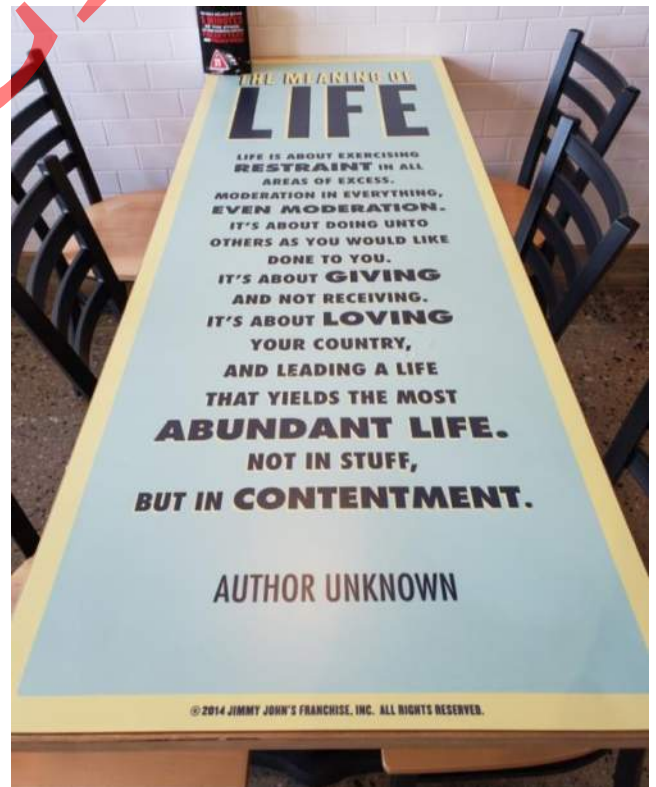
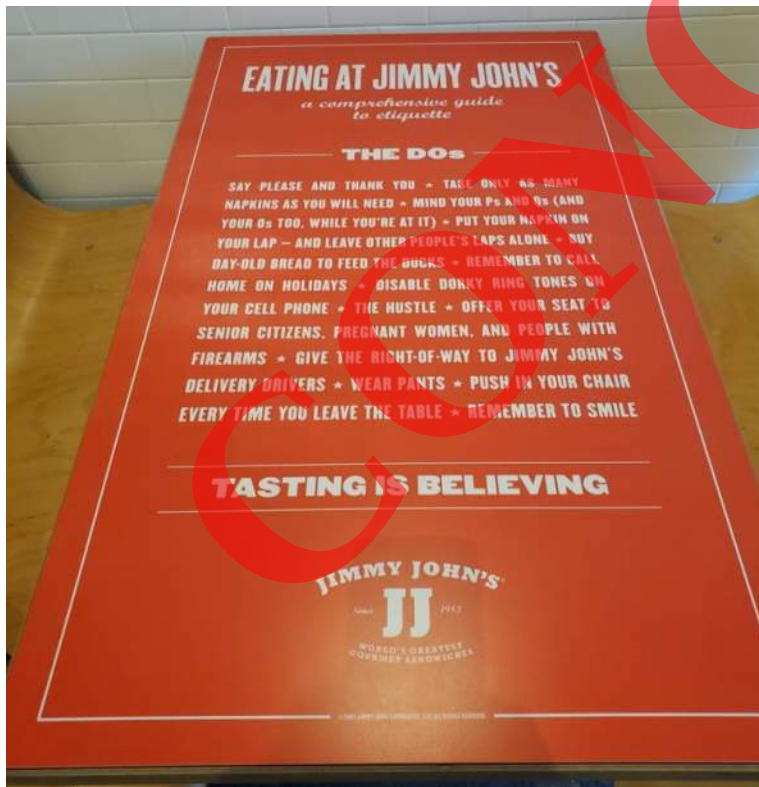
Extended Branding

The Cape brand will be reflected in all that we do. Once the customer leaves our four walls we want them to take more than a memory with them. We should have a SWAG shop with promotional shirts, sunglasses, hats, dog bandanas, even dog treats made from our spent grain.

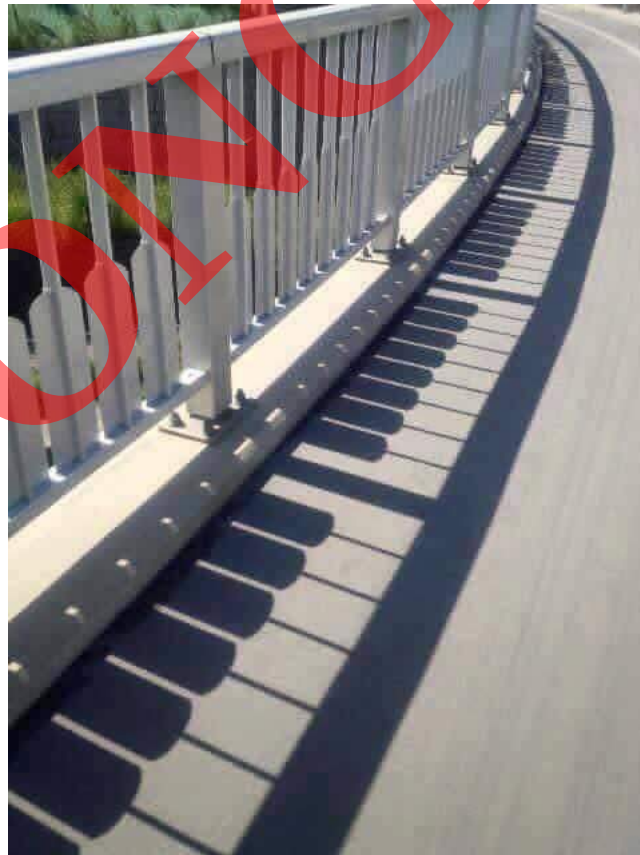


Tables

The ability to put lyrics or thoughts on a large format can't be overlooked.



Outside



Mural

On the wall of the entertainment venue. Creative way to encompass all that our brewery and the community that we are in have to offer.



The ability to enjoy a nice day with an amazing elixir can't be missed. Also keeping with the creativity concept we would invite the best food trucks to share their best.



Chapter 10 Use Units		Districts		
No.	Name	PUD	CS	STAFF
1.	Area wide uses	X	X	Remove
2.	Area wide Specific Uses	S	S	Remove
4.	Public Protection	X	X	X
5.	Community Services and Cultural Facilities	X	X	X
8.	Multifamily Dwellings and Similar uses	P	P	Remove
10.	Off-Street Parking Areas	X	X	X
11.	Offices and Studios	X	X	X
12.	Eating Places Other Than Drive-Ins	X	X	X
13.	Convenience Goods and Services	X	X	X
14.	Shopping Goods and Services	X	X	X
15.	Other Trades and Services			Remove
16.	Gasoline Service Stations	X	X	Remove
17.	Automotive and Allied Activities	E	E	Remove
18.	Drive-In Restaurants (Food Truck Only)	X*		X
19.	Hotel, Motel, and Recreation Facilities	X	X	X
19.5	Commercial Recreation, specific to site	X**		
20.	Commercial Recreation, Intensive	X		S
21.	Business Signs and Outdoor Advertising	X	X	X
22-23, 25-28	Warehousing, mining, manufacturing, tattoo, Specific ExC..			Remove
24.	Light Manufacturing and Industrial Research and Development	X***		
USES REMOVED	1, 2, 8, 15, 16, 17, 22, 23, 25, 26, 27, 28			
X = Use by Right				
X* = Food Trucks allowed onsite at anytime				
X** = Commercial Recreation as defined in PUD				
X*** = Up to 6,000 sq. ft. of Brewery/Bottling Plant Use Permitted				
S = Specific Use				
P = Planned Unit Development				
E = Special Exception				
NA = Not allowed in PUD 121, would require Specific Use Permit				
Remove = Staff Recommendation				

To	Planning Commission
Hearing Date	September 03, 2020
Case Number	None
Request	Staff Adopt Medical Marijuana Zoning Code Language
Applicant	City of Jenks Marcaé Hilton Planning Department

Staff Report

Preparer | Marcae Hilton, BM

Attachments

☐ MEDICAL MARIJUANA ORDINANCE

Preparer

Staff

Background Information

On June 16, 2018, the voters of Oklahoma approved State Question 788, which legalized marijuana for medical purposes 57%-43%. Over the next few months, lawmakers set up the framework on how to make this happen. On September 18, 2018, Broken Arrow adopted ordinances that heavily regulated all aspects of the industry and they were promptly sued. This led to an injunction being granted by a Judge preventing the ordinances from taken effect. Due to this injunction, the City of Jenks was not able to pass any ordinance regulating Medical Marijuana until it was settled. Eventually, [63 O.S. § 425](#) was enacted by the Oklahoma Legislature as by SB 1030. This became effective August 30, 2019. This legislation ultimately made the lawsuit, Cloud Moring, LLC v City of Broken Arrow, irrelevant as it clarified what municipalities are and are not allowed to regulate. The Oklahoma Supreme Court ruled that the main issue with this case was timing, and that the new legislation made the lawsuit irrelevant.

Since the Oklahoma Supreme Court gave its findings on November 11, 2019, municipalities across Oklahoma have enacted regulations to make sure that the Medical Marijuana industry operates in the appropriate areas. This includes several of the Tulsa Metro cities as well. Currently, Jenks has no real limits on where Medical Marijuana facilities can go. Staff applies their best judgement when an inquiry comes in, but those statements have very little teeth behind them. This ordinance would give staff, and Medical Marijuana entrepreneurs, clear directions on where particular businesses can and cannot go.

The City of Jenks is proposing an ordinance that is in line with other municipalities in the area. The goal is not to burden or restrict Medical Marijuana facilities, but to make sure that they are appropriately zoned. This action would create a better functioning city for both the residents and the businesses alike. Below is the zoning table for the proposed Use Unit:

Type	Use Unit 29 Permitted Uses										
	AG	OL	OM	CS	CG	CH	RTC	ROC	IL	IM	LC
Commercial Grower	X				S	S			X	X	
Education Facility	S	X	X			S			X	X	
Dispensary				X	X	X	X	X	E	E	X
Research Facility					S	S			X	X	
Testing Laboratory					S	S			X	X	
Processing Facility (noncombustible)					S	S			X	X	
Processing Facility (combustible)										X	

X = Use by Right

E = Special Exception – Unless Use is specifically identified on Specific Use List

P = Required Planned Unit Development

S = Specific Use Permit

Additional requirements, such as parking and location abutting or near an R district, are also listed in the ordinance.

Staff Evaluation & Recommendation

Evaluation	Staff is asking the Planning Commission to recommend for approval an ordinance that will establish a new Use Unit in Chapter 10 of the Jenks Zoning Code, entitled Medical Marijuana. The new Use Unit, number 29, would establish the proper zoning requirements for all medical marijuana establishments. It will also update the tables in Chapters 3, 5, 6, and 7 and refer individuals to Use Unit 29 to see what Medical Marijuana-related business is allowing in each zoning. The passage of this ordinance will give clear directions to potential businesses and create a level playing field for all. It also protects the City from potential issues from someone thinking that we are being arbitrary should we not allow a use in a location when we do not have any laws stating otherwise.
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Recommendation *Recommend Ordinance No. for approval.*

ORDINANCE NO. 1534

AN ORDINANCE AMENDING ORDINANCE NUMBER 1287; AMENDING CHAPTER 10 OF THE JENKS ZONING CODE ADDING A NEW USE UNIT CLASSIFYING APPROPRIATE LOCATIONS FOR VARIOUS MEDICAL MARIJUANA FACILITIES; AMENDING TABLE 1 IN CHAPTER 3; AMENDING TABLE 1 IN CHAPTER 5; AMENDING TABLES 1 AND 1A IN CHAPTER 6; AMENDING TABLE 1 IN CHAPTER 7; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on June 26, 2018, Oklahoma voters approved State Question 788 legalizing the use of medical marijuana.

WHEREAS, the Oklahoma Legislator enacted [63 O.S. §425\(F\)](#) as amended by SB 1030, which became effective August 30, 2019, stating that municipalities may follow their standard planning and zoning procedures to determine if certain zones would be appropriate for locating medical marijuana related businesses

WHEREAS, the City of Jenks seeks to establish the proper zoning for medical marijuana related businesses within the City to best serve residents and businesses alike.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JENKS, OKLAHOMA:

SECTION I. Amend the Jenks Zoning Code Chapter 10 – Use Units to include Section 1029 and to read as follows:

Section 1029. – Use Unit 29. Medical Marijuana
1029.1 Description.

Uses and businesses related to the growing and selling of medical marijuana, along with related entities.

1029.2 Definitions

Definitions for this Use Unit are found in the Oklahoma Medical Marijuana and Patient Protection Act ([63 O.S. § 427.2](#)).

1029.3 Included Uses

Medical marijuana commercial grower
Medical marijuana education facility
Medical marijuana dispensary
Medical marijuana research facility

Medical marijuana testing laboratory
 Medical marijuana processing facility (noncombustible processing)
 Medical marijuana processing facility (combustible processing)

1029.4 Use Conditions

- Uses which are located within 300 feet of an R district, shall be conducted within enclosed buildings.
- Uses when located on a lot which is abutting an R district, shall be screened from the adjacent R district by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R district.

1029.5 Permitted District per use

The permitted district per is dependent on the type of facility being built and its impact on the surrounding properties. All properties must comply with applicable State statutes. The permitted districts are set forth in Table 1.

	Use Unit 29 Permitted Uses										
Type	AG	OL	OM	CS	CG	CH	RTC	ROC	IL	IM	LC
Commercial Grower	X				S	S			X	X	
Education Facility	S	X	X			S			X	X	
Dispensary				X	X	X	X	X	E	E	X
Research Facility					S	S			X	X	
Testing Laboratory					S	S			X	X	
Processing Facility (noncombustible)					S	S			X	X	
Processing Facility (combustible)										S	

X = Use by Right

E = Special Exception – Unless Use is specifically identified on Specific Use List

P = Required Planned Unit Development

S = Specific Use Permit

1029.6 Off-Street Parking and Loading Requirements

	Parking Spaces	Loading Berth
Dispensary	1 per 200 sq. ft. of floor area	1 per 5,000-10,000 sq. ft. plus 1 per each additional 15,000 sq. ft. of floor area
Educational Facilities, Research Facilities, Testing Laboratory	1 per 500 sq. ft. of floor area	1 per 5,000-25,000 sq. ft. plus 1 per 40,000-100,000 sq. ft., plus 1 per each addition 100,000 sq. ft. of floor area
Processing Facilities	1 per 800 sq. ft. of floor area	1 per 2,000-4,000 sq. ft. plus 1 per 40,000-100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor ara

SECTION II. Amend the Jenks Zoning Code Chapter 3 – Agriculture District Provisions to amend Table 1 in Section 310 to read as follows:

No.	Name	District
1.	Area wide Uses by Right	X
2.	Area wide Specific Uses	S
3.	Agriculture	X
4.	Public Protection and Utility and Open Air Facilities	X
5.	Community Services and Cultural Facilities	E
6.	Single-Family Dwelling	X
9.	Mobile Home Dwelling	E
20.	Commercial Recreation: Intensive, and Recreational Facilities	S
21.	Business Signs and Outdoor Advertising	X
23.	Mining and Mineral Processing	S
29.	Medical Marijuana	See Section 1029
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		

SECTION III. Amend the Jenks Zoning Code Chapter 5 – Office District Provisions to amend Table 1 in Section 510 to read as follows:

Chapter 10 Districts			
No.	Use Unit	OL	OM
1.	Area wide Uses	X	X
2.	Area wide Specific Uses	S	S
4.	Public Protection and Utility Facilities	E	E
5.	Community Services and Cultural Facilities	E	X
8.	Multifamily Dwelling and Similar Uses	E	E
10.	Off-Street Parking Areas	X	X
11.	Offices and Studios	X	X
29.	Medical Marijuana	See Section 1029	
X = Use by right.			

Chapter 10 Districts			
No.	Use Unit	OL	OM
E = Special exception-unless use is specifically identified on Specific Use List			
S = Specific Use - see Use Unit 2 and Chapter 17.			

SECTION IV. Amend the Jenks Zoning Code Chapter 6 – Commercial District Provisions to amend Table 1 and 1A in Section 610 to read as follows:

Table 1. Use Units Permitted in Commercial Districts ¹ (Chapter 10)

Chapter 10 Use Units		Districts				
No.	Name	ROC	RTC	LC	CS	CG
1.	Area wide Uses			X	X	X
2.	Area wide Specific Use	S	S	S	S	S
4.	Public Protection	X	X	X	X	X
5.	Community Services and Cultural Facilities	P	P	X	X	X
8.	Multifamily Dwellings and Similar uses	P			P	P
10.	Off-Street Parking Areas	X	X		X	X
11.	Offices and Studios	P	P	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	X
20.	Commercial Recreation, Intensive	P	P			S
21.	Business Signs and Outdoor Advertising	X	X		X	X
22.	Warehousing and Wholesaling					E
24.	Light Manufacturing and Industrial Research and Development					E
27.	Tattoo and Massage Parlors (Requiring Special Licensing, see Use Unit for Use conditions)					X
28.	(See Use Unit for Special Exception Criteria and Conditions)					E

29.	Medical Marijuana	See Section 1029
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.		

Table 1A. Use Units for CH Zoning District ¹ (Chapter 10)

	Chapter 10 Use Units	Districts
No.	Name	CH
1.	Area wide Uses	X
2.	Area wide Specific Use	S
4.	Public Protection	X
5.	Community Services, Cultural and Recreational Facilities	X
8.	Multifamily Dwellings and Similar uses	P
10.	Off-Street Parking Areas	X
11.	Offices and Studios	X
12.	Eating Places Other Than Drive-Ins	X
13.	Convenience Goods and Services	X
14.	Shopping Goods and Services	X
15.	Other Trades and Services	X
16.	Gasoline Service Stations	X
17.	Automotive and Allied Activities	E
18.	Drive-In Restaurants	X
19.	Hotel, Motel, and Recreation Facilities	X
20.	Commercial Recreation, Intensive	S
21.	Business Signs and Outdoor Advertising	X
24.	Light Manufacturing and Industrial Research and Development Pro	P
29.	Medical Marijuana	See Section 1029
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 = Planned Unit Development		

SECTION V. Amend the Jenks Zoning Code Chapter 7 – Industrial District Provisions to amend Table 1 in Section 710 to read as follows:

		Districts	
No.	Name of Use Units	IL	IM
1.	Area wide Uses	X	X
2.	Area wide Specific Uses	S	S
3.	Agriculture	E	E
4.	Public Protection and Utility Facilities	X	X
10.	Off-Street Parking Areas	X	X
11.	Offices and Studios	X	X
12.	Eating Places Other than Drive-Ins	E	E
13.	Convenience Goods and Services	E	E
14.	Shopping Goods and Services	E	E
15.	Other Trades and Services	X	X
16.	Gasoline Service Stations	X	X
17.	Automotive and Allied Activities	X	X
20.	Commercial Recreation: Intensive	S	S
21.	Business Signs, Outdoor Advertising	X	X
22.	Warehousing and Wholesaling	X	X
23.	Mining and Mineral Processing (see use unit 2 and 23 and Chapter 17)	S	S
24.	Light Manufacturing and Research and Development	X	X
25.	Moderate Manufacturing and Industry		X
26.	Heavy Manufacturing and Industry		E
29.	Medical Marijuana	See Section 1029	
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.			

SECTION VI. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION VII. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

SECTION VIII. Since the immediate operation of the provision of the Ordinance is necessary for the preservation of public health, welfare and safety, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the City Council.

Approved this ____ day of _____, 2020

CITY OF JENKS, OKLAHOMA

MAYOR

Attest:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Emergency Clause approved separately this ____ day of _____, 2020.

CITY OF JENKS, OKLAHOMA

MAYOR



CITY OF JENKS

211 NORTH ELM STREET • P.O. BOX 2007
JENKS, OKLAHOMA 74037-2007
PHONE (918) 299-5883 • FAX (918) 299-4489

To: Planning Commissioners

From: Teresa Nowlin, City Attorney

Date: August 31, 2020

Re: Medical Marijuana Ordinance

City staff anticipates presenting a proposed amendment to the Zoning Code to the Planning Commission on or around September 15, 2020.

63 O.S. § 425 provides in pertinent part:

F. 1. No city or local municipality may unduly change or restrict zoning laws to prevent the opening of a retail marijuana establishment.

2. For purposes of this subsection, an undue change or restriction of municipal zoning laws means an act which entirely prevents retail marijuana establishments from operating within municipal boundaries as a matter of law. Municipalities may follow their standard planning and zoning procedures to determine if certain zones or districts would be appropriate for locating marijuana-licensed premises, medical marijuana businesses or any other premises where marijuana or its by-products are cultivated, grown, processed, stored or manufactured.

3. For purposes of this section, “retail marijuana establishment” means an entity licensed by the State Department of Health as a medical marijuana dispensary. Retail marijuana establishment does not include those other entities licensed by the Department as marijuana-licensed premises, medical marijuana businesses or other facilities or locations where marijuana or any product containing marijuana or its by-products are cultivated, grown, processed, stored or manufactured.

1. Dispensaries

State law prohibits municipalities from "unduly" changing or restricting their zoning laws to prevent the opening of a “retail marijuana establishment” – a dispensary. As noted above, this is not a grant of authority but, rather, a restriction on an existing municipal right. The restriction includes two key words: "unduly" and "prevent". Section 325(F) helps define these terms as preventing the opening within the City’s boundaries as a matter of law of a retail marijuana establishment. Thus, any change to zoning laws which would effectively prohibit a dispensary

for locating in the City would violate state law and be invalid. Only dispensaries have this explicit protection.

2. Zoning Changes Generally

Section 325 goes on to state: “Municipalities may follow their standard planning and zoning procedures to determine if certain zones or districts would be appropriate for locating marijuana-licensed premises, medical marijuana businesses or any other premises where marijuana or its by-products are cultivated, grown, processed, stored or manufactured.”

Thus, we can employ our standard zoning and planning practices and tools to amend our Zoning Code to provide for what zoning districts are appropriate for certain types of medical marijuana businesses. This is exactly what the proposed ordinance as presented by staff does. It treats medical marijuana business like other similar business and attempts to classify them appropriately.

I would recommend against attempting to adopt new zoning practices that the City does not currently use for similarly-situated businesses. This would not be “standard” and would likely run afoul of state law. While the City has broader authority to apply zoning standards to growers and processors (non-retailers), my advice is not to attempt to adopt anything that would not allow these businesses in the City for these same reasons (and it would be not allowing something that is legal under state law).

As discussed further below, my advice is that the proposed ordinance should be devoted solely to zoning and additional restrictions should not be included or added to it. Any additional restrictions would need to be given close legal scrutiny due to the highly regulated and protected nature of the business and may not fall within the advisory authority of the Planning Commission or the Planning Department (e.g., restrictions on number of plants etc.).

Additional Buffer Zones. Another area of concern would be proximity ordinances that are more restrictive than 63 O.S. § 425(G). State law prohibits the retail sale of marijuana within 1,000 feet of an "entrance" of a school. Municipalities cannot enact proximity restrictions that would prohibit the opening of a retail establishment that would otherwise meet the requirements of state law. So, for example, a municipal ordinance prohibiting retail establishment within 1,000 feet of the property line for a school would be more restrictive than § 425(G) and would likely be invalidated in a legal challenge. So too would ordinances that increased the 1,000 foot proximity to a school entrance restriction.

As to other proximity restrictions, state law is silent, which arguably grants municipalities broader authority to enact other proximity restrictions. However, this is also a difficult issue. § 425(G) expressly prohibits retail establishments within 1,000 feet of a public or private school entrance. By implication, the only commercial operation prohibited within 1,000 feet of a school is a retail establishment. If proximity was not addressed in state law, it would be easier to argue that municipalities could enact any proximity restriction they deem necessary and proper for the promotion of the health, safety and welfare of their citizens. But since state law addresses proximity, and applies the restriction to only retail sellers, the argument would follow that

Growers and Processors can locate as close to a school as they wish. Municipal ordinances which impose proximity restrictions arguably would prohibit an activity that is legal under state law.

3. Additional Restrictions Generally.

Generally, municipalities may only exercise authority that is granted to them by the OK Constitution or statutes. Municipalities may enact ordinances that move in the same direction as state law, which is judged by determining whether the ordinance conforms to the provisions of state law and by ensuring that the ordinance does not restrict something that is permitted by state law.

- Additional areas of concern include attempts to restrict *who* may engage in marijuana businesses above and beyond what state law has established.
- Cannot impose restriction on how much marijuana a grower can grow at any time since 63 O.S. §422A(D) expressly states that "there shall be no limits on how much marijuana a licensed grower can grow."

Further, as stated above, my recommendation is not to use this zoning ordinance as a way to piggyback other restrictions that are not directly zoning-related. Allow other pertinent City staff (like Protective Inspection or the Police Department, etc) to research and develop those proposals as appropriate.

PLANNING COMMISSION GUIDELINES FOR PUBLIC HEARING

1. Reading of Agenda Item by Chair or Vice Chair
 - a. Staff Presentation
 - i. Question and Answer from Planning Commission
 - ii. No specified time limit
 - b. Applicant Presentation
 - i. Limited to 10 minutes
 1. The speaker will be notified when time has expired
 2. Presentation is limited to the agenda item as presented on the agenda
 - ii. Question and Answer from Planning Commission
 1. No specified time limit
 - c. Public Comment | Floor Open
 - i. Online Meeting Guidelines | Reading of Questions presented via email
 1. Questions read by staff
 2. Questions to be received by date established in public notice.
 3. Limited to 3 minutes per email
 - ii. Citizen questions and comments
 1. Questions should be directed to Planning Commission
 2. Citizen | Limited to 3 minutes speaking time
 - a. Planning Commission reserves the right to allow for more time
 - b. The speaker will be notified when time has expired
 3. Public comment is limited to the agenda item as presented on the agenda
 - d. Public Comment | Floor Closed
 - e. Applicant Response
 - i. Limited to 10 minutes
 1. The speaker will be notified when time has expired
 2. Presentation is limited to the agenda item as presented on the agenda
 - f. Chair | Call for Motion