

AGENDA
JENKS PLANNING COMMISSION
6:00 P.M. THURSDAY, MAY 06, 2021
COUNCIL CHAMBERS, JENKS CITY HALL
211 NORTH ELM STREET, JENKS, OKLAHOMA 74037

I. CALL TO ORDER

II. ROLL CALL

III. CONSIDERATION AND POSSIBLE APPROVAL, DENIAL, AMENDMENT, OR REVISION OF THE MINUTES OF APRIL 8, 2020

Documents:

[2021.04.08 PC MINUTES.PDF](#)

IV. OLD BUSINESS

1. Consideration and possible approval, denial, amendment, and/or revision of recommendation of JZ 21 PUD 127: Request by Robert Bell for approval of a Planned Unit Development and a zone change from AG (Agriculture) to RS 2 (Residential Single-Family Medium Density). General Location: South Corner of E 126th St S & S Harvard

Documents:

[1. SR.JZ 21 PUD 127.FRAZIER FALLS.PC 5.6.21.PDF](#)
[2.FRAZIER FALLS PUD 127.PDF](#)
[3.JZ-21_PUD-127.PDF](#)

V. BUSINESS

1. Consideration and possible approval, denial, amendment, or revision of recommendation of JZ 21 PUD 16.ma1: Request by Heather Orvis for a Major Amendment to PUD 16 to allow for Use Unit 15 for a veterinary clinic with animal boarding on purposed Pad Site C (SW corner of lot). General Location: W 121st St & S Elm St

Documents:

[1. SR.JZ 21-PUD 16.MA2.PDF](#)
[3. PUD 16 AMENDMENT NARRATIVE.PDF](#)
[4.YORKTOWN VILLAGE PLAT AND SITE PLAN.PDF](#)

2. Consideration and possible approval, denial, amendment, or revision of recommendation of TUP 21-46: A request by Melissa Torkleson for approval of a Temporary Use Permit to allow for the sale of fireworks. General Location: NE Corner of 106th St S & S Elm

Documents:

[1. SR.TUP 21-46 TORKELSON.PDF](#)
[2. TUP21-46.PDF](#)
[3. TUP 21-46.APP.PDF](#)

3. Consideration and possible approval, denial, amendment, or revision of recommendation

of TUP 21-47: A request by Jake's Fireworks for approval of a Temporary Use Permit to allow for the sale of fireworks. General Location: 11608 S Union Ave W

Documents:

1. [SR.TUP 21-47.PC.PDF](#)
2. [TUP 21-47.JAKES APP.PDF](#)
3. [TUP21-47.PDF](#)

VI. OTHER BUSINESS

1. Presentation from Houseal Lavigne Associates on the current status of the Unified Development Ordinance
2. Planning Updates

VII. ADJOURNMENT

MINUTES
JENKS PLANNING COMMISSION
6:00 P.M. THURSDAY, APRIL 08, 2021
VIRTUAL MEETING

The Jenks Planning Commission was called to order at 6:00 p.m. on April 08, 2021, by Chair Carol Minden. A roll call vote of members was taken as follows:

Present

David Randolph
John Brown
Scott West
Leon Davis
Jeffrey Beyer
Chair Carol Minden

Absent

Craig Bowman

Request to approve minutes of March 04, 2021. David Randolph made a motion to approve the minutes with a correction to Item 1 (adding an “e” to “None”). Scott West seconded the motion. A roll call vote of members was taken as follows:

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

NAY: None

Motion carried.

Business

1. JZ 21 PUD 61D.mi1 - Request by Sherry Baldwin for approval of a reduction of the rear build line. General Location: 708 E 126th St S

Planning Director Marcaé Hilton presented the staff report for Item 1 then answered questions. Craig Bowman made a motion to approve Item 1. John Brown seconded the motion. A roll call vote of members was taken as follows:

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

NAY: None

Motion carried.

2. LS 21-355: Request by Lou Reynolds for a lot split. General Location: 244 S Gateway Place

Planning Director Marcaé Hilton presented the staff report for Item 2 then answered questions. Lou Reynolds (applicant) addressed the Commission and answered questions. David Randolph made a motion to approve Item 2. John Brown seconded the motion. A roll call vote of members was taken as follows:

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

NAY: None

Motion carried.

3. Preliminary Plat: Request by Wallace Engineering for approval of a Wachob Irrevocable Trust Preliminary Plat. General Location: North of 121st and West of HWY 75

Item 3 pulled

4. Preliminary/Final Plat: Request by Jeff Tuttle for approval of a Preliminary/Final Plat for The Cottages of Jenks. General Location: South of W 111th St & W of S James Ave

Planning Director Marcaé Hilton presented the staff report for Item 4 then answered questions. She stated that this was only for approval of the Preliminary Plat instead of Preliminary/Final. Jeff Tuttle (applicant) addressed the Commission and answered questions. John Brown made a motion to approve Item 4. David Randolph seconded the motion. A roll call vote of members was taken as follows:

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

NAY: None

Motion carried.

5. Preliminary/Final Plat: Request by Steven Hollabaugh for approval of the Preliminary/Final Plats for SmithCo Group North & South. General Location: 9340 S Elwood Ave W

Planning Director Marcaé Hilton presented the staff report for Item 5 and answered questions. Jeffrey Beyer made a motion to approve Item 5. John Brown seconded the motion. A roll call vote of members was taken as follows:

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

NAY: None

Motion carried.

6. Final Plat: Request by Tim Terral for approval for the Final Plat of Torrey Lakes. General Location: Between 131st & 141st on Harvard

Planning Director Marcaé Hilton presented the staff report for Item 6 and answered questions. Tim Terral (applicant) addressed the Commission and answered questions. Scott West made a motion to approve Item 6. John Brown seconded the motion. A roll call vote of members was taken as follows:

YEA: Randolph, Brown, West, Davis, Beyer, Minden
NAY: None

Motion carried.

7. JZ 21 PUD 128: Request by Select Design for approval of rezone from AG (Agriculture) to RS-3 (Residential Single-Family High Density) and a Planned Unit Development. General Location: South of Fir St on West 111th St

Planning Director Marcaé Hilton presented the staff report for Item 7 and answered questions. Ryan McCarty (applicant) addressed the Commission and answered questions. John Brown made a motion to approve Items 7. David Randolph seconded the motion. A roll call vote of members was taken as follows:

YEA: Randolph, Brown, West, Davis, Beyer, Minden
NAY: None

Motion carried.

8. Preliminary Plat: Request by Select Design for approval of a Preliminary Plat for Estates at Ritz Hollow. General Location: South of Fir St on West 111th St

Planning Director Marcaé Hilton presented the staff report for Item 8. Scott West made a motion to approve Items 8. Jeffrey Beyer seconded the motion. A roll call vote of members was taken as follows:

YEA: Randolph, Brown, West, Davis, Beyer, Minden
NAY: None

Motion carried.

9. JZ 21 PUD 116.mi1: Request by Robert Bell for approval of a minor amendment to PUD 116. General Location: NW Corner of 131st & Harvard

Planning Director Marcaé Hilton presented the staff report for Item 9 and answered questions. Robert Bell (applicant) addressed the Commission and answered questions. David Randolph made a motion to approve Items 9 per staff comments minus the requirement to have the rear build line on the Plat. John Brown seconded the motion. A roll call vote of members was taken as follows:

YEA: Randolph, Brown, West, Davis, Beyer, Minden
NAY: None

Motion carried.

10. Final Plat: Request by Robert Bell for approval of the Final Plat for Frazier Meadows.
General Location: NW Corner of 131st & Harvard

David Randolph made a motion to approve Items 10. John Brown seconded the motion. A roll call vote of members was taken as follows:

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

NAY: None

Motion carried.

11. JZ 21 PUD 127: Request by Robert Bell for approval of a Planned Unit Development and a zone change from AG (Agriculture) to RS 2 (Residential Single-Family Medium Density).
General Location: South Corner of E 126th St S & S Harvard

Planning Director Marcaé Hilton presented the staff report for Item 11 and answered questions. Robert Bell (applicant) addressed the Commission and answered questions. John Brown made a motion to table Item 10 and ask the developer to change the setbacks. Chair Carol Minden seconded the motion. A roll call vote of members was taken as follows:

YEA: Randolph, Brown, Minden

NAY: West, Davis, Beyer

Motion failed.

Scott West made a motion to approve Item 11. Leon Davis seconded the motion. A roll call vote of members was taken as follows:

YEA: West, Davis, Beyer

NAY: Randolph, Brown, Minden

Motion failed.

Leon Davis made a motion to table Item 11 until the next meeting. Jeffrey Beyer seconded the Motion. A roll call vote of members was taken as follows:

YEA: Randolph, Brown, Davis, Beyer, Minden

NAY: West

Motion carried.

Other Business

Planning Update Planning Director Marcaé Hilton gave a Planning update and answered questions.

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

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

NAY: None

Motion carried. The Jenks Planning Commission adjourned at 8:41 p.m.

To	Planning Commission
Hearing Date	May 06, 2021
Case Number	JZ 21 PUD 127 Frazier Falls
Request(s)	Recommendation of approval of Rezoning from AG to RS-2 Recommendation of approval of JZ 21-PUD 127
Location	126 th and South Harvard Ave.
Applicant	Robert Bell, Bell Land Use

Staff Report

Preparer | Marcaé Hilton; BM

Attachments

- ☐ PUD 127
- ☐ ZONING MAP

Preparer

Robert Bell, Bell Land Use
INCOG

Background Information

- JZ 21 PUD 127 – Frazier Falls – South Corner of E 126th St S & S Harvard
 - Chair Minden spoke about the safety of the roads in the area (too many sharp corners without adequate safety measures), and spoke about water/drainage, thinks the project is too dense for the area
 - West did not see traffic as an issue as the new houses wouldn't be bringing in enough vehicles to impede traffic on the roads
 - Beyer had questions about the 2 lift stations, answered by Bell
 - Randolph and Brown thought that the side yard setbacks were too narrow at 5' & 5', thought it needed to be at least 15' total.
 - West thought that the density was fine, and expressed concern about the PC forcing the developer to change the side yard setback could negatively impact the project
 - Davis didn't like the project personally, but failed to see a reason why it wouldn't work as presented
 - First motion
 - Commissioner John Brown | motion to table until developer brought project back with larger side yard setbacks
 - Seconded by Chair Carol Minden
 - Motion failed, tied 3-3
 - For: Randolph, Brown, Chair Minden
 - Against: West, Davis, Beyer
 - Second motion
 - Commissioner Scott West | motion to approve as presented
 - Seconded by Commissioner Leon Davis
 - Motion failed, tied 3-3
 - For: West, Davis, Beyer
 - Against: Randolph, Brown, Chair Minden

- Third motion
 - Commissioner Leon Davis motioned to table the item to next PC meeting
 - Seconded by Commissioner Jeff Beyer
 - Motion approved, 5-1
 - West against
- Discussion lasted approximately 1 hour and 20 minutes

TRAFFIC CONVERSATION

The City of Jenks began discussions last year when a corner lot in the area developed as a single-family residence. To date there have been changes in the signage, a police report citing the number of accidents and ongoing staff dialog regarding safety and long range improvements.

STAFF COMMENTARY | JZ21-PUD 127 is a Planned Unit Development proposal for a single-family subdivision to be named *Frazier Falls*, located north of PUD 116, *Frazier Meadows*. This project seeks to retain the organic nature of the land with several natural water features and a detention pond. The project is a gated subdivision with private streets. If approved the plat for Frazier Falls will remove the eastern access to Harvard from E. 128th Place South, the access will be used as a platted buildable lot. Frazier Falls will be able to travel south out of their subdivision, but Frazier Meadows residents will not have access north into Frazier Falls due to the private gated access. The applicant has received preliminary approval of the design from Public Safety.

PLANNING DATA

Request PUD 127 | RS-2

TAC COMMENTS March 23, 2021

COMMENTS:

Robert Bell represents the owner and gave a brief description of the project. There are 3 aesthetic ponds and one detention pond to the west. There will be a lift station on the NW corner of the lot. Emergency access will be on the N. TEP is the engineer of record. If Frazier Falls is approved and purchased, it will allow for access through Frazier Meadows and take the Harvard access from Frazier Meadow and allow the space to be a lot (to be platted with FF). Homes start at 350,000.

ONEOK, Kalli Ritterbush spoke on behalf of SaRaya Oyler

There is an active gas line requiring an encroachment agreement. ONEOK has yet to receive it.

ONEOK needs a list of construction equipment and language.

Rick Denley, Reserve B-trail/walking, no sidewalk or trees.

Jarrold Herd, primary contact on OneOK easement issues.

COJ, Chief Ostrum

	Access to the north will be free flow traffic from FF to FM? Yes
	North access will be prohibited into FF? Yes
	How is the proposed bridge constructed? TBD (must meet Fire Code 503 requirements)
Staff Comments	Missing Street name between Block 3 and 4 PLAT Add rear build lines to face of plat
City Council	Ward 3
Current Zoning	AG Agriculture
Intended Use	Single-family Residential
Parcel ID	97305-73-052-8610 (Does not include all of 111 acres)
STR	Section 05, Township 17, Range 13
Comprehensive Plan	Medium Intensity Single-family
General Location	North of Northwest Corner of 131 st and Harvard
Plat data	Unplatted
Site Area	32.53 Acres
Appearance District	None
Public Comment	None at the time of this staff report
PUD Data	Protection of natural trees Create Park like setting 3 wet ponds water features Vehicular bridge Walking trails Water falls Pickle Ball court in dry detention area ONEOK high pressure gas line must be considered Gated Sidewalk/trails Maximum No. of homes 130 109 currently planned 60' x 120' 63" is the average or wider \$350,000 ++ Two gated access points Primary Harvard

Secondary | E. 126th Street S.

Perimeter Screening | match Frazier Meadows

3 Areas of Infrastructure Improvement

1. Safety along 126th curve is developer priority
 - a. Clear vegetation at curve along 126th
 - b. Dedicate to City ROW for street improvements on 126th
2. Revised Sewer Plan | relocate lift station to Frazier Falls
3. Extension of 12 inch water line along Harvard to connect w 8 inch

	RS-1	RS-2	PUD 127	RS-3
LOT WIDTH (Min. Ft.) One Family	100	75	60-63	65
LOT AREA (Min. Sq. Ft.) One Family	13,500	9,000	7,200	6,900
STRUCTURE HEIGHT (Max. Ft.)	35	35	35	35
LIVABILITY SPACE Per D.U. (min. sq. ft.)	7,000	5,000	3,500	4,000
Front Yard Abutting a Public Street: —Not an Arterial	35	30	25	25
All Other Yards Abutting a Public Street: —Not an Arterial	15	15	15	15
Rear Yards (min. ft.)	25	25	20	20
Side Yards (min. ft.) —One side yard	10	10	5	10
Side Yards (min. ft.) —Other side yard	5	5	5	5
Minimum House Size			2, 200	
Masonry First Floor			100%	

Zoning Surrounding:

North: RS-1 Residential Single-family | Ark. Ridge Estates
South: PUD 116 | RS-2 | Frazier Meadows
West: AG | Agriculture-Undeveloped & RS-1 Single-family | Sunrise Ridge
East: AG | Agriculture-Single-family

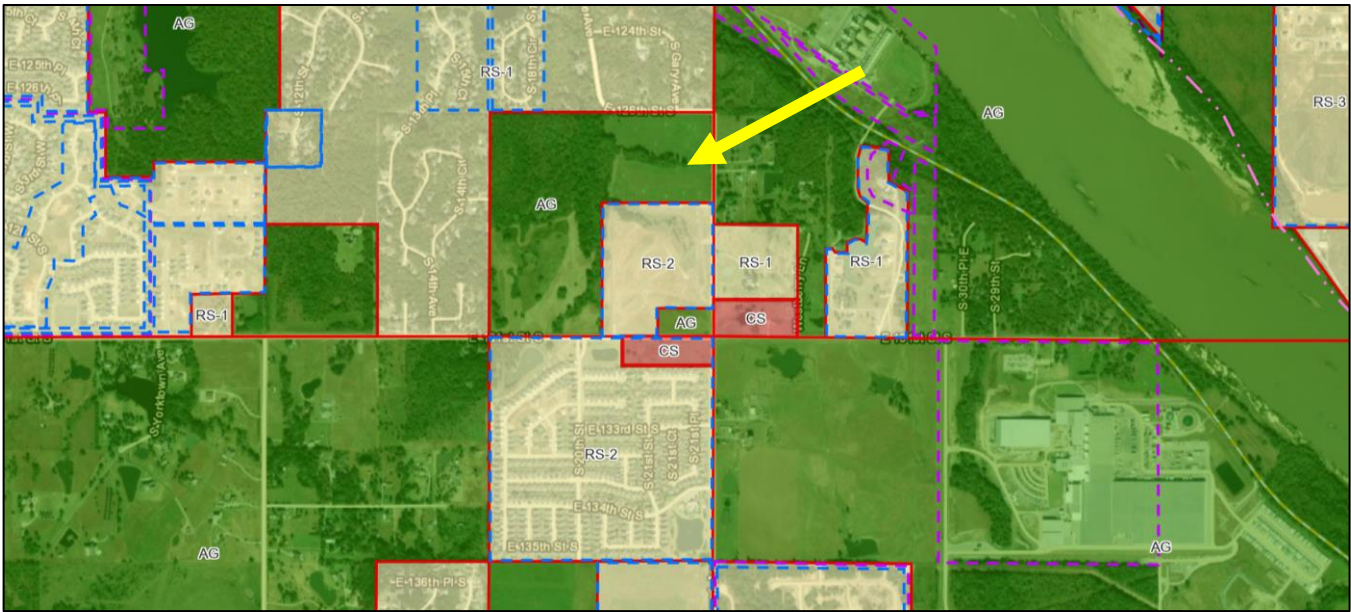


Figure 1: ZONING MAP



Figure 2: Exhibit B of PUD 127 | Site Layout

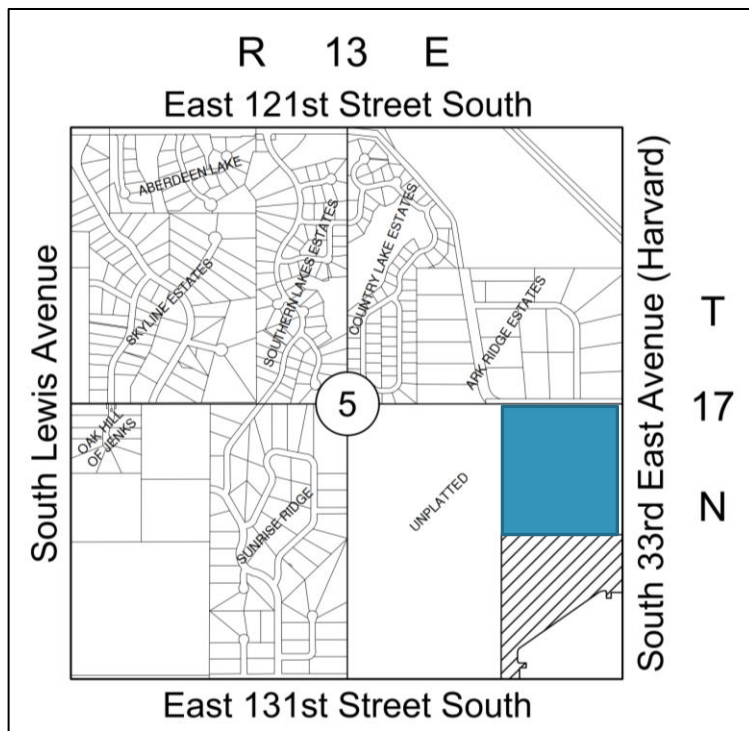


Figure 3: Site Map

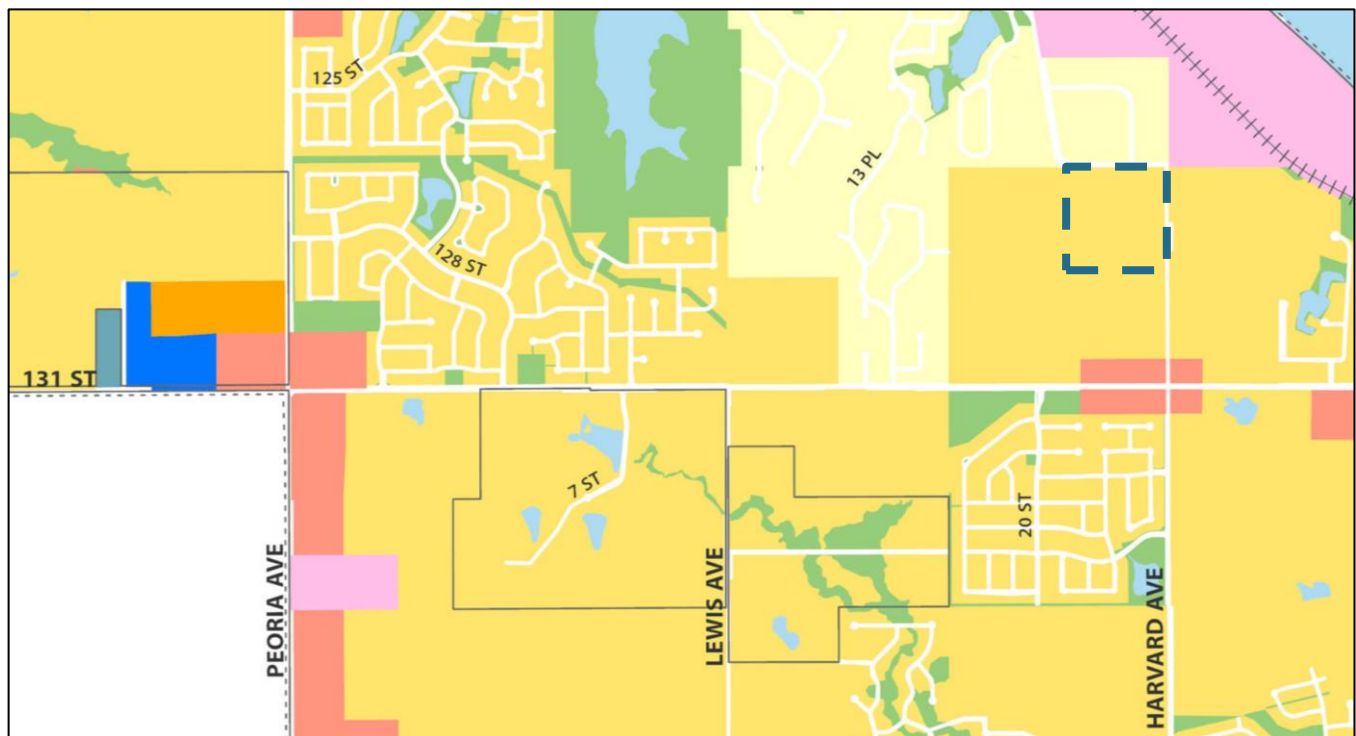


Figure 4: COMPREHENSIVE PLAN | MEDIUM INTENSITY SINGLE-FAMILY

Land Use Plan

- Low Intensity Single-Family
- Medium Intensity Single-Family
- High Intensity Single-Family
- Multi-Family Residential
- Business Park
- Regional Commercial
- Local Commercial
- Downtown
- Light Industrial
- Heavy Industrial
- Parks and Open Space
- Public and Semi-Public
- Utility
- Potential South Tulsa-Jenks Bridge
- Potential Road Connections

EVALUATION | The Frazier Falls development is part of the “Frazier” subdivision legacy. This development will create the opportunity to improve some of the traffic concerns along the curve of 126th street, through the immediate clearing of brush and providing sidewalks. In addition, the development will provide infrastructure improvements to the area and create additional density.

Approving this Rezoning and PUD request will allow the developer to complete the contract for land purchase and proceed to engineering.

PUD ZONING LANGUAGE | Sec. 900. - Purposes.

The intent of the Planned Unit Development district is to permit flexibility that will encourage a more creative approach in the development of land and will result in a more efficient use of open area, while maintaining density and area coverage permitted in the general zoning district or districts in which the project is located while also obtaining the advantages of creative site design, improved appearance, compatibility of uses, optimum service by community facilities, and better functioning of vehicular access and circulation.

More particularly, the intent of the PUD District is to allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning and subdivision controls.

To encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affecting flooding, soil, drainage, and other natural ecologic conditions.

To combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different land uses in an innovative and functionally efficient manner.

To promote the efficient use of land resulting in networks of utilities, streets and other infrastructure features that maximize the allocation of fiscal and natural resources.

To enable land developments to be compatible and congruous with the adjacent and nearby uses and to ensure that development occurs at proper locations, away from environmentally sensitive areas, and on land physically suited to construction.

To allow unique and unusual land uses to be planned for and located in a manner that ensures harmony with the surrounding community.

Consider

1. *Whether the PUD is consistent with the comprehensive plan; (Consistent)*
2. *Whether the PUD harmonizes with the existing and expected development of surrounding areas; (Yes, it harmonizes)*
3. *Whether the PUD is a unified treatment of the development possibilities of the project site; (Good Concept)*
4. *Whether the PUD is consistent with the stated purposes and standards of this chapter. (Yes)*

STAFF COMMENTS | NOT COMPETE LIST

1. Work with City Staff on traffic conditions at the corner of 126th and Harvard
2. Sidewalks are required internally and along street frontage
 - a. Consult with OneOK on sidewalk details
3. Confirm encroachment agreement with OneOK
4. Update the Comprehensive Plan information in the PUD
5. Add PUD 127 in the title
6. Correct all outstanding PUD markups

RECOMMENDATION | 2 ACTIONS

Staff and TAC recommend approval of the Frazier Falls requests to rezone from AG to RS-2 and add a Planned Unit Development Overlay | PUD 127

Frazier Falls
A Single-Family Residential
Development
Jenks Oklahoma

Planned Unit Development Number 127

Southwest Corner of East 126th Street South and South Harvard



🔔 Bell Land Use LLC
918-902-0462

Tulsa Engineering and Planning
Brent Cox, Engineer
918-252-96

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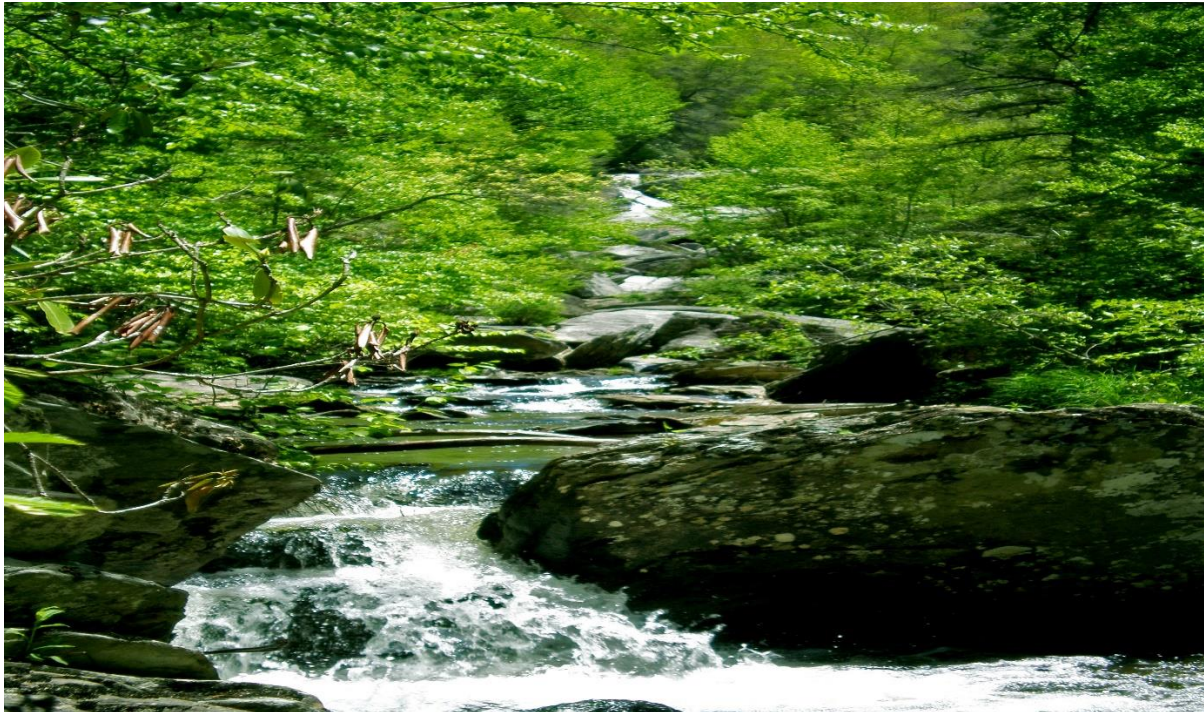
Frazier Falls

I. Development Concept

In keeping with the Frazier Lake and Frazier Meadows developments, “Frazier Fall” offers you the unique experience of upscale living in a picturesque environment. The property is located at the southwest corner of East 126th Street South and Harvard Avenue. The proposed development is a high-end single-family gated community that will highlight the special characteristics of the land and provide price points and living options that are not currently represented in the Southern most Jenks Market area.

Medium Intensity
Single-family

The subject property is designated for ~~Suburban Residential~~ by the Jenks Comprehensive Plan. The property is 32.53 +/- acres in size and is being requested to be rezoned from Agriculture to RS-2 (Single Family Residential). Protecting and expanding the natural characteristic of this property will create its suitability to meet the needs for higher end residential for the area. Near the center of the property a heavy tree foliage traverses the property from east to west. Though this area does not support a creek at this time it would be considered the natural storm drainage associated with the site. The development plan includes an extensive undertaking to protect the trees and to provide proper management to create a park like setting to this area and designated as a reserve or common area. Planned is a series of three wet ponds that are connected with a series of water falls and will be provided with the necessary infrastructure to sustain a continual water flow. A unique vehicular bridge is planned at the west ends of the common area to be associated with the private streets. Walking trails for the owners in the development are also planned through the water falls area. Park amenities will be added to the common area a pickle ball court is planned at the dry detention area on the west side of the development.



As with other developments along Harvard Avenue in this area a high-pressure gas line is located along the right of way of Harvard. Considering the housing product that is planned for the Falls Development, a reserve area outside the gated area will be established over this easement. This will allow the lots backing to Harvard to be developed at normal standard. The reserve area by the easement will be restricted from planned vegetation but will allow the development of sidewalks or walking trails that are out of the right of way and will be a benefit to the area.

With such an aggressive attempt to have a substantial open space the proposed development will take on a true cluster design for properties planned in the price ranges discussed. These cluster can be identified as the areas north and south of the open space. The residential homes within the development are planned to be \$350,000 and up. The residences will be developed on parcels of 60' X 120', with a major portion of these lots being 63 feet or wider.

The proposed development is allowed a maximum of 130 homes by the Comprehensive Plan and is currently designed with 109 residential properties. Two gated access points will be provided to the development. The primary entrance to the development will be from Harvard Avenue. The secondary access identified as an emergency entrance but will be designed to be a standard exit will be from the interior of the Frazier Meadows development. For road safety purposes, no access point is to be established from East 126th Street South. Review of an access for the City to the lift station from 126th Street South should be considered and established at City's request. This access is currently shown from within the development. Fencing along the section line road is planned as a continuation of that which was determined by the Planning Commission as necessary for Frazier Meadows development.

Three areas of the City of Jenks infrastructure will be greatly improved with the proposed development. 1) The applicant upon transfer of ownership of the property will clear the vegetation associated with the curve from South Harvard to East 126th West Avenue. The developer will immediately gift the City of Jenks the right of way necessary, at their discretion, to improve or reduce the dangerous curve associated with this interchange. 2) The Frazier Meadows development was approved with a lift station that forced main sanitary sewer to Frazier Lakes. It was previously known that the subject property was not available and ultimately two lift stations were likely going to have to be established to serve the area. Upon ownership transfer of the property, a revised sewer plan will be submitted for Frazier Meadows that will eliminate the need for the 2nd lift station and relocate the site to the Frazier Falls development. 3) East 126th Street South is developed on the north side of the road with an 8" water line that supplies water to the Ark Ridge development. This water line is at the end of the system that is located on 121st Street. A new water vault was established on the Tulsa 36" line located on 131st Street. The Frazier Falls development will extend the 12" line along Harvard Avenue for connection to the 8 inch line and looping the two supply lines in the area.

A zone change application was submitted with the Planned Unit Development requesting an underlying zoning of RS-2 (Single Family Residential). Per the sales contract for the property, Ordinances perfecting the Zone change and Planned Unit Development criteria cannot be acted upon by the City until the property has transferred ownership to the applicant.

II. Development Standards

Permitted Uses:

The following uses shall be permitted:

Use Unit

6. Single Family Residential and customary accessory uses

Development Area A: 60' x 120' Lots: Requirements

Setback front yard:	25 Feet
Setback side yards:	5/5 Feet
Rear Yard Setback:	20 Feet
Exterior Side yard setback:	15 Feet
Minimum Lot Area	7200 sq. ft.
Minimum Livability Space	3500 sq. ft.
Maximum Permitted Building Height:	35 Feet

Lots recognized as phase 3 of the Frazier Meadows Development will be required to meet the PUD and Private standards as listed in Frazier Meadows development unless specifically identified in the required plat.

Minimum House Size: Single-Family Dwelling Units shall have a minimum of 2,200 square feet of finished heated living area.

Masonry: The first floor of each dwelling will have 100% masonry, not including windows and beneath covered porches. No Steel, Aluminum or Plastic Siding shall be permitted on any Building or any Residential Lot.

Foundation/Stem walls: Foundation and stem walls shall be covered with brick, stone, stucco. No exposed stem walls.

Interior fencing: Interior fencing or walls shall not extend beyond each end corner of the residence. Corner lots shall be permitted to extend fencing in a side yard abutting a public street to a point no closer than 7.5' of the property line.

Exterior fences along South Harvard Ave. shall be established with Masonry or Rock Pillars.

Interior screening fences shall be of the same wood design and material for all lots and established with a metal post and a cap. Lots that abut to the common area with the ponds and waterfalls shall be restricted from establishing screening fences any closer than 20 feet to the rear property line. Within 20 feet of rear property lines for lots abutting the common area a wrought iron or split rail with coated chain link fence design will be allowed. This requirement will protect the open area and allow enjoyment of the area for lots that do not abut to it. The fencing will be required to be uniformed and the exact material for all interior fences will be defined in the required plat.

Minimum Landscape: Each lot shall be sodded and Landscaped to include the planting of a minimum of one 2" caliper tree (measured six inches from the base of the tree). Sodding and landscaping shall be completed within 30 days of occupancy or final inspection.

The development will have a mandatory Homeowners Association for maintenance of common areas. Lots that front to 128th Street South will be platted as phase 3 of the Frazier Meadows and a part of the Meadows HOA. These lots will not be subject to the gated community requirements.

The 128th Place South access to Harvard Avenue that is currently platted in Frazier Meadow will be eliminated and re-platted with lots on an eyebrow. Since the lots within the PUD area of Frazier Falls that abut to 128th Place will be recognized in Phase 3 of Frazier Meadows the closure of this access is important to the integrity of the design and protection of the subdivisions. This closure does not affect the access requirements or standards of either subdivision.

The development will be required to submit a detailed drainage plan to the City Engineer for review and approval with the required subdivision plat.

The drainage plan will require a hydrology report to determine the existing conditions of the area, detention facility needs of the tract and the effect of full development of the site.

III. Existing Zoning and Comprehensive Plan

Medium Intensity Single-family

The property designated Suburban Residential by the Jenks Comprehensive Plan is currently zoned AG (Agricultural). A zone change application was submitted with the Planned Unit Development requesting an underlying zoning of RS-2 (Single Family Residential).

Per the sales contract for the property, Ordinances perfecting the Zone change and Planned Unit Development criteria cannot be acted upon by the City until the property has transferred ownership to the applicant.

IV. Utilities and Storm Water

Platting of the property will require submittal of a detailed drainage plan to the City Engineer for Review and Approval.

Service Utilities to lots abutting to the Common Area (waterfall areas) will be required to be all located in the front yards of these lots except for sanitary sewer.

The Frazier Meadows development was approved with a lift station that provided a force main of sanitary sewer to Frazier Lakes. It was previously known that the subject property was not available and ultimately two lift stations were likely going to have to be established to serve the area. Upon ownership transfer of the property, a revised sewer plan will be submitted for Frazier Meadows that will eliminate the need for the 2nd lift station and establish the lift station in Frazier Falls.

East 126th Street South is developed on the north side of the road with an 8" water line that supplies water to the Ark Ridge development. This water line is at the end of the system that is located on 121st Street. A new water vault was established on the Tulsa 36" line located on 131st Street. The Frazier Falls development will extend the 12" line along Harvard Avenue tying into the two supply lines in the area.

All other standard utilities are available to the site.

EXHIBIT 'A'



EXHIBIT 'B'



EXHIBIT 'C'

Frazier Falls



EXHIBIT 'D'

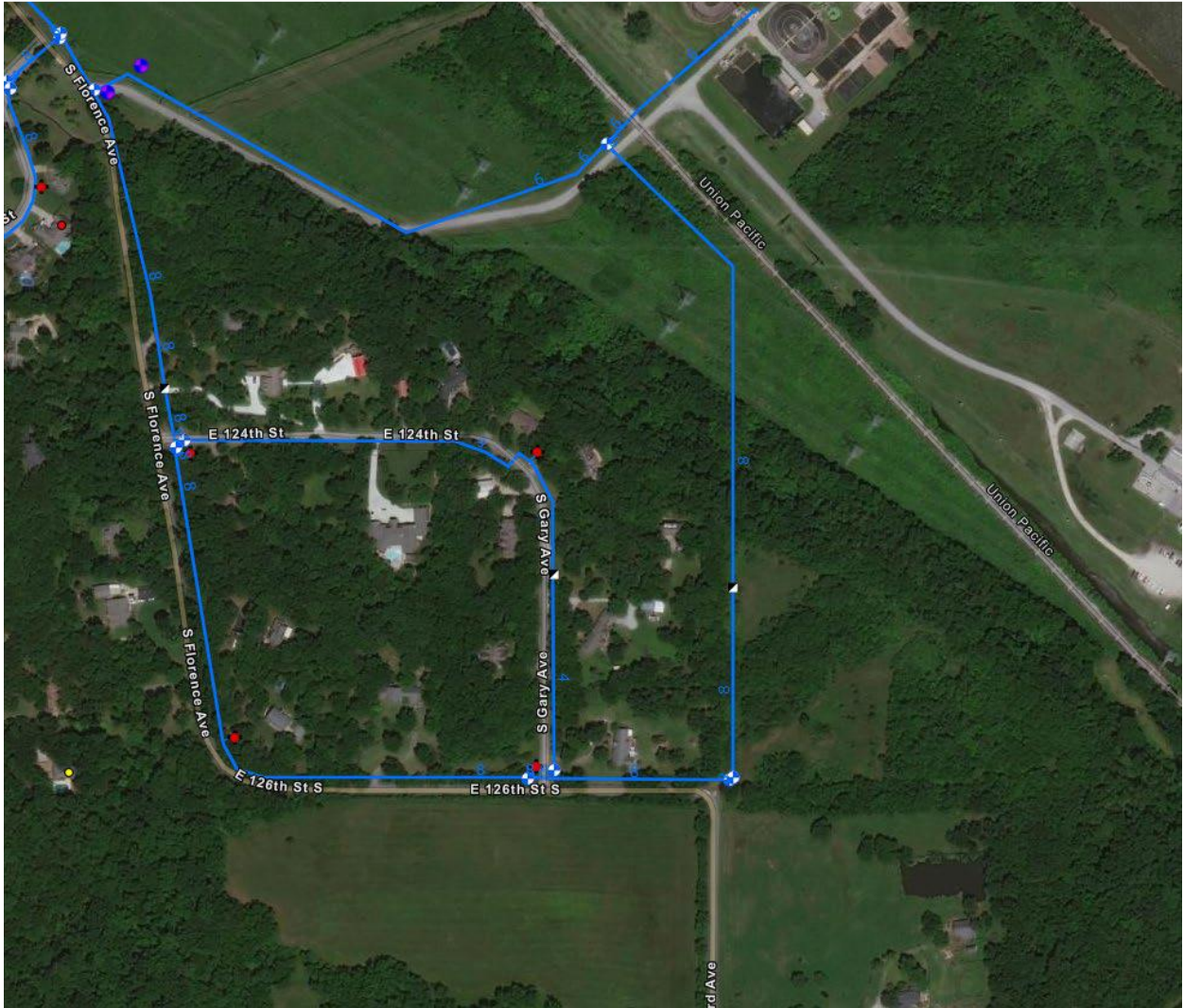
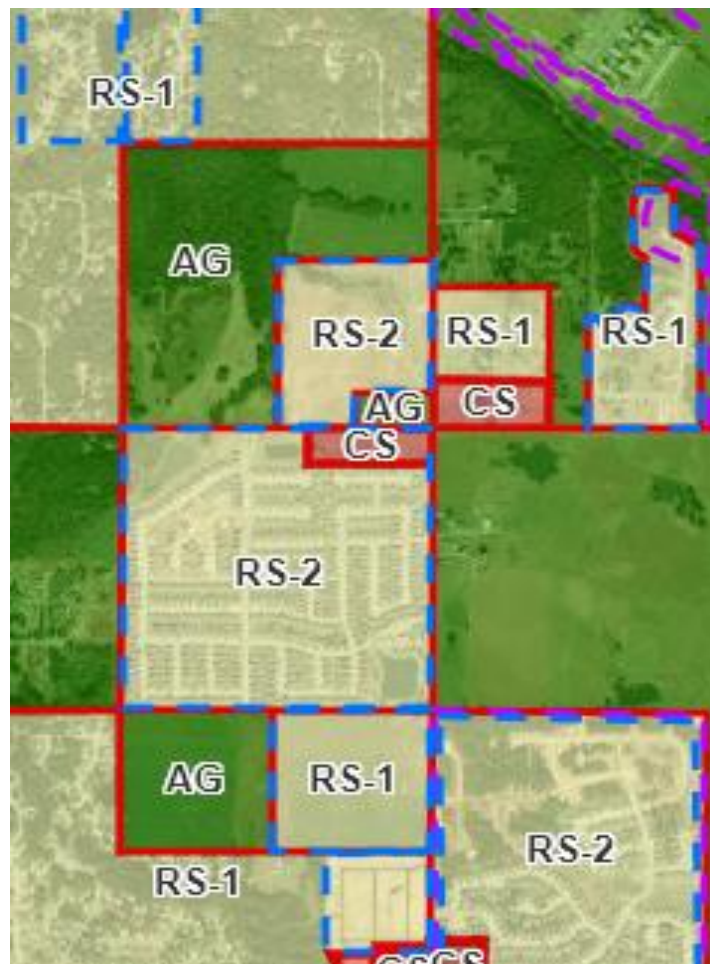
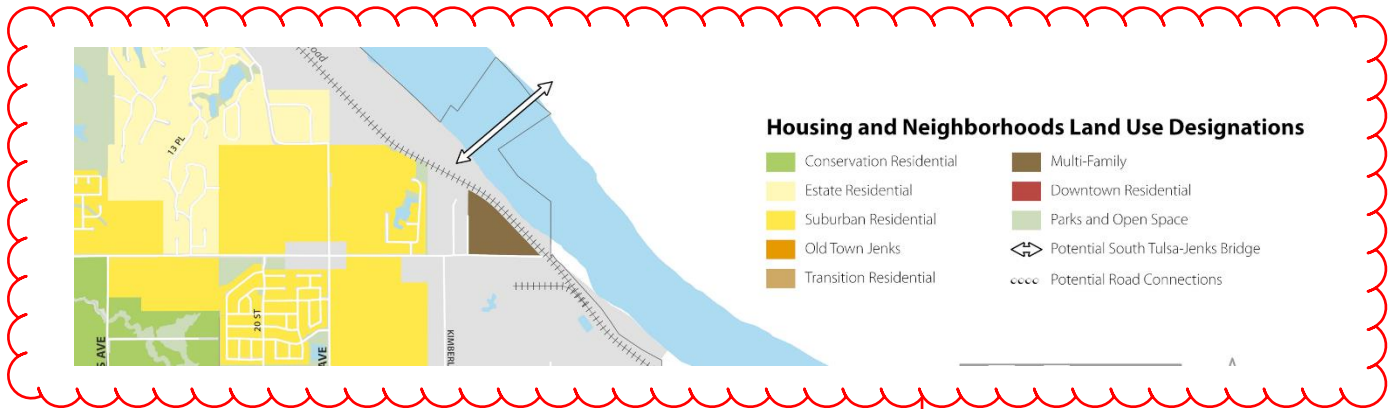
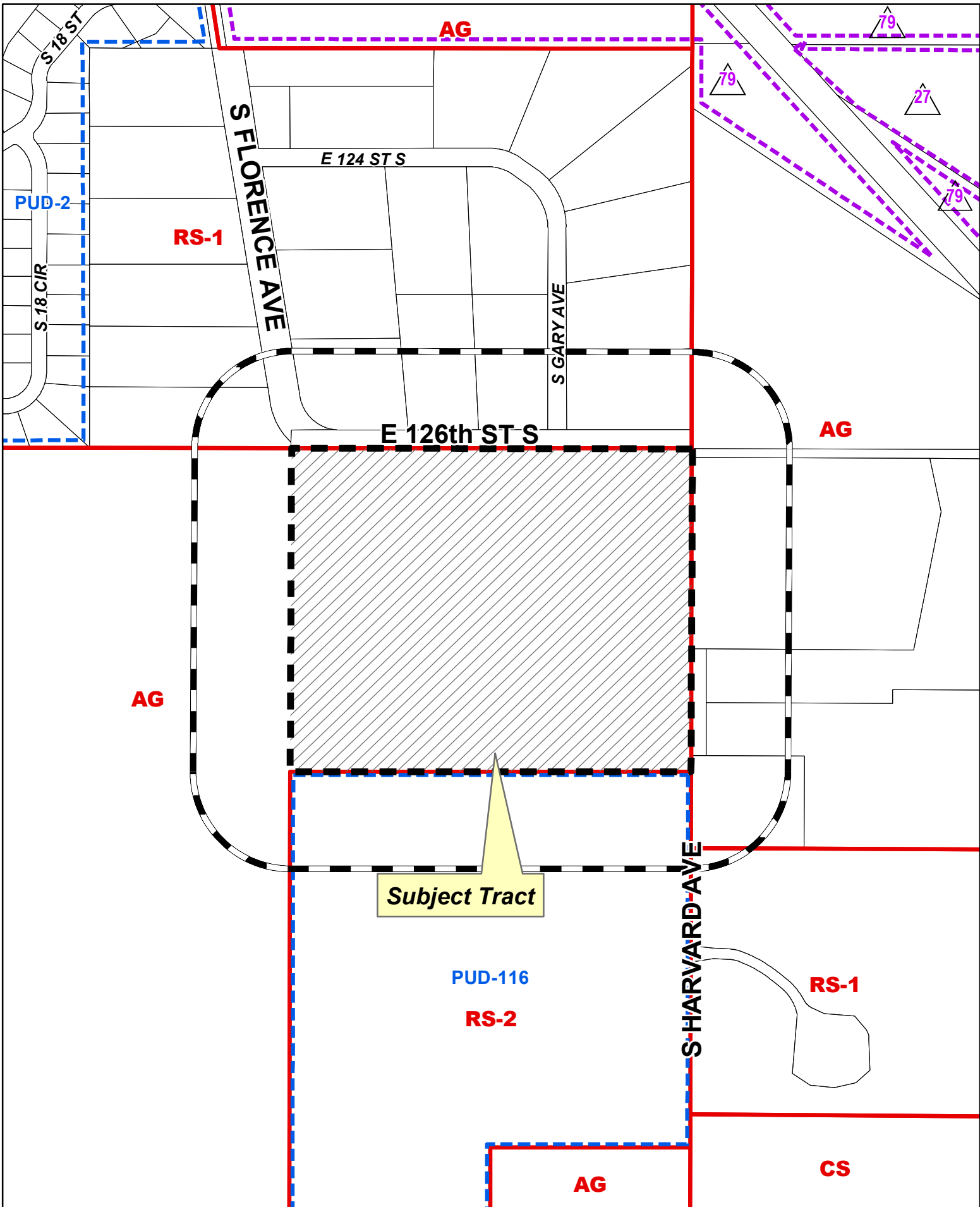


EXHIBIT 'E'



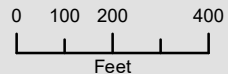


300' Radius



Subject Tract

JZ-21 PUD-127



05 17-13



To	Planning Commission
Hearing Date	May 6, 2021
Case Number	JZ 21-PUD 16.MA2
Request	Major Amendment Number 2 to PUD 16
Location	South of 121 st Street and west of Elm Street
Applicant	Heather Orvis

Staff Report

Preparer | Marcaé Hilton

Attachments

- ☐ CASE MAP
- ☐ Supporting Documents

Preparer

INCOG
Heather Orvis, Attorney Parker & Orvis

Background Information

STAFF COMMENTARY | Heather Orvis has submitted an application on behalf of her client seeking a major amendment to PUD 16 (JZ-345). The final plat was filed as Yorktown Village. Currently, there is a Casey's convenience store located in Lot 1, Block 1. Lot 2, Block 1 has some interest, but no application has been made. Lot 3, Block 1 has two developed parcels, a strip center "South County Square," which has never been lot split, acting as the balance of the parent tract. Along the northern boundary *The Learning Center* was lot split from Lot 3, Block 1 creating the second lot within Block 1 Lot 3. The requested amendment would allow for "The Good Shepherd" veterinary clinic to open an office within the existing strip center and allow, in the future, for the addition of a new structure to serve as a larger, standalone small animal veterinary clinic with animal boarding kennels, on Pad Site C, as identified in the PUD exhibit. The kennel boarding is strictly as related to overnight and recovering patients. The outdoor area is dedicated to observation of patients and the animals are never left alone, nor can they see anything outside the area due to the extensive screening. Dr. Long operates a similar clinic in the City of Broken Arrow and strives to be a good neighbor. It is his greatest concern to provide sound medical practice to small animals while protecting the adjacent neighbors. This request involves the portion of the lot which is adjacent to the residential neighborhood on the south (Weston II at Wakefield).

PLANNING DATA

Public Comment	One at the time of this report Curious about the land use
----------------	---

Lot Split JL-357 | Application has been submitted and will appear on the June PC Agenda.
 Lot Split Pad Site “C” Part of Lot 3, Block 1
 Approximately 150 ft. by 327 ft. | 45,750 sq. ft
 JL-345 | Part of Lot 3, Block 1 of Yorktowne Village | East 150 feet of Lot 3, Block 1

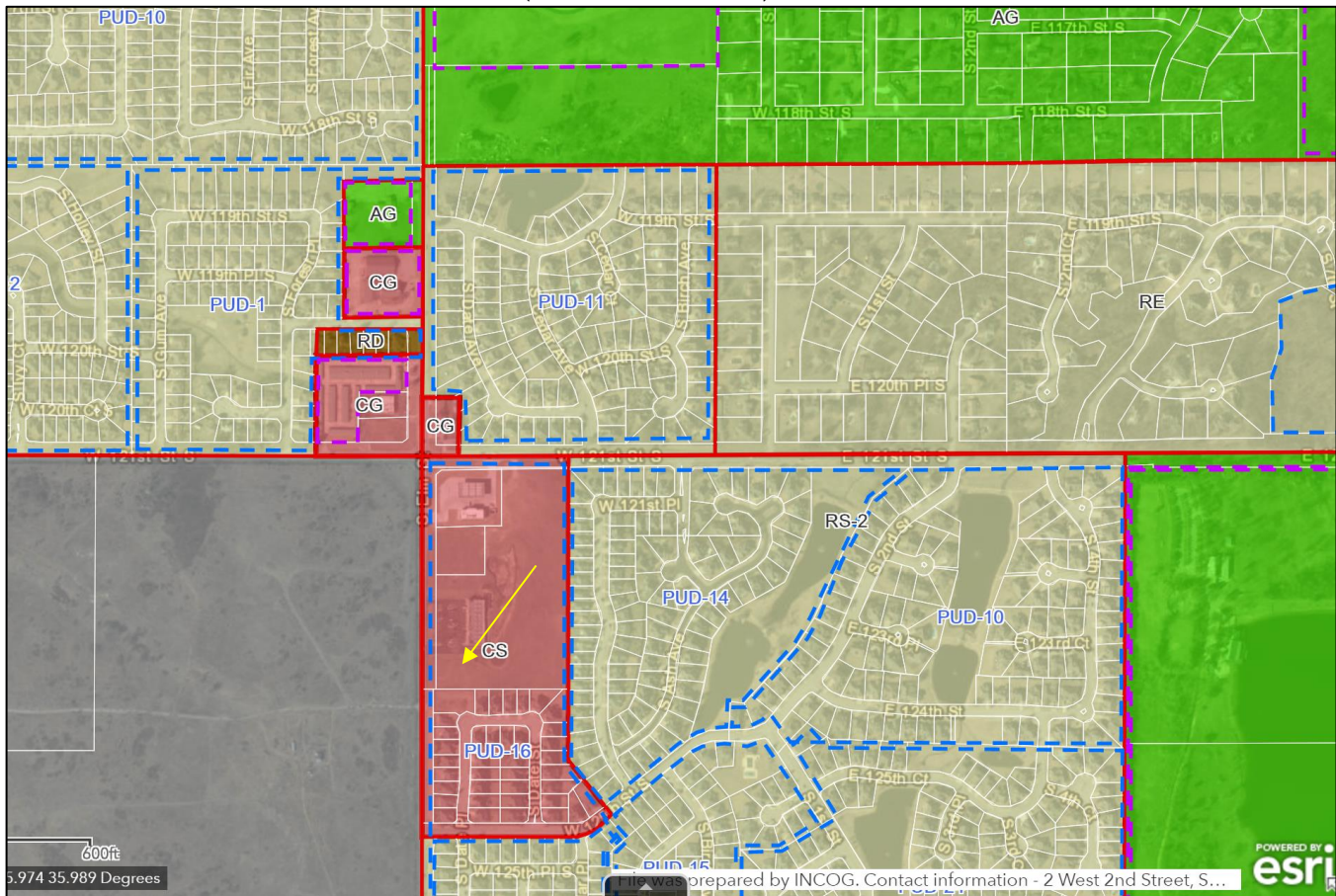
Acres To be determined in lot split document

General Location South of 121st and east of Elm Street

Plat Yorktowne Village | No. 6096 | 03.01.2007

3 Lots | 1 Block

Surrounding Zoning North | PUD 11&RS-2 (Single-family Residential)
 West | IM Industrial Medium | Undeveloped
 South | PUD 16&CS (Single-family Residential)
 East | AG (AGRICULTURE)



Zoning PUD 16A, CS | Commercial Shopping

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.

Chapter 10 Use Units				
No.	Name	PUD 16	AMENDMENT REQUEST	CS
1.	Area wide Uses	-	-	X
2.	Area wide Specific Use	-	-	S
4.	Public Protection	X	X	X
5.	Community Services and Cultural Facilities	X	X	X
8.	Multifamily Dwellings and Similar uses	-	-	P
10.	Off-Street Parking Areas	-	-	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 (small vet. animal clinic and boarding kennels)		X	
16.	Gasoline Service Stations	X	X	X
17.	Automotive and Allied Activities	*X	*X	E
18.	Drive-In Restaurants	*X	*X	
19.	Hotel, Motel, and Recreation Facilities	*X	*X	X
21.	Business Signs and Outdoor Advertising	-	-	X

Staff Evaluation & Recommendation

Evaluation | Staff has met with Dr. Long and Ms. Orvis to discuss the short- and long-term plans. As presented, staff supports the request for a small animal clinic with animal boarding (kennels) on pad site "C." Staff believes the plans as presented will provide adequate noise odor control. The actual building will be primarily adjacent to an undeveloped drainage area on the south.

Approving this request as submitted will: Recommend to City Council approval of Major Amendment Number 2 of PUD 16, to allow for a Small Animal Vet Clinic with pet boarding on Pad Site "C" only.

Recommendation | Staff and TAC recommend approval of PUD 16 Major Amendment No. 2

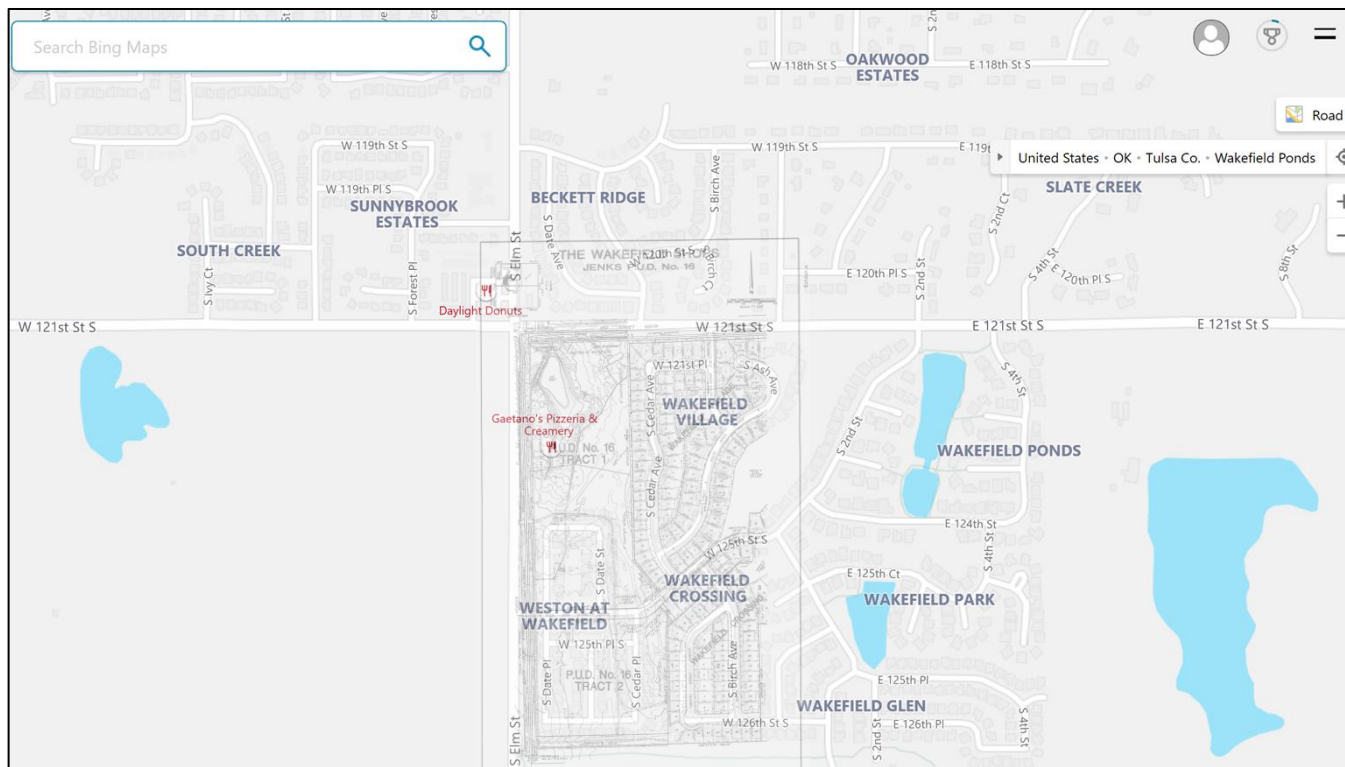


Figure 1: Bing Map with PUD 16 overlay



Figure 2: South County Square

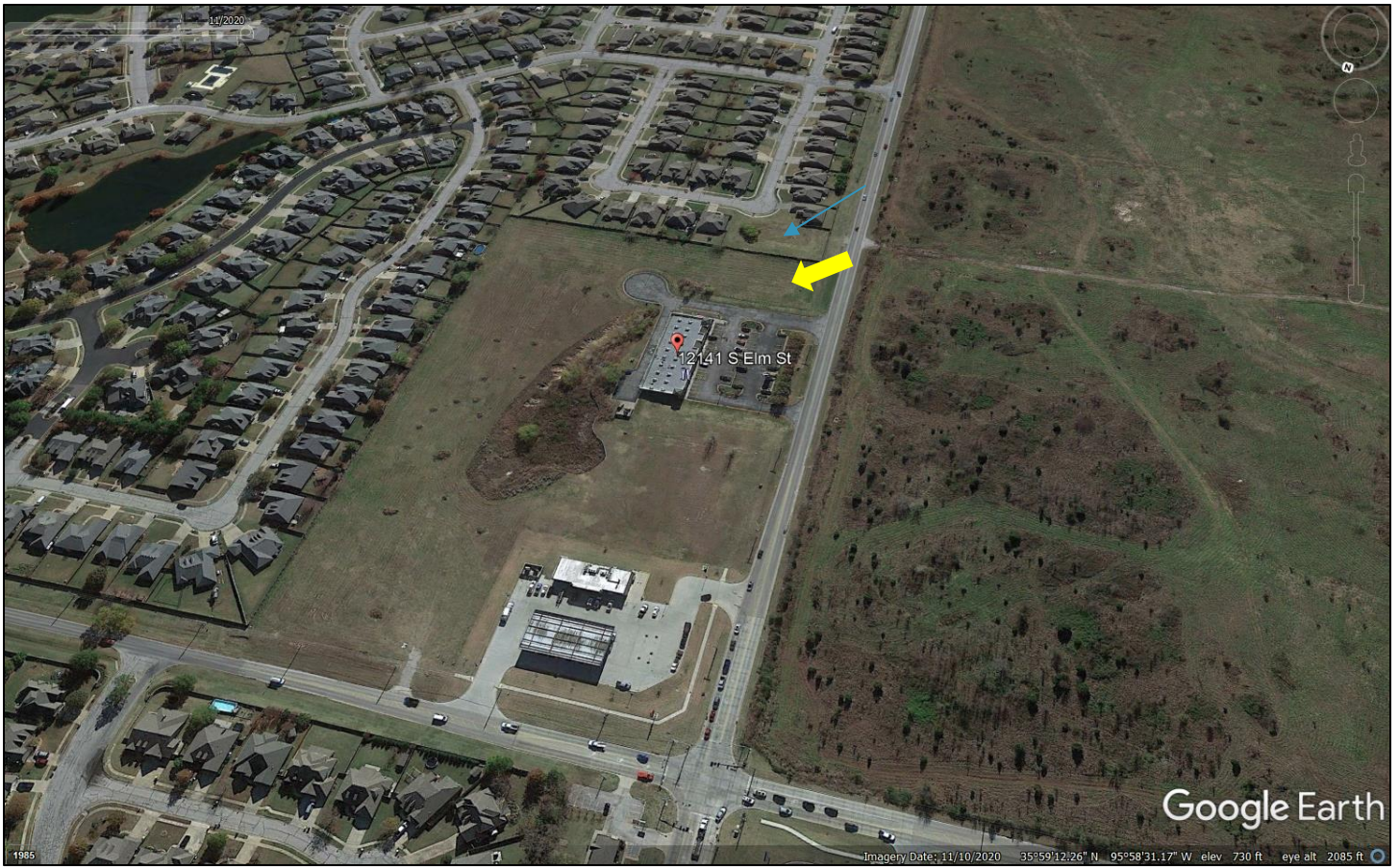


Figure 3: Google Earth Imagery 11/10/2020



Figure 4: Google Earth Imagery, Lot is adjacent to retention/drainage area

PROPOSED AMENDMENT TO PUD 16

Yorktowne Village is within PUD 16 approved by the Jenks Planning Commission on November 9, 2006, and by the Jenks City Council on December 9, 2006. PUD 16 permits Use Units 4, 11, 12, 13, 14, 16, and 19, and may permit Use Units 17 and 18 with a Minor PUD Amendment according to the Deed of Dedication for Yorktown Village recorded on March 1, 2007, as Document No. 2007021789.

South County Square Holdings, LLC is the owner of the following described real property, to-wit:

Lot Three (3), Block One (1), YORKTOWNE VILLAGE, a subdivision in the City of Jenks, Tulsa County, State of Oklahoma, according to the recorded plat thereof, LESS AND EXCEPT the East 150.00 feet of the North 327.00 feet thereof.

South County Square Holdings, LLC has entered into a contract to sell a portion of the above-described real property to GSVH, LLC, more particularly described as follows:

A tract of land that is a part of Lot Three (3), Block One (1), YORKTOWNE VILLAGE, a subdivision in the City of Jenks, Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows, to-wit:

Beginning at the Southwest corner of Lot 3, Block 1 of said YORKTOWNE VILLAGE;

THENCE N 01°09'23" W along the West line of said Lot 3 for a distance of 183.00 feet;

THENCE N 88°40'46" E for a distance of 250.00 feet;

THENCE S 01°09'14" E for a distance of 183.00 feet;

THENCE S 88°40'46" W along the South line of said Lot 3 for a distance of 250.00 feet to the Southwest corner of said Lot 3 and the Point of Beginning (hereinafter referred to as "Pad Site C").

Good Shepherd Holdings, LLC intends to construct a small animal veterinary clinic with animal boarding (kennels) upon Pad Site C, which will be operated by GSVH Jenks, LLC. This Use falls under Use Unit 15, which is not presently permitted under PUD 16, and, therefore, requests that PUD 16 be amended to permit Use Unit 15 for Pad Site C only.

P.U.D. 16

PLAT No.
6096

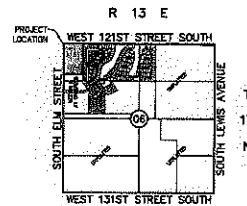


Yorktowne Village

A SUBDIVISION IN THE CITY OF JENKS, TULSA COUNTY, OKLAHOMA BEING A PART OF THE NW/4 OF SECTION SIX (6), TOWNSHIP 17 NORTH, RANGE 13 EAST, OF THE INDIAN BASE AND MERIDIAN.

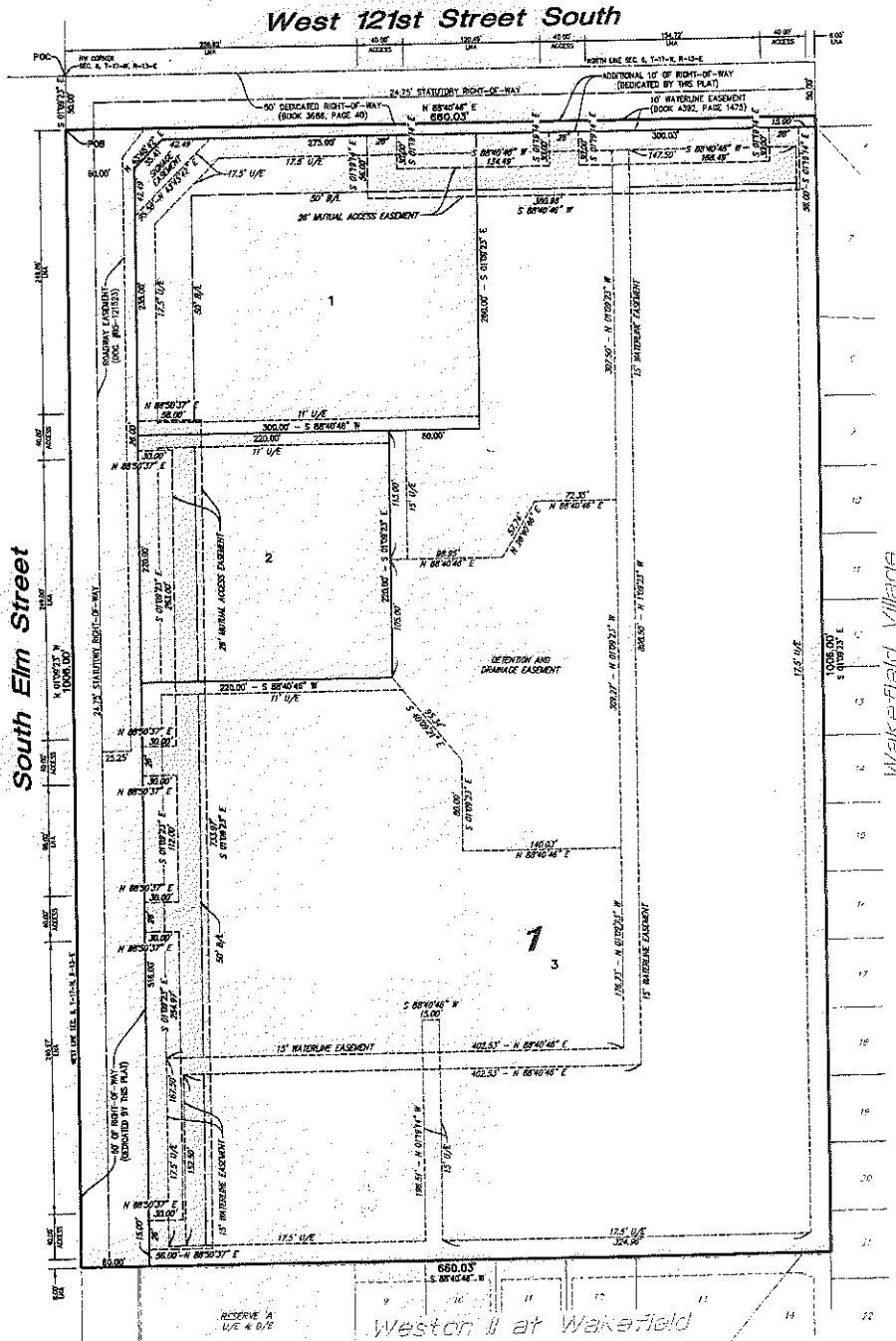
Owner/Developer
SOUTH RIVER TRADING, LLC
12010 S ELM STREET
JENKS, OK 74037
PHONE: (918) 296-0700
MR. CURT ROBERTS

Engineer/Surveyor
HRACK, INC.
1913 WEST TACOMA, SUITE-C
BROKEN ARROW, OKLAHOMA 74012-1472
PHONE: (918) 258-3737
FAX: (918) 258-2554
C.A.#6443 EXPIRES JUNE 30, 2007



Location Map
SCALE: 1"=2000'

Subdivision Contains Three (3) Lots in One (1) Block
15.00 Acres



Legend

B/L BUILDING LINE
U/E UTILITY EASEMENT
W/E WATERLINE EASEMENT
UNA LIMITS OF NO ACCESS
M/A MUTUAL ACCESS EASEMENT

Basis of Bearings

BEARINGS BASED ON A PLATED BEARING OF S 01°29'27" E ALONG THE WEST LINE OF WAKEFIELD VILLAGE, A SUBDIVISION IN THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, RECORDED AS PLAT NO. 5503.

Monumentation

ALL CORNERS SHOWN HEREON WERE SET USING A 3/8" X 18" STEEL PIN WITH A PLASTIC CAP STAMPED 'PLS 1283' AT ALL CORNERS.

Benchmark

5/8" REBAR-1 1/2" ALUMINUM CAP-FLUSH-STAMPED '304', SET S.E. OF THE INTERSECTION OF 121ST ST. AND PEDRIA AVE. ELEV=722.622 (MAY 1988)

Notes

ALL STREET RIGHT-OF-WAY SHALL BE DEDICATED AS PUBLIC STREETS BY THIS PLAT.

ADDRESSES 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.

ALL WATER AND SANITARY SEWER SERVICES WILL BE SUPPLIED AND MAINTAINED BY THE CITY OF JENKS.

STATE OF OKLAHOMA
COUNTY OF TULSA

I, Barbara Wilson, Tulsa County Clerk, do and for the County and State shere record, do hereby certify that the foregoing is a true and correct copy of the instrument now on file in my office.

Dated this _____ day of _____, 2007.
BARBARA WILSON, Tulsa County Clerk
Deputy

CERTIFICATE

I hereby certify that all real estate taxes levied in this plat have been paid as reflected by the current tax rolls. Security as required has been provided in the amount of \$ _____ per tract receipt no. _____ to be applied in 20 _____. This certificate is NOT to be construed as payment of 20 _____ taxes in full but is given in order that this plat may be filed on record. 20 _____ (marking) the amount of the security deposit.

Dated _____
Tulsa County Clerk
Deputy

FINAL PLAT

CERTIFICATE OF APPROVAL

I hereby certify that this plat was approved by the Jenks City Council on November 20, 2006
MAYOR - TERRY MAYOR

This approval is void if the above signature is not countersigned by the City Manager.
CITY MANAGER

← WEST 121ST STREET →



To	Planning Commission
Hearing Date	May 6, 2021
Case Number	TUP 21-46
Request	<i>Temporary Use Permit-Intensive Fireworks Stand</i> <i>June 15, 2021-July 5, 2021</i> <i>December 27, 2021-January 1, 2022</i>
Location	10597 S Elm
Applicant	Melissa Torkelson 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 an agriculture zoned lot. Planning Commission and City Council members have expressed a concern for fireworks stands in City limits. Following last year's fourth of July season, staff began conversations in January between staff and Houseal and Lavigne. Planning Staff sent out a memo March 19, 2021 outlining conversations, questions and information received which had been gathered during the last year concerning the sale and display of Fireworks. Staff has met with Councilor Lynn and Planning Commissioner Brown about issues related to "fireworks stand." Last year, staff believed the new UDO would be adopted by now, establishing the new/additional requirements. At this time, staff believes the UDO will not be adopted before late summer. This application is unchanged from last year and several years prior.

1. 2021 Dates of Operation | June 15-July 5
 - o Class C Fireworks
 - o Set up | June 15
 - o Tear down | July 5
2. 2021-2022 Dates of Operation | December 27, 2021-January 1, 2022
 - o Class C Fireworks

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 106 th and Elm, northeast corner
Acres	41.79
Surrounding Zoning	AG (Agriculture) North (AG-FD), West, South, East
Parcel ID	983-3083-302-4440

Staff Evaluation & Recommendation

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.

Approving this request as submitted will:

1. Staff requests a waiver of the *dust free all weather surface* and otherwise sees no reason to deny the request.
2. Enable the Jenks Band to sell Class “C” fireworks
 - a. June 15, 2021-July 5, 2021
 - b. December 27, 2021-January 1, 2022

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 | Staff has two separate recommendations.

1. Approve | 2021 Dates of Operation | June 15-July 5
 - Class C Fireworks
 - Set up | June 15
 - Tear down | July 5
 - Approve Temporary Use Permit Item No. 1-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.
2. Deny | 2021-2022 Dates of Operation | December 27, 2021-January 1, 2022
 - Class C Fireworks
 - Require applicant to resubmit at a later date based on language changes to City zoning code through the adoption of the Jenks UDO

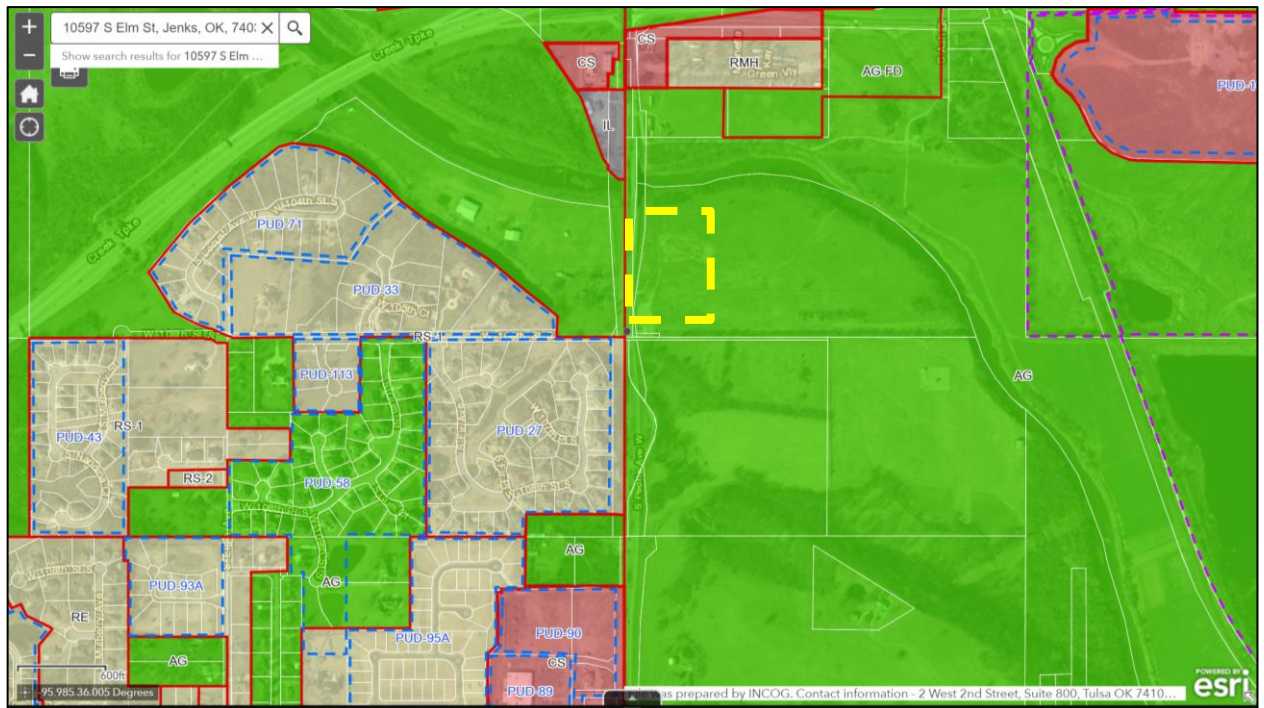


Figure 1: Zoning Map

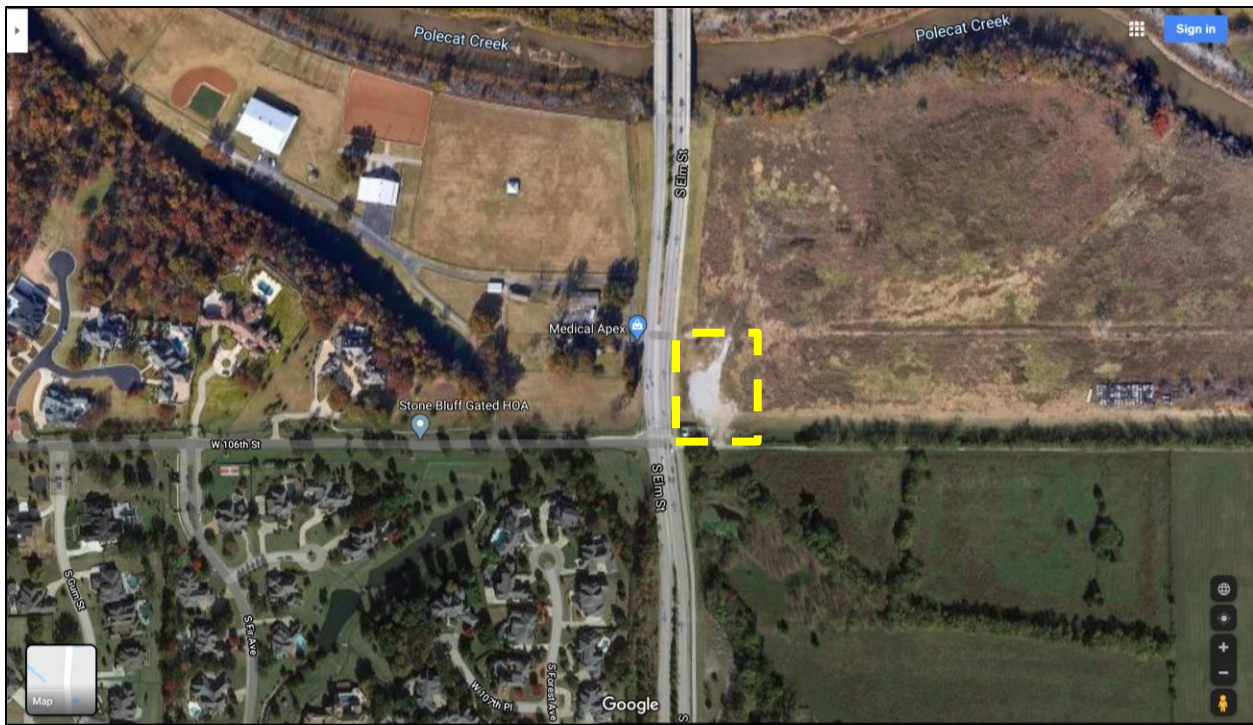


Figure 2: Aerial Map

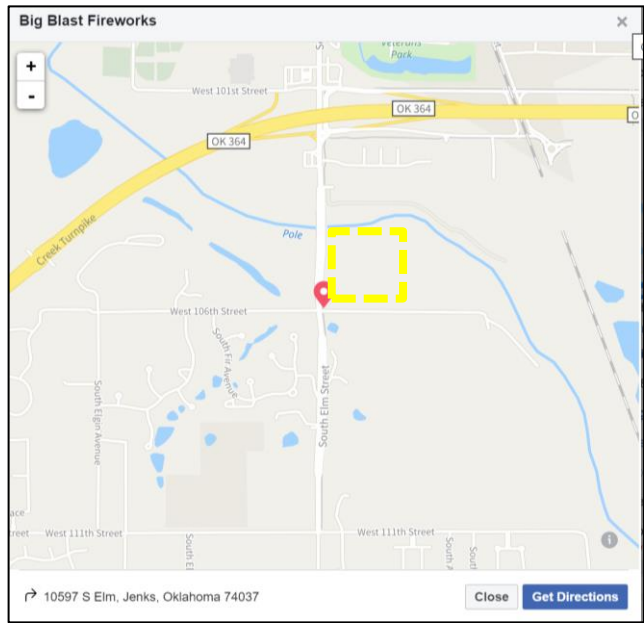


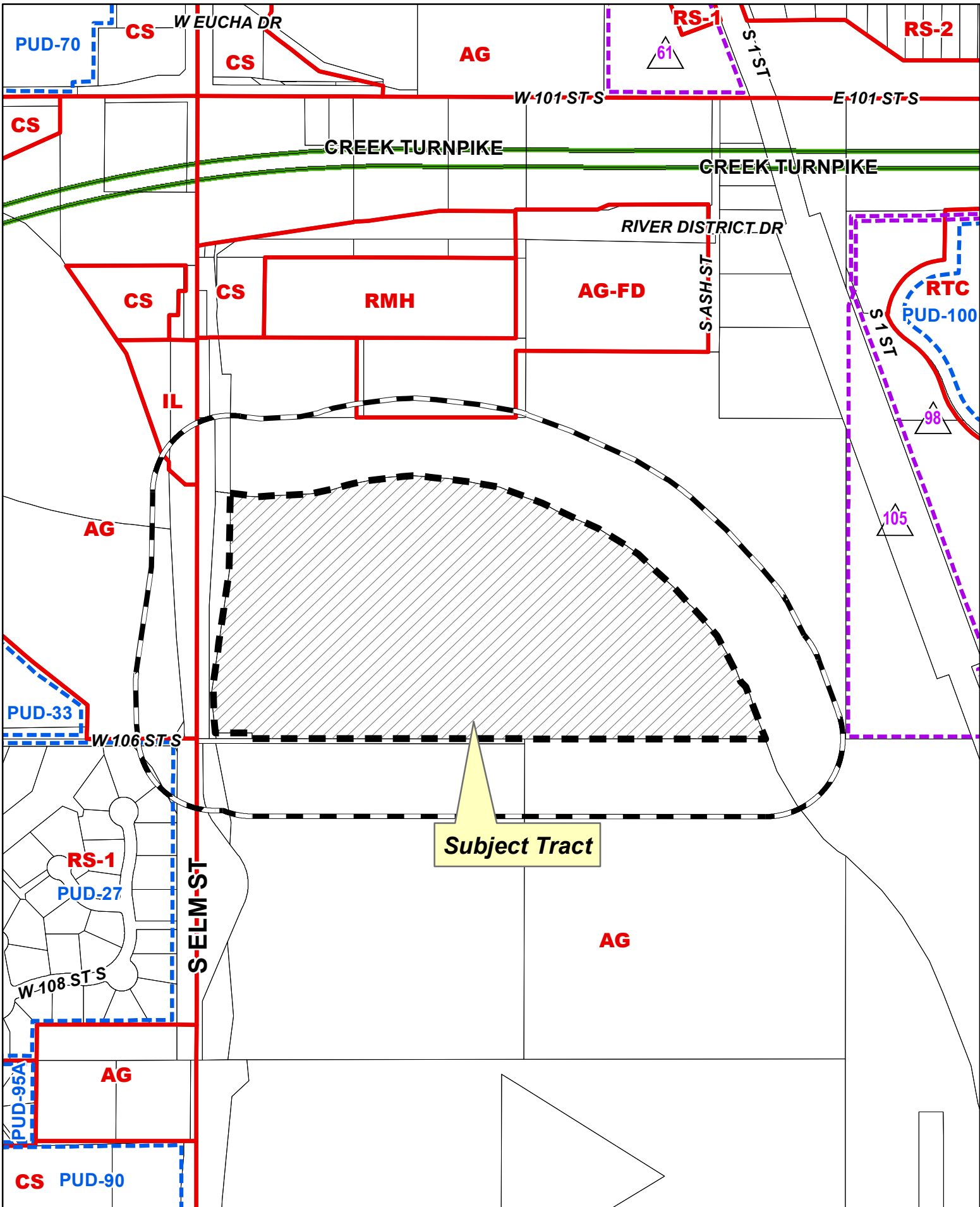
Figure 3: Google Map Location



Figure 4: View from west on 106th



Figure 5: View from Intersection looking North



Subject Tract



300' Radius



Subject
Tract

TUP 21-46



30 18-13





City of Jenks
Temporary Use Permit
Application

TUP _____

Page 1 of 2

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

Date of Application: 3/15/21
Project Name: Tork Investments LLC dba Big Blast Proposed Use: retail/seasonal class c fireworks
Name of Applicant (Print): Melissa Torkleson Phone: 918-640-1869
Address: 637 S. 193rd W. Ave Sand Springs 10th Zip Code: 74063
Email: torkinvestments@yahoo.com FAX: _____

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

4. Identify structures and improvements on the property: _____

5. Topography (Flat, Rolling Hills, Levee, etc): flat

6. Frontage Road: 300'

7. City Water: ☐ Yes ☒ No

8. City Sewer: ☐ Yes ☒ No

B. PROPOSED TEMPORARY USE

- Proposed use of subject property (Identify the use(s) intended for the subject property):
retail / Seasonal use for retail class C
fireworks sales June 15, thru July 5, 2021
and December 27 thru January 1, 2022
- Temporary use start date: Seasonal Temporary use end date: dates above
- The application shall be submitted with a development text outlining all aspects of the proposed use.
- Site plans and elevation drawings shall be submitted and must be drawn to scale and noted on plans.
- Please provide an electronic copy of all drawings in PDF format.

Bill advertising and sign charges to:

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: [Signature] Date: 3/15/21
 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 COMMERCIAL BUILDING PERMIT

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

CERTIFICATE OF OCCUPANCY:		BUILDING PERMIT NO.:		
DATE RECEIVED: 3-15-21		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. <u>This requirement is a condition for the validity of this permit.</u> SEE ATTACHED CONDITIONS. Initials: _____ Construction shall comply with 2015 OUBC Commercial Code.		
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. Sand Springs				STATE: ZIP: 74063
OFFICE PHONE: 640-1869 FAX:				EMAIL: torkinvestments@yahoo.com
PROPOSED USE: Retail fireworks				USE GROUP:
* RESTAURANT MUST INCLUDE APPROVED HEALTH DEPARTMENT PLANS *				
LOT FRONTAGE: 300'	AVERAGE DEPTH: 200'	Type of Construction:		
BUILDING WIDTH: 60'		Building Height: No. of Stories: 1		
DEPTH: 40'		No. of Basement Levels:		
NO. DWELLING UNITS:		Total Sq Feet: 2400 Total Lot Area *:		
EXT WALLS:		Fire Suppression: ☐ Yes ☐ No		
INT WALLS:		Alarm: ☐ Yes ☐ No		
ROOF:		EASEMENTS		
☐ 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.				
- - 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:	
	Plan Review	Applicant:	Date:
	Building	Zoning:	Date:
	Plumbing	Building Inspector:	Date:
	Electrical	Fire Chief:	Date:
	Mechanical	Final Inspection:	Date:
	Fire	City Engineer:	Date:
	Waste Water Treatment Dev.	Public Works:	Date:
	Park Development Fee		
	Other: Promotional	* Earth Change Permit required for total lot area exceeding one (1) acre.	
	OK State Govt. Permit Fee	** Building permit total does not include Water & Sewer Tap.	
\$	TOTAL BUILDING PERMIT **		

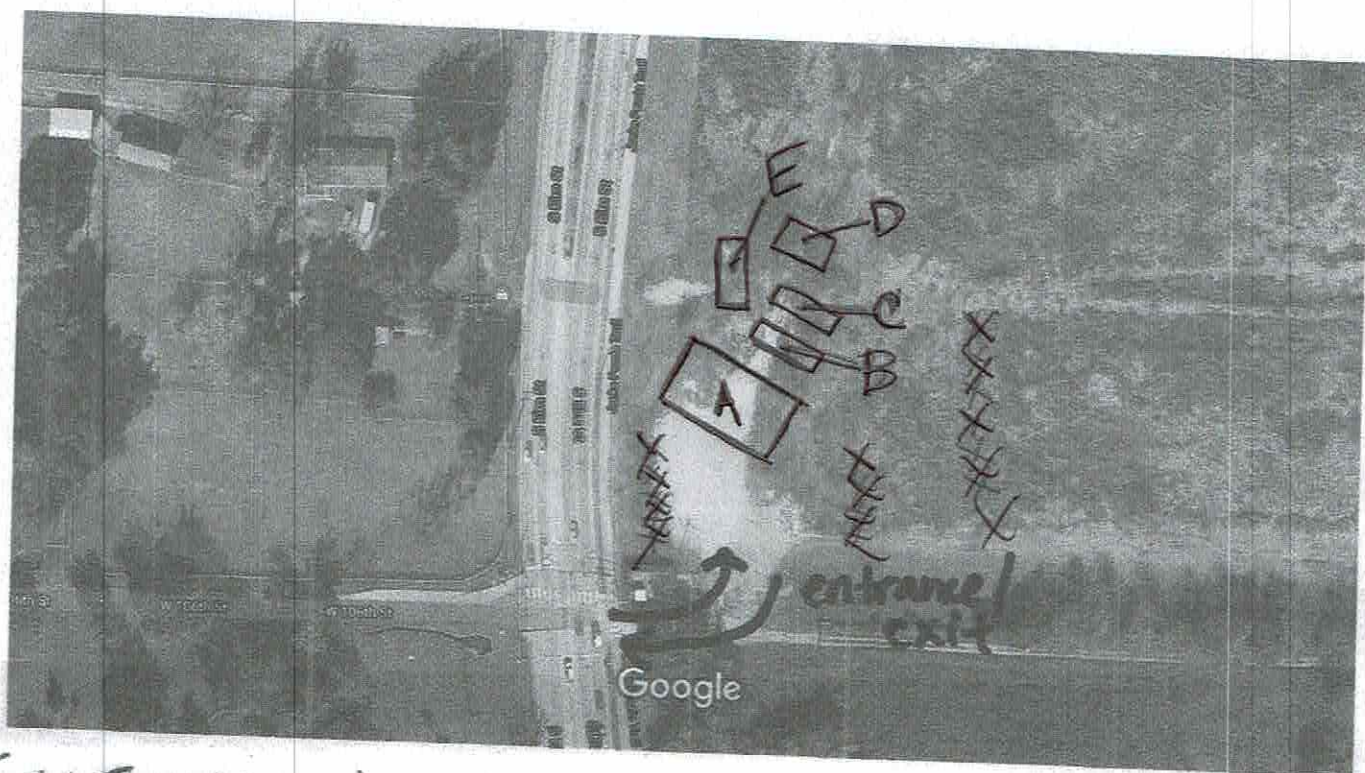
Tork Investments LLC
dba Big Blast

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.

Google Maps 10597 S Elm St



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

A = 40x60 tent

B = 8x40 enclosed ground container for product storage

C = 2nd 8x40 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



CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)
3/15/2021

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: georgine@draytonins.com ADDRESS:	
INSURED Tork Investments, LLC 17516 West 8th Street Sand Springs, OK 74063		INSURER(S) AFFORDING COVERAGE INSURER A: Admiral Insurance Company NAIC# 27856 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

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.

INS LTR	TYPE OF INSURANCE	ADDITIONAL INSURED	SUBROGATION	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC OTHER:	X		CA000003209-31-1163	3/1/21	3/1/22	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Anyone person) \$ NONE PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPI/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 EXCESS LIAB DED RETENTIONS						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐ 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/ Arthur Duane Phillips and Jenks Band are included as Additional Insureds in respect of liability caused by the Named Insureds operations at 10597 S. Elm St. Jenks, OK 74037.

CERTIFICATE HOLDER

CANCELLATION

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

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

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.

T.I copy

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

Duane Phillips
Oak Properties

RENTAL AGREEMENT

This Rental Agreement dated this 3rd day of March 2021, by and between Tork Investments LLC dba Big Blast Fireworks (hereinafter T.I.) and Oak Properties (hereinafter "OWNER").

- 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)
10597 S. Elm St., Jenks OK 74037
- Term.** This rental Agreement shall be for a term of the 13th day of June, 2021 through the 13th day of July, 2021 and also for the 15th day of December 2021 through the 15th day of January of 2022.
- 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..
- 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.
- 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, 2021 and continue until the 13th day of July, 2021. 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.

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-insured 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

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 Phillips

ADDRESS:

CITY:

STATE:

ZIP:

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.

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. **Invalidity.** 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

An Authorized Member

Dated

3-3/21

Tork Investments LLC (T.I.)

By

Dated

3/3/21

To	Planning Commission
Hearing Date	May 6, 2021
Case Number	TUP 21-47
Request	Temporary Use Permit Fireworks Sales of Class "C" Fireworks
Location	11608 S. Union Avenue W.
Applicant	Jake's Fireworks

Staff Report

Preparer | Marcaé Hilton

Attachments

- ☐ CASE MAP
- ☐ SITE PLAN
- ☐ APPLICATION, INSURANCE CERTIFICATE,
LETTER OF AGREEMENT

Preparer

INCOG
APPLICANT
APPLICANT

Background Information

STAFF COMMENTARY | Jake's Fireworks plans to sell fireworks on a commercially zoned lot. Planning Commission and City Council members have expressed concerns about fireworks stands and the display of fireworks within City limits. Following last year's fourth of July season, staff began zoning conversations in January between staff and Houseal and Lavigne. Planning Staff sent out a memo March 19, 2021 outlining conversations, questions and information received which had been gathered during the last year concerning the sale and display of Fireworks. Staff has met with Councilor Lynn and Planning Commissioner Brown about issues related to "fireworks stands and the display of fireworks." Last year, staff anticipated the new UDO would be adopted by now, establishing new/additional requirements. At this time, staff believes the UDO will not be adopted before late summer. This applicant was approved last year at the location adjacent to Melody Lane.

Doing business selling fireworks in Jenks since 2012

2020 Dates of Operation | June 20-July 5

- *Sales of Class "C" Fireworks*
- *Set up | June 15*
- *Tear down | July 10*

PLANNING DATA

Public Comment	None Notice mailed out and posted online
Zoning	CG Commercial General
General Location	South of 111 th (116 th) and West of S. Vancouver Ave also known as S. Union Avenue West
Acres	4.68
Surrounding Zoning	North CS (PUD 97) West, South, East AG (AGRICULTURE)

Staff Evaluation & Recommendation

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.

Approving this request as submitted will:

1. Recommend to City Council a waiver of the *dust free all-weather surface*. (part of the surface is dust free)
2. Recommend to City Council approval, allowing Jakes Fireworks to sell Class “C” fireworks during the requested timeframe. (June 15, 2021-July 5, 2021)

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.

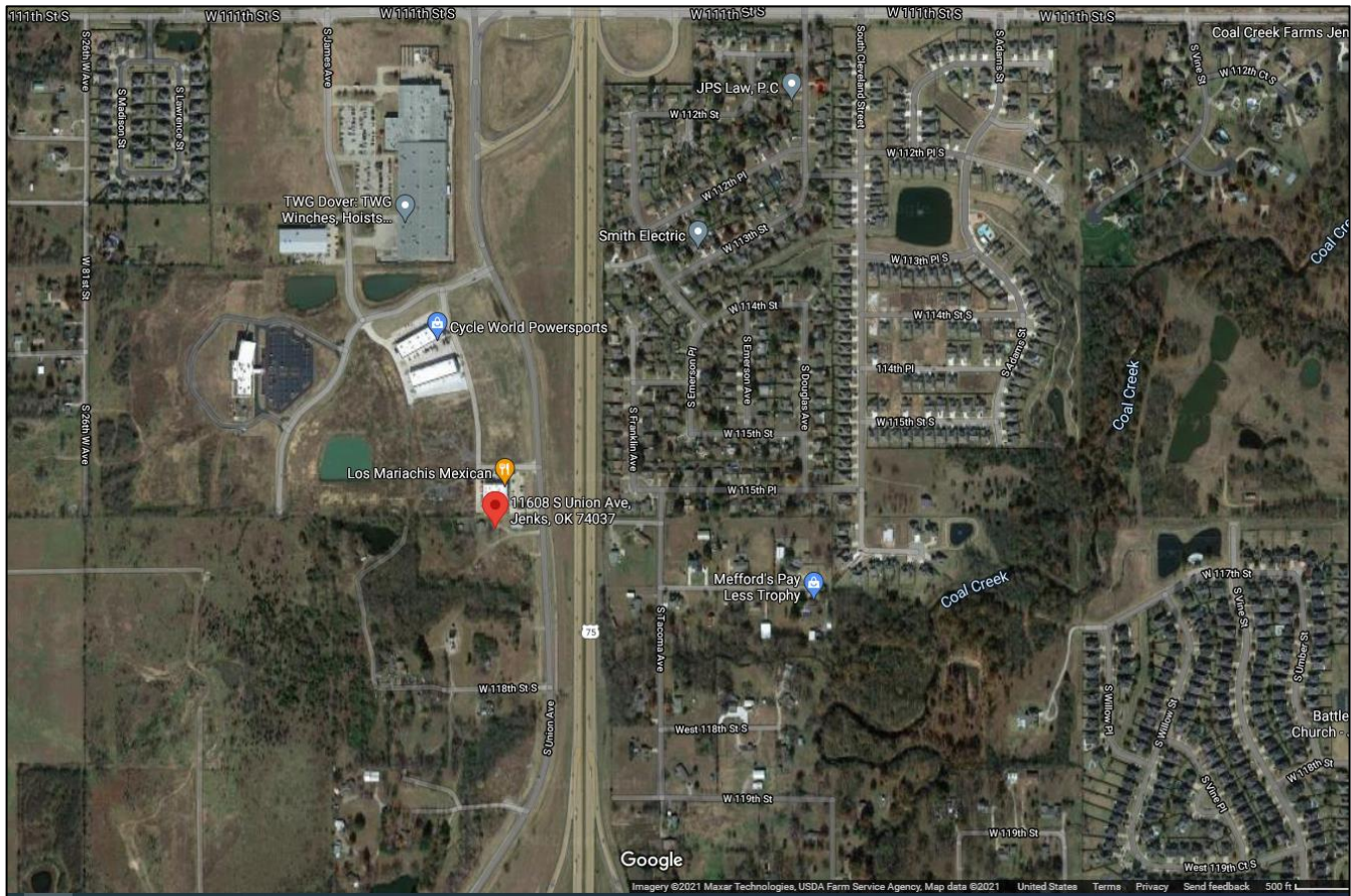


Figure 1: Aerial View of site



Figure 2: Street view of site

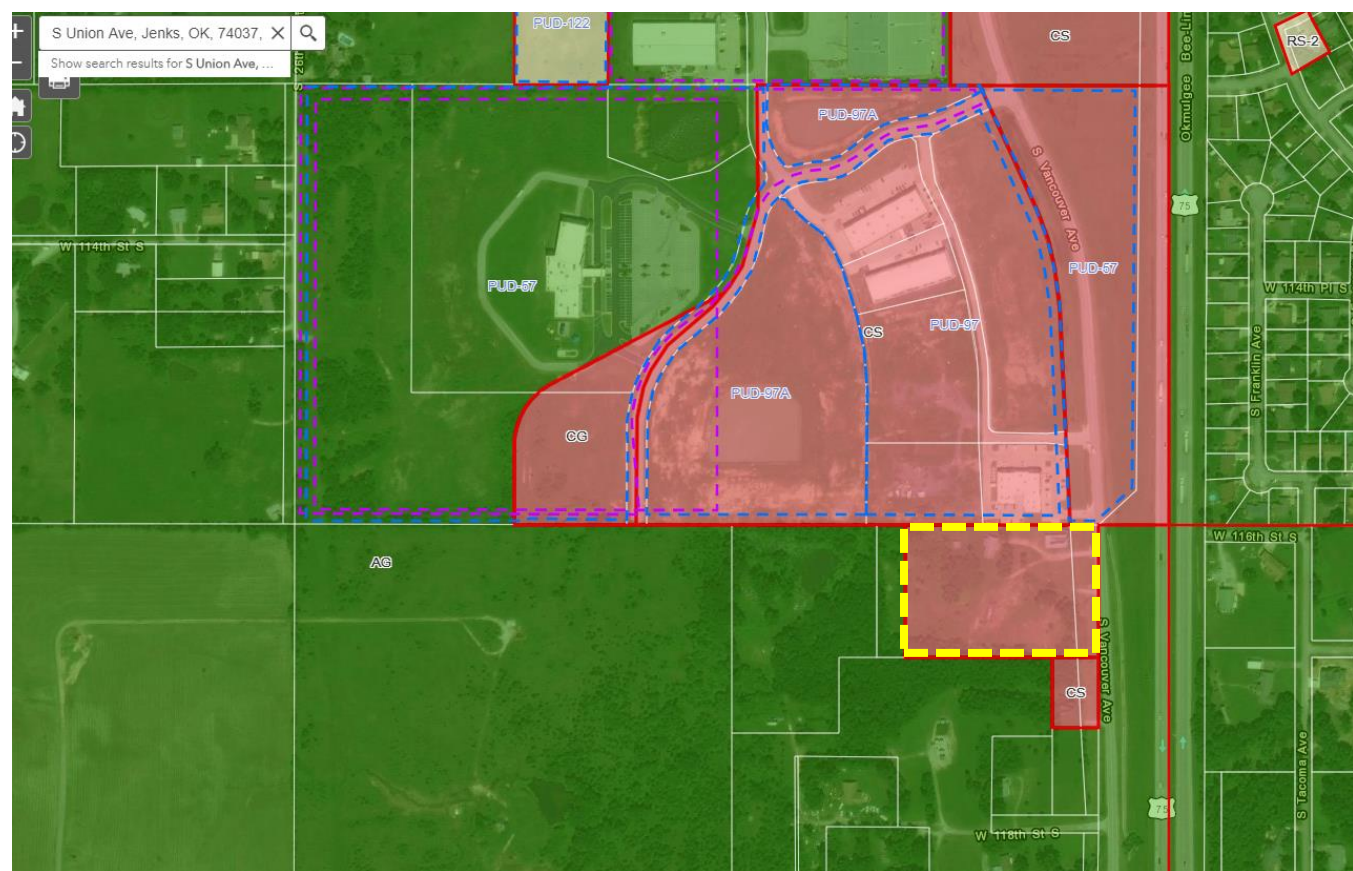


Figure 3: Zoning map of area



City of Jenks
Temporary Use Permit
Application

TUP _____

Page 1 of 2

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

Date of Application: 3/19/21
Project Name: Jakes Fireworks Proposed Use: Retail Sales of Consumer Fireworks
Name of Applicant (Print): Jakes Fireworks Phone: 620-231-2264
Address: 1500 E 27th Terrace Pittsburg, KS Zip Code: 66762
Email: Karen.Spielbusch@jakesfireworks.com FAX: _____

Property Owner: Oakbrook Investments Phone: 918-829-9971
Property Owners Address: 8625 E 77th Place, Tulsa, OK Zip Code: 74133
Email: _____ FAX: _____

If applicant is other than owner, please indicate interest (purchaser, lessee, agent for, other) and provide signed authorization from the owner: See attached lease

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

A. GENERAL DESCRIPTION OF PROPERTY

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

11608 S Union Ave W, Jenks OK 74037

2. County Parcel Number: _____ Township: _____ Range: _____ Section: _____

2. Size in acres or square feet: _____

3. Current Use: Empty Lot

4. Identify structures and improvements on the property: None

5. Topography (Flat, Rolling Hills, Levee, etc): Flat

6. Frontage Road: _____

7. City Water: ☒ Yes ☐ No

8. City Sewer: ☒ Yes ☐ No

B. PROPOSED TEMPORARY USE

1. Proposed use of subject property (Identify the use(s) intended for the subject property): Seasonal
Retail Sales of Consumer Fireworks in Tent
Selling dates 6/20/21 - 7/5/21
Tent set up around 6/15/21 & Take down around 7/10/21
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: _____ Phone: _____

Address: _____

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

Signed: Karen Spielbusch / Sales Fireworks Date: 3/19/21Print name: Karen Spielbusch Phone: 620-231-2264Address: 1500 E 27th Terrace Pittsburg, KS 66762**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: _____

Lease Agreement

THIS AGREEMENT, made and entered into by and between Jake Watkins, DBA: Oakbrook Investments LLC hereinafter referred to as LESSOR, and Jake's Fireworks, Inc., hereinafter referred to as LESSEE.

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

11608 S Union Ave W
Jenks, OK 74037

for the purpose of selling and distributing fireworks for the period of **June 20, 2021, through July 10, 2021**; provided, however, LESSEE shall be allowed to erect and remove his equipment on and from the premises within a reasonable period prior to and following the lease period.

LESSEE AGREES:

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

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

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

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

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

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

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

JAKE WATKINS
Oakbrook Investments LLC

Karen Spulbert
Jake's Fireworks, Inc

Choose an item



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/18/2021

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

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

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

COVERAGES**CERTIFICATE NUMBER:** 1456637782**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 INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☒ LOC			SI8ML01699-211	2/15/2021	2/15/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ HIRED AUTOS ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	UMBRELLA LIAB ☒ EXCESS LIAB DED ☐ RETENTION \$			UXP1037038-01	2/15/2021	2/15/2022	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						WC STATU-TORY LIMITS ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

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

Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.

Sales Location: 11608 S Union Ave. W., Jenks, OK

Landowner: Oakbrook Investments LLC

City of Jenks, OK

The Certificate Holder and the above listed are Additional Insured with respect to General Liability Policy as required by written contract.

CERTIFICATE HOLDER**CANCELLATION**Jakes Fireworks, Inc
1500 E 27th Terrace
Pittsburg KS 66762
United States

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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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: <i>Jakes Fireworks</i>				
BUILDING ADDRESS: <i>11608 S Union Ave W</i>		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. <u>This requirement is a condition for the validity of this permit.</u> SEE ATTACHED CONDITIONS. Initials: _____		
LOT:	BLOCK:			ADDITION:
SECTION:	TOWNSHIP:			RANGE:
OWNER: <i>Oakbrook Investments</i>	PHONE:			
BUSINESS FEDERAL IDENTIFICATION NO.:				OKLA. SALES TAX NO.: <i>10080889-05</i>
BUILDING CONTRACTOR: <i>Jakes Fireworks</i>				CELL PHONE:
ADDRESS: <i>1500 E 27th Terrace</i>				CITY: <i>Pittsburg</i> STATE: <i>KS</i> ZIP: <i>66762</i>
OFFICE PHONE: <i>620-231-2264</i> FAX: <i>620-231-2416</i>				EMAIL: <i>Karen.Spielbusche@jakesfireworks.com</i>
PROPOSED USE:	USE GROUP:			ZONING DISTRICT:
* RESTAURANT MUST INCLUDE APPROVED HEALTH DEPARTMENT PLANS *				
LOT FRONTAGE:	AVERAGE DEPTH:	Type of Construction:		
<i>Tent</i>		Building Height: No. of Stories:		
BUILDING WIDTH: <i>30' x 50'</i>	DEPTH:	No. of Basement Levels:		
NO. DWELLING UNITS:		Total Sq Feet: Total Lot Area:		
EXT WALLS:		Building Sprinkler: ☐ Yes ☐ No		
INT WALLS:		If Yes, to what standard?		
ROOF:		EASEMENTS		
☐ New Building ☐ Enlarge Existing Building ☐ Interior Remodeling ☐ Fire Job				
☐ City Sewer ☐ Accessory ☐ Other Water (Specify) ☐ Temporary Use				
☐ City Water ☐ Private Sewer Perk Test No. Change of Use Group ☐ Yes ☐ No				
ESTIMATE TOTAL COST OF BUILDING:				
TWO (2) SETS OF PLANS, SPECIFICATIONS, SITE/PLAN SURVEY AND LEGAL DESCRIPTION MUST BE ATTACHED.				
PROPERTY LOCATED IN FLOODPLAIN: ☐ Yes ☒ No - - ZONING RESTRICTIONS - -				
☐ 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:				
Zoning		APPROVALS:		
Building <i>30 x 50</i>		Applicant:		
Plumbing		Zoning:		
Electrical		Building Inspector:		
Mechanical		*Fire Chief:		
Waste Water Treatment Dev.		Final Inspection:		
Park Development Fee		*City Engineer:		
Other: Promotional		Public Works:		
OK State Govt. Permit Fee		* On all public / commercial / industrial buildings, except Certificate of Occupancy Only with same Use Group and no work requiring permits.		
\$ - TOTAL BUILDING PERMIT**		** Building permit total does not include Water & Sewer Tap.		



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