

AGENDA
JENKS PLANNING COMMISSION
6:00 P.M. THURSDAY, FEBRUARY 06, 2020
COUNCIL CHAMBERS, JENKS CITY HALL
211 NORTH ELM STREET, JENKS, OKLAHOMA 74037

I. CALL TO ORDER

II. ROLL CALL

III. REQUEST TO APPROVE MINUTES OF JANUARY 09, 2020

Documents:

[2020.01.09 PC MINUTES.PDF](#)

IV. BUSINESS

1. Request to recommend approval Ordinance No. 1502 Amending the Zoning Code by Amending Sections 950, 1330, 1340, 1530, 1704.2, and 1901 to provide for a standard processing fee, public notice publication fee and ordinance public fees where applicable to be paid at the time of application.

Documents:

[STANDARD PROCESSING FEE MEMO.PDF](#)
[ORDINANCE 1502 UPDATING ZONING CODE FEES.PDF](#)

2. Request to recommend approval Ordinance No. 1503 Amending the City of Jenks City Code, Chapter 16 "Planning and Zoning", Sections 16-2-8, 16-5-3, and 16-5-4, to remove reference to specific fee amounts and instead refer readers to the Zoning Code.

Documents:

[ORDINANCE 1503 UPDATING CITY CODE ZONING FEES.PDF](#)

V. ADJOURNMENT

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

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

Present

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

Absent

Late

John Brown – Arrived at 6:02

Request to approve minutes of December 19, 2019. Scott West made a motion to approve the minutes. Craig Bowman seconded the motion. A roll call vote of members was taken as follows:

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

NAY: None

Motion carried.

Business

1. **ARC 19-482: Request by Amy Smith for an outdoor sign** **General Location: 116 E Main St, Ste B**

Jim Beach presented the information regarding this request. made a motion to approve Item 1. John Brown seconded the motion. A roll call vote of members was taken as follows:

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

NAY: None

Motion carried.

2. **ARC 19-483: Request by Jason McGill for a lighted building sign. General Location: 807 E A St, Suite 109.**

Jim Beach presented the information regarding this request. Craig Bowman made a motion to approve Item 2. Leon Davis seconded the motion. A roll call vote of members was taken as follows:

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

Motion carried.

3. **ROW-UEC 19-70:** Request by Josh Nave for a Utility Easement Closure. **General Location:** 10709 S Nandina Ct.

Jim Beach presented the staff report. Josh Nave (10380 E 125th Pl S) addressed the Commission about the application and answered questions. Travis Fulkerson made a motion to approve Item 3 closing 6.5-foot wide portion of the easement with the conditions that the applicant obtain a Judicial Vacation of the easement. Craig Bowman seconded the motion. A roll call vote of members was taken as follows:

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

Motion carried.

4. **JZ 19-648:** Request by Theresa Dewhurst for a zone change from RS-3 (Residential Single-Family High Density District) to CS (Commercial Shopping Center District). **General Location:** 122 N 6th St

Jim Beach presented the staff report. Rick Posen addressed the Commission about the application and answered questions. Leon Davis made a motion to approve Item 4. Scott West seconded the motion. A roll call vote of members was taken as follows:

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

Motion carried.

5. **JZ 19-649 PUD 97A:** a request by Bell Land Use LLC, to amend Development Area B of PUD 97 to include in it the land area of Reserve B of Jenks Landing subdivision, making the combined total area of Development Area B approximately 13.2 acres to allow more dwelling units in the previously approved multi-family portion of the PUD. **General Location:** SE Corner S James Ave & W 114th St

Jim Beach presented the staff report. Robert Bell (1011 W G St) addressed the Commission about the application and to answer questions. Donnie Williamson (19983 S Sheridan) answered questions about landscaping. Scott West made a motion to approve Item 5 with the following conditions: 1) Minimum of 70% masonry; 2) Minimum landscaped area to remain at 30%; 3) Landscaping of all reserves shall be consistent; and, 4) Payment for the access charges in the amount of \$54,766.57 is due before release of

occupancy permits for the commercial buildings and \$44,080.41 before building permits for the apartments are issued. John Brown seconded the motion. A roll call vote of members was taken as follows:

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

Motion carried.

6. **Preliminary/Conditional Final Plat** - Jenks Landing II: Request by Bell Land Use for approval of a preliminary/conditional final plat to accompany JZ 19-649 PUD 97A.
General Location: SE Corner S James Ave & W 114th St

Jim Beach presented the information regarding this request. Robert Bell (1011 W G St) addressed the Commission about the application. Travis Fulkerson made a motion to approve Item 6 with the following conditions: 1) Include language in the Deed of Dedication to accomplish the proportional assignment of maintenance responsibilities for Reserve B; 2) Identify location of Access Limits on the face of the plat per Paragraph 1.8 of the Deed of Dedication; 3) Numbering of the two paragraphs under 2.2 Reserve Area "B" should be corrected to 2.2.1 and 2.2.2; 4) Reserve Areas "A" and "B" are described as being for various uses, including ingress and egress. No ingress/egress is shown on any of the accompanying site plans. Make modifications necessary to clarify Paragraphs 2.2.1 and 2.2.2 pertaining to Reserve Area "B."; and 5) the Deed of Dedication and Restrictive Covenants reflect the landscaping and masonry conditions set forth in the PUD. Craig Bowman seconded the motion. A roll call vote of members was taken as follows:

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

Motion carried.

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

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

Motion carried. The Jenks Planning Commission adjourned at 7:34 p.m.



Memorandum

To: Planning Commissioners
From: Jim Beach, City Planner
Hearing Date: February 6, 2020
Subject: Ordinance to Amend Zoning Code and City Code to Standardize Notice Processing Fees
Attached: Proposed Ordinances 1502 and 1503

Currently the City publishes public notices and ordinances and then charges applicants these fees. This has resulted in administrative difficulties and loss of funds when an applicant fails to pay. It is the intention of this ordinance to charge applicants a standard fee for the publication of an ordinance and public notice at the beginning of the application process. The ordinance fee will be refunded if an application is rejected and the ordinance fails to pass.

Standard fees will be charged for processing, which includes staff time and mailing costs, public notification, ordinance publication, signage and application.

The attached proposed ordinances provide the recommended fees and sections of the Zoning Code and the City Code that would be amended.

Staff recommends approval.

ORDINANCE NO. 1502

AN ORDINANCE AMENDING THE ZONING CODE BY AMENDING SECTION 950, “ADMINISTRATIVE APPLICATION AND REVIEW PROCEDURES,” TO ADD A STANDARD PROCESSING FEE, PUBLIC NOTICE PUBLICATION FEE, ORDINANCE PUBLICATION FEE AND SIGN FEE AND REQUIRE PAYMENT OF FEES UPON APPLICATION; AMENDING SECTION 1330, “NOTICE OF PUBLIC HEARING,” TO REMOVE BILLING PROCESS; AMEND SECTION 1340, “FEES,” TO UPDATE THE PROCESSING FEE AND ADD A PUBLIC NOTICE PUBLICATION FEE AND SIGN FEE; AMEND SECTION 1530, “ZONING MAP AMENDMENT,” TO ADD A STANDARD PROCESSING FEE, PUBLIC NOTICE PUBLICATION FEE, ORDINANCE PUBLICATION FEE AND SIGN FEE AND REQUIRE PAYMENT OF FEES UPON APPLICATION; AMEND SECTION 1704.2, “ADMINISTRATION,” TO ADD A PUBLIC NOTICE PUBLICATION FEE AND ORDINANCE PUBLICATION FEE AND REQUIRE PAYMENT OF FEES UPON APPLICATION; AMENDING SECTION 1901, “APPLICATION—INTENSIVE,” BY ADDING A PUBLIC NOTICE PUBLICATION FEE AND REQUIRE PAYMENT OF FEES UPON APPLICATION; PROVIDING FOR SEVERABILITY; REPEALING ALL CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

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

SECTION I. BACKGROUND

Currently the City publishes public notices and ordinances and then charges applicants these fees. This has resulted in administrative difficulties and loss of funds when an applicant fails to pay. It is the intention of this ordinance to charge applicants a standard fee for the publication of an ordinance and public notice at the beginning of the application process. The ordinance fee will be refunded if an application is rejected and the ordinance fails to pass.

Standard fees will be charged for processing, which includes staff time and mailing costs, public notice publication, ordinance publication, signage and application.

SECTION II. SECTION 950(A)(b) AMENDMENT

Section 950(A)(b), “Pre-application Conference,” of the Zoning Code shall be amended to include a standard processing fee for all applications, a public notice publication fee, an ordinance publication fee and a sign fee. It shall also be amended to charge a public notice publication fee and sign fee upon application. It shall read as follows:

(b)An application for a PUD shall be filed with the City Clerk. The application shall be accompanied by payment of a \$200 processing fee, \$100 public notice publication fee, \$40 ordinance publication fee (that will be returned if the ordinance fails to pass), \$50 sign fee if needed according to section 1530 and an application fee of \$250.00 for first five acres plus \$1.00 per acre for each acre above five acres.

SECTION III. SECTION 1330(a) AMENDMENT

Section 1330(a), “Notice of public hearing,” of the Zoning Code shall be amended to remove the following sentence:

Costs associated with required notices in a general circulation newspaper shall be billed to the applicant.

SECTION IV. SECTION 1340 AMENDMENT

Section 1340, “Fees,” of the Zoning Code shall be amended to include a standard processing fee, an increase from \$125 to \$200; a public notice publication fee and a sign fee. It shall read as follows:

An application for an appeal from the building inspector, variance or special exception shall be accompanied by the payment of a \$50.00 application fee, \$200.00 processing fee, \$50.00 public notice publication fee and \$50.00 sign fee if needed.

SECTION V. SECTION 1530.1(a) AMENDMENT

Section 1530.1(a), “Application and Fees,” of the Zoning Code shall be amended to include a standard processing fee, which is mentioned in the first paragraph and removed from the chart; a public notice publication fee; an ordinance publication fee and a sign fee. It shall read as follows:

a. An amendment to the zoning map shall be initiated by the filing of an application with the City Clerk through the Jenks Planning Department. The application shall be in such form and content as the Planning Commission may by resolution establish. The application shall be accompanied by payment of a \$200.00 processing fee, \$100.00 public notice publication fee, \$40 ordinance publication fee (that will be returned if the ordinance fails to pass), \$50 sign fee if needed according to section 1530.2 and an application fee as follows:

Zoning Text and Map Amendments Low Intensity Districts	AG, RE, RS-1, RS-2, RS-3, RD Maximum Fee \$100.00	\$35.00 First Five Acres and \$3.00 For Each Additional Acre
Zoning Text and Map Amendments Medium Intensity Districts	RM-1, RM-2, OL, OM, CS Maximum Fee \$150.00	\$50.00 Five Acres or <\$5.00 For Each Additional Acre
Zoning Text and Map Amendments High Intensity Districts	CG, CH, IL, TM, IH Maximum Fee \$300.00	\$100.00 Five Acre or < \$10.00 For Each Additional Acre
Zoning Text and Map Amendments, Low and Medium Intensity Districts	Multiple Zoning Application Maximum Fee \$300.00	\$50.00 Five Acres or <\$5.00 For Each Additional Acre
Specific Use Permits	All Zones	\$100.00
Request for City Council Hearing	Planning Commission Recommended Denied Zoning Request	\$25.00

Planned Unit Development	Planned Unit Development	\$250.00 Five Acre or <\$1.00 For Each Additional Acre
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SECTION VI. SECTION 1530.2(b) AMENDMENT

Section 1530.2(b), “Notice Required,” of the Zoning Code shall be amended to remove the following sentence:

Costs associated with required notices in a general circulation newspaper shall be billed to the applicant.

SECTION VII. SECTION 1530.2(c) AMENDMENT

Section 1530.2(c), “Notice Required,” of the Zoning Code shall be amended to remove the following sentences:

The processing fee shall be \$200.00 or at actual cost whichever is greater. Such fee shall not include publication and sign costs, which shall be billed to the applicant.

SECTION VIII. SECTION 1530.3(b)(1) AMENDMENT

Section 1530.3(b)(1), “Planning Commission Action on Zoning Map Amendments,” of the Zoning Code shall be amended to correct the application fee from \$30.00 to \$25.00, add a standard processing fee, remove a separate charge for mailing costs and remove reference that the mailing costs will be billed to the applicant. The section shall read as follows:

(1) An application recommended for denial shall not be considered further unless the applicant within 15 days from the date of the Planning Commission action files a written request with the City Clerk for a hearing by the City Council. Said request shall be filed at least ten days prior to the City Council action. The request for hearing shall be accompanied by the payment of a \$25.00 application fee and \$200.00 processing fee for mailing notices to all property owners within a 300-foot radius of the exterior boundary of the subject tract. Upon notice of such request, the Planning Commission shall forthwith transmit the application and its report and recommendations to the City Council.

SECTION IX. SECTION 1530.4 AMENDMENT

Section 1530.4, “City Council Action on Zoning Map Amendments,” of the Zoning Code shall be amended to remove the following sentences:

Prior to the adoption and publication of a rezoning ordinance, the applicant shall remit to the office of the City Clerk the payment necessary to cover the cost of the ordinance publication. The City Clerk shall not cause the ordinance to be published prior to such payment.

SECTION X. SECTION 1704.2 AMENDMENT

Section 1704.2, "Fee for Petition," of the Zoning Code shall be amended to include a public notice publication fee and ordinance publication fee upon application instead of being billed after publication. It shall read as follows:

A \$100.00 application fee, \$200.00 processing fee, \$100 public notice publication fee and \$40.00 ordinance publication fee (that will be returned if the ordinance fails to pass) shall be required with the Specific Use Permit application.

SECTION XI. SECTION 1901.4 AMENDMENT

Section 1901.4, "Fee for Application," of the Zoning Code shall be amended to include a public notice publication fee upon application instead of being billed after publication. It shall read as follows:

A \$100.00 application fee, \$200.00 processing fee and \$100 public notice publication fee shall be required with the Temporary Use Permit—Intensive application.

SECTION XII. SEVERABILITY

If any part of this ordinance is found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

SECTION XIII. CONFLICT

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION XIV. EMERGENCY DECLARATION

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

Approved this ___ day of _____ 2020.

CITY OF JENKS, OKLAHOMA

MAYOR

Attest:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Emergency Clause approved separately this ____ day of _____ 2020.

CITY OF JENKS, OKLAHOMA

MAYOR

Attest:

CITY CLERK

ORDINANCE NO. 1503

AN ORDINANCE AMENDING CHAPTER 16 OF THE CITY OF JENKS CODE OF ORDINANCES “PLANNING AND ZONING” BY AMENDING SECTION 16-2-8, “AMENDMENTS TO THE ZONING TEXT AND ZONING MAP” AND SECTION 16-5-3, “POWERS OF ZONING BOARD OF ADJUSTMENT,” TO REMOVE FEE AMOUNTS AND REFER TO THE ZONING CODE; AMENDING SECTION 16-5-4, “PUBLIC HEARING REQUIRED; EXCEPTIONS,” TO MIRROR LANGUAGE IN SECTION 1330 OF THE ZONING CODE, REMOVE FEE AMOUNTS, REMOVE BILLING PROCESS AND REFER READERS TO THE ZONING CODE; PROVIDING FOR SEVERABILITY; REPEALING ALL CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

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

SECTION I. BACKGROUND

Fees for zoning applications are listed in both the City Code and the Zoning Code with some discrepancies between both and within each code. It is the intention of this ordinance to eliminate these conflicts by stating all fee amounts only in the Zoning Code. When any zoning fee is referenced in the City Code, it will direct readers to the Zoning Code for the fees.

SECTION II. SECTION 16-2-8(D) AMENDMENT

Section 16-2-8(D), “Amendments to the Zoning Text and Zoning Map,” of the City Code shall be amended to remove mention of the fee amounts and refer readers to the Zoning Code. It shall read as follows:

the An amendment to the Zoning Map shall be initiated by the filing of an application with the planning official. An application shall be in such form and content as the Planning Commission may establish and shall be accompanied by fees as provided in the Zoning Code.

SECTION III. SECTION 16-2-8(E)(1) AMENDMENT

Section 16-2-8(E)(1), “Amendments to the Zoning Text and Zoning Map,” of the City Code shall be amended to remove mention of fee amounts and refer readers to the Zoning Code. It shall read as follows:

(1) In addition to the notice required in this subsection, if the zoning change requested permits the use of treatment facilities, multiply family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or nonmedical detoxification, the Planning Commission shall mail a written notice within 30 days of the hearing to all real property owners within one-quarter of a mile where the area to be affected is located. The applicant shall pay fees as provided in the Zoning Code.

SECTION IV. SECTION 16-2-8(O) AMENDMENT

Section 16-2-8(O), “Amendments to the Zoning Text and Zoning Map,” of the City Code shall be amended to remove mention of fee amounts and refer readers to the Zoning Code. It shall read as follows:

(O) An application recommended for denial shall not be considered further unless the applicant within 15 days from the date of the Planning Commission action files a written request with the City Clerk for a hearing by the City Council. The request for hearing shall be accompanied by the payment of fee(s) as provided in the Zoning Code. Upon notice of such request, the Planning Commission shall forthwith transmit the application and its report and recommendations to the City Council.

SECTION V. SECTION 16-2-8(R) AMENDMENT

Section 16-2-8(R), “Amendments to the Zoning Text and Zoning Map,” of the City Code shall be amended to remove mention of fee amounts and refer readers to the Zoning Code. It shall read as follows:

(R) At the time of making application for a zoning request the applicant shall pay any fee(s) as provided in the Zoning Code.

SECTION VI. SECTION 16-5-3(C) AMENDMENT

Section 16-5-3(C), “Powers of Zoning Board of Adjustment,” of the City Code shall be amended to remove mention of fee amounts and refer readers to the Zoning Code. It shall read as follows:

(C) An application for an appeal from the Building Inspector, variance or special exception shall be accompanied by the payment of fee(s) as provided in the Zoning Code.

SECTION VII. SECTION 16-5-4(A) AMENDMENT

Section 16-5-4(A), “Public Hearing Required; Exceptions,” of the City Code shall be amended to mirror language in Section 1330 of the Zoning Code, remove mention of fee amounts, and refer readers to the Zoning Code. It shall read as follows:

(A) The Board of Adjustment shall give notice and conduct a public hearing before acting on any appeal from a determination of the Building Inspector or before granting any special exception or variance. Notice of a public hearing before the Board of Adjustment shall be given by publication in a newspaper of general circulation in Jenks and by mailing written notice by the clerk of the Board of Adjustment to all owners of property within a 300-foot radius of the exterior boundary of the subject property. A copy of the published notice may be mailed in lieu of written notice. Notice may also be given by posting sign notice of such hearing on the affected property. Publication, written and sign notices shall be published, mailed and posted at least ten days prior to the hearing. The clerk of the Board of Adjustment shall furnish the names and mailing addresses of all owners of property within a 300-foot radius of the exterior boundary of the subject property and provide the required mailings. Upon filing of an appeal from a determination of the Building Inspector or a request for a variance or special exception, the applicant shall pay a fee(s) as provided in the Zoning Code.

SECTION XII. SEVERABILITY

If any part of this ordinance is found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

SECTION XIII. CONFLICT

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION XIV. EMERGENCY DECLARATION

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

Approved this ___ day of _____ 2020.

CITY OF JENKS, OKLAHOMA

MAYOR

Attest:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Emergency Clause approved separately this ___ day of _____ 2020.

CITY OF JENKS, OKLAHOMA

MAYOR

Attest:

CITY CLERK