

**MINUTES  
SPECIAL MEETING  
JENKS CITY COUNCIL  
MONDAY, APRIL 27, 2020, 6:00 P.M.**

The Agenda for the Jenks City Council was posted on the City’s website at 5:13 p.m. on April 23, 2020. The meeting was called to order at 6:00 p.m. on the above date with Mayor Robert Lee presiding. A roll call vote of members was taken as follows:

Kaye Lynn	Present – Videoconference
Craig Murray	Present – Videoconference
Gary Isbell	Present – Videoconference
Cory Box	Present – Videoconference
Dawn Dyke	Present – Videoconference
Donna Ogez	Present – Videoconference
Mayor Robert Lee	Present – Videoconference

Business

1. Request by Tim Terral for approval of JZ 20-652 PUD 119 for Planned Unit Development 119 to build a subdivision named Torrey Lakes. **General Location** West side of Harvard between 131<sup>st</sup> & 141<sup>st</sup> St. [Hilton] Planning Director Marcae Hilton introduced Item 1 and recommended approval with conditions. She then answered questions from Council and read the public comments for this item. *Public Comments include at end of minutes.* Tim Terral (9810 E 42<sup>nd</sup> St; Applicant) and Russel Cozort (Developer) addressed Council and answered questions via teleconference. City Manager Christopher Shrout also answered question from Council.

Dawn Dyke made a motion to approve Item 1 with the following conditions:

- Per the amenities as presented in the Staff Memo, “Jenks | Torrey Lakes Memo,” including a pool, pool house, dock, and large playground
- 100% masonry on the first floor
- No vinyl or metal siding on second floor

Gary Isbell seconded the motion. A roll call vote of members was taken as follow:

Kaye Lynn	Yes
Craig Murray	No
Gary Isbell	Yes
Cory Box	Yes
Dawn Dyke	Yes
Donna Ogez	No
Mayor Robert Lee	Yes

Motion Carried.

2. Request to approve Ordinance No. 1516 relating to JZ 20-652 PUD 119, changing the zoning from AG (Agriculture) to RS-1 (Residential Single-Family Low Intensity) and

PUD 119 (Planned Unit Development 119). **General Location:** West side of Harvard between 131st & 141st St.

Cory Box made a motion to approve Item 2. Dawn Dyke seconded the motion. A roll call vote of all members was taken as follows:

Kaye Lynn	Yes
Craig Murray	No
Gary Isbell	Yes
Cory Box	Yes
Dawn Dyke	Yes
Donna Ogez	No
Mayor Robert Lee	Yes

Motion Carried.

3. Request to approve the emergency clause for Ordinance No. 1516, making it effective immediately upon passage.

Cory Box made a motion to approve Item 3. Gary Isbell seconded the motion. A roll call vote of all members was taken as follows:

Kaye Lynn	Yes
Craig Murray	No
Gary Isbell	Yes
Cory Box	Yes
Dawn Dyke	Yes
Donna Ogez	No
Mayor Robert Lee	Yes

Motion failed due to lack of super majority.

City Manager Christopher Shrout spoke to Council about the negatives of not passing the Emergency Clause. City Attorney Teresa Nowlin answered questions from the Council about Emergency Clauses. Cory Box made a motion to reconsider Item 3. Dawn Dyke seconded the motion. A roll call vote of all members was taken as follows:

Kaye Lynn	Yes
Craig Murray	Yes
Gary Isbell	Yes
Cory Box	Yes
Dawn Dyke	Yes
Donna Ogez	Yes
Mayor Robert Lee	Yes

Motion Carried.

Cory Box made a motion to approve Item 3. Dawn Dyke seconded the motion. A roll call vote of all members was taken as follows:

Kaye Lynn	Yes
Craig Murray	Yes
Gary Isbell	Yes
Cory Box	Yes
Dawn Dyke	Yes
Donna Ogez	Yes
Mayor Robert Lee	Yes

Motion Carried.

4. Ordinance No. 1517 amending or repealing Ordinance Nos. 1510, 1511 and 1513 to begin to lift restrictions imposed due to COVID-19 pandemic City Manager Christopher ShROUT introduced Item 4. Fire Chief Ostrum explained the ordinance, and both answered questions from the Council. Josh Driskell spoke about how businesses felt about opening up. He also read a letter from Bill Rodgers about the Jenks Senior Center. Catherine Patrick (11717 S Umber) asked about garage sales under the new plan. Chief Ostrum responded that a small single-family garage sale would probably be fine in Phase 1 with proper social distancing, but not large community garage sales.

Cory Box made a motion to approve Item 4. Dawn Dyke seconded the motion. A roll call vote of members was taken as follows:

Kaye Lynn	Yes
Craig Murray	Yes
Gary Isbell	Yes
Cory Box	Yes
Dawn Dyke	Yes
Donna Ogez	Yes
Mayor Robert Lee	Yes

Motion Carried.

5. Request to approve the emergency clause for Ordinance No. 1517, making it effective immediately upon passage.

Gary Isbell made a motion to approve Item 5. Dawn Dyke seconded the motion. A roll call vote of members was taken as follows:

Kaye Lynn	Yes
Craig Murray	Yes
Gary Isbell	Yes
Cory Box	Yes
Dawn Dyke	Yes
Donna Ogez	Yes
Mayor Robert Lee	Yes

Motion Carried.

6. Request to approve Resolution No. 699 waiving certain occupational taxes under Jenks City Code §2-2-1(A) for fiscal year 2020-21. City Manager Christopher ShROUT introduced Item 6 and answered questions from the Council.

Craig Murray made a motion to approve Item 6. Donna Ogez seconded the motion. A roll call vote of members was taken as follows:

Kaye Lynn	Yes
Craig Murray	Yes
Gary Isbell	Yes
Cory Box	Yes
Dawn Dyke	Yes
Donna Ogez	Yes
Mayor Robert Lee	Yes

Motion Carried.

Other Business

1. City Manager's Report. City Manager Christopher ShROUT gave an update to City Council. Planning Director Marcae Hilton gave an update on the new comprehensive plan.

Adjournment. Kaye Lynn made a motion to adjourn. Gary Isbell seconded the motion. A roll call vote of members was taken as follow:

Kaye Lynn	Yes
Craig Murray	Yes
Gary Isbell	Yes
Cory Box	Yes
Mayor Robert Lee	Yes
Donna Ogez	Yes
Dawn Dyke	Yes

Motion Carried. The Jenks City Council adjourned at 9:08 p.m.



Robert Lee, MAYOR



CITY CLERK

---

## QUESTIONS

---

CITY COUNCIL | questions from Public as of 4.27.2020

■ **From:** Catherine Patrick | 11717 S UMBER | 04/24/20  
When will we be able to have garage sales in Jenks? Or can we now?

*All comments below are for Item 1, JZ 20-652 PUD 119*

CITY COUNCIL | questions from Public as of 4.14.2020

■ **From:** Kimberly Hamilton  
**Sent:** Tuesday, April 14, 2020 3:28 PM  
**To:** Marcae Hilton <mhilton@jenksok.org>  
**Cc:** Ryan Hamilton  
**Subject:** Re: PUD 119

M. Hilton,

After virtually attending the hearing of PUD 119 last Thursday night a new concern has arose. With the proposed lot size of Torrey Lakes being 60-65' wide; this puts our house in Providence Hills (2040 E 135th St S) approximately 250 ft away from the small park proposed on the NE corner of the site plan provided via [Jenks.com](http://Jenks.com). During the meeting Mr. Tim Terral stated they want to double the size of the park area and add a large pool/clubhouse next to it. If they are to make the pool/clubhouse take up one to two lots next to the proposed park (that will also be enlarged). That places a community pool a mere 150 feet from our back yard and almost directly behind my neighbors (2044 E 135th St S) Not only will this negatively impact our daily lives as a constant source of noise and light pollution but it will also affect our future selling power. Being next to a public pool that is not an amenity of our neighborhood will be a deterrent for future buyers. There is now huge concern placed on the ability of homes in the SE corner of Providence Hills to get a fair price should we choose to sell.

Located on the SW corner of Torrey lakes is another detention pond with neighboring lots that is a prime area for a neighborhood pool to be built. That area also does not back up to any houses outside of Torrey Lakes, thus not affecting anybody's quality of life or property values. I did not even think to mention for Thursday nights meeting that a pool behind our homes would have such impact as it was not on the site plan or listed in any of the documents found on [Jenks.com](http://Jenks.com). There was a blip on the provided Jenks Staff Report stating "the developer had provided supplemental materials showing plans for a pool...and to see attached memo" but I was unable to locate said memo. If possible could the new proposed site plan showing pool placement be emailed back so I can share it with my neighbors?

Just by looking at the site plan provided on [Jenks.com](http://Jenks.com) one would not accurately assess how close the proposed small park and subsequent pool is to our homes in Providence Hills. I could shout at someone from my backyard to the detention pond in the NE corner of PUD 119 and they would be able to hear me clearly. Nevertheless, we appreciated the diligence of your committee during the hearing and their commitment to bring about positive change to Jenks. Thanks again

for your time. I look forward to hearing from you on the matter and discussing how we can continue to be involved in finding the best solution.

-Kimberly Hamilton  
2040 E 135th St S. Bixby,  
OK 74008  
Providence Hills

Inserted below is a photo taken from our back patio. You can see the detention pond on the left and the corner of our fence on the right. I hope this can help convey how close the proposed Torrey Lakes community pool would be to our backyard.



## CITIZEN | QUESTIONS



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

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

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

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

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

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

3. It is essential to assess if the waiver of code requirements is adequately offset by the proposed amenities. A pool is a high profile amenity. Without it, this is 143 to 150 packed-in lots with one playground, a gazebo with a grill, and a code required sidewalk that ties into a path around two required detention ponds. There are only two small green areas at opposite ends of the subdivision. Something needs to be added to the plate to make you want to vote a resounding "yes". Therefore, you should know if the pool will or will not be included in this development before outright approval of tonight's application.
4. There are 6 parking spaces provided where the pool and pool house might be located. There are potentially 143 to 150 lots. More parking should be required if the developer wishes to include a pool and pool house. No resident living to the west and south is going to tow kids, plus blankets, snacks, sunscreen, and pool toys...they're going to drive. Spaces should be doubled, with one of those spaces for handicap.
5. At the July 17, 2019 CC meeting (regarding Frazier Meadows): Councilors requested that future PUD applications have 25' setback for garages. 20' setback for livable space okay.
6. Minimum sq footage is a Development Standard and should be included.
7. PC and CC have consistently required 100% masonry on the first story, as part of the Development Standards. Also no vinyl or aluminum siding allowed.
8. The landscaping details need to specify that street lights will be at both entrances to the development off Harvard, in addition to, any landscape lighting. There are resident complaints along secondary streets that they can't see where to turn into subdivisions at night, when there are no street lights at entrances.
9. It is my understanding that the Corps of Engineers has changed freeboard from 1 foot to 2 feet. Has/will the Detention Report for Torrey Pines use this new standard?
10. Exhibit "C" Existing Conditions Plan shows topo highlights and ridge lines. With ridge lines sloping south and east on the right side of the diagram, is a detention pond needed

in the SE corner to capture runoff? The post and pre-construction discharge rates will be of interest as there will be a tremendous increase in impervious surfaces.

11. Did anybody check if any part of the development has wetlands? (Note: This oversight has halted current development of Hickory Creek)
12. The Development Concept document Page 1, 2<sup>nd</sup> paragraph, last sentence. Says there will be “a” stub street for connection to a future subdivision. The Conceptual Site Plan shows two.
13. The Conceptual Site Plan and Existing Conditions Plan indicate plugged wells at the: NE detention pond and Block 2, lot 1 and Block 3, lots 10,11 & 28. If there were wells, there were also tank batteries (storage). Wells and tank battery sites should be clearly indicated on the plat. Future lot owners have a right to disclosure and this is likely a State or Federal requirement, specifically during closing.
14. I believe the stated Project Density of 3.61 DU is incorrectly calculated. You need the acreage for streets and UE. Number of lots also impacts DU, will you use 143 or 150 in the calculation? The resulting DU will be higher than 3.61 and higher than the 4 DU requirement in the Comprehensive Plan. Increase lot widths to reduce number of lots and/or increase open space to meet the 4 DU requirement.

From my email thread with Jim Beach regarding the Perryman application on Oct 31, 2019: *According to the Zoning Code, Section 940.1.A.b, “The residential area for the purposes of the above-described computation shall be the gross area of the PUD less the areas designated for any use other than residential uses.” In the Comprehensive Plan on page 28 it says, “The expressions of residential intensities are in terms of number of dwelling units per net acre and are determined per an individual tract of land. The net acre is established by the subtraction of streets, alleys, and utility easements in order to calculate on the basis of the residence-related space only.”*

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

- Determine if pool/pool house will be an amenity.
  - i. If yes, parking spaces need to be increased.
- Development Standards:
  - i. 25 ft set back to garage. 20 ft set back to living space.
  - ii. 100% masonry requirement first floor. No vinyl or aluminum siding.
  - iii. Provide minimum square footage.
- Include street lights at entries off of Harvard, in the landscaping details.
- Verify free board parameter used in the Detention Report.
- Verify number and location of detention ponds are adequate to meet peak run off.
- Verify with the Army Corps of Engineers that no part of this development has designated wetlands.
- Clarify if there will be one or two stub street connections.
- Verify that all wells were plugged and tanks removed according to the OCC (Oklahoma Corporation Commission, Oil and Gas Division) guidelines.
  - i. Mark locations on the plat.
  - ii. Determine if disclosure of these locations should be required in the text of the plat document.
- Include streets and UE, and a fixed number of lots, in the calculation of DU.



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

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

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

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

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

**Comment:**

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

**Questions:**

2. As mentioned, our primary concern is the increase in stormwater runoff created by the proposed development. This concern is heightened when we reviewed the comparative table on page 3 of 6 in the Torrey Lakes Memo from the City Planner (please see Attachment 2). This table lists the density of houses in the proposed development as 3.3 times what is recommended in the code for RS-1 zoned property (per table RS-1 Code lot area minimum is 24,000 sq. ft. and the PUD 119 proposed lot area is 7,250 sq. ft.). When comparing the other RS-1 Code values per the table and the proposed values for PUD 119, it is concerning that the proposed values vary significantly from those listed as code for RS-1 zoning. The City Planner memo states that the proposed values are closer to RS-

3 than the requested RS-1 zoning. Allowing this density of houses and small lot sizes leaves little to no green space and essentially turns the entire acreage into rooftops and concrete streets.

- a. Will the proposed retention pond as noted in the PUD 119 plan be sized to account for this high density? Is there a finished grade plot for the proposed development?
- b. Now that the dam on the pond that was previously holding stormwater has been cut and it will no longer be retaining any stormwater, what are the plans to provide retention for the stormwater that will drain from the west side of the proposed development property (through the stub street) and the east side of the adjoining agriculture property that was previously retained by the pond? We ask that the developer be required to remedy this concern as a part of the development.

**Requests:**

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



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

To whom it may concern,

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

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

Thank you for your consideration,

Rae Lea Francis



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

Our home backs up to the South property line of Providence Hills. We have a Utility Easement that backs up to the North property line of PUD 119. We want to make sure that PUD 119 will be maintaining "the 50' Pipeline Easement" as listed in the document PUD 119 (Torrey Lakes) submitted from the Tulsa Engineering and Planning Associates (Page One, Development Concept, Paragraph Two) "The main encumbrances to the site are two 50' pipeline easements...The second is a 50' Conoco Phillips pipeline easement that runs east/west along the north boundary line". Our concern is that they maintain this easement as such and not allow residents to fence it, effectively incorporating it into their back yards, as we have witnessed happening in our previous neighborhood. We purchase our home in Providence Hills specifically because it was on the greenbelt and subsequently backed up to the field that is now PUD 119, before it was up for sale. As we welcome growth in the community we would still like to maintain as much of the current low noise level that the greenbelt and field has afforded us. Having PUD 119 keeping the proposed 50' Easement on the North side of their property as a truly unusable by their residents would continue to allow this. I appreciate you taking the time to hear our concerns. Thank you for your continued service to the City of Jenks during these trying times.



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

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

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



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

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

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

David Francis, DPM



Brent Griffith via email on April 9, 2020 |

Good afternoon

Regarding re-zoning of Land south of 136<sup>th</sup> St. and Harvard

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

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

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

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

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

Thank you for your time.

█ Bryan Boler email on April 9, 2020 | 2629 E 138<sup>th</sup> Pl S, Bixby, OK 74008

Dear Jenks Planning Commission,

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

Long time Jenks resident.

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

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