

**This meeting is a work session for Council/Trustee discussion only.  
There is no opportunity for public comments at work session.**

**PUBLIC NOTICE OF THE MEETING OF THE  
OWASSO CITY COUNCIL, OPWA & OPGA**

Council Chambers, Old Central Building  
109 N Birch, Owasso, OK 74055  
Regular Meeting  
Tuesday, November 8, 2016 - 6:00 pm

**RECEIVED**  
NOV 08 2016  
City Clerk's Office

1. **Call to Order**  
Mayor/Chair Lyndell Dunn
2. **Discussion relating to Festival Park Design**  
Larry Langford
3. **Discussion relating to Community Development items**  
Bronce Stephenson
  - A. PUD-16-05 (OZ 16-08) – The Reunion Senior Housing (11900 block of E 98 St N behind the Owasso Market)
  - B. PUD-16-06 (OZ 16-09) – Mallard Crossing (located on the west side of N 145 E Ave approximately 500 feet north of E 106 St N)
  - C. Easement Closure – Braum's #156 (11503 E 76 St N)
  - D. Easement Closure – Hickory Creek (12805 E 67 St N)
  - E. Rezoning (OZ-16-10) – east of the intersection of E 114 St N and N Garnett Rd
  - F. Final Plat – FBC Mission Owasso (east of the intersection of E 114 St N and N Garnett Rd)
  - G. Final Plat – Abbott Farms I (east of the northeast corner of E 106 St N and N Mingo Rd and lies between the Owasso Sports Park and railroad tracks)
  - H. Resolution – Update to GrOwasso 2030 Land Use Master Plan
  - I. Nunc Pro Tunc Ordinance 1087, Amending the Zoning Code – with Emergency Clause
4. **Discussion relating to Tax Incremental Financing (TIF) - Owasso Redbud District**  
Bronce Stephenson
5. **Discussion relating to Public Works items**  
Roger Stevens
  - A. Metropolitan Environmental Trust (M.E.T.) Household Pollutant Program
  - B. Agreement for surveying services - E 116 St N, Mingo Rd to US Hwy 169 Roadway Widening Project
  - C. Barrington Point Entrance (E 89 St N at N 129 E Ave)
6. **Discussion relating to Police items**  
Scott Chambless
  - A. Amending the Owasso Code of Ordinances, Part 10, Chapter 8, Alarms
  - B. Engineering services and architectural contract – Police Building
7. **Discussion relating to amending the list of Capital Improvement Projects eligible for funding from the Capital Improvements Fund to include E 106 St N and N 129 E Ave intersection**  
Sherry Bishop

**8. Discussion relating to City Manager items**

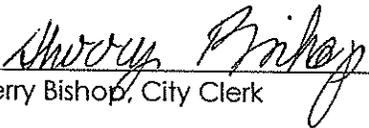
Warren Lehr

- Council meeting – July 4, 2017
- Monthly sales tax report
- City Manager report

**9. City Council/Trustee comments and inquiries**

**10. Adjournment**

Notice of Public Meeting filed in the office of the City Clerk and the Agenda posted at City Hall, 200 S Main St, at 6:00 pm on Friday, November 4, 2016.

  
\_\_\_\_\_  
Sherry Bishop, City Clerk



**TO:** Honorable Mayor and City Council  
City of Owasso

**FROM:** Bronce L. Stephenson, MPA  
Director of Community Development

**SUBJECT:** Planned Unit Development, PUD-16-05 (OZ 16-08) – The Reunion

**DATE:** November 4, 2016

**BACKGROUND:**

The City of Owasso received a Planned Unit Development (PUD) application for review and approval of a development called The Reunion. This development proposes a multi-family residential development on approximately 7.98 acres. The subject property is located in the 11900 block of E 98<sup>th</sup> St N behind the Owasso Market. The subject property is comprised of two (2) vacant lots on the Owasso Medical Campus and is described as:

- Lot One (1), Block One (1) Owasso Medical Campus
- Lot One (1), Block Two (2) Owasso Medical Campus

The subject property is currently zoned OM (Office Medium). An underlying zoning of RM (Residential Multi-Family) is proposed to allow for this development. For Multi-family units, a PUD is required per the Owasso Zoning Code, Section 410.4. The property was annexed in November 1997 under Ordinance 559. The property is part of previously approved OPUD 04-03 which was approved by the City Council in March 2007. This proposed PUD would replace the existing OPUD on the subject property.

**SURROUNDING ZONING:**

Direction	Zoning	Use	Land Use Plan	Jurisdiction
North	RS (Residential Single Family)	Residential	Residential	City of Owasso
South	CS/OL (Commercial Shopping/Office Light)	Commercial	Commercial	City of Owasso
East	OM (Office Medium)	Assisted Living Facility	Transitional	City of Owasso
West	AG (Agriculture)	Agriculture	Transitional	Tulsa County

**SUBJECT PROPERTY/PROJECT DATA:**

<b>Property Size</b>	7.98 acres
<b>Current Zoning</b>	OM (Office Medium)
<b>Proposed Use</b>	Multi-Family Residential
<b>Lots/Blocks</b>	Lot One (1), Block One (1) Lot One (1), Block Two (2)
<b>Land Use Plan</b>	Transitional
<b>Number of Reserve Areas</b>	N/A
<b>Gross Dwelling Units/Acre</b>	12.03 units per acre
<b>Total Units Proposed</b>	Maximum 96
<b>Within PUD?</b>	Yes, PUD 16-05 and Existing OPUD 04-03
<b>Within Overlay District?</b>	Yes, US 169 Overlay District
<b>Water Provider</b>	Washington County Rural #3
<b>Applicable Paybacks</b>	Storm siren fee of \$35/acre; Ranch Creek Sanitary Sewer Payback of \$610.33
<b>Streets (public or private)</b>	N/A

**CONCEPT OF A PUD:**

The concept of a Planned Unit Development is to provide a creative alternative to conventional development where a particular tract is under common ownership or control. A detailed development plan outlining the development of the tract as a unit is proposed and submitted for public review. The use of a PUD technique is a way to amend a zoning ordinance in accordance with a complete and coordinated plan of development for a larger parcel, rather than piecemeal individual changes using the variance process. Additionally, a PUD typically produces a higher quality product with better amenities, architecture, landscaping, and buffering.

**ANALYSIS:**

The Reunion at Owasso is a proposed multi-family development with a maximum of ninety-six (96) dwelling units on 7.98 acres, specifically targeted towards senior citizens. The subject property is two (2) vacant lots of the Owasso Medical Campus zoned OM (Office Medium). An underlying zoning of RM (Residential Multi-Family) is proposed to allow for this development and fits within the Transitional use called for in the GrOwasso 2030 Land Use Master Plan. Access to the property will be provided from E 98<sup>th</sup> St N in two (2) locations.

The proposed units will consist of attached single-family dwellings with private parking spaces. Shared outdoor amenities geared towards seniors will be provided on the property. Proposed senior-lifestyle amenities include paved walking trails, recreational areas, gazebos, outdoor BBQ and fire pits, and water features. Storm shelters will also be made available to residents within each unit. The subject property will be enclosed by six (6) foot privacy fencing on three (west, north, and east) sides. The property will be managed by part-time on-site staffing as well as full-time management through the developer's offices in Collinsville, OK. This project will add more variety to the existing housing stock in the community, where currently, the senior rental market is underserved.

If the PUD is approved, the applicant will provide final development plans for administrative review and approval by City staff. These plans shall include all the civil engineering drawings,

landscape plans, drainage plans, utility plans, a Final Plat, etc. PUD applications presented to the Planning Commission and City Council are for approval of the uses, the overall plan as it relates to the immediate area, and the concept for the development. The City of Owasso will provide sanitary sewer, Fire, Police, and EMS service to the proposed development. Water service will be provided by Washington County Rural #3.

City staff published legal notices of the PUD request in the Owasso Reporter and mailed notices to property owners within a 300' radius of the subject property. Additionally, the applicant sent a personal letter to nearby residents with an illustration of the proposed concept, requesting their feedback.

**COMPREHENSIVE PLAN CONSISTENCY:**

The Owasso 2030 Land Use Master Plan identifies the subject property for Transitional uses, which means that this was the preferred highest intensity allowed for this location. Considering the proposed development and zoning is less intense, the Land Use Master Plan supports the request.

**HARMONY WITH THE EXISTING AND EXPECTED DEVELOPMENT:**

This proposal appears to be consistent with the current and expected development of the area. A residential area lies to the north of the project, and an assisted living facility lies to the east (The Highlands at Owasso). The undeveloped properties west of the project area are shown on the Land Use Plan to be for future Transitional uses. To the south lies a large commercial area (Owasso Market). This project is aligned with future development proposed by the GrOwasso Land Use Master Plan.

**PLANNING ISSUES:**

Future planning issues must still be considered if the PUD is approved. If approved, the applicant will be required to adhere to all City of Owasso subdivision regulations and engineering requirements.

According to the Owasso Zoning Code, the Planning Commission shall hold a public hearing on any PUD application and determine the following:

1. Whether the PUD is consistent with the Comprehensive Plan
2. Whether the PUD is in harmony with the existing and expected development of surrounding areas
3. Whether the PUD is a unified treatment of the development possibilities of the project site
4. Whether the PUD is consistent with the stated purpose and standards of the PUD ordinance:
  - a. To permit innovative land development while maintaining appropriate limitation on the character and intensity of use assuring compatibility with adjoining and proximate properties
  - b. To permit flexibility within the development to best utilize the unique physical features of the particular site
  - c. To provide and preserve meaningful open space
  - d. To achieve a continuity of function and design within the development

**PLANNING COMMISSION:**

The Planning Commission will review this item at their regular meeting on November 7, 2016.

Staff intends to bring the following recommendations for conditions to the Planning Commission:

- Right of Way on E 98<sup>th</sup> St N dedicated to the City of Owasso
- Paved trail from Bailey Ranch Estates to sidewalk on E 98<sup>th</sup> St N
- Monument sign with a maximum height of four (4) feet
- Community garden areas provided in each courtyard
- Eight (8) foot screening fence or berm and landscaping be provided along the north property line

**ATTACHMENTS:**

Area/Zoning Map

Aerial Map

Land Use Plan Map

Outlined Development Plan with Conceptual Site Plan



Subject Tract

**LEGEND**

Owasso Corporate Limits

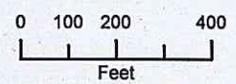


300' Radius



Subject Tract

**OPUD 16-05**

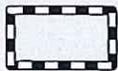


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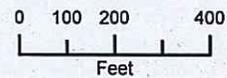


Note: Graphic overlays may not precisely align with physical features on the ground.  
Aerial Photo Date: February 2016



Subject Tract

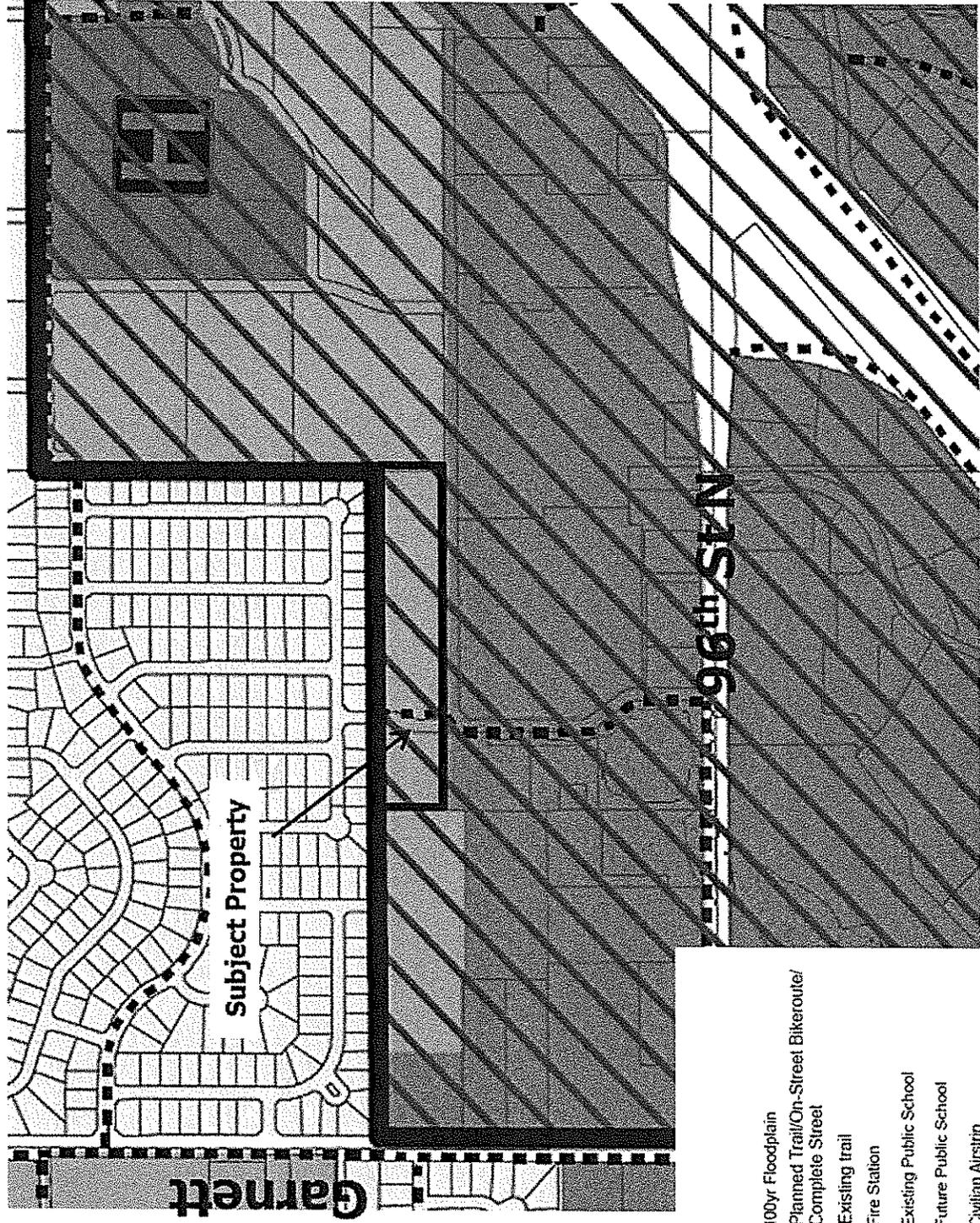
OPUD 16-05



17 21-14



# OPUD 16-05 The Reunion at Owasso Land Use Plan



## LEGEND

- |   |   |   |   |
|---|---|---|---|
|  | Commercial  |  | 100yr Floodplain                                  |
|  | Industrial/Regional Employment  |  | Planned Trail/On-Street Bikeroute/Complete Street |
|  | Neighborhood Mixed Use (Light Office, Commercial Shopping, Attached Housing, SF Housing, Apartments above retail) |  | Existing trail                                    |
|  | Parks/Recreation  |  | Fire Station                                      |
|  | Public/Institutional/Quasi Public   |  | Existing Public School                            |
|  | Residential   |  | Future Public School                              |
|  | Transitional (Attached housing, duplexes, offices)  |  | Civilian Airstrip                                 |
|  | US-169 Overlay District   |  | Future Park and Ride/Transit Stop                 |
|  | *Glenn-Mur Addition Special District  |  | Hospital  |
|  | **Downtown Development District   |  | Public Park                                       |
|   |   |  | Golf Course                                       |
|   |   |  | Cemetery  |

# The Reunion

At

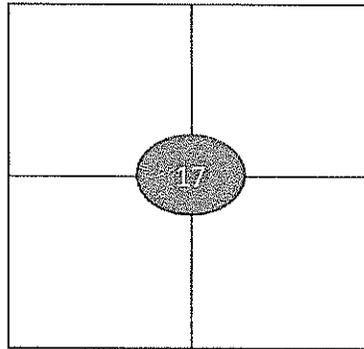
# Owasso

7.98 Acres

LOCATED AT E 98<sup>th</sup> St N (Behind Lowe's)  
OWASSO, TULSA COUNTY, OKLAHOMA

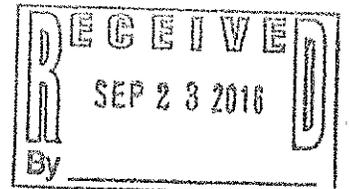
The Highlan  
Walma  
Lowe's Home Improvement  
wasso Auto Spa & Gifts

R 14 E



T 21 N

SMALYGO PROPERTIES INC  
c/o KYLE SMALYGO  
123 N 7<sup>TH</sup> ST  
COLLINSVILLE, OK 74021  
INFO@SMALYGOPROPERTIES.COM



# The Reunion

At

# *Owasso*

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# The Reunion

At

*Owasso*

## I. DEVELOPMENT CONCEPT

The Reunion @ Owasso (the "Development") is a proposed boutique-style multi-family development proposed to have not more than One-Hundred (100) Dwelling Units (see Exhibit B, "Conceptual Site Plan" and Exhibit E, "Conceptual Detailed Site Plan", attached hereto) including a model unit / management office. Living units will be made available to the public, but specifically targeted towards senior citizens as an alternative to other forms of elderly living facilities. The development concept consists of attached single family Dwelling Units, each with private parking spaces and access to shared outdoor amenities which are focused on an active senior lifestyle. Each Dwelling Unit will have frontage on a private street for convenience.

The proposed Development will consist of 2 vacant lots at the Owasso Medical Campus. This development will fill the vacancy a non-performing asset and will provide a residential stimulation to an already active growth area.

The Site is currently zoned Office-OM/PUD 04-03 (see Exhibit D, "Current Zoning Map", attached hereto). The Development proposes an amendment to the existing PUD to allow RM District (Residential Multifamily) zoning designation, which allows for more flexibility with laying out Dwelling Units and providing meaningful open space. The Development will have a maximum gross density of approximately +/-12.50 Dwelling Units per acre which accommodates space for outdoor amenities targeted toward active seniors. Although Owasso has several assisted living facilities, there is a great shortage of high quality housing for active seniors seeking residence in a low maintenance dwelling with common space encouraging fellowship and community with neighbors. Approximately twenty percent (20%-25%) of the Site will be devoted to common space and amenities encouraging socialization and healthy activity. Such amenities will include, but will not be limited to:

- paved walking trails and recreational areas for shuffleboard, horseshoes, croquet, and other activities focused on an active senior lifestyle while providing opportunities for easy access and daily exercise;
- Gazebos for gatherings, outdoor BBQ/fire pits, and bubbling water features providing opportunities to socialize;
- Practical, yet highly appreciated amenities will include storm shelters, recycling bins and energy efficient units.

The Development will be enclosed on three sides (west, north and east sides) in privacy fencing (some already existing) consisting of six foot (6') cedar plank fencing with stone or brick columns. Beautiful landscaping including trees, shrubs and ornamental plants will adorn the entrance (south side) of the Development creating

# The Reunion

At

*Owasso*

a personal, maintenance free outdoor environment. Further, the interior of the Development will also feature trees, shrubs and ornamental plants, as well as flower beds and a community garden area (see Exhibit E, "Conceptual Detailed Site Plan", attached hereto).

The Development will be managed by both part-time on-site staffing which will utilize the model unit as well as full-time management through the Developer's offices in nearby Collinsville, Oklahoma.

Based on the results of the affiliated locations, the location of the Development, success is most certainly assured. Residents of the affiliated locations are thrilled with this addition to their communities as are the municipalities on which they are located. Many residents have expressed that there are no similar options anywhere in their area and that the developments are much needed. All residents have been pleased with the beautiful and welcoming exteriors and high-end interior finishes. They also greatly enjoy the outdoor areas which provide community and camaraderie with neighbors, and the safety of onsite storm shelters. They are so proud of their abode that they have chatted with prospective tenants visiting the model expressing the highest of praise and have made numerous referrals.

# The Reunion

At

# *Owasso*

## II. LEGAL DESCRIPTION

The Development is located on a single lot, located at 11921 E 98<sup>th</sup> Street North, in the City Of Owasso, State of Oklahoma, and is more particularly described as:

Lot One (1) Block One (1) Owasso Medical Campus

Lot One (1) Block (Two (2) Owasso Medical Campus

The above described property will hereinafter be referred to as the "Site" and the boundary of the Site is as depicted on Exhibit A, "Aerial Photography", attached hereto.

# The Reunion

At

## Owasso

### III. DEVELOPMENT STANDARDS – STATISTICAL SUMMARY

Total Project Area:	+/- 347,839 SF	7.98 acres
Residential	+/- 347,839 SF	7.98 acres
Permitted Uses:	Uses permitted as a matter of right in RM- zoning district in the City of Owasso Zoning Ordinances, including landscaped features and recreational facilities and uses customary accessory to permitted uses.	
Maximum Number of Dwelling Units:	96 (exclusive of a model unit / management office)	
Project Density	12.50 Dwelling Units per Acre	
Lot Width	+/-1500 Feet	
Maximum Building Height	20 Feet	
Off Street Parking	Minimum one and a half (1.5) parking spaces required per Dwelling Unit	
Minimum Livability Space per Dwelling Unit:	800 SF	
Minimum Land Area per Dwelling Unit	3000 SF -3500 SF	

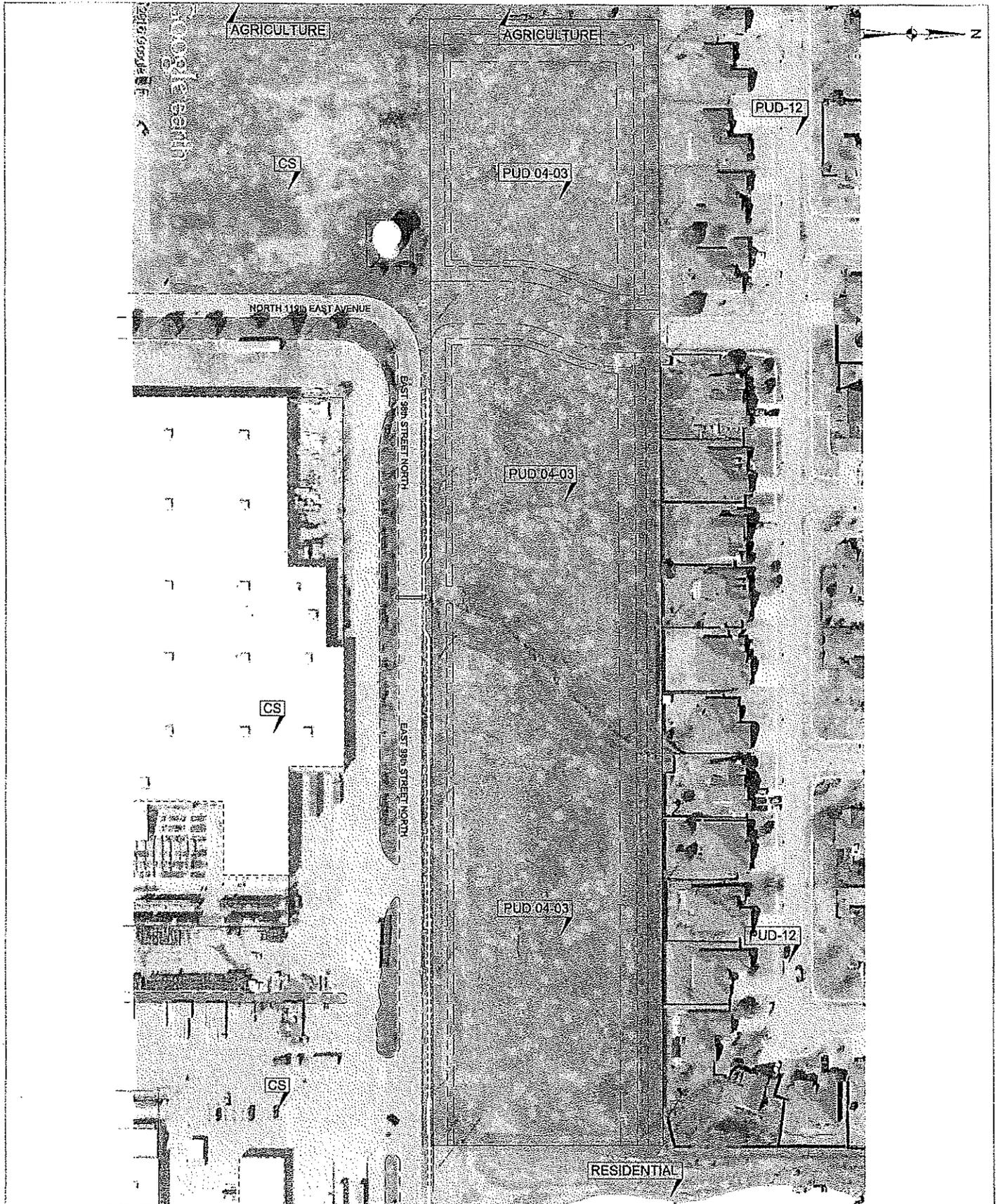
# The Reunion

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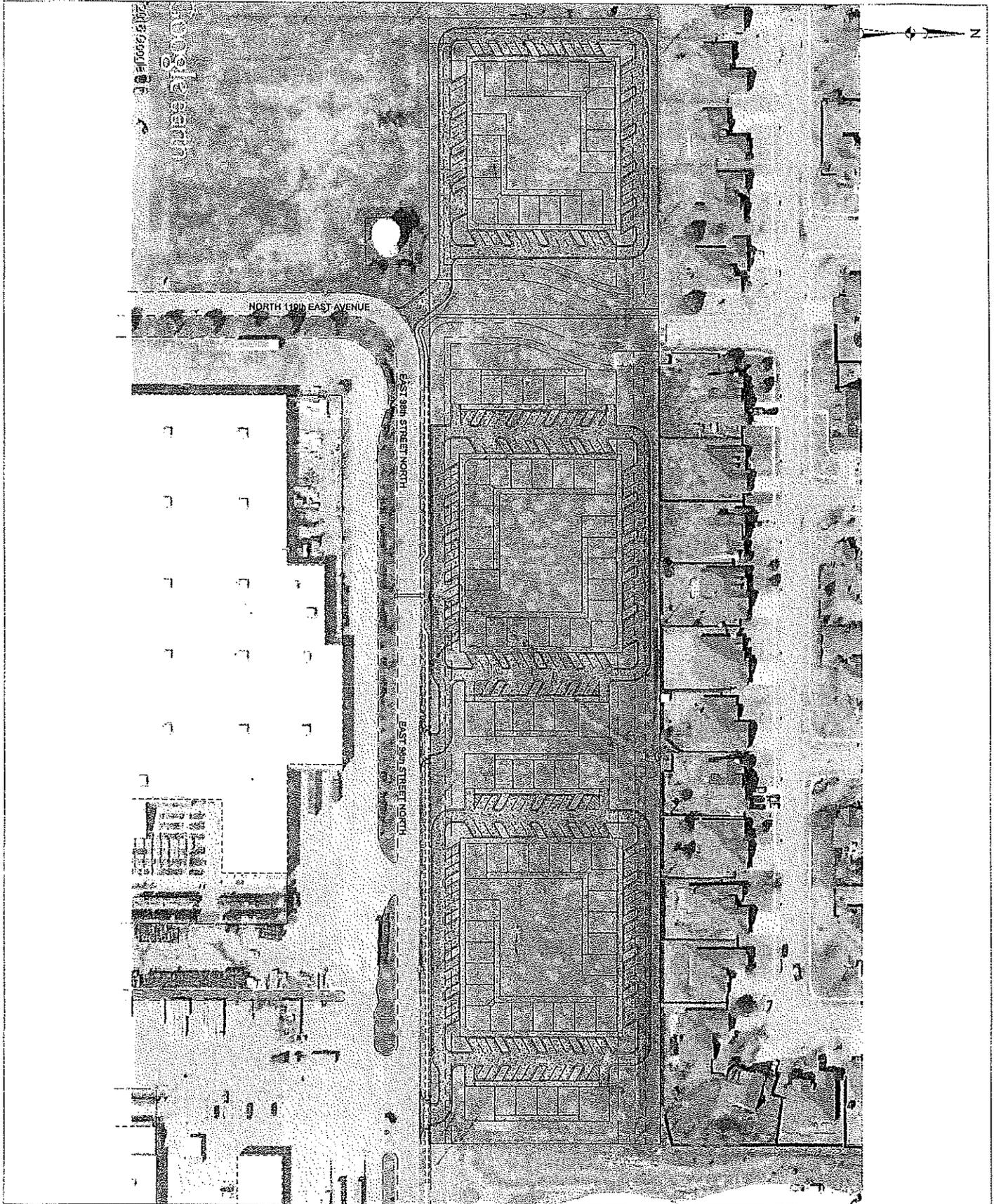
## Owasso

#### IV. GENERAL PROVISIONS

- A. **ACCESS AND CIRCULATION:** Access for the property will be from East 98<sup>th</sup> Street North. All units will be designed to facilitate the movement of emergency vehicles around the Site.
- B. **PUBLIC UTILITIES:** A water main (RWD #3, Washington County) is available from most all sides of site. Storm sewer (onsite detention) has been satisfied by the Owasso Medical campus plat/PUD. Sanitary sewer service (MH-173DMH08 and 173DLH07) have been located both onsite and adjacent to the site. See Exhibit C, "Conceptual Utility Plan", attached hereto for more details.
- C. **ENVIRONMENTAL ANALYSIS AND TOPOGRAPHY:** The Site generally slopes from North to South. The Site currently drains to a common bar ditch and drains to the underground storm sewer inlet along the north side of 98<sup>th</sup> St. North.
- D. **EXISTING ZONING AND LAND USE:** The Site is currently zones AG (Agriculture). Adjacent parcels are used for residential/church (see Exhibit D, "Current Zoning Map", attached hereto).
- E. **SIGNAGE:** One (1) sign shall be permitted along the East 96<sup>th</sup> Street North frontage, not to exceed thirty square feet (30 SF) in size, and four feet (4') in height, provided that such signage may be incorporated into the entryway feature to the Development.
- F. **LANDSCAPING AND OPEN SPACE:** Except as modified herein, landscaping shall be as provided in accordance with "Chapter 20 – Landscape Requirements" of the City of Owasso Zoning Ordinance. Many of the planned landscaping features are shown on Exhibit E, "Conceptual Detailed Site Plan", attached hereto.
- G. **SITE PLAN REVIEW:** No building permit for the Development shall be issued until approved by the City of Owasso as being in compliance with the Planned Unit Development concept and development standards.
- H. **SCHEDULE OF DEVELOPMENT:** Initial construction of the Development is anticipated to commence early/mid 2017, once the PUD and the plat (or plat waiver) have been completed and approved by the City of Owasso.



OWASSO SENIOR LIVING  
EXHIBIT A - AERIAL PHOTOGRAPHY WITH TRACT  
BOUNDARY AND SURROUNDING USES IDENTIFIED



OWASSO SENIOR LIVING  
EXHIBIT B - CONCEPTUAL SITE PLAN

**SMALYGO**  
PROPERTIES, INC.



**TO:** Honorable Mayor and City Council  
 City of Owasso  
  
**FROM:** Karl A. Fritschen AICP, RLA  
 Chief Urban and Long Range Planner  
  
**SUBJECT:** Planned Unit Development, PUD-16-06 (OZ 16-09) – Mallard Crossing  
  
**DATE:** November 4, 2016

**BACKGROUND:**

The City of Owasso received a Planned Unit Development (PUD) application for review and approval of a development called Mallard Crossing. This development proposes a planned residential community that will include a mixture of up to 40 duplex and townhome style dwelling units on approximately 6.2 gross acres. The development will eventually be platted as one (1) lot on one (1) block, with a potential maximum density of 6.45 units per acre. The subject property is located on the west side of 145<sup>th</sup> E Ave approximately 500 feet north of 106<sup>th</sup> St N. A concurrent rezoning request (OZ 16-09) has been submitted with this PUD, that would rezone the property from AG (Agriculture) to RNX (Residential Neighborhood Mixed), allowing for the development of the proposed use. The PUD will act as an overlay to the RNX zoning and govern the development of the property. The property was annexed in January 2010 under Ordinance 961.

**SURROUNDING ZONING:**

Direction	Zoning	Use	Land Use Plan	Jurisdiction
North	AG(Agriculture)	Power Substation	Commercial	City of Owasso
South	AG(Agriculture)	Undeveloped	Commercial	City of Owasso
East	RS-3/CG (Residential Single Family/ Commercial)	Undeveloped	Residential/ Commercial	City of Owasso
West	AG(Agriculture)	Undeveloped	Commercial	City of Owasso

**SUBJECT PROPERTY/PROJECT DATA:**

<b>Property Size</b>	6.2 acres (gross), 5.16 (net)
<b>Current Zoning</b>	AG
<b>Proposed Use</b>	Duplexes and Townhomes
<b>Proposed Zoning</b>	RNX (PUD)
<b>Lots/Blocks</b>	1 Lot, 1 Block
<b>Land Use Plan</b>	Commercial
<b>Number of Reserve Areas</b>	3

<b>Gross Dwelling Units/Acre</b>	6.45 DU/Acre (max)
<b>Total Units Proposed</b>	Up to 40
<b>Within PUD?</b>	N/A
<b>Within Overlay District?</b>	Yes
<b>Water Provider</b>	Washington County Rural #3
<b>Applicable Paybacks</b>	Storm siren fee at \$35/acre; Elm Creek Sanitary Sewer at \$1580.00/acre
<b>Streets (public or private)</b>	One internal private drive

#### CONCEPT OF A PUD:

The concept of a Planned Unit Development is to provide a creative alternative to conventional development where a particular tract is under common ownership or control. A detailed development plan outlining the development of the tract as a unit is proposed and submitted for public review. The use of a PUD technique is a way to amend a zoning ordinance in accordance with a complete and coordinated plan of development for a larger parcel, rather than piecemeal individual changes using the variance process. Additionally, a PUD typically produces a higher quality product with better amenities, architecture, landscaping, and buffering.

#### ANALYSIS:

Mallard Crossing is a unique neighborhood that will contain duplexes and townhome style residential dwelling units. This is a textbook situation where a PUD is acceptable as the property is encumbered by two significant powerline easements and a sanitary sewer easement. Given this, the applicant has prepared a concept plan that works well and utilizes the property efficiently. The development plan document proposes up to a maximum of 40 dwelling units on 6.2 acres yielding a gross density of 6.45 dwelling units per acre (the RNX district allows up to 12 DU/Acre). The conceptual development plan calls for the property to contain four (4) duplex structures (8 dwelling units) in a row adjacent to 145<sup>th</sup> E Ave and twenty-six (26) townhome units across the western boundary of the property. The developer is asking for the flexibility of up to 40 total units if areas are identified during the site plan development process to add additional units.

There are a total of 6 reserve areas shown and they will contain a variety of amenities, which will include a small dog park, kids playground, basketball court, and several seating/picnic areas. Additionally the project proposes to have 5 common safe rooms. A dry detention facility is indicated in two locations, one in the northeast corner of the property and the other along the frontage of 145<sup>th</sup> E Ave. The entire property, which includes the roads, parking areas, detention area, and amenities, will be maintained by the developer. This project will add more variety to the existing housing stock in the community. According to the Institute of Transportation Engineers (ITE) manual, the project is estimated to potentially generate an average of 5.8 vehicle trips per day per unit, for a total weekday day average trip generation of 232.

Along with the PUD request, the applicant has submitted a petition for underlying zoning of RNX (Residential Neighborhood Mixed). The new RNX district, approved by the City Council in October, was created specifically for this type of use, a mix of housing products that were different from traditional single family or apartment type uses. The present zoning on the property is AG (Agriculture). The PUD will act as an overlay governing the development of the property.

If the PUD is approved, the applicant will provide final development plans for administrative review and approval by City staff. These plans shall include all the civil engineering drawings, landscape plans, drainage plans, utility plans, a Final Plat, etc. PUD applications presented to the Planning Commission are for approval of the uses, the overall plan as it relates to the immediate area, and the concept for the development. The City of Owasso will provide sanitary sewer, Fire, Police, and EMS service to the proposed development. Water service will be provided by Washington County Rural #3.

City staff published legal notices of the PUD request in the Owasso Reporter and mailed notices to property owners within a 300' radius of the subject property. Additionally, though not required, the applicant sent a personal letter to nearby residents with an illustration of the proposed concept.

#### **COMPREHENSIVE PLAN CONSISTENCY:**

The Owasso 2030 Land Use Master Plan identifies the subject property for Commercial uses, which means that this was the preferred highest intensity allowed for this location. Considering the proposed development and zoning is less intense, the Land Use Master Plan supports the request.

#### **HARMONY WITH THE EXISTING AND EXPECTED DEVELOPMENT:**

This proposal appears to be consistent with the current and expected development of the area. An institutional area lies to the northwest of the project (TTC/TCC Campus), and a single-family residential area lies to the east (Lake Valley). The undeveloped properties around the project area are shown on the Land Use Plan to be for future commercial uses. Further to the south lies a large apartment complex (Villas at Coffee Creek). Overall, this area is urbanizing rapidly and the proposed project is designed accordingly.

#### **PLANNING ISSUES:**

Future planning issues must still be considered if the PUD is approved. If approved, the applicant will be required to adhere to all City of Owasso subdivision regulations and engineering requirements.

According to the Owasso Zoning Code, the Planning Commission shall hold a public hearing on any PUD application and determine the following:

1. Whether the PUD is consistent with the Comprehensive Plan
2. Whether the PUD is in harmony with the existing and expected development of surrounding areas
3. Whether the PUD is a unified treatment of the development possibilities of the project site
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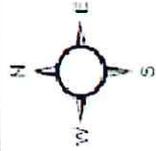
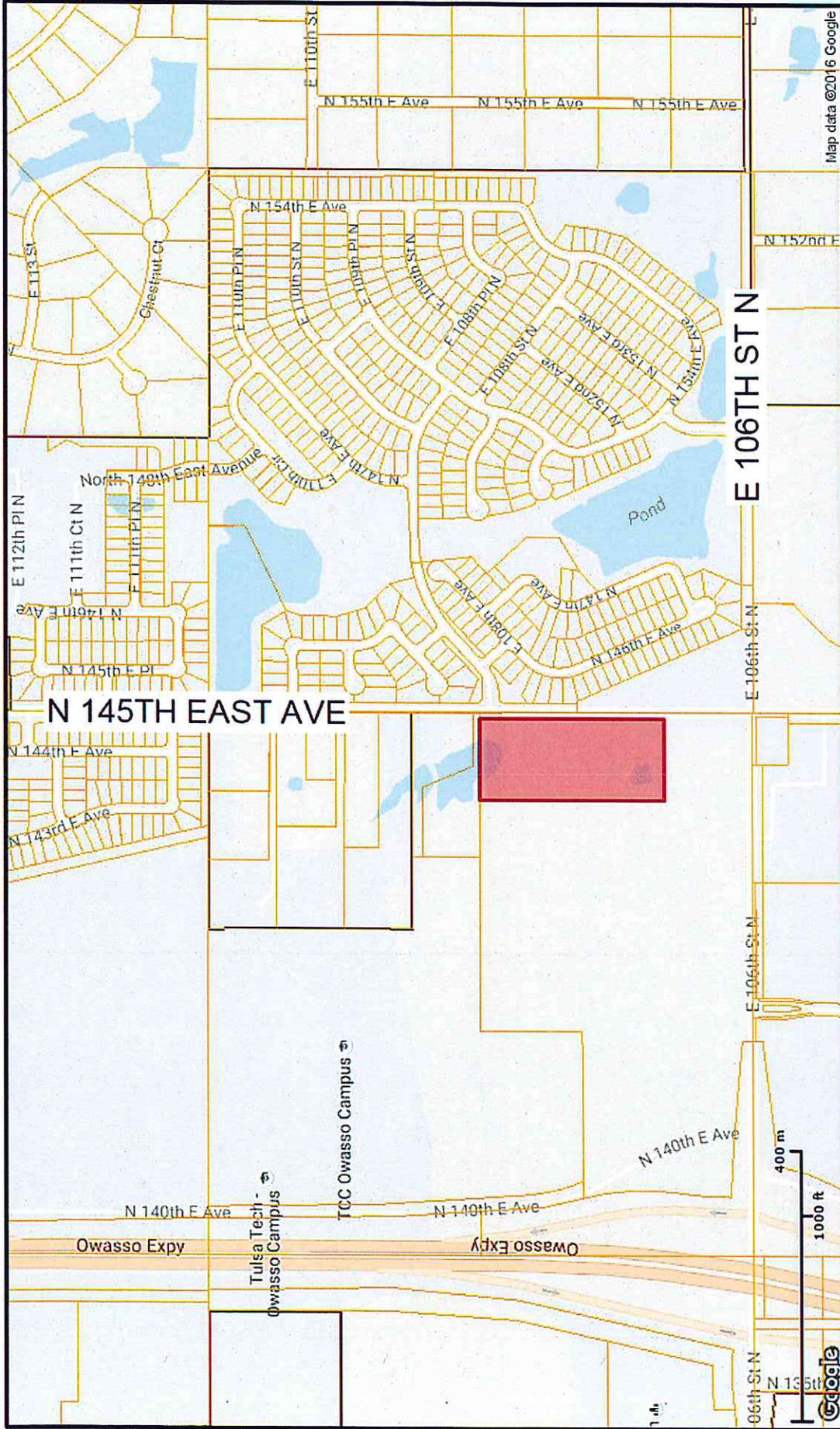
**PLANNING COMMISSION:**

The Planning Commission will review the PUD for Mallard Crossing at their regularly scheduled meeting on November 7, 2016.

**ATTACHMENTS:**

Area Map  
Aerial Map  
Zoning Map  
Land Use Plan Map  
PUD Document  
Letter Sent to Surrounding Property Owners

OPUD 16-06/OZ 16-09



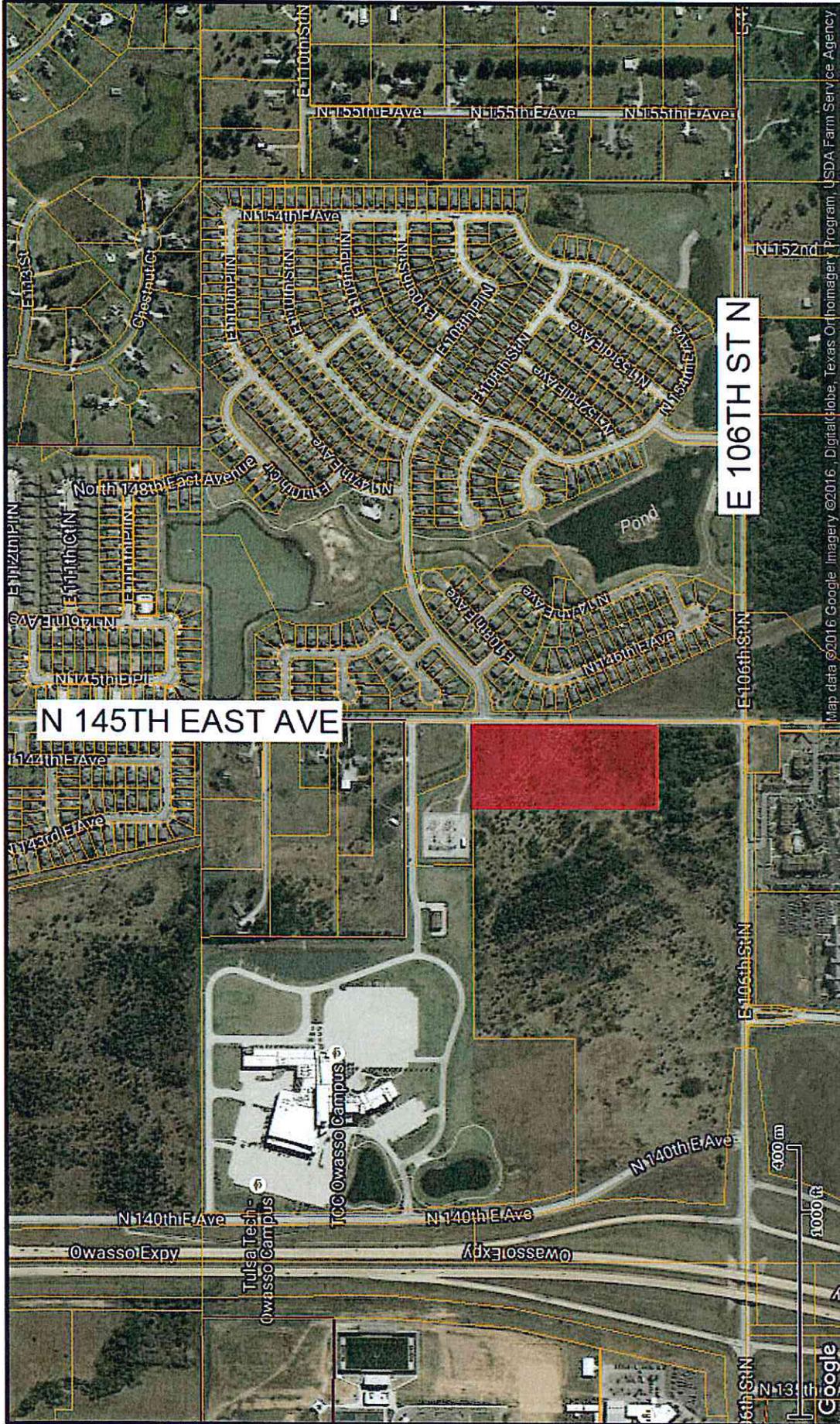
10/24/2016

Mallard Crossing

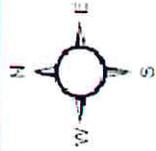
1" = 752 ft

This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Owasso Public Staff for the most up-to-date information.

OPUD 16-06/OZ 16-09



Map data ©2016 Google, Imagery ©2016 DigitalGlobe, Texas Orthoimage Program, USDA Farm Service Agency

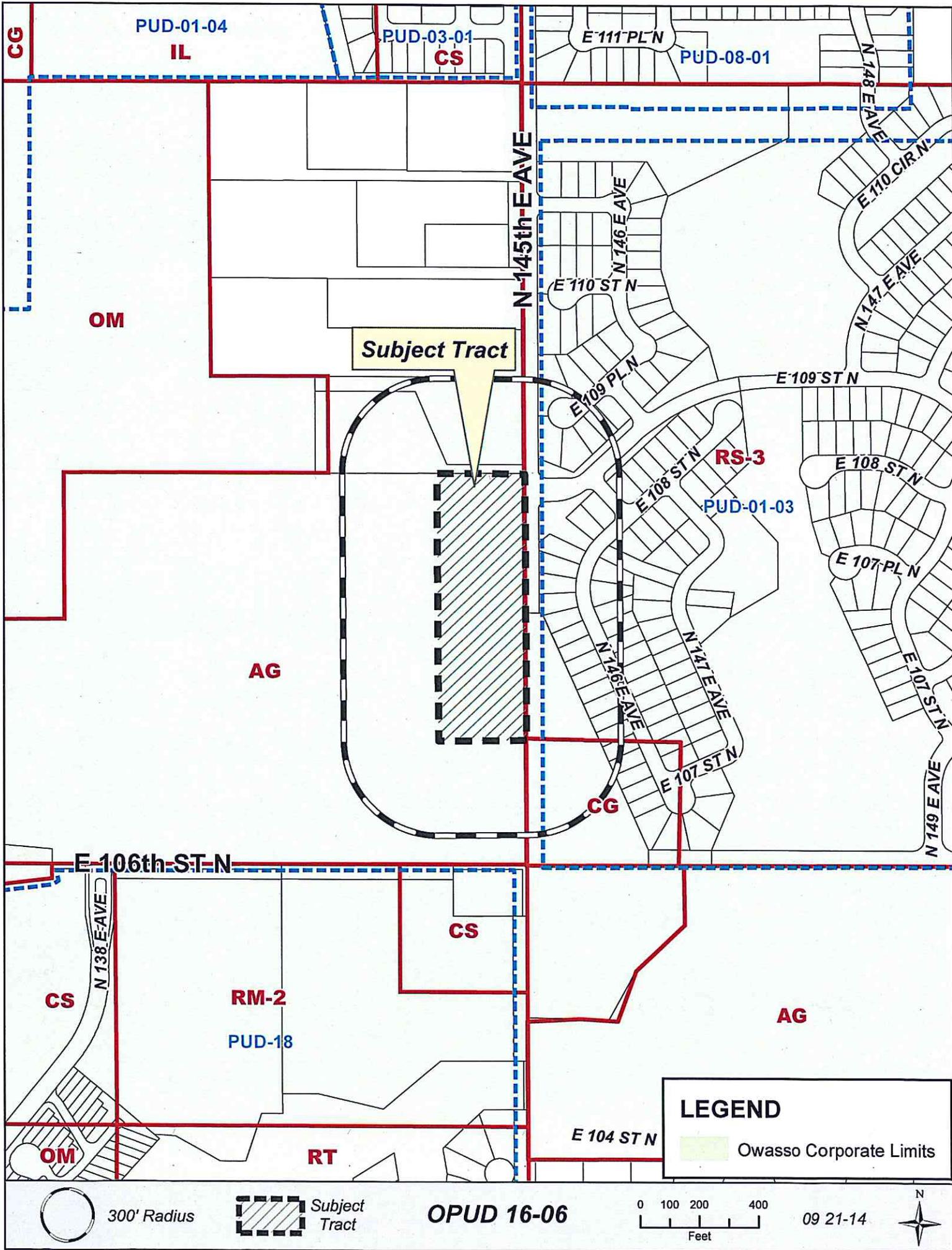


10/24/2016

Mallard Crossing

1" = 752 ft

This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Owasso Public staff for the most up-to-date information.



CG

PUD-01-04  
IL

PUD-03-01  
CS

E 111 PL N  
PUD-08-01

N 148 E AVE

OM

Subject Tract

N-145th-E-AVE

N 146 E AVE  
E 110 ST N

E 110 CIR N  
N 147 E AVE

AG

RS-3  
PUD-01-03

E 109 ST N

E 108 ST N

E 107 PL N

CG

E 106th-ST-N

CS

AG

CS

RM-2  
PUD-18

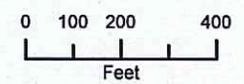
**LEGEND**

 Owasso Corporate Limits

 Subject Tract



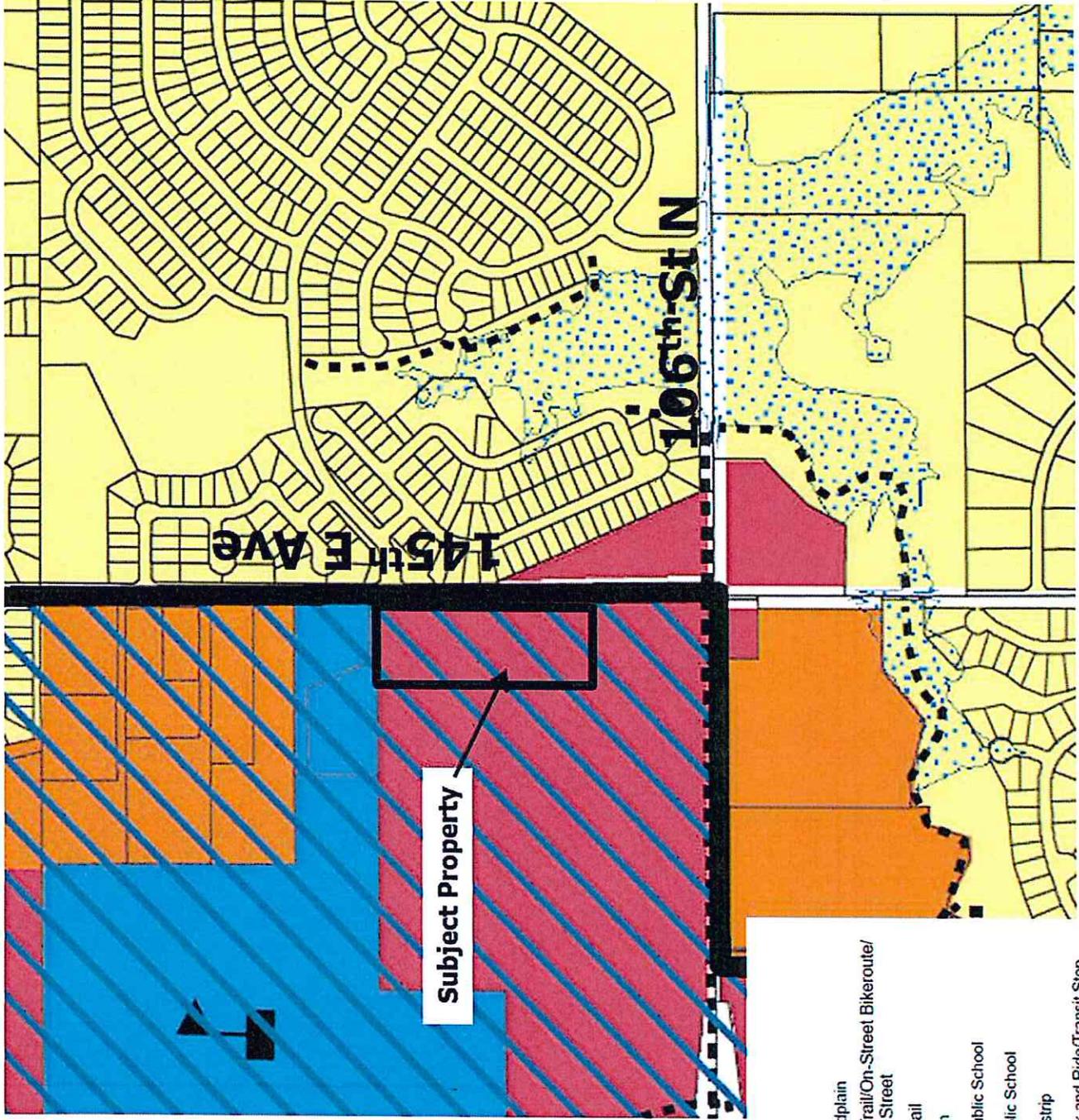
OPUD 16-06



09 21-14



# OPUD 16-06 Mallard Crossing Land Use Plan



## LEGEND

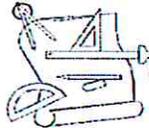
- |   |   |   |   |
|---|---|---|---|
|  | Commercial  |  | 100yr Floodplain                                      |
|  | Industrial/Regional Employment  |  | Planned Trail/On-Street Bikeroute/<br>Complete Street |
|  | Neighborhood Mixed Use (Light Office,<br>Commercial Shopping, Attached Housing,<br>SF Housing, Apartments above retail) |  | Existing trail  |
|  | Parks/Recreation  |  | Fire Station  |
|  | Public/Institutional/Quasi Public   |  | Existing Public School                                |
|  | Residential   |  | Future Public School                                  |
|  | Transitional (Attached housing, duplexes, offices)  |  | Civilian Airstrip                                     |
|  | US-169 Overlay District   |  | Future Park and Ride/Transit Stop                     |
|  | *Glenn-Mur Addition Special District  |  | Hospital  |
|  | **Downtown Development District   |  | Public Park   |
|   |   |  | Golf Course   |
|   |   |  | Cemetery  |

PUD 16-06

# MALLARD CROSSING

Owasso, Oklahoma

*R*OGERS Engineering &  
Construction, Inc.



CIVIL  
ENGINEERING

CONSTRUCTION  
INSPECTION

CONSTRUCTION  
AUDITING

6035 S. Industrial Dr. Chelsea, OK 74016  
Phone: (918) 789-5039

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**I. Development Concept**

Mallard Crossing is a proposed 5.16 acres multi-family residential development located just north of the intersection 106<sup>th</sup> Street North and N 145<sup>th</sup> East Ave, on the west side of N 145<sup>th</sup> East Ave. The tract has 900 feet of frontage along N 145<sup>th</sup> East Ave and has a depth of 300 feet.

The property is abutted on the north, west, and south by undeveloped Agriculture (AG) zoned land. A large single family (RS-3) zoned development, Lake Valley, is found east across N 145<sup>th</sup> East Ave. Within 600 feet of the proposed development commercial property (CG and CS) and multi-family residential (RM-2) are present. Submitted concurrently with this PUD application is a zoning request to re-zone the entire tract to RNX, Residential Neighborhood Mix.

Mallard Crossing will be a multi-family residential community developed for new families and other residents that would enjoy the maintenance free lifestyle that Mallard Crossing will provide. A mixture of townhomes and duplexes will be provided along with ample open space, including a children’s park area and a designated dog park. Parking areas will be provided in an aesthetically pleasing manner to service visitors and residents alike.

The development will be a single lot and block plat, with the owner providing maintenance of the private streets, parking areas and open space areas. Sufficient sidewalks are to be constructed to allow for ease and safety of pedestrian travel throughout the development.

There will be two primary points of access along N 145<sup>th</sup> East Ave. Each entrance will provide a deceleration lane for entering, and both a left and right turn lane for exiting.

**II. Statistical Summary**

Total Project Area	6.20 Acres
Proposed Dwelling Units	34 DU (up to 40 max) 26 Town Homes (up to 30 max)/8 Duplexes (up to 10 max)
Project Density	6.6 DU/Acre
Total Open Space Area	2.41 Acres (47%)

**III. Development Standards: Development Area A, B, & C – Multifamily Residential**

Permitted Uses:	Uses permitted by right in the RNX Zoning District
Max Number of Dwelling Units: (per RNX Zoning)	62 DUs
Minimum Lot Size	N/A
Minimum Lot Width	50 feet
Minimum Front Yard	35 feet
Minimum Side Yard	10 feet/10 feet
Minimum Rear Yard	20 feet
Maximum Building Height	35 feet
Parking Ratio	2.5 spaces per 3-bed unit; 85 required; 87 provided.
Other Bulk and Area Requirements	As established in the RNX Zoning District
Amenities	6 required/6 provided

**IV. Development Standards: Reserve Area 'A', 'E', and 'F'**

Permitted Uses:	Passive and active open space
-----------------	-------------------------------

**V. Development Standards: Reserve Area 'B'**

Permitted Uses:	Passive and active open space and Stormwater detention facilities
-----------------	---

**VI. Development Standards: Reserve Area 'C'**

Permitted Uses:	Passive and active open space, Dog Park and Stormwater detention facilities
-----------------	---

**VII. Development Standards: Reserve Area 'D'**

Permitted Uses:

Passive and active open space and  
Children's Park, and basketball court

**VIII. Outdoor Lighting**

Except as modified herein, lighting shall be provided in accordance with "Chapter 19 – Outdoor Lighting" of the City of Owasso Zoning Ordinance.

**IX. Landscaping and Open Space**

Except as modified herein, landscaping shall be provided in accordance with "Chapter 20 – Landscape Requirements" of the City of Owasso Zoning Ordinance.

Six designated amenities within the open space are required based on density. The development proposes a children's park, a dog park, storm shelters, a basketball court, picnic areas and a pedestrian boulevard.

In addition, a 6' wood slat privacy fence will be constructed along the north, west and south property boundary to provide the required screening between the PUD and the adjacent AG zoned property.

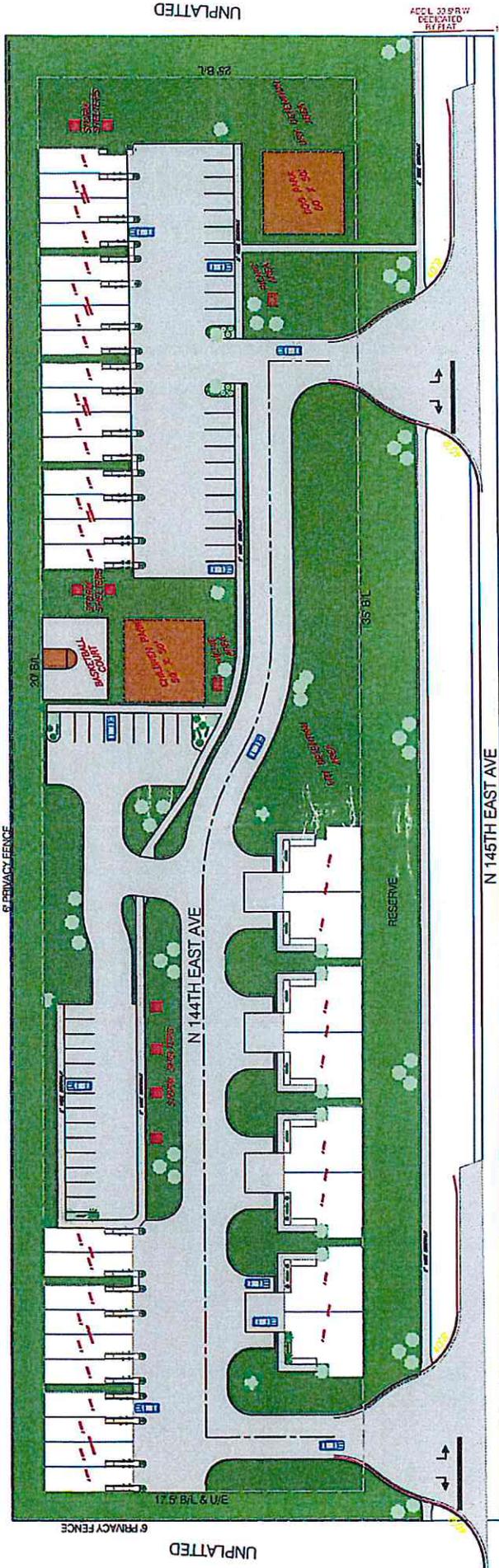
**X. Site Plan Review**

No building permit shall be issued for the construction of buildings within the development area until a detailed site plan has been submitted to and approved by the City of Owasso Planning Commission as being in compliance with the Development Concept and Development Standards

**XI. Schedule of Development**

The initial development of Mallard Crossing is expected to commence in Spring 2017, after final approval of the PUD, platting of the property, and site plan review and approval.

UNPLATTED  
6' PRIVACY FENCE



UNPLATTED

40CL 22.9' RW  
DEDICATED  
BY 2121

16.5' STAT RW



DATA SUMMARY:  
TOTAL PROJECT AREA: 6.20 ACRES  
MAX ALLOWABLE: 12 UNITS/ACRE  
PROP/MULTI-FAMILY: 6.6 UNITS/ACRE

EXHIBIT A  
MALLARD CROSSING  
CONCEPTUAL SITE PLAN

UNPLATTED

6' PRIVACY FENCE

3' 0" & 7' 6" U.E.

20' B.L.

BASKETBALL COURT

STREET LIGHTS

N 144TH EAST AVE

35' B.L.

RESERVE

N 145TH EAST AVE

16' 5' STAT RW

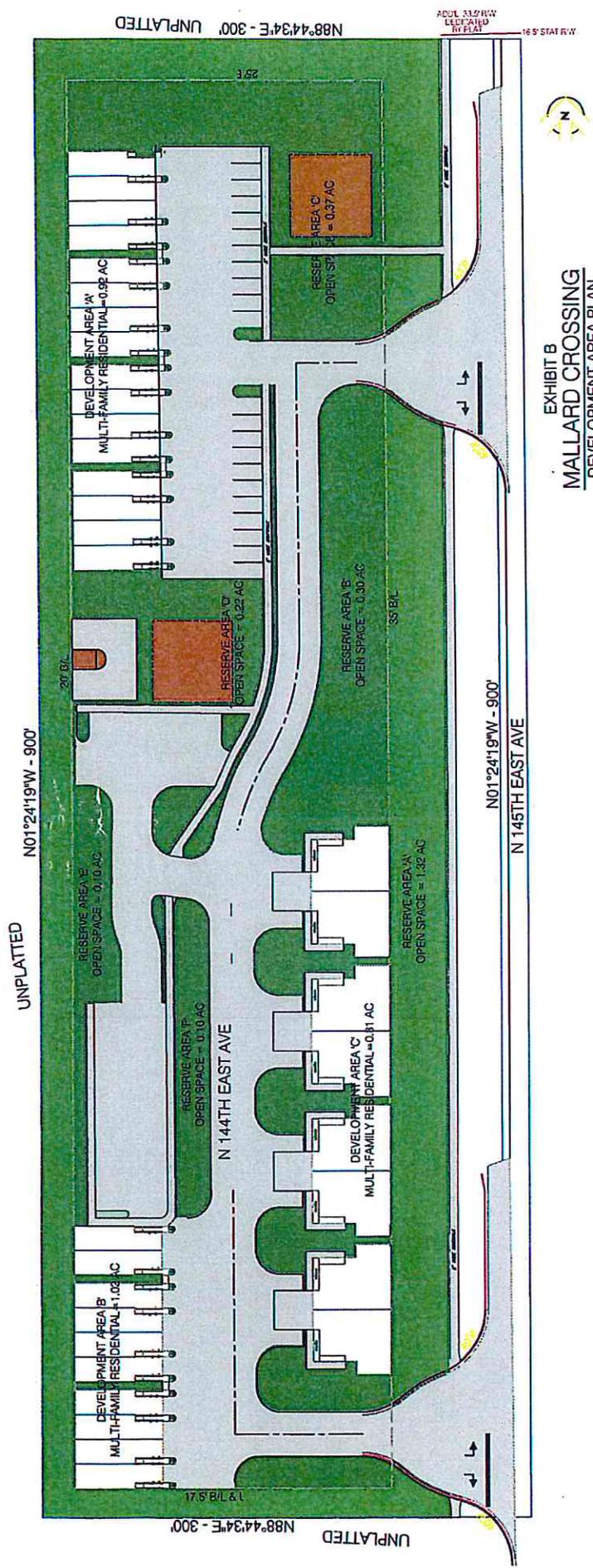


EXHIBIT B  
 MALLARD CROSSING  
 DEVELOPMENT AREA PLAN



UNPLATTED N88°44'34"E - 300'

UNPLATTED N01°24'19"W - 900'

UNPLATTED N01°24'19"W - 900'

UNPLATTED N01°24'19"W - 900'

UNPLATTED N01°24'19"W - 900'

UNPLATTED N88°44'34"E - 300'

UNPLATTED N01°24'19"W - 900'

N 144TH EAST AVE

N 145TH EAST AVE

30' B/L

35' B/L

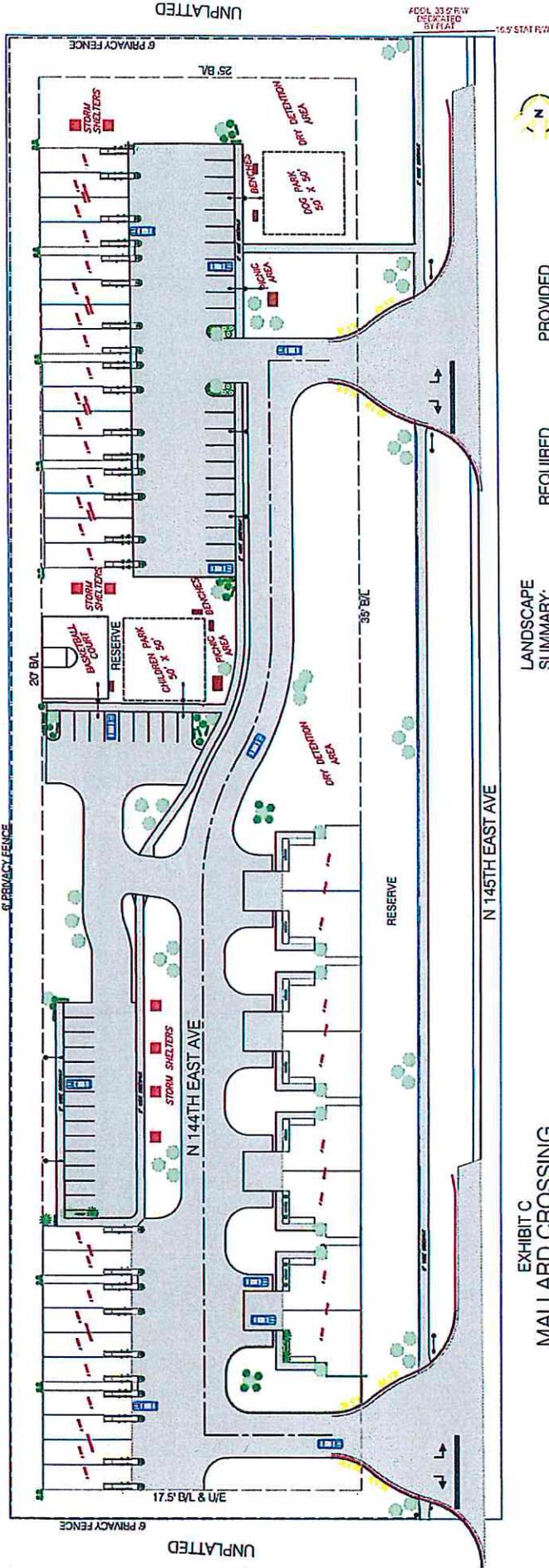
25' E

ADJ. 33.5' R/W LOCATED BY PLAT

16.5' STAT R/W

UNPLATTED

6' PRIVACY FENCE



UNPLATTED

EXHIBIT C  
 MALLARD CROSSING  
 CONCEPTUAL LANDSCAPE/LIGHTING PLAN

LANDSCAPE  
 SUMMARY:  
 FRONTAGE:  
 PARKING:

REQUIRED  
 18 TREES  
 9 AREAS

PROVIDED  
 20 TREES  
 10 AREAS



1/8\"/>

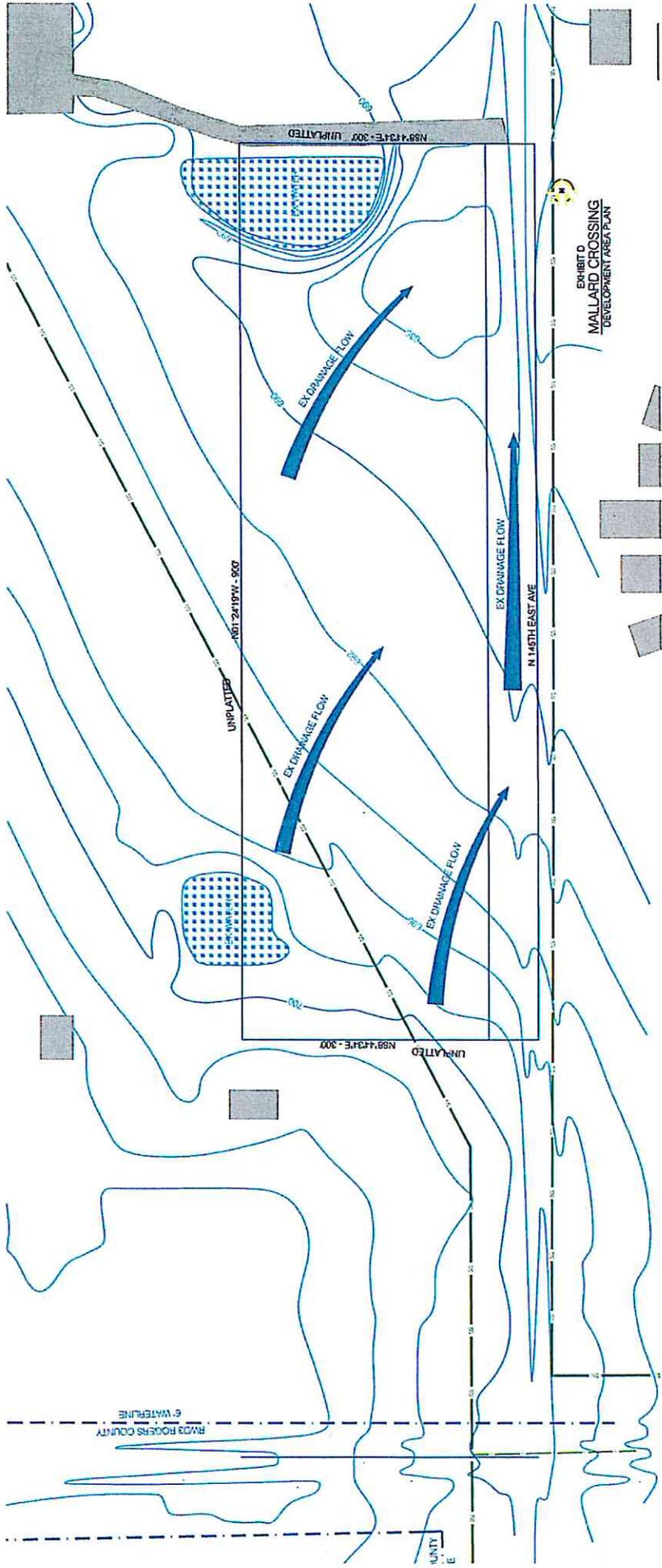


EXHIBIT D  
MALLARD CROSSING  
DEVELOPMENT AREA PLAN

UNTY  
E

SE/4 S-9, T-21-N, R14 E  
TULSA COUNTY

SW/4 S-10, T-21-N, R14 E  
TULSA COUNTY

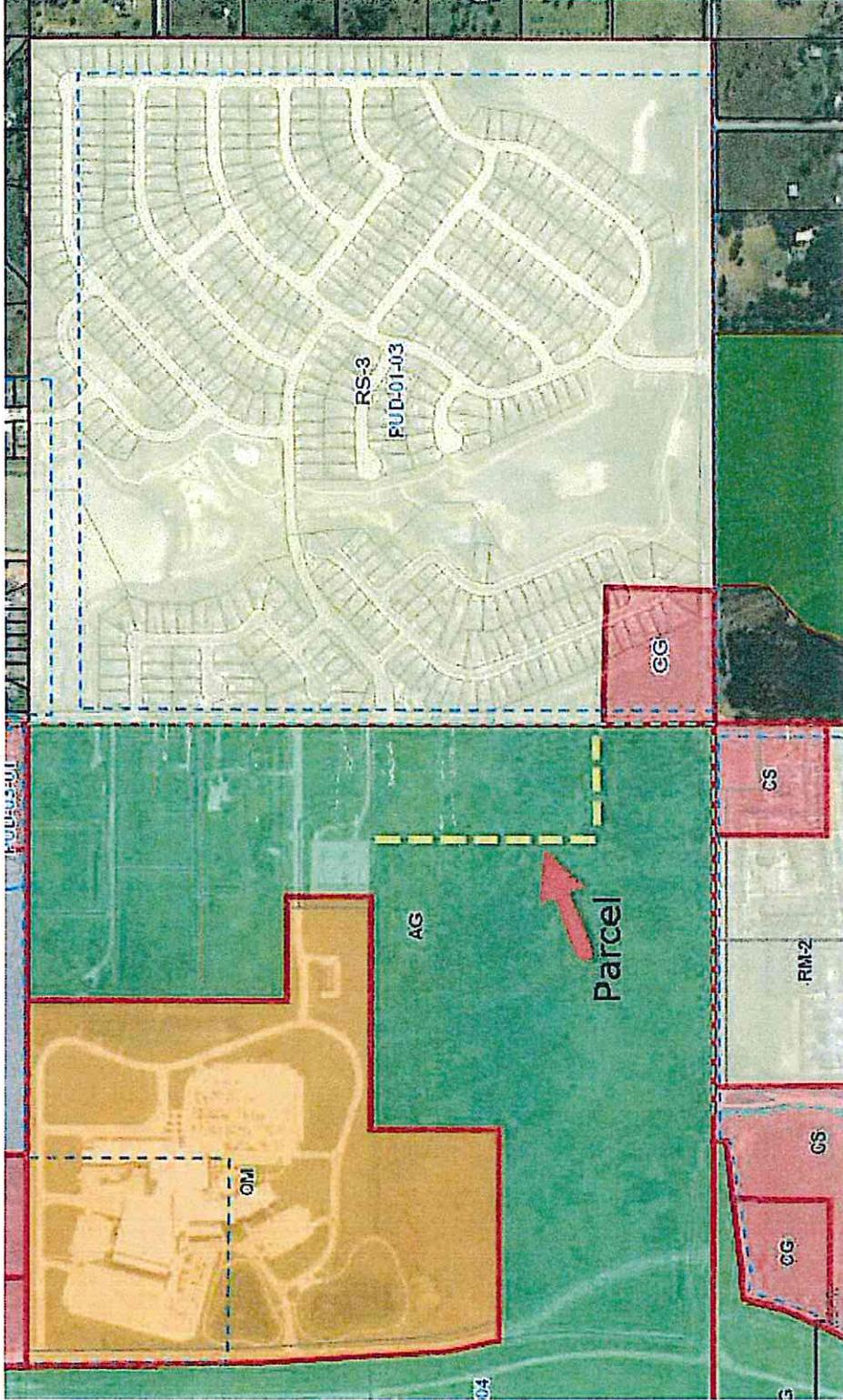


EXHIBIT E  
**MALLARD CROSSING**  
SURROUNDING ZONING/LAND USE



# J.B. Stephens Properties

Mallard Crossing Townhouse and Duplex Proposal

## Project Overview

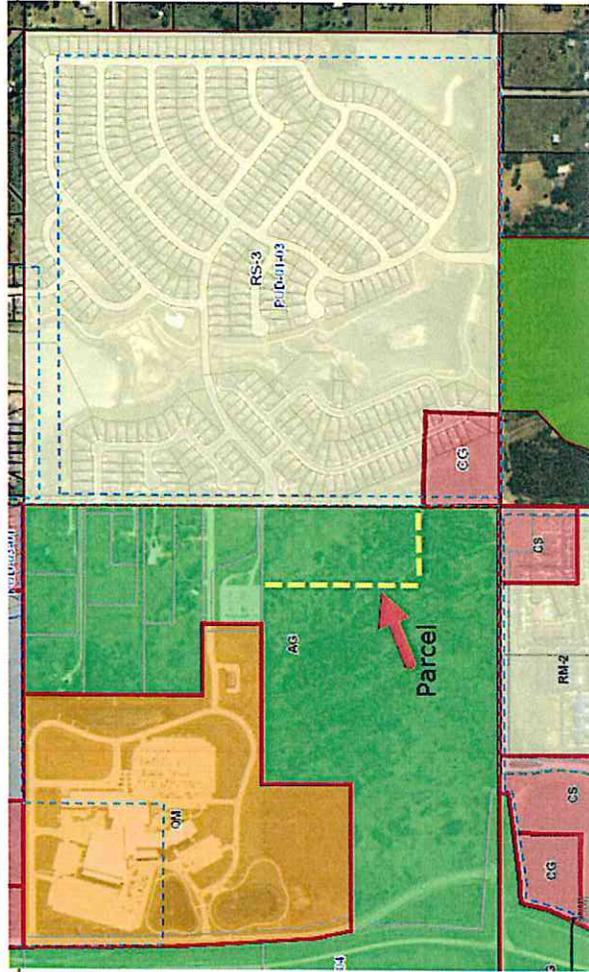
Mallard Crossing will be a multi-family residential community developed for retired couples, new families and other residents that would enjoy the maintenance free lifestyle that Mallard Crossing will provide. A mixture of townhomes and duplexes will be provided along with ample open space, including a children's park area, storm shelters, walking trails, picnic areas and a designated dog park. Parking areas will be provided in an aesthetically pleasing manner to service visitors and residents alike.

# Aerial View



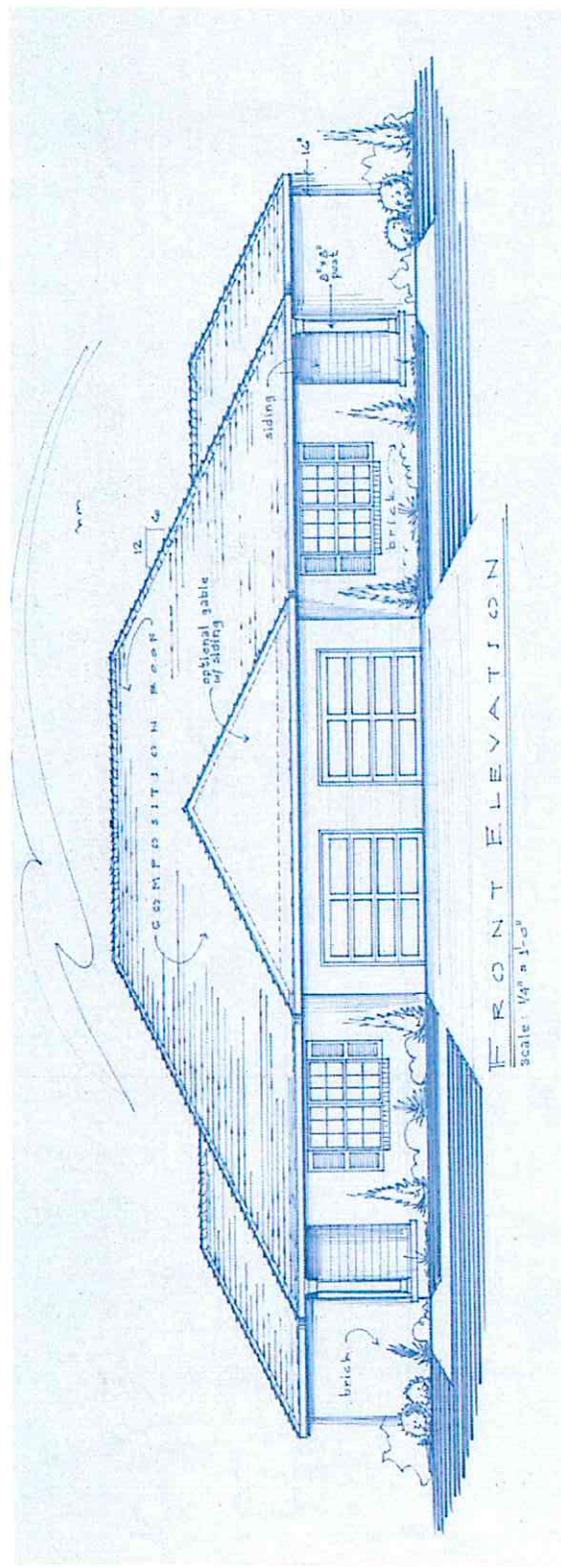


# Current Zoning



# Elevation View Duplex

1254 sqf per unit





# Conceptual Plan



DATA SUMMARY:  
 TOTAL PROJECT AREA: 6.20 ACRES  
 MAX ALLOWABLE: 12 UNITS/ACRE  
 PROP/MULTI-FAMILY: 6.6 UNITS/ACRE

EXHIBIT A  
 MALLARD CROSSING  
 CONCEPTUAL SITE PLAN

# Conceptual Plan

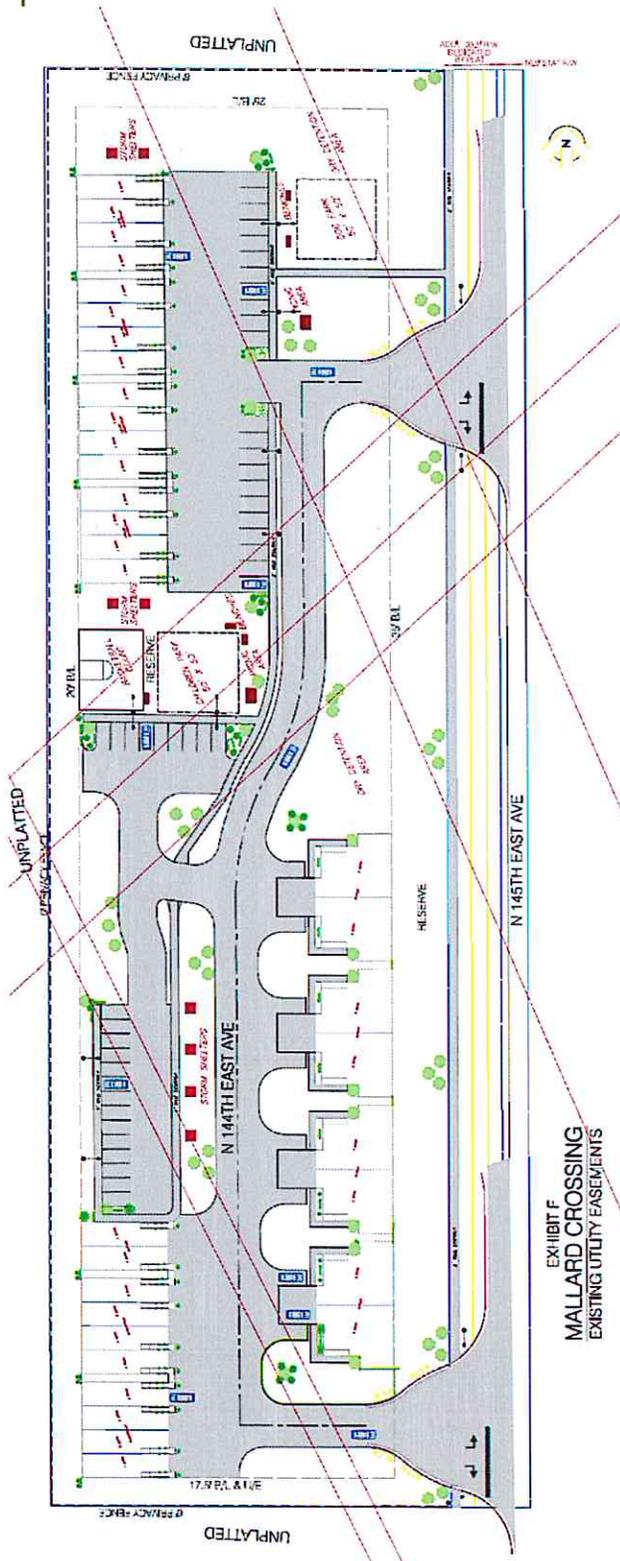
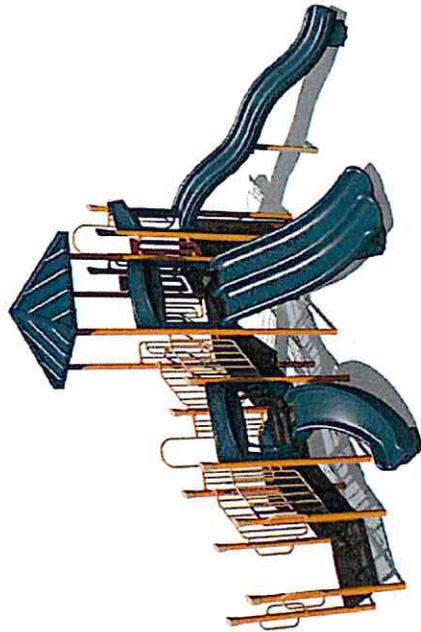


EXHIBIT F  
MALLARD CROSSING  
EXISTING UTILITY EASEMENTS

# Playground Rendering



## Elevation Theme

- This is the theme we will use for the duplexes and townhouses.
- The duplexes will be brick with outline of white rock.
- The townhouses will have white rock fronts and blue/gray siding

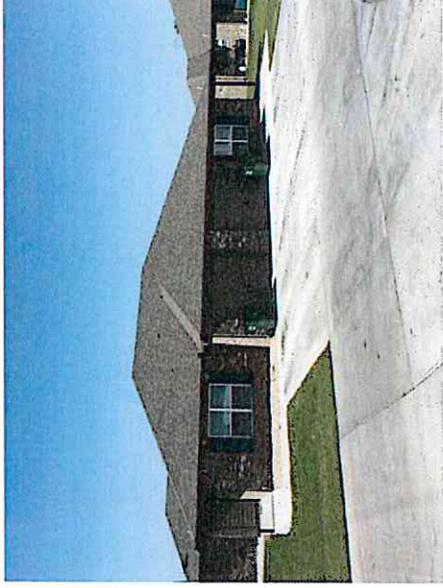


# Townhouse and Duplex Units

Picture of townhouse we have built in  
Collinsville



Picture of duplex we have built in Skiatook



Dear Neighbors,

My name is Brady Stephens and my wife Jackie and I own JB Stephens Properties. We are in the process of purchasing and developing Mallard Crossing a proposed 5.16 acres multi-family residential development located just north of the intersection 106<sup>th</sup> Street North and 145<sup>th</sup> Street East, on the west side of 145<sup>th</sup> Street East. The tract has 900 feet of frontage along 145<sup>th</sup> Street East and has a depth of 300 feet.

Mallard Crossing will be a multi-family residential community developed for retired couples, new families and other residents that would enjoy the maintenance free lifestyle that Mallard Crossing will provide. A mixture of townhomes and duplexes will be provided along with ample open space, including a children's park area and a designated dog park. Parking areas will be provided in an aesthetically pleasing manner to service visitors and residents alike.

The development will be a single lot and block plat, with the owner providing maintenance of the private streets, parking areas and open space areas. Sufficient sidewalks are to be constructed to allow for ease and safety of pedestrian travel throughout the development.

There will be two primary points of access along 145<sup>th</sup> Street East. Each entrance will provide a deceleration lane for entering, and both a left and right turn lane for exiting.

Mallard Crossing will have 34 total units outlined in the attached site plan. As you will see it is designed to meet or exceed all community regulations. We pride ourselves on providing in ground storm shelters for all of our residents as well as a children's playground, dog park and walking trails.

We feel this is a well-designed development that will improve the overall area but wanted your opinion ahead of our November 7<sup>th</sup> Planning Commission Meeting and November 15<sup>th</sup> Owasso City Council Meeting. We welcome you to call our office number at 918-633-1063 or sending us your opinions at [okstephensproperties@gmail.com](mailto:okstephensproperties@gmail.com). I look forward to hearing from you and hope you will welcome our development.

Regards,

Brady H. Stephens



J.B. Stephens Properties Inc.



**TO:** Honorable Mayor and City Council  
City of Owasso

**FROM:** Karl A. Fritschen, MRCP, RLA, AICP  
Chief Urban and Long Range Planner

**SUBJECT:** Utility Easement Closure Request  
Braum's Ice Cream and Dairy Store #156

**DATE:** November 4, 2016

---

**BACKGROUND:**

The City of Owasso received a request from Tanner Consulting, LLC for the complete closure of a utility easement. The easement is located within the southernmost eleven (11) feet of Lot 1, Block 1 of Owasso Commercial Center III and the northernmost ten (10) feet of Lot 4, Block 1 of Owasso Commercial Center. The address of the property in question is 11503 East 76<sup>th</sup> Street N. A new Braum's Ice Cream and Dairy store is being constructed on this property and it has been determined by the developer that this easement is no longer necessary due to a reconfiguration of the sewer lines across the property.

Required notice was sent to all franchise utility companies. The City of Owasso Public Works Department was also contacted regarding the closing of the portion of the easement and indicated there should be no impacts to future utilities. No other utilities appear to be affected by the closing of this portion of the easement.

Upon Council action to close the easement, the applicant shall take the Ordinance to district court and file for vacation of the easement which will complete the Closing process.

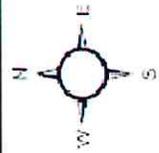
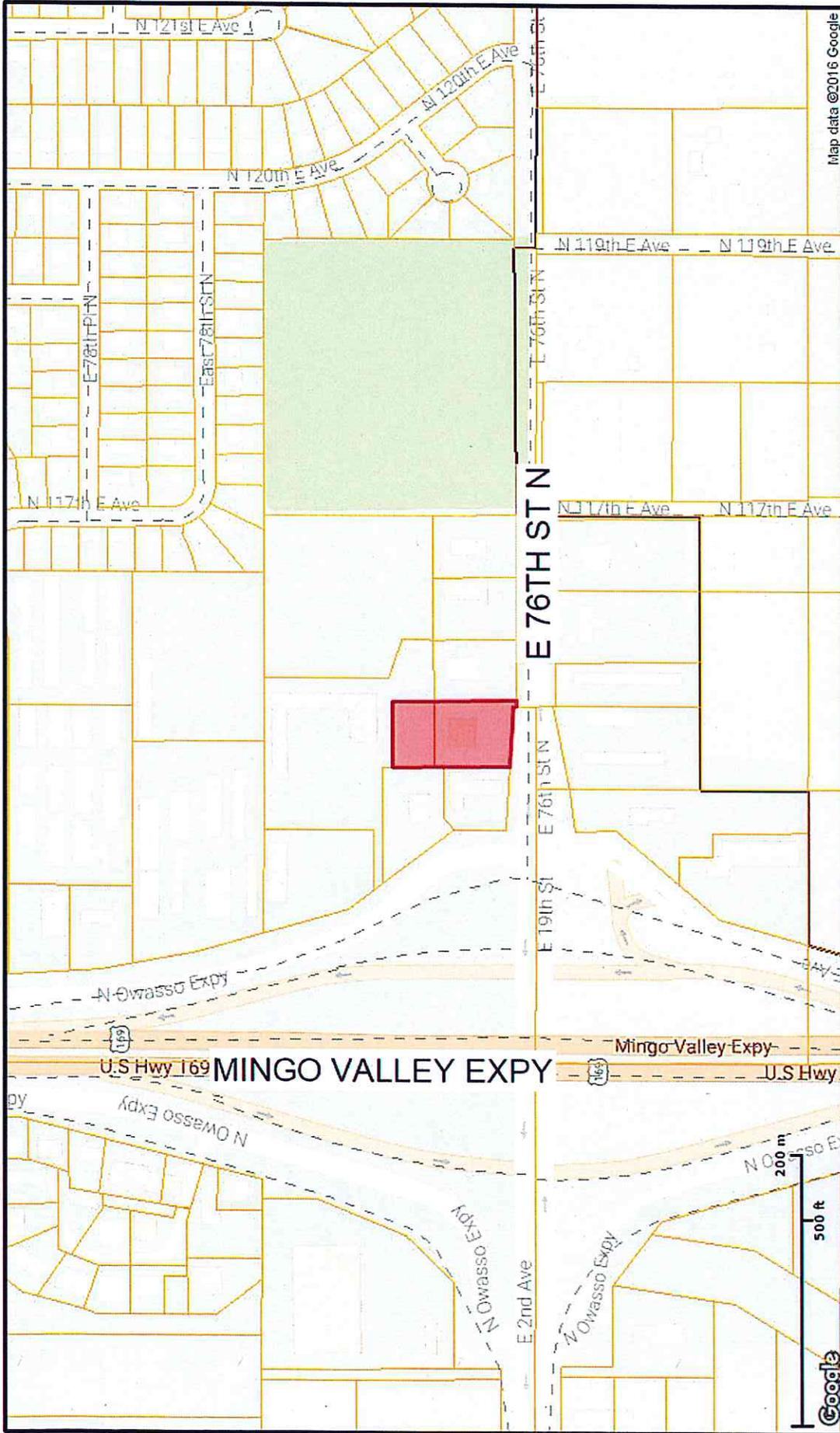
**TECHNICAL ADVISORY COMMITTEE:**

The Technical Advisory Committee reviewed the request at their October 26, 2016 meeting. No comments or concerns regarding negative impacts to utilities were expressed at the meeting.

**ATTACHMENTS:**

Area Map  
Aerial Map  
Legal Description Exhibit  
Draft Proposed Ordinance

**Braum's 76th St.**



10/21/2016

**Easement  
Closure**

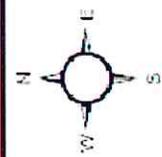
1" = 376 ft

This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Owasso Public Staff for the most up-to-date information.

Braum's 76th St.



Map data © 2016 Google Imagery © 2016 DigitalGlobe, Texas Orthoimagery Program, USDA Farm Service Agency



10/21/2016

Easement Closure

1" = 376 ft

This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Owasso Public Staff for the most up-to-date information.

# Exhibit "A.1"

## Braum's 76th Street - Owasso OK Utility Easement Vacation Description

### Description

A TRACT OF LAND THAT IS A PART OF LOT FOUR (4), BLOCK ONE (1), "OWASSO COMMERCIAL CENTER", AN ADDITION TO THE CITY OF OWASSO, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 4422), AND A PART OF LOT ONE (1), BLOCK ONE (1), "OWASSO COMMERCIAL CENTER III", AN ADDITION TO THE CITY OF OWASSO, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 4952), SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 1°15'28" EAST AND ALONG THE EAST LINE OF LOT 4, FOR A DISTANCE OF 10.00 FEET; THENCE SOUTH 88°44'32" WEST AND PARALLEL WITH THE NORTH LINE OF LOT 4, FOR A DISTANCE OF 150.00 FEET; THENCE NORTH 1°15'28" WEST AND PARALLEL WITH THE WEST LINE OF LOT 4, FOR A DISTANCE OF 10.00 FEET TO A POINT ON THE NORTH LINE OF LOT 4; THENCE NORTH 88°44'32" EAST AND ALONG SAID NORTH LINE, FOR A DISTANCE OF 1.00 FEET; THENCE NORTH 1°15'28" WEST AND PARALLEL WITH THE WEST LINE OF SAID LOT 1, FOR A DISTANCE OF 11.00 FEET; THENCE NORTH 88°44'32" EAST AND PARALLEL WITH THE SOUTH LINE OF LOT 1, FOR A DISTANCE OF 149.00 FEET TO A POINT ON THE EAST LINE OF LOT 1; THENCE SOUTH 1°15'28" EAST AND ALONG SAID EAST LINE, FOR A DISTANCE OF 11.00 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 3,139 SQUARE FEET OR 0.072 ACRES.

### Basis of Bearing

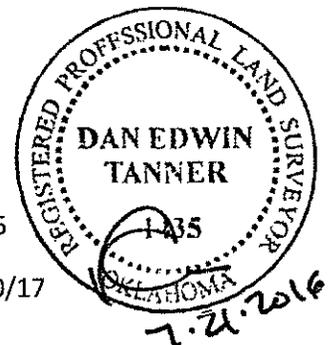
THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83); SAID BEARINGS ARE BASED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING MONUMENTS:

- (1) 3/8" IRON PIN FOUND AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 1, "OWASSO COMMERCIAL CENTER";
  - (2) 3/8" IRON PIN FOUND AT THE NORTHWEST CORNER OF LOT 4, BLOCK 1, "OWASSO COMMERCIAL CENTER";
- THE BEARING BETWEEN SAID MONUMENTS BEING NORTH 1°15'28" WEST.

### Certification

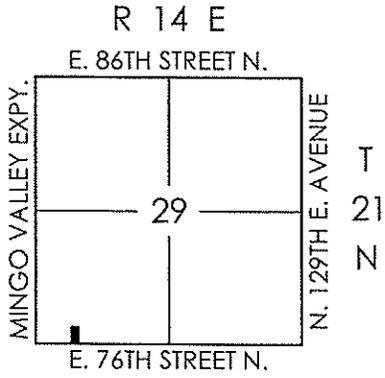
I, DAN E. TANNER, OF TANNER CONSULTING, LLC, CERTIFY THAT THE ATTACHED DESCRIPTION CLOSES IN ACCORD WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE EASEMENTS AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING OF THE STATE OF OKLAHOMA.

DAN E. TANNER, P.L.S.  
OKLAHOMA P.L.S. #1435  
OKLAHOMA CA #2661  
EXPIRATION DATE: 6/30/17



# Exhibit "A.2"

## Braum's 76th Street - Owasso OK Utility Easement Vacation Exhibit



Location Map

Owasso Commercial Center

N 1°15'28" W 11.00'  
N 88°44'32" E 1.00'  
10.00'  
N 1°15'28" W

11' UTILITY EASEMENT PER PLAT

Owasso Commercial Center III  
PART OF LOT 1, BLOCK 1

N 88°44'32" E 149.00'

SOUTH LINE LOT 1, BLOCK 1 - OCC III  
NORTH LINE LOT 4, BLOCK 1 - OCC

150.00'  
S 88°44'32" W

POB  
NE CORNER  
LOT 4, BLOCK 1

S 1°15'28" E 11.00'

10.00'  
S 1°15'28" E

Owasso Commercial Center III  
PART OF LOT 1, BLOCK 1

Owasso Commercial Center  
LOT 4, BLOCK 1

10' UTILITY EASEMENT PER PLAT

50' BUILDING LINE PER PLAT

17.5' UTILITY EASEMENT PER PLAT

Owasso Commercial Center  
PART OF LOT 1, BLOCK 1

EAST 76TH STREET NORTH

LEGEND

- OCC OWASSO COMMERCIAL CENTER
- POB POINT OF BEGINNING

CITY OF OWASSO, OKLAHOMA  
ORDINANCE \_\_\_\_\_

AN ORDINANCE CLOSING TO THE PUBLIC USE A UTILITY EASEMENT LOCATED ON PROPERTY DESCRIBED AS PART OF LOT FOUR (4), BLOCK ONE (1), "OWASSO COMMERCIAL CENTER," AN ADDITION TO THE CITY OF OWASSO, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 4422), AND A PART OF LOT ONE (1), BLOCK ONE (1), "OWASSO COMMERCIAL CENTER III," AN ADDITION TO THE CITY OF OWASSO, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 4952) AN ADDITION TO THE CITY OF OWASSO, TULSA COUNTY, STATE OF OKLAHOMA,

**WHEREAS**, the City of Owasso retains the absolute right to reopen the same without expense to the municipality, and repealing all ordinances or parts of ordinances in conflict herewith.

**WHEREAS**, the City of Owasso, Oklahoma has deemed it necessary and expedient to close to the public use a portion of a certain public drainage and utility easement; and,

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OWASSO, OKLAHOMA, THAT TO WIT:**

A TRACT OF LAND THAT IS A PART OF LOT FOUR (4), BLOCK ONE (1), "OWASSO COMMERCIAL CENTER", AN ADDITION TO THE CITY OF OWASSO, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 4422), AND A PART OF LOT ONE (1), BLOCK ONE (1), "OWASSO COMMERCIAL CENTER III", AN ADDITION TO THE CITY OF OWASSO, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 4952), SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 1°15'28" EAST AND ALONG THE EAST LINE OF LOT 4, FOR A DISTANCE OF 10.00 FEET; THENCE SOUTH 88°44'32" WEST AND PARALLEL WITH THE NORTH LINE OF LOT 4, FOR A DISTANCE OF 150.00 FEET; THENCE NORTH 1°15'28" WEST AND PARALLEL WITH THE WEST LINE OF LOT 4, FOR A DISTANCE OF 10.00 FEET TO A POINT ON THE NORTH LINE OF LOT 4; THENCE NORTH 88°44'32" EAST AND ALONG SAID NORTH LINE, FOR A DISTANCE OF 1.00 FEET; THENCE NORTH 1°15'28" WEST AND PARALLEL WITH THE WEST LINE OF SAID LOT 1, FOR A DISTANCE OF 11.00 FEET; THENCE NORTH 88°44'32" EAST AND PARALLEL WITH THE SOUTH LINE OF LOT 1, FOR A DISTANCE OF 149.00 FEET TO A POINT ON THE EAST LINE OF LOT 1; THENCE SOUTH 1°15'28" EAST AND ALONG SAID EAST LINE, FOR A DISTANCE OF 11.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 3,139 SQUARE FEET OR 0.072 ACRES;

be, and the same is hereby closed for use as a utility easement.

Section 1. That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

Section 2. All ordinances, or parts of ordinances, in conflict with this ordinance are hereby repealed to the extent of the conflict only.

Section 3. If any part or parts of this ordinance are deemed unconstitutional, invalid or ineffective, the remaining portion shall not be affected but shall remain in full force and effect.

Section 4. The provisions of this ordinance shall become effective thirty (30) days from the date of final passage as provided by state law.

Section 5. That there be filed in the office of the County Clerk of Tulsa County, Oklahoma, a true and correct copy of this Ordinance.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Lyndell Dunn, Mayor

ATTEST:

\_\_\_\_\_  
Sherry Bishop, City Clerk

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Julie Lombardi, City Attorney



**TO:** Honorable Mayor and City Council  
City of Owasso

**FROM:** Karl A. Fritschen, MRCP, RLA, AICP  
Chief Urban and Long Range Planner

**SUBJECT:** Utility Easement Closure Request – 12805 E 67<sup>th</sup> St N  
Lot One (1), Block One (1), Hickory Creek II

**DATE:** November 4, 2016

---

**BACKGROUND AND ANALYSIS:**

The City of Owasso received a request from Brian Green for the closing of a filed sanitary sewer easement. The location of the easement encompasses 27.15 feet of the western half of Lot One (1) Block One (1) of Hickory Creek II, a portion of Reserve Area "A" and E 67<sup>th</sup> St N. The subject easement was filed as a separate instrument (Document #2013016829) when Hickory Creek I was platted and covered a portion of what was to become Hickory Creek II. When Hickory Creek II was platted a few years later, utility easements were provided by the plat. Essentially, there are dual easements in place and it is creating title issues with the subject property. It is believed the separate instrument was filed to ensure utilities would be within a public easement in a small area that at the time was offsite from Hickory Creek I. With the development Hickory Creek II, this instrument is no longer necessary.

A survey was prepared for the subject property, which located existing utilities. The closing of the filed separate instrument, will not impact any public utilities as they will all still remain within a platted easement as part of Hickory Creek II. Required notice was sent to all franchise utility companies. The City of Owasso Public Works Department was also contacted regarding the closing of the easement and indicated there should be no impacts to future utilities. No other utilities appear to be affected by the closing of this easement.

Upon Council action to close the easement, the applicant should take it to district court and file for vacation of the easement which will completely remove it from the books.

Staff will prepare a closing ordinance for Council consideration and will bring it forth at the December 6, 2016, meeting.

**TECHNICAL ADVISORY COMMITTEE:**

The Technical Advisory Committee reviewed the request at their October 26, 2016, meeting. No comments or concerns regarding negative impacts to utilities were expressed at the meeting.

**ATTACHMENTS:**

Sanitary Sewer Easement filed 2/19/2013 with exhibit  
Excerpt from Hickory Creek II stating Reserve Area "A" to allow for Utilities  
Exhibit for Hickory Creek II  
Draft Closing Ordinance

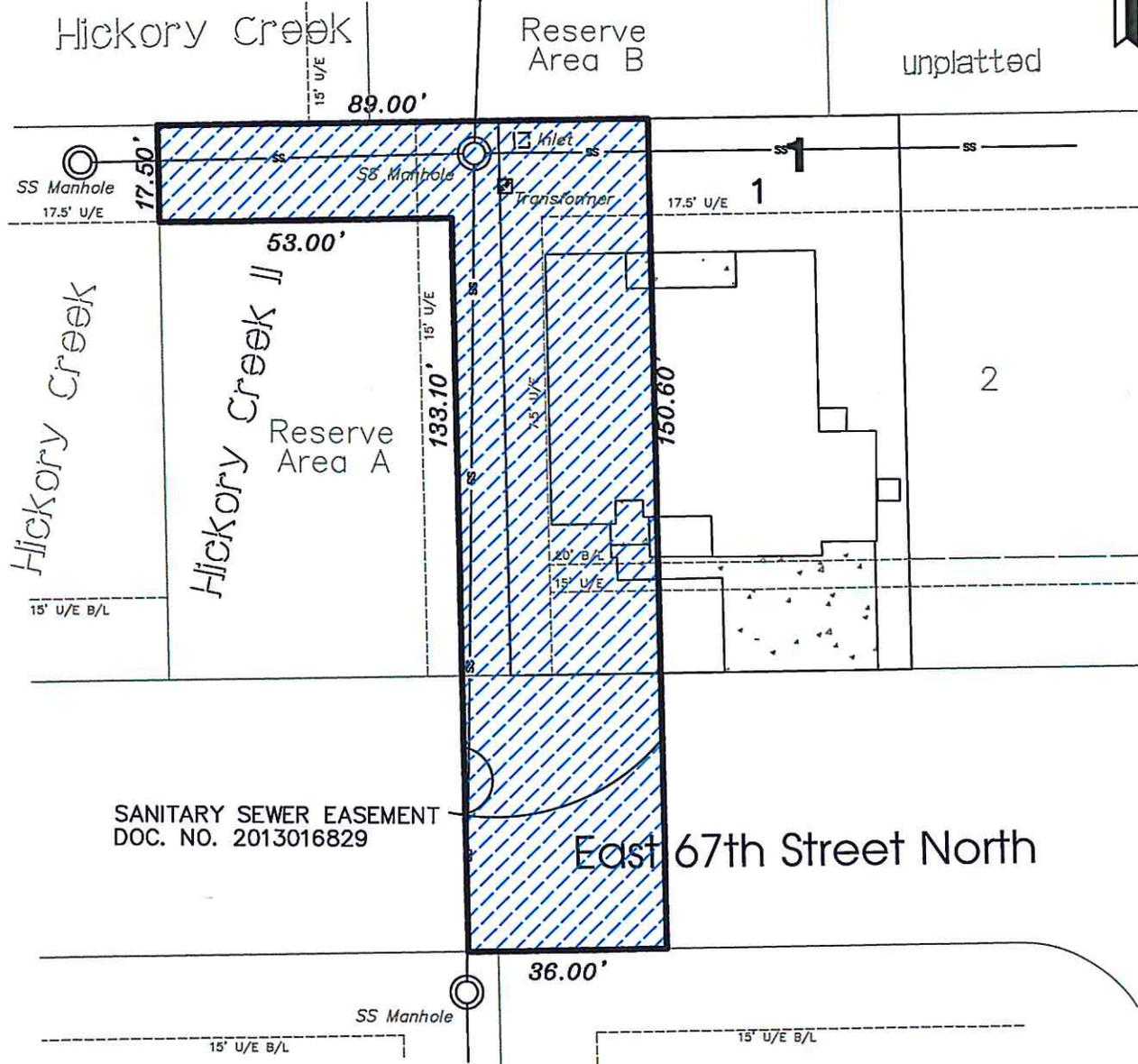


# Legal Description Exhibit

of

## Sanitary Sewer Easement

### Doc. No. 2013016829



SANITARY SEWER EASEMENT  
DOC. NO. 2013016829

East 67th Street North

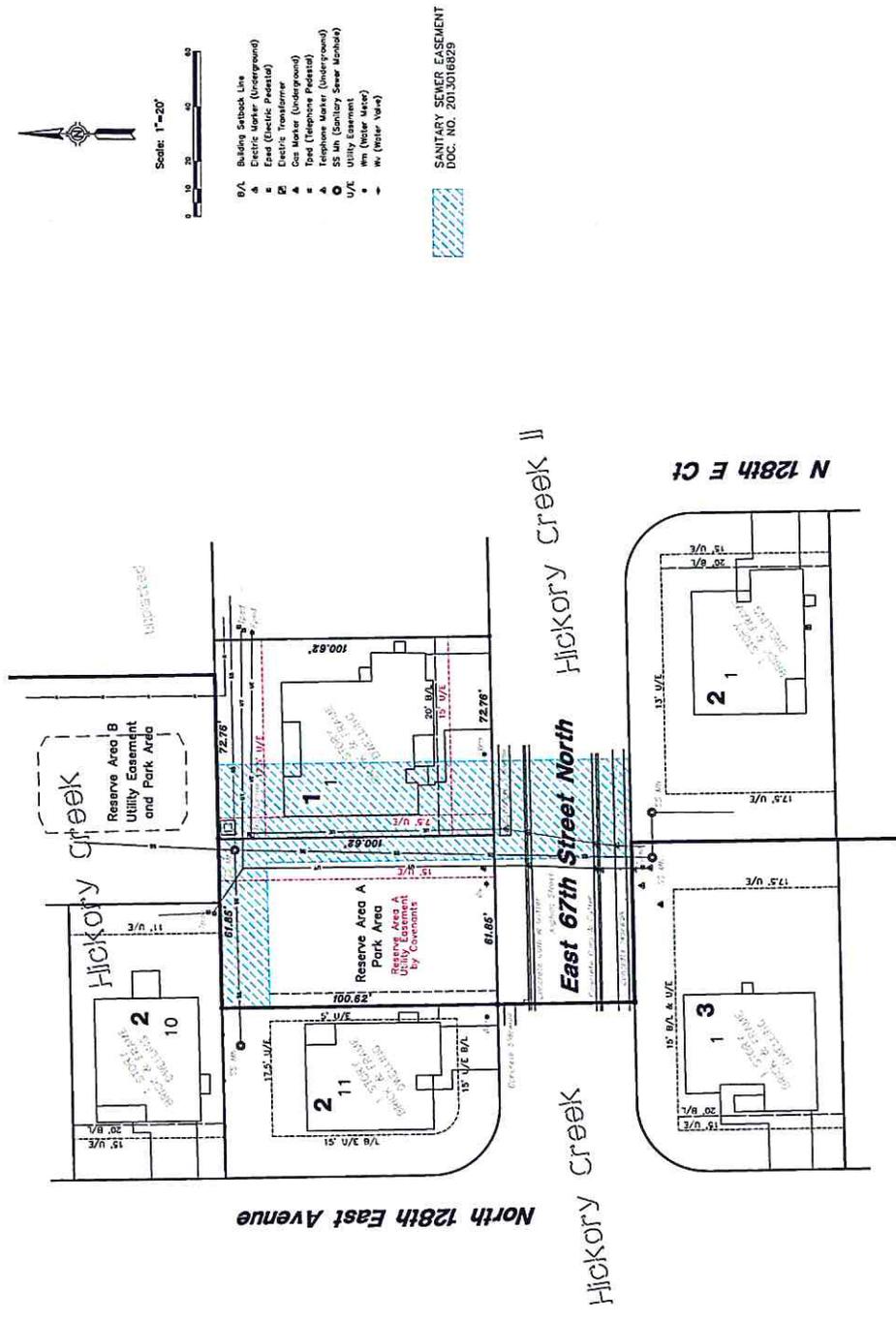
**Doc. No. 2013016829 Legal Description**

A tract of land located in the E/2 of the SE/4 of Section 32, T-21-N, R-14-E, of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows:

Beginning at the southeast corner of Section 32, Thence N00°10'35"E along the east line of Section 32, 827.00 feet; Thence N89°49'25"W and perpendicular to east line of Section 32, a distance of 359.38 feet to the Point of Beginning; Thence N89°49'25"W a distance of 89.00 feet; Thence S0°8'54"W a distance of 17.50 feet; Thence S89°49'25"E a distance of 53.00 feet; Thence S0°8'54"W a distance of 133.10 feet; Thence S89°49'25"E a distance of 36.00 feet; Thence N0°8'54"E a distance of 150.60 feet to the Point of Beginning; all located in Section 32, T-21-N, R-14-E, Tulsa County, State of Oklahoma

## **Excerpt from Filed Deeds of Dedication and Covenants from Hickory Creek II**

1. NOT WITHSTANDING ANY OTHER PROVISION ON THIS DECLARATION, DECLARING RESERVES THE RIGHT TO GRANT EASEMENT WITHIN THE COMMON AREAS (RESERVE AREAS) FOR THE INSTALLATION, REPAIR AND MAINTENANCE OF WATER MAINS, SANITARY SEWER, DRAINAGE COURSE, PUBLIC ACCESS, AND OTHER UTILITIES, PROVIDED THAT SUCH UTILITIES SHALL BE INSTALLED IN SUCH A MANNER SO AS TO MINIMIZE DAMAGE TO THE NATURAL FEATURES OF THE COMMON AREAS (RESERVE AREAS).



**EXHIBIT OF SANITARY SEWER EASEMENT  
HICKORY CREEK II  
City of Owasso, Tulsa County, Oklahoma**

REVISED	BY	DATE

Benchmark Surveying and Land Services, Inc.			
1000 N. W. 100th Ave., Suite 100, Owasso, Oklahoma 74055			
FILE:	211.2250	DATE:	10/12/2016
PROJECT:		DRAWN BY:	
		CHECKED BY:	

**CITY OF OWASSO, OKLAHOMA  
ORDINANCE XXXX**

**AN ORDINANCE CLOSING TO THE PUBLIC USE A SANITARY SEWER EASEMENT FILED  
AS DOCUMENT #2013016829 IN TULSA COUNTY, STATE OF OKLAHOMA**

**WHEREAS**, the City of Owasso retains the absolute right to reopen the same without expense to the municipality, and repealing all ordinances or parts of ordinances in conflict herewith.

**WHEREAS**, the City of Owasso, Oklahoma has deemed it necessary and expedient to close to the public use said sanitary sewer easement; and,

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OWASSO, OKLAHOMA, THAT TO WIT:**

A TRACT OF LAND LOCATED IN THE E/2 OF THE SE/4 OF SECTION 32, T-21-N, R-14-E, OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE OFFICIAL U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 32, THENCE N00° 10'35"E ALONG THE EAST LINE OF SECTION 32, 827.00 FEET; THENCE N89°49'25"W AND PERPENDICULAR TO EAST LINE OF SECTION 32, A DISTANCE OF 359.38 FEET TO THE POINT OF BEGINNING; THENCE N 89°49'25"W A DISTANCE OF 89.00 FEET; THENCE S0°8'54"W A DISTANCE OF 17.50 FEET; THENCE S89°49'25"E A DISTANCE OF 53.00 FEET; THENCE S0°8'54"W A DISTANCE OF 133.10 FEET; THENCE S89°49'25"E A DISTANCE OF 36.00 FEET; THENCE N0°8'54"E A DISTANCE OF 150.60 FEET TO THE POINT OF BEGINNING:

ALL LOCATED IN SECTION 32, T-21-N, R-14-E, TULSA COUNTY, STATE OF OKLAHOMA

be, and the same is hereby closed for use as a utility easement.

Section 1. That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

Section 2. All ordinances, or parts of ordinances, in conflict with this ordinance are hereby repealed to the extent of the conflict only.

Section 3. If any part or parts of this ordinance are deemed unconstitutional, invalid or ineffective, the remaining portion shall not be affected but shall remain in full force and effect.

Section 4. The provisions of this ordinance shall become effective thirty (30) days from the date of final passage as provided by state law.

Section 5. That there be filed in the office of the County Clerk of Tulsa County, Oklahoma, a true and correct copy of this Ordinance.

PASSED AND APPROVED this \_\_\_\_<sup>th</sup> day of December, 2016

\_\_\_\_\_  
Lyndell Dunn, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Sherry Bishop, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Julie Lombardi, City Attorney



**TO:** Honorable Mayor and City Council  
City of Owasso

**FROM:** Bronce L. Stephenson, MPA  
Director of Community Development

**SUBJECT:** Rezoning (OZ-16-10)

**DATE:** November 4, 2016

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**BACKGROUND:**

The City of Owasso received for review and consideration a rezoning application for a property located immediately east of the intersection at E 114<sup>th</sup> St N and N Garnett Rd. The property is 9.75 acres in size, and the applicant requests zoning be changed from AG (Agriculture) to CS (Commercial Shopping). The subject property was annexed under Ordinance 959 in January 2010.

**SURROUNDING ZONING:**

Direction	Zoning	Use	Land Use Plan	Jurisdiction
North	CG/AG (Commercial General/Agriculture)	Commercial/ Agriculture	Commercial	City of Owasso/ Tulsa County
South	CS/RMH (Commercial Shopping/Residential Mobile Home Park)	Commercial/ Mobile Home Park	Commercial/ Transitional	City of Owasso
East	AG (Agriculture)	Agriculture	Commercial	Tulsa County
West	CG/CS (Commercial General/Commercial Shopping)	Commercial	Commercial	City of Owasso

**SUBJECT PROPERTY/PROJECT DATA:**

Property Size	9.75 acres
Current Zoning	AG (Agriculture)
Proposed Use	Commercial
Lots/Blocks	N/A
Land Use Plan	Commercial
Number of Reserve Areas	N/A
Within PUD?	N/A
Within Overlay District?	N/A
Water Provider	City of Owasso

<b>Applicable Paybacks</b>	Ranch Creek Sewer Pay Back of \$610.33 per acre; Storm siren fee of \$35
<b>Streets (public or private)</b>	N/A

**ANALYSIS:**

The applicant is requesting CS (Commercial Shopping) zoning be applied to the property. The GrOwasso 2030 Land Use Master Plan calls for future commercial uses in this location, so applying CS zoning to the property is appropriate. Any development that occurs on the subject property must adhere to all subdivision, zoning, and engineering requirements including but not limited to paved streets, landscaping, and sidewalks. The City of Owasso will provide Police, Fire, EMS, and sanitary sewer and water services to the property.

**PLANNING COMMISSION:**

The Planning Commission will review this item at their regular meeting on November 7, 2016.

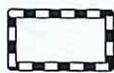
**ATTACHMENTS:**

- Aerial Map
- Zoning Map
- Land Use Plan

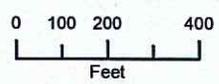


Subject Tract

Note: Graphic overlays may not precisely align with physical features on the ground.  
Aerial Photo Date: February 2016

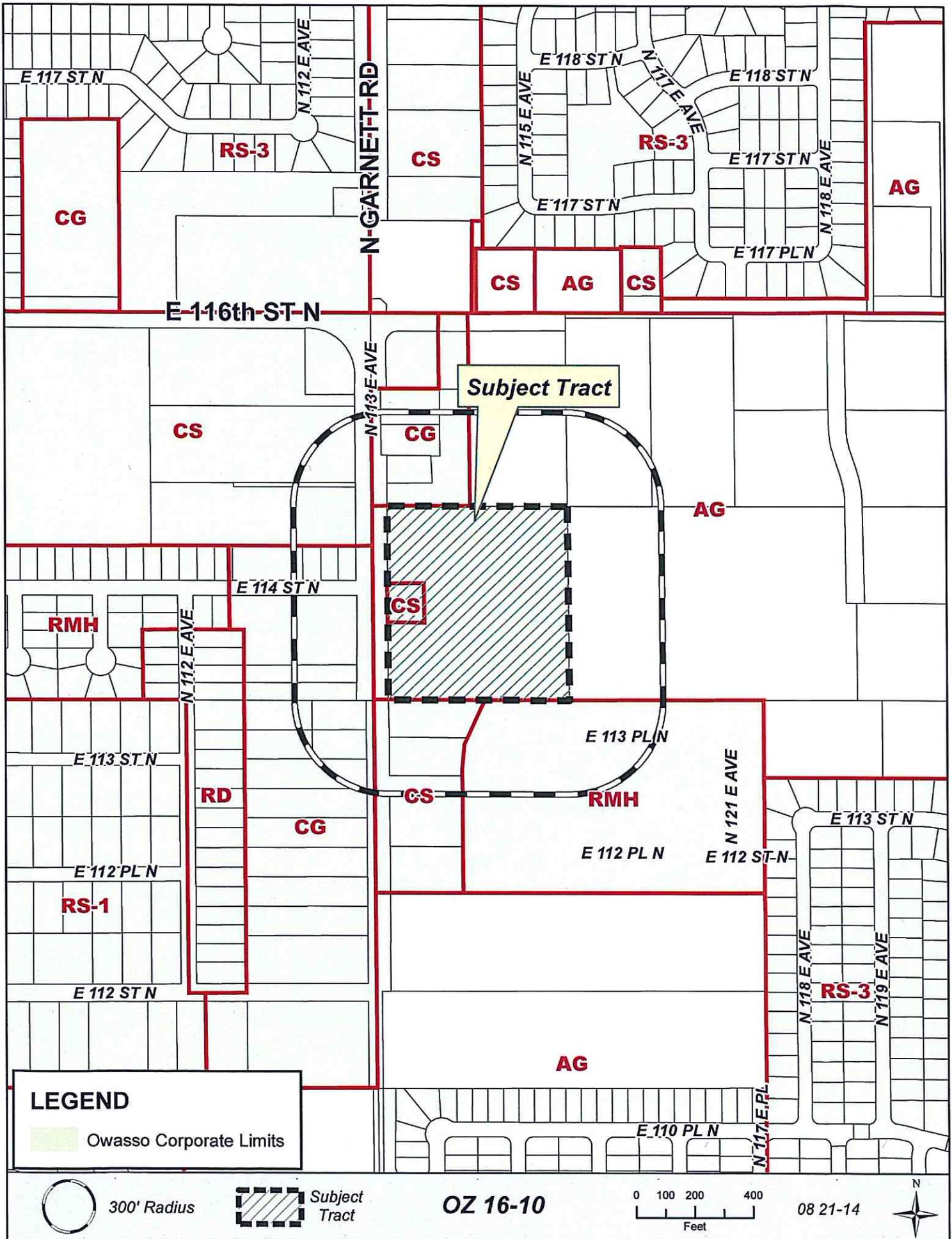
 Subject Tract

OZ 16-10

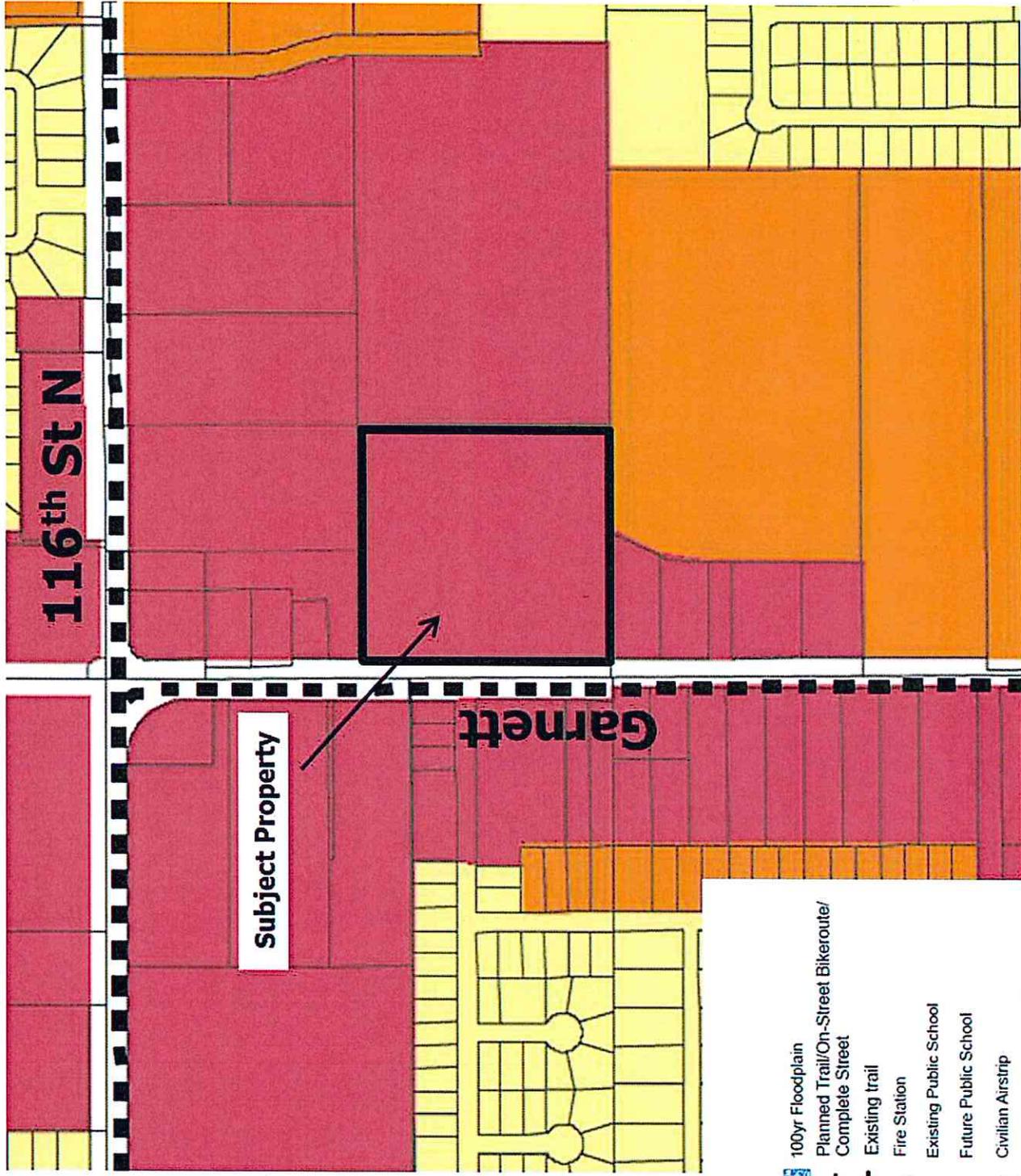


08 21-14





# UZ 16-1U Land Use Plan



## LEGEND

- |   |   |   |   |
|---|---|---|---|
|  | Commercial  |  | 100yr Floodplain                                      |
|  | Industrial/Regional Employment  |  | Planned Trail/On-Street Bikeroute/<br>Complete Street |
|  | Neighborhood Mixed Use (Light Office,<br>Commercial Shopping, Attached Housing,<br>SF Housing, Apartments above retail) |  | Existing trail  |
|  | Parks/Recreation  |  | Fire Station  |
|  | Public/Institutional/Quasi Public   |  | Existing Public School                                |
|  | Residential   |  | Future Public School                                  |
|  | Transitional (Attached housing, duplexes, offices)  |  | Civilian Airstrip                                     |
|  | US-169 Overlay District   |  | Future Park and Ride/Transit Stop                     |
|  | *Glenn-Mur Addition Special District  |  | Hospital  |
|   |   |  | Public Park   |
|   |   |  | Golf Course   |



**TO:** The Honorable Mayor and City Council  
City of Owasso

**FROM:** Bronce L. Stephenson, MPA  
Director of Community Development

**SUBJECT:** Final Plat – Mission Owasso

**DATE:** November 4, 2016

---

**BACKGROUND:**

The City of Owasso received an application for review and approval of a one (1) lot, one (1) block, Final Plat for the First Baptist Church Owasso Mission. The subject property is immediately east of the intersection of 114<sup>th</sup> St N and N Garnett Rd and approximately 686 feet south of the intersection of N Garnett Rd and E 116<sup>th</sup> St N. The subject property is approximately 10.06 acres in size and was annexed under Ordinance 959 in January 2010. This location is currently zoned AG (Agriculture) but the applicant is seeking a rezoning to CS (Commercial Shopping) with case OZ 16-10.

**SURROUNDING ZONING AND LAND USE:**

Direction	Zoning	Use	Land Use Plan	Jurisdiction
North	CG/AG (Commercial General/Agriculture)	Commercial/Agriculture	Commercial	City of Owasso/Tulsa County
South	CS/RMH (Commercial Shopping/Residential Mobile Home Park)	Commercial/Mobile Home Park	Commercial/Transitional	City of Owasso
East	AG (Agriculture)	Agriculture	Commercial	Tulsa County
West	CG/CS (Commercial General/Commercial Shopping)	Commercial	Commercial	City of Owasso

**SUBJECT PROPERTY/PROJECT DATA:**

<b>Property Size</b>	10.06 acres
<b>Current Zoning</b>	AG (Agriculture)
<b>Proposed Use</b>	Commercial
<b>Lots/Blocks</b>	1 lot/1 block
<b>Land Use Plan</b>	Commercial
<b>Number of Reserve Areas</b>	N/A
<b>Within PUD?</b>	N/A
<b>Within Overlay District?</b>	N/A
<b>Water Provider</b>	City of Owasso
<b>Applicable Paybacks</b>	Ranch Creek Sewer Pay Back of \$610.33 per acre; Storm siren fee of \$35
<b>Streets (public or private)</b>	N/A

**ANALYSIS:**

The Final Plat for the First Baptist Church Owasso Mission proposes one (1) lot in one (1) block. The property is located immediately east of the intersection of 114<sup>th</sup> St N and N Garnett Rd. and approximately 686 feet south of the intersection of N Garnett Rd and E 116<sup>th</sup> St N. The property is 10.06 acres in size, and it was annexed under Ordinance 959 on January 5, 2010. This location is currently zoned AG (Agriculture) but is seeking a rezoning to CS (Commercial Shopping).

The final plat proposes two (2) access points, one thirty (30) feet wide and one sixty (60) feet wide, on N Garnett Rd. The Final Plat will dedicate the right-of-way necessary to accommodate the future widening of N Garnett Rd. The applicant anticipates future development of the subject tract, but exact lot dimensions are unknown at this point. Staff will require a re-plat of the property at the time that development occurs rather than lot split. Perimeter utility easements have been provided that will allow utility companies adequate access to provide and maintain service to the proposed development. A large detention facility is being proposed on the southern portion of the property to handle stormwater run-off. The City of Owasso will provide Police, Fire, EMS, sanitary sewer and water services to the property. Any development that occurs on the subject property must adhere to all subdivision, zoning, and engineering requirements including but not limited to paved streets, landscaping, and sidewalks.

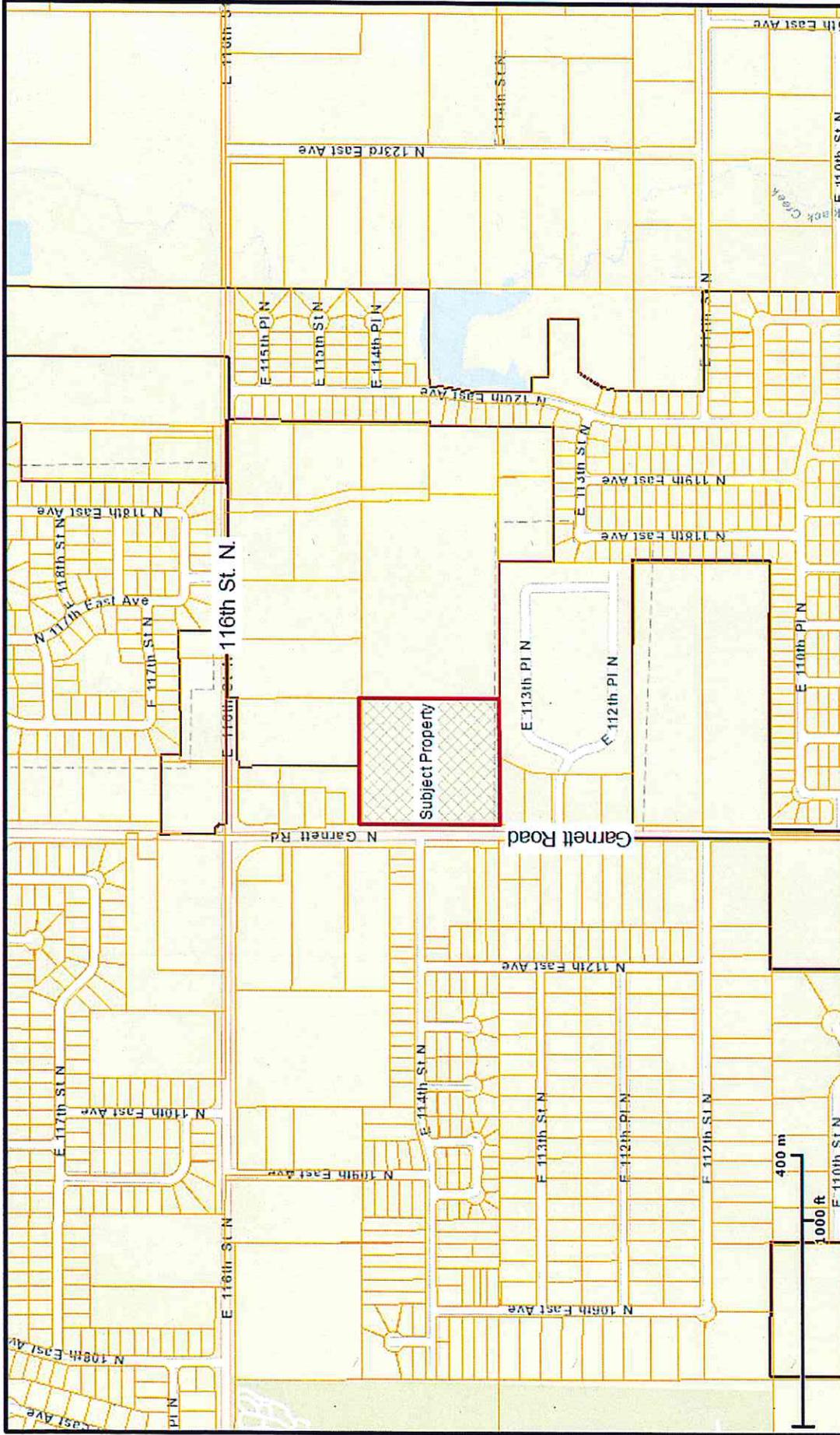
**PLANNING COMMISSION:**

The Planning Commission will review this item at their meeting on November 7, 2016.

**ATTACHMENTS:**

Area Map  
Aerial Map  
Final Plat, First Baptist Church Owasso Mission

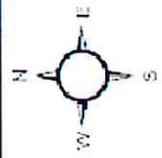
# The Mission



1" = 752 ft

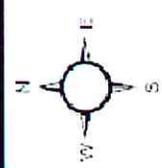
Final Plat

10/20/2016



This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Owasso staff for the most up-to-date information.

# The Mission



10/20/2016

Final Plat

1" = 752 ft

This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Owasso staff for the most up-to-date information.







**TO:** Honorable Mayor and City Council  
City of Owasso

**FROM:** Karl Fritschen, MRCP, RLA, AICP  
Chief Urban and Long Range Planner

**SUBJECT:** Final Plat – Abbott Farms I

**DATE:** November 4, 2016

**BACKGROUND:**

The City of Owasso received an application for review and approval of a final plat for Abbott Farms I. The property is located east of the northeast corner of East 106<sup>th</sup> Street N and N Mingo Rd and lies between the Owasso Sports Park and railroad tracks. This is the first phase of the Abbott Farms residential development.

**SURROUNDING ZONING:**

Direction	Zoning	Use	Land Use Plan	Jurisdiction
North	RS-3 (Single-Family Residential)	Undeveloped	Residential	City of Owasso
South	PUD 06 04 Amended (RM, CS)	Undeveloped	Transitional	City of Owasso
East	PUD 19 (OM, RD, RS-3)	Sports Park	Park	City of Owasso
West	RS-3 (Single-Family Residential)	Residential	Residential	City of Owasso

**SUBJECT PROPERTY/PROJECT DATA:**

<b>Property Size</b>	19.55 acres
<b>Current Zoning</b>	RS-3
<b>Proposed Use</b>	Single-Family Residential
<b>Lots/Blocks</b>	65 lots in 5 blocks
<b>Number of Reserve Areas</b>	3
<b>Within PUD?</b>	None
<b>Within Overlay District?</b>	None
<b>Water Provider</b>	City of Owasso
<b>Applicable Paybacks/Fees</b>	Storm siren fee of \$35/acre; Meadowcrest Sanitary Sewer Relief Area of \$867/acre; Ranch Creek Sanitary Sewer \$610.33/acre
<b>Streets (public or private)</b>	Public Streets

**ANALYSIS:**

The Final Plat for Abbott Farms I proposes 65 lots in 5 blocks on 19.55 acres, yielding a gross density of 3.32 lots/acre. The property was annexed under Ordinances 1044 and 907 and rezoned under Ordinance 1046. The RS-3 Zoning District requires minimum lot widths of 65 feet and minimum lot sizes of 7,000 square feet. All of the proposed lots meet the lot size requirements of the RS-3 Zoning District. Abbott Farms I will be the first phase of the entire Abbott Farms development, proposed to have 166 homes at build out. The Preliminary Plat for all of Abbott Farms was reviewed and approved by the Planning Commission in April, 2015.

The project will employ a small traffic calming circle near Lot 16 Block 1 on N 100<sup>th</sup> E Ave. Perimeter and interior utility easements, shown on the final plat, will provide utility companies adequate access to provide and maintain service to the proposed development. Any development that occurs on the subject property shall adhere to all subdivision, zoning, and engineering requirements including but not limited to paved streets, landscaping, and sidewalks. The City of Owasso will provide sanitary sewer service and water.

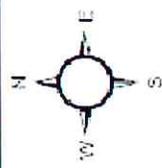
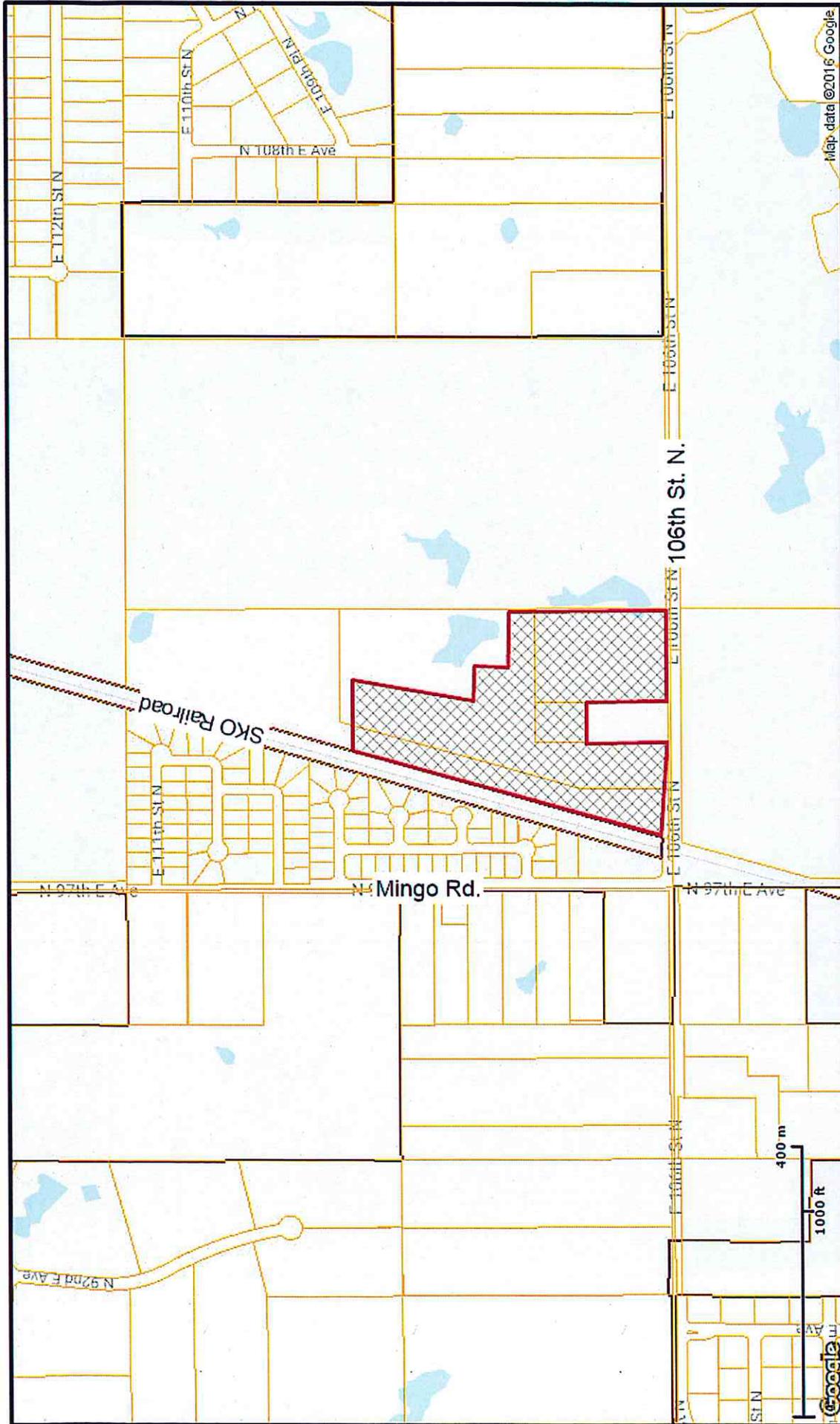
**PLANNING COMMISSION:**

The Planning Commission will review the Final Plant for Abbott Farms I at their regularly scheduled meeting on November 7, 2016.

**ATTACHMENTS:**

- Area Map
- Aerial Map
- Final Plat for Abbott Farms I

# Abbott Farms Phase I



10/24/2016

Final Plat

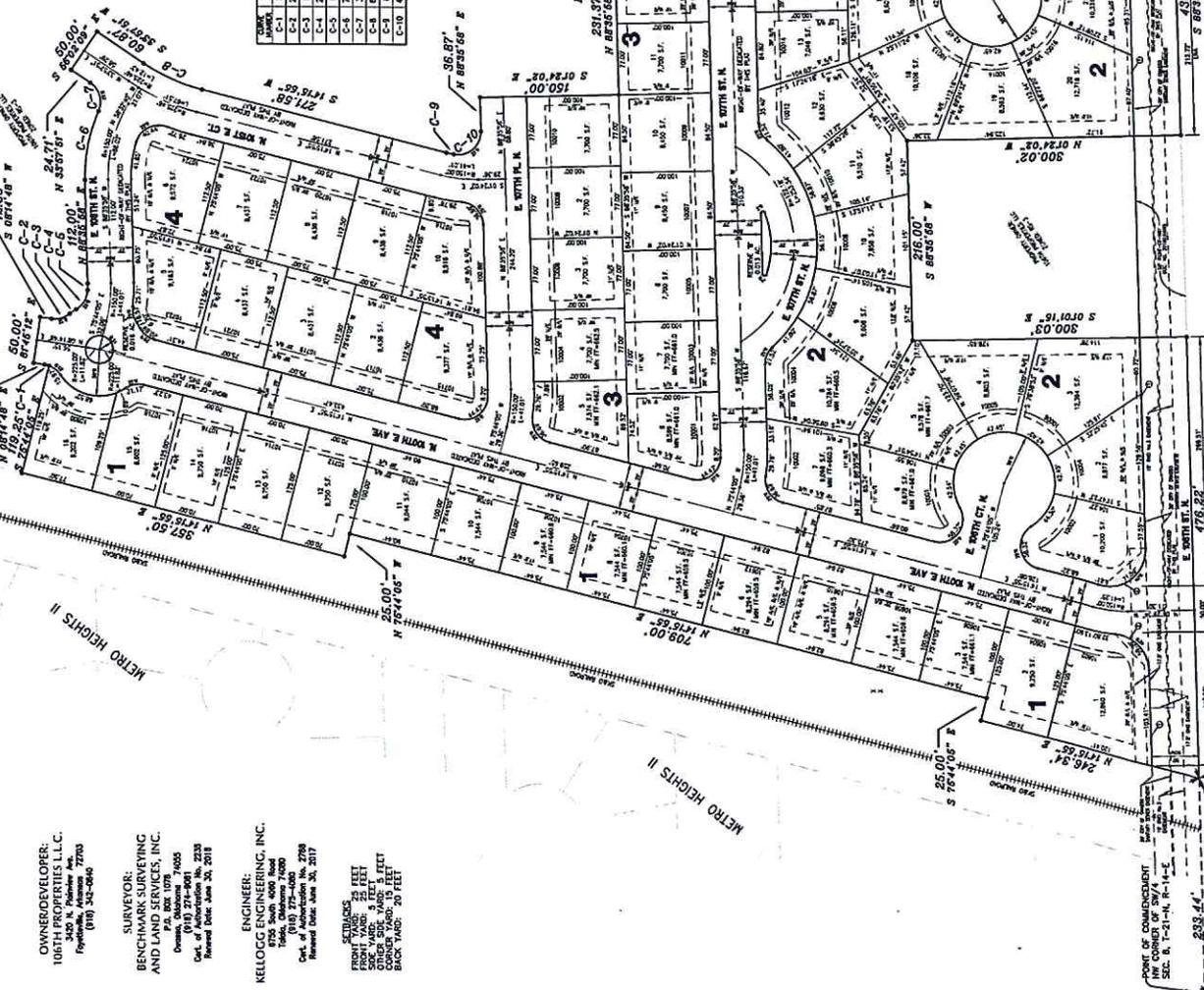
1" = 752 ft

This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Owasso Public Staff for the most up-to-date information.



# FINAL PLAT ABBOTT FARMS I

AN ADDITION TO THE CITY OF OWASSO,  
TULSA COUNTY, OKLAHOMA  
SECTION 7, TOWNSHIP 21 NORTH, RANGE 14 EAST  
ZONED: RS-3



**CURVE TABLE**

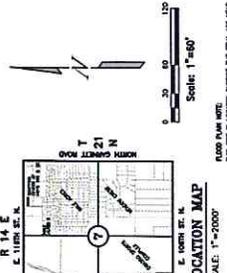
STATION	L	R	C	D
C-1	5.20'	25.00'	N 112°14' E	5.19'
C-2	10.00'	25.00'	S 124°15' E	10.29'
C-3	8.30'	50.00'	S 34°49'00" E	8.37'
C-4	15.00'	25.00'	S 59°07'00" E	15.23'
C-5	15.00'	25.00'	S 59°07'00" E	15.23'
C-6	15.00'	25.00'	S 59°07'00" E	15.23'
C-7	15.00'	25.00'	S 59°07'00" E	15.23'
C-8	15.00'	25.00'	S 59°07'00" E	15.23'
C-9	15.00'	25.00'	S 59°07'00" E	15.23'
C-10	14.23'	25.00'	S 49°11'27" E	14.38'

**OWNER/DEVELOPER:**  
10TH PROPERTIES, L.L.C.  
3420 N. Ashland  
Tulsa, Oklahoma 74103  
(918) 342-0340

**SURVEYOR:**  
BENCHMARK SURVEYING  
AND LAND SERVICES, INC.  
P.O. Box 1079  
Owasso, Oklahoma 74701  
(918) 271-9001  
Date of Publication: June 23, 2016  
Revised Date: June 23, 2016

**ENGINEER:**  
KELLOGG ENGINEERING, INC.  
1000 S. Broadway  
Tulsa, Oklahoma 74106  
(918) 772-1000  
Fax: (918) 772-1000  
Revised Date: June 23, 2016

**SETBACKS:**  
FRONT YARD: 25 FEET  
SIDE YARD: 5 FEET  
CORNER YARD: 15 FEET  
BACK YARD: 20 FEET



**BLANK PLAT WITH:**  
1. ALL RIGHTS RESERVED BY THE SURVEYOR.  
2. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES RENDERED BY HIM OR HER.  
3. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES RENDERED BY HIM OR HER.  
4. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES RENDERED BY HIM OR HER.

**SCALE: 1" = 200'**

**LOCATION MAP**

**SCALE: 1" = 200'**

**SECTION 7, TOWNSHIP 21 NORTH, RANGE 14 EAST**

**RESERVE AREAS:**  
1. ALL RIGHTS RESERVED BY THE SURVEYOR.  
2. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES RENDERED BY HIM OR HER.  
3. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES RENDERED BY HIM OR HER.  
4. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES RENDERED BY HIM OR HER.

**CERTIFICATE OF OWNERSHIP**

I, **10TH PROPERTIES, L.L.C.**, a limited liability company, being the sole owner of the above described land, do hereby certify that the foregoing is a true and correct representation of the same.

DATE OF OWNERSHIP: \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

BY: \_\_\_\_\_

**CERTIFICATE OF SURVEY**

I, **KEVIN M. KELLOGG**, a registered land surveyor in the State of Oklahoma, hereby certify that the foregoing is a true and correct representation of the same.

DATE OF SURVEY: \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

BY: \_\_\_\_\_

**CERTIFICATE OF FINAL PLAT APPROVAL**

I, **KEVIN M. KELLOGG**, a registered land surveyor in the State of Oklahoma, hereby certify that the foregoing is a true and correct representation of the same.

DATE OF SURVEY: \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

BY: \_\_\_\_\_

**FINAL PLAT**  
**ABBOTT FARMS I**  
NOVEMBER 2, 2016  
SHEET 1 OF 2





**TO:** The Honorable Mayor and City Council  
City of Owasso

**FROM:** Bronce L. Stephenson, MPA  
Director of Community Development

**SUBJECT:** Resolution Adopting the GrOwasso 2030 Land Use Master Plan,  
Revised November 15, 2016

**DATE:** November 4, 2016

---

**BACKGROUND:**

Based on recent discussions and realizations that the Owasso Zoning Code and the GrOwasso 2030 Land Use Master Plan has some deficiencies and inconsistencies, staff has worked to provide solutions to the existing issues so that future development is not affected. The issues mainly concerned the Land Use Master Plan and the uses defined as allowed in the residential category.

Any Land Use Master Plan is a policy document that should be used by the Planning Commission and the City Council to make land use decisions, but the document is not codified and is not considered law. The Zoning Code and the Subdivision Regulations of the City are the codified documents that govern land use and are considered law.

Any Land Use Plan is imperfect and cannot foresee all types of development, therefore, updates and variances must be made from time to time. Our Master Plan has only 5 main categories, so each must be designed with flexibility because you cannot design and plan an entire community with only 5 governing land use categories. Our Land Use Plan was kept very simple in this regard, resulting in there being many in-between type projects that fall into a bit of a gray area (ex. Condos, townhomes, garden apartments, multi-plexes, etc). These projects should not be seen as disallowed and should always be possible given the right circumstances.

The vehicle that is typically utilized for infill projects that may fall a bit outside of the norm or may not match the surrounding uses is the Planned Unit Development (PUD). A PUD may be used at any time for any project, but it gives decision makers the ability to determine if a certain project is the right fit in a certain situation. A PUD allows focus to be on the project itself, not what it is named or zoned. Use of a PUD is a wonderful tool for projects that fall outside of what is defined within codes and policy documents.

One good thing to establish is that the term 'Density' is not a dirty word, and in fact mixed uses and densities create truer community. Zoning should never be used to homogenize a City, with only single-family homes in large lots in one part of town and smaller lots in another. A mixture of housing types and densities in close proximity make for a truer community that is walkable, vibrant and sustainable. Think of great neighborhoods in Tulsa like Cherry Street, Swan Lake, Brookside and Utica Square; what they all have in common is a mix of residential uses and densities.

A Land Use Review Committee was created including members of the Planning Commission, City Council, a member of the original Land Use Master Plan steering committee and staff:

- Doug Bonebrake – City Council
- Dr. Chris Kelley – City Council
- Dr. Paul Loving – Planning Commission
- David Vines – Planning Commission
- Brant Snap – GrOwasso Land Use Master Plan Steering Committee member
- Warren Lehr – City Manager
- Julie Lombardi – City Attorney
- Bronce Stephenson – Director of Community Development
- Marsha Hensley – Assistant City Planner
- Karl Fritschen – Chief Urban and Long Range Planner

The committee held 2 meetings to discuss possible changes to the Land Use Plan and Zoning Code that would correct the current issues, allowing for future consideration of development.

The first issue discussed was the description provided in the section titled RESIDENTIAL on the land use map. The issue stemmed from discussion of the residential area being typically detached single-family homes, giving the impression that other types of housing and higher densities were not allowed. This was not the intention of the document, so corrections were made that allows for a mixture of housing types. The changes emphasize that a PUD should be used for non-single-family developments and the zoning code allows for up to 12 units per acre, so it was clarified in this section. Other allowable housing types were mentioned as well so it did not appear that only single-family homes are allowed, but with density still controlling development.

The next area that was corrected was the legend of the map, where the residential category gave the impression that only single-family detached housing was allowed and that only attached housing and duplexes were allowed in the transitional category. This was a mistake made in the document, as these categories should allow for a mixture of uses and densities. The incorrect language was removed to mirror what was in past Land Use Master Plans. (See attached.)

A density table was also created that will be placed on the Land Use Plan map and within the residential chapter of the Zoning Code.

<b>Residential Densities</b>	
<b>Zoning District</b>	<b>Max Gross Density</b>
Residential Estate (RE)	1.8 DU/AC
Residential Single Family (RS-1)	3.2 DU/AC
Residential Single Family (RS-2)	4.8 DU/AC
Residential Single Family (RS-3)	6.2 DU/AC
Residential Mobile Home (RMH)	7 DU/AC
Residential Duplex (RD)	10.3 DU/AC
Residential Neighborhood Mixed (RNX)	12 DU/AC
Residential Multi-Family	>12 DU/AC

A paragraph was also added that outlined the goals of the US-169 Overlay that was mistakenly not added to the document. (See attached.)

The booklet that is the main body of the Land Use Master Plan was updated to reflect the changes made on the map insert to insure consistency in the document.

The last changes were made to the Zoning Code itself, with the largest change being made to the Land Use category called RTH (Residential Townhome). This category was created as a

sometimes higher-density category that allowed for different uses between single-family homes and true higher-density apartments. Because this category was called townhome, it created the impression that only townhomes, as defined in code, should be allowed. This was never the intention, but nonetheless it created great confusion. Staff changed the name of the category from RTH to RNX, Residential Neighborhood Mixed and provided a new definition. The densities allowed in this category (up to 12 units per acre) did not change, but the category was clarified as to what types of housing should be considered.

Residential Neighborhood Mixed (RNX): A residential zoning category that allows a mixture of neighborhood-level uses at a density no greater than 12 units per acre. This category allows for uses that fall in between typical single-family development and higher density multi-family developments such as multi-level apartment complexes. The typical allowed uses are duplex, triplex, multi-plex, townhome, garden apartments, cottages, apartment/bungalow court, attached senior housing, condos and similar type uses. These units can be owner-occupied or rental units. These shall be reviewed as a Planned Unit Development.

The last changes that were proposed were to modify the definition of townhome (which defined ownership vs. rental requirement and should not) and to add definitions for a number of housing types that were not defined. In order to take a non-biased approach to definitions, staff utilized a definitions book created by the American Planning Association.

In order to finalize the changes to the Zoning Code and Land Use Plan, the next step is to adopt and update to the GrOwasso 2030 Land Use Master Plan by Resolution and adopt the changes to the Owasso Zoning Code through an Ordinance.

#### **CITY COUNCIL:**

After taking this item to the July 12, 2016 Council work session, small language changes were made to the definitions for Senior Housing and Residential Neighborhood Mixed. Those changes include changing the word "elderly" to "older" in a senior housing definition and adding the requirement that all development in the new RNX District be required to utilize a Planned Unit Development. This item was brought back to the City Council for discussion at the August 9, 2016 meeting. No additional changes were made.

#### **PLANNING COMMISSION:**

Staff introduced this item to the Planning Commission at the June 2016 meeting and the item was taken to the August 8, 2016 meeting for recommendation to the Council. The Planning Commission voted unanimously to recommend approval of staff's recommended changes to the Owasso Zoning Code and the GrOwasso 2030 Land Use Master Plan.

#### **ATTACHMENT:**

Draft Resolution - GrOwasso 2030 Land Use Master Plan, Revised November 15, 2016

**CITY OF OWASSO, OKLAHOMA  
RESOLUTION 2016-\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OWASSO, OKLAHOMA,  
ADOPTING THE GROWASSO 2030 LAND USE MASTER PLAN, REVISED NOVEMBER 15,  
2016**

**WHEREAS**, the City of Owasso has found the need to update, modify and adjust certain language within the adopted GrOwasso 2030 Land Use Master Plan; and

**WHEREAS**, Updates to the GrOwasso 2030 Land Use Master Plan reflect Owasso's changing environment and new types of housing opportunities; and

**WHEREAS**, The Owasso Planning Commission and the Owasso City Council have reviewed the recommendations of staff to approve the GrOwasso 2030 Land Use Master Plan.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OWASSO, OKLAHOMA THAT:**

That the document entitled the "GrOwasso 2030 Land Use Master Plan, Revised November 15, 2016" be and the same is hereby adopted, and that said document, its accompanying text and land use map shall serve as the guide and reference for policy on the orderly growth and development of the City of Owasso, Oklahoma.

**APPROVED AND ADOPTED** this 15th day of November, 2016 by the City Council of the City of Owasso, Oklahoma.

\_\_\_\_\_  
Lyndell Dunn, Mayor

ATTEST

\_\_\_\_\_  
Sherry Bishop, City Clerk

Approved as to Form:

\_\_\_\_\_  
Julie Trout Lombardi, City Attorney



**TO:** The Honorable Mayor and City Council  
City of Owasso

**FROM:** Bronce L. Stephenson, MPA  
Director of Community Development

**SUBJECT:** Nunc Pro Tunc Ordinance 1087 - Updating Owasso Zoning Code

**DATE:** November 4, 2016

---

**BACKGROUND:**

On October 4, 2016 the Owasso City Council voted to approve Ordinance 1087, updating the Owasso Zoning Code to replace the Residential Townhome (RTH) section with Residential Neighborhood Mixed District (RNX) and add various definitions to the Code.

Errors were found within the text of the Ordinance adopting the new language; therefore the Ordinance was not executed by the Mayor nor recorded with Tulsa County. Staff will bring forward a corrected Ordinance 1087 to the November work session for discussion in anticipation of Council consideration and action during the November 15, 2016 City Council meeting.

Staff will ask the Council to declare an emergency on the item, making the Ordinance effective immediately due to pending development that will utilize the newly created RNX zoning category.

**ATTACHMENT:**

Proposed Nunc Pro Tunc Ordinance 1087 – Updating Owasso Zoning Code

**CITY OF OWASSO, OKLAHOMA  
ORDINANCE 1087 *NUNC PRO TUNC***

**AN ORDINANCE RELATING TO THE CITY OF OWASSO ZONING CODE AS CODIFIED IN THE OWASSO CODE OF ORDINANCES, PART 12, PLANNING, ZONING AND DEVELOPMENT, CHAPTER 2, ZONING REGULATIONS, AMENDING SUB-CHAPTER 4, RESIDENTIAL DISTRICT PROVISIONS AND SUB-CHAPTER 14, DEFINITIONS, AND *DECLARING AN EMERGENCY AND AUTHORIZING THE EMERGENCY ORDINANCE TO BECOME EFFECTIVE UPON THE DATE OF APPROVAL BY THE CITY COUNCIL AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.***

**WHEREAS**, public hearings have been held regarding the request for the amendments to the Owasso Zoning Code herein described, and

**WHEREAS**, the Owasso City Council has considered the recommendation of the Owasso Planning Commission and all statements for or against the requested amendments to the Owasso Zoning Code

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OWASSO, OKLAHOMA, THAT TO WIT:**

**SECTION ONE (1):** Part 12, Planning, Zoning and Development, Chapter 2, Zoning Regulations, Sub-Chapter 4, Residential District Provisions, *Sections 400.41, 410.3, and 430.1* of the City of Owasso Zoning Code, shall be amended to read as follows:

**400.41 Purposes of the RNX Residential Neighborhood Mixed District**

A residential zoning category that allows a mixture of neighborhood-level uses at a density no greater than 12 units per acre. This category allows for uses that fall in between typical single-family development and higher density multi-family developments such as multi-level apartment complexes. The typical allowed uses are duplex, triplex, multiplex, townhome, garden apartments, cottages, apartment/bungalow court, attached senior housing, condos and similar type uses. These units can be owner-occupied or rental units. Any multi-family development shall be reviewed as a Planned Unit Development.

**410.3 Uses within the RNX Residential Neighborhood Mixed Districts**

The principal uses permitted in the RNX Residential Neighborhood Mixed District, both by-right and with a specific use permit (SUP) are indicated in the following table:

Use	Allowed by Right	Allowed with SUP
Child Care Center		X
Community Center		X
Electrical Regulation Station (CNG, excluding storage or service garages)		X
Duplex		X
Library		X
Multi-family up to 12 units/acre (with PUD)	X	
Park	X	

Place of Worship		X
Pressure Control Station (CNG, excluding storage or service garages and yards)		X
Single-Family Dwelling	X	
School (Public, K-12)		X
Storm Shelter (public)		X
Townhouse		X

All multi-family dwellings shall be located within an approved Planned Unit Development (PUD).

The Specific Use Permit uses permitted in the RNX District shall follow the process outlined Chapter Thirteen (13), Section 1330.5 Specific Use Permits ~~Sixteen (16), Section 16.05, Amendments~~ and are subject to the requirements, safeguards, and conditions as may be imposed by the Planning Commission and/or City Council.

**430.1** Bulk and area requirements in the RE and RS Districts are shown on Table 2. Bulk and area requirements in the RD, RNX and RM Districts are shown on Table 3. Maximum Gross Densities for all Residential Districts are shown on Table 4.

Table 2

BULK AND AREA REQUIREMENTS

SINGLE-FAMILY DISTRICTS

	RE	RS-1	RS-2	RS-3
Lot Width (Ft)	150*	100	75	65
Lot Area (Sq Ft)	24,000	13,500	9,000	7,000
Front Yard Setback (Arterial)	35	35	35	35
Front Yard Setback (Non-Arterial)	35	35	30	25
Corner Yard Setback (Arterial)	20	20	20	20
Corner Yard Setback (Non-Arterial)	15	15	15	15
Rear Yard Setback	25	25	25	20
Side Yard Setbacks (Both Listed)	15/15	5/5	5/5	5/5

Side yard setbacks will be measured from the point of the wall that is nearest to the property line of the adjacent property.

Table 3

BULK AND AREA REQUIREMENTS  
MULTI-FAMILY DISTRICTS

	RD	RNX	RM
Lot Width (Ft)			
One and Two Family	60	N/A	N/A
Multi-Family		50	100
Lot Area (Sq Ft)			
One and Two Family	6,900	N/A	N/A
Multi-Family			
Front Yard Setback (Arterial)	35	35	35
Front Yard Setback (Non-Arterial)	25	25	10
Corner Yard Setback (Arterial)	15	20	15
Corner Yard Setback (Non-Arterial)	15	15	15
Rear Yard Setback	20	20	10
Side Yard Setbacks (both Listed)	5/5	10/10	10/10

Any multi-family developments within the RNX or RM district must be located within an approved Planned Unit Development.

Table 4

MAXIMUM GROSS DENSITY  
RESIDENTIAL DISTRICTS

The following table illustrates each residential zoning district in regards to the maximum gross density for each designation:

Residential Densities	
Zoning District	*Max Gross Density
Residential Estate (RE)	1.8 DU/AC
Residential Single Family (RS-1)	3.2 DU/AC
Residential Single Family (RS-2)	4.8 DU/AC
Residential Single Family (RS-3)	6.2 DU/AC
Residential Mobile Home (RMH)	7 DU/AC
Residential Duplex (RD)	10.3 DU/AC
Residential Neighborhood Mixed (RNX)	12 DU/AC
Residential Multi-Family (RM)	>12 DU/AC

\*Gross density utilizes the entire tract and includes all right-of-way, easements, floodplain and open space in the development.

**SECTION TWO (2): CODIFICATION**

The City of Owasso Zoning Code, Sub-Chapter 4, Residential District Provisions, Sections 400.41, 410.3, and 430.1 as codified in the Owasso Code of Ordinances, Part 12, Planning, Zoning and Development, Chapter 2, Zoning Regulations, is hereby amended as set forth above.

**SECTION THREE (3):** Part 12, Planning, Zoning and Development, Chapter 2, Zoning Regulations, Sub-Chapter 14, Section 1400 Definitions, of the City of Owasso Zoning Code, shall be amended by adding the following definitions:

#### **SECTION 1400 DEFINITIONS**

**Apartment:** A room, or suite of rooms, with toilet and culinary accommodations, used or designated for use as a residence by a family, located in a building containing two or more such residences.

**Apartment/Bungalow Court:** A group of three or more attached or detached one-story residential dwellings having a common court or yard. Each dwelling will have a separate entrance.

**Cluster Housing Development:** A residential development containing attached or detached units on a limited portion of land with the remaining land areas consolidated into common open space areas.

**Density:** Expressed as dwelling units per acre or per gross acre. Dividing the total number of dwelling units existing on a housing site by the gross area in acres.

**Duplex:** A residential structure containing two dwelling units, sharing a common wall(s), each of which has direct access to the outside and is designed for occupancy by no more than two families.

**Mixed-Use Development:** A single building containing more than one type of land use or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking area.

**Multi-Plex:** A building containing three or more dwelling units. Included are all forms of manufactured multifamily dwelling but excluding mobile homes.

**Residential Neighborhood Mixed (RNX):** A residential zoning category that allows a mixture of neighborhood-level uses at a density no greater than 12 units per acre. The typical allowed uses in—are duplex, triplex, multi-plex, townhome, garden apartments, cottages, apartment/bungalow court, attached senior housing, condos and similar type uses. These units can be owner-occupied or rental units. These developments shall be reviewed as a Planned Unit Development.

**Senior Housing – Independent Living:** A residential complex containing multi-family dwellings designed for and principally occupied by senior citizens. No nursing care or institutional care is provided on-site. These offer minimal convenience services, but focus on attracting older residents so as to provide a social support system among the residents.

**Senior Housing – Nursing Home:** A home or residential complex licensed for the aged or chronically or incurably ill persons in which five or more of such persons not of the immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick.

**Townhouse/Townhome:** A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a

totally exposed front and rear wall to be used for access, light and ventilation.

**Triplex:** A residential structure designed exclusively for or occupied exclusively by no more than three families living independently of each other in individual units.

**SECTION FOUR (4): CODIFICATION**

The City of Owasso Zoning Code, Sub-Chapter 14, Section 1400 Definitions, as codified in the Owasso Code of Ordinances, Part 12, Planning, Zoning and Development, Chapter 2, Zoning Regulations, is hereby amended as set forth above.

**SECTION FIVE (5) REPEALER**

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

**SECTION SIX (6) SEVERABILITY**

If any part or parts of this ordinance are deemed unconstitutional, invalid or ineffective, the remaining portion shall not be affected but shall remain in full force and effect.

**SECTION SEVEN (7): DECLARING AN EFFECTIVE DATE - EMERGENCY**

It is necessary for the immediate preservation of the peace, health, and safety of the City of Owasso, Oklahoma, and the inhabitants thereof that this Ordinance become operative immediately and, therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediately from and after its passage and approval on November 15, 2016.

~~**SECTION SEVEN (7) DECLARING AN EFFECTIVE DATE**~~

~~The provisions of this ordinance shall become effective thirty (30) days from the date of final passage as provided by state law.~~

**SECTION EIGHT (8) FILING OF ORDINANCE**

That there be filed in the office of the County Clerk of Tulsa County, Oklahoma, a true and correct copy of this Ordinance.

**PASSED AND APPROVED** this 15<sup>th</sup> day of November, 2016.

\_\_\_\_\_  
Lyndell Dunn, Mayor

ATTEST:

\_\_\_\_\_  
Sherry Bishop, City Clerk

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Julie Lombardi, City Attorney



**TO:** The Honorable Mayor and City Council  
City of Owasso

**FROM:** H. Dwayne Henderson, P.E.  
City Engineer

**SUBJECT:** Agreement for Surveying Services  
East 116<sup>th</sup> Street North, Mingo Road to US Hwy 169 Roadway Widening Project

**DATE:** November 4, 2016

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**BACKGROUND:**

In 2016, Owasso citizens voted to recapture 0.55 percent sales tax that was previously targeted for Tulsa County Vision 2025 projects. The projects earmarked to be improved by the recapture funds are the widening of East 116<sup>th</sup> Street North from Mingo to US Hwy 169 and various widening projects on East 96<sup>th</sup> Street North near US Hwy 169 to improve traffic flow.

The first step in making the improvements is hiring the design firms to survey and design the projects. The projects on East 116<sup>th</sup> Street North will be separated into three design contracts, which could have resulted in three different surveying firms overlapping work. To avoid duplication of surveys, staff decided to hire one firm to survey the entire corridor and provide the data to the engineers for their use.

**SELECTION PROCESS:**

On October 3, 2016, staff notified four survey firms that have previous experience surveying projects in Owasso for the public works department. Letters of Interest (LOI) which contained a scope of work, list of expected deliverables and survey limits map were sent. Firms were asked to provide a proposed fee and anticipated schedule of work from Notice to Proceed date.

The four firms submitting responses were as follows:

Benchmark Surveying, Owasso, OK,  
Lemke Surveying, Tulsa, OK

Sisemore, Weiss, Tulsa, Oklahoma  
Geodecca Surveying, Tulsa, OK

Owasso Public Works staff reviewed the submitted proposals and selected Benchmark Surveying, Owasso, OK, as the most highly qualified and responsive firm.

**AGREEMENT/SCOPE OF WORK:**

Following is the scope of work for this project:

- Topographical and property surveying E 116<sup>th</sup> Street North, from 800' west of Mingo Road to US Hwy 169 (with a gap at 129<sup>th</sup> East Ave surveyed for a separate project)
- Topographical and property surveying of the intersections at Mingo Road, the railroad, the Owasso Sports Park entrance, Garnett Road and 135<sup>th</sup> East Ave.
- Topographical surveying of all drainage ways crossing the affected roadways, historical drainage problem areas, box culverts.
- All work to be surveyed according to the primary and secondary roadway requirements set by ODOT and modified to meet the City of Owasso requirements.
- Filings of all legal paperwork with the state regarding section and property corners.

Proposed cost for the services from Benchmark Surveying is \$48,200 and scheduled to be complete in 65 days.

**FUNDING:**

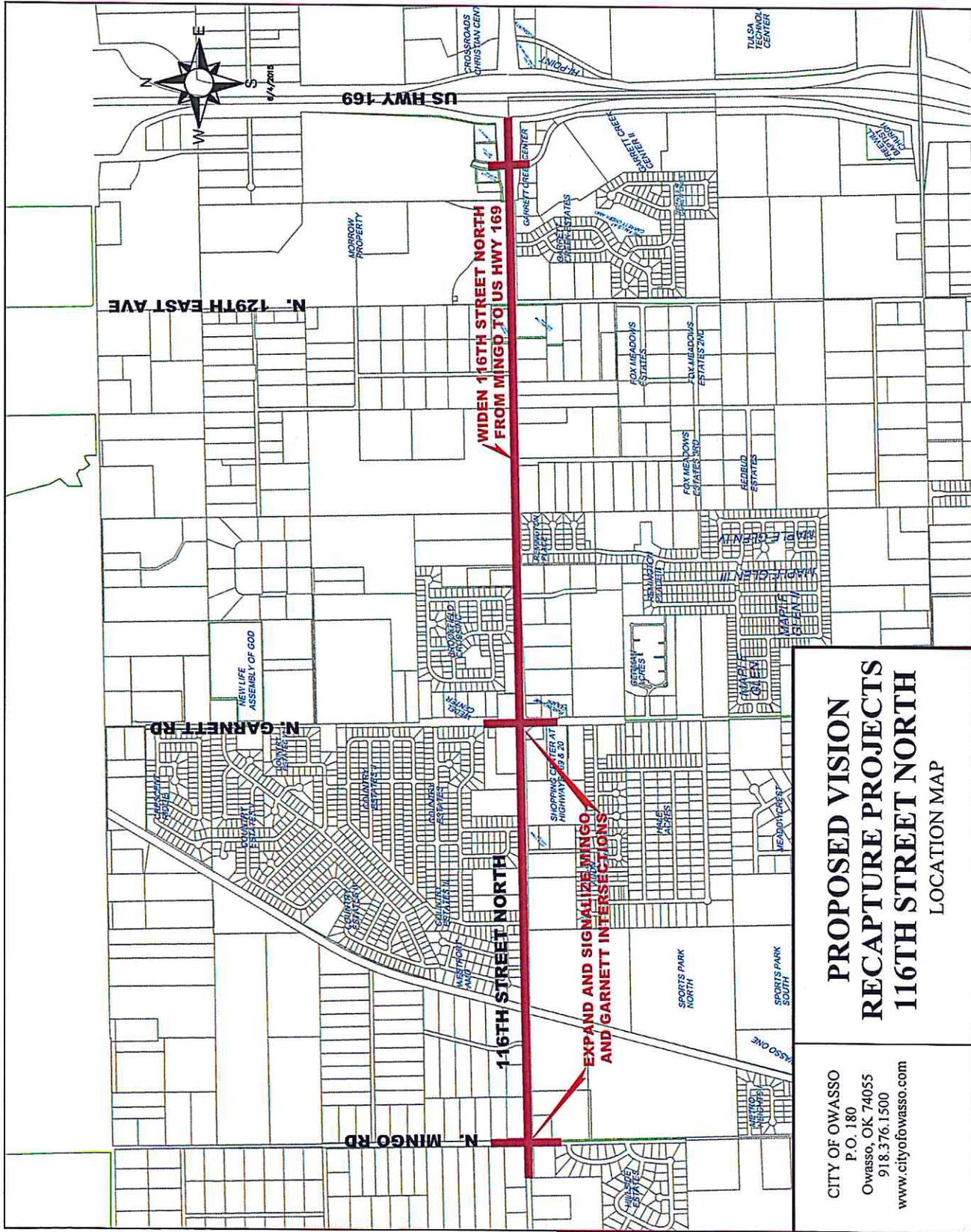
In January 2017, the vision re-capture tax will begin collection with the first check expected to arrive from the tax commission in early March 2017. In the interim, the General Fund will cover the project cost with re-imbursement to the General Fund once the funds have been received in spring of 2017.

**PROPOSAL:**

Unless Council expresses concern, Staff intends to have this item on the November 15, 2016, City Council agenda for review and approval.

**ATTACHMENTS:**

Location Map  
Agreement for Surveying Services



**PROPOSED VISION  
RECAPTURE PROJECTS  
116TH STREET NORTH**  
LOCATION MAP

CITY OF OWASSO  
P.O. 180  
Owasso, OK 74055  
918.376.1500  
www.cityofowasso.com

**AGREEMENT FOR SURVEYING SERVICES  
FOR THE CITY OF OWASSO, OK  
EAST 116<sup>TH</sup> STREET NORTH – MINGO ROAD TO US HWY 169**

THIS AGREEMENT, made and entered into this 15<sup>th</sup> day of November, 2016 between the City of Owasso, Oklahoma, a Municipal Corporation, of Oklahoma, hereinafter referred to as CITY, and Benchmark Surveying and Land Services, Inc., hereinafter referred to as SURVEYOR;

WITNESSETH:

WHEREAS, CITY intends to Widen 116<sup>th</sup> Street North from Mingo Road to US Hwy 169, hereinafter referred to as the PROJECT; and,

WHEREAS, CITY requires certain professional services in connection with the PROJECT, hereinafter referred to as the SERVICES; and,

WHEREAS, SURVEYOR, is prepared to provide such SERVICES;

WHEREAS, funding is available for the PROJECT through the \_\_\_\_\_ Budget;

NOW THEREFORE, in consideration of the promises contained herein, the parties hereto agree as follows:

1. SCOPE OF PROJECT. The scope of the PROJECT is described in Attachment A, SCOPE OF PROJECT, which is attached hereto and incorporated by reference as part of this AGREEMENT.
2. SERVICES TO BE PERFORMED BY SURVEYOR. SURVEYOR shall perform the SERVICES described in Attachment B, SCOPE OF SERVICES, which is attached hereto and incorporated by reference as part of this AGREEMENT.
3. CITY'S RESPONSIBILITIES. CITY shall be responsible for all matters described in Attachment C, RESPONSIBILITIES OF THE CITY, which is attached hereto and incorporated by reference as part of this AGREEMENT.
4. COMPENSATION. CITY shall pay SURVEYOR in accordance with Attachment D, COMPENSATION, and further described in Attachment E, FEE/HOUR BREAKDOWN, which are attached hereto and incorporated by reference as part of this AGREEMENT.
5. SCHEDULE. SURVEYOR shall perform the SERVICES described in Attachment B, SCOPE OF SERVICES, in accordance with the schedule set forth in Attachment F, SCHEDULE, attached hereto and incorporated by reference as part of this AGREEMENT.
6. STANDARD OF PERFORMANCE. SURVEYOR shall perform the SERVICES undertaken in a manner consistent with the prevailing accepted standard for similar services with respect to projects of comparable function and complexity and with the applicable laws and regulations published and in effect at the time of performance of the SERVICES. The PROJECT shall be surveyed in a good and workmanlike manner and in strict accordance with this AGREEMENT. All

surveying work shall be performed by or under the supervision of Professional Licensed Surveyors licensed in the State of Oklahoma, and properly qualified to perform such surveying services, which qualification shall be subject to review by CITY. Other than the obligation of the SURVEYOR to perform in accordance with the foregoing standards, no warranty, either express or implied, shall apply to the SERVICES to be performed by the SURVEYOR pursuant to this AGREEMENT or the suitability of SURVEYOR'S work product.

7. LIMITATION OF RESPONSIBILITY.

- 7.1. SURVEYOR shall be responsible for accuracy of the information and completeness of the data. Any errors or omissions in the data in the field will result in the surveyor returning to the site and obtaining the information at his/her own cost, with no additional payment by the City. Work outside of the scope of the work detailed in the agreement and shown on the map is to be considered additional work.
- 7.2. Work on Railroad Property - Surveyor shall be responsible in meeting all of the requirements set forth by the Railroad Encroachment Agreement and insurance requirements. Proper filing of all applications and other paperwork will be the responsibility of the SURVEYOR and not the City.
- 7.3. SURVEYOR is not responsible for any errors or misinformation provided by utility companies painting or flagging in the field. Surveyor is encouraged to photograph utility locates to defend the data obtained in case future litigation is case there are errors.
- 7.4. SURVEYOR is responsible for identifying which utility is flagged and the line type shall reflect the name of the company (ATT , Cox Verizon) and type of utility (ex. fiber optic/copper).
- 7.5. SURVEYOR's deliverables, including CADD drawings, are limited to the sealed and signed hard copies. Computer-generated drawing files furnished by SURVEYOR are for CITY or others' convenience. Any conclusions or information derived or obtained from these files will be at user's sole risk.
- 7.6. ~Not Used~

8. LIABILITY AND INDEMNIFICATION.

- 8.1. SURVEYOR shall defend and indemnify CITY from and against legal liability for damages arising out of the performance of the SERVICES for CITY, including but not limited to any claims, costs, attorney fees, or other expenses of whatever nature where such liability is caused by the negligent act, error, or omission of SURVEYOR, or any person or organization for whom SURVEYOR is legally liable. Nothing in this paragraph shall make the SURVEYOR liable for any damages caused by the CITY or any other contractor or consultant of the CITY.
- 8.2. SURVEYOR shall not be liable to CITY for any special, indirect or consequential damages, such as, but not limited to, loss of revenue, or loss of anticipated profits.

9. CONTRACTOR INDEMNIFICATION AND CLAIMS.

- 9.1. CITY agrees to include in all construction contracts the provisions of Articles 7.1, and 7.2, and provisions providing contractor indemnification of CITY and SURVEYOR for contractor's negligence.
- 9.2. CITY shall require construction contractor(s) to name CITY and SURVEYOR as additional insureds on the contractor's general liability insurance policy.

10. COMPLIANCE WITH LAWS. In performance of the SERVICES, SURVEYOR shall comply with applicable regulatory requirements including federal, state, and local laws, rules, regulations, orders, codes, criteria and standards. SURVEYOR shall procure the permits, certificates, and licenses necessary to allow SURVEYOR to perform the SERVICES. SURVEYOR shall not be responsible for procuring permits, certificates, and licenses required for any construction unless such responsibilities are specifically assigned to SURVEYOR in Attachment B, SCOPE OF SERVICES.

11. INSURANCE.

11.1. During the performance of the SERVICES under this AGREEMENT, SURVEYOR shall maintain the following insurance:

11.1.1. General Liability Insurance with bodily injury limits of not less than \$1,000,000 for each occurrence and not less than \$1,000,000 in the aggregate, and with property damage limits of not less than \$100,000 for each occurrence and not less than \$100,000 in the aggregate.

11.1.2. Automobile Liability Insurance with bodily injury limits of not less than \$1,000,000 for each person and not less than \$1,000,000 for each accident and with property damage limits of not less than \$100,000 for each accident.

11.1.3. Worker's Compensation Insurance in accordance with statutory requirements and Employers' Liability Insurance with limits of not less than \$100,000 for each occurrence.

11.1.4. Errors and Omissions Insurance to remain in effect during the PROJECT and the term of any legal liability. Errors and Omissions coverage to be for a minimum of \$1,000,000, deductibles subject to approval by CITY.

11.2. SURVEYOR shall furnish CITY certificates of insurance which shall include a provision that such insurance shall not be canceled without at least 30 days written notice to the CITY.

12. OWNERSHIP AND REUSE OF DOCUMENTS.

12.1. All documents, including original drawings, field notes and data shall become and remain the property of the CITY.

12.2. CITY'S reuse of such documents without written verification or adaptation by SURVEYOR for the specific purpose intended shall be at CITY'S risk.

13. TERMINATION OF AGREEMENT.

- 13.1. The obligation to continue SERVICES under this AGREEMENT may be terminated by either party upon fifteen days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party.
- 13.2. CITY shall have the right to terminate this AGREEMENT, or suspend performance thereof, for CITY'S convenience upon written notice to SURVEYOR; and SURVEYOR shall terminate or suspend performance of SERVICES on a schedule acceptable to CITY. In the event of termination or suspension for CITY'S convenience, CITY shall pay SURVEYOR for all SERVICES performed to the date of termination in accordance with provisions of Attachment D, COMPENSATION. Upon restart of a suspended project, SURVEYOR's contract price and schedule shall be equitably adjusted.

14. NOTICE.

Any notice, demand, or request required by or made pursuant to this AGREEMENT shall be deemed properly made if personally delivered in writing or deposited in the United States mail, postage prepaid, to the address specified below.

To SURVEYOR:        BENCHMARK SURVEYING AND LAND SERVICES, INC.  
                             P.O. BOX 1078  
                             OWASSO, OK 74055  
                             Attention: Kevin Newlun

To CITY:                CITY OF OWASSO  
                             301 W 2<sup>nd</sup> Avenue  
                             Owasso, Oklahoma 74055  
                             Attention: Roger Stevens, Public Works Director

14.1. Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of SURVEYOR and CITY.

15. UNCONTROLLABLE FORCES. Neither CITY nor SURVEYOR shall be considered to be in default of this AGREEMENT if delays in or failure of performance shall be due to forces which are beyond the control of the parties; including, but not limited to: fire, flood, earthquakes, storms, lightning, epidemic, war, riot, civil disturbance, sabotage; inability to procure permits, licenses, or authorizations from any state, local, or federal agency or person for any of the supplies, materials, accesses, or services required to be provided by either CITY or SURVEYOR under this AGREEMENT; strikes, work slowdowns or other labor disturbances, and judicial restraint.
16. SEVERABILITY. If any portion of this AGREEMENT shall be construed by a court of competent jurisdiction as unenforceable, such portion shall be severed herefrom, and the balance of this AGREEMENT shall remain in full force and effect.
17. INTEGRATION AND MODIFICATION. This AGREEMENT includes Attachments A, B, C, D, E, and F and represents the entire and integrated AGREEMENT between the parties; and supersedes all prior negotiations, representations, or agreements

pertaining to the SCOPE OF SERVICES herein, either written or oral. CITY may make or approve changes within the general Scope of Services in this AGREEMENT. If such changes affect SURVEYOR's cost of or time required for performance of the services, an equitable adjustment will be made through an amendment to this AGREEMENT. This AGREEMENT may be amended only by written instrument signed by each of the Parties.

18. DISPUTE RESOLUTION PROCEDURE. In the event of a dispute between the SURVEYOR and the CITY over the interpretation or application of the terms of this AGREEMENT, the matter shall be referred to the City's Director of Public Works for resolution. If the Director of Public Works is unable to resolve the dispute, the matter may, in the Director's discretion, be referred to the City Manager for resolution. Regardless of these procedures, neither party shall be precluded from exercising any rights, privileges or opportunities permitted by law to resolve any dispute.
19. ASSIGNMENT. SURVEYOR shall not assign its obligations undertaken pursuant to this AGREEMENT, provided that nothing contained in this paragraph shall prevent SURVEYOR from employing such independent consultants, associates, and subcontractors as SURVEYOR may deem appropriate to assist SURVEYOR in the performance of the SERVICES hereunder.
20. APPROVAL. It is understood and agreed that all work performed under this AGREEMENT shall be subject to inspection and approval by the Public Works Department of the City of Owasso, documentation not meeting the terms set forth in this AGREEMENT will be replaced or corrected at the sole expense of the SURVEYOR. The SURVEYOR will meet with the City staff initially and City SURVEYOR thereafter and will be available for public meetings and City of Owasso presentations.
21. KEY PERSONNEL. In performance of the SERVICES hereunder, SURVEYOR has designated Kevin Newlun as Project Manager for the PROJECT. SURVEYOR agrees that no change will be made in the assignment of this position without prior approval of CITY.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT in multiple copies on the respective dates herein below reflected to be effective on the date executed by the Mayor of the City of Owasso.

SURVEYOR

By:

Date \_\_\_\_\_

APPROVED:

CITY OF OWASSO, OKLAHOMA

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Date \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**AGREEMENT FOR SURVEYING SERVICES  
FOR THE CITY OF OWASSO, OK  
EAST 116<sup>TH</sup> STREET NORTH – MINGO ROAD TO US HWY 169  
Scope of Project  
Attachment A**

**SCOPE OF PROJECT.** The PROJECT shall consist of SURVEYING SERVICES described as follows:

The PROJECT shall consist of the survey for four-lane boulevard improvements, including left-turn lanes, bike lanes, sidewalks, and landscaped medians, for the reconstruction of 116<sup>th</sup> Street North, inclusive of the North Mingo intersection, beginning approximately 500 feet west of the intersection with North Mingo Road and extending approximately 2-1/2 miles to the west side of the US HWY 169 west bridge. Survey on Mingo and Garnett Roads will extend approximately 800 feet north and south from the center of the intersections.

The PROJECT shall include the realignment of the entrance to the Owasso Sports Park to align with either North 103<sup>rd</sup> East Place or North 108<sup>th</sup> East Avenue, the detention pond north of 116<sup>th</sup> Street North that serves Country Estates subdivision, the area around the old Metro-Builder's supply yard and north/south along the railroad crossing with 116<sup>th</sup> Street North. (See attached Map)

Preferred data delivery dates:

Mingo Road to Garnett Road	January 3, 2017
Garnett Road to 129 <sup>th</sup> East Ave	January 9, 2017
129 <sup>th</sup> East Ave to US Hwy 169	January 20, 2017

AGREEMENT FOR SURVEYING SERVICES  
FOR THE CITY OF OWASSO, OK  
EAST 116<sup>TH</sup> STREET NORTH – MINGO ROAD TO US HWY 169  
Scope of Services  
Attachment B

SCOPE OF WORK. See the attached “City of Owasso – Survey Specifications for Primary and Secondary Arterials.”

**AGREEMENT FOR SURVEYING SERVICES  
FOR THE CITY OF OWASSO, OK  
EAST 116<sup>TH</sup> STREET NORTH – MINGO ROAD TO US HWY 169  
Responsibilities of the City  
Attachment C**

**RESPONSIBILITIES OF THE CITY.** The CITY agrees:

- C.1** **Reports, Records, etc:** To furnish, as required by the work, and not at the expense of the SURVEYOR:
- C.1.1 Records, reports, studies, plans, drawings, and other data available in the files of the CITY that may be useful in the work involved under this AGREEMENT
- C.2** **Access:** Provide access to public and private property when required in performance of SURVEYOR'S services.
- C.3** **Staff Assistance:** Designate the City SURVEYOR (or another individual designated in writing) to act as its representative in respect to the work to be performed under this AGREEMENT, and such person shall have complete authority to transmit instructions, receive information, interpret and define CITY'S policies and decisions with respect to materials, equipment, elements and systems pertinent to the services covered by this AGREEMENT.
- C.3.1 Furnish staff assistance in locating, both horizontally and vertically, existing CITY owned utilities and in expediting their relocation as described in Attachment B. Further, CITY will furnish assistance as required in obtaining locations of other utilities, excluding excavations to determine depth.
- C.3.2 Furnish project related legal assistance, as required.
- C.4** **Review:** Examine all deliverables in a timely manner presented by SURVEYOR and render in writing corrections or additional information needed in a timely manner so as not to delay the completion of the services of SURVEYOR.

**AGREEMENT FOR SURVEYING SERVICES  
FOR THE CITY OF OWASSO, OK  
EAST 116<sup>TH</sup> STREET NORTH – MINGO ROAD TO US HWY 169  
Compensation  
Attachment D**

**COMPENSATION.** The CITY agrees to pay, as compensation for services set forth in Attachment B, the following fees, payable monthly as the work progresses; and within 30 calendar days of receipt of invoice. SURVEYOR shall submit monthly invoices based upon actual hours or work, invoiced according the Rate Schedule provided in ATTACHMENT E, completed at the time of billing. Invoices shall be accompanied by such documentation as the CITY may require in substantiation of the amount billed.

D.1 Total Compensation

For the work under this project the total maximum billing including direct costs and subconsultant services shall be **\$48,200.00** which amount shall not be exceeded without further written authorization by CITY.

D.2 ~Not Used~

D.3 ~Not Used~

D.4 Additional Services: Unless otherwise provided for in any accepted and authorized proposal for additional services, such services shall be compensated for on the same basis as provided for in Attachment D.

D.5 Terminated Services: If this AGREEMENT is terminated, SURVEYOR shall be paid for services performed to the effective date of termination.

D.6 Conditions of Payment

D.6.1 Progress payments shall be made in proportion to services rendered and expenses incurred as indicated within this AGREEMENT and shall be due and owing within thirty days of SURVEYOR'S submittal of his progress payment invoices.

D.6.2 If CITY fails to make payments due SURVEYOR within sixty days of the submittal of any progress payment invoice, SURVEYOR may, after giving fifteen days written notice to CITY, suspend services under this AGREEMENT.

D.6.3 If the PROJECT is delayed, or if SURVEYOR'S services for the PROJECT are delayed or suspended for more than ninety days for reasons beyond SURVEYOR'S control, SURVEYOR may, after giving fifteen days written notice to CITY, request renegotiation of compensation.

**AGREEMENT FOR SURVEYING SERVICES  
FOR THE CITY OF OWASSO, OK  
EAST 116<sup>TH</sup> STREET NORTH – MINGO ROAD TO US HWY 169  
Billing Rate Sheet  
Attachment E**

**CITY SHALL REPLACE THIS PAGE WITH SURVEYOR'S RATES AND  
REIMBURSABLE EXPENSES**

AGREEMENT FOR SURVEYING SERVICES  
FOR THE CITY OF OWASSO, OK  
EAST 116<sup>TH</sup> STREET NORTH – MINGO ROAD TO US HWY 169  
Schedule  
Attachment F

F. **SCHEDULE.** The schedule for general SURVEYORing services for the PROJECT is provided as follows:

F.1. Notice to Proceed: November 16, 2016

F.2. Substantial Completion (Deliverables delivered): January 20, 2017

AGREEMENT FOR SURVEYING SERVICES  
FOR THE CITY OF OWASSO, OK  
EAST 116<sup>TH</sup> STREET NORTH – MINGO ROAD TO US HWY 169  
Insurance  
Attachment G

CITY SHALL REPLACE THIS PAGE WITH SURVEYOR'S INSURANCE  
CERTIFICATE



**TO:** The Honorable Mayor and City Council  
City of Owasso

**FROM:** H. Dwayne Henderson, P.E.  
City Engineer

**SUBJECT:** Barrington Point Entrance Snow/Ice System  
Bid Analysis

**DATE:** November 4, 2016

**BACKGROUND:**

In 2003, the City of Owasso reconstructed North 129<sup>th</sup> East Ave from East 86<sup>th</sup> Street North to East 96<sup>th</sup> Street North from a two-lane section to a five-lane section. Barrington Point access point connecting to N 129<sup>th</sup> E Ave was already constructed at the time of the widening project. The entrance had several landscaped features, as well as a guard house between separated entrance and exit lanes.

At the time of the widening, the City of Owasso did not have standard specifications for roadways, especially arterials. When the Barrington entrance was constructed, it met all requirements at that time.

The access point slope is steeper than the current design criteria. Extra attention must be provided to the drives during cold and inclement weather to keep the slope from being too slick. The task has been performed well over the years, but the Barrington Point Home Owners Association (HOA) has requested that the drives be reconstructed at a flatter grade.

Re-constructing the entrance using the new design criteria would require the entire entrance from North 129<sup>th</sup> East Ave to North 130<sup>th</sup> East Ave to be replaced. The cost to reconstruct the drives with landscaping would cost approximately \$150,000.

Staff looked at an alternative used in the colder climates regarding use of electrical cables in concrete pavement to keep snow and ice from forming on steep pavements during cold weather. A set of plans was prepared and bid last year, but no bids were received.

The project was delayed until this fall and rebid to see if a contractor was interested in constructing the project.

**BID ADVERTISEMENT:**

Advertisements for bids were published on September 21, 2016, and September 28, 2016. In accordance with state law, a mandatory pre-bid meeting was held at Public Works on October 12, 2016, with four (4) contractors in attendance. The bid opening was held on October 26, 2016, at Public Works.

**ANALYSIS OF BIDS:**

Three (3) vendors submitted bids on this project. At this time, bids are being reviewed and staff anticipates either recommending for bid award or rejecting all bids.

**PROJECT FUNDING:**

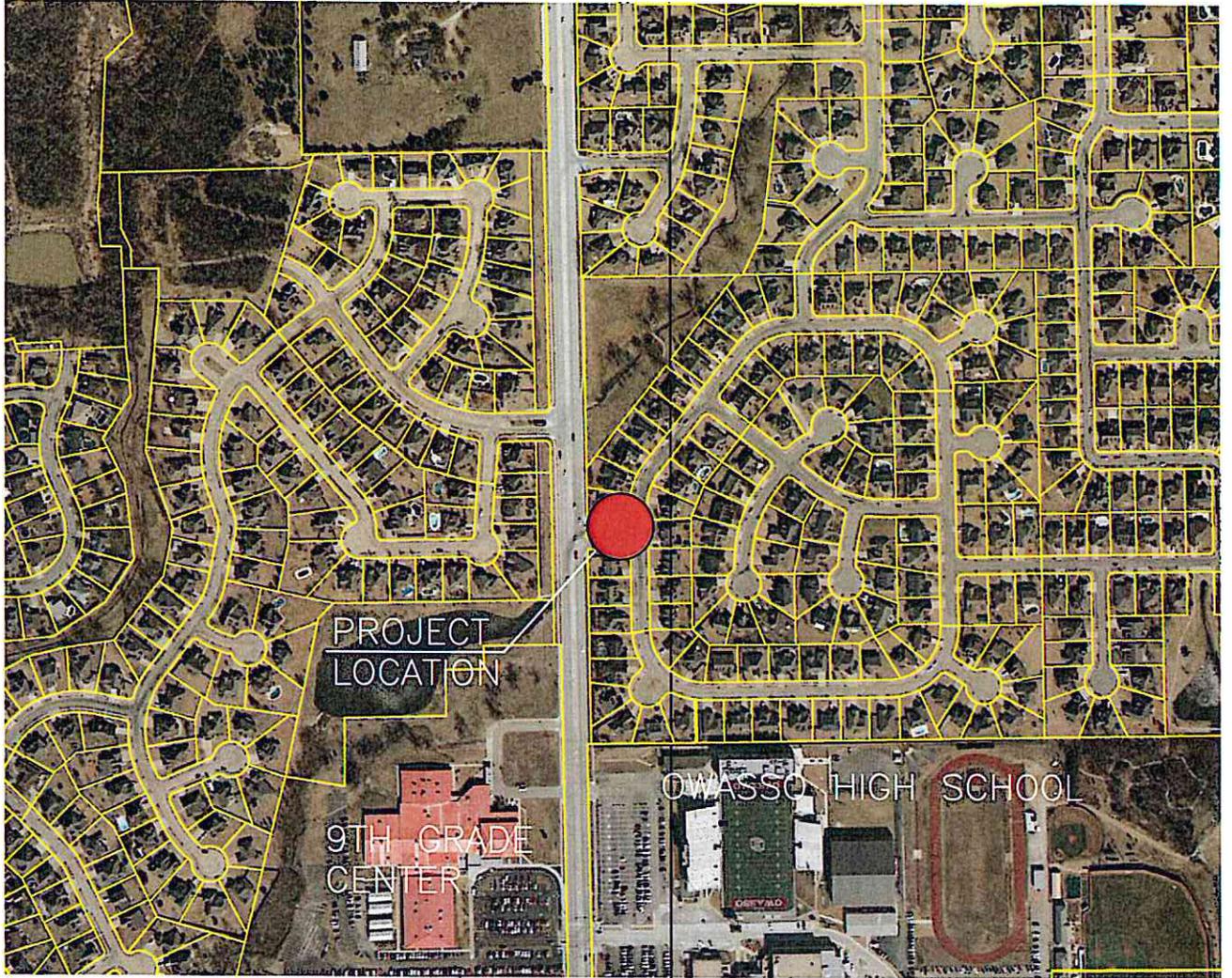
Funding is included in the FY 2017 Streets Division Budget.

**PROPOSAL:**

At the time of the agenda deadline, the bids were still being reviewed to determine whether the lowest bidder has the necessary qualifications to perform the work. If so, staff will present the summary bid sheet at the work session along with staff's proposed action. If not, staff will inform Council concerning the need to reject all bids pertaining to this project.

**ATTACHMENT:**

Location Map



**SUBJECT PROPERTY**

11/2/2016

**CITY OF OWASSO**

**BARRINGTON ENTRANCE ICE-MELT**



**North**

200 S. Main Street  
 P.O. Box 180  
 Owasso, OK 74055

918.376.1500

THIS MAP IS FOR INFORMATION PURPOSE ONLY AND IS NOT INTENDED TO REPRESENT AN ACCURATE AND TRUE SCALE. USE OF THIS MAP IS WITHOUT WARRANTY OR REPRESENTATION BY CITY OF OWASSO OF ITS ACCURACY.



**TO:** The Honorable Mayor and City Council  
City of Owasso

**FROM:** Scott Chambless  
Chief of Police

**SUBJECT:** Amending the Owasso Code of Ordinances  
Part 10, Chapter 8, Alarms

**DATE:** November 4, 2016

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**BACKGROUND:**

In 2007, the Owasso City Council approved Part 10, Chapter 8 of the Owasso Code of Ordinances that regulated residential and business alarms. The goal of the ordinance was to reduce the number of false alarms to which the police department responded. The current ordinance mandates that alarm providers register their business with the police department. There is no registration fee imposed under this ordinance but failure to register a business that provides alarm services could result in a fine for that business. In the event the business does not register, the ordinance states that police alarm response will not be provided to companies or individuals utilizing that business, absent some defined exceptions. The idea behind the current ordinance was that customers utilizing alarm services would hold their alarm providers accountable if the alarm provider failed to register an alarm since failure to register meant that police response may not be provided.

Another provision found in the current alarm ordinance is the imposition of fines and suspension of alarm response when a business or residence has more than three false alarms within a calendar year. This provision was intended to hold the business or homeowner accountable for poorly maintained alarms or failure to properly train employees or family members on the use of alarms.

**ANALYSIS:**

For the past year, police staff has been carefully reviewing the effectiveness and practicalities of the current alarm ordinance. This review validated staff concerns. Research has shown that the false alarm problem is increasing. The rate of false alarms is outpacing the population growth of Owasso. The 2007 alarm ordinance was intended to reduce false alarms and the data shows that this goal is not being achieved.

Response to false alarms is causing significant budgetary concerns. Over the past five years, false alarms are estimated to have cost the City of Owasso nearly \$200,000. In 2015, the police department responded to 1,917 alarm calls; 99% were for false alarms. The calls equated to about 914 employee work hours at an estimated cost of \$43,000.

False alarms have a significant impact on the ability to serve customers for all other types of police calls. Alarm calls receive a priority status. Therefore, an officer helping a citizen on a "non-emergency" call must leave that citizen to respond to an alarm. This results in unsolved problems, sub-standard investigations, and citizen frustration for lack of attention to their concerns.

Customer service is a core value of the police department and is critical to maintaining citizen support. Compromising the quality of work performed on calls for service also impacts problem solving which may eventually lead to more crime.

Analysis of the current alarm ordinance included researching how other municipalities manage false alarms. Staff determined that Owasso is not following best practices related to false alarm reduction. The overwhelming number of cities researched requires citizens and businesses to register their alarms with the local police department.

Some cities charge fees for this registration and some do not. As noted, Owasso requires the alarm company/vendor register, not the citizen. Most other communities charge a fee for excessive alarms whereas Owasso issues citations that are processed through municipal court. In other communities if an alarm owner does not pay a "fee," it is sent for civil collections. In Owasso, if a person does not pay their citation there is the possibility that a warrant could be issued and the person is then arrested.

Research indicates that false alarms have been reduced substantially in communities where alarm registration by the alarm owner is required followed by a fee for excessive false alarms. In some cases, the reductions have been as high as sixty percent.

#### **PROPOSED ALARM ORDINANCE:**

The proposed alarm ordinance would eliminate the requirement that alarm providers register their alarm companies. The proposed change would require individual alarm owners to register their alarms and would require a fee for that registration. Registration would allow the alarm owner three false alarm police responses per calendar year. After three responses, a fee would be assessed. If an owner does not register the alarm, they would be assessed a fee for each false alarm police response.

The change would result in police responding to most alarm calls regardless of registration. The current ordinance states that police will not respond if an alarm provider is not registered. The current ordinance emphasizes suspending alarm response for excessive false alarms, whereas the proposed ordinance would utilize suspensions only on a very limited basis.

The proposed ordinance is a fee based system in contrast to the current ordinance in which fines are assessed for failure to register or for excessive false alarms. The fee based system removes accountability measures from municipal court and places them in a civil collections process. Currently, failure to pay a citation could result in the arrest of an offender, whereas the proposed fee system would turn a failure to pay over to collections. The proposed ordinance also includes an administrative appeals process for fees for excessive false alarms.

In summary, staff has developed a proposed alarm ordinance for City Council consideration that would:

- Require registration of alarms by property owners,
- Charge a fee for alarm registration,
- Charge a fee for excessive false alarms,
- Provide an administrative appeal process, and
- Replace municipal court citations with a collections process.

#### **ATTACHMENTS:**

Proposed Ordinance- Part 10, Chapter 8, Alarms  
Proposed Alarm Fee Schedule

## CHAPTER 8

### ALARMS

Section 10-801	Legislative Intent
Section 10-802	Definitions
Section 10-803	Alarm Registration Required
Section 10-804	Response to Business Burglar Alarms
<del>Section 10-805</del>	<del>Response to Residential Burglar Alarms</del>
<del>Section 10-806</del>	<del>Length of Audible Signal</del>
Section 10-807	Responsibilities of Police Alarm Owner
Section 10-808	Right of Inspection
Section 10-809	Penalties
<del>Section 10-810</del>	<del>Appeals Process</del>

#### SECTION 10-801      LEGISLATIVE INTENT

The purpose of this chapter is to reduce the frequency of false alarms and to provide the police department with alarm provider contact information by establishing standards and controls for various types of alarm devices. (Ord. No. 902, 9/04/07)

#### SECTION 10-802      DEFINITIONS

The following terms used in this chapter have the following meanings unless the context clearly indicates otherwise:

"Alarm" means any activation of a police alarm device.

"Alarm administrator" means the person or third party business entity designated by the chief of police to administer the alarm program and to levy fees pursuant to this chapter.

"Alarm appeals administrator" means the person or entity designated by the chief of police to process appeals to fees assessed against alarm users for false alarms.

"Alarm business" or "alarm provider" means a person or company in the business of installing, servicing, or monitoring police alarm devices at remote alarm sites owned by other persons.

"Alarm dispatch request" means the initiation of communications to the police, via police dispatch, by an alarm business indicating that a police alarm system has been activated at an alarm site and requesting the police police department to respond.

"Alarm site" (also "security alarm site") means a structure or portion thereof served by a single security alarm system (a "fixed" alarm site). In a multi-tenant building or complex, each portion of the structure or complex having its own security alarm system is considered a separate alarm site.

"Alarm user" means any person, firm, partnership, corporation or other entity who (which):

1. controls a security alarm system at an alarm site;
2. is named on the alarm registration; and

3. is financially responsible for the operation of an alarm system.

As used in the chapter, the term "alarm user" may mean more than one person, if more than one person is listed on the registration and has accepted financial responsibility for operation of an alarm system. It means the Self-monitored Alarm User when the system is not connected to an Alarm System Monitoring Company.

"Audible alarm" means any police alarm device designed to produce an audible signal at the property where it is installed.

"Cancellation" means a cancellation signal is received indicating a valid user has disarmed the alarm and/or a voice verification has been received by the alarm provider.

"False alarm" means any alarm police respond to that is not triggered by criminal or suspicious activity. Alarms triggered by weather, faulty equipment, human error, animals, etc. are all considered to be false alarms for the purposes of this section.

"False alarm fee" means a fee, assessed upon an alarm user for a false alarm occurring from their alarm system and their alarm site.

"Genuine alarm" means any alarm which was triggered by criminal activity.

"Hold Up" or "Panic Alarm" means an alarm which is manually activated by a user an intended to signal a potentially life threatening emergency such as a robbery, home invasion or other event where a user is at the scene of the alarm.

"Intrusion Alarm" means an alarm which is activated via sensors indicating entry into a secure area such as a glass break, motion detector, or contact sensor on a window, door, etc.

"No penalty alarm" means an alarm which is determined by a police patrol supervisor to be free from false alarm fees due to exigent circumstances as determined by the responding officer. The Chief of Police or the Chief's designee may also designate that an alarm be classified as no penalty.

"Police alarm device" means any device that is designed or used to signal the occurrence of a burglary, robbery, or other criminal offense. This term does not include an alarm affixed to an automobile nor does it include fire alarms or medical emergency alarms. (Ord. No. 902, 9/04/07)

"Registered Alarm" means an alarm site that has been duly documented and reported to the city and for which the appropriate annual fee has been paid.

## SECTION 10-803

## ALARM REGISTRATION REQUIRED

~~A. — No alarm provider or monitoring service shall operate an alarm business or provide alarm service of any type within the city without first registering the business with the Owasso Police Department on forms provided by the police department. This section shall be applicable to alarm services and monitoring services providing services to residents and businesses within the city, regardless of where the alarm or monitoring service is located. Upon registration, the alarm provider or service will be issued a registration number. Failure of an alarm provider or service to register with the police department as required under this section and obtain a registration number, or otherwise to be in~~

~~compliance with the requirements of this section, will result in a non-response by the police department to alarms from that provider until such time as proof of the provider's compliance is provided to the chief of police. However, the police department will respond to the types of alarms set forth in Section 10-804(A) regardless of the alarm provider's compliance with this section. Such alarm providers shall be required to register with the Owasso Police Department, and failure to do so may result in the imposition of a fine upon the alarm provider, regardless of whether or not a non-response by the police department is allowed under this section.~~

~~B. No fee shall be charged for any registration issued under this chapter.~~

~~(Ord. No. 902, 9/04/07)~~

~~A. No police alarm user shall operate, or cause to be operated a police alarm device at any alarm site without a valid, registered alarm. A separate alarm registration is required for each alarm site.~~

~~B. Alarm registrations must be renewed annually and will be valid for one year from the date of purchase.~~

~~C. The schedule of fees for alarm registration and annual renewal for residential and commercial alarm sites shall be determined by the City Council.~~

#### ~~SECTION 10-804 — RESPONSE TO BUSINESS BURGLAR ALARMS~~

~~— In order for a police response to occur, alarm providers must be in compliance with all applicable municipal ordinances and codes, and must agree and adhere to established police department policy. If a company is not in compliance with said codes or policy the police department will suspend response to any alarms from such provider until such time they provide proof to the chief of police that they are in compliance. Officers will only respond to business burglar alarms if one of the following conditions exists:~~

~~— A. An alarm has already been verified as being the likely result of criminal activity through independent means such as third party response, witness verification, listening devices, video monitoring, or multiple alarms at the same location during a single incident (i.e., exterior breach alarm followed by an interior motion alarm).~~

~~— B. The central monitoring station or office of the alarm provider has attempted to verify the alarm by contacting the alarm user or a representative of the business by making a minimum of two separate telephone calls to numbers provided by the business prior to contacting Owasso Police Communications. Alarm providers must be willing to confirm that multiple verification has been attempted and be willing to provide names and telephone information to Communications if so requested;~~

~~— C. The alarm provider has not received a cancellation from the site of the alarm. If a cancellation is received, no police dispatch will be requested. In the event that police have been requested and then a cancellation is received within five (5) minutes of the original alarm, the alarm provider will notify police dispatch to cancel the officer response.~~

~~— D. Any other events or circumstances that indicate a response may be needed as determined by the police department. Regardless of verification, police will respond to:~~

~~— 1. Any facility classified as a financial or government institution.~~

~~2. Drug facilities (pharmacy, medical facilities).~~

~~3. Weapons facilities, such as gun shops or armories.~~

~~4. Facilities known to store chemicals that could be used for explosives or drug manufacturing. Alarm companies are required to notify the department in writing if a facility contains said chemicals or explosives.~~

~~5. Facilities that contain explosives.~~

~~(Ord. No. 902, 9/04/07)~~

#### SECTION 10-805      RESPONSE TO RESIDENTIAL BURGLAR ALARMS

~~Officers will only respond to residential burglar alarms if they meet the same criteria as established under Response to Business Burglar Alarms.~~

~~A. Alarm providers must be registered with the Owasso Police Department as required by municipal ordinance. Upon registration the alarm provider will receive a registration number. Failure to register will result in non response to alarms by police.~~

~~B. Alarm providers must call police communications and cancel a police response if they receive a cancellation after a police response has already been requested.~~

~~C. Officers will respond on all residential panic alarms that are manually activated by a person in order to ascertain the problem.~~

~~(Ord. No. 902, 9/04/07)~~

#### SECTION 10-806      LENGTH OF AUDIBLE SIGNAL

It shall constitute a noise violation and therefore be unlawful to operate a police alarm which fails to automatically terminate the alarm's audible signal within ten minutes from the time it is activated. Operation of an alarm that does not automatically terminate the audible signal within ten minutes shall also be a violation of this chapter and shall be subject to penalties as provided within the police department's alarm procedures policy. (Ord. No. 902, 9/04/07)

#### SECTION 10-807      RESPONSIBILITIES OF POLICE ALARM OWNER

No police alarm owner or user shall fail to:

1. Inspect, maintain, and repair a police alarm device to insure its proper operation.
2. Educate and train all employees and other persons who may in the course of their activities be in a position to accidentally activate a police alarm device.
3. Assure that a responsible person responds to every activation of a police alarm device within twenty minutes after being requested to respond by the City's police communications center.

(Ord. No. 902, 9/04/07)

SECTION 10-808

RIGHT OF INSPECTION

The chief of police, or his or her designee, may inspect any police alarm device in the presence of the property owner, following notification to the property owner no less than twenty-four (24) hours prior to the inspection, to determine whether the alarm device is being used in conformity with the provisions of this chapter. (Ord. No. 902, 9/04/07)

SECTION 10-809

PENALTIES FALSE ALARMS

~~A. — After responding to three or more false alarms at the same location, either residential or business, in a twelve (12) month period, the police department will suspend response to alarms at that location until such time that the alarm provider has provided evidence to the chief of police that the circumstances causing such false alarms have been identified and rectified.~~

~~B. — A fine will be imposed upon the alarm user the fourth time a false alarm is received at a location within a twelve (12) month period, and a greater fine will be imposed upon the alarm user the fifth time a false alarm is received from a location within a twelve (12) month period. A larger fine shall be imposed upon the alarm user on the sixth occasion that a false alarm is received from a location within the twelve (12) month period. The alarm user shall have the maximum fine imposed for each subsequent fine which occurs within a twelve (12) month period.~~

~~C. — The alarm user's license shall again be suspended if a false alarm occurs at the same location within ninety (90) days of a suspension and subsequent reinstatement of alarm response by the Police Department. Such suspension shall terminate when evidence is provided to the Chief of Police establishing that the circumstances causing such false alarms have been identified and rectified.~~

~~D. — The schedule of fines to be imposed upon an alarm user for false alarm occurrences shall be determined by the chief of police.~~

~~(Ord. No. 902, 9/04/07)~~

A. Every false alarm response which has not been cancelled prior to the arrival of a police officer may be subject to a false alarm fee.

B. Alarm sites with current alarm registrations are entitled to three (3) free false alarm responses for the calendar year.

C. Police patrol supervisors may, utilizing their professional good judgment, classify an alarm as a no penalty alarm based on exigent circumstances beyond the control of the alarm user, or in the event of an alarm which will not reset or other repeating false alarm situation during a shift may determine that an alarm be temporarily suspended from alarm response in order to prevent excessive fees for the alarm user or create undo strain on public safety resources.

D. False alarm responses to alarm sites that do not have a current alarm registration shall subject to an additional penalty fee for failure to register.

E. False alarm fees shall be on an escalating fee schedule based on the number of false alarms during the calendar year.

F. False alarm responses to hold up or panic alarms shall be subject to a higher fee than intrusion alarms due to the heightened level of response to such alarms.

G. The alarm administrator will be authorized to bill the alarm users on behalf of the city for all fees accrued due to violations of alarm ordinances.

H. The schedule of fees to be imposed upon an alarm user for false alarm occurrences shall be determined by the City Council.

#### SECTION 10-810 APPEALS PROCESS

Failure to register fees are not subject to appeal, however, false alarm fees may be appealed to the alarm appeals administrator as follows:

A. The appeal process is initiated by the alarm user sending an appeal notice to the Chief of Police's designated alarm appeals administrator requesting that the false alarm fees be waived, and specifying the reasons for the appeal.

1. This appeal notice must be received by the alarm appeals administrator within twenty-one (21) working days after mailing date or email date of the initial invoice to the alarm owner.

2. False Alarm Fees may be appealed only on the grounds that the incident cited as the basis for the service fee was, in fact, not a false alarm response.

3. The false alarm fee will be waived if the appellant can provide detailed, credible evidence that supports the contention that the involved incident was a "genuine alarm" as described in Section 10-802 of this ordinance.

B. If the alarm appeals administrator affirms or modifies the amount of a service fee due, that amount becomes immediately due and payable.

Appeal decisions are reviewed and approved by the city manager prior to becoming official. The official decision is final and no further appeals or remedies are available.

**Alarm Ordinance - Suggested Fees:**

Alarm Permit Registration Annual Fee/Renewal

Residential:	\$50
Commercial:	\$100
Governmental buildings, schools, etc.	\$0

Each registered alarm shall be entitled to 3 (three) false alarm responses without charge.

These fees reflect the number of additional false alarm responses in excess of those 3 (three) initial responses.

Unregistered locations are charged for every response.

False Alarm Fee:

1-2 False Intrusion Alarms:	\$100
3-4 False Intrusion Alarms:	\$200
5 or more False Intrusion Alarms:	\$300
1-2 False Hold Up/Panic Alarms:	\$200
3-4 False Hold Up/Panic Alarms:	\$400
5 or more False Hold Up/Panic Alarms:	\$600

Failure to Register Alarm Fee:

Residential:	\$100
Commercial:	\$200



**TO:** The Honorable Mayor and City Council  
City of Owasso

**FROM:** Teresa Willson  
Information Technology Director

**SUBJECT:** Capital Improvements Project Eligibility  
E 106 St N and N 129 E Ave Intersection Improvements

**DATE:** November 4, 2016

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**EXECUTIVE SUMMARY:**

The Owasso Capital Improvement Committee made a recommendation on October 25, 2016, for Council consideration. This recommendation requests adding Intersection Improvements at E 106 St N and N 129 E Ave to the list of projects eligible for Capital Improvement funding.

**BACKGROUND:**

In 1983, the citizens of Owasso passed a one-cent sales tax increase. In 1988, the voters restricted the use of that sales tax to fund capital projects, often referred to as the third penny of sales tax. Revenue from this sales tax has been used to fund a variety of capital projects, changing with the needs and growth of Owasso.

Adopted by the City Council in September 2003, Resolution 2003-14 defines the process to amend the list of projects eligible to be funded from the Capital Improvements Fund, also known as the permanent third-penny sales tax.

The Capital Improvements Committee conducted a public meeting on October 25, 2016, to consider a proposed amendment to the list of projects to be funded by the third-penny sales tax. The proposed project is Intersection Improvements at E 106 St N and N 129 E Ave. The committee voted unanimously to recommend adding the project to the list of those eligible for Capital Improvement funding.

In accordance with Resolution 2003-14, a public hearing will be scheduled for November 15, 2016, to receive and consider citizen input relevant to the recommendation made by the Capital Improvements Committee. Any action taken by the City Council to amend the current list of projects must be made by adopting a resolution.

**CURRENT ELIGIBLE PROJECTS:**

Adopted September 20, 2016, Resolution 2016-16 designated projects as eligible for funding from the Capital Improvements Fund. Incomplete projects are listed below:

- E 76 St N Widening Project (Hwy 169 to N 129 E Avenue)
- E 76 St N and Main St Intersection Improvements
- E 86 St N Widening Project (Main to Memorial)

- E 106 St N and N Garnett Road Intersection Improvements
- Garnett Road Widening Project (E 96 St N to E 106 St N)
- Garnett Road Widening (E 106 St N to E 116 St N)
- E 96 St N and N 145 E Ave Intersection Improvements
- E 106 St N and N 145 E Ave Intersection Improvements
- E 116 St N and N 129 E Ave Intersection Improvements
- E 116 St N and N 140 E Avenue Intersection Traffic Signal Improvements
- Annual Street Rehabilitation Program
- Highway 169 East and West Service Roads (E 66 St N to E 126 St N)
- Brookfield Crossing Subdivision Stormwater Improvements
- Central Park/Lakeridge Subdivision Stormwater Improvements
- Rayola Park and Elm Creek Tributary 5A Stormwater Improvements
- South Sports Park Regional Detention Pond Project
- Garrett Creek/Morrow Place Sewer Assessment Area Sanitary Sewer Improvements
- Sports park
- Elm Creek Park Improvements
- Main Police Station/City Hall
- Vehicle Maintenance Facility
- Radio System Upgrade
- Fire Station Number 4 with Administration and Training Center

**ATTACHMENT:**

Memoranda dated October 20, 2016, to Owasso Capital Improvement Committee



**TO:** Capital Improvements Committee  
City of Owasso

**From:** H. Dwayne Henderson, P.E.  
City Engineer

**Subject:** East 106th Street North/North 129th East Avenue Intersection Improvements

**Date:** October 20, 2016

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**BACKGROUND:**

The 2-lane non-urbanized intersection with a 4-way stop is a heavily trafficked area that conveys residential and commercial traffic, as well as commuter and school traffic, to and from Owasso. Currently, this intersection has approximately 6,350 vehicles per day traveling East/Westbound and 5,800 vehicles per day traveling North/Southbound. The Transportation Master Plan recommends this roadway be improved by FY 2020.

**SCOPE OF WORK:**

The proposed intersection improvements would include five lanes on all legs of the intersection, with dedicated right-turn lanes for west to north bound and east to south bound traffic. The roadway improvements will extend in each direction nearly 700 feet from the intersection. The storage bays for each left turn lane will be 250 feet. The intersection will be signalized. The estimated project cost is \$3.7 million which includes engineering, land acquisition, utility relocation, and construction costs.

**COST ESTIMATE:**

The cost estimate for the project is as follows:

Engineering Design	\$ 200,000
Const. Administration	\$ 200,000
Right-of-Way	\$ 850,000
Utility Relocation	\$ 600,000
Construction	<u>\$1,800,000</u>
<b>Total Estimated Cost</b>	<b>\$3,650,000</b>

The project will be submitted to INCOG in January 2013 for future Surface Transportation funding (STP). If funded through the FHWA, the federal government will participate with 80% of construction funding, while the City will be responsible for 20% of the construction and 100% of the design, utility relocation, and right-of-way acquisition. However, like the 116<sup>th</sup> Street North/129<sup>th</sup> East Ave Project, Tulsa County has agreed to partner with the City to cover 50% of the local match. Therefore, possible funding for this project is:

**Funding Breakdown**

- Federal Funds = \$1,600,000
- Tulsa County = \$1,025,000
- City of Owasso = \$1,025,000

**FUNDING:**

Funding for the improvements is proposed for the Capital Improvements Fund. The percentage of funds needed will depend on the federal funds awarded.

**RECOMMENDATION:**

Staff recommends approval to submit a recommendation to the Owasso City Council amending the Capital Improvement project list to include intersection improvements at East 106th Street North/North 129th East Avenue.

**ATTACHMENT:**

Site Map





**TO:** The Honorable Mayor and City Council  
City of Owasso

**FROM:** Juliann M. Stevens, Deputy City Clerk

**SUBJECT:** 2017 Regular Meeting Dates

**DATE:** November 4, 2016

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**BACKGROUND:**

In accordance with the Oklahoma Opening Meeting Act, all public bodies shall provide public notice of all regular, special, continued or reconvened, or emergency meetings. In addition, all public bodies are required to give notice in writing by December 15 of each calendar year of the regular meetings to be held for the following year. For municipal public bodies, this notice is given to the municipal clerk.

The Owasso Code of Ordinances, Chapter 4, Section 2-402 states that the City Council shall hold regular meetings on the first and third Tuesday of each month. In 2017, the first Tuesday in July is recognized as Independence Day. Therefore, an item has been placed on the November work session to discuss alternate meeting dates for the first regular meeting in July 2017.