

REQUEST FOR ACTION: ORDINANCE

Version: 01/27/2014

AGENDA FOR: MAYOR COUNCIL AUTHORITY: TMAPC DATE: June 27, 2023
Tulsa City Clerk's Office: 596-7513 or 596-7514

FOR INFORMATION CONTACT:

DEPARTMENT: TMAPC CONTACT NAME: Susan Miller
ADDRESS: 2 West 2nd St. Ste. 800, Tulsa, OK 74103 TELEPHONE: (918) 579-9470

SUBJECT: Major Amendment PUD-306-L ORDINANCE # _____
ORDINANCE TYPE: REZONING LAND BA or CT #: _____
AMENDMENT OF ORD#: _____ TRO TITLE: _____ TRO SUBTITLE: _____ PLANNING DISTRICT: _____
ZONING #: _____ SSID: _____ PUD #: 306-L PROP/NON-PROP: P COUNCIL DISTRICT: 2

SUMMARY:

(related to Z-7722)

Existing Zoning: PUD-306 Proposed Zoning: PUD-306-L
Location: South and west of the southwest corner of East 91st Street South and South Harvard Avenue
Applicant: Nathan Cross, 2 West 2nd St, Ste 700 Tulsa, OK 74103 918-591-5252 ncross@dsla.com
Owner: Marshall, Roger LLC ETAL c/o Nathan Cross, 2 West 2nd St, Ste 700 Tulsa, OK 74103 918-591-5252 ncross@dsla.com

The applicant is requesting to abandon PUD-306 on the subject property and rezone to OL to allow for office development on approximately 1.34 acres. Applicant is seeking to prepare the site to be developed as small low-rise office buildings. Abandonment of the PUD on this site and rezoning to OL (Z-7722) in conjunction with the property to the east would need to meet the standards of the OL zoning district. The request is consistent with the Neighborhood Center land use designation in the Comprehensive Plan.

BUDGET:

FINANCE DIRECTOR APPROVAL:

FUNDING SOURCE: N/A

REQUEST FOR ACTION: *All department items requiring Council approval must be submitted through the Mayor's Office.*

On June 7, 2023 TMAPC voted 9-0-0 to recommend approval of PUD-306-L.

DEPARTMENT HEAD APPROVAL:

Susan Miller

DATE:

6/27/23

CITY ATTORNEY APPROVAL: _____

BOARD APPROVAL: _____

MAYORAL APPROVAL: _____

OTHER: _____

FOR CITY COUNCIL OFFICE USE ONLY:

DATE RECEIVED: _____

COMMITTEE: _____

COMMITTEE DATE(S): _____

FIRST AGENDA DATE: _____

HEARING DATE: _____

SECOND AGENDA DATE: _____

APPROVED: _____

For City Clerk's Office Use Only (Agenda Date: MMDDYYYY; Sec #; Dept ##, Item ##, Sub-Item ##, Status: S=Synopsis):

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ORDINANCE

Dept:

* TMAPC *

BA,
CT or
MT #:

* *

Subject:

MAJOR AMENDMENT PUD-306-L

Ordinance Type:

REZONING LAND

Num
of
Ord
Amen
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* *

Zone
Num

* *

Planning
District

* *

SSID #:

* *

PUD #:

* 306-L *

TRO TITLE:

* *

TRO
Subtitle

* *

Prop/
Non-Prop.

* P *



Tulsa Metropolitan Area
Planning Commission

Case Number: PUD-306-L
(Related to Z-7722)

Hearing Date: June 7, 2023

Case Report Prepared by:

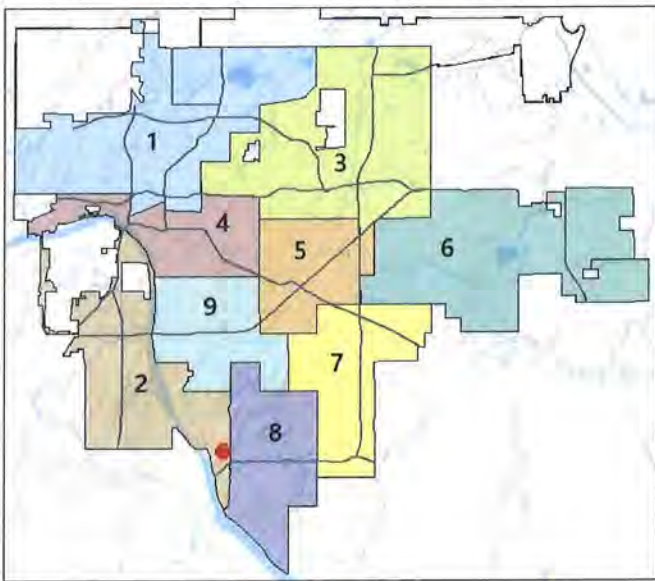
Austin Chapman

Owner and Applicant Information:

Applicant: Nathan Cross

Property Owner: Roger Marshall LLC Etal

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Vacant

Proposed Use: Office Complex

Concept summary:

Abandon PUD-306 on the subject property and re-zone to OL to allow for office development.

Tract Size: 1.34 ± acres

Location: South and west of the SW/c of E. 91st St. S. and S. Harvard Ave.

Zoning:

Existing Zoning: RM-1,PUD-306

Proposed Zoning: OL

Comprehensive Plan:

Land Use Map: Neighborhood Center

Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends **approval**.

Staff Data:

TRS: 8320

CZM: 56

City Council District: 2

Councilor Name: Jeannie Cue

County Commission District: 3

Commissioner Name: Kelly Dunkerly

9.1

SECTION I: PUD-306-L

DEVELOPMENT CONCEPT: Applicant is seeking to prepare the site to be developed as small low-rise office buildings. Abandonment of the PUD on this site and rezoning to OL (Z-7722) in conjunction with the property to the east would need to meet the standards of the OL zoning district. The original PUD limited the subject property to single-family residential uses that adhere to the lot and area requirements of the RS-3 district.

EXHIBITS:

INCOG Case map
INCOG Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Tulsa Comprehensive Plan Areas of Stability and Growth Map
Applicant Exhibits:

DETAILED STAFF RECOMMENDATION:

Staff recommends **Approval** of PUD-306-L to abandon the PUD on the property. Staff recommendation is contingent upon the approval of Z-7722 which will rezone the site to OL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The existing land use designation on the site of Neighborhood Center would support the abandonment of the PUD and the rezoning to OL. All street frontage for the site is derived from South Harvard Ave. and E. 91st St. through a commonly owned parcel on the east. There are no connections from the site to the existing established neighborhoods.

Land Use Vision:

Land Use Plan map designation: Neighborhood Center

Areas of Stability and Growth designation: Area of Growth

Transportation Vision:

Major Street and Highway Plan: Property is currently landlocked and access to South Harvard Avenue and E. 91st St. S. will require a combination to the neighborhood properties which are currently under the same ownership.

Trail System Master Plan Considerations: None

9.2

Small Area Plan: None.

Special District Considerations: None.

Historic Preservation Overlay: None.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The subject tract is currently vacant. It is surrounded by properties zoned for residential with an existing neighborhood to the east. The property zoned RM-0 to the east is included in the associated rezoning Z-7722 and is planned to be a part of the same office development.

Environmental Considerations: Property is not located in any floodplain. There is an existing stormwater drainage channel to the west that is owned by the Homeowners Association connected the Woodside Village subdivisions.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
Property is currently landlocked.			

Utilities:

The subject tract does not have municipal water and sewer available currently but would have access to it once combined to the neighboring tract which is under the same ownership and included in the same rezoning case.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
West	RM-1/ PUD-306	Existing Neighborhood	Stability	Residential
South	RS-3/ PUD-306-J	Existing Neighborhood	Stability	Religious Assembly
East and North	RM-0	Neighborhood Center	Growth	Vacant

SECTION III: Relevant Zoning History

History: PUD-306-L Rel. Z-7722

ZONING ORDINANCE: Ordinance number 11832 dated June 26, 1970, established zoning for the subject property.

Subject Property:

BOA-21686 March 2014: The Board of Adjustment **approved** a *Special Exception* to permit tent sales (Use Unit 2) for produce and bedding plants in the CS district portion of subject property for 10 years &

9.3

a Special Exception to permit gravel parking material & a Variance to increase the maximum number of days in a calendar year from 179 to 200 days for tent sales, on property located at 3212 East 91st Street S.

BOA-19764 February 2004: The Board of Adjustment **approved** a *Special Exception* to permit produce, bedding plants and Christmas tree sales (Use Unit 2) for a maximum of 179 days per year for 10 years; and a Special exception to allow gravel parking, on property located at SW/c E. 91st St. S. & S. Harvard Avenue.

BOA-18376 April 1999: The Board of Adjustment **approved** a *Special Exception* to permit temporary bedding plants, produce and Christmas tree sales from April 15, 1999, for 179 days per year for a period of five years, on property located at 3212 E. 91st St. S.

BOA-17672 April 1997: The Board of Adjustment **approved** a *Special Exception* to permit temporary produce & Christmas Tree sales from May 1, 1998, for 120 days & from Thanksgiving Day through Christmas day for 2 years and review conditions of previous approval of dust free all-weather surface granted 4/9/96 and seeking an extension of time to coincide with Special Exception, on property located at 3212 E. 91st Street.

BOA-17346 April 1996: The Board of Adjustment **approved** a *Special Exception* to permit a temporary tent for produce sales for 120 days beginning May 11 and Christmas tree sales from Thanksgiving Day through Christmas Day; both periods of sales to occur in 1996 and 1997, on property located at 3212 E. 91st Street.

BOA-16595 March 1994: The Board of Adjustment **approved** a *Special Exception* to permit a produce tent and Christmas tree sales for the years 1994 and 1995, on property located at 3212 E. 91st Street.

BOA-15331 February 1990: The Board of Adjustment **approved** a *Special Exception* to permit Christmas tree sale for a period of three years, and Special Exception to permit a landscaping business and wood lot in a CS zoned district, on property located at SW/c East 91st street and South Harvard Avenue.

BOA-14076 May 1986: The Board of Adjustment **approved** a *Variance* to permit an outdoor advertising sign outside of a freeway sign corridor, within 150' of a residential district to not be oriented to be primarily visible from the freeway to be supported by more than one post to be within 1200; of another outdoor advertising sign, on property located at south of the SE/c of 91st street and Harvard Avenue.

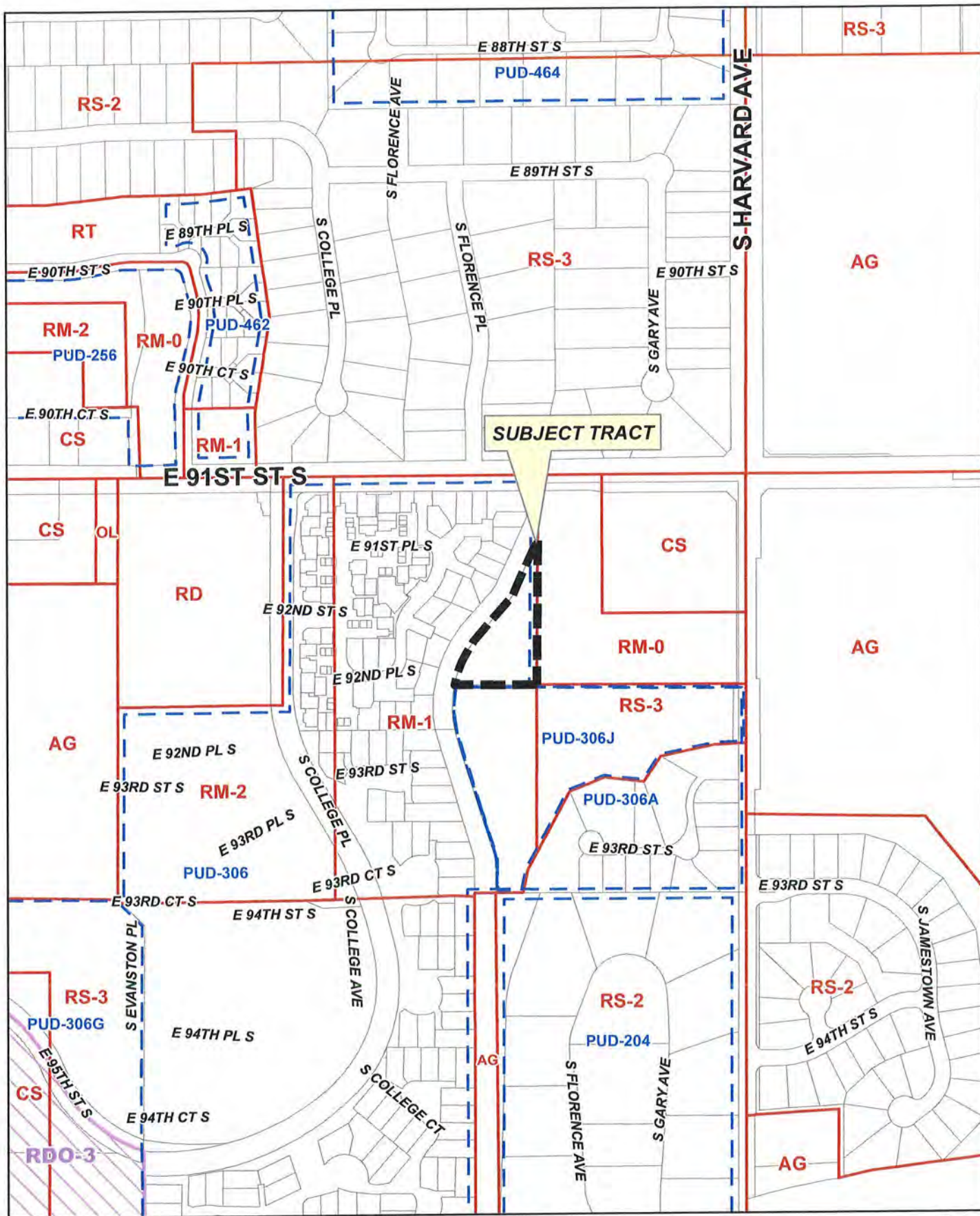
BOA-13992 April 1986: The Board of Adjustment **approved** a *Variance* to permit an outdoor advertising sign outside of a freeway sign corridor, within 150' of a residential district, to not be oriented to be primarily visible from the freeway, to be supported by more than one post, on property located at south of the SW/c of 91st and Harvard.

Surrounding Property:

Z-5787/PUD-306 February 1983: All concurred in **approval** of a request to rezone a 273.4± acre tract of land from-2, RM-1, RS-3, AG and FD to CS, RM-0, RM-1, RS-3 and FD and **approval** of a proposed *Planned Unit Development* for a combination of commercial, office, multifamily and single-family uses, on property located Between 91st Street and 101st Street South, both sides of Delaware.

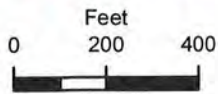
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BOA-10998 May 1980: The Board of Adjustment **approved** a *Special Exception* to permit property for cemetery and related uses, on property located southeast of 91st Street and Harvard Avenue.

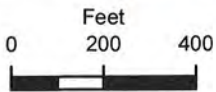


PUD-306-L

18-13 20



9.6



 Subject Tract

PUD-306-L

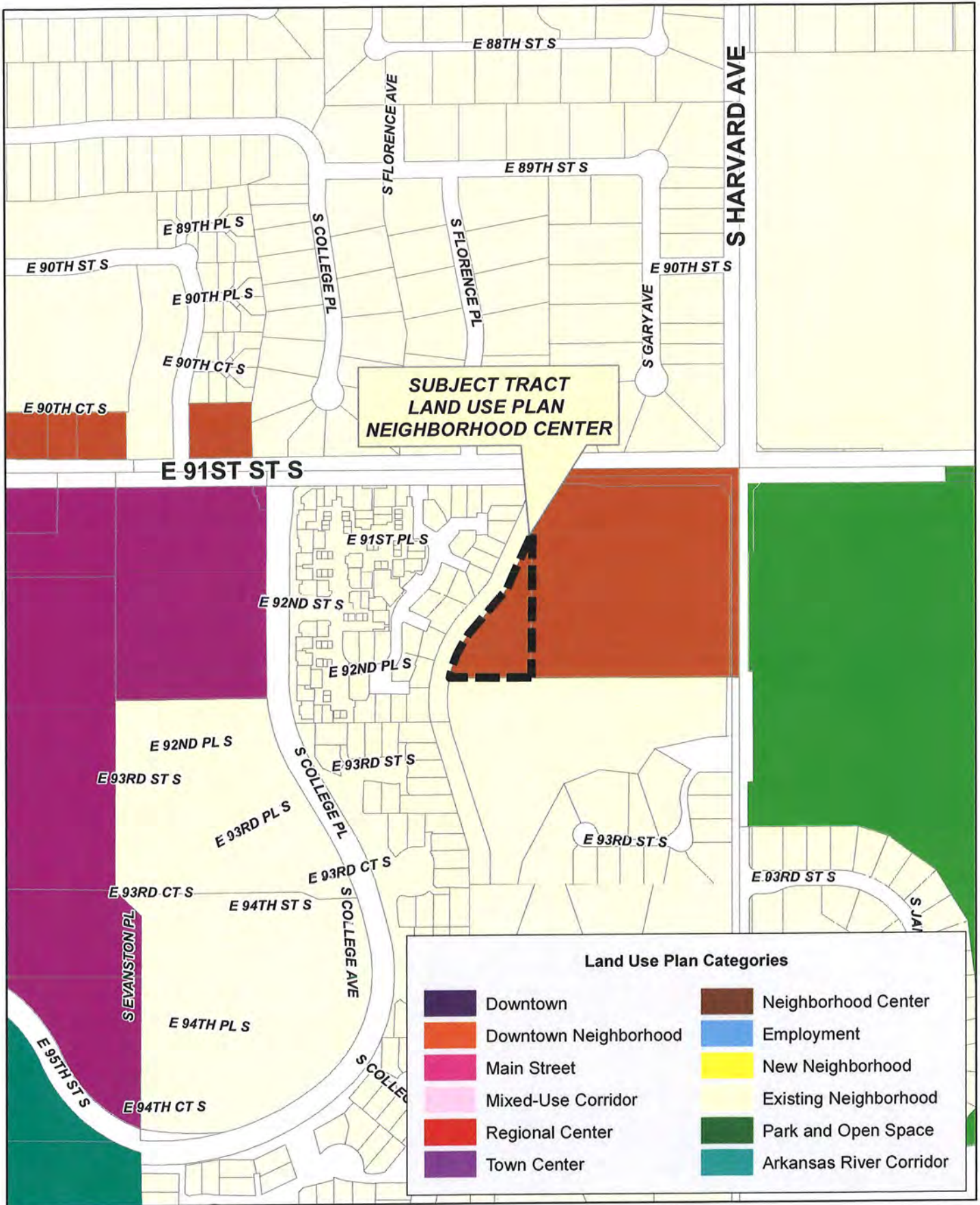
Note: Graphic overlays may not precisely align with physical features on the ground.

18-13 20

Aerial Photo Date: 2020/2021



9.7



PUD-306-L

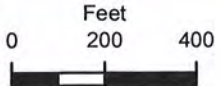
18-13 20



9.8



PUD-306-L



18-13 20



9.9

A tract of land containing 1.3463 acres that is part of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW/4 NE/4 NE/4) of Section Twenty (20), Township Eighteen (18) North, Range Thirteen (13) East of the Indian Base and Meridian, in the City of Tulsa, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract of land being described as follows, to-wit:

Starting at the Northeast Corner of said Section 20; thence South $01^{\circ}08'55''$ East along the Easterly line of Section 20 for 662.72 feet to a point, said point being the Southeast corner of the NE/4 NE/4 NE/4 of said Section 20; thence South $88^{\circ}37'38''$ West along the Southerly line of the NE/4 NE/4 NE/4 for 661.20 feet to the "Point of Beginning" of said tract of land, said point being the Southeast corner of the NW/4 NE/4 NE/4 of said Section 20; thence North $01^{\circ}08'12''$ West along the Easterly line of said NW/4 NE/4 NE/4 of said Section 20 for 456.94 feet; thence South $22^{\circ}29'59''$ West for 160.95 feet to a point of curve; thence Southwesterly along a curve to the right, with a central angle of $17^{\circ}14'52''$ and a radius of 227.81 feet, for 68.58 feet to a point of tangency; thence South $39^{\circ}44'51''$ West along said tangency for 111.31 feet to a point of curve; thence Southwesterly and Southerly along a curve to the left, with a central angle of $29^{\circ}41'22''$ and a radius of 366.26 feet, for 189.79 feet to a point on the Southerly line of the NW/4 NE/4 NE/4 of said Section 20; thence North $88^{\circ}37'38''$ East along said Southerly line for 256.24 feet to the "Point of Beginning" of said tract of land;

6495583.1

TO THE POINT OF BEGINNING, CONTAINING 263,173.50 SQUARE FEET OR 6.04 ACRES, MORE OR LESS.

9. PUD-306-L Nathan Cross (CD 2) Location: Location: South and west of the southwest corner of East 91st Street South and South Harvard Avenue requesting a **PUD Major Amendment** to allow for office development (Related to Z-7722)

STAFF RECOMMENDATION:
SECTION I: PUD-306-L

DEVELOPMENT CONCEPT: Applicant is seeking to prepare the site to be developed as small low-rise office buildings. Abandonment of the PUD on this site and rezoning to OL (Z-7722) in conjunction with the property to the east would need to meet the standards of the OL zoning district. The original PUD limited the subject property to single-family residential uses that adhere to the lot and area requirements of the RS-3 district.

DETAILED STAFF RECOMMENDATION:

Staff recommends **Approval** of PUD-306-L to abandon the PUD on the property. Staff recommendation is contingent upon the approval of Z-7722 which will rezone the site to OL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The existing land use designation on the site of Neighborhood Center would support the abandonment of the PUD and the rezoning to OL. All street frontage for the site is derived from South Harvard Ave. and E. 91st St. through a commonly owned parcel on the east. There are no connections from the site to the existing established neighborhoods.

Land Use Vision:

Land Use Plan map designation: Neighborhood Center

Areas of Stability and Growth designation: Area of Growth

Transportation Vision:

Major Street and Highway Plan: Property is currently landlocked and access to South Harvard Avenue and E. 91st St. S. will require a combination to the neighborhood properties which are currently under the same ownership.

Trail System Master Plan Considerations: None

Small Area Plan: None.

Special District Considerations: None.

Historic Preservation Overlay: None.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The subject tract is currently vacant. It is surrounded by properties zoned for residential with an existing neighborhood to the east. The property zoned RM-0 to the east is included in the associated rezoning Z-7722 and is planned to be a part of the same office development.

Environmental Considerations: Property is not located in any floodplain. There is an existing stormwater drainage channel to the west that is owned by the Homeowners Association connected the Woodside Village subdivisions.

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Utilities:

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BOA-10998 May 1980: The Board of Adjustment **approved** a *Special Exception* to permit property for cemetery and related uses, on property located southeast of 91st Street and Harvard Avenue.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Hood, Krug, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Humphrey, "absent") to **ABANDON** PUD-306-L per staff recommendation.

Legal Description for PUD-306-L:

A tract of land containing 1.3463 acres that is part of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW/4 NE/4 NE/4) of Section Twenty (20), Township Eighteen (18) North, Range Thirteen (13) East of the Indian Base and Meridian, in the City of Tulsa, Tulsa County, State of Oklahoma,

according to the U.S. Government Survey thereof, said tract of land being described as follows, to-wit:

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PUBLIC HEARING- SUBDIVISION AND DEVELOPMENT REGULATIONS AMENDMENTS

Review and possible approval, approval with modifications, denial, or deferral of the following:

- 10.SR-2** – Consider various amendments to the Tulsa Metropolitan Area Subdivision and Development Regulations in the following sections: Article 1. Introductory Provisions, Section 1-080.3, Public Officials and Agencies; Article 5. Design and Improvements, Section 5-060.6, Right-of-Way Widths, and Table 5-2, Minimum Right-of-Way Widths for Streets Not Shown on Major Street and Highway Plan; Article 5. Design and Improvements, Section 5-130, Water Supply and Sewage Disposal, Section 5-130.1 City of Tulsa; Article 10. Review and Approval Procedures, Section 10-060, Lot Splits and Adjustments, Section 10-060.6 Review and Approval Criteria

STAFF RECOMMENDATION:

Item

Consider various amendments to the Tulsa Metropolitan Area Subdivision and Development Regulations in the following sections: Article 1. Introductory