



Tulsa Metropolitan Area  
Planning Commission

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

**Hearing Date: June 7, 2023**

**Case Report Prepared by:**

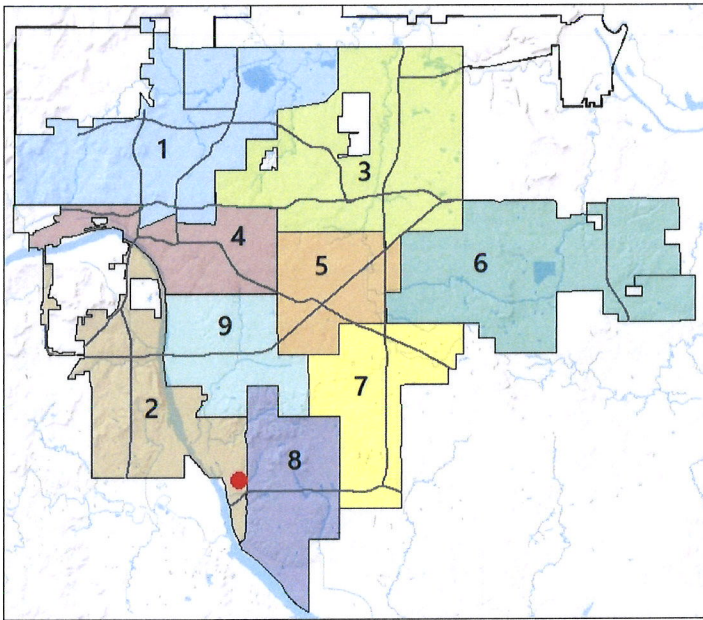
Austin Chapman

**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:*

Rezone to OL to allow for office development

*Tract Size:* 6.47 ± acres

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

**Zoning:**

*Existing Zoning:* RM-1, RM-0, 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 Dunkerley

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## SECTION I: Z-7722

**DEVELOPMENT CONCEPT:** Applicant is seeking to prepare the site to be developed as small low-rise office buildings. There is no development plan associated with the rezoning request and standards would need to meet those of the OL District.

### EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- 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** Z-7722 to rezone property from RM-1 and RM-0 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 rezoning to OL.

### Land Use Vision:

***Land Use Plan map designation:*** Neighborhood Center

Neighborhood Centers are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

***Areas of Stability and Growth designation:*** Area of Growth

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

### Transportation Vision:

***Major Street and Highway Plan:*** Property has frontage on S. Harvard Ave. (Residential Collector) and E. 91<sup>st</sup> St. S.(Secondary Arterial). E. 91st St. considered a Multi-Modal Street. Future development should emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail, and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide

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sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking. Appropriate rights-of-way appear to have been dedicated to serve those streets. Property will require recording of a subdivision plat or Subdivision Conformance Review prior to the issuance of building permits.

***Trail System Master Plan Considerations:*** None

**Small Area Plan:** None.

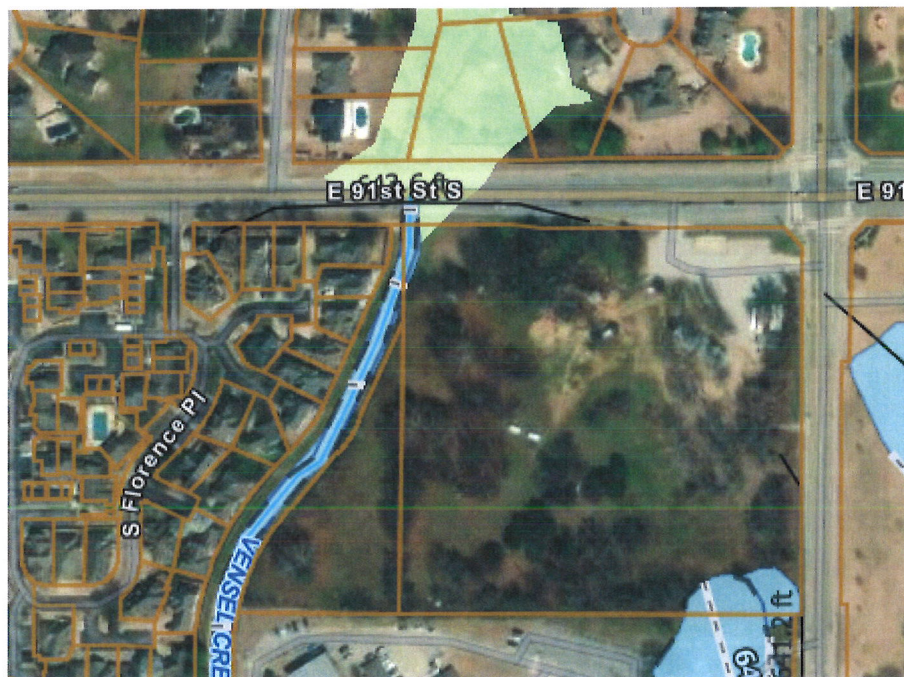
**Special District Considerations:** None.

**Historic Preservation Overlay:** None.

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** The subject tract is currently vacant. Staff is unaware of any development that has occurred in the past on the subject property.

**Environmental Considerations:** A small portion of the property is located in any floodplain; staff does not believe it will significantly affect development on the site. There is an existing stormwater drainage channel to the West that is owned by the Homeowners Association connected the Woodside Village subdivisions.



(From City of Tulsa online Floodplain Map)

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
E. 91 <sup>st</sup> St.	Secondary Arterial	100-feet	4 that narrow to 2 lanes near the Western half of the property
S. Harvard Ave.	Residential Collector	60-feet	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
South	RS-3/PUD-306-J	Existing Neighborhood	Stability	Religious Assembly
East	CS and AG	Neighborhood Center/Park and Open Space	Growth/ Stability	Vacant with temporary plant and produce sales/ Cemetery
North	RS-3	Existing Neighborhood	Stability	Single-family Residential
West	RM-1/PUD-306	Existing Neighborhood	Stability	Residential

**SECTION III: Relevant Zoning History**

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

**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 & 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 91<sup>st</sup> 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. 91<sup>st</sup> 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. 91<sup>st</sup> St. S.

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**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. 91<sup>st</sup> 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. 91<sup>st</sup> 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. 91<sup>st</sup> 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 91<sup>st</sup> street and South Harvard Avenue.

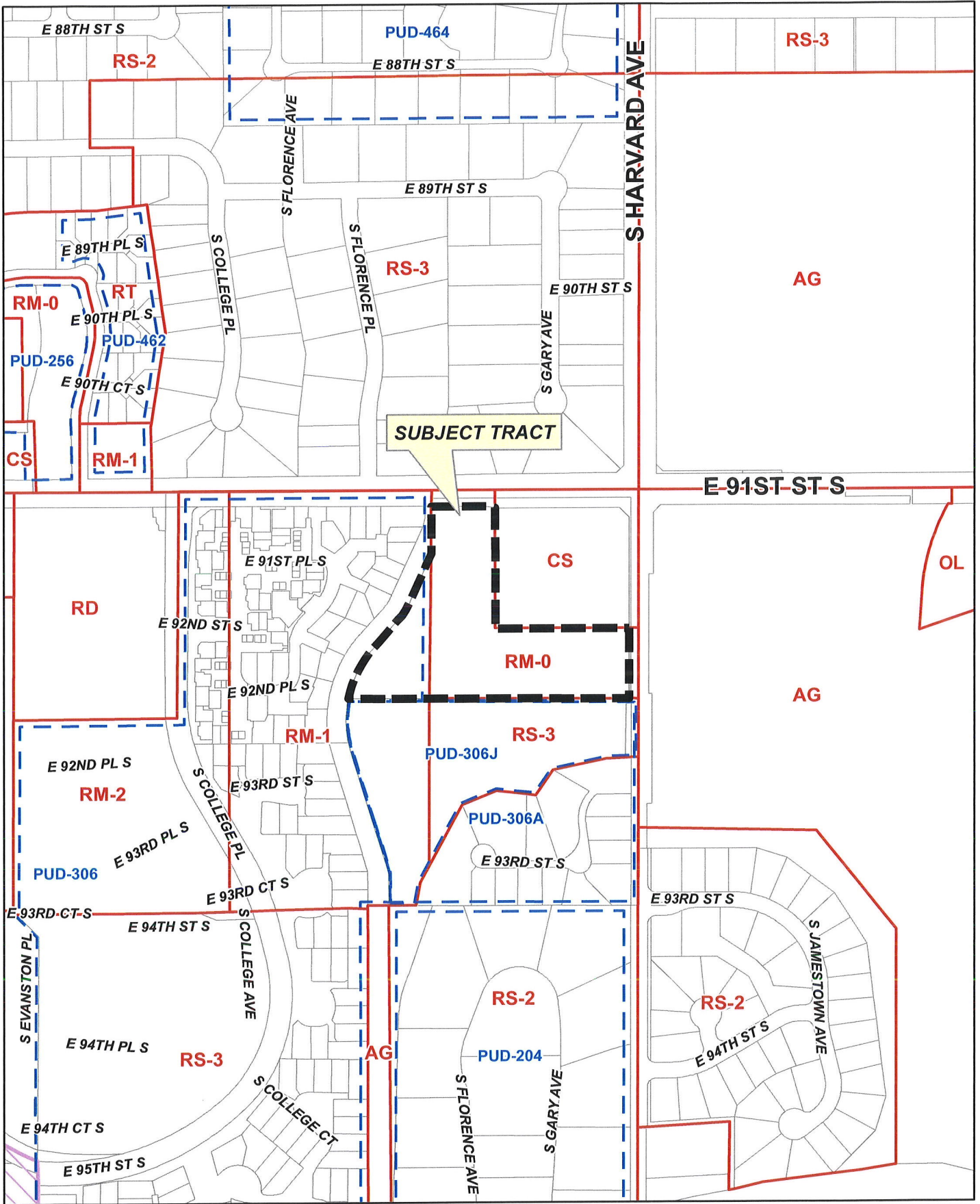
**BOA-14076 May 1986:** The Board of Adjustment **approved** a *Variance* to permit an outdoor advertising sign outside of a freeway sign corridor, within 150' of a residential district to not be oriented to be primarily visible from the freeway to be supported by more than one post to be within 1200;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

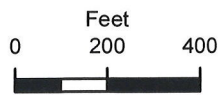
### ***Surrounding Property:***

**Z-5787/PUD-306 February 1983:** All concurred in **approval** of a request to rezone a 273.4+ acre tract of land from RM-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 91<sup>st</sup> Street and 101<sup>st</sup> Street South, both sides of Delaware.

**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 91<sup>st</sup> Street and Harvard Avenue.



SUBJECT TRACT



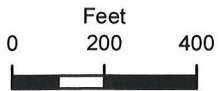
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Subject Tract

**Z-7722**

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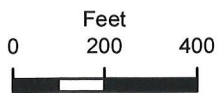
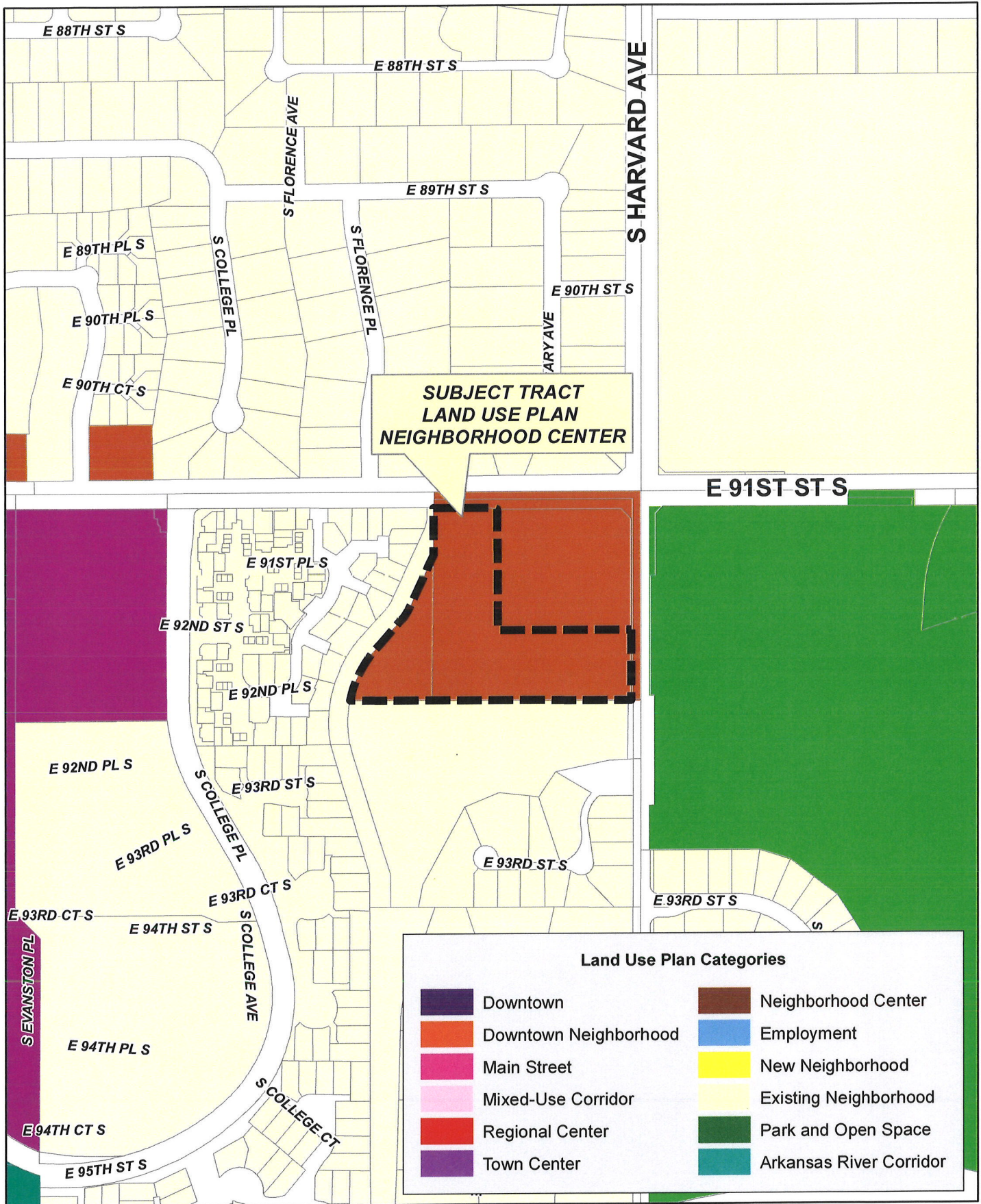
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021



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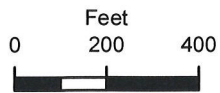
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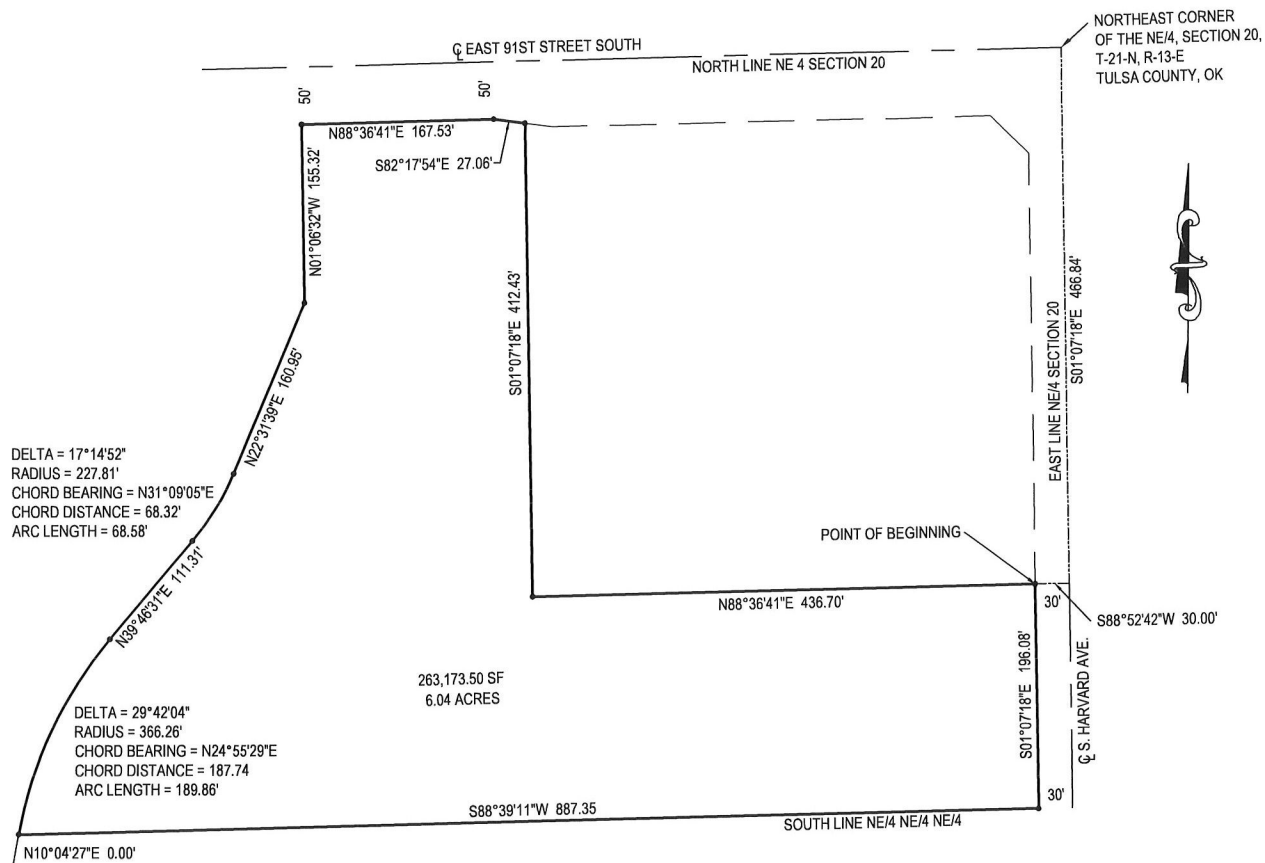
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# Exhibit "A"



## LEGAL DESCRIPTION

A TRACT OF LAND THAT IS PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY (20), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4; THENCE SOUTH 01°07'18" EAST ALONG THE EASTERLY LINE OF SAID NE/4 FOR 466.84 FEET; THENCE SOUTH 88°52'42" WEST, A DISTANCE OF 30.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SOUTH HARVARD AVENUE AND THE POINT OF BEGINNING; THENCE SOUTH 01°07'18" EAST, PARALLEL WITH SAID EASTERLY LINE AND ALONG SAID WESTERLY RIGHT OF WAY OF SOUTH HARVARD AVENUE FOR A DISTANCE OF 196.08 FEET TO A POINT OF THE SOUTH LINE OF THE NE/4 NE/4 NE/4; THENCE SOUTH 88°39'11" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 887.35 FEET; THENCE NORTH 10°04'27" EAST, A DISTANCE OF 0.00 FEET TO A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 29°42'04", A RADIUS OF 366.26 FEET, A CHORD BEARING OF NORTH 24°55'29" EAST FOR A CHORD DISTANCE OF 187.74 FEET, FOR A ARC LENGTH OF 189.86 FEET; THENCE NORTH 39°46'31" EAST, A DISTANCE OF 111.31 FEET; THENCE THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE 17°14'52", A RADIUS OF 227.81 FEET, A CHORD BEARING OF NORTH 31°09'05" EAST FOR A CHORD DISTANCE OF 68.32 FEET, FOR A ARC LENGTH OF 68.58 FEET; THENCE NORTH 22°31'39" EAST, A DISTANCE OF 160.95 FEET; THENCE NORTH 01°06'32" WEST, A DISTANCE OF 155.32 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY FOR EAST 91st STREET SOUTH; THENCE NORTH 88°36'41" EAST PARALLEL WITH THE NORTHERLY LINE OD THE NE/4 AND ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR A DISTANCE OF 167.53 FEET; THENCE SOUTH 82°17'54" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR A DISTANCE OF 27.06 FEET; THENCE SOUTH 01°07'18" EAST, A DISTANCE OF 412.43 FEET; THENCE NORTH 88°36'41" EAST, A DISTANCE OF 436.70 FEET TO THE POINT OF BEGINNING, CONTAINING 263,173.50 SQUARE FEET OR 6.04 ACRES, MORE OR LESS.



3840 S 103RD E AVE. SUITE 227 TULSA, OKLAHOMA (918)-664-5500

6.04 ACRE TRACT

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*EXHIBIT "B"*

**BACKGROUND**

The property at issue in this application (the "Subject Property") is an approximately 6.04 acre tract in the southwest quadrant of 91<sup>st</sup> Street and Harvard Avenue. It is bounded on the north and east by a 4.09 acre tract at the hard corner of 91<sup>st</sup> and Harvard this is currently zoned CS. The Subject Property is currently zoned RM-0 and both the Subject Property and the 4.09 acre tract to the northeast are vacant. A small portion of the Subject Property in the southwest corner is within PUD 306.

**REZONING REQUEST**

The Applicant proposes to rezone the Subject Property to OL to allow for a mix of office and commercial uses that would be an appropriate buffer between the commercial use near the corner of 91<sup>st</sup> and Harvard and the adjacent church and residential properties. The proposed rezoning is a straight OL request with all uses allowed by right in an OL district. As part of this request, the Applicant is also proposing a partial vacation of PUD 306 to remove the portion of the Subject Property currently encumbered by PUD 306 from same.

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