### Case Report Prepared by:
Austin Chapman

### Owner and Applicant Information:

**Applicant:** Criminal Justice and Mercy Ministries of OK, Inc.

**Property Owner:** Southtown Holding Company LLC

### Action Requested:
Special Exception to permit a Transitional Living Center Use in the RS-3 (Table 5.020, Table 5-2);

### Location Map:
![Location Map](image)

### Additional Information:

**Present Use:** Former Retirement Home/Nursing Home

**Tract Size:** 2.65 acres

**Location:** 5707 S. Memorial Dr.

**Present Zoning:** RS-3
BOA-23549

19-13 36

10.4
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9336
CD: 7

HEARING DATE: 07/11/2023 1:00 PM

APPLICANT: Criminal Justice and Mercy Ministries of OK, Inc.

ACTION REQUESTED: Special Exception to permit a Transitional Living Center Use in the RS-3 (Table 5.020, Table 5-2);

LOCATION: 5707 S. Memorial Dr.

PRESENT USE: Former Retirement Home/ Nursing Home

ZONED: RS-3

TRACT SIZE: 115530.31 SQ FT

LEGAL DESCRIPTION: BEG NWC SW TH E620.64 SW349.40 SW479.64 W104.88 N646.57 POB LESS BEG NWC SW TH S646.57 E60 N5 W10 N125 W5 N311.57 W10 N205 W35 POB & LESS BEG 45E & 250S NWC NW SW TH E332.21 SW.89 SW479.64 W44.88 N5 W10 N125 W5 N266.57 POB SEC 36 19 13 2.65ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS: None.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a “Multiple Use” Land Use Designation.

Multiple Use areas are “Mostly Commercial or Retail Uses” which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

STAFF ANALYSIS: The applicant is requesting a Special Exception to permit a Transitional Living Center Use in the RS-3 (Table 5.020, Table 5-2);

Transitional Living Center
A community-based residential facility that provides room and board, a supervised living environment, counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, alcoholism or drug abuse for a continuous period of no more than 120 consecutive days.
Transitional living uses are subject to the following supplemental regulations:

**Section 40.130  Dispersal Standards for Specified Land Uses**

40.130-A The supplemental use regulations of this section apply to all detention and correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and transitional living center uses.

40.130-B To avoid over-concentration, all detention and correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and transitional living center uses must be separated from one another by a minimum distance of 2,640 feet, as measured in a straight line from the nearest point on the lot line of the property occupied by one of these uses to the nearest point on a lot line of the other property occupied by one of the subject uses (see Figure 40-6). The separation distance requirements of this subsection may be reduced if approved through the special exception approval process.

![Figure 40-6: Dispersal Standards Measurement](image)

Staff would recommend approving the the exception per conceptual plan showing the footprint and location of the existing structures. Additional parking may need to be added to meet code.

**SAMPLE MOTION:**

Move to ________ (approve/deny) a Special Exception to permit a Transitional Living Center Use in the RS-3 (Table 5.020, Table 5-2)

- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.

- Subject to the following conditions (including time limitation, if any):

  ____________________________________________________________:

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Subject Property

Facing North on Memorial
Sec. 40.130-B To avoid over-concentration, all detention and correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and transitional living center uses must be separated from one another by a minimum distance of 2,640 feet, as measured in a straight line from the nearest point on the lot line of the property occupied by one of these uses to the nearest point on a lot line of the other property occupied by one of the subject uses (see Figure 40-6).

The separation distance requirements of this subsection may be reduced if approved through the special exception approval process.

Review Comment: Clearly identify the radius measurement, measure the distance from your property to the closest facility near your property. Identify on the map. Your facility can be no closer than 2,640 feet to the next facility.
Sec. 70.080-C: Applications for Zoning Clearance must be accompanied by a legal description of the lot and plans, drawn to scale.
Review comment: Submit a site plan with the following information:
• Actual shape and dimensions of the lot;
• Location and dimensions of all easements;
• Lot lines and names of abutting streets;
• The location, size and height of any existing buildings or structures to be erected or altered, including distances to lot lines;
• The location, dimensions and height of proposed buildings or structures to be erected or altered;
• The intended use of existing and proposed buildings, structures or portion of the lot;
• Location and dimensions of parking areas. This includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas.

Sec. 5.020 Table 5-2: Your proposed facility is designated a Residential/Group Living/Transitional Living Center use and is located in an RS-3 zoning district.
Review Comments: Transitional Living Center uses are only allowed in an RS-3 zone by Special Exception. Submit a Special Exception reviewed and approved per Sec. 70.120 to allow a Transitional Living Center use in a RS-3 zoned district. Contact the Tulsa Planning Office at 918-584-7526 for next steps and further instruction.
Actual shape and dimensions of the lot with lot lines and names of abutting streets.

5707 S. Memorial Dr. E., Tulsa, OK 74145

Legal: BEG NWC SW TH E620.64 SW349.40 SW479.64 W104.88 N646.57 POB LESS BEG NWC SW TH S646.57 E60 N5 W10 N125 W5 N311.57 W10 N205 W35 POB & LESS BEG 45E & 250S NWC NW SW TH E332.21 SW.89 SW479.64 W44.88 N5 W10 N125 W5 N266.57 POB SEC 36 19 13 2.65ACS
1. PERSON THAT DISCOVERS FIRE REPORT IT IMMEDIATELY.
2. PERSON AT DOOR TO EACH SHIFT TO CALL THE FIRE DEPARTMENT (BEL. 585).
3. RESCUE PATIENTS FROM INCINERATION AREA;
4. USE EXTINGUISHERS TO CONTROL FIRE;
5. HAVE CONTEST HOSPITAL HOSES, LAVATORY, ETC. TO BE READY;
6. ELIMINATE ALL PATIENTS AND EXIT;
7. KEEP DRIVEWAY CLEAR; CLEAN ON THE FIRE HOSE CAN OPERATE EFFECTIVELY;

Scale: 1/2" = 1' - 0"
Intended Use: Transitional Housing

These are all the existing and proposed buildings, structures or portions of the lot. There are no plans to erect or alter proposed buildings or structures. Parking spaces and entries and exits are shown.
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No detention and correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and transitional living centers are located with a 2,640 feet radius of the location.