

Case Number: Z-7725 (Related to CPA-104)

Hearing Date: July 19, 2023

Case Report Prepared by:

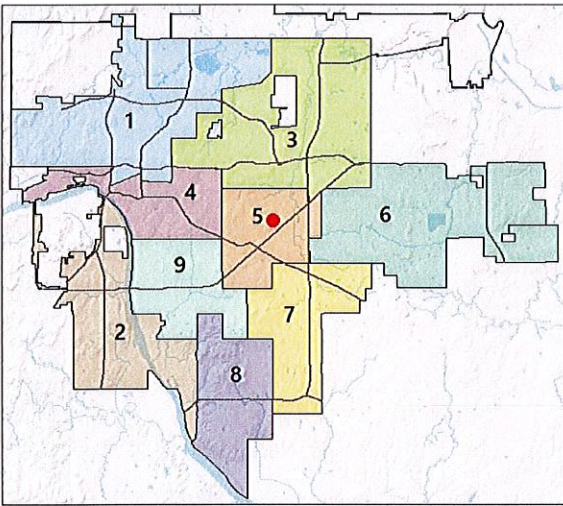
Austin Chapman

Owner and Applicant Information:

Applicant: Paloma Jonsson

Property Owner: Jose Luis Duran & Evangelina Ruiz

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Vacant

Proposed Use: Mixed-use

Concept summary: Rezone property to CS to allow for a mixed-use development accommodating a vertical mixed-use building. The optional development plan is proposed to limit some uses near the surrounding residential development and limit the height of new buildings. A concurrent Comprehensive Plan amendment (CPA-104) seeks to change the land use designation from Neighborhood to Multiple Use.

Tract Size: 0.54 ± acres

Location: S. of the SE/c of S. Memorial Dr. & E. 23rd St S

Zoning:

Existing Zoning: RS-3

Proposed Zoning: CS with optional development plan

Comprehensive Plan:

Land Use Map: Neighborhood (Proposed in CPA-104: Multiple Use)

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 9313
CZM: 38

City Council District: 5

Councilor Name: Grant Miller

County Commission District: 3

Commissioner Name: Kelly Dunkerley

12.1

SECTION I: Z-7725

DEVELOPMENT CONCEPT: The applicant is requesting to rezone property to CS to allow for a mixed-use development accommodating a vertical mixed-use building. An optional development plan is proposed to limit some uses near the surrounding residential development and limit the height of new buildings. An associated Comprehensive Plan amendment seeks to change the land use designation from Neighborhood to Multiple Use.

EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map

DETAILED STAFF RECOMMENDATION:

Staff recommends Approval of Z-7725 to rezone property from RS-3 to CS with the development plan standards included in Section II. The development plan restricts some uses that may not be compatible with the surrounding residential district including Vehicles Sales and Service Uses, Marijuana related uses and Drive-through facilities. Additionally, a height recommendation of 35-feet is recommended due to the topography of the property which sits higher than the surrounding residential property.

SECTION II:

DEVELOPMENT STANDARDS:

The standards will conform to the provisions of the Tulsa Zoning Code for development in the CS district with its supplemental regulations and accessory use provisions except as further refined below.

All uses categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited.

Those uses marked with a * require a Special Exception approved in accordance with Sec. 70.120 of the Tulsa Zoning Code.

PERMITTED Use Categories, Subcategories and Specific uses:

RESIDENTIAL Use Category:

Household Living Subcategory (if in allowed building type identified below):

Specific Use:

- Single household
- Two households on single lot
- Three or more households on single lot

- Group Living Assisted living facility
- Community group Home Convent/ monastery/novitiate Elderly/retirement center Fraternity/Sorority
- Homeless center *
- Life care retirement center Re-entry facility *
- Residential Treatment center* Rooming/ Boarding house
- Shelter, emergency and protective * Transitional Living Center*

PUBLIC, CIVIC, and INSTITUTIONAL Use Category:

- College or University
- Day Care
- Government Service or Similar Function*
- Hospital
- Library or Cultural Exhibit
- Natural Resource Preservation
- Parks and Recreation
- Postal Service*
- Religious Assembly

12.2

- School
- Utilities and Public Service Facility
- Minor
- Wireless Communication Facility
 - Freestanding tower
 - Building or tower mounted antenna

COMMERCIAL Use Category:

Animal Service

- Boarding or shelter*
- Grooming
- Veterinary

Assembly and Entertainment (Gun Clubs, outdoor or indoor, are prohibited)

Indoor:

- Small (up to 250-person capacity) * (Special Exception only required if serving alcohol within 150-feet of a residential district, see Sec. 15.020, Table 15-2 Table note [4])

Broadcast or Recording Studio

Commercial Service

- Building Service*
- Business Support Service
- Consumer Maintenance/Repair Service
- Personal Improvement Service

Financial Service

- Personal credit establishment

Lodging

- Bed & Breakfast
- Short-term rental
- Hotel / Motel

Office

- Business or professional office
- Medical, dental or Health practitioner office

Restaurants and Bars

- Restaurant
- Bar * (Special Exception only required if serving alcohol within 150-feet of a residential district, see Sec. 15.020, Table 15-2 Table note [4])
- Brewpub*

Retail Sales

- Building Supplies and Equipment
- Consumer shopping goods
- Convenience goods
- Grocery Store
- Small Box Discount Store

Self-service Storage Facility*

Studio, Artist or Instructional Service Trade School

WHOLESALE, DISTRIBUTION & STORAGE

Warehouse*

AGRICULTURAL

- Community Garden
- Farm, market- or Community Supported

RESIDENTIAL BUILDING TYPES

Single Household

- Detached House*
- Townhouse
- Patio House*
- Mixed-Use Building
- Vertical Mixed-Use Building

Two Households on Single Lot

- Duplex*

12.3

- Mixed-Use Building
- Vertical Mixed-Use Building
- Three Households on Single Lot
- Multi-unit House
- Apartment/Condo
- Mixed-Use Building
- Vertical mixed-use building

SUPPLEMENTAL LOT AND AREA REQUIREMENTS:

The property will meet the lot and Area Requirements of the CS District except as further restricted below.

Maximum Building Height: 35-feet

ACCESS: Ingress and egress to the property will be limited to S. Memorial. Vehicular access onto S. 82nd E. Ave. is prohibited.

SECTION III:

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The proposed development as defined in section II above is consistent with the proposed Multiple Use land use designation.

Land Use Vision:

Land Use Plan map designation: Neighborhood

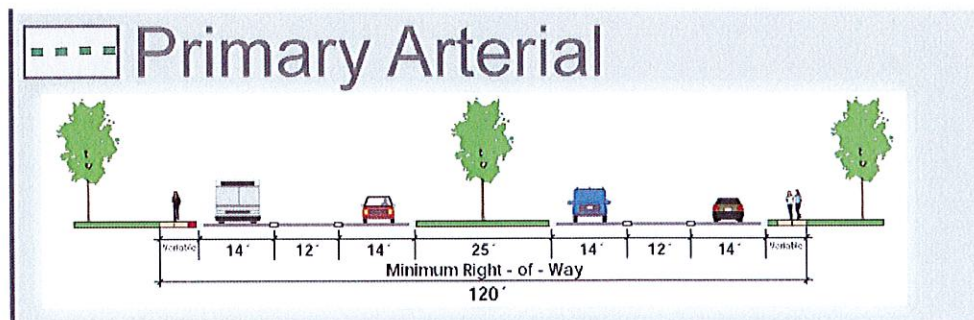
Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

Proposed Land Use Plan map designation: Multiple Use

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.

Transportation Vision:

Major Street and Highway Plan: S. Memorial Drive is classified as a Primary Arterial Street and designated a Commuter Corridor. S. 82nd E. Ave. is not a classified Street.



Trail System Master Plan Considerations: None.

12.4

Small Area Plan: None.

Special District Considerations: None.

Historic Preservation Overlay: None.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The subject property is adjacent to a residential subdivision and formerly contained a single-family home, staff is unsure when the home was demolished, though it appears that it has been vacant for at least a decade.

The property currently has frontage on two streets including S. Memorial Drive which is a Primary Arterial street on the City of Tulsa Major Street and Highway plan. The other street is the dead end of S. 82nd E. Ave. that currently lacks a curb-cut onto the street. The property is surrounded by Neighborhood land use designation though the use of the northern property is a medical office.



Image used from Google Street view taken of the subject property from S. 82nd E. Ave. The elevation change between residential property and the subject property is shown here, as evidenced from the retaining wall along S. 82nd E. Ave.

Environmental Considerations: None.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
S. Memorial Dr.	Primary Arterial	120-feet	4 lanes
S. 82 nd E. Ave.	Not Classified	50-feet	2 non-divided lanes

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use	Existing Use
----------	-----------------	-------------------	--------------

12.5

		Designation	
North	RS-3	Neighborhood	Medical Office
South and East	RS-3	Neighborhood	Single-family Residential
West	RS-1	Neighborhood	Single-family Residential

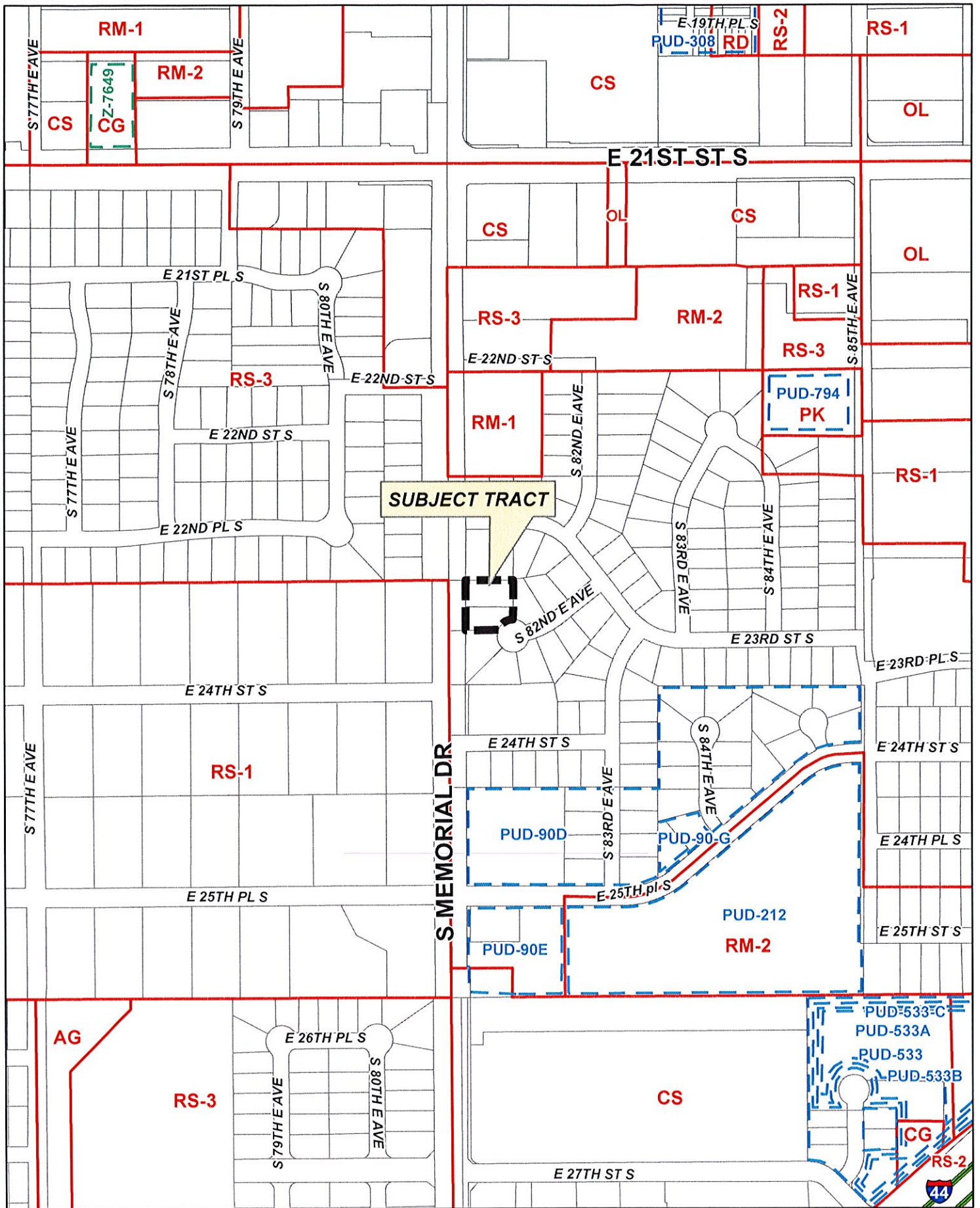
SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11816 dated June 26th, 1970 established zoning for the subject property.

Subject Property:

BOA-6816; On 11.05.70 the Board **approved** an Exception to permit the operation of the Day Care Nursery on the subject property in the existing vacant house.

12.6

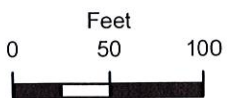
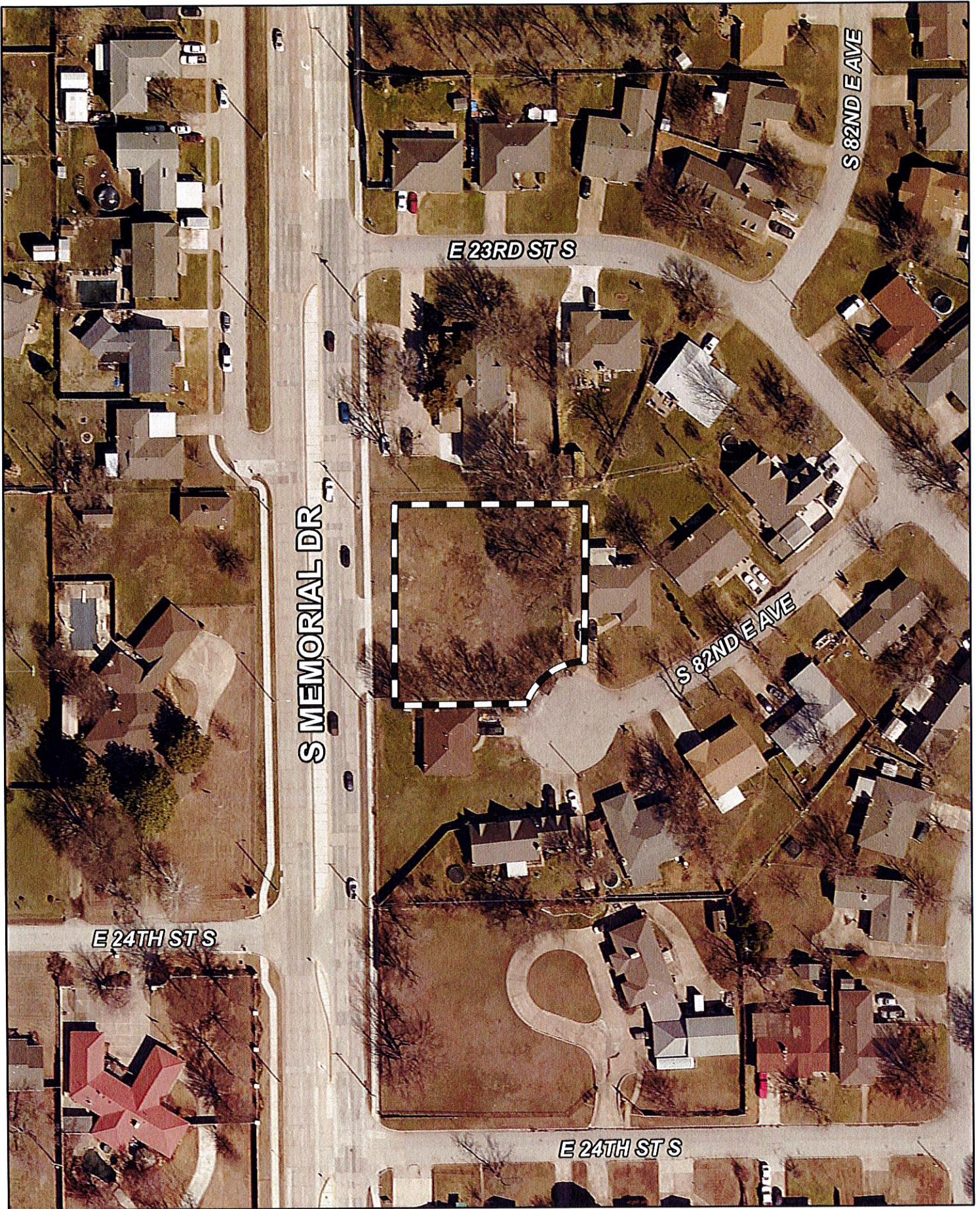


Z-7725

19-13 13

12.7





 Subject Tract

Z-7725

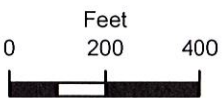
19-13 13

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

Aerial Photo Date: 2020/2021

12.8





 Subject Tract

Z-7725

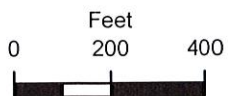
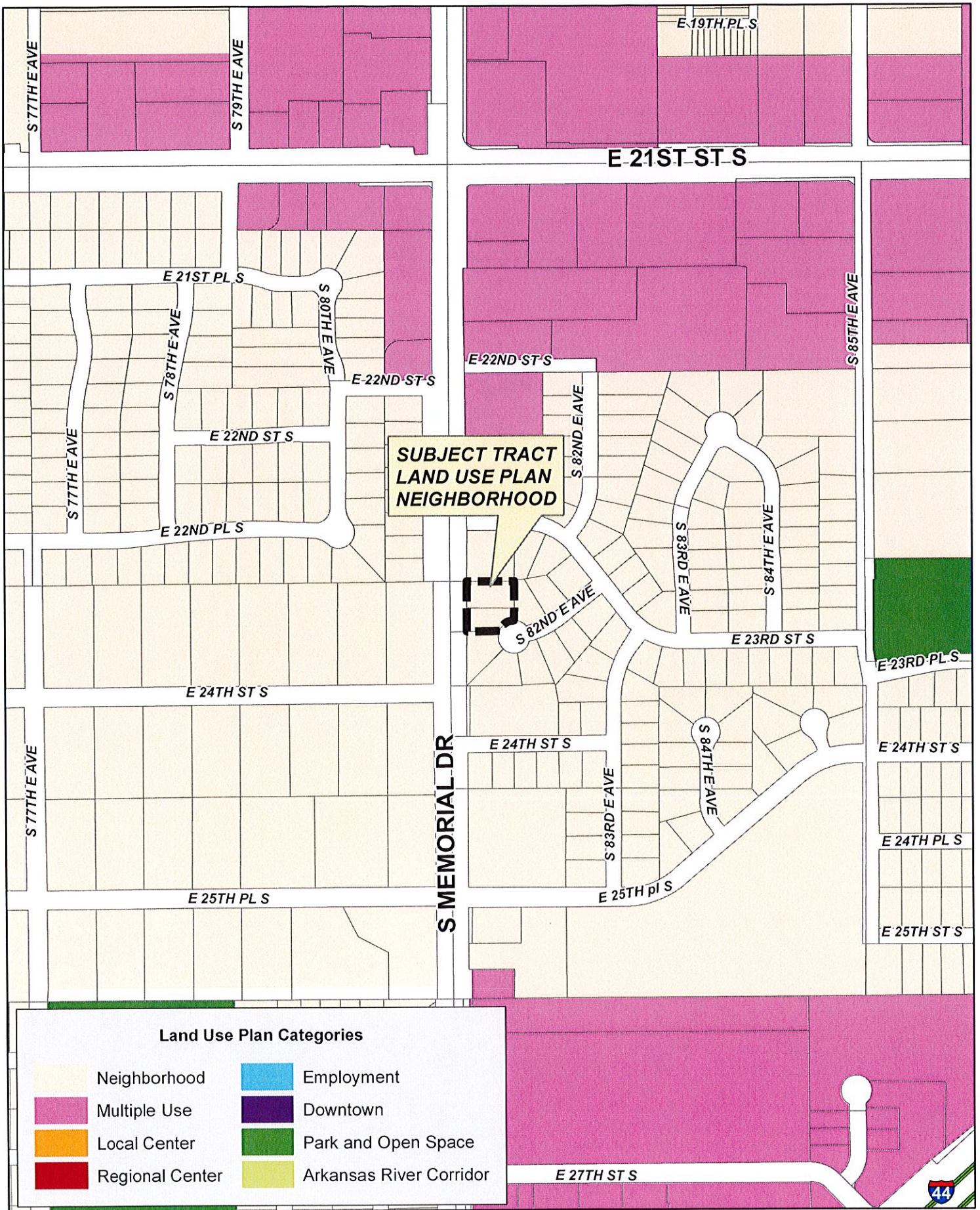
19-13 13

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

Aerial Photo Date: 2020/2021



12.9



Z-7725

19-13 13

12.10

