**Case Number:** Z-7725 (Related to CPA-104)  
**Hearing Date:** July 19, 2023

**Owner and Applicant Information:**  
**Applicant:** Paloma Jonsson  
**Property Owner:** Jose Luis Duran & Evangelina Ruiz

**Location Map:**  
(shown with City Council Districts)

![Location Map](image)

**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
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
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*
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.

![Primary Arterial Diagram]

Trail System Master Plan Considerations: None.

/2.4

REVISED 7/12/2023
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:

<table>
<thead>
<tr>
<th>Existing Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>S. Memorial Dr.</td>
<td>Primary Arterial</td>
<td>120-feet</td>
<td>4 lanes</td>
</tr>
<tr>
<td>S. 82nd E. Ave.</td>
<td>Not Classified</td>
<td>50-feet</td>
<td>2 non-divided lanes</td>
</tr>
</tbody>
</table>

Utilities:
The subject tract has municipal water and sewer available.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

/2.5

REVISED 7/12/2023
| 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.