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|--------------|---------------------------------------------------------------------------|
| To           | Planning Commission                                                       |
| Hearing Date | April 7, 2022                                                             |
| Case Number  | JZ 22 PUD 84Mi1                                                           |
| Request      | <i>Approve a Minor Amendment No. 1 to allow for a side loading garage</i> |
| Location     | East of Elm Street (Peoria) between 111 <sup>th</sup> and 121st           |

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## Staff Report

Preparer | Marcaé Hilton

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|--------------------------|--------------|
| Attachments              | Preparer     |
| PUD 84 Amendment Request | Robert Bell  |
| Elm Ridge Plat           | Mark McGuire |
| Application & Request    | Robert Bell  |

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## Background Information

|                  |                                                                               |
|------------------|-------------------------------------------------------------------------------|
| Public Comment   | Minor Amendments are not advertised   None at the time of this report         |
| General Location | North of 121 <sup>st</sup> and West of Elm                                    |
| Zoning           | PUD 84   RS-2 Single-family Residential<br>Private Gated (37 Lot) subdivision |
| Plat             | Elm Ridge   Approved March 3, 2014<br>No. 6580                                |

The house on Lot 11, Block 1 was constructed in 2018, at that time staff was unaware of the side load garage prohibition. When a new building permit was submitted asking for a side loading garage for Lot 1, Block 2, the error was discovered. The developer, Mr. Wollmershauser still maintains ownership of the reserves, giving him the right to amend without the 65% ownership vote. Per Mr. Bell, the applicant, the fact that the side load garage existed for 4 years without complaint by the neighborhood would normally negate their rights by the courts for enforcement. Staff believes this minor amendment does not impact the health, safety or welfare of the community. The Fire Chief maintains the access is to be uses as a fire lane, cars may NOT park in the street at any time, otherwise he has not objection.

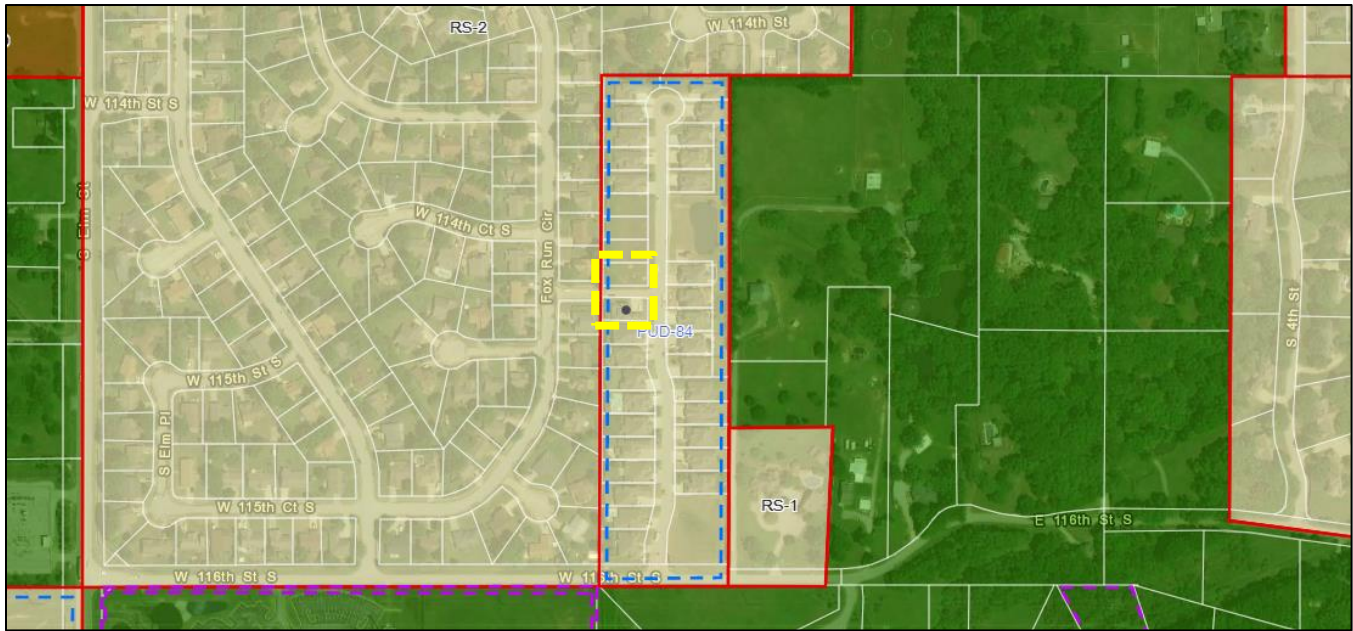


Figure 1: Zoning Map | INCOG



Figure 2: Fire Lane to be used as access

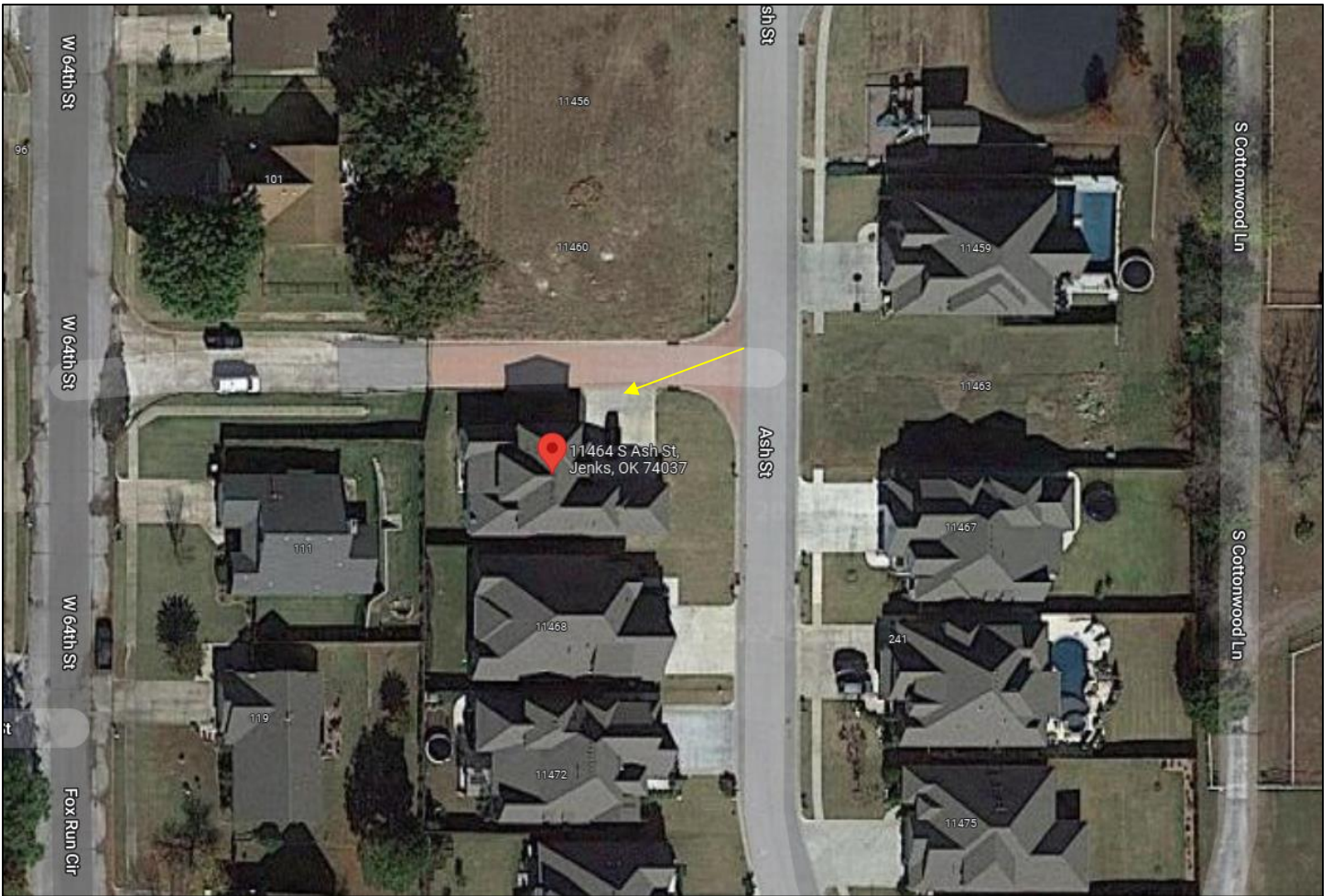


Figure 3: google earth

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## Staff Evaluation & Recommendation

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**Evaluation** Approving this request would allow for the parties involved to lawfully access their garage from the fire lane. This creates a clear title for both lots.

**RECOMMENDATION** | *Staff recommends conditional approval of Minor Amendment No. 1 for PUD 84.*

1. *Applicant will file approval with Tulsa County Land records identifying the change to the plat.*