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**From:** Lou Kohlman <lou\_kohlman@sbcglobal.net>  
**Sent:** Thursday, November 7, 2024 3:52 PM  
**To:** PL, Subdivision and Zoning  
**Subject:** Protest of SPUD-1685  
**Attachments:** SPUD 1685 Protest Letter.docx

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Please find below and separately attached my protest of SPUD-1685, set for hearing December 12.

Thank you.

TO: OKC Planning Commission, subdivisionandzoning@okc.gov

RE: PROTEST against SPUD-1685

From : Lou Kohlman, 8100 N. Bryant Ave., OKC 73131

405-659-3729; lou\_kohlman@sbcglobal.net

**Overview.** My homestead property (4 acres +/-) very nearly abuts the SW corner of the proposed SPUD-1685, and I can both clearly see and hear that site and any activity on it. My extended family has owned and resided on the land to the south and west, including the immediately adjacent property, since the 1889 Land Run. In addition to recreational space there are three separate homesteads owned by family members. Until this purchase the house currently on SPUD-1685 property was used exclusively as a residence. My objections reflect concerns about the legality of the proposed use and the significant detriment to my quality of life and to my and my family's use and enjoyment of our property. This last concern is not theoretical: the SPUD-1685 owner is already running large trucks and heavy machinery on NE 82<sup>nd</sup> and the property itself.

**Current area zoning would not support this use.** This area contains both highway frontage and, beginning halfway up NE 82<sup>nd</sup>, a long-established residential area. The current zoning reflects commercial and warehouse use along the N I-35 Service Road, while preserving the residential neighborhood. The Planning Commission has to balance those two very different existing uses. The SPUD-1685 property is currently zoned Agricultural. The proposed Industrial zoning, for storage and hauling of construction materials including sand, gravel, and Portland cement, is inconsistent with the current zoning and use of surrounding property.

- The land to the immediate east and south, bordering on the N I-35 Frontage Road and my property, is zoned Commercial and occupied by a business with fully contained indoor personal storage units; that business has no outlet on NE 82<sup>nd</sup>.

- The land immediately north, covered by PUD-771, is zoned Light Industrial and has large warehouses for distribution and fulfillment centers and some light manufacturing – all, by the PUD terms, facing

away from NE 82<sup>nd</sup>. There is a 30-50 foot greenbelt between those buildings' blank south walls and NE 82<sup>nd</sup>.

- My property, south and west, as well as the property 130 feet west of the west SPUD-1685 line and extending to N. Bryant, is zoned residential. I have a large fenced curtilage and homestead dwelling. There are two other homestead dwellings on the larger property.

- Most interesting is that 130 feet immediately adjacent west of SPUD-1685. It is zoned Agricultural. However, the zoning line runs directly through the easternmost homestead dwelling, bisecting it: the house is half Agricultural, half Residential, and its immediately adjacent garage (which includes a small garage apartment, usually occupied) is within the agricultural zoning designation. So, of that 130 feet of "agricultural" land, almost all of it is residential in character and used as a residence. The land is designated agricultural, and thus technically SPUD-1685 does not abut Residential zoning. However, as a practical matter the Commission should take into account that SPUD-1685 does in fact abut an actual residence, half of which is zoned Residential, in considering the SPUD property appropriate use.

**The Road would not support this use.** NE 82<sup>nd</sup> provides the only access to the SPUD-1685 property. I do not suggest that NE 82<sup>nd</sup> can't support *any* use of the property, only that it cannot support the proposed use.

- NE 82<sup>nd</sup> is a narrow unimproved gravel **private road**, contained within the property limits of the PUD-711, adjacent to the north and running the entire length of the road. The SPUD-1685 owner may be unaware that this is a private road, neither owned nor maintained by the City or County.

- NE 82<sup>nd</sup> is currently haphazardly and irregularly maintained by the private owner; that corporation is reluctant to maintain it for regular traffic, and it seems highly unlikely they will provide the increased maintenance necessary to correct for the damage caused by someone else's trucks and heavy machinery.

- NE 82<sup>nd</sup>'s private owner does not permit its trucks to use the road. PUD-771 explicitly provides that, given the road's condition, there is to be no access to the PUD-771 property from NE 82<sup>nd</sup>. This restriction of course does not apply to property to the south of the roadway. However, while heavy machinery and construction trucks travelling to the south side of the road may not be barred by the letter of PUD-771, they certainly violate the spirit of the agreement: the southern landowners and the developer agreed that the lack of access to the development meant there would be no large truck traffic on the road. And the developer put a sign up on the west end of 82<sup>nd</sup> at the Bryant intersection, prohibiting truck traffic.

- The SPUD-1685 deed does not reflect an easement that would accommodate access, much less heavy equipment and truck traffic.

- Wholly independently of any legal right of access, the proposed zoning is not appropriate. The narrow road passes within 20 feet of my 94-year-old uncle's front door. The entire western part of the road abuts residential property. Construction vehicles, heavy machinery and large trucks damage the road and destroy residents' peace of mind and enjoyment of property.

- SPUD-1685 proposal incorrectly states street improvement will not be required. In fact the road has already sustained damage from this business's trucks and machinery. The road bed is not built to withstand *any* heavy traffic, much less machinery and trucks proposed, and has become deeply rutted and impassable in places.

**The Proposed Rezoning would detrimentally affect the use and enjoyment of my and other, adjacent property.** For 130 years till today, the property to the south and west has been continually and exclusively used for residences. Two homesteads front on NE 82<sup>nd</sup>, and that road provides the only access for one home and several recreational lots.

- The SPUD-1685 site map shows large areas of gravel as well as open three-sided bins for sand and gravel. The nature of the business means loaded trucks will regularly arrive and depart from the property, loading and unloading these materials. This will inevitably result in significant quantities of sand and gravel dust, as well as loose materials, which are easily picked up by the wind and distributed on neighboring property. The dust itself poses a health hazard. The loading and unloading will involve significant noise. The truck traffic on NE 82<sup>nd</sup> raises significant gravel dust from that unimproved gravel road, and is very noisy.

- There is no existing fence or noise barrier anywhere on SPUD-1685.

- SPUD-1685 is clearly visible from my north and east property line, and from my living room windows. There is nothing to stop loose dust and materials from blowing onto my property, which is currently preserved as a late Cross-Timbers ecosystem. These materials will damage that ecosystem. The dust and noise will diminish my own enjoyment of my property. This will also affect my ability to sell, reducing my property value – industrial use of the subject land will detrimentally affect my ability to sell land zoned residential to a residential buyer.

- The proposed industrial use will be even worse for the people living on NE 82<sup>nd</sup>. They are already subjected to significant dust, dirt and noise, as well as serious road damage. The noise and dust from heavy machinery and the loading & unloading of heavy materials will take place within feet of their doors and windows. The health hazard from the dust threatens my 94-year-old uncle as well as a transplant patient living on the property. The noise, dust and dirt diminishes their quality of life and significantly depreciates their property values.

- Escalera's Application does not acknowledge the residential nature of the adjacent community. Nor does it acknowledge that people are living in houses right next to it, nor that they are affected by his operations.

- SPUD-1685 makes no provision for noise abatement of any kind. There is no provision for fencing to mask the sight of heavy machinery and the construction materials, nor to contain the dust and grit from the materials piles and loading/unloading process.