

Johnson, Thad A

From: Ellen Knickmeyer <ellen.knickmeyer@gmail.com>
Sent: Monday, November 4, 2024 8:56 AM
To: PL, Subdivision and Zoning
Cc: Joe Swalwell; Lou Kohlman; Joan Corbin; Michelle Callarman
Subject: Proposed SPUD 1685 - information for staff recommendation

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Nov. 4, 2024

Ellen Knickmeyer
3100 NE 82nd St.
Oklahoma City, Oklahoma
73131

Re: Additional information for review ahead of staff recommendation on Case No: SPUD-1685 Applicant: Arturo De Lara Escalera Existing Zoning: C-4 / AA / PUD-771 Location: 3104 NE 82nd St.

Dear Oklahoma City Planning Commission Staff, Commission Members:

I am writing as one of several adjoining homeowners to provide pertinent additional deleatory site and road information for Planning Commission staff as they evaluate Case No. SPUD-1685 application. I ask that this letter kindly be provided to the experts on city staff to have this information as they prepare their recommendation, and included in the overall documentation with the application as it goes to commissioners.

-Regarding access for the proposed project: SPUD-1685 applicant proposes to use what is a private, one-lane, fragile dirt and gravel NE 82nd, the sole route of access to his property, and incorrectly says that his project requires no improvements to 82nd.

In fact, NE 82nd is a narrow one-lane dirt and gravel road that multiple times a year under now-banned truck traffic washed out to the sandstone beneath, making it deeply rutted up and down the length of 82nd and impassable.

Our extended family, which for 130 years has owned and lived in the three homes over the several acres immediately to the west, in the past filed multiple complaints with the city about our inability because of those washouts to access our property, and the danger to us from any emergency vehicles being unable to access our homes, if need be. Previous occupants of the site of SPUD-1685 resorted to driving up in our yards to pass, which is unacceptable.

Because of the fragility and unsuitability of the road and the 130-year-old residential nature of the homes served by it to the west, access to 82nd is restricted by both the PUD-771 and the RAC designation. The current owners and managers of 82nd have in recent years been cooperative in this effort to preserve the

road in a useable state and the residential nature, have worked to maintain the passability of the road, and in recent years have worked to enforce a bar on all truck access on 82nd.

Two street signs at both ends of 82nd, posted by the road owner, advise of that prohibition on all truck traffic.

Despite this, SPUD-1685 applicant appears to have violated the PUD and RAC and prohibition since he bought the property, driving heavy and specialized construction equipment for large commercial projects down the road past our homes and damaging the dirt and gravel road.

He has ignored the “no trucks” signs posted by the road owner.

His application does not acknowledge that his heavy trucks destroy the roadway and threaten our access to our homes.

(A note in this morning’s storms: Unfortunately, the site of SPUD 1685 application has flooded since the construction of a commercial business to its east. Part of his site is now under standing water that will linger, another sign of the site’s unsuitability for the proposed use for gravel, sand and heavy industrial equipment.)

-Mitigation: Applicant makes no acknowledgement of the single-family homes as close as a few dozen feet from his proposed heavy industry. He makes no provision for a visual buffer in the sight lines, noise abatement or dust control for myself and other residents and property owners.

The heavy truck traffic, crashing gravel dumps, unsightly industrial appearance and dust and dirt from industrial use of a gravel and sand lot immediately outside our kitchen and bedroom windows would destroy the quality of life and property value of myself and family members in those homes.

Site, proposed change and existing zoning and historical use: The industrial use requested in SPUD-1685 application is at drastic variance and incompatible with the R-1 and agricultural zoning of immediately adjoining property, and the continuous, 130-year strictly residential nature of the site of SPUD-1685 itself, and of the multiple old and new single-family homes adjoining it and going all the way up to Bryant and continuing on the east side of Bryant.

SPUD-1685 proposes to make a drastic jump for his site and our neighborhood from 130 years of current and past residential use, to heavy, loud, dusty industry.

Neighborhood context: Our great-grandfather and -mother and their descendants homesteaded, quarried and built those same homes that myself, my cousins and 94-year-old uncle still live in and lovingly maintain today. We know we are lucky to have been able to keep a still-rural and residential home place that has kept our extended family together and coming back here for barbecues and weddings for six generations.

We would welcome Mr. Escalera here as a neighbor, and did, if he were not proposing a project that harms us all as property owners and a family.

SPUD-1685 proposes a drastic variance from existing residential zoning and the historical land use over more than a century, would greatly damage surrounding home owners’ use of their homes and property value, fails to acknowledge or address the multiple inadequacies of the site for the proposed project,

and already is in at least partial operation in violation of the prohibitions and restrictions on the site and road.

Thank you very much for your time and consideration. I'm very happy to provide any additional information.

Ellen Knickmeyer

tel:4156990865

mailto:Ellen.knickmeyer@gmail.com

Johnson, Thad A

From: Ellen Knickmeyer <ellen.knickmeyer@gmail.com>
Sent: Thursday, November 7, 2024 8:07 PM
To: PL, Subdivision and Zoning
Cc: Michelle Callarman; Joan Corbin; Lou Kohlman; Joe Swalwell
Subject: Protest of SPUD 1685 from adjoining property owner

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Ellen Knickmeyer
3100 NE 82nd St.
Oklahoma City, Oklahoma
73131

**Letter of protest from owner of adjoining property against Case No: SPUD-1685 Applicant: Arturo De Lara Escalera
Existing Zoning: C-4 / AA / PUD-771 Location: 3104 NE 82nd St**

Dear Oklahoma City Planning Commission Members and Staff:

I am writing as the owner of a more than 90-year-old family-built and -occupied home and its 1.5 acres, 3100 NE 82nd, immediately bordering Mr. Escalera's recently purchased property. I ask you to please reject Mr. Escalera's proposed SPUD-1685, which would allow him to establish an industrial gravel and sand and heavy equipment business at a property some 50 feet from my bedroom windows.

Mr. Escalera's proposed industrial use of that site is drastically incompatible with the current zoning and the consistent 130-year residential use of his property, my property and my extended family's surrounding property.

His proposed business, and its proposed access on the same fragile single-lane dirt and gravel road that we depend upon to access our homes, is a threat to our safety, health, quality of life and property value.

That's through the heavy equipment and truck traffic on an inadequate narrow road, the sight of an industry and heavy trucks operating within view of our homes, the noise of heavy trucks and machinery and crash of gravel and sand unloading, the dust and debris in the air, and the damage that having a heavy industry with industrial-scale equipment and storage suddenly open next door does to the value of single-family homes.

Mr. Escalera's application makes no acknowledgment that he seeks to open a heavy industry in an established, stable and tax-paying residential neighborhood that would be irreparably damaged by his desired use.

His application incorrectly says that the private gravel and dirt road that would serve his business and customers sole access needs no improvement.

It would need constant improvement – it regularly washes out down to the deeply rutted sandstone beneath the gravel and dirt, so that the past residents of his property routinely resorted to driving up into my yard.

The unimproved nature of the road and the residential nature of the property served by it is why our family and the owner of the separate property to the north long ago negotiated PUD-177 to bar trucks, and why the property developer posted signs saying no trucks.

Unfortunately, as Mr. Escalera has found out, his property also floods for extended periods. It's another factor that makes his proposed use of the site unsuitable, and a threat to surrounding property.

I ask you to read my cousin Lou Kohlman's separate protest for the details of questions concerning Mr. Escalera's use of the private road.

Finally – the facts warrant a rejection of Mr. Escalera’s SPUD 1685. In terms of intangible value of what’s at stake, however: Our great-grandfather and -mother and their descendants homesteaded, quarried and built those same homes that myself, my cousins and my 94-year-old uncle still live in and lovingly maintain today.

We know we are lucky to have the last several acres of a still-rural home place that has kept our extended family together and coming back here for barbecues and weddings for six generations. It is priceless to us.

We would welcome Mr. Escalera as our neighbor, and did, if he came here to live.

Thank you for your attention.

Sincerely,

Ellen Knickmeyer

Ellen.knickmeyer@gmail.com

(415) 699-0865

Johnson, Thad A

From: Ellen Knickmeyer <ellen.knickmeyer@gmail.com>
Sent: Tuesday, February 11, 2025 8:03 PM
To: Madelyn Sewell
Cc: Welch, Sarah; Johnson, Thad A; Howard, Gabriel J; Mark Zitzow; Mitchell Moore; Camal Pennington; Joe Swalwell; Lou Kohlman; Joan Corbin
Subject: Re: SPUD-2016 Continuance Request

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Hello,

I am the home owner immediately closest to this proposed industrial site. Please include me in any conversations about the project.

For the record, I object to changing the use of the neighboring lot to allow an industry within a few dozen feet of my home, and my family's homes, in a long-established and stable neighborhood. That objection stands.

I object far more now, knowing that the applicant intends to use Portland cement that threatens my health and my family's health, and perhaps even makes my family-built family home of 105 years unlivable for health concerns. The failure to disclose that erodes trust.

Thank you,

Ellen Knickmeyer

Ellen.knickmeyer@gmail.com

On Tuesday, February 11, 2025, Madelyn Sewell <msewell@jaokc.com> wrote:

Good Afternoon,

Attached is a letter requesting a two-week continuance of SPUD-1685 from the February 13th Council hearing to the February 27th hearing. Please let us know if you need any additional information.

Thank you,



Madelyn Sewell

Administrative Assistant to Mark Zitzow & Tyler Muzny

[1 E Sheridan Ave, Suite 200, Oklahoma City, OK 73104](#)

(405) 235-8075 jaokc.com

Johnson, Thad A

From: Ellen Knickmeyer <ellen.knickmeyer@gmail.com>
Sent: Friday, February 21, 2025 1:17 PM
To: Welch, Sarah; Johnson, Thad A; Camal Pennington; Don0010.OKC@gmail.com
Subject: Neighbor letter of objection to SPUD 1685

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Please include this letter in the packet for this matter for the Feb. 27 meeting.

Hello,

My name is Ellen Knickmeyer, and I am the owner of 3100 NE 82nd St., the home nearest the industrial project seeking rezoning, in SPUD 1685.

The applicant's representative falsely stated in last month's meeting that I had withdrawn my objections to the change to allow industrial use of that property. I am very grateful to Commissioners Pennington, Noble and others who spoke up to express concerns in our absence.

I have no ill-will to the applicant at all, but our residential neighborhood is not the place for an industry with Portland cement transfers, a cement silo and heavy trucks to move in.

Myself and other family members had a half-hour meeting with the applicant yesterday. The biggest part of the meeting was devoted to discussion of structures that the applicant's representatives said would be built to fully enclose the raw materials. The representative said after the meeting that was a mistake on her part, and that no enclosures to contain the materials would be built.

My objection to the proposed rezoning have never been lifted, and remain.

Many of you know the issues much better than I do, but my concerns about the project are:

-It would move an industry directly next to R1 housing. My house is perhaps 40 feet from that lot line.

There has never been an industrial use in that neighborhood, which has been a stable, established and continuously inhabited one, with my family members, for 120 years.

-The applicant doesn't have a legal right to use the road. It is a private road owned by a neighbor of ours. I don't think there is any legal way for us to enforce any agreement about the applicant maintaining the dirt and gravel road surface in case of damage from his heavy trucks, or limiting traffic by his heavy trucks around our house.

--I'm very concerned about the health risks from Portland cement, above all, as well as the dust, dirt, industrial noise and truck traffic, next to our homes.

I haven't seen the applicant demonstrate the awareness and the regard for the impact of his project on the health and safety of the people in the adjoining homes that would convince me he will be conscientious about keeping the cement dust, sand, dirt and other material contained, and about otherwise minimizing the impact of his project in the neighborhood.

Long-term, the industrial redesignation doesn't seem appropriate for a residential neighborhood. Our 1890s homestead has been a family gathering place for barbecues, weddings, birthdays and holidays for generations. Little kids wander the 20 acres of family-owned property freely. With what I know about the project and truck traffic and the dirt and cement dust now, I will wonder if I can even in good faith invite my niece and nephew to bring their babies and children to the place now.

Thank you again for all your care in this. I'm eager to discuss or answer any questions.

All best,

Ellen Knickmeyer

Johnson, Thad A

From: Ellen Knickmeyer <ellen.knickmeyer@gmail.com>
Sent: Friday, May 16, 2025 3:32 PM
To: Lou Kohlman
Cc: PL, Subdivision and Zoning; joancorbin@cox.net; mcpolkadot@gmail.com; kimberlyballer@gmail.com; Joe Swalwell; Arturo De Lara
Subject: SPUD-1685 Objection and request for hearing postponement

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To: Planning Commission

From: Ellen Knickmeyer, 3100 NE 82nd, Oklahoma City, Oklahoma, 73131

Re: Objection and request for hearing postponement on SPUD-1685

Dear all,

I am writing as one of the homeowners bordering the revised SPUD-1685 project to oppose Mr. De Lara's application for an exception to Oklahoma City zoning to put an I-2 industrial project, which Mr. De Lara says will be multiple 2,500-foot buildings for so-far undisclosed storage, industrial or commercial use, within 50 feet of my home.

As a homeowner with a home directly across the lot line I ask you to deny the revised application:

--The exemption for medium- to heavy industry Mr. De Lara is seeking is incompatible with the R-1 single-family homes that directly border the proposed site on the west and south, including mine. We are a thriving 100-year-old residential neighborhood of multiple R-1 homes.

-- His revised application does not say what the site would be used for, and suggests he either hasn't decided or isn't disclosing. The site graphic with the revised application shows "storage buildings." His representative in an email said the buildings "could" be used for commercial or industrial uses and gave examples of a commercial showrooms or industrial assembly. That's not "storage," which is the only use cited in the application.

-- The only road for both Mr. De Lara's site and our homes is a private road, owned by another neighbor. Unfortunately, Mr. De Lara appears to have no legal right of access to use that sole, and private, road to his property.

-The revised application raises questions and concerns about commercial and industrial traffic and heavy truck traffic that are not answered or addressed.

I and the other homeowners use that same road going to and from our homes. Even with just the current level of use, the former owner of Mr. De Lara's property often had to drive up on to my property to dodge deep holes in the road worn down to the sandstone bedrock.

Mr. De Lara's industrial use will mean industrial or commercial-scale traffic and heavy trucks using the same rutted single-lane road.

How much more traffic, how many heavy trucks? How will we be able to address the additional damage from heavy traffic, on a private road owned by someone else?

His application does not address that.

--There is nothing in the revised application that addresses the adjoining homeowners' questions or concerns about materials to be stored on the site, the noise and lighting immediately next to my home, and other mitigation from whatever machinery or industrial or commercial operations he later decides to put there.

I also ask the commission to postpone the scheduled May 22 hearing until Mr. De Lara finishes the application, including disclosing his planned use of the property.

I also share all the concerns in Lou Kohlman's letters of objection. I share the questions about why he is rushing to get the revised SPUD approved without having fully completed his project proposal or having committed it to writing for the neighbors and Planning Commission staff and members to see.

I would welcome use of that property that is compatible with the residential- and agricultural-zoned neighborhood immediately flanking it.

Speaking for myself, my experience with this developer included watching his representative incorrectly tell the Planning Commission in the initial hearing that I and other homeowners had dropped our objections to his initial application. The only meeting I have had with the developer was a discussion in which we were told our safety concerns about open storage of hazardous materials would be addressed, and then were told immediately after that had been said in error and the open storage would remain.

Those experiences underscore my concerns about whether the developer will take into account the families living next to his property, and about seeing an actual updated revised application in writing before the Commission decides.

Thank you very much for your informed and careful attention.

Best regards,

Ellen Knickmeyer

On Friday, May 16, 2025, Lou Kohlman <lou_kohlman@sbcglobal.net <mailto:lou_kohlman@sbcglobal.net>> wrote:

Thank you. Please add this to my communication objecting to the proposal:

If the C-4 designation has been phased out as incompatible for use neighboring residential development, this reinforces my concern that a pure Industrial use is even more incompatible - particularly when the existing, occupied residences begin within 50 feet of the proposed development.

On Friday, May 16, 2025 at 11:31:42 AM CDT, PL, Subdivision and Zoning <subdivisionandzoning@okc.gov <mailto:subdivisionandzoning@okc.gov>> wrote:

Be advised, the C-4 General Commercial district is no longer supported for expansion by the PlanOKC Comprehensive Plan. The mix of commercial and industrial uses allowed in this district have been deemed to be too intensive for a single district.

“H.C-4 General Commercial District. The C-4 District is intended for the conduct of wholesale, retail and office business activities that serve the needs of citizens from anywhere in the metropolitan area, rather than being oriented only to surrounding residential areas. Because the permitted uses may serve and employ a large number of people from a large part of the metropolitan area, the activities conducted, and the traffic generated, make this district very much incompatible with residential development. The Comprehensive Plan policy does not support further expansion of the C-4 District.”

Thad A. Johnson

Senior Planner

Planning Department, Subdivision and Zoning

420 West Main Street, Suite 910, OKC, OK 73102

Ph: (405) 297-2495 – Fax: (405) 316-2495

From: Lou Kohlman <lou_kohlman@sbcglobal.net <mailto:lou_kohlman@sbcglobal.net> >

Sent: Friday, May 16, 2025 11:17 AM

To: PL, Subdivision and Zoning <Subdivisionandzoning@okc.gov

<mailto:Subdivisionandzoning@okc.gov> >

Cc: joancorbin@cox.net <mailto:joancorbin@cox.net> ; mcpolkadot@gmail.com

<mailto:mcpolkadot@gmail.com> ; kimberlyballer@gmail.com <mailto:kimberlyballer@gmail.com> ;

camal.pennington@itsmycommunity.org <mailto:camal.pennington@itsmycommunity.org> ; Joe Swalwell

<joe.swalwell@sbcglobal.net <mailto:joe.swalwell@sbcglobal.net> >; Ellen Knickmeyer

<ellen.knickmeyer@gmail.com <mailto:ellen.knickmeyer@gmail.com> >; Arturo De Lara

<titanconcretepump@gmail.com <mailto:titanconcretepump@gmail.com> >; Mark Zitzow

<mzitzow@jaokc.com <mailto:mzitzow@jaokc.com> >; Madelyn Sewell <msewell@jaokc.com

<mailto:msewell@jaokc.com> >; Mitchell Moore <mmoore@jaokc.com <mailto:mmoore@jaokc.com> >;
Jessica Bloye <jbloye@jaokc.com <mailto:jbloye@jaokc.com> >
Subject: Re: SPUD-1685 Objection

WARNING: The sender of this email could not be validated and may not match the person in the
"From" field..

TO: Planning Commission

FROM: Lou Kohlman

RE: SPUD-1685, set for hearing May 22

I have one addition to my objection, and it's the most important one. Mr. De Lara is requesting a change from Agricultural to Industrial zoning. His current stated use is for storage units, and his proposed site plan reflects that use. But he doesn't need a change to Industrial for that use. The property to the east, which was developed exclusively and specifically for storage units, is zoned C-4. In fact, the same developers representing Mr. De Lara represented those property owners and specifically requested that change for that use.

As i said previously, the developers have indicated by email that in addition to or in lieu of storage units, the buildings may be used for commercial showrooms or industrial assembly - but none of that is reflected in the SPUD language. That, coupled with the insistence on a change to industrial zoning when it isn't necessary for the stated use, makes me think that the developer's goal here is to get the SPUD approved for industrial use, then abandon the storage concept for some other use that would not be available with a C-4 zoning designation.

I'm very leery of rezoning property industrial when it is within 30 feet of a residence, used as a residence, zoned residential. And I don't understand why Mr. de Lara insists on doing that.

Lou Kohlman

On Friday, May 16, 2025 at 10:32:28 AM CDT, Lou Kohlman <lou_kohlman@sbcglobal.net <mailto:lou_kohlman@sbcglobal.net> > wrote:

To: Planning Commission

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

<<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.google.com%2Fmaps%2Fsearch%2F8100%2BN.%2BBryant%2C%2BOKC%2BOK%2B73131%3Fentry%3Dgmail%26source%3Dg&data=05%7C02%7Csubdivisionandzoning%40okc.gov%7C56ae24e0bb13438d3dee08dd94b8afe5%7C837e0d97dd9d4d0097e688f05a32ee59%7C0%7C0%7C638830243128272644%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIiOiIjXaW4zMilIsIkFOIjoiTWFpbCIiIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=rL9df7g52FgCf4MpCIUmdv1kWJ1RvWRMu38RgyKfnxo%3D&reserved=0>>
405-659-3729

RE: SPUD-1685, scheduled for hearing May 22, 2025

I write to lodge an objection to the revised SPUD-1685. This SPUD proposal was withdrawn earlier in 2025 and significantly revised. Although the matter is set for hearing at the May 22 Planning Commission meeting, the revised SPUD does not appear to be complete. Some sections of the SPUD language contradict the site plan, and the stated purpose is vague. I have been told that the Commission prefers to have notice of objections by the Friday before a scheduled hearing.

My primary concern is the actual purpose of the SPUD development. The stated use is "storage units", but it is unclear whether this is commercial, public storage or storage for the property owner. In addition, based on other communication from the developer I have a well-founded belief that the proposed units may actually be used as commercial showrooms or for indoor industrial assembly. These are all significantly different uses which pose different challenges for the residential neighborhood adjoining the SPUD.

Coupled with that is a concern about a significant increase in traffic, particularly if the use is for public storage or commercial development. The only access to the SPUD property is from an unimproved gravel private road, also used by the adjacent residences. Currently there is very little public traffic: although there are existing storage units to the east of the SPUD property, they face the I-35 frontage road and those units have no access to or from 82nd. The SPUD language regarding access and street improvement has not changed from the previous version, although the use and configuration are very different. While originally the property owner promised to restrict road access, using only the driveway connecting to the far eastern part of 82nd, the new site plan does not reflect that and I fail to see how he can stop public customers from using the entire road to get to the two entrances reflected in the new site plan. This needs to be worked out.

I have concerns about appearance - building finish (a big factor in the prior approval of the adjacent existing storage units), lighting, and privacy. I believe all these could be worked out with the developer.

The developers are working with the neighborhood and property owners and I appreciate that. I, along with other neighbors and adjacent property owners, received a draft copy of the revised proposal on Tuesday, May 13. We have a meeting scheduled for next Monday, May 19. I hope at that time we will discuss and

resolve some of these issues. But there simply was not enough time, with that initial May 13 notice, to address my concerns and still comply with the Planning Commission schedule for objections and agenda items.

From my perspective - particularly given the vague language surrounding the development's purpose - this process is being rushed. Certainly it seems as if the developers didn't intend to address any possible neighborhood objections before the meeting, since that will almost certainly involve revising some language and there is no longer time for them to present any further revisions before the May 22 meeting.

For this reason, although my concerns may be addressed and resolved before May 22, given the brief time period I must preserve my objections for the record.

Lou Kohlman

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