

## Johnson, Thad A

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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

You don't often get email from lou\_kohlman@sbcglobal.net. [Learn why this is important](#)

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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.

## Johnson, Thad A

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**From:** Lou Kohlman <lou\_kohlman@sbcglobal.net>  
**Sent:** Friday, May 16, 2025 10:32 AM  
**To:** PL, Subdivision and Zoning  
**Cc:** joancorbin@cox.net; mcpolkadot@gmail.com; kimberlyballer@gmail.com; camal.pennington@itsmycommunity.org; Joe Swalwell; Ellen Knickmeyer; Arturo De Lara; Mark Zitzow; Madelyn Sewell; Mitchell Moore; Jessica Bloye  
**Subject:** SPUD-1685 Objection

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

## Johnson, Thad A

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**From:** Lou Kohlman <lou\_kohlman@sbcglobal.net>  
**Sent:** Tuesday, January 21, 2025 4:09 PM  
**To:** PL, Subdivision and Zoning  
**Subject:** SPUD-1685, on agenda for Jan. 23

You don't often get email from lou\_kohlman@sbcglobal.net. [Learn why this is important](#)

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TO; Planning Commission  
From: Lou Kohlman  
Re: SPUD-1685, No. 17 on the Agenda for January 23 2025

I previously wrote detailing my objections to SPUD-1685,

Subsequently I and another adjacent property owner met with applicant Arturo Escalera and reached agreement on several items concerning road use, sight and noise protections, and greenbelt. These agreements were incorporated into the amended application currently before the Planning Commission.

Based on these alterations in accordance with our agreement I WITHDRAW MY OBJECTIONS to the application.

Thank you,

Lou Kohlman  
8100 N. Bryant Ave.  
Oklahoma City, OK 73131  
405-659-3729

## Johnson, Thad A

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**From:** Lou Kohlman <lou\_kohlman@sbcglobal.net>  
**Sent:** Friday, January 24, 2025 12:34 PM  
**To:** PL, Subdivision and Zoning  
**Subject:** SPUD-1685 Objection

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To: Planning Commission  
From: Lou Kohlman  
RE: SPUD-1685 Objection

I write to renew my objection to SPUD-1685 as amended.

On Wednesday January 22nd I sent a notice that I was withdrawing my objection to the amended SPUD-1685 application. This was based on discussions and negotiations between myself, a neighboring resident, and the applicant, Mr. Escalara, which were memorialized in the amendments.

However, I was unaware from either the application or conversation with Mr. Escalara that the business included storage and handling of Portland cement. He never referred to it. We only talked about sand and gravel. Now, he may have assumed I'd know about the cement, but I did not.

I was unable to attend yesterday's Planning Commission meeting. Today I discovered that the Commission members expressed concern about storage of Portland cement near residences. Thank you. I share that concern, and there are bedrooms within 50 feet of the property line. I don't know if it is possible for Mr. Escalara to safely address those concerns.

As an aside, I understand Mr. Escalara's representative told the Commission that all the neighbors had dropped opposition. This is not true, as you can see from the record. As far as I know I am the only person to actually withdraw my objection. And while one other person may have, I know for a fact that another adjacent property owner did not.

Thank you.

Lou Kohlman  
8100 N. Bryant, OKC OK 73131  
405-659-3729

## Johnson, Thad A

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**From:** Lou Kohlman <lou\_kohlman@sbcglobal.net>  
**Sent:** Friday, May 16, 2025 11:17 AM  
**To:** PL, Subdivision and Zoning  
**Cc:** joancorbin@cox.net; mcpolkadot@gmail.com; kimberlyballer@gmail.com; camal.pennington@itsmycommunity.org; Joe Swalwell; Ellen Knickmeyer; Arturo De Lara; Mark Zitzow; Madelyn Sewell; Mitchell Moore; Jessica Bloye  
**Subject:** Re: SPUD-1685 Objection

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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> wrote:

To: Planning Commission  
From: Lou Kohlman, 8100 N. Bryant, OKC OK 73131 405-659-3729  
RE: SPUD-1685, scheduled for hearing May 22, 2025

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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.

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Lou Kohlman

## Johnson, Thad A

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**From:** Johnson, Thad A  
**Sent:** Friday, May 16, 2025 11:45 AM  
**To:** Johnson, Thad A  
**Subject:** FW: SPUD-1685 Objection

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**From:** Lou Kohlman <lou\_kohlman@sbcglobal.net>  
**Sent:** Friday, May 16, 2025 11:40 AM  
**To:** PL, Subdivision and Zoning <Subdivisionandzoning@okc.gov>  
**Cc:** joancorbin@cox.net; mcpolkadot@gmail.com; kimberlyballer@gmail.com; Joe Swalwell <joe.swalwell@sbcglobal.net>; Ellen Knickmeyer <ellen.knickmeyer@gmail.com>; Arturo De Lara <titanconcretetepump@gmail.com>  
**Subject:** Re: SPUD-1685 Objection

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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 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