

PROTEST OF REZONING SPUD-1507

City Council Members

REF: SPUD 1507

May 9, 2023

20230509 10:11:25
WILLIAMSON COUNTY, TN

We the undersigned are property owners in the Timber Ridge Estates subdivision. We object to the zoning request in SPUD-1507 requesting to rezone the three lots in question to AA.

There are 63 homes in Timber Ridge Estates. These homes range in value from \$500,000.00 to over \$ 1,000,000. The lots listed in SPUD-1507 are platted as part of the subdivision.

The developers sold these lots to the applicants on or about December 8, 2016. They then made an agreement with the applicants to exclude these lots from the covenants of Timber Ridge Estates. This agreement although supposedly signed on January 4, 2018 was not filed until January 20, 2023. (See attached). Neither the developers nor the applicants informed the residents of Timber Ridge Estates of the provisions of the lot exclusion document.

The developers made representations to the property owners of Timber Ridge that the lots in question would be properly maintained by the applicants.

The applicants have not maintained these lots. They might mow one small strip but tall grass in violation of the city ordinances can be seen from Timber Ridge Estates Blvd. on the east and from both the north and south sides of the property. Complaints have been made with code enforcement (at least three or four times) because the applicants have not and continue to not maintain these lots thus resulting in an eyesore in the middle of a nice residential neighborhood.

We see no good reason why this property should be rezoned but if that is the decision of the Council we would request that the following conditions be required.

1. Replace the fence on the east portion of the lots that is not in compliance with the covenants of the subdivision. The current fence on the east side is not in compliance. The fence should be wrought iron and not chain link in order to be in compliance with the covenants.
2. Require mowing to be done that meets the requirements of the city ordinances for residential neighborhoods. Also weeds and tall grass should not be in the fence line.
3. Establish a buffer of trees between Timber Ridge Estates Blvd. and the property.

4. Require the applicants to abide by the restrictions set forth in the lot exclusion document and the restrictions recommended when the Planning Commission approved the request.

One additional problem remains. The lot exclusion document ties the exclusion of these lots to the continued ownership of the property on Frisco Road. If that ownership is dissolved and there is not common ownership of the property on Frisco Road and the lots, then the lots are no longer excluded from the covenants and requirements of Timber Ridge Estates. Therefore, there would one or more lots in the middle of a residential neighborhood that would be zoned as agricultural but subject to the subdivision requirements.

Once again, we see no good reason to allow this rezoning and we respectfully request that it be denied.

Timber Ridge Estates Home Owners

Name <u>Lenard Moore</u>	Address <u>14000 Grace Ridge Rd. Yukon, OK</u>
Name <u>Josh McHenry</u>	Address <u>13643 NW 142nd St. Yukon, OK</u>
Name <u>Dan Coleman FIVE</u>	Address <u>14000 TIMBER RIDGE ESTATE, OK</u>
Name <u>[Signature]</u>	Address <u>13724 Grace Ridge</u>
Name <u>Hub Thur</u>	Address <u>14217 Timber Ridge Est Blvd</u>
Name <u>Terry Beck</u>	Address <u>14220 Grace Ridge Rd</u>
Name <u>Denise Beck</u>	Address <u>14220 Grace Ridge Rd.</u>
Name <u>Shelly McSparril</u>	Address <u>14201 Timber Ridge Estate</u>
Name <u>Mike McSparril</u>	Address <u>14201 Timber Ridge Estate</u>
Name <u>Shelly Stz</u>	Address <u>13116 NW 142nd St</u>
Name <u>[Signature]</u>	Address <u>13701 Timber Ridge Estates</u>

673

14125 Grace Ridge Rd

14200 Bron Purple Rd

Spencer

13901 Timber Ridge Est. Blvd.

Shannon Gates

14120 Timber Rdg BStz Blvd.

Tommy Yates

14120 Timber Ridge Estate Blvd, Yukon

SS
PATRICK VENABLE

13545 NW 142ND ST

RANDON CAUNCEY

14014 GRAK RIDGE RD 73099

Reena O'Brien

13920 Timber Ridge Estates Blvd

Wm Butler

13500 NW 142nd St

Tamara Davis

13821 Timber Ridge St. Qhd

Barry Carson

13627 NW 142nd St,

18

13627 1142 142.1 St

William Carey

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

[illegible][illegible]

© 2006 The Authors
Journal compilation © 2006 Blackwell Publishing Ltd

© 2006 The Authors
Journal compilation © 2006 Blackwell Publishing Ltd

[Downloaded from ascelibrary.org by University of California, San Diego on 06/09/14. Copyright ASCE, all rights reserved.](#)

[illegible][illegible]

Name STARR Aaleon Address 13632 NW 142

Name Shawn OBrien Address 13920 Timber Ridge Estates Blvd

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

(6) I
EXEMPTION, WAIVER AND/OR EXCLUSION OF LOTS FROM
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS FOR
TIMBER RIDGE ESTATES, PIEDMONT, OKLAHOMA

THIS EXEMPTION, WAIVER AND/OR EXCLUSION OF LOTS FROM DECLARATION ("LOT EXCLUSION") is dated and shall be effective as the 8th day of December, 2016, (the "Effective Date"), by Timber Ridge Estates, LLC, an Oklahoma limited liability company, having a mailing address of 3000 Brookhollow Road, Oklahoma City, OK 73120 ("Declarant").

WITNESSETH:

WHEREAS Declarant executed and recorded that certain Declaration of Covenants, Conditions, Restrictions for Timber Ridge Estates, Piedmont, Oklahoma filed October 14, 2016, and recorded as Doc Number R 2016 26203, in Book RB 4483, Page 205-221 in the office of the County Clerk of Canadian County, Oklahoma, as amended, which was recorded against the land described on Exhibit A attached thereto and shown on the subdivision plat entitles "Timber Ridge Estates" recorded at Document No. P-2016-32, Plat Book PL-9 and Page 544-545 in the office of the County Clerk of Canadian County, Oklahoma (the "Original Declaration"), as amended by that certain First Amendment to the Original Declaration filed July 20, 2017, and recorded as Doc Number R 2017 175125, in Book RB 4609, Page 226-231 in the office of the County Clerk of Canadian County, Oklahoma, as amended by that certain Second Amendment to the Original Declaration filed April 19, 2018, and recorded as Doc Number R 2018 10333, in Book RB 4726, Page 519-520 in the office of the County Clerk of Canadian County, Oklahoma, as amended by that certain Third Amendment to the Original Declaration filed March 3, 2020, and recorded as Doc Number R 2020 5964, in Book RB 5033, Page 944-946 in the office of the County Clerk of Canadian County, Oklahoma (herein collectively referred to as the "Declaration"). All definitions contained in said Declaration and amendments thereto, shall apply hereto and are incorporated herein by reference.

WHEREAS, on or about December 8, 2016, Declarant conveyed to Carole Dulisse and James Lee ("Lot Owners") Lots (7), Eight (8) and Nine (9), Block One (1), Timber Ridge Estates, an Addition to Oklahoma City, Canadian County, Oklahoma, according to the recorded plat thereof by and through that certain Warranty Deed, filed December 20, 2016, and recorded as Doc Number R 2016 32540, in Book RB 4513, Page 398-399 in the office of the County Clerk of Canadian County, Oklahoma (collectively the "Lots"). A copy of which is attached hereto as Exhibit I;

WHEREAS, as part material part and an express condition of said conveyance and sale of the Lots, the Declarant expressly agreed to grant the Lot Owners an exemption and exclude the Lots from the provisions of the Declaration;

WHEREAS, the Declarant now intends by this Lot Exclusion to memorialize the agreement between the Declarant and the Lot Owners and incorporates the terms of that agreement herein;



Doc#: R 2023 1552
Bk & Pg: RB 5627 885-890
Filed: 01-20-2023
09:13:48 AM
Canadian County, OK

SRB
WA

Ret:
Carole Dulisse
14000 N Frisco Rd
Piedmont, OK 73078

Canadian County Clerk's Office

WHEREAS, the Declarant does hereby grant the Lot Owners an exemption and thereby excludes and removes the Lots from any and all provisions within the Declaration, including without any limitations any and all conditions, covenants, restrictions, dedications, assessments, charges, liens; and

WHEREAS, under Section 8.2 of the Original Declaration the Declarant reserved the unilateral right the Declarant grant any Owner a waiver, variance or exception of and from the provisions of the Declaration.

NOW THEREFORE, the Declarant hereby grants the Lot Owners an exemption and excludes, removes and otherwise releases the Lots from any and all of provisions within the Declaration, including without any limitation any and all conditions, covenants, restrictions, assessments, charges, liens, as follows:

EXEMPTION, WAIVER AND/OR EXCLUSION OF LOTS FROM DECLARATION

1. Grant of Exemption. The Declarant hereby grants to Lot Owners an exemption and hereby expressly excludes, exempts, removes and excepts the Lots from any all provisions of the Declaration, including without limitation any and all conditions, covenants, restrictions, prohibitions, homeowners membership, homeowners association dues, liens, special assessments, taxes, building requirements, landscaping requirements, limitations and/or conditions on use of the Lots. Further, the Lot Owners are expressly released and exempt from any and all obligations or requirements to construct a dwelling(s), install a sidewalk or from making any other improvements on the Lots. It is the express intent of the Declarant to expressly and entirely release the Lot Owners from any and all obligations under the Declaration and to expressly exclude, exempt and remove the Lots from every provision set forth in the Declaration.
2. Maintenance of the Lots. But for maintenance and upkeep of the Maintenance Area (the immediate area directly in front of the Fence Set Back Line) as shown and marked on Exhibit 2, the Lot Owners are exempt and the Lots are expressly excluded, removed and released from any and all landscaping obligations, restrictions and conditions set forth in the Declaration. The Lots, as a condition to this Lot Exclusion, will not be developed and therefore the Lots may remain and be kept in their natural, native state. Except for the Maintenance Area, the Lot Owners are under no obligation or requirement to regularly mow and may maintain and keep the Lots in their natural, original and organic landscape at their option and within their sole discretion.
3. Conditions of Exclusion. The exemptions and exclusions granted by Declarant in this Lot Exclusion are expressly conditioned upon the Lot Owner's certification that, but for installation of a perimeter fence, the Lots will not be developed (i.e., construction of any type of structure with or without a foundation of any type on the Lots). This notwithstanding, it shall not be seen as a violation of this condition and nothing shall preclude and the Lot Owners from improving the Lots with lighting, landscaping, sprinklers, pathways, fire pits, etc., at their option and within their sole discretion.
4. Term and Transfer. The Lots are adjacent to and contiguous with unplatted property, known as 14000 N. Frisco Road, Piedmont, Oklahoma, 73078 ("Frisco Property"). The Lot

Owners are the vested title holders in and to the Lots and the Frisco Property, respectively. Accordingly, so long as the Lot Owners hold title in and to one or more of the Lots and the Frisco Property this Lot Exclusion shall remain in effect. Nothing herein shall preclude the Lot Owners from selling, conveying or transferring one or more of the Lots as part of and together with the Frisco Property. Upon any sale, conveyance or transfer of one or more of the Lots and the Frisco Property where common ownership is maintained, the terms of this Lot Exclusions shall be fully enforceable and binding. It the express intent of this Lot Exclusion to allow for an exemption and exclusion to any Lot held in joint and common ownership with the Frisco Property. However, if any Lot is sold, conveyed or transferred separate and apart from the Frisco Property the Lot shall be removed from this Lot Exclusion and be subject to the Declaration. Further, in event all three Lots are sold separately and common ownership between all three Lots and the Frisco Property is severed, then this Lot Exclusion shall terminate. Notice of any sale, conveyance or transfer of a Lot that severs common ownership between the Lot and the Frisco Property shall be given to the Declarant and/or Timber Ridge Homeowners Association.

5. Successor and Assigns, Exclusions Transferred. This Lot Exclusion shall run with and bind the Lots from the effective date of this Lot Exclusion, and shall inure to the benefit of and be fully binding upon the Lot Owners and Declarant and their respective grantees, successors, heirs, personal representatives, devisees and assigns.

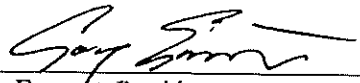
6. Governing Law. The validity, construction and enforcement of this Lot Exclusion is to be governed by the laws of the State of Oklahoma.

7. Entire Agreement; No Oral Modifications. This Lot Exclusion, embodies the entire agreement with respect to the matters involved herein and supersedes any previous negotiations or agreements with respect to such matters. This Lot Exclusion may not be modified except by a subsequent agreement in writing signed by the Declarant and the Lot Owners and their respective grantees, successors, heirs, personal representatives, devisees and assigns.

DATED this January 4, 2018, but effective as of the Effective Date.


**Timber Ridge Estates, LLC an Oklahoma
Limited Liability Company**

By:

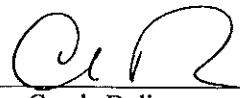

Cory Emmert, President

Consented and Agreed to by
the Lot Owners

By:


James Lee

By:


Carole Dulisse

ACKNOWLEDGEMENT

STATE OF OKLAHOMA) SS
COUNTY OF OKLAHOMA)

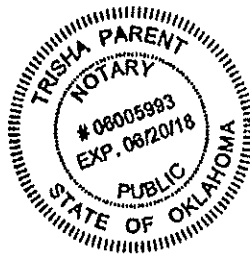
The foregoing instrument was acknowledged before me this 4th day of January, 2018 by Cory Emmert as President of Timber Ridge Estates LLC, an Oklahoma Limited Liability Company, by and on behalf of said company.

My Commission Expires:

6/20/18

My Commission Number:

06005993



Trisha Parent
NOTARY PUBLIC

STATE OF OKLAHOMA) SS
COUNTY OF OKLAHOMA)

The foregoing instrument was acknowledged before me this 4th day of January, 2018 by James Lee and Carole Dulisse known to me to be the identical persons who executed the within and foregoing instrument as the Lot Owners and acknowledged to me that they executed the same on their own free and voluntary act and deed for the uses and purposes therein set forth.

My Commission Expires:

6/20/18

My Commission Number:

06005993

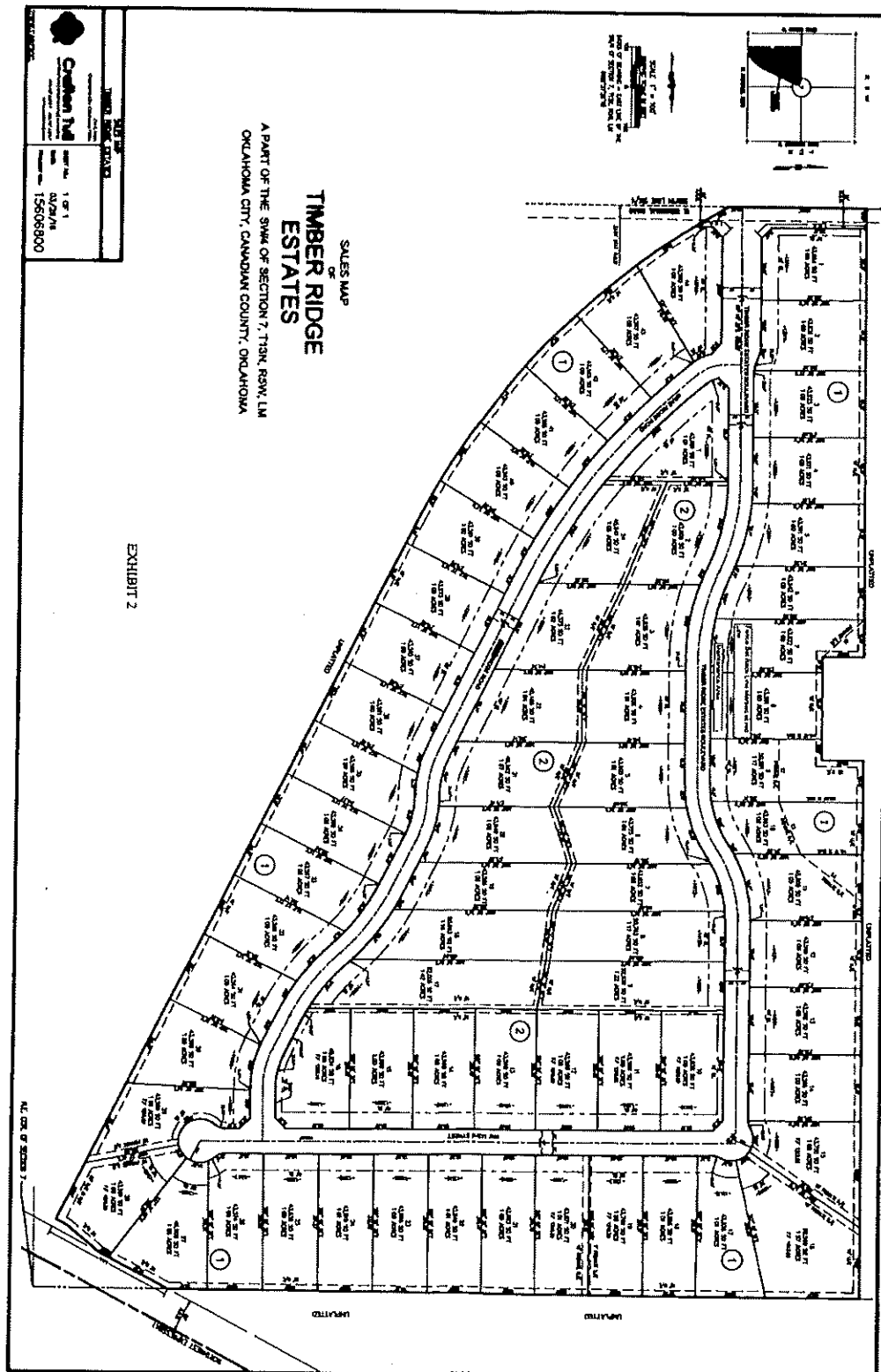


Trisha Parent
NOTARY PUBLIC

EXHIBIT 1

Lots Seven (7), Eight (8) and Nine (9), Block One (1), Timber Ridge Estates, an Addition to Oklahoma City, Canadian County, Oklahoma, according to the recorded plat thereof.

Property Address: Vacant Land: 14017 Timber Ridge Estates Blvd, 14001 Timber Ridge Estates Blvd and 13925 Timber Ridge Estates Blvd.



RECEIVED

By The City of Oklahoma City Office of the City Clerk at 3:52 pm, May 02, 2023

From: Shelly Reynolds <shelly@integrityfinehomes.com>

Sent: Monday, May 1, 2023 9:53 AM

To: Ward1 <ward1@okc.gov>

Subject: Fwd: lots

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

From: **Shelly Reynolds** <shelly@integrityfinehomes.com>

Date: Thu, Apr 27, 2023 at 11:29 AM

Subject: lots

To whom it may concern,

I am writing to you about lots 7,8 and 9 in Timber Ridge Estates, Yukon Ok 73099. I am a builder that has built many homes in the neighborhood and built my personal home here as well. Please see the map attached. The developers (Jason Johnson and Cory Emmert) told us that the lots in question were to pay a reduced HOA, and will follow our covenants. I have lived at my personal home for 5 years. The three lots have never been maintained and this is in the middle of our neighborhood! It looks terrible. Now they want to rezone to agricultural land. I am not in favor of this rezoning, nor would I have invested both personally and financially with my business if I had known that this was going to be something allowed. I hope this does not go through and they decide to maintain their lots.

Thank you,

--

Shelly McSparrin

President

Integrity Fine Homes, LLC

(405) 474-6630

CASE NUMBER: SPUD-1507

This notice is to inform you that **David M Box, Williams, Box, Forshee & Bullard PC.**, on behalf of **James Lee and Carole Dullisse**, filed an application with The City of Oklahoma City to change the zoning designation of the property to SPUD-1507 Simplified Planned Unit Development District. The City Council will consider this zoning application at a public hearing on May 9, 2023. The only property to be rezoned is outlined on the attached map. **The City Council meets in the Council Chambers, Third Floor, Municipal Building, 200 North Walker Avenue, Oklahoma City, Oklahoma beginning at 8:30 a.m.**

To review copy of the Proposed Master Design Statement for this SPUD visit www.okc.gov/districts.

LEGAL DESCRIPTION:

Lots Seven (7), Eight (8) and Nine (9), Block One (1), TIMBER RIDGE ESTATES, an Addition to Oklahoma City, Canadian County, Oklahoma According to the recorded plat thereof.

Your property is not included within the area proposed to be rezoned. This notice is being provided to you because you own property nearby.

You are not required to attend the hearing, but if you wish to you may. You can also have someone appear on your behalf.

If you object to the rezoning of the property, you can file legal written protest no later than three days prior to the hearing, with the Office of the City Clerk, 200 North Walker Avenue, Oklahoma City, Oklahoma 73102.

Dated this 11th day of April 2023

SEAL

Amy K. Simpson

Amy Simpson, City Clerk



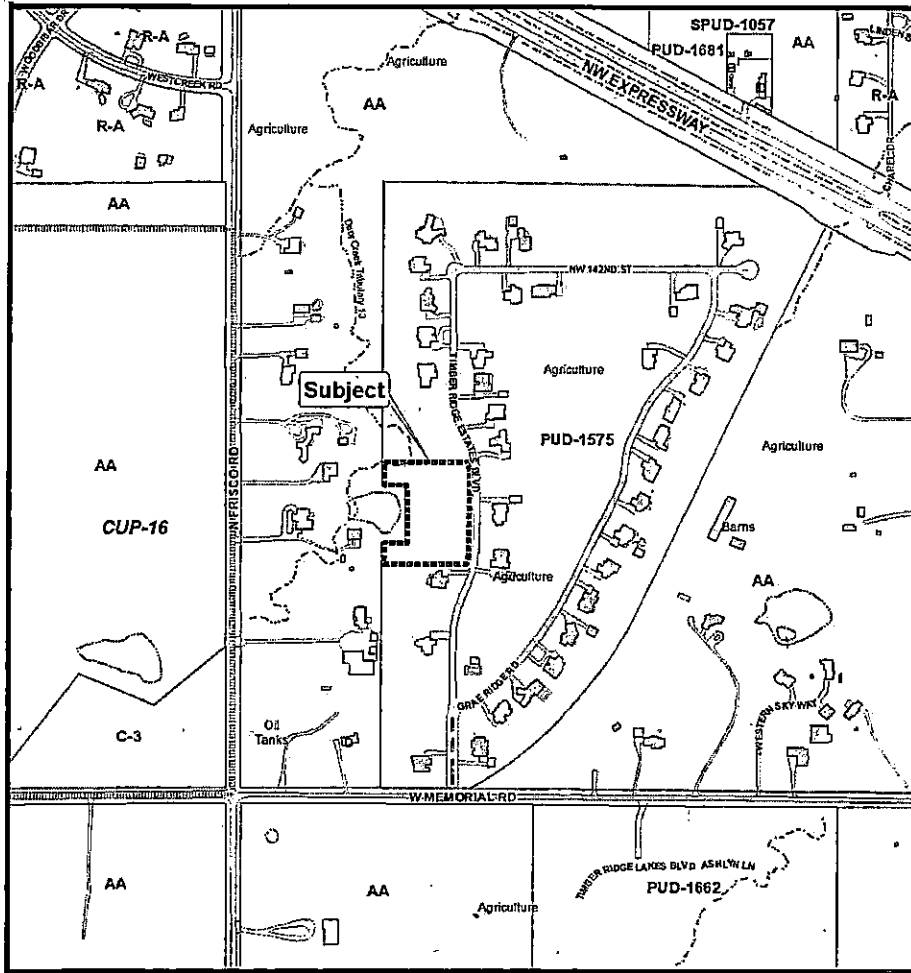
PROPOSED ZONING CHANGE:

CASE NUMBER: SPUD-1507

FROM: PUD-1575 Planned Unit Development District

TO: SPUD-1507 Simplified Planned Unit Development District

ADDRESS OF PROPERTY: 14017 Timber Ridge Estates Boulevard



PROPOSED USE: The purpose of this request is to change rural residential zoning to agriculturally based zoning.

BRIEF DESCRIPTION OF PROPOSED ZONING DISTRICT:

This site will be developed in accordance with the regulation of the modified AA Agricultural District (OKC Zoning Ordinance, 2020).

Should you have any questions or concerns regarding this application please call:

The City of Oklahoma City

Planning Department

420 West Main Street, Suite 910

Oklahoma City, Oklahoma 73102

(405) 297-2623

(405) 297-2495

405) 297-2289

(405) 297-3908

TDD (405) 297-2020

subdivisionandzoning@okc.gov

SALES MAP
OF
**TIMBER RIDGE
ESTATES**

T OF THE SW¼ OF SECTION 7, T13N, R5W, L1M
HOMMA CITY, CANADIAN COUNTY, OKLAHOMA

EXHIBIT 2

Lots I Bought

Personal House

House I'm building now



Terry Beck
14220 Grae Ridge Rd.
Yukon, OK 73099

RECEIVED

By The City of Oklahoma City Office of the City Clerk at 2:48 pm, May 15, 2023

May 12, 2023

Dear Zoning Board Members:

As a concerned homeowner in Timber Ridge Estates, I am writing to express my opposition to the proposed rezoning of residential lots inside Timber Ridge Estates to agricultural lots.

I strongly believe that this rezoning will have negative impacts on the property values, aesthetics and taxes of our neighborhood. Here are some of the reasons why I oppose this change:

- This will create an inconsistency and imbalance in the land use and character of our neighborhood.
- Agricultural lots typically have lower market values than residential lots, especially in urban areas. This will affect the equity and resale value of our homes, as well as the tax base of our city.
- Agricultural lots may not be maintained or landscaped as well as residential lots, which may create an eyesore and a nuisance for the neighbors. This may also increase the risk of fire hazards, pests and weeds.
- If our properties are rezoned to agricultural lots, we may have to pay higher taxes for services that we do not need or use, such as irrigation, drainage and animal control.
- The residents and their HOA should have a say in how our neighborhood is developed and preserved.

I urge you to reject this rezoning proposal and respect the wishes and rights of the residents of our neighborhood. Thank you for your consideration and attention.

Respectfully,



Terry Beck

RECEIVED

By The City of Oklahoma City Office of the City Clerk at 2:47 pm, May 15, 2023

From: Ward1 <ward1@okc.gov>

Sent: Monday, May 15, 2023 12:10 PM

To: DS, Subdivision and Zoning <Subdivisionandzoning@okc.gov>; City Clerk Email <CityClerk@okc.gov>

Subject: FW: SPUD 1507

From: Shawn Obrien <shawn.m.obrien4@gmail.com>

Sent: Friday, May 12, 2023 4:44 PM

To: Ward1 <ward1@okc.gov>; Ward2 <ward2@okc.gov>; Ward3 <ward3@okc.gov>; Ward4 <ward4@okc.gov>; Ward5 <ward5@okc.gov>; Ward6 <ward6@okc.gov>; Ward7 <ward7@okc.gov>; Ward8 <ward8@okc.gov>

Cc: Shawn M OBrien <shawn.m.obrien4@gmail.com>

Subject: SPUD 1507

Ladies and Gentlemen,

I am Shawn O'Brien, and my wife and I bought our house at 13920 Timber Ridge Estates Blvd in April of 2021. This is the first house we bought together after 18 moves over a 22-year military career. After living in military housing for most of my career, we bought the house to retire in Oklahoma after this tour of duty. It was the house we had dreamed of but never thought we would have, and we invested much of our life savings to purchase the home. Recently, we discovered the request to rezone the three lots in the middle of an already approved residential SPUD, directly across the street from my house. This could negatively impact the value of our house. We moved here to establish real roots in the community. In fact, our daughter is moving to attend the University of Oklahoma Law School.

When we bought the house, we were told that the lots were sold to the couple on the far side and would remain vacant and part of the neighborhood. It was explained to us the couple that owned them bought them because of flooding concerns to their property if the lots were developed. When we purchased the house, the lots were part of the community (approved SPUD1507), were not to be developed, and had to abide by the HOA rules. Those three lots do not pay dues which was agreed upon by the developer, and because of that it cost the other residents more to maintain the common areas.

We oppose changing the designation to agricultural as the three lots were approved as part of the Timber Ridge Estates development. Whether or not the other residents realize it or not, this will impact the entire neighborhood. The couple bought the lots knowing they were already zoned residential as part of SPUD 1507. When the lots were purchased, the owners agreed to maintain them in accordance with the HOA rules. In the two years we have lived here they have not maintained

the lots on a consistent basis. They mow the lots occasionally, but not regularly. They have also violated the HOA rules with the fence installed along Timber Ridge Estates Blvd by using chain link instead of the iron required by the by-laws of the HOA. Our concern is if they already cannot follow published rules what are they going to do if it is zoned agricultural? Since I do not know the couple who owns the lots I can only go off of their actions so far. I have concerns over what they have told some of our neighbors they will do and what they actually do. Their intentions may be as they say but so far, their actions send a different message.

I have been in public service most of my adult life, 24 years and counting as of today, and have led teams through complex situations and organizational changes. There are instances in the military where orders are given and expected to be followed and there are times when you must build teams and coalitions to accomplish tasks because you do not own all the resources required. I believe this situation is of the latter. The couple that wants to make the change has not approached our HOA to discuss what they want to do. I think that would go a long way in building trust and possibly even support. Together, we could identify areas of concern, and if their intentions are as they say, put legally binding restrictions in writing that would ease residents' concerns. The 65 lots in this development bought into a development, even the three across the street from me. It seems disingenuous to rip three lots in the middle of the development out of what the committee approved as SPUD 1507 unless all residents are in support of such a move.

DISCLAIMER: I am in the military and these views are mine and do not represent that of the Army or the Federal Government.

Shawn M. O'Brien

COL, LG

Command Inspector General for the Oklahoma Army and Air National Guards

Shawn.m.obrien4@gmail.com

(941)592-9471