

Subdivisionandzoning

From: Jana Knol <janabeth8@yahoo.com>
Sent: Sunday, March 28, 2021 4:04 PM
To: Subdivisionandzoning
Subject: PUD-1813 OPPOSITION for Planning Commission Hearing: April 8, 2021
Attachments: Protest PUD-1813 Ronald Calhoun Mar 25 2021.docx

TO: City Staff Subdivision and Zoning

Attached, please find Letter of Opposition to PUD-1813 from Ronald Calhoun, property owner within 300 feet to be provided to Planning Commission Members for Hearing on April 8, 2021.

Ronald W. Calhoun
Property Owner within 300 feet
10308 N. Hassett Road
Oklahoma City, OK 73131

CASE NUMBER PUD-1813 LETTER OF PROTEST

Property Address: 10317 N Hassett Applicant: Charles Taylor III
Planning Commission Hearing: April 8, 2021

Date: March 26, 2021

Dear Planning Committee Members:

I am writing in protest of Mr. Taylor's application to change the existing residential based zoning to an agricultural based zoning that would permit a firewood production facility.

The applicant's son, Charles Taylor, IV is operating an illegal commercial business in a residential S1 zone. Their first PUD was withdrawn by their personal attorney within days of the Planning Commission meeting in November. This did not stop operations from continuing or compliance with the residential zoning laws. Hiring another attorney, this is his 2nd attempt to pass-off this illegally-zoned operation as a firewood production company remaining in violation of the City ordinances that strictly prohibit this activity.

I am not just a concerned resident. I am a significantly aggrieved homeowner who has been forced to suffer needlessly because of Mr. Taylor's negligence and the OKC Action Center who would not enforce the city municipal codes that are supposed to protect us. This is an established residential S1 zone and has been for years. New single family home construction is springing up in the community and older homes being renovated. There are absolutely no PUD variances anywhere around Hassett Road. All surrounding properties are residential S1. Mr. Taylor's PUD request is definitely not harmonious with our neighborhood, nor is it welcome. No one that I've talked to supports this PUD. Although his PUD claims this is a low density area, this is not the case. Mr. Taylor's property is surrounded with homes on all sides that are negatively impacted by the damage outlined in this objection letter. Yes, there are 5-acre tracts in the area, but the homes on all sides of Mr. Taylor's land are in close proximity, making the owners highly exposed to this noisy filthy mess. I am one of them.

My home (home and 1.15 acres) and adjacent property in our family's estate (Genevieve D. Calhoun Rev. Trust: 7.32 acres and 10 acres) is located directly across from this illegal business operation, destroying land that has been in my family for generations. Our land is separated only by a private narrow road from Mr. Taylor's property. The view from my front porch directly faces this dirty junk business.

PUD-1813 Master Design Statement FAILS to Meet the Standards of OKC Code Ordinances

(See attached referenced OKC Municipal Code 2020, as amended)

Mr. Taylor's proposed Master Design Statement fails to mention the type of traffic that frequents his illegal firewood business – heavy hauling trucks; commercial vehicles; dump trucks; mulchers; tractor-trailers; bulldozers; and customers, all causing extreme hardship. Based on this alone, Mr. Taylor's PUD request must be denied. North Hassett Road cannot support such traffic congestion, and he has not made any proper provisions for correcting the drainage problems that continue to erode our property.

This is an incompatible use of land and an insufficient road infrastructure that does not allow for two vehicles to pass each other, much less compete with dump trucks and tractor-trailers for the right-of-way. This is a private, single-lane, unpaved roadway that dead-ends. There is no place to pull over except on property easements which are constantly pitted with ruts and potholes by these commercial vehicles. Debris from these vehicles is often scattered all over the road. Residents are often blocked from safely accessing their homes and land. This single-lane road is not maintained by the city or county, but by residents who depend on it as a reliable thoroughfare to our homes and properties.

The applicant's proposed firewood business is already in full operation. According to a legal court document Mr. Taylor filed on February 11, 2021 he signed a verification affidavit attesting that the statements contained therein were true. It states, "The plaintiff's son has firewood on the property that he has processed and delivered to customers for four years." I saw no mention of this in his PUD application. Not only are customers coming to the site to purchase but there is also no mention of the large trucks that are dumping tons of tree debris regularly. Would it be possible for the Planning Committee to ask Mr. Taylor if he's currently and has been operating for four years?

Additionally, this narrow roadway is dramatically eroding as a consequence from drainage problems that Mr. Taylor has caused by artificial manmade elevation of the natural landscape, allowing construction dumping of huge piles of concrete, asphalt, wood and dirt. "These impervious surfaces prevent and retard the entry of water into the soil in the manner and to the extent water enters soil under natural conditions." Water is caused to run off the surface in greater quantities and at an increased rate of flow than was present under natural conditions. According to City Ordinances, Chapter 48 Soil Disturbing Activities Enforcement:

- (1) It is a violation for any person to clear, grade, fill, excavate, store, mine, dispose of soil and earth materials, perform any other land-disturbing or land-filling activity, or cause or allow any such activities without a current valid site-specific permit therefore.
- (2) It is a violation for any property owner to authorize any person to clear, grade, fill, excavate, store, mine, dispose of soil and earth materials, perform any other land-disturbing or land-filling activity, or cause or allow any such activities without a current valid site-specific permit. (See References attached: OKC Code of Ordinances: Chapter 48 - SOIL DISTURBING ACTIVITIES ARTICLE I; ARTICLE II. - GRADING, EROSION, AND SEDIMENT CONTROL)

Several times my property has sustained damage. I cannot even enjoy living peacefully and safely in my home on property that has been in my family for generations.

In all honesty, how could anyone consider PUD-1813 as being in harmony with our neighborhood? Clearly, this PUD fails miserably in meeting the lawful criteria set forth in the OKC Municipal Codes.

Please issue a recommendation of denial to the City Council to stop Mr. Taylor from causing any further harm to our community and encourage the City to enforce the laws that should protect responsible property owners.

Sincerely,

Ronald W. Calhoun

Home and Property Owner within 300 feet (home and 1.15 acres)

Also an Heir and son of Genevieve D. Calhoun Rev. Trust (7.32 acres and 10 acres)

10308 N. Hassett Road

NOTE: Signed Certified/Return-Receipt Copy Mailed

PICTURES AS PROOF: (Please see photos that show the condition of the road; hauling trucks; artificial impervious piles of waste; easements and view directly in front of my property at the entrance to Mr. Taylor's dump site)



Erosion of single lane road due to manmade elevation of impervious piles; soil disturbance from bulldozing massive heaps of dirt to cover up mounds of concrete, asphalt from construction demolition; sloppy portable unpermitted fencing randomly erected to conceal debris.



References: Oklahoma City Code of Ordinances 2020, as modified

Chapter 48 - SOIL DISTURBING ACTIVITIES [1]

ARTICLE II. - GRADING, EROSION, AND SEDIMENT CONTROL

§ 48-15. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this *section*, except where the context clearly indicates a different meaning: Grade: the vertical location of the ground surface.

Grading: any land disturbance or land fill, or combination thereof.

Grading plan: an approved plan for grading a site.

Land disturbing activity/land disturbance: any land change which may result in soil erosion from water and wind and the movement of sediments into community waters or onto lands and roadways within the community, including, but not limited to, clearing, dredging, grading, excavating, transporting, storing, stockpiling, mining, disposing, and filling of soil, earthen materials, or land.

Land fill: any human activity involving the disposition of soil or other earth materials

Stockpiling: means storing of mound of topsoil or other fill or excavated material in a designated area.

Best management practices: a technique or series of techniques which, when used in an erosion control plan. (Ord. No. 21320, § 1, 9-28-99; Ord. No. 24076, § 1, 6-15-10)

§ 48-16. - Permit application requirements and procedures.

(a) Land disturbing activities— Requiring a permit. No person may perform any land disturbing activity, or cause or allow any land disturbing activities on land owned or controlled by such person without first obtaining a valid site-specific permit. All land disturbing activities must be performed in accordance with this chapter proven to be effective in controlling construction-related runoff, erosion and sedimentation.

(i) Chapter 48 Soil Disturbing Activities Enforcement.

(1) It is a violation for any person to clear, grade, fill, excavate, store, mine, dispose of soil and earth materials, perform any other land-disturbing or land-filling activity, or cause or allow any such activities without a current valid site-specific permit therefore.

(2) It is a violation for any property owner to authorize any person to clear, grade, fill, excavate, store, mine, dispose of soil and earth materials, perform any other land-disturbing or land-filling activity, or cause or allow any such activities without a current valid site-specific permit therefore.

(3) In addition, if permittee allows a permit to expire or fails to timely procure renewal of a permit, then the Director or designee may suspend any soil disturbing or construction activities at the site by permittee and its successors, contractors, and agents; however such suspension will not relieve the permittee's obligations to maintain the site in a safe condition and in compliance with City ordinances.

(4) If the Director or designee determines that permittee has failed to comply with any conditions of the permit, then the Director or designee may suspend any soil disturbing or construction activities at the site by permittee and its successors, contractors, and agents; however such suspension will not relieve the permittee's obligations to maintain the site in a safe condition and in compliance with City ordinances. (Ord. No. 21320, § 1, 9-28-99; Ord. No. 24076, § 1, 6-15-10)

§ 48-21. - Land disturbing permit.

Except as provided in Section 48-16(b) above, no person shall conduct, allow or permit land disturbing activity, whether temporary or permanent, on any premises within The City of Oklahoma City until a land disturbing permit has been issued by the Manager allowing such activity pursuant to the provisions of this article. Such permit shall be available for inspection by the Manager or Manager's representative on the job site at all times during which land disturbing activities are in progress. Such permit shall be required in addition to any building permit or other permit required by the Code for the site. (Ord. No. 24076, § 2, 6-15-10)

§ 48-23. - Sediment and erosion control.

No land disturbing activity shall be conducted within the City except in such manner that:

(b) property owners shall be responsible, upon completion of land disturbing activities, for leaving slopes so that they will not erode. Such methods should include re-vegetation, sodding, mulching, rip-rapping, or guniting. Regardless of the method used, the objective will be to leave the site erosion-free and maintenance-free as practicable.

§ 16-21. - Erosion and sediment control.

All development, construction, grading, clearing and grubbing, excavation and stockpiling, preparation for planting, excavation of trenches, demolition, or any other activity which results in the disturbance of soil or vegetative cover within the City, or in any area under the jurisdiction of the City shall be performed in a manner consistent and in compliance with the requirements of the Oklahoma Department of Environmental Quality (ODEQ) and the Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) regulations, or permits issued to the City established to eliminate pollution in the form of soil erosion or sediment transport or deposition on or away from the site.(Ord. No. 21319, § 4, 9-28-99)

§ 16-22. - Enforcement. The City Engineer, Director, the Utilities Director, the Finance Director, or their designated representatives, have full authority to enforce the provisions of this chapter. (Ord. No. 21319, § 4, 9-28-99; Ord. No. 23451, § 3, 9-25-07)