



MEMORANDUM

The City of
OKLAHOMA CITY

Agenda
Agenda

Council
Council
Item No.
5/30/2017

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

RE: Enter into executive session on advice of the Municipal Counselor to receive confidential communications from its attorney concerning threatened litigation concerning the proposed amendment to PUD-1631 Lost Lakes Adventure Park, as authorized by 25 O.S. (2016 Supp.) §307(B)(4), because disclosure would seriously impair the ability of the public body to conduct the threatened litigation in the public interest.

On April 11, 2017, the City Council adopted Ordinance No. 25,622, PUD-1631, Lost Lakes Adventure Park ("Lost Lakes") (Item IX.B.2.). Lost Lakes is comprised of five Tracts, Tract 3 being owned by Lost Lakes Development, L.L.C., and Tracts 1, 2, 4 and 5 being leased from the Oklahoma City River Redevelopment Authority. (See attached map, depicting the layout of the Lost Lakes complex, which includes the referenced City public park property directly to the east of where the "Lakes" are located.). No landowners who live on residential properties located adjacent to the west and north of Lost Lakes appeared at either the Planning Commission or City Council hearings on the matter to register a protest. The Planning Commission recommended the rezoning for approval, and the City Council unanimously approved it on April 11, 2017.

The Design Statement for Lost Lakes allows any number of concerts to be held in Tracts 3 and 5.

Councilman Pettis reports that, after approval of PUD-1631 by the City Council on April 11, 2017, he received numerous complaints regarding noise coming from concerts in Tract 3. Therefore, Councilman Pettis requested this office to prepare an amendment to the Design Statement for Lost Lakes to limit concerts to three

(3) per calendar year in Tract 3 (the same limitation placed by the PUD on the nearby City public park property). Additionally, the proposed amendment further proposes that that concerts shall only be conducted on Fridays, Saturdays and legal holidays, and further providing that all concerts shall end by 11:00 p.m. and providing that no Special Event Permit shall be issued in connection with Tract 3.

On May 16, 2017, the Ordinance amendment requested by Councilman Pettis was introduced and referred to the Planning Commission for review and recommendation. (Item XI.B.)

This office has received a letter from Eric Groves, the attorney representing Lost Lakes Development, L.L.C., threatening litigation if the City proceeds with the proposed Ordinance amendment to PUD-1631. (See attached letter). The City is represented by Daniel T. Brummitt, Assistant Municipal Counselor.

It is the recommendation of this office that the Council enter into executive session to discuss this threatened litigation.