

# M I N U T E S

## OKLAHOMA COUNTY PLANNING COMMISSION

April 16, 2015

1:31 p.m.

The meeting of the Oklahoma County Planning Commission convened and was called to order by Mr. Will K. Jones, Chairman, at 1:31 p.m., in Room 103, Oklahoma County Office Building, 320 Robert S. Kerr, with the following individuals present:

**Mr. Will K. Jones, Chairman**  
**Mr. James Benson, Member**  
**Mr. David Richey, Member**  
**Ms. Irene Martin, Member**  
**Mr. Roger Holloway, Member**  
**Mr. Charles Defuria, Member**  
**Mr. Ray Vaughn, County Commissioner, District 3**

Also in attendance:

**Mr. Tyler Gammon, Secretary**  
**Ms. Gretchen Crawford, Assistant District Attorney**  
**Mr. Stacey Trumbo, P.E., County Engineer**  
**Mr. Erik Brandt, County Planner**

Mr. Gammon called roll and a quorum was declared.

### **Approval of Minutes of the Previous Meeting: (March 12, 2015)**

Mr. Holloway motioned to approve the minutes of the previous meeting. Mr. Richey seconded. Vote taken: Vaughn – Aye, Benson – Aye, Martin – Aye, Jones – Aye, Richey – Aye, Holloway – Aye, Defuria – Aye. The minutes were approved as submitted.

Mr. Jones issued a statement concerning the protest letters sent to the Planning Commission regarding the proposed development known as Covell Creek. He stated that he felt that the Planning Commission members were due an apology as most of the letters received were defamatory in nature. He added that while the case matter was sensitive, many of the facts stated were unsubstantiated and did the protestors' cause no good.

Mr. Defuria recused himself from voting on the following item.

### **(Deferred Item): Discussion and possible action to approve/deny a Re-plat (RE-2015-01) of Coffee Creek Farms Addition (Lots 7 & 8).**

Application of:

**CHARLES DEFURIA**

The applicant proposed developing two (2) additional lots for residential purposes. The following is the legal description of the properties:

**All of Lots Seven (7) & Eight (8) of Coffee Creek Farms Addition a subdivision of the SW/4 of Section 8, T14N, R1E of the Indian Meridian, Oklahoma County, Oklahoma, according to the recorded plat thereof.**

**Location: NE 220<sup>th</sup> & Triple X (County Highway District #1)**

Mr. Gammon stated that the item had been deferred in order for the applicant to include an easement on the re-plat so as not to create a land-locked piece of property. He added that the revised plat had been submitted.

Mr. Defuria was present to answer any questions.

Mr. Richey motioned to approve the application. Mr. Benson seconded the motion. Vote taken: Vaughn – Aye, Benson – Aye, Martin – Aye, Jones – Aye, Richey – Aye, Holloway – Aye. The re-plat application was approved.

Mr. Defuria re-established himself as a voting member of the Planning Commission.

**Discussion and possible action to approve/deny the General Plat of Covell Creek (GP-2015-03).**

Application of: **GARRETT DEVELOPMENT, LLC**

The applicant proposed developing a single-family, residential subdivision with 499 lots on approximately 156 acres. The following is the legal description of the property:

**The Northwest Quarter (NW/4) of Section Nineteen (19), Township Fourteen (14) North, Range Three (3) West of the Indian Meridian, Oklahoma County, Oklahoma. Being more particularly described as follows:**

**Commencing at the Northwest Corner of the Northwest Quarter of Section 19, Township 14 North, Range 3 West; thence South 89°25'12" East along the North line of said Northwest Quarter a distance of 2561.50 feet to the Northeast Corner of said Northwest Quarter; thence South 00°26'42" East along the East line of the said Northwest Quarter a distance of 2645.20 feet to the Southeast Corner of the said Northwest Quarter; thence North 89°24'15" West along the South line of said Northwest Quarter a distance of 2568.54 feet to the Southwest Corner of said Northwest Quarter; thence North 00°17'34" West along the West line of said Northwest Quarter a distance of 2644.37 feet to the said Point of Beginning. Said tract of land containing ±155.7158 Acres and or 6,782,979.9569 Square feet more or less.**

**Location: NW 206<sup>th</sup> & May Avenue (County Highway District # 3)**

Mr. Gammon gave a brief description of the application, stating the re-zoning for the proposed development had been approved through district court. He added the proposed general plat was the next phase in the platting process.

Mr. Jones asked if everyone had seen the judgment.

Ms. Crawford stated that she had not distributed the judgment due to pending litigation. She added that there was someone present to speak on behalf of the developer.

Mr. Tony Martin, present on behalf of the developer, asked for a deferral of the application.

Mr. Vaughn asked Ms. Crawford to give a little history on the proposed development and the status of its current litigation to give the board and the public a better understanding of the situation.

Mr. Benson moved to accept the deferral request.

Mr. Crawford stated that if the board granted the deferral request and it was voted on; then the board foreclosed their right to continue discussion on the matter.

Mr. Benson withdrew his motion.

Mr. Paul Lefebvre, attorney for the applicant, stated that there was a hearing April 17, 2015, at 9:00 a.m. on a motion to vacate the existing judgment regarding the zoning of Covell Creek. He added that further action by the Planning Commission would be premature.

Ms. Crawford explained that the re-zoning was denied by the Planning Commission (the fact finding board) and also by the Board of County Commissioners (the ultimate authority on re-zoning). The developer then exercised his legal rights and filed a lawsuit against the BOCC to seek injunctive relief in November 2014. The developer made a settlement offer that was presented to the Board in executive session numerous times. Offer and counter-offers were taken back and forth and ultimately the Board decided to settle. She added that it took time to get the journal entry memorialized and approved by the courts. The journal entry was filed February 2015. The residents of Deer Creek then formed a group called Deer Creek Community Association that petitioned to intervene in the lawsuit which had already been settled by the developer and the BOCC. She went on to say that the Deer Creek Community Association had since filed paperwork to set aside the journal entry approving the rezoning. She concluded that she agreed with the developer's attorney in asking for a deferral. She stated that waiting until after the April 17, 2015 hearing would benefit all parties involved.

Mr. Jason Dunn, attorney for the Deer Creek Community Association, stated that he and his clients were in agreement with the proposed deferral request. He also asked for copies of all the protest letters received by the Planning Commission.

Mr. Benson motioned to accept the requested one-month deferral. Mr. Richey seconded. Vote taken: Vaughn – Aye, Benson – Aye, Martin – Aye, Jones – Aye, Richey – Aye, Holloway – Aye, Defuria – Aye. The item was deferred until the May 21, 2015 Planning Commission meeting.

### **Discussion in regards to Deer Creek Master Plan Amendment Public Meeting.**

Mr. Erik Brandt stated that the first public meeting for update of the Master Plan had been scheduled for April 23, 2015, 6:30 p.m. at the Deer Creek Middle School. He encouraged all the Planning Commission members to attend.

Mr. Kevin Ewing, Deer Creek resident, asked why the Planning Commission was wasting their time updating the Master Plan when it was just a useless document.

Mr. Gammon replied that the Master Plan was a guide that needed to be updated as times changed. He added that public input was the only way to ensure that “the guide” represented what the residents would want to see in their areas.

**Discussion and possible action to receive March 2015 Fee Fund Report.**

Ms. Martin motioned to receive the fee fund report. Mr. Richey seconded. Vote taken: Vaughn – Aye, Benson – Aye, Martin – Aye, Jones – Aye, Richey – Aye, Holloway – Aye, Defuria – Aye.. The item was received.

**New Business:** In accordance with the open Meetings Act, Section, 311.9, New Business is defined, as any matter not known about or which could not have been reasonably foreseen prior to the time of posting the Agenda.

There was no new business.

**Adjournment:**

Mr. Benson motioned to adjourn. Mr. Richey seconded. Vote taken: Vaughn – Aye, Benson – Aye, Martin – Aye, Jones – Aye, Richey – Aye, Holloway – Aye, Defuria – Aye. The meeting was adjourned at 2:02 p.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015

**OKLAHOMA COUNTY  
PLANNING COMMISSION**

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**Will K. Jones, Chairman**

ATTEST:

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Tyler Gammon, Jr., Secretary