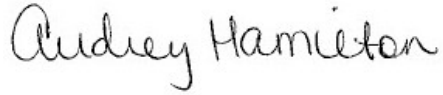


This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 7th day of July, 2021 and that an agenda of said meeting was posted at the place of such meeting at 9:00 a.m. on the 3rd day of September, 2021.



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Audrey Hamilton, City of Durant

**MINUTES OF THE MEETING OF DURANT PLANNING COMMISSION**  
**September 7, 2021 AT 6:00 PM, Roscoe J. Hatfield**  
**Council Chambers,**  
**300 West Evergreen,**  
**Durant, Oklahoma**

**CALL TO ORDER**

Planning Commission Chair Kevin Keener called the meeting to order at 6:02 p.m.

**INVOCATION/FLAG SALUTE**

Commission Member Jackson provided the invocation. Commission Member Knight led the flag salute.

**ROLL CALL**

Present:

Planning Commission Chairman Kevin Keener  
Planning Commission Vice Chairman Drew Jackson  
Planning Commissioner Clent Horner  
Planning Commissioner Shane Knight  
Planning Commissioner Whitney Kerr

Absent:

None

**ORDER OF BUSINESS**

**1. Consent Items**

*To help streamline meetings and allow the focus to be on other items requiring strategic thought, the "Consent Items" portion of the agenda groups the routine, procedural, and self-explanatory non-controversial items together. These items are voted on in a single motion (one vote). However, any Council member requesting further information on a specific item thus removes it from the "Consent Items" section for individual attention and separate vote.*

a. Consider Approval of Regular Meeting Minutes of August 3, 2021

Motion was made by Commission Member Jackson and seconded by Commission Member Horner to approve the minutes as presented.

b. Discussion, Consideration and Possible Action on Amending the 2021 Calendar

Danielle O'Neal reviewed with the Planning Commission members a request to possibly amend the 2021 Calendar for Planning Commission meetings as it pertains to the start time of the meetings. At the last City Council meeting, the City Council repealed the ordinance for the Regional Planning Commission. In July, the Planning Commission approved a time change to start at 6:00 p.m. while the Regional Planning Commission starts at 5:30 p.m. Since the City Council repealed the ordinance for the Regional Planning Commission, staff wanted to see if the Planning Commission wanted to move the time of the meetings back to the original start time of 5:30 p.m.

Motion was made by Commission Member Horner and seconded by Commission Member Knight to approve the request as presented.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Horner, Knight, Kerr

Nays: None

Abstain: None

**2. Consider Items Removed from Consent**

**3. Administration**

a. Discussion, Consideration and Possible Action on Ordinance O-2021-22 Regarding Transitional Zoning

Danielle O'Neal reviewed with the Planning Commission members additional information regarding transitional zoning. Since last month's meeting, staff has been able to connect with someone who is familiar with transitional zoning and was able to conduct research on how other cities are handling the idea of transitional zoning. After learning of the various ways that we could potentially address transitional zoning, staff discussed with the City Manager and the City Attorney the possibility of forming a committee of two Planning Commissioners and two City Council members. This committee would further discuss what we are trying to accomplish or fix. Both were in agreement of forming this committee. The committee would determine if transitional zoning is something that we want to take on at this time.

Robert Bauchman spoke in favor of this item.

Commission Chairman Keener called for no action to be taken on the item at this time.

**4. Public Hearings**

a. Discussion, Consideration and Possible Action on PC2021-01, the 2040 Comprehensive Plan and Future Land Use Map

Danielle O'Neal reviewed with the Planning Commission members an update to the

Comprehensive Plan and the Future Land Use Map for the City of Durant. After the joint meeting with a couple of Planning Commissioners and City Council members, staff went through and made some adjustments to both the plan and the Future Land Use map, as guided by this meeting.

Motion was made by Commission Member Knight and seconded by Commission Member Jackson to approve the request contingent upon adding the designation of the school district to the Future Land Use Map.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Horner, Knight, Kerr

Nays: None

Abstain: None

b. Discussion, Consideration and Possible Action on PC2021-17 a Preliminary Plat request for property located near Larkspur Lane and Prairie Crossing  
Danielle O'Neal reviewed with the Planning Commission members a request from Sunstar, LLC, for a Preliminary Plat Request for property located near Larkspur Lane and Prairie Crossing. The subject property is approximately a total of 36 acres. The applicant is planning to have a total of 116 lots with single family homes and their own driveways. Each lot does meet or exceed the lot size requirements for this zoning district. There is also an easement that goes through the area of Block 2 Lot 9 that is used for a driveway for the property that is Southeast of this development, also shown on the plat. This lot would not be able to be developed unless an agreement was made between the two property owners. The current Land Use Map appears to have this area as a low density residential; therefore, this request is generally in compliance with the Comprehensive Plan. It should be noted that the Future Land Use Map and Comprehensive Plan are in the process of being updated. Notifications have been made to the surrounding property owners and at the time of this report a couple of residents reached out expressing some concerns. Several letters and emails were received when this item was first published but no action could be taken due to an issue with the warranty deed.

Tasha Cummings spoke regarding the easement giving access to her property.

Dillon Cummings also spoke regarding the easement giving access to his property and proper drainage.

Buddy Holder, the applicant, spoke regarding the easement and the drainage.

Charles Bauchman spoke in opposition and also presented a petition to the Planning Commission.

Linda Tucker spoke in opposition.

Peggy Savage spoke in opposition.

Carol McDaniel spoke in opposition.

Jason Rhynes spoke regarding the electrical easement.

Motion was made by Commission Member Knight and seconded by Commission Member Jackson to approve the request with the following stipulations: a corrective warranty deed being filed, approval of pending sewer plans, and a stormwater permit to be filed with the Oklahoma Department of Environmental Quality and a copy submitted to city staff.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Horner, Knight, Kerr

Nays: None

Abstain: None

- c. Discussion, Consideration and Possible Action on PC2021-23 a Rezoning request from R-2, Two-Family Residential to C-3, General Commercial for property located near North 2nd Avenue and Cedar Street

Danielle O'Neal reviewed with the Planning Commission members a Rezoning request from R-2, Two-Family Residential District to C-3, General Commercial District for property located near North 2nd Avenue and Cedar Street. Management and staff had several discussions regarding this particular area with regards to the zoning and land use. The use has been an office building, but the zoning reflects that this lot should be used for residential. The conflict between the zoning map and use is something that can cause the owners to be able to use their lot as it is built and to gain permits. Staff was made aware of this area due to various inquiries into these properties. Staff chose to move forward by having the property rezoned to where it would match the surrounding area as well as match the current use. The lot does have city sewer and water nearby. The subject property is approximately 9,300 sq. ft (0.20 acres) and currently has an office building on this piece of property. The area is made up of a mixture of Residential and Commercial Zoned properties. The subject property does meet the requirements for lot area that is required within the requested zoning type. The current Land Use Map has this area as medium density residential land uses; therefore, this rezoning request does not appear to be in compliance with the current Comprehensive Plan. It should be noted that we are currently working on updating the Comprehensive Plan and Future Land Use Map. Notifications have been made to the surrounding property owners and at the time of this report staff has not received any calls or emails regarding this rezoning request.

Tom Marcum, City Attorney, spoke regarding the legality of the rezoning request.

Motion was made by Commission Member Jackson and seconded by Commission Member Horner to deny the request as presented.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Horner, Knight, Kerr

Nays: None

Abstain: None

- d. Discussion, Consideration and Possible Action on PC2021-24 a Rezoning request from R-3, General Residential to C-3, General Commercial for property located near North 2nd Avenue and Beech Street

Danielle O'Neal reviewed with the Planning Commission members a Rezoning request from R-2, Two-Family Residential District to C-3, General Commercial District for property located near North 2nd Avenue and Beech Street. Management and staff had several discussions regarding this particular area with regards to the zoning and land use. The use has been commercial and church uses, but the zoning reflects that this lot should be used for residential. The conflict between the zoning map and use is something that can cause the owners to be able to use their lot as it is built and to gain permits. Staff was made aware of this area due to various inquiries into these properties. Staff chose to move forward by having the property rezoned to where it would match the surrounding area as well as match the current use. The lot does have city sewer and water nearby. The subject property is approximately 26,900 sq. ft (0.60 acres) and currently church facilities, a parking lot and part of an auto repair business are this piece of property. The area is made up of a mixture of Residential and Commercial Zoned properties. The subject property does meet the requirements for lot area that is required within the requested zoning type. The current Land Use Map appears to have this area as high density residential land uses; therefore, this rezoning request does not appear to be in compliance with the current Comprehensive Plan. It should be noted that we are currently working on updating the Comprehensive Plan and Future Land Use Map. Notifications have been made to the surrounding property owners and at the time of this report staff has not received any calls or emails regarding this rezoning request. Staff did talk with one of the property owners and they were in support of this zoning change.

Motion was made by Commission Member Knight and seconded by Commission Member Jackson to deny the request as presented.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Horner, Knight, Kerr

Nays: None

Abstain: None

- e. Discussion, Consideration and Possible Action on PC2021-26 a Rezoning request from I-1, Light Industrial to I-2, Medium Industrial for property located near McLean Dr. and the Kiamichi Railroad

Danielle O'Neal reviewed with the Planning Commission members a Rezoning request from the Durant Industrial Authority for a rezoning of the property located near McLean Dr. and the Kiamichi Railroad from I-1, Light Industrial District to I-2, Medium Industrial District. The applicant approached staff regarding the rezoning of this property for a potential new development. The applicant states that the rezoning request would help attract more people to this piece of property and there may be an interested party in this piece of property depending on this rezoning request. The lot does have city water nearby but does not appear to have city sewer. The subject property is approximately a total of 39 acres and currently is a vacant piece of property. The area is made up of a mixture of Industrial and Agriculture Zoned properties. The subject property does meet the requirements for the lot area that is required within the requested zoning type. The current Land Use Map has this area as low density residential land uses; therefore, this rezoning request appears to not be in compliance with the current Future Land Use Map. It should be noted that we are currently working on updating the Comprehensive Plan and Future Land Use Map. Notifications have been made to the surrounding property owners and at the time of this report staff has not received any calls or emails regarding this rezoning request.

Lisa Taylor, DIA Director, spoke in support of the request.

Motion was made by Commission Member Knight and seconded by Commission Member Horner to deny the request as presented.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Horner, Knight, Kerr

Nays: None

Abstain: None

- f. Discussion, Consideration and Possible Action on PC2021-27 a Re-Plat request for property located at 401 S. 9th Avenue

Danielle O'Neal reviewed with the Planning Commission members a request from Impact Realty, LLC, for a re-plat of property located at 401 S. 9th. The applicant approached staff regarding the desire to separate a single lot into two lots. The property owner owns both of the lots and the lots are conjoined. The applicant desires to have an additional development behind their business that faces South 9th Avenue. The lots have been previously platted; therefore, a re-plat would be required to separate the lot into two lots. The subject property is approximately 9,700 square feet (0.22 acres) in total. Individually the proposed East lot is approximately 7,300 square feet (0.17 acres) and the proposed West lot is approximately 6,000 square feet (0.14 acres). The new lots would meet the lot area requirement of the C-3 zoning category. There appears to

be city water and sewer in the area; however, easements may be needed for sewer depending on how connections are made to the properties. It should be noted that the applicant also has an application submitted for the Board of Adjustment requesting a variance on the lot size requirements to place a duplex on the property. According to the applicant, they desire to develop this lot regardless of the outcome from the Board of Adjustment. The current Future Land Use Map appears to have this area as highway commercial; therefore, this re-plat request does not appear to be in compliance with the Comprehensive Plan. The property owner is not attempting to amend or remove any covenants or restrictions that were previously incorporated in the final plat. Notifications have been made to the surrounding property owners and at the time of this report no letters or phone calls have been received by staff.

Motion was made by Commission Member Knight and seconded by Commission Member Jackson to approve the request as presented.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Horner, Knight, Kerr

Nays: None

Abstain: None

## **5. New Business**

Danielle O'Neal asked Chaiman Keener to contact her regarding the Committee for the Transitional Zoning.

## **ADJOURNMENT**

Motion made by Commission Member Knight and seconded by Commission Member Jackson to adjourn the meeting.