

The City of Durant encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged in order to make the necessary accommodations. The City of Durant may waive the 48-hour rule if interpreters for the deaf (signing) or translation services for limited English proficient (LEP) individuals are not the necessary accommodation.

DURANT PLANNING COMMISSION

5:30 PM

**Roscoe J. Hatfield
Council Chambers,
300 West Evergreen,
Durant, Oklahoma
AGENDA**

January 4, 2022

CALL TO ORDER

INVOCATION/FLAG SALUTE

ROLL CALL

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 December 7, 2021

2. Consider Items Removed from Consent

3. Information Items

4. Administration

5. Public Hearings

- a. Discussion, Consideration and Possible Action on PC 2022-01, a Rezoning request for property located at 802 Rodeo Road
- b. Discussion, Consideration and Possible Action on PC 2022-02, a Rezoning request for property located near Hillcrest Avenue and McLean Drive

6. New Business

ADJOURNMENT

CERTIFICATE

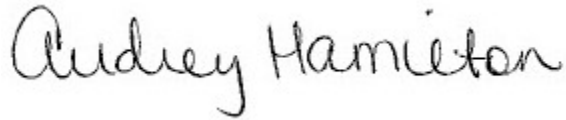
This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the

8th day of December, 2021 and that an agenda of said meeting was posted at the place of such meeting at 09:00 a.m. on the 30th day of December, 2021.

Audrey Hamilton

Audrey Hamilton, City of Durant

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 9th day of September, 2021 and that an agenda of said meeting was posted at the place of such meeting at 09:00 a.m. on the 3rd day of December, 2021.



Audrey Hamilton, City of Durant

MINUTES OF THE MEETING OF DURANT PLANNING COMMISSION
December 7, 2021 AT 5:30 PM, Roscoe J. Hatfield
Council Chambers,
300 West Evergreen,
Durant, Oklahoma

CALL TO ORDER

Planning Commission Vice Chairman Jackson called the meeting to order at 5:36 p.m.

INVOCATION/FLAG SALUTE

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

ROLL CALL

Present:

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

Absent:

Planning Commission Chairman Kevin Keener

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 November 2, 2021

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

Motion Passed with the following vote:

Ayes: Jackson, Horner, Knight, Kerr

Nays: None

Abstain: None

- b. Discussion, Consideration and Possible Action on the 2022 Planning Commission Regular Meeting Calendar

Danielle O'Neal reviewed with the Planning Commission members a draft of the 2022 Calendar for Planning Commission meetings.

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

Motion Passed with the following vote:

Ayes: Jackson, Horner, Knight, Kerr

Nays: None

Abstain: None

2. Consider Items Removed from Consent

3. Information Items

4. Public Hearings

- a. Discussion, Consideration and Possible Action on PC2021-31 a Replat request for property located near Chuckwa Street and Marie Drive

Danielle O'Neal reviewed with the Planning Commission members a request from Carrus Health for a re-plat of property located near the intersection of Chuckwa Street and Marie Drive. The subject property is approximately 9.85 acres in total. Individually the proposed Lot one is approximately 5.00 acres and the proposed Lot 2 is approximately 4.95 acres. The new lots would meet the lot area requirements of the C-2 zoning category. There appears to be city water and sewer in the area. The applicant desires to have a long-term adult care facility and medically related retail and hospitality on these lots. There is an existing plat on file; therefore, a re-plat would be required to separate this existing lot into two lots. The current Future Land Use Map has this area as Commercial; therefore, this re-plat does appear to be in line with the current Future Land Use map. Notifications have been made to the surrounding property owners and at the time of this report staff has received several letters/emails in protest of this request.

Vice Chairman Jackson called for no action to be taken on this item at this time.

b. Discussion, Consideration and Possible Action on PC2021-32 Amending Section 157.032 of the Durant Code of Ordinances

Danielle O'Neal stated that after the September Planning Commission meeting staff was asked to research how other cities handles setbacks within commercial and industrial zoning categories. At the October Planning Commission meeting, staff presented the research found and the Commissioners requested that staff draft an ordinance to provide some changes or addition of setbacks particularly within C-3, General Commercial as well as Industrial Districts. Staff was able to further examine what other cities are doing and put together some changes/additions for setbacks primarily within the Commercial and Industrial Zoning categories.

Motion was made by Commission Member Knight and seconded by Commission Member Horner to approve the request as amended adding side and rear setbacks in the I-2 category to match the I-1 category.

Motion Passed with the following vote:

Ayes: Jackson, Horner, Knight, Kerr

Nays: None

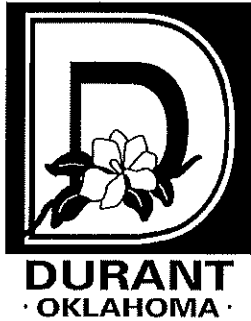
Abstain: None

5. New Business

There was no new business.

ADJOURNMENT

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



THE CITY OF DURANT

Office of Community Development

Date: 01/04/2022
To: Planning Commission
Case: PC 2022-01
From: Danielle O'Neal, Community Development Director
Re: Rezoning Request from A-1, General Agriculture to C-3, General Commercial for property located at 802 Rodeo Road

Request: Consider a request from Philip and Amanda Smith, for a rezoning of the property located at 802 Rodeo Road from A-1, General Agriculture to C-3, General Commercial

Current Zoning: A-1, General Agriculture

Requested Zoning: C-3, General Commercial

Surrounding Properties:

Direction	Zoning	Use
North	A-1	Vacant
West	A-1	Residential
South	A-1	Residential
East	A-1	Residential

Applicant: Philip & Amanda Smith

Background: The applicant approached staff regarding the rezoning of this property to maintain their existing business ventures. The applicant has requested some additional terms to go along with their rezoning, those terms are attached to this report.

Notifications have been made to the surrounding property owners and at the time of this report staff has received one letter of protest regarding this rezoning request. That letter is attached to this report.

Analysis: The aforementioned property is approximately 4.6 acres and currently has a shop building on the property. The area is made up mostly of Agricultural Zoned properties and this request appears to be what is considered spot zoning. The subject property does meet the requirements for the lot area that is required within the requested zoning type.

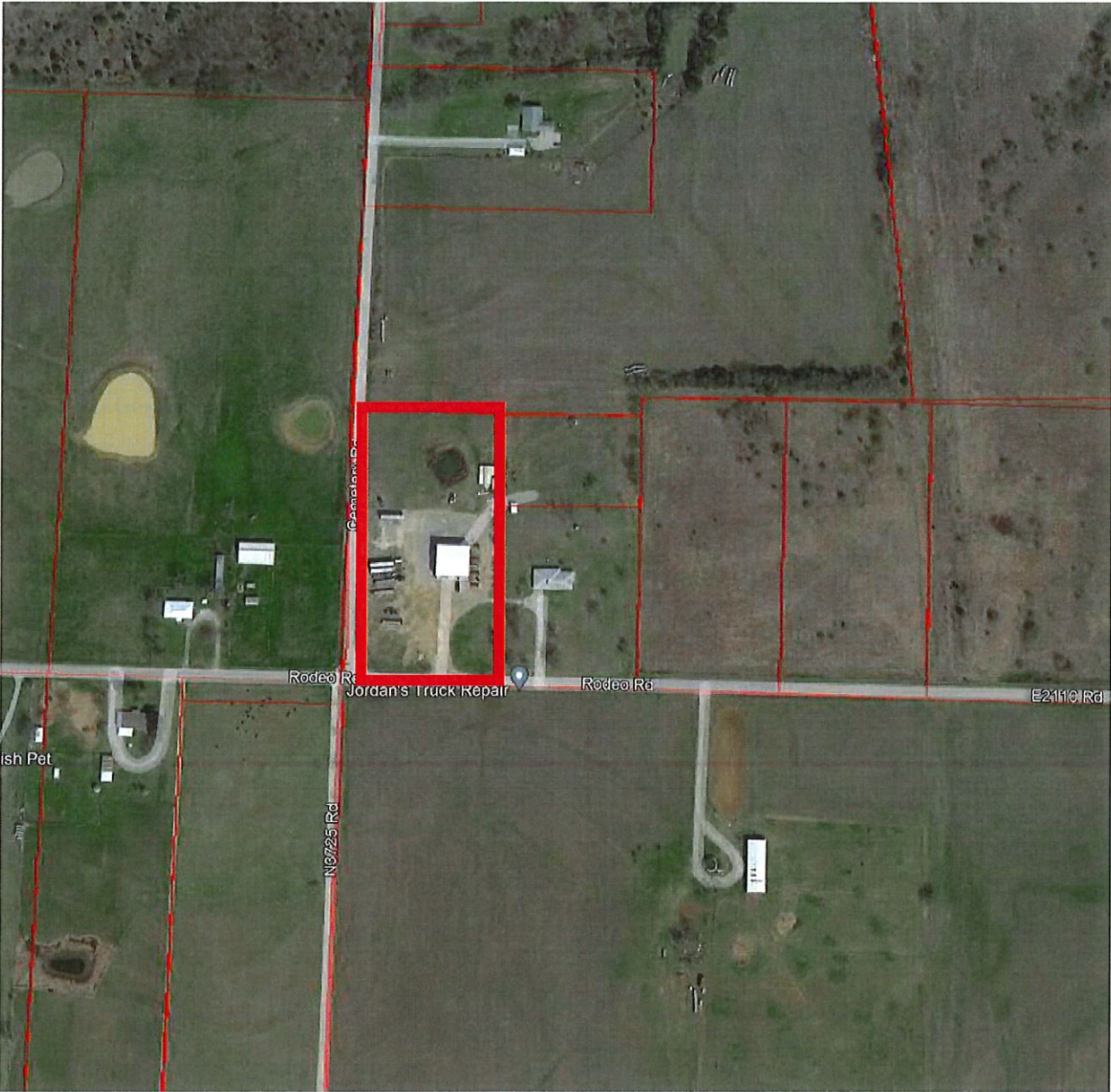
It should be noted that the façade ordinance that is referenced in the terms being requested by the applicant does not apply to property zoned Agricultural but does apply to Commercial zoned properties. Additionally, current off-street parking requirements require all off-street parking areas, driveways, etc. to be surfaced with concrete, asphalt, or double bituminous asphalt in accordance with ODOT (Oklahoma Department of Transportation) standards.

The current Future Land Use Map has this area as low density residential land uses; therefore, this rezoning request is not in line with the Future Land Use Map.

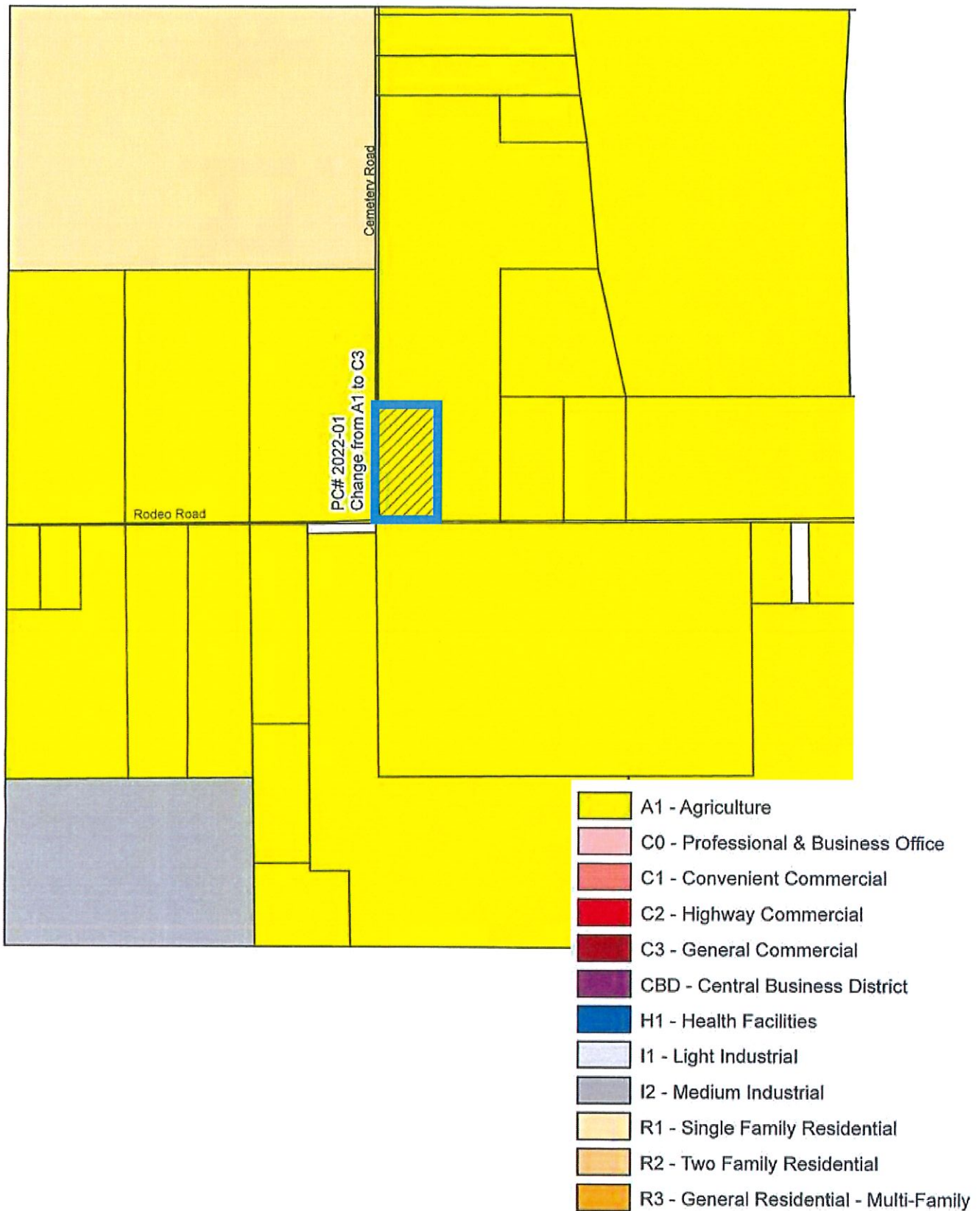
Staff Recommendation: Staff's concerns regarding the rezoning is regarding the potential spot zoning as well as the request not being in line with the Future Land Use Map.

Required Action: Hold a public hearing to recommend approval or denial of the rezoning request for the property located at 802 Rodeo Road. Any specific conditions imposed by the Commission should be read into any approval motion.

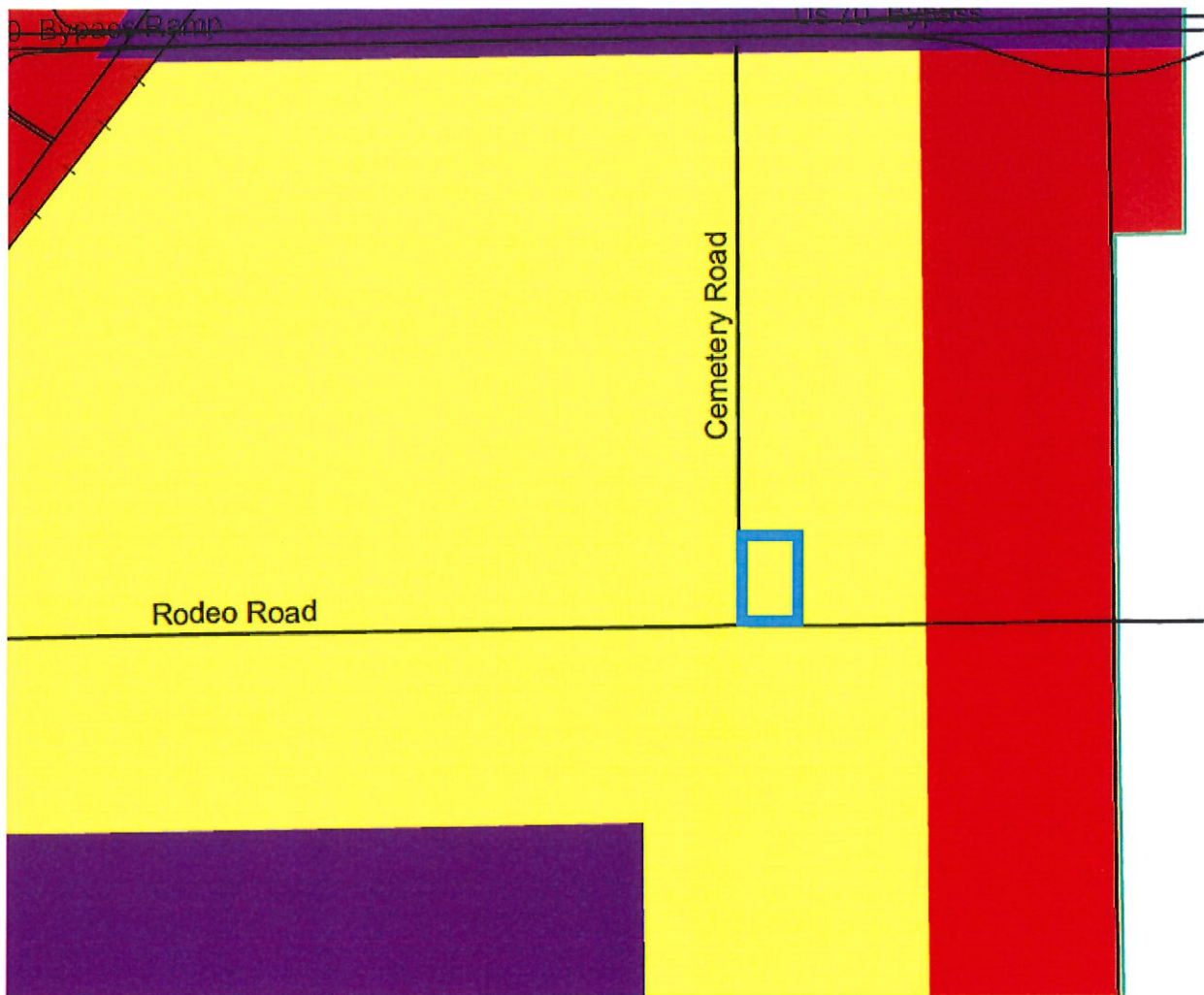
Aerial Map



Zoning Map



Future Land Use Map



Location is approximate

Future Land Use



ORDINANCE NO. O-2022- XX

**AN ORDINANCE AMENDING THE ZONING MAP OF THE ZONING CODE
AND DECLARING AN EMERGENCY**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DURANT, OKLAHOMA

SECTION 1. That the zoning map is hereby amended as to replace the A-1, General Agriculture District to the C-3, General Commercial Zoning District for property located at 802 Rodeo Road, in Durant, and more particularly described as;

A tract of land being a part of the South 9.2 acres of the SW/4 SW/4 SE/4 of Section 8, Township 7 South, Range 9 East of the Indian Base and Meridian, Bryan County, Oklahoma, being more particularly described by metes and bounds as follows: Commencing at the Southwest Corner of the SE/4, being ½" rebar as filed by ODOT, also being the True Point of Beginning; thence N00°29'44"W along the West line of the SE/4 as monumented by ODOT a distance of 605.73 feet to the Northwest Corner of the South 9.2 acres of the SW/4 SW/4 SE/4; thence N89°18'35"E along the North line of the South 9.2 acres of the SW/4 SW/4 SE/4 a distance of 317.24 feet; thence S02°00'00"E a distance of 605.89 feet to a point on the South line of the SE/4 as monumented by ODOT; thence S89°18'35"W along the South line of the SE/4 as monumented by ODOT a distance of 333.15 feet back to the True Point of Beginning.

SECTION 2. For the immediate preservation of the peace, health, and safety of the City of Durant, Oklahoma and the inhabitants thereof, it is necessary that this ordinance shall become operative and go into effect immediately upon its passage, approval and publication.

PASSED AND APPROVED by the Mayor and City Council of the City of Durant this 11th day of January, 2022.

Oden Grube, Mayor
City Of Durant, Oklahoma

ATTEST:

Cynthia J. Price, City Clerk

§ 157.027 C-3 GENERAL COMMERCIAL DISTRICT.

This commercial district is designed for the conduct of personal and business services and the general retail trade of the community. It is designed to accommodate a wide variety of commercial uses in the Central Business District or areas of mixed business enterprises. It will not normally be applied in the case of new commercial areas.

(`93 Code, § 12-214) (Ord. 1040, passed 4-12-83)

§ 157.060 METAL BUILDINGS AND BUILDING FACADES IN ALL COMMERCIAL, RESIDENTIAL AND HEALTH FACILITIES DISTRICTS.

(A) *Purpose.* The architectural design guidelines of this section are intended to preserve historical, cultural, and architectural character and development patterns compatible with new construction and major modifications in order to respect the original architectural character and development patterns within the city.

(B) *Applicable zones.* Facade treatments for metal buildings will be required for properties zoned all Commercial Districts (C-0, C-1, C-2, C-3, CBD), all Residential Districts (R-1, R-2, R-3, and R-4), and Health Facilities District (H-1). The provisions of this section will not apply to properties zoned General Agricultural District (A-1) and Industrial Districts I-1 and I-2.

(C) *Facade treatments.* Facade treatment will be on all facades visible from the street but not to include the rear of the structure. The facade treatment shall cover 100% of the front exterior facing the street, or on a corner lot, the front and side facing the street. The sides will have 25% of the area improved with facade treatment floor (bottom) to deck (top), and shall be constructed using the recommended and acceptable materials listed below in division (D)(3), excluding the window areas.

(D) *Facade design.* All visible building facades shall conform to the following design criteria.

(1) *Windows and glazing.* All facades visible from the street must contain glazed glass windows. Windows shall be recessed and include visually obvious sills. Columns and mullions, shall form spaces between windows or material found elsewhere on the facade. Clear window glass is recommended; green, blue, bronze, or smoke tints are permitted. Window shapes shall be rectangular, square, or Palladian (mostly rectangular with semi-circular top). Glazing shall comply with Chapter 24 or the 2003 *International Building Code* or the latest version thereof. The maximum permitted reflectance of glass used as a facade material varies depending upon where the glass is used. The reflectance of glass used on the first two stories may not exceed 15%. The reflectance of glass used above the first two stories may not exceed 27%.

(2) *Building materials.* Building materials must be consistent with the surrounding neighborhood character, as determined by the Community Development Director or his/her designee. Building materials on the front facade, or any facade visible from a public right-of-way, must be primarily of natural materials conveying permanence, as determined by the Community Development Director or his/her designee.

(3) *Recommended and acceptable materials.* Brick, stone, wood siding, concrete slab (poured-in-place, tilt-up construction). Split face, scored, or ground face block, or brick veneer, vinyl siding, beveled wood siding (lap, board and batter, shake), stucco, and exterior insulation finish systems (EIFS).

(4) *Disallowed materials.* Metal siding (standing seam panels, aluminum siding, "R" panels), mirrored or reflective glass.

(E) *Architectural features.* These architectural design guidelines are intended to preserve the architectural character while encouraging adaptive reuse of existing buildings, and allowing for compatible new construction and major modifications. Building facades shall contain architectural features, details, and ornaments that are consistent with predominating architectural styles found within the district, such as: arches; roof cornices; contrasting bases; contrasting masonry courses, water tables, or molding; pilasters or columns; corbeling; contrasting bands or color; stone or ceramic accent tiles; colonnades; or porches. Elements such as wall clocks, decorative light fixtures, and door or window canopies are recommended. Architectural features will be consistent with the residential neighborhood or the business area.

(F) *Compliance.* If there is a question as to interpretation of any provision of this section, a written request can be filed with the Community Development Department for administrative review and action. A review can be submitted to the Planning Commission and that decision may be appealed to the Board of Adjustment.

(Ord. 1473, passed 9-13-05; Am. Ord. 1871, passed 12-11-18)

§ 157.047 OFF-STREET PARKING REQUIREMENTS.

(A) In all zoning districts, in connection with every industrial, commercial, institutional, recreational, residential or any other use, there shall be provided, at the time any building or structure is erected or enlarged or increased in capacity, or any other use is established, off-street parking spaces for automobiles in accordance with the requirements in the "parking spaces required" column in the table of permitted uses. Parking space used in connection with an existing and continuing use or building on the effective date of these regulations up to the number required by these regulations shall be continued and may not be counted as serving a new structure or addition; nor may a parking space be substituted for a loading space or a loading space substituted for a parking space.

(B) Off-street parking space may be a part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner.

(C) The off-street parking lot shall be located within 200 feet, exclusive of street and alley widths, of the principal use and shall have direct access to a street or alley.

(D) Whenever two or more uses are located together in a common building, shopping center or other integrated building complex, the parking requirements may be complied with by providing a permanent common parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements.

(E) The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than 9 feet by 20 feet, plus adequate area for ingress and egress.

(F) Off-street parking and loading facilities shall be provided in all districts in accordance with figures shown in § 157.032 and as shown below:

(1) Commercial establishments not otherwise classified: one parking space for each 150 square feet of floor space used for retail trade in the building and including all areas used by the public;

(2) Industrial establishments: one off-street parking space for each 1,000 square feet of gross floor area or one off-street parking space for each three employees, whichever is greater, and one loading or unloading berth for each 25,000 square feet or fraction thereof of gross floor area.

(G) All off-street parking areas, including parking and loading spaces, driveways and aisles, shall be surfaced with concrete, asphalt or double bituminous asphalt in accordance with the Oklahoma State Department of Transportation specifications for materials and construction methods and approved by the City Engineer or other designee appointed by the City Manager.

(1) Paving Exemption. Storage of farm implements, industrial tractor/trailer parking not including dock parking, equipment, containers or other similar products in Convenience Commercial District (C-1), Highway Commercial and Commercial Recreation District (C-2), General Commercial District (C-3), Central Business District (CBD), Light Industrial District (I-1), and Medium Industrial District (I-2) zones, as an accessory use to their sales, service or rental, shall not be required to pave that portion of the lot devoted to storage as mentioned above. The business shall still meet number and quality of paved parking spaces, aisles, drives, loading dock, customer and employee parking, as otherwise provided by ordinance. The provisions of this section will not apply to properties having General Agricultural District (A-1) zoning classification and specifically used for agricultural purposes such as framing, dairying, pasturage and etc.

(2) Any commercial or industrial facility in existence before the date of approval of this ordinance, which is in violation hereof, shall be deemed a non-conforming use. Such non-conforming uses shall not in any manner be enlarged, extended, altered or rebuilt except that such use may be changed so as to comply with the provisions of this section. Existing non-conforming uses shall be permitted to continue in their present configuration and use unless such use is terminated for any reason whatsoever for a period of 30 days or more, thereafter such non-conforming use shall be permanently terminated or come into compliance.

(3) Compliance. The sealed surface of parking areas, loading space, driveways and aisles will be completed at the time of a certificate of occupancy for the building. If the sealed surface is not completed upon occupancy, a plan for compliance is to be filed with the Community Development Department for administrative review and action.

(H) Whenever off-street parking lots for more than six vehicles are to be located within or adjacent to a residential district, the following provisions shall apply:

(1) No parking shall be permitted within a front yard setback line whenever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases, a minimum five-foot setback shall be required;

(2) Driveways used for ingress and egress shall be confined to and shall not exceed 25 feet in width, exclusive of curb returns;

(3) All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement. Self-service storage facilities will have a sealed surface for the paved area in the front of the building line to the curb;

(4) Whenever lighting is provided, it shall be arranged so that all light is deflected from adjoining residential uses; and

(5) No sign of any kind shall be erected except information signs used to guide traffic and to state the condition and terms of the use of the lots. Only nonintermittent white lighting of signs shall be permitted.

(I) The following off-street parking requirements shall be used when referenced in the "parking spaces required" column in the table of permitted uses:

(1) *Parking #1 - Parking requirements for manufacturing and wholesaler land uses:* Four spaces per 1,000 square feet GFA devoted to office use, plus 0.5 spaces per 1,000 square feet GFA devoted to warehousing and storage use, or 1.2 spaces for every employee on maximum shift, whichever is greater.

(2) *Parking #2 – Parking requirements for restaurant land uses:* One space for every three seats to be provided in areas allocated to table seating, plus two spaces for every three employees on the maximum shift, plus one space for every 12 square feet allocated to a queuing or waiting area (including enclosed vestibules, air lock areas between entry doors, areas allocated to food service waiting lines, and areas allocated to order taking and delivery), plus all applicable parking standards for areas of the establishment which are allocated to bar and drinking areas.

(3) *Parking #3 – Parking requirements for drinking places:* One space for every two seats provided in areas allocated to table seating, plus two spaces for every three employees on the maximum shift, plus one space for every four lineal feet of bar frontage, plus one space for every four lineal feet of bar rail applied along interior walls or columns, plus one space for every standing-type cocktail table, plus one space for every 12 square feet of open area where patrons may stand, plus one space for every 12 square feet allocated to a queuing or waiting area (including enclosed vestibules, air lock areas between entry doors, areas allocated to food service waiting lines, and areas allocated to order taking and delivery).

(J) Stacking. Six stacking spaces shall be required for the first drive-in/through window and four stacking spaces for each additional window.

(`93 Code, § 12-233) (Ord. 1040, passed 4-12-83; Am. Ord. 1233, passed 9-10-96; Am. Ord. 1470, passed 9-13-05; Am. Ord. 1562, passed 8-14-07)

REZONING APPLICATION

Petition # PC 2022-01
 Fee \$ 300

APPLICANT INFORMATION

Name: <u>Philip + Amanda Smith</u>	Email: <u>philipandamanda1@yahoo.com</u>	Phone #1: <u>580 916 6370</u>
Mailing Address: <u>801 N 5th</u>		Phone #2: <u>580 775 1331</u>
City: <u>Durant</u>	State: <u>OK</u>	Zip: <u>74701</u>
Applicant's Interest in Property: <u>Owners</u>		

☐ Please use attached addendum if there is more than one applicant.

Physical Address of Rezoning Request: <u>802 Rodeo Road Durant OK 74701</u>			
☐ Platted ☒ Un-Platted	Subdivision	Lot	Block
Legal Description: (If Un-platted) <u>See attached</u>			
☒ Deed Attached (required) If applicant is not owner listed on deed, owner consent must be included.			

Request Rezoning From: <u>A-1</u>		Request Rezoning To: <u>C-3</u>	
Present Use: <u>Cattle storage and parking for a Durant small business</u>		Proposed Use: <u>Cattle storage and sales and parking for a Durant small business</u>	
Parcel Width: <u>See attached legal</u>	Parcel Length: <u>See attached legal</u>	Acres: <u>See attached legal</u>	Street/Road Frontage: <u>See attached legal</u>
☒ City Water (If City Water will be extended or improvements will be made, please explain:)			
☒ City Sewer (If City Sewer will be extended or improvements will be made, please explain:)			
☒ Private Water		☒ Private Sewer	
Is Property in the Floodplain? <u>no</u>	Is property in the Airport Zone.		

The applicant has prepared this application and supporting documentation and certifies that the facts stated herein and exhibits attached hereto are true and correct.

Philip Smith
 Signature of Applicant

12/7/21 12/7/21
 Date

Office Use Only

Date Filed		Date Payment Received		Notification Mailed		Comments	
Initial		Initial		Initial			
Proof of Publication Received				Property Posting Verified		Comprehensive Plan Recommendations	
Date Initial		Date Initial		Date Initial			
Staff Recommendation ☐ Approve ☐ Deny		PC Recommendation ☐ Approve ☐ Deny		City Council Action ☐ Approve ☐ Deny		Ordinance #	

REZONING SUPPORTING INFORMATION

1. List the changed or changing conditions in the area or in the City which makes this zone change necessary.

This building has been there since 2008. Up until this time there have been no issues. The area has been used as a parking facility since 2008. The building was used by previous owners as a business in which the City of Durant collected city sales tax with it still being zoned as Ag-1. We have added a cattle operation under our ownership and wish to rezone as commercial for cattle sales.

2. Indicate whether or not this zone change is in accordance with the Comprehensive Plan. If it is not, explain why the Plan is incorrect.

The Comprehensive Plan according to Aaron Walkup shows Rodeo Road from Slt-78 going west halfway to Cemetery Road to already be Commercial. There would be no reason not to extend this zoning all the way to Cemetery Road due to no neighbor disapproval.

3. List any other reasons to support this zone change.

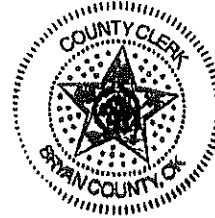
Other commercial entities already operate in this Ag-1 area. There is no neighbor disapproval. There will be no different activity than what has been there since 2008.

Addendum to Rezoning Application for 802 Rodeo Road:

The rezoning application is submitted for 802 Rodeo Road from Ag-1 with the following terms. The building that is currently there has been on this property since 2008. We request that the same building be allowed to remain as is, as it was built prior to 2018 as per the façade ordinance (157.060) as there are no major modifications or new construction. The parking lot shall remain the combination of gravel, dirt and concrete as it has been since being built in 2008. Any new construction will be built according to new construction code following all ordinances for commercial or agriculture.

2
I-2015-675793 Book 1382 Pg: 812
03/02/2015 1 13 pm Pg 0812-0812
Fee: \$ 13.00 Doc. \$ 225.00
Tammy Reynolds - Bryan County Clerk
State of Oklahoma

**JOINT TENANCY
WARRANTY DEED**



File No.: 14120011

Documentary Stamp: \$225.00

That Jimmy Lee Clark, a single person, party of the first part, in consideration of the sum of TEN & NO/100 Dollars and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do(es) hereby, grant, bargain, sell and convey unto Phillip M. Smith and Amanda J. Smith, husband and wife, the whole estate to vest in the survivor, party(ies) of the second part, the following described real property and premises situate in Bryan County, State of Oklahoma, to wit:

A tract of land being a part of South 9.2 acres of the SW/4 SW/4 SE/4 of Section 8, Township 7 South, Range 9 East of the Indian Base and Meridian, Bryan County, Oklahoma; Being more particularly described by metes and bounds as follows:
Commencing at the Southwest corner of the SE/4. Being 1/2' Rebar as filed by ODOT, also being the true Point of Beginning; Thence North 00 degrees, 29 minutes, 44 seconds West along the West Line of the SE/4 as monumented by ODOT a distance of 605.73 feet to the Northwest corner of the South 9.2 acres of SW/4 SW/4 SE/4; Thence North 89 degrees, 18 minutes, 35 seconds East along the North line of the South 9.2 acres of SW/4 SW/4 SE/4 a distance of 317.24 feet; Thence South 02 degrees, 00 minutes, 00 seconds East a distance of 605.89 feet to a point on the South line of the SE/4 as monumented by ODOT; Thence South 89 degrees, 18 minutes, 35 seconds West along the South line of the SE/4 as monumented by ODOT a distance of 333.15 feet back to the True Point of Beginning.

Property Address: 802 Rodeo Rd, Durant, OK 74701

Together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said parties of the second part, as such joint tenants, and to the heirs, successors and assigns of the survivor, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature. EXCEPT covenants, conditions, easements, restrictions and mineral conveyances of record.

Signed and delivered this 27th day of February, 2015.


Jimmy Lee Clark

STATE OF OKLAHOMA
Bryan County
Documentary Stamps \$ 225.00

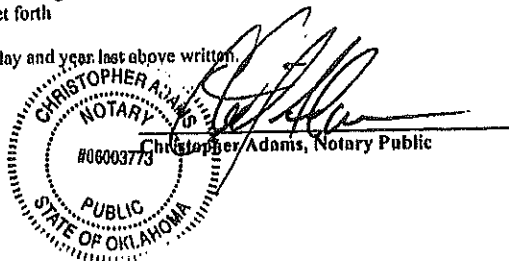
ACKNOWLEDGMENT - OKLAHOMA FORM

State of: Oklahoma)
County Of: Bryan)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 27th day of February, 2015 personally appeared Jimmy Lee Clark to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth

Given under my hand and seal the day and year last above written.

My Commission Expires: 4/12/2018
Commission No. 06003773

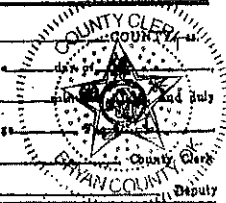


QUIT CLAIM DEED
(JOINT TENANT)

KNOW ALL MEN BY THESE PRESENTS:

THAT Jimmy Clark, Single

This instrument was filed for record the _____ day of _____, A. D. 19____, at _____ o'clock _____ and duly recorded in Book No. _____ at Page _____
By _____ County Clerk
Deputy



_____ part Y of the first part, in consideration of the sum of Ten Dollars (\$ 10.00) DOLLARS

In hand paid, the receipt of which is hereby acknowledged, do es hereby quit claim, grant, bargain, sell and convey unto,

Phillip Smith and Amanda Smith

801 N 5th Durant OK 74701

as joint tenants, the survivor to take all, and not as tenants in common, part ies of the second part, their grantees, and the heirs and grantees of the survivors, the following described real property and premises, situated in the County of Bryan:

_____, State of Oklahoma, to-wit:

See attached copy

STATE OF OKLAHOMA
Bryan County
Documentary Stamps \$ 17.50

together with all improvements thereon and the appurtenances thereto belonging.

TO HAVE AND TO HOLD said described premises unto the said part ies of the second part, their grantees and the heirs and grantees of the survivor, forever.

SIGNED AND DELIVERED this 30th day of March, 2016.

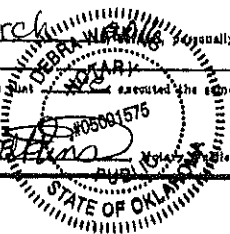
Jimmy Clark

ACKNOWLEDGMENT

STATE OF OKLAHOMA Bryan County, ss.
Before me, the undersigned, a Notary Public in and for said County and State, on this 30th day of March, 2016, personally appeared Jimmy Clark, Single and _____
to me known to be the identical person he who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.
WITNESS my hand and Seal the day and year last above written.

My Commission Expires 2-11-2017

Debra Watkins



ACKNOWLEDGMENT BY CORPORATION

STATE OF OKLAHOMA _____ County, ss.
Before me, the undersigned, a Notary Public in and for said County and State, on this _____ day of _____, 19____, personally appeared _____ and _____
to me known to be the identical person _____ who subscribed the name of the maker thereof to the foregoing instrument as its _____ President and acknowledged to me that _____ he executed the same as his _____ free and voluntary act and deed and as the free and voluntary act and deed of such corporation, for the uses and purposes therein set forth.
Given under my hand and Seal of office the day and year last above written.

My Commission Expires _____ Notary Public

A TRACT OF LAND IN A PART OF THE SOUTH 9.2 ACRES OF THE SW/4 SW/4 SE/4 OF SECTION 8, TOWNSHIP 7 SOUTH, RANGE 9 EAST OF THE INDIAN MERIDIAN AND BASE LINE, BRYAN COUNTY, OKLAHOMA BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS WITH A BASE GRID BEARING BEING N 00°05'27" W, BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM (NAD 83), ALONG THE EAST LINE OF THE SW/4 OF THE SW/4 OF THE SE/4 OF SECTION 8, TOWNSHIP 7 SOUTH, RANGE 9 EAST, MORE PARTICULARLY DESCRIBED AS:
COMMENCING AT THE SE CORNER OF THE SW/4 SW/4 SE/4 OF SECTION 8, TOWNSHIP 7 SOUTH, RANGE 9 EAST;
THENCE N 00°05'27" W, ALONG THE EAST LINE OF THE SW/4 SW/4 SE/4 OF SAID SECTION 8, A DISTANCE OF 403.03 FEET TO THE TRUE POINT OF BEGINNING;
THENCE S 89°19'39" W, A DISTANCE OF 321.77 FEET TO A POINT ON THE EAST LINE OF A TRACT OF LAND PREVIOUSLY DESCRIBED IN BOOK 1382, PAGE 812 IN THE OFFICE OF THE BRYAN COUNTY CLERK;
THENCE N 02°00'14" W, ALONG THE EAST LINE OF A TRACT OF LAND PREVIOUSLY DESCRIBED IN BOOK 1382, PAGE 812 IN THE OFFICE OF THE BRYAN COUNTY CLERK, A DISTANCE OF 204.98 FEET;
THENCE N 89°20'10" E, ALONG THE NORTH LINE OF THE SOUTH 9.2 ACRES OF THE SW/4 SW/4 SE/4 OF SAID SECTION 8, A DISTANCE OF 328.61 FEET TO A POINT ON THE EAST LINE OF THE SW/4 SW/4 SE/4 OF SAID SECTION 8;
THENCE S 00°05'27" E, ALONG THE EAST LINE OF THE SW/4 SW/4 SE/4 OF SAID SECTION 8, A DISTANCE OF 204.97 FEET BACK TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 1.53 ACRES MORE OR LESS.
SAID TRACT OF LAND BEING DESCRIBED BY DAVID L. PAGE JR, PLS #1566, ON OCTOBER 5, 2015.

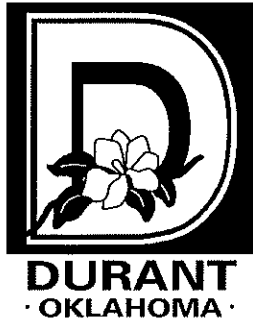
I-2016-685648 Book 1410 Pg: 404
03/30/2016 1:32 pm Pg 0403-0404
Fee: \$ 15.00 Doc: \$ 19.50
Tammy Reynolds - Bryan County Clerk
State of Oklahoma

To Whom It May Concern,

My wife and I are protesting the re-zoning of property located on Rodeo Rd that is being requested. We have made our lifetime investment at 2501 Rodeo Rd which is located ½ a mile down Rodeo Road. We have a 4,000 square foot shop which is used as a warehouse for materials for our business and workshop. We have a 2,000 square foot home that sits on 10 acres. Re-zoning the requested property would drastically lower our property value and investment. There is already a lot of traffic on Rodeo Road due to the Casino and with the Casino expansion the traffic has increased. We are not thrilled with the re-zoning requested as we feel this may bring in rental homes and/or trailer homes that this would decrease our property value and the value of the homes around. We are also not thrilled about the extra amount of traffic that this re-zoning would bring. So therefore, we are protesting a re-zoning.

Thank You,

James & Whitney Ford



THE CITY OF DURANT

Office of Community Development

Date: 01/04/2022
To: Planning Commission
Case: PC 2022-02
From: Danielle O'Neal, Community Development Director
Re: Rezoning Request from I-1, Light Industrial to R-3, General Residential for property located near the intersection of Hillcrest Avenue and McLean Drive

Request: Consider a request from SG Blocks, Inc., for a rezoning of the property located near the intersection of Hillcrest Avenue and McLean Drive from I-1, Light Industrial to R-3, General Residential

Current Zoning: I-1, Light Industrial

Requested Zoning: R-3, General Residential

Surrounding Properties:

Direction	Zoning	Use
North	R-3	Residential
West	I-1	Vacant
South	I-1	Vacant
East	I-2	Vacant / Industrial

Applicant: SG Blocks, Inc.

Background: The applicant approached staff regarding the rezoning of this property with the desire to develop a new multi-family residential development.

Notifications have been made to the surrounding property owners and at the time of this report staff has not received any phone calls or letters regarding this rezoning request.

Analysis: The aforementioned property is approximately 20 acres and currently is a vacant piece of property. The area is made up of a mix of Residential and Industrial Zoned properties. The subject property does meet the requirements for the lot area that is required within the requested zoning type.

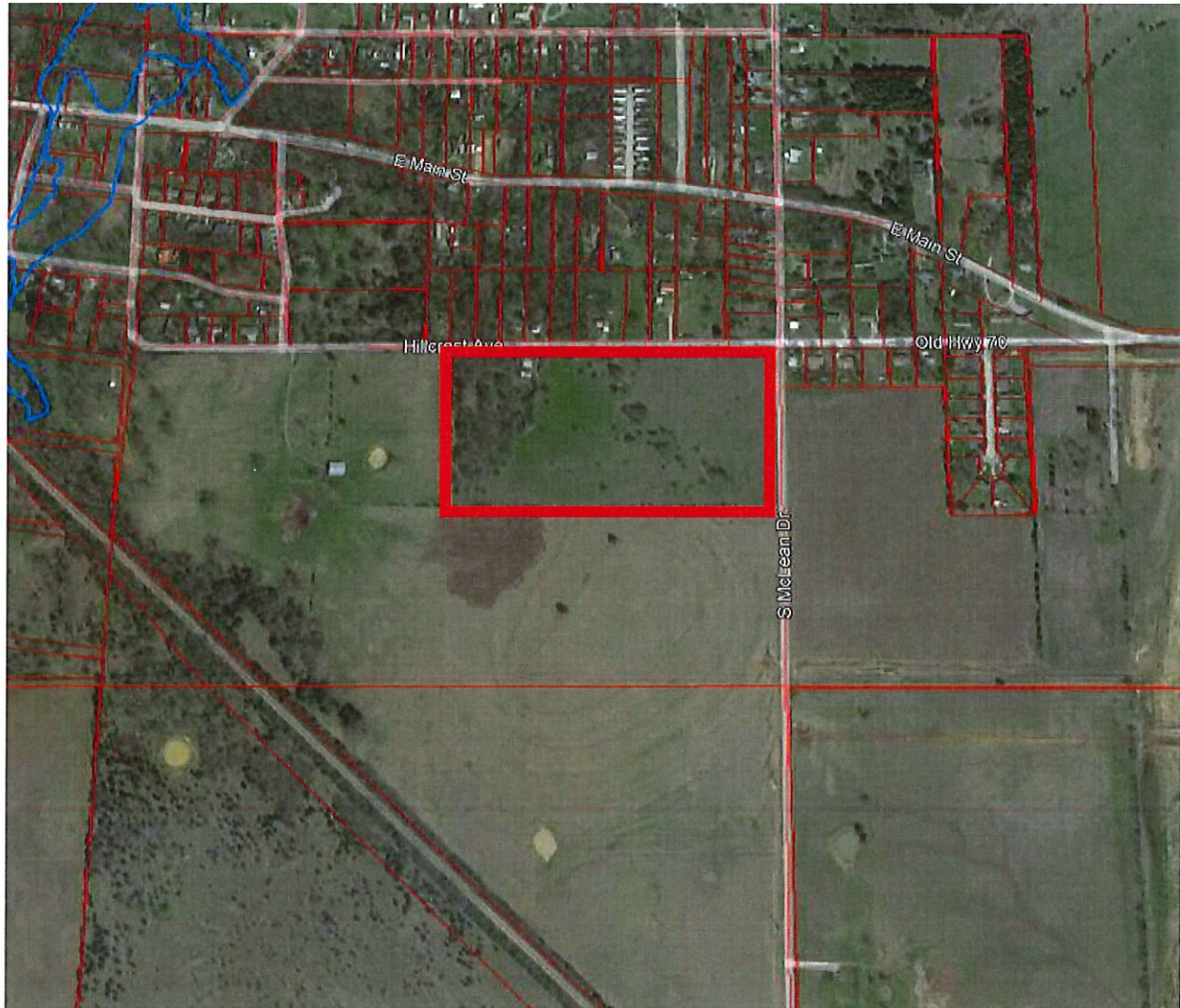
It should be noted the Durant Industrial Authority (DIA) has a contract to sale this piece of property to SG Blocks and a letter has been provided by the DIA giving permission for the buyer to apply for the rezoning. This letter has been approved by the City Attorney.

The current Future Land Use Map has this area as industrial land uses; therefore, this rezoning request is not in line with the Future Land Use Map.

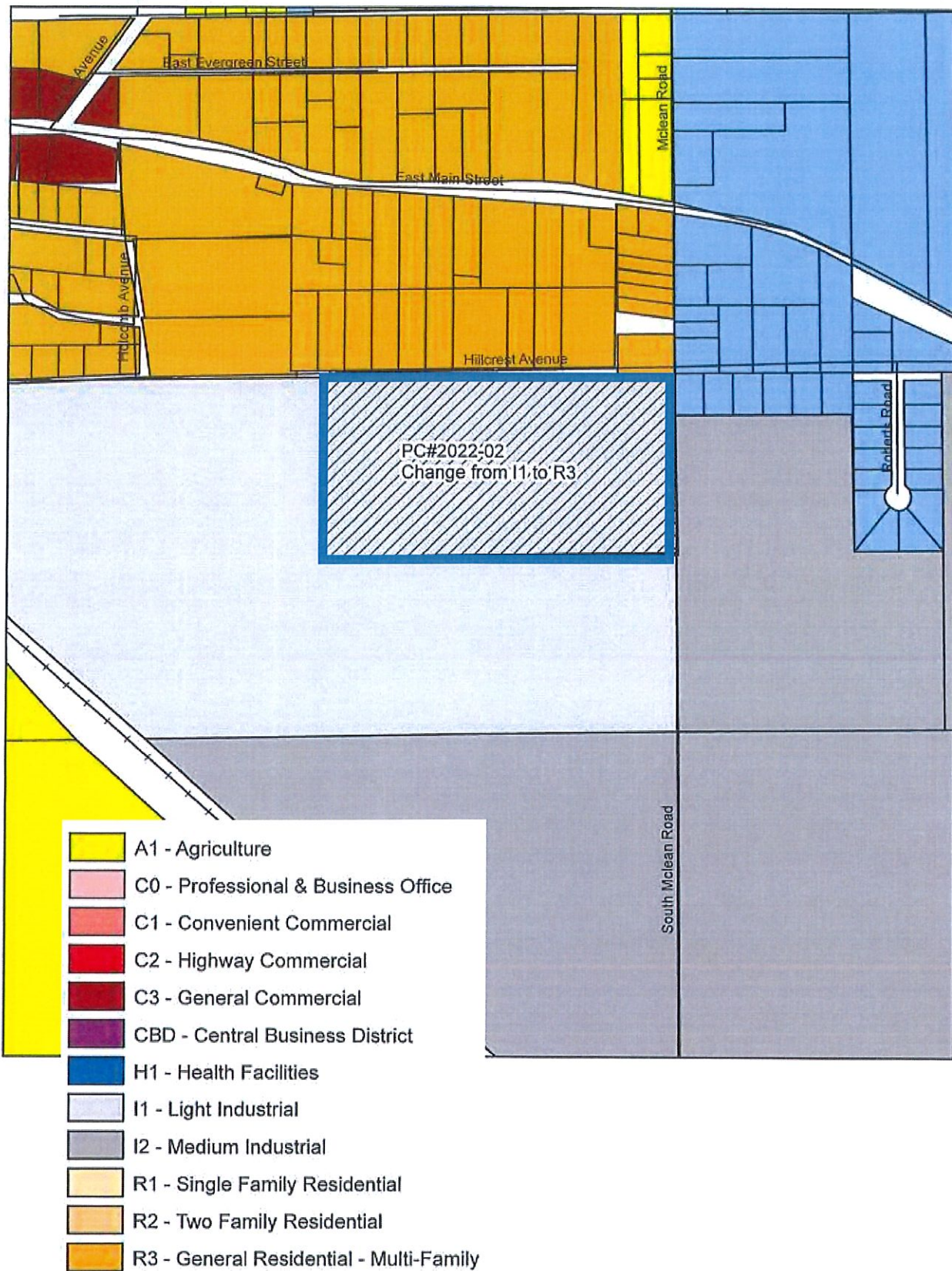
Staff Recommendation: Staff's concerns regarding the rezoning of this property is largely that the request is not in line with the Future Land Use Map.

Required Action: Hold a public hearing to recommend approval or denial of the rezoning request for the property located near the intersection of Hillcrest Avenue and McLean Drive. Any specific conditions imposed by the Commission should be read into any approval motion.

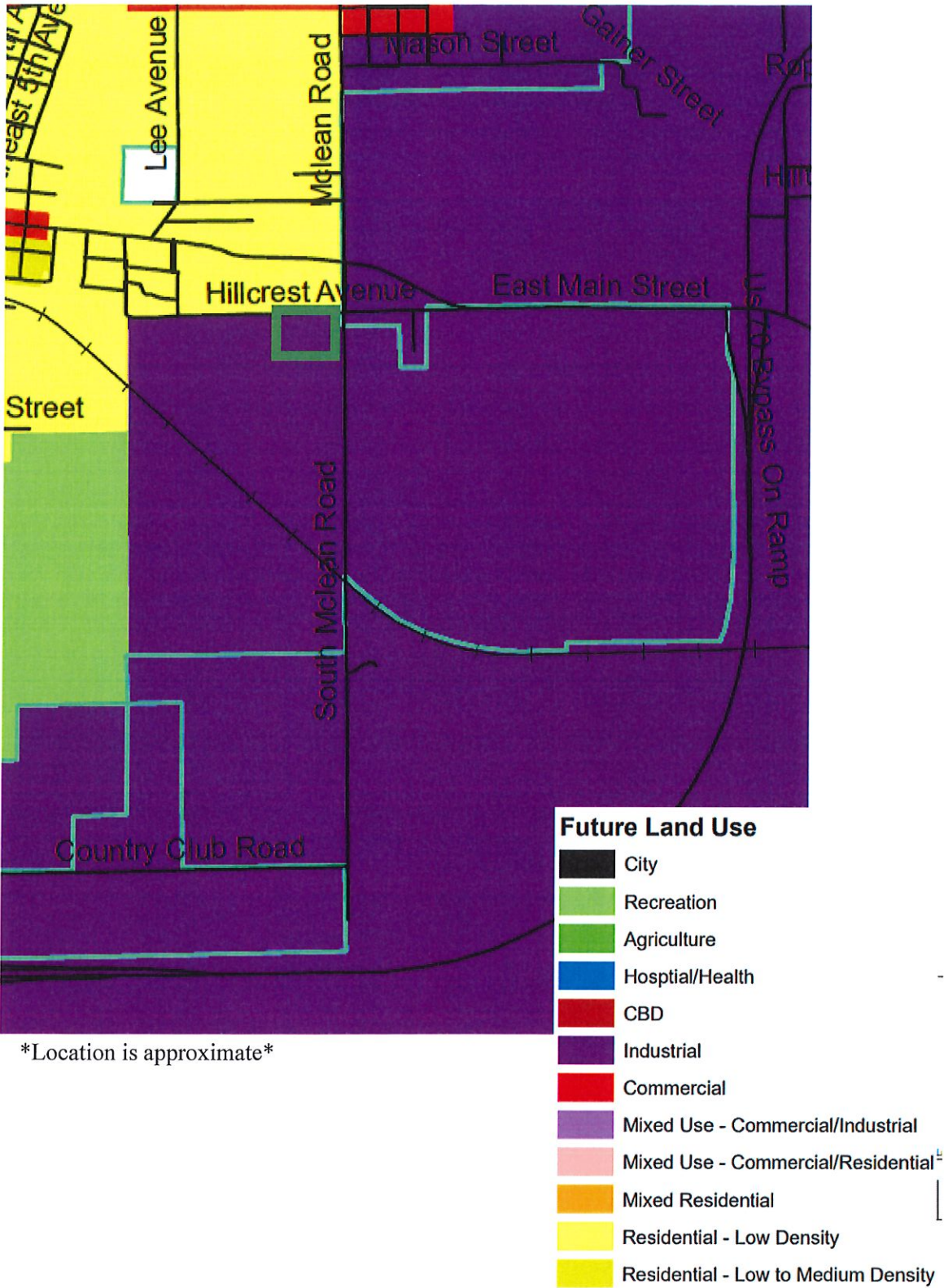
Aerial Map



Zoning Map



Future Land Use Map



ORDINANCE NO. O-2022- XX

**AN ORDINANCE AMENDING THE ZONING MAP OF THE ZONING CODE
AND DECLARING AN EMERGENCY**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DURANT, OKLAHOMA

SECTION 1. That the zoning map is hereby amended as to replace the I-1, Light Industrial District to the R-3, General Residential Zoning District for property located near the intersection of Hillcrest Avenue and McLean Drive, in Durant, and more particularly described as;

The N/2 SE/4 SE/4 of Section 33, Township 6 South, Range 9 East of the Indian Base and Meridian, Bryan County, Oklahoma, according to the Government Survey thereof.

SECTION 2. For the immediate preservation of the peace, health, and safety of the City of Durant, Oklahoma and the inhabitants thereof, it is necessary that this ordinance shall become operative and go into effect immediately upon its passage, approval and publication.

PASSED AND APPROVED by the Mayor and City Council of the City of Durant this 11th day of January, 2022.

Oden Grube, Mayor
City Of Durant, Oklahoma

ATTEST:

Cynthia J. Price, City Clerk

§ 157.023 R-3 GENERAL RESIDENTIAL DISTRICT.

This residential district is intended to provide for a complete range of density in population from low to fairly high. It is established as a district in which the principal uses of the land are for multi-family dwellings and similar higher density residential development. The intent is to encourage the development and the continued use of land for multi-family dwellings and to prohibit commercial and industrial uses or any other use which would substantially interfere with the development or continuation of multi-family dwellings in this district. It is further intended to discourage any use which would generate traffic which serves the multi-family dwelling or similar residential uses in this district and discourage any use which, because of its characteristics or size, would create additional requirements and costs for public services which are in excess of such requirements and costs if the district were developed solely for multi-family or other similar residential uses.

(`93 Code, § 12-210) (Ord. 1040, passed 4-12-83)

REZONING APPLICATION

Petition # PC 2022-02
 Fee \$ 300

APPLICANT INFORMATION

Name: SG Blocks, Inc.	Email: drulien@sgblocks.com rbutler@sgblocks.com	Phone #1 (646) 240-4235
Mailing Address: 195 Montague Street, 14th Floor		Phone #2
City: Brooklyn Heights	State: NY	Zip: 11201
Applicant's Interest in Property: Purchaser/Developer to develop multifamily residential property		

☐ Please use attached addendum if there is more than one applicant.

Physical Address of Rezoning Request: SWC of Hillcrest & South McLean Durant, Bryan County, OK			
☒ Platted ☐ Un-Platted	Subdivision See Legal description	Lot	Block
Legal Description: (BOOK 1482, PAGE 727): (If Un-platted) N/2 SE/4 SE/4, OF SECTION 33, TOWNSHIP 6 SOUTH, RANGE 9 EAST, BRYAN COUNTY,			
☒ Deed Attached (required) If applicant is not owner listed on deed, owner consent must be included.			

Request Rezoning From: I-1 Industrial		Request Rezoning To: R-3 Multifamily residential rental property	
Present Use: no improvements		Proposed Use: multifamily residential	
Parcel Width: 1314.59'	Parcel Length: 658.1'	Acres: 19.91	Street/Road Frontage: 2020.88'
☒ City Water (If City Water will be extended or improvements will be made, please explain:)			
☒ City Sewer (If City Sewer will be extended or improvements will be made, please explain:)			
☐ Private Water ☐ Private Sewer			
Is Property in the Floodplain? No	Is property in the Airport Zone. No		

The applicant has prepared this application and supporting documentation and certifies that the facts stated herein and exhibits attached hereto are true and correct.

David Rubien
 Signature of Applicant

12/9/2021
 Date

Office Use Only

Date Filed		Date Payment Received		Notification Mailed Date		Comments
Initial		Initial		Initial		
Proof of Publication Received Date Initial			Property Posting Verified Date Initial			Comprehensive Plan Recommendations
Staff Recommendation ☐ Approve ☐ Deny		PC Recommendation ☐ Approve ☐ Deny		City Council Action ☐ Approve ☐ Deny		
						Ordinance #

REZONING SUPPORTING INFORMATION

1. List the changed or changing conditions in the area or in the City which makes this zone change necessary.
Durant is a growing community with increased residential needs for the community. See attached marketing study on Durant.
OK*

2. Indicate whether or not this zone change is in accordance with the Comprehensive Plan. If it is not, explain why the Plan is incorrect.
Yes, it is in accordance with the comprehensive plan

3. List any other reasons to support this zone change.

Source City of Durant 2040 Comprehensive Plan

Much has changed since Durant adopted its last Comprehensive Plan in 2002. The Durant of 2019 is facing a growing, increasingly diverse population and tremendous housing and infrastructure pressures due to thriving industry and plentiful job supply (6.6% 2016 unemployment rate; U.S.: 7.4%). With growth comes change, and City leaders should look to the comprehensive plan to guide decisions related to future land use and development in the community



DURANT INDUSTRIAL AUTHORITY

PO Box 578 • Durant, OK 74701
(580) 924-7254 | (580) 916-1512
Email: ltaylor@durant.org
www.ok-durant.org



December 2, 2021

Danielle O'Neal
City of Durant
Community Development
PO Box 578
Durant, OK 74701

Re: Durant Industrial Authority/ SG Blocks Rezone Request

Dear Mrs. O'Neal,

I am reaching out in regards to the rezone request submitted by SG Blocks, Inc. (SG) for the property located at the corner of Hillcrest Avenue and South Mclean. The Durant Industrial Authority (DIA) is the current owner of the property, and we are under contract to sell it to SG. During contract negotiations, the DIA agreed to allow the buyer, SG, to submit application on behalf of DIA for rezone of this 20-acre parcel from I-1 to R-3.

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Taylor'.

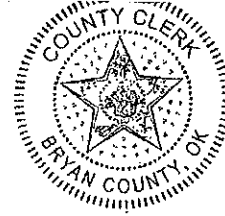
Lisa Taylor
Executive Director
Durant Industrial Authority

Enclosure: Warranty Deed

Bryan County Abstract Company
Serving Bryan County Since 1903

After recording return to:
Durant Industrial Authority
PO Box 578
Durant, OK 74702

1-2021-733804 Book 1561 Pg: 750
05/21/2021 1:37 pm Pg 0750-0750
Fee: \$ 18.00 Doc: \$ 300.00
Tammy Reynolds - Bryan County Clerk
State of Oklahoma



**WARRANTY DEED
STATUTORY INDIVIDUAL**

Doc Stamps: \$300.00

That Don Singleton and Kathie Singleton, husband and wife, (the "Grantor"), in consideration of the sum of TEN & NO/100 Dollars and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do (es) hereby, grant, bargain, sell and convey unto Durant Industrial Authority, (the "Grantee"), the following described real property and premises situate in Bryan County, State of Oklahoma, to wit:

The N/2 SE/4 SE/4 of Section 33, Township 6 South, Range 9 East of the Indian Base and Meridian, Bryan County, Oklahoma, according to the Government Survey thereof.

Together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same. SUBJECT TO easements, rights of way, restrictive covenants of record.

TO HAVE AND TO HOLD said described premises unto said Grantee, and to the heirs, successors and assigns forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

Signed and delivered this date this 21st day of May, 2021.


Don Singleton


Kathie Singleton

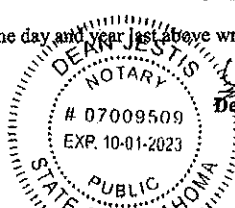
STATE OF OKLAHOMA
Bryan County
Documentary Stamps \$ 300.00

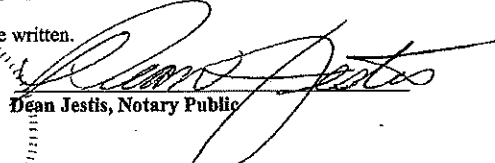
ACKNOWLEDGMENT - OKLAHOMA FORM

State of: Oklahoma)
)SS.
County Of: Bryan)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 21st day of May, 2021 personally appeared Don Singleton and Kathie Singleton, husband and wife to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth

Given under my hand and seal the day and year last above written.




Dean Jestis, Notary Public

My Commission Expires: 10/01/2023

File No.: 2021030099
Name of Title Insurer: First American Title Insurance Company