

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**

May 3, 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 April 5, 2022

2. Consider Items Removed from Consent

3. Information Items

4. Administration

- a. Discussion, Consideration and Possible Action on Amending Sections of Chapter 150 (Building Regulations) of the Code of Ordinances of the City of Durant, Oklahoma.
- b. Discussion, Consideration and Possible Action on Investigation and Report regarding the location and design of a new playground structure for Keithley Park

5. Public Hearings

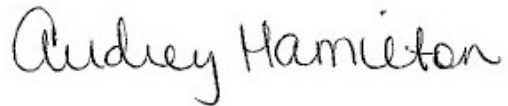
- a. Discussion, Consideration and Possible Action on PC 2022-13, a Re-Plat request for property located near South 4th Avenue and Louisiana Street
- b. Discussion, Consideration and Possible Action on PC2022-14, a Preliminary Plat Extension for property located near Washington Avenue and Mockingbird Lane

6. New Business

ADJOURNMENT

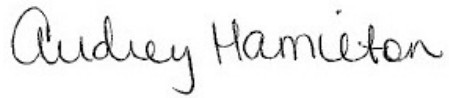
CERTIFICATE

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 10:30 a.m. on the 29th day of April, 2022.

A handwritten signature in cursive script that reads "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 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 1st day of April, 2022.



Audrey Hamilton, City of Durant

MINUTES OF THE MEETING OF DURANT PLANNING COMMISSION
April 5, 2022 AT 5:30 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 5:33 p.m.

INVOCATION/FLAG SALUTE

Commissioner 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 Shane Knight
Planning Commissioner Whitney Kerr

Absent:

Planning Commissioner Clent Horner

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 March 1, 2022

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

Motion Passed with the following vote:

Ayes: Keener, Jackson, 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 PC2022-03, a Preliminary Plat request for property located near Cale Switch Road and Orchard Road

Danielle O'Neal reviewed with the Planning Commission members a request from Texoma Victory Investment, LLC for a Preliminary Plat for Durant Fortune Villas, property located near Cale Switch Road and Orchard Road. The applicants approached staff regarding filing for a preliminary plat request for IDurant Fortune Villas Subdivision. This preliminary plat has twenty-eight (28) half-acre lots, in which the applicant stated the lots would contain one triplex per lot. The subject property is approximately a total of 13 acres. The applicant is planning to have 28 total lots with a triplex on each lot. Each lot will be about a half-acre in size; therefore, each one does meet or exceed the lot size requirements for this zoning district. Each of the triplexes will be required to meet the setback requirements for this particular zoning district. The property is served by Rural Water District #5 and city sewer does not exist in this area. The owners are expected to have aerobic or septic systems for sewer needs. Further engineering plans that will include drainage is expected to be completed should the preliminary plat be approved. The City Engineer will then examine these plans. The applicants will also be responsible for placing sidewalks and streetlights as required by ordinance, should the preliminary plat be approved. The current Land Use Map appears to have this area as mixed residential; therefore, this request is generally in line with the Comprehensive Plan. Notifications have been made to the surrounding property owners and at the time of this report there have not been any letters or emails received by staff.

Hengrui Qu, applicant, spoke regarding the development.

Jimmy Bush asked questions regarding the development.

Brian Danker asked questions regarding the development.

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

Motion Passed with the following vote:

Ayes: Keener, Jackson, Knight, Kerr

Nays: None

Abstain: None

- b. Discussion, Consideration and Possible Action on PC2022-05, a Re-Plat request for property located near North 4th Avenue and Willow Street

Danielle O'Neal reviewed with the Planning Commission members a request from BREI, LLC for a Re-Plat for property located near North 4th Avenue and Willow Street. The applicant approached staff regarding filing for a re-plat request with the hopes of building a single family home on the property. This re-plat is combining two lots into one lot. Both of these lots are a part of a platted area dated around 1913 . These lots do not currently meet the lot size requirements for the zoning classification. The subject property individually is approximately 3,700 square feet and the lots together would be approximately 7,400 square feet. It should be noted, currently the frontage of the lots is approximately 25 feet; therefore together the street frontage will be just under the 50-foot requirement. The applicant is planning to place a single family home with its own driveway on the property. The floorplans provided by the applicant shows a single family home that will fit on the lot, if the re-plat is approved. There appears to be City Water and Sewer in the area. The Maintenance and Operations Supervisor has noted on the sign off sheet that the nearest sewer main is in between North 4th Street and North 5th Street on Willow. The applicant will need to contact the Public Works Department regarding what is required to ensure City water and sewer serve the property. The current Land Use Map appears to have this area as mixed residential; therefore, this request is generally in line with the Comprehensive Plan. Notifications have been made to the surrounding property owners and at the time of this report, there have not been any letters or emails received by staff.

Motion was made by Commission Member Kerr and seconded by Commission Member Knight to approve the request with the condition that the Re-Plat would have to pass the Board of Adjustment before any building could occur.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Knight, Kerr

Nays: None

Abstain: None

- c. Discussion, Consideration and Possible Action on PC2022-08, a Rezoning request from A-1, General Agriculture District to C-2, Highway Commercial and Commercial Recreation District for property located at 3202 W University Boulevard

Danielle O'Neal reviewed with the Planning Commission members a Rezoning request from A-1, General Agriculture District to C-2, Commercial Highway and Commercial recreation for property located at 3202 W. University Boulevard. The applicant

approached staff regarding the rezoning of this property with the desire to be able to develop this property for commercial uses. It should be noted that the lot does not meet the lot area requirements for the current zoning district. The aforementioned property is approximately 0.06 acres and currently has a house on the lot. The area is made up of a mix of Commercial, Residential and Agriculture Zoned properties. The subject property does meet the requirements for the lot area that is required within the requested zoning type. However, the lot does not meet the lot width requirement for the requested zoning district. The requested zoning category requires a lot width of 100 feet and the current lot width is 80 feet. The current Future Land Use Map has this area as commercial land uses; therefore, this rezoning request is generally in line with the 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 phone calls or letters regarding this rezoning request.

Buddy Holder, applicant, spoke regarding the request.

Motion was made by Commission Member Knight and seconded by Commission Member Jackson to approve an amendment to this request to a more restrictive C-O zoning classification.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Knight, Kerr

Nays: None

Abstain: None

- d. Discussion, Consideration and Possible Action on PC2022-09, a Conditional Use Permit to place a Billboard Sign on property located at 4516 West Main Street

Danielle O'Neal reviewed with the Planning Commission members a request from Dale Goad for a Conditional Use Permit to place a billboard sign on property located at 4516 W Main Street. The applicant approached staff regarding the desire to place a billboard sign on the property. The property owner has a lease with R&R Signs to place the billboard. The property is within the Highway Overlay District; therefore, per City Ordinance, they are required to apply for a Conditional Use Permit for the placement of a billboard sign. The aforementioned property is approximately 2 acres and currently has commercial /industrial businesses on the property. The area is made up of a mixture of Industrial, Agriculture and Commercial Zoned properties. Ordinances do allow a billboard to be within the Highway Overlay District; however, they are required to obtain a Conditional Use Permit. The billboard is expected to be 60 feet in height and 384 square feet. The billboard will be located 40 feet from the Main Street property line and 60 feet from the West property line. Given this information, the billboard does meet the requirements within the Sign Ordinance. The current Future Land Use Map has this area as commercial / residential mixed use; therefore, this conditional use permit request appears to be in line with the 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 Conditional Use Permit request.

Scott Crain spoke regarding the request.

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

Motion Passed with the following vote:

Ayes: Keener, Jackson, Knight, Kerr

Nays: None

Abstain: None

5. New Business

There was no new business.

ADJOURNMENT

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

Motion Passed with the following vote:

Ayes: Keener, Jackson, Knight, Kerr

Nays: None

Abstain: None



THE CITY OF DURANT

Office of Community Development

Date: 05/03/2022
To: Planning Commission
Case: PC 2022-15
From: Danielle O'Neal, Community Development Director
Re: Discussion, Consideration and Possible Action on Amending Sections of Chapter 150 (Building Regulations) of the Code of Ordinances of the City of Durant, Oklahoma

Request: Discussion, Consideration and Possible Action on Amending Sections of Chapter 150 (Building Regulations) of the Code of Ordinances of the City of Durant, Oklahoma.

Background: Staff was made aware recently of a discrepancy between what the Community Development website showed as the current building codes and what was stated within City Ordinance. Staff was able to do some research and believe that it was previously understood that the current ordinance allowed for the building code to be automatically updated and adopted as the State of Oklahoma updated and adopted the state building code. The City Attorney determined that is not how the actual ordinance was written; therefore, staff began the process of determining the current state building codes and updating the current ordinance.

Analysis: Staff worked to update the current ordinance to adopt the 2015 building code and 2014 electrical code as adopted by the State of Oklahoma. Staff further deleted the gas piping code as that is now covered under the fuel gas code. Staff also deleted the housing maintenance code as that is something that is no longer used.

Staff Recommendation: Staff recommends approval of the amendments presented.

Required Action: Hear the item and recommend approval or denial of the amendments to Sections of Chapter 150 (Building Regulations). Any specific conditions imposed by the Commission should be read into any approval motion.

Ordinance No. O-2022-14

AN ORDINANCE AMENDING AND UPDATING SECTIONS OF CHAPTER 150, BUILDING REGULATIONS, OF THE DURANT CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the City Council of the City of Durant, Oklahoma

SECTION 1. Amending Chapter 150 of the Durant Code of Ordinances to read as follows:

§150.001 BUILDING CODE ADOPTED

(A) A certain document, three copies of which are on file in the office of the Community Development Department of the City of Durant, being marked and designated as the International Building Code, excluding the Appendices, as published by the International Code Council, Inc., be and is hereby adopted as the Building Code of the city for the control of building and structures herein provided; each and all regulations, provisions, penalties, conditions, and terms of the International Building Code, **2015 2003** Edition and subsequent versions thereof, published by the International Code Council, Inc., and adopted and amended by the Oklahoma Uniform Building Code Commission, are hereby adopted and made a part hereof as is fully set out in this subchapter, with additions, insertions, deletions, and changes, if any, prescribed in § [150.002](#) of this subchapter.

(B) A certain document, three copies of which are on file in the office of the Community Development Department of the city, being marked and designated as the International Existing Building Code, excluding the Appendices, as published by the International Code Council, Inc., be and is hereby adopted for the control of existing building and structures herein provided; each and all regulations, provisions, penalties, conditions, and terms of the International Existing Building Code, **2015 2015** Edition and subsequent versions thereof, published by the International Code Council, Inc., and adopted and amended by the Oklahoma Uniform Building Code Commission, are hereby adopted and made a part hereof as is fully set out in this subchapter, with additions, insertions, deletions, and changes, if any.

(C) A certain document, three copies of which are on file in the office of the Community Development Department, being marked and designated as the International Residential Code, excluding the Appendices, as published by the International Code Council, Inc., be and is hereby adopted for the control of residential one- and two-family dwelling building and structures herein provided; each and all regulations, provisions, penalties, conditions, and terms of the International Residential Code, **2015 2009** Edition and subsequent versions thereof, published by the International Code Council, Inc., and adopted and amended by the Oklahoma Uniform Building Code Commission, are hereby adopted and made a part hereof as is fully set out in this subchapter, with additions, insertions, deletions, and changes, if any.

(Prior Code, § 150.001) (Ord. 1155, passed 12-11-1990; Ord. 1324, passed 9-11-2000; Ord. 1475, passed 9-13-2005; Ord. 1774, passed 12-8-2015)

Statutory reference:

Adoption of building codes and authorized codes, see 11 O.S. § 14-107 and 74 O.S. § 324.8

§150.025 PLUMBING CODE ADOPTED

That certain document, three copies of which are on file in the office of the Community Development Department and the city, being marked and designated as the International Plumbing Code, including Appendix Chapter B, C, D, E, F, and G, as published by the International Code Council, Inc., be and is hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, or maintenance of plumbing systems in the city and providing for the issuance of permits and collection of fees therefor; each and all of the regulations, provisions, conditions, and terms of such International Plumbing Code, **2015** ~~2003~~ Edition, and all subsequent versions thereof, published by the International Code Council, Inc., and adopted and amended by the Oklahoma Uniform Building Code Commission, on file in the office of the Community Development Department are hereby referred to, adopted and made a part hereof as is fully set out in this subchapter.

(Prior Code, § 150.025) (Ord. 1155, passed 12-11-1990; Ord. 1328, passed 9-11-2000; Ord. 1476, passed 9-13-2005; Ord. 1613, passed 5-12-2009; Ord. 1775, passed 12-8-2015)

Statutory reference:

Plumbing regulations and licensing, see 59 O.S. §§ 1001 et seq.

§150.047 NATIONAL ELECTRICAL CODE ADOPTED.

Certain documents, three copies of which are on file in the office of the Community Development Department of the city, being marked and designated as the National Electric Code, **2014** ~~2000~~ Edition, including its Appendixes, as published by the National Fire Protection Association, and adopted and amended by the Oklahoma Uniform Building Code Commission be and is adopted as the Electric Code of the city in the state for the control of building and structures as herein provided; each and all of the regulations, provisions, conditions, and terms of such Electric Code, **2014** ~~2000~~ Edition, published by the National Fire Protection Association are referred to, adopted, and made a part hereof as is fully set out in this subchapter, with the additions, insertions, deletions, and changes, if any, prescribed in periodic corrections issued by the National Fire Protection Association.

(Prior Code, § 150.047) (Ord. 1155, passed 12-11-1990; Ord. 1363, passed 3-12-2002; Ord. 1778, passed 12-8-2015)

GAS PIPING CODE

~~§ 150.070 CODE ADOPTED.~~

~~—The BOCA National Mechanical Code, 2000 version thereof, Chapter 8, on gas pipe sizing charts by reference, and the BOCA National Plumbing Code, 2000 version thereof, Appendix F, gas pipe sizing charts by reference, which are the same as BOCA National Mechanical Code, 2000 version, and International Fuel Gas Code, 2000 version are referred to, adopted, incorporated, and made a part hereof as if fully set out in this code, with reference to chapters and appendix above, insertions, deletions, and changes, if any, prescribed in this subchapter. State licensed plumbing and mechanical contractors and persons authorized to install gas piping under state licensing laws are authorized to do so under this code.~~

~~(Prior Code, § 150.070) (Ord. 1155, passed 12-11-1990)~~

~~§ 150.071 PURPOSE AND SCOPE.~~

~~—(A) The purpose of this subchapter is to provide minimum standards, provisions, and requirements for safe installation of gas appliances and gas pipes designed and intended to be employed by gas consumers in conveying natural gas to and utilizing the same in buildings and to regulate the sale, maintenance, and repair of such gas appliances. All such gas appliances or gas pipes to be utilized in connection therewith that are hereafter sold, installed, maintained, or repaired shall conform to the requirements of this subchapter.~~

~~—(B) This subchapter shall apply to any and all buildings and consumer premises located within the boundaries of the city.~~

~~—(C) These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances. They are intended to cover the design, fabrication, installation, tests, repairs, and operations of systems distributing natural gas. They are not intended to cover systems supplying equipment engineered, designed, and installed for specific manufacturing, production processing, and power generating applications, such as large and high pressure boilers, melting and treating furnaces, production ovens, and the like or for public utility piping in gas distribution and transmission systems, in gas compressing stations and in gas processing plants.~~

~~(Prior Code, § 150.071) (Ord. 1155, passed 12-11-1990)~~

~~§ 150.072 GAS FITTER'S REGISTRATION REQUIRED; FEES FOR INSPECTION PERMITS.~~

~~—(A) No person shall practice or engage in the business, trade, or occupation of a gas fitter unless he or she holds a current state plumbing contractor's license or a current state mechanical contractor's license and obtains from the City Clerk a gas fitter's registration certificate. The fee for such registration or renewal is the same provided for the plumbing contractor or mechanical contractor pursuant to this code.~~

~~—(B) Before a permit shall be issued by the Plumbing or Mechanical Inspector for new installation of gas piping, repair or replacement of existing piping, or the installation of gas fired equipment, fees as set by the city shall be paid to the City Clerk. The fees shall be as set by the city.~~

~~(Prior Code, § 150.072) (Ord. 1155, passed 12-11-1990) Penalty, see § 150.999~~

~~§ 150.073 BOND AND INSURANCE.~~

~~—Bond and insurance requirements of contractors shall meet the requirements established by state law for plumbing or mechanical contractors prior to the issuance of a license or registration.~~

~~(Prior Code, § 150.073) (Ord. 1155, passed 12-11-1990)~~

~~§ 150.074 PIPE SIZING.~~

~~—All consumer's gas piping from the point of delivery to the first opening in the house piping shall not be less than one and one-fourth inch in diameter. The minimum size of yard line required to serve a small or medium size house is one and one-half inch diameter, providing the length of the pipe is 150 feet or less; over 150 feet in length up to 400 feet will require one and one-half inch pipe; from 400 to 1,500 feet, two-inch pipe is required. If the house is larger than average, or there is auxiliary equipment such as brooder houses, boiler, gas engines, and the like, the gas company should be given full particulars. Assistance will be given in figuring the proper size of lines.~~

~~(Prior Code, § 150.074) (Ord. 1155, passed 12-11-1990)~~

~~§ 150.075 UNVENTED GAS APPLIANCES.~~

~~—Any person or firm may install unvented gas appliances without a permit, providing the appliance is installed in accordance with the provisions of this subchapter and by connecting the appliance to existing room outlets.~~

~~(Prior Code, § 150.075) (Ord. 1155, passed 12-11-1990)~~

~~§ 150.076 GAS SHUT OFF ON DANGEROUS PIPING AND APPLIANCES.~~

~~—(A) The Plumbing Inspector shall instruct the gas company to discontinue gas service to any residence or business house in the city when in his or her judgment, the gas installation is dangerous.~~

~~—(B) Gas service will remain shut off until such time as corrections are made by the property owner or the installing agency responsible and the installation approved by the Plumbing Inspector.~~

~~(Prior Code, § 150.076) (Ord. 1155, passed 12-11-1990)~~

~~§ 150.077 QUALIFIED INSTALLING AGENCIES.~~

~~—State plumbing or mechanical contractors, or a state licensed journeyman plumber or mechanic, under supervision of the contractor, shall be a qualified agency to install gas piping and all types of gas appliances.~~

~~(Prior Code, § 150.077) (Ord. 1155, passed 12-11-1990)~~

~~§ 150.078 GRIEVANCES.~~

~~—Any disagreement between a plumbing or mechanical contractor or journeyman employees and the gas company shall be referred to the Plumbing Inspector and his or her decision shall be final.~~

~~(Prior Code, § 150.078) (Ord. 1155, passed 12-11-1990)~~

~~§ 150.079 ENFORCEMENT, REVOCATION, AND DENIAL OF REGISTRATIONS.~~

~~—(A) This subchapter shall be enforced by the Plumbing Inspector or the Mechanical Inspector or assistants representing the city.~~

~~—(B) The Inspector may deny, suspend, revoke, or refuse to renew any license or registration issued or applied for under the provisions of this subchapter for any of the following reasons:~~

~~—(1) Material misstatement, misrepresentation, or fraud in obtaining the registration;~~

~~—(2) Loaning or illegally using a registration;~~

~~—(3) Violating any ordinance or regulation for the installation of electrical facilities made or enacted by the city;~~

~~—(4) Commitment of any act of gross negligence, incompetency, or misconduct in the practice of electrical contractor or journeyman electrician;~~

~~—(5) Employment of any person required to be registered or obtain a permit who has not obtained such registration or permit; or~~

~~—(6) Willfully failing to perform normal business obligations without justifiable cause.~~

~~—(C) Any person whose registration or license has been revoked by the Inspector may apply for new registration one year from the date of such revocation, provided his or her state license has not been suspended or revoked.~~

~~(Prior Code, § 150.079) (Ord. 1155, passed 12-11-1990)~~

§150.095 FUEL GAS CODE ADOPTED; ADDITIONS AND CHANGES; COMPLIANCE.

(A) It is unlawful for any person, firm, or corporation to manufacture, fabricate, assemble, install, or repair any system, container, apparatus, or appliance to be used for the transportation, storage, dispensing, or utilization of liquefied petroleum gas or to transport, handle, or store such gas unless such person has complied with and complies with all provisions of the law and ordinances relating thereto and has any license or permit which may be required by state law.

(B) Certain documents, three copies of which are on file in the office of the Community Development Department, being marked and designated as the International Fuel Gas Code, **2015** ~~2003~~ Edition, including its Appendices, as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the city in the state

for the control of buildings and structures as herein provided; each and all of the regulations, provisions, conditions, and terms of such Fuel Gas Code, **2015** ~~2003~~ Edition and subsequent versions thereof, published by the International Code Council, Inc., and adopted and amended by the Oklahoma Uniform Building Code Commission, are hereby referred to, adopted, and made a part hereof as is fully set out in this subchapter, with the additions, insertions, deletions, and changes, if any, prescribed in division (C) below.

(Prior Code, § 150.095) (Ord. 1155, passed 12-11-1990; Ord. 1325, passed 9-11-2000; Ord. 1477, passed 9-13-2005; Ord. 1780, passed 12-8-2015) Penalty, see § [10.99](#)

Statutory reference:

Similar provisions, see 52 O.S. §§ 420.1 et se

~~HOUSING MAINTENANCE CODE~~

~~§ 150.110 ADOPTION OF HOUSING MAINTENANCE CODE.~~

~~—There is adopted and incorporated herein by reference a Housing Maintenance Code consisting of 23 pages and in booklet form heretofore approved by the City Council on July 11, 1978. The code establishes general provisions, definitions, specific regulations, regulations, and standards for rooming houses, administration and enforcement procedures, board of appeals, and methods of appeal and interpretation, all as more particularly set out in the code to be known and cited “Housing Maintenance Ordinance of the City of Durant.”~~

~~(Prior Code, § 150.110)~~

§150.110 ADOPTION OF PROPERTY MAINTENANCE CODE

That a certain document three (3) copies of which are on file in the office of the Community Development Department of the City of Durant being marked and designated as the International Property Maintenance Code, 2015 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Durant, in the State of Oklahoma for regulating and governing the conditions and maintenance of all property, buildings and structures, by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures are herein provided, providing for the issuance of permits and collection of fees therefor, and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Durant are hereby referred to, adopted, and made a part thereof, as if fully set out in this legislation.

§150.125 ADOPTION OF MECHANICAL CODE.

Certain documents, three copies of which are on file in the office of the Community Development Department and the city, being marked and designated as the International Mechanical Code, including Appendix Chapter A, as published by the International Code Council, Inc., be and is hereby adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, or maintenance of mechanical systems in the city and providing for the issuance of permits and collection of fees therefore; each and all of the regulations, provisions, conditions, and terms of such International Mechanical Code, **2015** ~~2003~~ Edition and subsequent versions thereof, published by the International Code Council, Inc., and adopted and amended by the Oklahoma Uniform Building Code Commission, on file in the office of the

Community Development Department are hereby referred to, adopted, and made a part hereof as is fully set out in this subchapter.

(Prior Code, § 150.125) (Ord. 1125, passed 3-8-1988; Ord. 1155, passed 12-11-1990; Ord. 1327, passed 9-11-2000; Ord. 1478, passed 9-13-2005; Ord. 1781, passed 12-8-2015)

SECTION 2.

That this ordinance and rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect after its approval as required by law.

SECTION 3. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separated, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. DECLARATION OF EMERGENCY

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

PASSED AND ADOPTED by the Mayor and City Council of the City of Durant, Oklahoma on this 10th day of May 2022.

Oden Grube, Mayor
City of Durant, Oklahoma

ATTEST:

Cynthia J. Price, City Clerk



THE CITY OF DURANT

Office of Community Development

Date: 05/03/2022
To: Planning Commission
From: Danielle O'Neal, Community Development Director
Re: Discussion, Consideration and Possible Action on Investigation and Report on the Location and Design of a piece of playground equipment for Keithley Park

Request: Discussion, Consideration and Possible Action on Investigation and Report on the Location and Design of a piece of playground equipment for Keithley Park.

Background: OS Title 11 Section 45-104, “Before final action may be taken by any municipality or department thereof on the location, construction, or design of any public building, statue, memorial, park, parkway, boulevard, street, alley, playground, public ground, or bridge or the change in the location or grade of any street or alley, the question shall be submitted to the planning commission for investigation and report”. There is no statutory requirement for Planning Commission approval, only an investigation and report. The Parks Director has been working to upgrade and replace existing playground equipment within the city parks, and is looking at replacing a piece of equipment at Keithley Park. The structure is 38 feet 4 inches tall, 66 feet 7 inches wide, and 1,879 square feet total.

Analysis: According the State Statutes and City Ordinances, the Planning Commission is required to investigate and report on the location, construction or design of any playground. Therefore, this item is coming before you for investigation and report. This item will have to be heard by the City Council as well.

State Statute:

§11-45-104. Public improvements and plats of land - Planning commission review - Subdivision regulations - Rural land not served by municipal water and sewer facilities.

A. Before final action may be taken by any municipality or department thereof on the location, construction, or design of any public building, statue, memorial, park, parkway, boulevard, street, alley, playground, public ground, or bridge, or the change in the location or grade of any street or alley, the question shall be submitted to the planning commission for investigation and report. Counties and school districts may be exempted from the payment of a fee to obtain any license or permit required by a zoning, building, or similar ordinance of a municipality.

City Code of Ordinances:**§ 157.08 INVESTIGATORY POWERS; SUBDIVISION OF LAND.**

(A) The Planning Commission may consider and investigate any subject matter tending to the development and betterment of the city and make recommendations as it may deem advisable concerning the adoption thereof to any department of the municipal government and for any purpose make, or cause to be made, surveys, maps, or plans. Before final action shall be taken by the City Council, or any department of the city government, on the location and designs of any public building, statue, memorial, park, parkway, boulevard, street and alley, playgrounds, public grounds, bridge, or the change in location of any street or alley, or the grade thereof, such question shall be submitted to the Planning Commission for investigation and report.

(B) All plans, plats, or replats of land laid out in lots or plats and streets, alleys, or other portions of the same intended to be dedicated to public or private use within the corporate limits of the city shall first be submitted to the Planning Commission for its approval or rejection.

(Prior Code, § 158.008) (Ord. 1544, passed 3-13-2007)

Staff Recommendation: Staff recommends approval of the placement of the new playground equipment to be located at Keithley Park.

Required Action: Hear the item, investigate and report on the placement of the new playground equipment to be located at Keithely Park.

Keithley Park

E Cedar St

The structure is roughly 68ft x 38ft and will be replacing the old structure currently existing at Keithley Park

Legend

 Rolling Hills playground structure

NE 3rd Ave

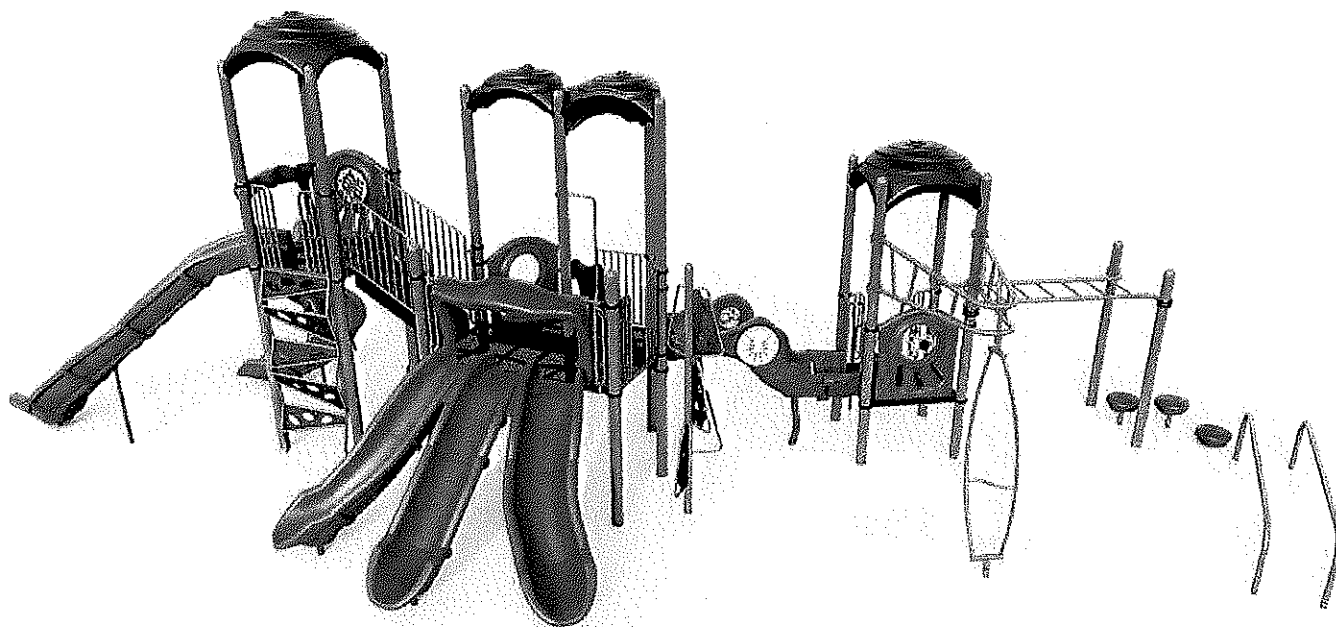
NE 4th Ave

Google Earth

100 ft

Page 18 of 98





No matter what your recreation requirements might be—from large, inclusive, ramped units, to the smallest single deck structure—Play & Park Structures has a product line designed to meet your space requirements as well as your budget.

Features and Benefits:

1

Color Palette: waterfall
Age: 5-12
Capacity: 55-65
Critical Fall Height: 8'

800-727-1907

We *really* know how kids *really* play

play&park
structures®
A PLAYCORE Company

www.playandpark.com

2022 Q1 Promo Unit
20-148108

Play & Park Structures

This play equipment is recommended for children ages: 5-12
Minimum Area Required: 66'-7" x 38'-4"

Scale: NTS
This drawing can be scaled only when in an 11" x 17" format

Drawn By:
Date: 2/10/21
Quote Number: 20-148108

play&park structures
4414 Kyles Creek
544 Old Hickory
Chattanooga, TN 37402
800-227-1807 / www.playandpark.com



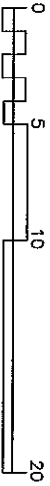
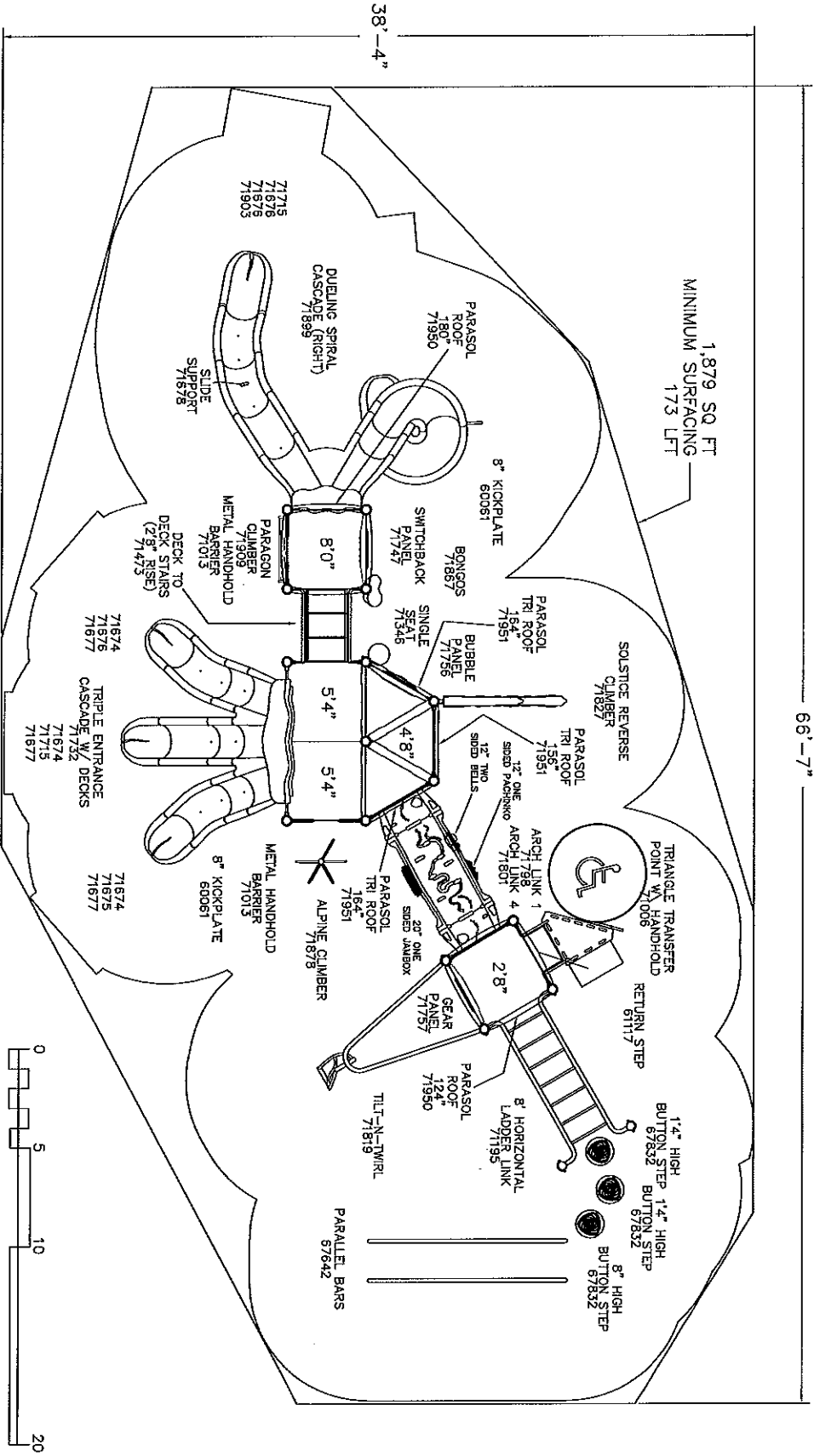
Total Play Components
Elevated Play Components Accessible by Ramp
Elevated Components Accessible by Transfer
Accessible Ground Level Components Shown
Different Types of Ground Level Components

17	10	0	0	5	2
Req.	Req.	Req.	Req.	Req.	Req.

User Capacity: 55-65
Critical Fall Height: 8'-0"

SUPERCO
PLAY SYSTEMS

66'-7"



It is the manufacturer's opinion that the structure shown herein complies with current and standards concerning accessibility if used with proper accessible surfacing and together with other necessary ground level play equipment.
IMPORTANT: Never install play equipment over hard, unresilient surfaces such as asphalt, concrete, or compacted earth. It is the owner's responsibility to ensure the "minimum area required" contains an appropriate amount of resilient material to cushion accidental falls.



Keithley Park

The structure is roughly 68ft x 38ft and will be replacing the old structure currently existing at Keithley Park

Legend



Rolling Hills playground structure

NE 3rd Ave

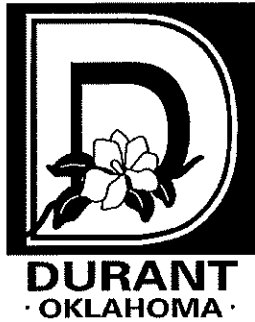
NE 4th Ave

E Cede

Google Earth

100 ft





THE CITY OF DURANT

Office of Community Development

Date: 05/03/2022
To: Planning Commission
Case: PC 2022-13
From: Danielle O'Neal, Community Development Director
Re: Re-Plat Request for property located near South 4th Avenue and Louisiana Street

Request: Consider a request from Stone by Stone Construction, for a Re-Plat Request for property located near South 4th Avenue and Louisiana Street.

Current Zoning: R-3, General Residential

Surrounding Properties:

Direction	Zoning	Use
North	R-3	Single Family Residential
East	R-3	Single Family Residential
South	R-3	Single Family Residential
West	R-3	Single Family Residential

Lot Characteristics: (Proposed Lot)

Width	~ 70 ft.
Depth	~114.5 ft.
Total Area	~0.19 acres (~8,190 sq. ft.)

Applicant: Stone by Stone Construction

Background: The applicant approached staff regarding filing for a re-plat request with the hopes of building a single duplex home on the property. This re-plat is combining two partial lots into one lot. This area is a part of the original town site that was platted many years ago and since has had new lots formed or lot lines moved.

Notifications have been made to the surrounding property owners and at the time of this report, there have not been any letters or emails received by staff.

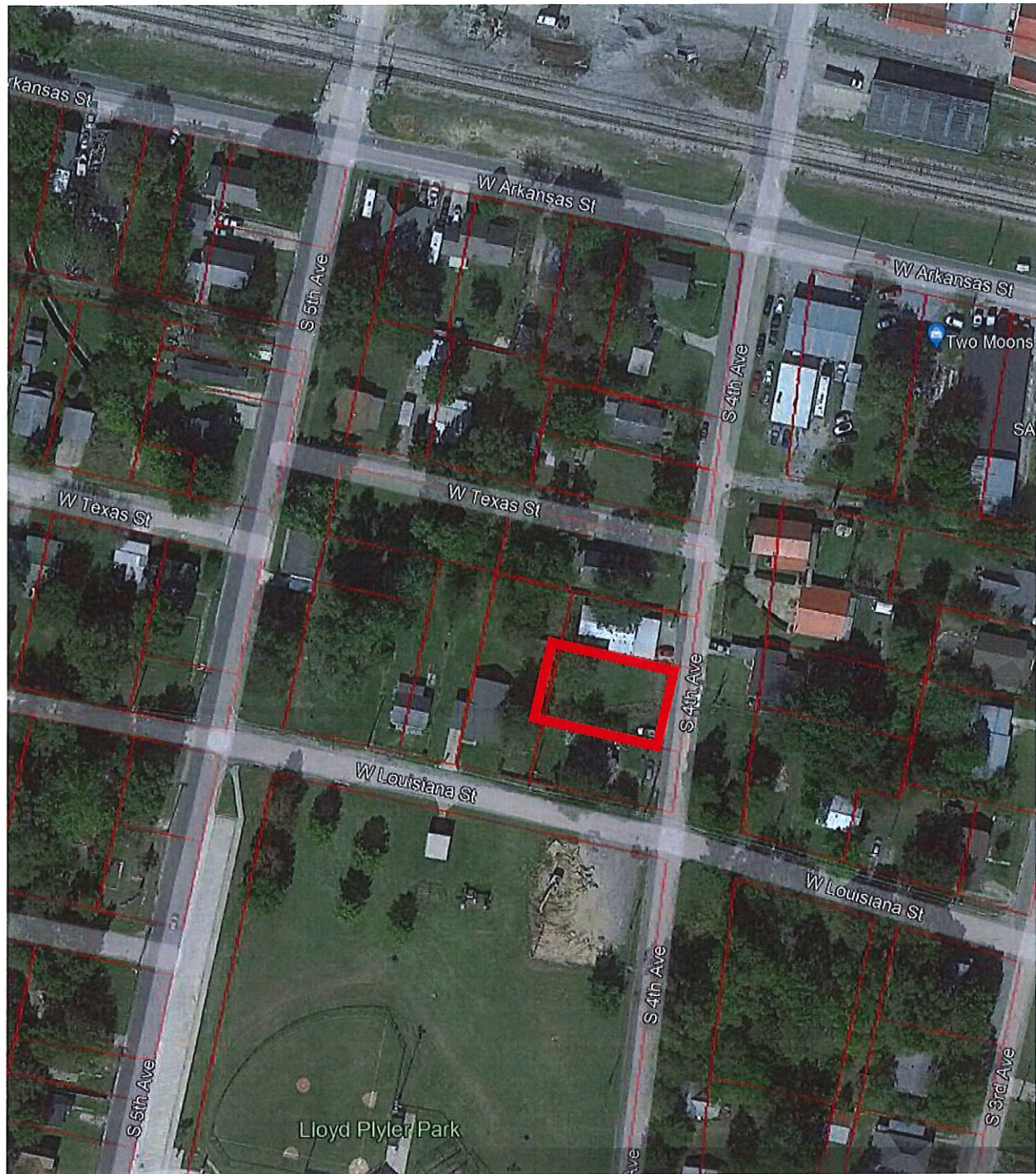
Analysis: The subject property is approximately 8,100 square feet total with frontage being 70 feet; therefore, the proposed lot will meet the lot size requirements for a duplex to be placed on the lot. The applicant is planning to place a single one-bedroom duplex with off-street parking. The site plan provided by the applicant does show a duplex that will fit on the lot, should the re-plat be approved. There appears to be City Water and Sewer in the area. City staff did not have any comments noted on the sign off sheet as of the time of this report.

The current Future Land Use Map has this area as low to medium density residential; therefore, this request is generally in line with the Comprehensive Plan.

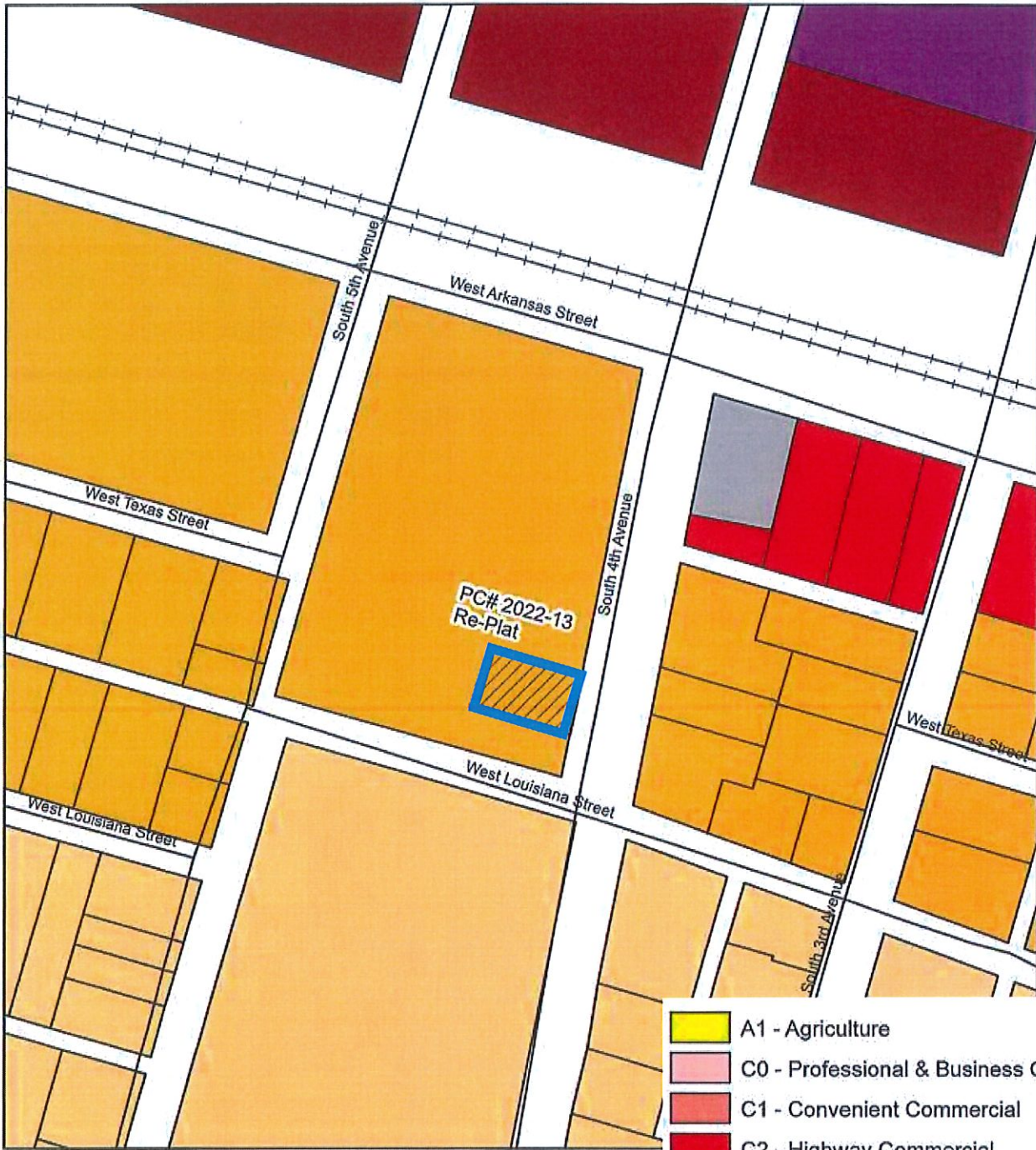
Staff Recommendation: Staff has signed off supporting the approval of the re-plat.

Required Action: Hold a public hearing and recommend approval or denial of the Re-Plat request for property located near South 4th Avenue and Louisiana Street. Any specific conditions imposed by the Commission should be read into any approval motion.

Aerial Map

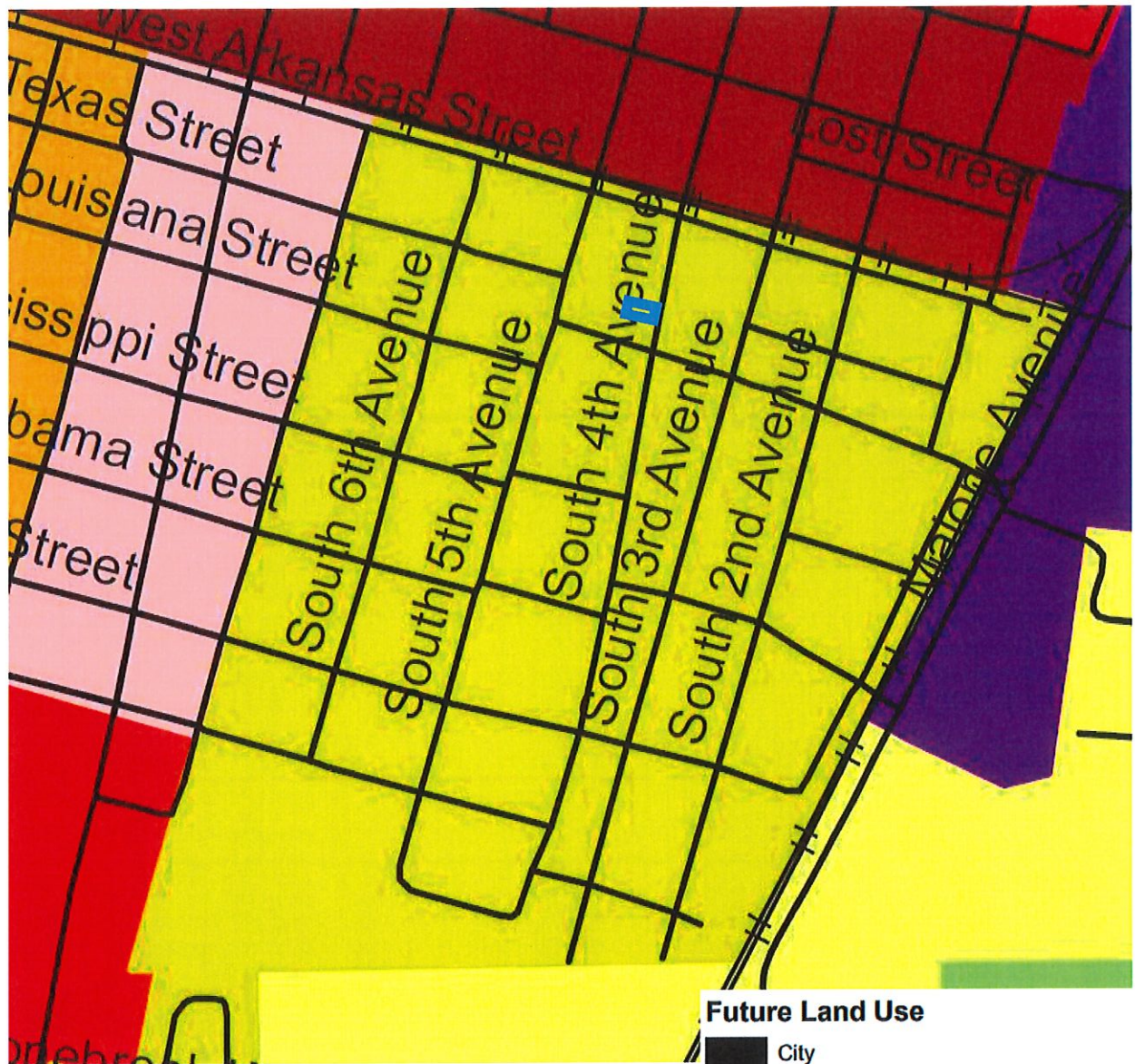


Zoning Map



-  A1 - Agriculture
-  C0 - Professional & Business Office
-  C1 - Convenient Commercial
-  C2 - Highway Commercial
-  C3 - General Commercial
-  CBD - Central Business District
-  H1 - Health Facilities
-  I1 - Light Industrial
-  I2 - Medium Industrial
-  R1 - Single Family Residential
-  R2 - Two Family Residential
-  R3 - General Residential - Multi-Family

Future Land Use Map



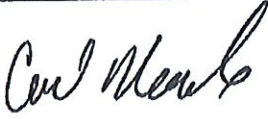
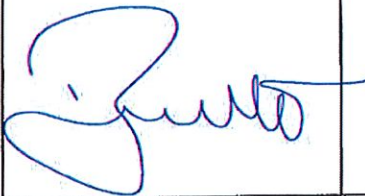
Location is approximate

Future Land Use

- City
- Recreation
- Agriculture
- Hospital/Health
- CBD
- Industrial
- Commercial
- Mixed Use - Commercial/Industrial
- Mixed Use - Commercial/Residential¹
- Mixed Residential
- Residential - Low Density
- Residential - Low to Medium Density

COMMUNITY DEVELOPMENT PLAT SIGN OFF SHEET

Near South 4th & Louisiana (RePlat) PC2022-13

Department	Signature	Date	Notes
Com Dev Director Danielle O'Neal		4/21/22	
M&O Randy Cantrell		04-08-2022	No concerns
Streets Carl Meade		4-13-22	
Public Works Director Phillip Hightower	See att sheet	4-11-22	
Fire Marshal Wade Boyd		4-21-22	No concerns.
Building Inspector Mark Pierce	See att	4-14-22	
Engineer Brandon Wall		4-18-22	

COMMUNITY DEVELOPMENT PLAT SIGN OFF SHEET

Near South 4th & Louisiana (RePlat) PC2022-13

Department	Signature	Date	Notes
Com Dev Director Danielle O'Neal	See prev		
M&O Randy Cantrell	<i>Randy Cantrell</i>	04-08-2022	No concerns
Streets Carl Meade	<i>Carl Meade</i>	4-13-22	
Public Works Director Phillip Hightower	See att sheet	4-11-22	
Fire Marshal Wade Boyd	See prev	4-21-22	
Building Inspector Mark Pierce	<i>Mark Pierce</i>	4-14-22	No Comments
Engineer Brandon Wall	See prev	4-18-22	

COMMUNITY DEVELOPMENT PLAT SIGN OFF SHEET

Near South 4th & Louisiana (RePlat)

Department	Signature	Date	Notes
Com Dev Director Danielle O'Neal	see prev		
M&O Randy Cantrell	see prev sheet	4-8-22	
Streets Carl Meade	see prev	4-13-22	
Public Works Director Phillip Hightower	Phillip Hightower	4-11-22	
Fire Marshal Wade Boyd	see prev	4-21-22	
Building Inspector Mark Pierce	see prev	4-14-22	
Engineer Brandon Wall	see prev	4-18-22	

Subdivision/Plat Application

Sketch Plat: ☐
 Preliminary Plat: ☐
 Final Plat: ☐
 Re-Plat: ☒

Petition # PC 2022-13
 Fee \$ 300
 Expedited Fee \$ _____

APPLICANT INFORMATION

Name: <u>Philippe de La Soujeole</u>	Email: <u>Philippe.night@gmail.com</u>	Phone #1: <u>580-920-5576</u>
Mailing Address: <u>423420 Crum Creek Loop</u>		Phone #2: _____
City: <u>Clayton</u> State: <u>OK</u> Zip: <u>74536</u>		Fax #: _____
Applicant's Interest in Property: <u>Owner (sole member of Stone By Stone Construction)</u>		

SURVEYOR INFORMATION

Name: <u>Cole Craig</u>	Email: <u>craig.surveying@gmail.com</u>	Phone #1: <u>580-295-2404</u>
Mailing Address: <u>P.O. Box 383</u>		Phone #2: _____
City: <u>BOKCHITO</u> State: <u>OKlahoma</u> Zip: <u>74726</u>		Fax #: _____
Surveyor Oklahoma License Number: <u>CA #8165 PLS #1780</u>		

ENGINEER INFORMATION

Name: _____	Email: _____	Phone #1: _____
Mailing Address: _____		Phone #2: _____
City: _____ State: _____ Zip: _____		Fax #: _____
Engineer Oklahoma License Number: _____		

LAND INFORMATION

Legal Description: <u>Lot 5 less and except the West 66.88 ft and less and except the North 39.8 ft, and Lot 6 describes as beginning at NE corner, thence W along North line 119.8 ft, thence S 39.8 ft, thence E to East line, thence N to POB, BLK 222, Durant, OK</u>	Parcel Number: _____
Proposed Subdivision Name: <u>N/A</u>	Current Zone: <u>R3</u>
Proposed Use: <u>Duplex, residential</u>	Proposed Zone: <u>N/A</u>
Current Property Owner's Name: <u>Stone By Stone Construction and Holdings, L.L.C.</u>	

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

Applicant: Philippe Night Date: 25 March 2022

Office Use Only

Date Filed	Date Payment Received	Notification Mailed	Comments
Initial	Initial	Date Initial	
Proof of Publication Received	Property Posting Verified	Comprehensive Plan Recommendations	
Date Initial	Date Initial		

Staff Recommendation ____ Approve ____ Deny	PC Recommendation ____ Approve ____ Deny	City Council Action ____ Approve ____ Deny	Ordinance #
---	--	--	-------------

APPLICATION WILL NOT BE CONSIDERED COMPLETE WITHOUT THE FOLLOWING INFORMATION ADDRESSED:

Please describe the nature and operating characteristics of the proposed use:

I plan to build a single duplex on this lot of under 9,000 Sq. Ft. three blocks south of downtown Durant. Each unit will be a 1 bedroom - 1 bathroom. I plan to keep the duplex long term and rent each unit.

STATE HOW THE FOLLOWING ISSUES WILL BE ADDRESSED:

1. Parking:

I plan to build a driveway which will allow for off-street parking of three vehicles.

2. Screening of offensive areas (trash, loading areas, transformers, utility connections, detention ponds, etc.).

Trash cans will be located behind the building except on trash pick-up days. Utility connections will be under ground. No ponds will be on this property.

3. Traffic Impacts:

This duplex will add to local congestion of streets very slightly.

4. Protection of Neighborhoods:

This property will rely on local law enforcement. The duplex may have monitoring systems installed.

What licenses and permits (if any) are required for this proposed use?

Building permit from City of Durant.

Please list or describe any other reasons to support this application.

There are many empty lots in town which grow weeds and collect trash. People want to live in Durant, and so I hope to help solve both problems with this project.



MODERN

abstract and title

WARRANTY DEED

1-2022-740759 Book 1585 Pg: 173
01/03/2022 2:39 pm Pg 0173-0173
Fee: \$ 18.00 Doc: \$ 24.00
Tammy Reynolds - Bryan County Clerk
State of Oklahoma

KNOW ALL MEN BY THESE PRESENTS:

That Liridon Properties, LLC, a Limited Liability Company, party/parties of the first part, in consideration of the sum of Ten and more (\$10.00) Dollars, the receipt of which is hereby acknowledged, do(es) by these presents grant, bargain, sell and convey unto **Stone by Stone Construction and Holdings, LLC, a Limited Liability Company, 109 North Perry Street, Bennington, OK 74723**, party/parties of the second part, his/her/their grantees and heirs, all of the following described real property and premises, situated in Bryan County, Oklahoma, to wit:

Lot 5 LESS AND EXCEPT the West 66.88 feet and LESS AND EXCEPT the North 39.8 feet, and Lot 6 described as Beginning at the Northeast Corner; thence West along the North line, 119.80 feet; thence South 39.80 feet; thence East to the East boundary; thence North along said East boundary line to the Point of Beginning, LESS AND EXCEPT the West 2.78 feet thereof, all in Block 222 in the City of Durant, Bryan County, Oklahoma, according to the Official Plat thereof.

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 said party/parties of the second part, his/her/their grantees and the heirs and grantees of the survivors, forever, free, clear and discharged of and from all former grants, titles, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature. Exceptions: Easements and rights of ways of record; oil, gas, and other mineral leases of record; prior oil, gas, and other mineral conveyances or reservations of record; restrictive and protective covenants of record; and applicable zoning ordinances.

Revenue Stamps: \$24.00

SIGNED AND SEALED this the 3rd day of January, 2022.

STATE OF OKLAHOMA
Bryan County
Documentary Stamps \$ 24.00

Liridon Properties, LLC

BY:

Liridon Bektashi
Managing Member

NOTARY AND ACKNOWLEDGMENT

STATE OF OKLAHOMA

COUNTY OF BRYAN

I, Jennifer Coley, a Notary Public for the County of Bryan and State of Oklahoma, do hereby certify that Liridon Bektashi, Managing Member on behalf of Liridon Properties, LLC personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 3rd of January, 2022.

Notary Public

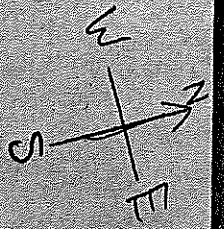
My Commission Expires: May 24, 2022

(SEAL)

File No.: 211009953



Fidelity National Title
12404 Park Central, Suite 200S
Dallas, TX 75251



5' set

114.51'

5' Side Setback

35'

Tree

25'

garage?
~375 s.f.

40'

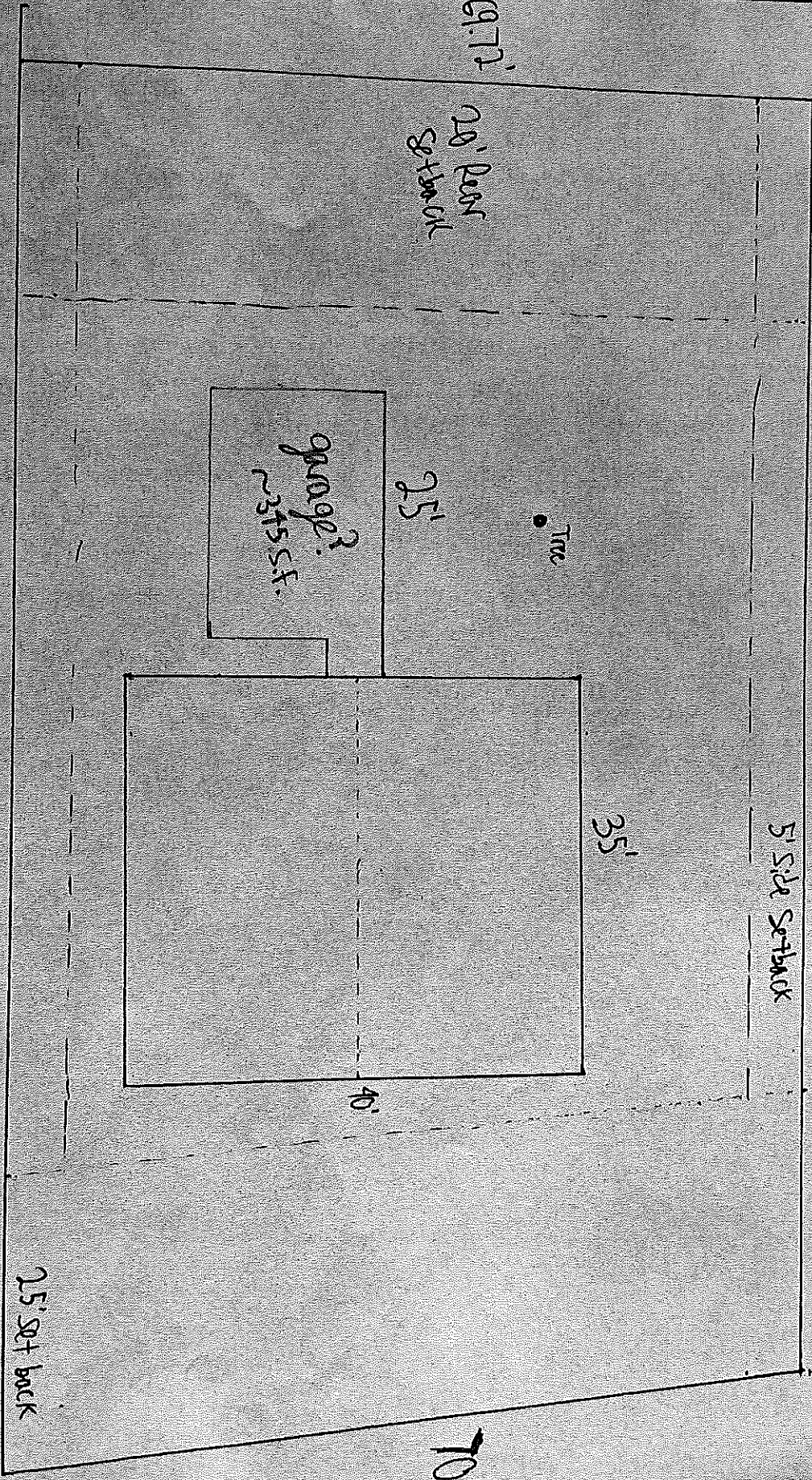
70'

25' Set back

120.39'

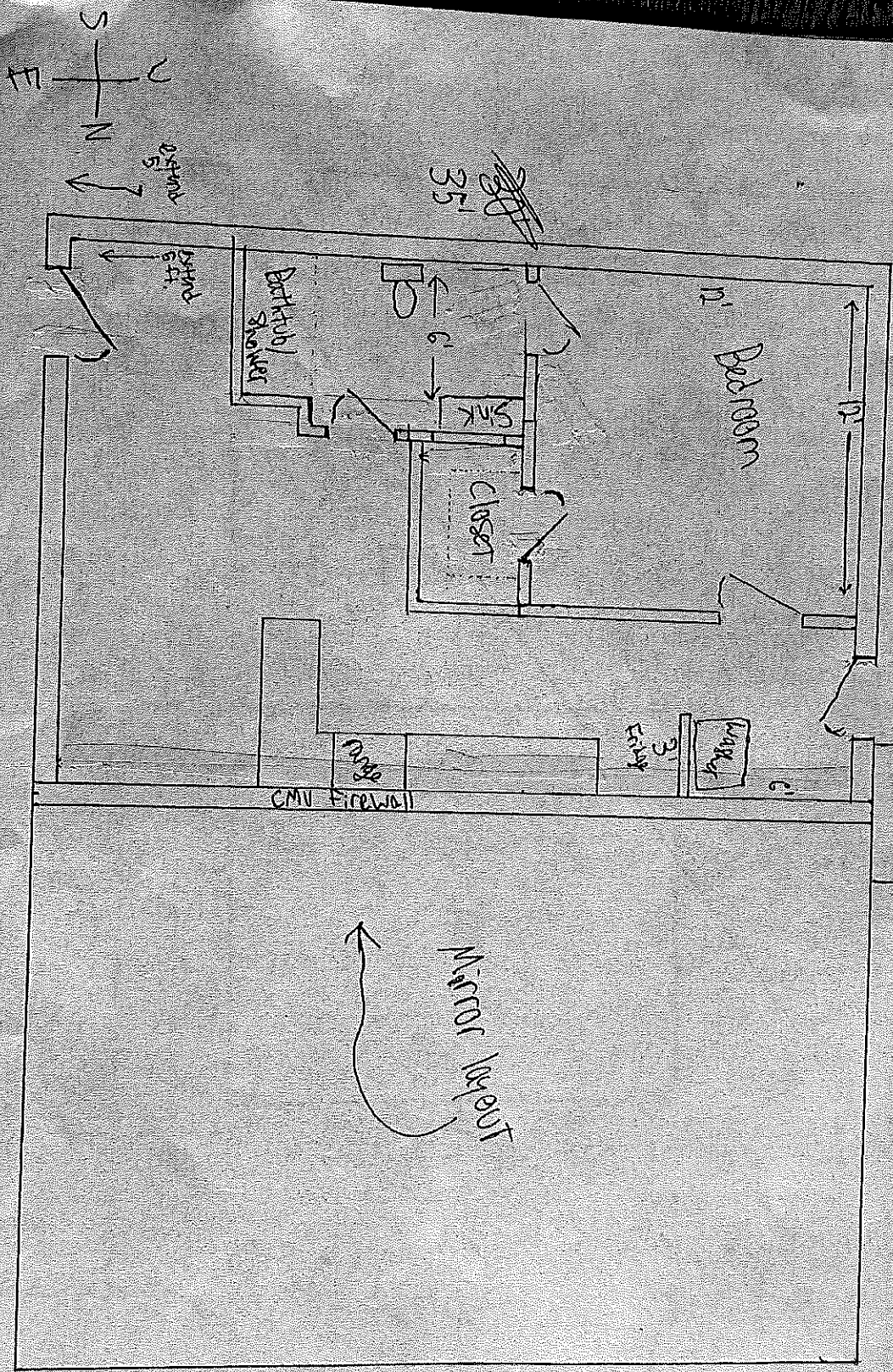
20' Rear
Setback

69.72'

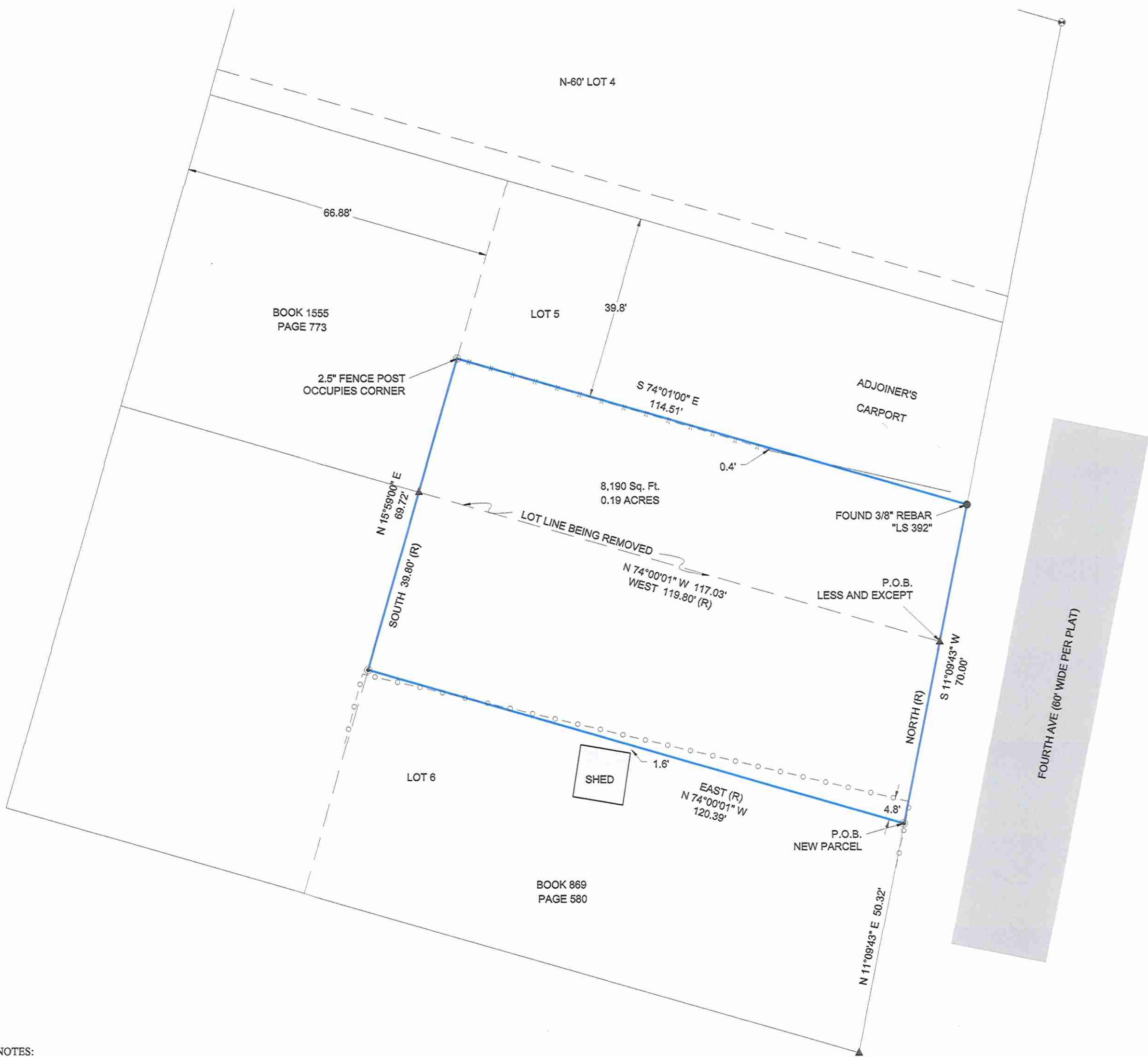


2nd

garage.



REPLAT
OF PORTIONS OF LOTS 5 & 6 BLOCK 222
CITY OF DURANT



GENERAL SURVEY NOTES:

SUBJECT TO EASEMENTS AND/OR RIGHT-OF-WAYS, EITHER RECORDED, OR IMPLIED, THEREOF.

THIS SURVEY WAS PERFORMED FOR THE BENEFIT OF STONE BY STONE CONSTRUCTION AND HOLDINGS LLC, ANY OTHER USE OF THIS PLAT IS PROHIBITED.

THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE CLIENT(S) AND DOES NOT EXTEND TO ANY UNNAMED PERSON(S) WITHOUT EXPRESS RECERTIFICATION BY SURVEYOR NAMING SAID PERSON(S).

THIS IS NOT A VALID SURVEY WITHOUT THE SURVEYORS HAND WRITTEN SIGNATURE AND DATE.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OR TITLE OPINION.

THIS PLAT AND SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

CRAIGE SURVEYING L.L.C. COPYRIGHT 2022.

Durant Planning Commission- Approval and Acceptance

I, _____, Chairman of the Durant Planning Commission for the City of Durant, State of Oklahoma, hereby certify that the said commission duly approved the annexed plat of _____ on this _____ day of _____, 20____.

Chairman

Secretary

Durant City Council- Approval and Acceptance

Let it be resolved by the City Council of the City of Durant, Bryan County, Oklahoma, that the streets, avenues, and easements for public use on this plat of _____ to the City of Durant, Bryan County, Oklahoma and are hereby accepted. Adopted by the City of Durant, Bryan County, Oklahoma, this _____ day of _____, 20____.

Mayor

City Clerk

BRYAN COUNTY CLERK CERTIFICATE

State of Oklahoma, County of Bryan
This instrument was filed on the _____ day of _____ at _____ and duly recorded in Book Number _____, Page _____.

Bryan County Clerk

BRYAN COUNTY TREASURER'S CERTIFICATE

I, _____, Do hereby certify that I am the duly qualified and acting County Treasurer of Bryan County, Oklahoma. That the tax records of said county show all taxes for the year 20____ and prior years are paid on the land shown on this lot combination plat in the City of Durant, Oklahoma; and that the required statutory security has been deposited in the office of the County Treasurer guaranteeing the 20____ taxes.

Bryan County Treasurer

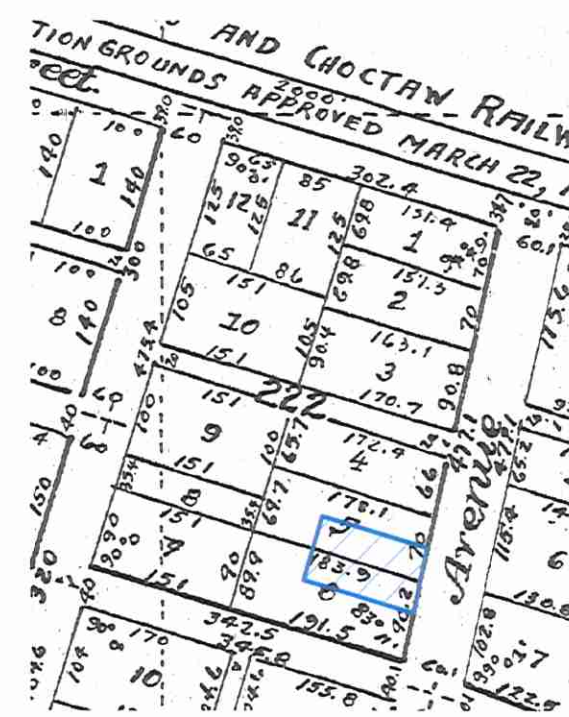
Date

DEPARTMENT OF ENVIRONMENTAL QUALITY APPROVAL

The Oklahoma State Department of Environmental Quality certifies that this plat is approved for the construction of a public sewerage disposal system and a public water system this 21st day of March, 2022.

Environmental Specialist

LOCATION & SURVEY CONTROL MAP
BLOCK 222 CITY OF DURANT



LEGEND

These standard symbols will be found in the drawing.

- REBAR FOUND
- ⊙ 2.5" STEEL FENCE CORNER POST
- RAILROAD SPIKE FOUND
- SHEET METAL FENCE
- WIRE FENCE
- BOUNDARY LINE

-BASIS OF BEARINGS-
SPC (NAD 83)
EAST LINE BLOCK 222
N 11°09'43" E



LICENSED LAND SURVEYORS CERTIFICATE

I, COLE CRAIGE, a licensed land surveyor in the State of Oklahoma, do hereby certify that this plat represents a survey performed by myself and meets the Minimum Standards for the practice of Land Surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors. Subject to easements and/or right-of-ways recorded or implied thereof.

Cole Craige
COLE CRAIGE P.L.S. #1780

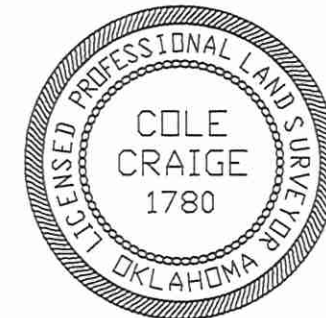
2/18/22
DATE

STATE OF OKLAHOMA
COUNTY OF BRYAN

Before me, the undersigned, a notary public in and for said county and state on this 18th day of February, 2022, personally appeared Cole Craige, to me known to be the identical person 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 of office the day and year last above written.

MY COMMISSION EXPIRES: 9-26-2022
NOTARY PUBLIC



OWNERS:

STONE BY STONE CONSTRUCTION AND HOLDINGS, LLC,
423420 CRUM CREEK LOOP
CLAYTON, OK 74536

OWNERS CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That Stone By Stone Construction and Holdings, L.L.C. - Philippe de La Saizole being the sole owners in fee simple of the following described real property:

(BOOK 1585 PAGE 173) PARENT PARCEL DESCRIPTION

DURANT BLOCK 222 LOT 5 LESS THE WEST 66.88' & LESS THE NORTH 39.8' & LOT 6 DESCRIBED AS BEGINNING AT THE NE/C; THENCE WEST ALONG NORTH LINE 119.80'; THENCE SOUTH 39.80'; THENCE EAST TO EAST BOUNDARY; THENCE NORTH ALONG SAID EAST BOUNDARY LINE TO THE POINT OF BEGINNING, LESS AND EXCEPT THE WEST 2.78 FEET THEREOF, ALL IN BLOCK 222 IN THE CITY OF DURANT, BRYAN COUNTY, OKLAHOMA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

NEW COMBINED LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PART OF LOT 5 AND LOT 6 OF BLOCK 222, CITY OF DURANT, BRYAN COUNTY, OKLAHOMA; BEING THE SAME LANDS AS DESCRIBED IN BOOK 1585 ON PAGE 173, BRYAN COUNTY CLERKS OFFICE, OKLAHOMA COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 6; THENCE N 11°09'43" E ALONG THE EAST LINE OF BLOCK 222 A DISTANCE OF 50.32 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE BOUNDARY OF SAID PARCEL FILED IN BOOK 1585 ON PAGE 173 THE FOLLOWING (4) COURSES:

- (1) N 74°00'01" W A DISTANCE OF 120.39 FEET;
- (2) N 15°59'00" E A DISTANCE OF 69.72 FEET;
- (3) S 74°01'00" E A DISTANCE OF 114.51 FEET TO A POINT ON THE EAST LINE OF BLOCK 222;
- (4) S 11°09'43" W ALONG THE EAST LINE OF BLOCK 222 A DISTANCE OF 70.00 FEET, BACK TO THE TRUE POINT OF BEGINNING.

THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY COLE CRAIGE, P.L.S. #1780, ON JANUARY 31, 2022, ALL BEARINGS ARE GRID BEARINGS (NAD 83 OK ZONE SOUTH) DERIVED BY DIFFERENTIAL G.P.S. THE BASIS OF BEARINGS FOR THIS LEGAL DESCRIPTION IS N 11°09'43" E ALONG THE EAST LINE OF BLOCK 222, CITY OF DURANT, BRYAN COUNTY, OKLAHOMA.

do hereby offer for dedication to the public, use of all streets, avenues, parks, public facilities, and easements as shown on the annexed plat of LOTS 5&6 BLOCK 222 to Bryan County, Oklahoma. The transaction of this irrevocable offer of dedication shall be consummated upon the execution of the Certificate for Acceptance of Dedication, for the purpose of providing an orderly development of LOTS 5&6 BLOCK 222 to Bryan County, Oklahoma, we do hereby provide restrictive covenants. Filed in Book _____ Page _____ of the records in the office of the County Clerk, Bryan County, Oklahoma.

By: Philippe de La Saizole
(OWNER)

By: _____
(OWNER)

STATE OF OKLAHOMA
COUNTY OF BRYAN

Before me, the undersigned, a notary public in and for said county and state on this 21st day of March, 2022, personally appeared Philippe de La Saizole, to me known to be the identical person 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 of office the day and year last above written.

MY COMMISSION EXPIRES: 3/16/2025
NOTARY PUBLIC



CRAIGE SURVEYING L.L.C.		Surveyor's Seal	
P.O. BOX 363 BOKCHITO, OK 74726 (800) 286-2404 CA # 8165, PLS # 1780 craigesurveying@gmail.com		COLE CRAIGE 1780 OKLAHOMA	
STONE BY STONE CONSTRUCTION AND HOLDINGS LLC 423420 CRUM CREEK LOOP CLAYTON, OK 74536		REVISIONS/ISSUE REVISION DATE 1. FINAL PLAT 2-18-22	
PART OF BLOCK 222 CITY OF DURANT BRYAN COUNTY, OKLAHOMA		2.	
		3.	
		4.	
		SHEET 1 OF 1	
		CRD FILE: Z:\BRYAN CO. SUBDIVISIONS\BRYAN CO. TBL\BLOCK 222\11-18-20.crd DWG FILE: Z:\BRYAN CO. SUBDIVISIONS\BRYAN CO. TBL\BLOCK 222\COATS 11-5-21.dwg	

SUBDIVISION RULES

FOR THE

CITY OF DURANT

Ordinance **O-2021-20**

Approved by City Council
on: August 10, 2021

GENERAL PROVISIONS

§ 156.001 PURPOSE AND INTENT.

(A) These regulations are designed to promote the health, safety, morals and general welfare of the community by establishing standards for the subdivision of land within the city's jurisdiction.

(B) The provisions of this chapter are specifically designed to lessen the congestion on streets; promote the orderly layout and use of land; secure safety from fire and other dangers; provide adequate light and air; facilitate adequate provisions for transportation, water, sewage, schools, parks, playgrounds and other public requirements; and protect neighborhood areas from the hazard of through traffic.

(C) These regulations are designed, intended and should be administered according to the purposes so to achieve the following:

- (1) Implement the Comprehensive Plan;
- (2) Provide for conservation of existing standard residential areas and prevent the development of slums and blight;
- (3) Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts;
- (4) Provide that cost of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract and that the cost of improvements which primarily benefit the whole community be borne by the whole community;
- (5) Provide the best possible design for the tract;
- (6) Reconcile any difference of interest; and
- (7) Establish adequate and accurate records of land subdivision.

§ 156.002 POLICY.

It is the policy of the Planning Commission and the city that these regulations are adopted for the purpose of establishing standards for reviewing of plans, plats and replats as provided for in 11 O.S. § 45-104.

§ 156.003 AUTHORITY.

(A) These subdivision regulations and minimum standards for land development are adopted by resolution of the Planning Commission and ratified by ordinance of the city in accordance with the provisions in 11 O.S. §§ 45-101 through 45-104.

(B) In all cases where these regulations provide for matters to be submitted to the Secretary of the Planning Commission those matters may be submitted to the Community Development Director or alternatively to the City Manager, and in all cases where these regulations provide for approvals by or actions to be taken by the Secretary of the Planning Commission those approvals or actions may be taken by the Community Development Director or alternatively the City Manager.

§ 156.004 VALIDITY.

If any section, clause, division, provision or portion of these regulations shall be held invalid, or unconstitutional, by any court of competent jurisdiction, such holding shall not affect any other section, clause, division, provision or portion of these regulations.

§ 156.005 ADMINISTRATION AND AMENDMENTS.

The Planning Commission and City Council may, from time to time, adopt, amend and make public rules and regulations for the administration of these regulations to the end that the public be informed and that approval of plats be expedited. These regulations may be enlarged or amended by the City Council after public hearing, due notice of which shall be given as required by law.

§ 156.006 JURISDICTIONS.

These regulations and development standards shall apply to the following forms of land subdivision:

- (A) The division or addition of land into two or more tracts, lots, sites or parcels, any part of which, when subdivided, shall contain less than ten acres in area;
- (B) The division or addition of land, previously subdivided or platted, into tracts, lots, sites or parcels;
- (C) The dedication, vacation or reservation of any public or private easement through any tract of land regardless of the area involved, including those for use by public and private utility companies; or
- (D) The dedication or vacation of any street or alley through any tract of land regardless of the area involved.

§ 156.007 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADDITION. One lot, tract or parcel of land lying within the corporate boundaries of the city which is intended for the purpose of development.

ALLEY. A minor right-of-way dedicated to the public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street and may be used for public utility purposes.

AMENDED PLAT. A revised plat correcting errors or making minor changes to the original recorded final plat.

AMENITY. An improvement to be dedicated to the public or the common ownership of the lot owners of the subdivision and providing an aesthetic, recreational or other benefit, other than those prescribed by this ordinance.

BLOCK. A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or greenstrips, rural land or drainage channels or a combination thereof.

BOND. Any form of a surety bond in an amount and form satisfactory to the city.

BUILDING LINE or **SETBACK LINE.** A line or lines designating the area outside of which buildings may not be erected.

CAPITAL IMPROVEMENTS PROGRAM. The official proposed schedule of all future public projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project, as adopted by City Council.

CITY ENGINEER. The official with responsibility to review and release plans for construction projects, or his designee.

CITY. The City of Durant, Oklahoma.

COMMISSION. The Planning Commission for the City of Durant.

COMPREHENSIVE or GENERAL PLAN. A plan for development of the city prepared and adopted by the City Council, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

CONSTRUCTION PLAN. The maps or drawings accompanying a plat and showing the specific location and design of public improvements to be installed in the subdivision or addition in accordance with the requirements of the Planning Commission as a condition of the approval of the plat.

CONTIGUOUS. Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

COUNCIL. The City Council of the City of Durant, Oklahoma.

COUNTY. Bryan County, Oklahoma.

DEDICATION PLAT. A plat prepared for the purpose of dedicating land or easements for rights-of-way to the city.

DEVELOPER. The person, business, corporation or association responsible for the development of the subdivision or addition. In most contexts the terms Developer and Property Owner are used interchangeably in these regulations.

DEVELOPMENT EXACTION. Any dedication of land or easements for, construction of, or contribution toward construction of a public improvement required as a condition of plat approval by the city under these regulations.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, paving, drainage or utilities, but not agricultural activities.

DIRECTOR. The Director of the Community Development Department of the City of Durant, or his/her designee.

DRAINAGE WAY. All land areas needed to allow passage of the Base Flood, including sufficient access above the Base Flood elevation along each side of and parallel to the natural or excavated channel.

EASEMENT. A grant by the property owner to the public, a corporation or persons of the use of a strip of land for specific purposes.

ESCROW. A deposit of cash with the city in accordance with city policies.

FINAL PLAT. The map of a subdivision or addition to be recorded after recommendation of the Planning Commission and approval of the City Council. Including any accompanying material and additional requirements as described in these regulations.

FLOODPLAIN. Any land area susceptible to being inundated by water from the base flood.

IMPROVEMENT AGREEMENT. A contract entered into by the developer and the city by which the developer promises to complete the required public improvements within the subdivision or addition within a specified time period following final plat approval.

LOT OF RECORD. A lot created prior to January 1, 2008, which is the date of enactment of these subdivision regulations for the City of Durant through Ordinance. No. 1573.

LOT, CORNER. A lot which has at least two adjacent sides abutting for the full lengths on a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

LOT, DOUBLE FRONTAGE. A lot which runs through a block from street to street and which has two nonintersecting sides abutting on two or more streets.

LOT. A subdivision of a block or other parcel intended as a unit for the transfer of ownership or for development.

MAJOR PLAT. All plats not classified as minor plats, including but not limited to subdivisions of more than four (4) lots, or any plat requiring creation of any new street or extension of the city's facilities.

MINOR PLAT. A subdivision resulting in four or fewer lots and not requiring the creation of any new street or the extension of municipal facilities.

MUNICIPAL FACILITY. An improvement owned and maintained by the city.

OFF-SITE IMPROVEMENT. Any public improvement located outside the physical boundaries of the subdivision or addition to be platted.

PERIMETER STREET. Any existing or planned street which abuts the subdivision or addition to be platted.

PRELIMINARY PLAT. A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land that has a recommendation of the Planning Commission and is approved by the City Council.

PLAT. The plan or map for the subdivision or addition to be filed for record in the County where such subdivision or addition is located.

PLATTING. The act of preparing for approval and processing, pursuant to these regulations, the plan or map for the subdivision or addition to be filed for record in the County where such subdivision or addition is located.

PRIVATE STREETS & ALLEYS. A private vehicular access way shared by and serving two or more lots, which is not dedicated to the public and is not publicly maintained. Private streets and alleys may be established only under the terms of these regulations. The term private street shall be inclusive of alleys.

PROPERTY OWNER. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land comprising the subdivision or addition, or any representative or agent thereto, who has express written authority to act on behalf of such owner.

PUBLIC IMPROVEMENT. Any drainage way, roadway, parkway, sidewalk, utility, pedestrian way, off-street parking area, lot improvement, open space, or other facility for which the city or other governmental entity will ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

REMAINDER. The residual land left after platting of a portion of a tract. Platting of a residual may in some instances be required under the provisions of this ordinance.

REPLATTING. Any change in a map of an approved or recorded plat, except as permitted as an amended plat, that affects any street layout on the map or area reserved or dedicated thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions or additions. Replatting includes the combination of lots into a single lot for purposes of development. Replatting does require a recommendation from the Planning Commission and approval of the City Council.

RESUBDIVISION. The replatting of a subdivision plat.

RIGHT-OF-WAY. A parcel of land occupied or intended to be occupied by a street or alley. Where appropriate right-of-way may include other facilities and utilities, such as sidewalks, railroad crossings, electrical, communication, oil or gas, water or sanitary or storm sewer facilities, or for any other special use. The use of right-of-way shall also include parkways and medians outside of pavement. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

ROADWAY. That portion of any street so designated for vehicular traffic and where curbs are normally placed, means that portion of the street between the curbs.

SECURITY. The letter of credit or cash escrow provided by the applicant to secure its promises in the improvement agreement.

SKETCH PLAT. A sketch preparatory to the preliminary plat or final plat, to enable the property owner to save time and expense in reaching general agreement with the Planning Commission and City Council as to the form of the plat and the objectives of these regulations.

STREET, COLLECTOR. A minor street as designated on the major street plan which collects traffic from other minor streets and serves as the most direct route to a major street or a community facility.

STREET, CUL-DE-SAC. A minor street having one end open to vehicular traffic and having one closed end terminated by a turnaround.

STREET, FRONTAGE OR SERVICE. A minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas and for control of access.

STREET, MAJOR. An arterial street which is designated on the major street plan or comprehensive plan.

STREET, MINOR. Any street not classified as a major street on the major street plan whose primary purpose is to provide access to adjacent properties.

SUBDIVIDER. Any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.

SUBDIVISION. A division of any tract of land situated within the corporate limits, or within the extraterritorial jurisdiction or regional planning district of the city, into two or more parts for the purpose of laying out any subdivision of any tracts of land or any addition to the city or for laying out suburban lots or building lots, or any lots, and streets, alleys or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto for the purpose, whether immediate or future, of creating building sites.

SUBSTANDARD STREET. An existing street, or highway that does not meet the minimum specifications in the Thoroughfare Standards Ordinance and city Construction Standards and Specifications, or if a State Highway does not meet the minimum Standard Specifications of the Oklahoma Department of Transportation and is not constructed to the ultimate extent for the type of roadway it is designated for in the major thoroughfare plan. A standard street is a street or highway that meets or exceeds said standard specifications and major thoroughfare plan.

TEMPORARY IMPROVEMENT. Improvements built and maintained by an owner during construction of the development of the subdivision or addition and prior to release of the performance bond or improvements required for the short term use of the property.

GENERAL PROCEDURE

§ 156.020 PLAT APPROVAL.

For all cases of subdividing within the scope of these regulations, a plat of the land in question or an easement with a description in writing when appropriate shall be drawn and submitted to the Planning Commission and City Council for their approval or disapproval, as provided hereafter in these regulations.

§ 156.021 TIME LIMITATIONS.

(A) *Sketch Plats.* The applicant shall submit to the Community Development Department two copies including a digital copy of the proposed sketch plat. A notice of public hearing shall

be published in an official paper or a newspaper of general circulation in the city at least 15 days prior to the date of the public meeting. Notice shall be mailed to all owners of property located within 300 feet of the subject property as provided by a certified abstractor's list as the applicant's cost at least 20 days prior to the hearing. The sketch plat must receive a recommendation by the Planning Commission and be approved by the City Council. The approval of a sketch plat shall be valid for a period of two years. If a preliminary plat covering all or part of the land shown in a sketch plat has not been filed with the Secretary of the Planning Commission within two years of the date of approval of the sketch plat, then all approvals shall be void and the land owner shall have no rights or privileges based upon the former approval.

(B) *Preliminary Plats.* The applicant shall submit to the Community Development Department four copies including a digital copy of the preliminary plat and one copy of the preliminary plat check list. A notice of public hearing shall be published in an official paper or a newspaper of general circulation in the city at least 15 days prior to the date of the public meeting. Notice shall be mailed to all owners of property located within 300 feet of the subject property as provided by a certified abstractor's list at the applicant's cost at least 20 days prior to the hearing. At the option of the applicant a preliminary plat may be submitted without the necessary improvement plans with a request for conditional approval from the City Council after receiving a recommendation from the Planning Commission. After the granting of a conditional approval of such a partial submission of a preliminary plat, the applicant shall submit the necessary improvement plans within six months. If the improvement plans are not submitted within six months all conditional approvals shall be void. The Planning Commission and the City Council shall act upon all submissions related to the preliminary plats within 75 days of the receipt of materials or the plat shall be considered to have been approved. If a final plat covering all or part of the land shown in a preliminary plat has not been filed with the Community Development Department within two years after the approval of the preliminary plat, then all approvals shall be void.

(C) *Final Plats.* The applicant shall submit to the Community Development Department four copies including a digital copy of the final plat and two copies of the as-built plans for all improvements installed. A notice of public hearing shall be published in an official paper or a newspaper of general circulation in the city at least 15 days prior to the date of the public meeting. Notice shall be mailed to all owners of property located within 300 feet of the subject property as provided by a certified abstractor's list at the applicant's cost at least 20 days prior to the hearing. The Planning Commission and City Council shall act upon all submissions related to final plats within 75 days of the date of receipt of materials or the plat shall be considered to have been approved. If a final plat is not filed of record with the County Clerk within six months after the approval of the Planning Commission and City Council, then all approvals shall be void.

(D) *Certified Abstractor's List.* The certified abstractor's list will expire after 60 days of issuance. It will remain at the owner's cost to provide an updated list to Community Development.

§ 156.022 OFFICIAL RECORDING.

Except as provided and lots of record established prior to the effective date of these regulations (January 1, 2008), no plat or other land subdivision instrument shall be filed in the office of the County Clerk until it shall have been approved by the Planning Commission and by the City

Council as hereinafter set forth. All final plats shall be filed within two years of date of approval by the Planning Commission and City Council, and no lots shall be sold from any plat until recorded. Time extensions of the two-year filing requirement may be granted by the City Council after recommendation of the Planning Commission upon review of the final plat and a finding that circumstances prevail substantially as of the time of original approval.

§ 156.023 AGENDA.

Each plat submitted for preliminary or final approval shall be placed on the agenda of the Planning Commission only after fulfilling the appropriate requirements of these regulations. However, a plat not meeting all of the requirements may be submitted providing the subdivider presents with the plat a written request for specific exceptions and explains the reasons therefore.

§ 156.024 FILING FEE.

(A) Fees, as set by the City Council by resolution or motion, shall be paid to the city at the time of submitting each of the respective plats and applications for a hearing before the Planning Commission or Board of Adjustments.

(B) No part of the subdivision plat or hearing fees shall be refundable.

§ 156.025 VARIATIONS AND EXCEPTIONS.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardship or inequity, the City Council may vary or modify, except as otherwise indicated, such requirements of design, but not of procedure or improvements, so that the subdivider may develop his or her property in a reasonable manner, but so, at the same time, that the public welfare and interests of the city are protected and that the general intent and spirit of these regulations be preserved. Such modification may be granted upon written request of the subdivider stating the reasons for each modification and such action shall be taken by the affirmative vote of three-fourths of the regular membership of the Planning Commission and confirmed by a simple majority vote of the City Council.

§ 156.026 SURETY BOND.

In lieu of filing a surety bond the subdivider or developer may secure and place on deposit with the city an irrevocable letter of credit or comparable instrument from a title company, banking institution or similar financial institution, stating that money will be held in escrow until all offsite improvements have been completed to the city's satisfaction. Such letter of credit or financial instrument shall be drawn in favor of the city for the entire cost of improvements for water mains, paving, sanitary sewers, storm sewers and other drainage facilities as estimated by the subdivider's registered professional engineer and approved by the City Engineer. The Building Official / Inspector or his or her designee, shall issue no building permit until the contractor submits offsite improvement plans for the project, conforming to the city standards, specifications and requirements. Upon completion of the public improvements the "as built" drawings shall be supplied by the developer's design engineer to the city.

§ 156.027 EXTENSION AND REINSTATEMENT PROCEDURE

(A) Sixty days prior to or following the lapse of approval for a sketch plat, preliminary plat, or final plat as provided in these regulations, the property owner may petition the Planning Commission and the City Council to extend or reinstate the approval. Such petition shall be considered for recommendation at a public meeting of the Planning Commission and shall be considered at the City Council.

(B) In determining whether to grant such requests, the Planning Commission and the City Council shall take into account the reasons for the lapse, the ability of the property owner to comply with any conditions attached to the original approval and the extent to which newly adopted subdivision regulations shall apply to the plat. The Planning Commission and the City Council shall extend or reinstate the plat, or deny the request, in which instance the property owner must submit a new application for approval.

(C) The Planning Commission and the City Council may extend or reinstate the approval subject to additional conditions based upon newly enacted regulations or such as are necessary to assure compliance with the original conditions of approval. The Planning Commission and the City Council may also specify a shorter time for lapse of the extended or reinstated plat than is applicable to original approvals.

(D) The approval of a preliminary plat for a portion or phase of a sketch plat, or the approval of a final plat for a portion or phase of a preliminary plat, shall not automatically affect the expiration of approval of the sketch plat or preliminary plat as it pertains to the balance of the property. Extensions and reinstatement of a sketch plat, preliminary plat, or final plat may be approved under the provisions of this section.

§ 156.028 AMENDMENTS TO SKETCH PLAT OR PRELIMINARY PLAT

(A) At any time following the approval of a sketch plat or preliminary plat, and before the lapse of such approval, a property owner may request an amendment. The rerouting of streets, addition or deletion of alleys, or addition or deletion of more than 10% of the approved number of lots shall be considered a major amendment. The adjustment of street and alley alignments, lengths, and paving details; the addition or deletion of lots within 10% of the approved number and the adjustment of lot lines shall be considered minor amendments.

(B) *Approval.* The City Council shall approve, conditionally approve or disapprove after recommendation from the Planning Commission any proposed amendment and may make any modifications in the terms and conditions of preliminary plat approval reasonably related to the proposed amendment. This shall occur at a public meeting in accordance with the same requirements for the approval of a sketch plat or preliminary plat.

(C) *Retaining Previous Approval.* If the applicant is unwilling to accept the proposed amendment under the terms and conditions required by the Planning Commission and the City Council, the applicant may withdraw the proposed amendment.

PLATTING PROCEDURES

§ 156.040 GENERAL.

(A) Whenever any subdivision of land is proposed, before any contract is made for the sale of any part of the land, before any permit for the erection of a structure in such proposed subdivision shall be granted, the owner of the land shall apply for and secure a recommendation the Planning Commission and approval of the City Council of such proposed subdivision. The proposed subdivision may be processed a standard subdivision as follows:

- (1) Standard subdivision:
 - (a) Sketch plat;
 - (b) Preliminary plat (and construction plans for improvements);
 - (c) Final plat;
 - (d) Building permit; and
 - (e) Occupancy permit;
- (2) Re-Plat.

(B) Upon initial receipt of a subdivision proposal, the Community Development Director shall determine if the proposal shall be classified as a minor or major subdivision or a re-plat. The Community Development Director shall determine what information, drawings and procedure will be necessary for the submission of the subdivision to the Planning Commission as well as to the City Council in accordance with these regulations and the policies of the Planning Commission and of the City Council. The Community Development Director, shall consider in each case the nature of a proposed subdivision and the relationship of the proposal to surrounding land uses, topography, property shape, property size, adjacent ownership, public access and public facilities in order to determine the extent to which the platting process must be followed. The above determinations of the Community Development Director may be reviewed and revised by the Planning Commission, and then the City Council upon request of the subdivider.

§ 156.041 CLASSIFICATION OF SUBDIVISIONS AND ADDITION AS MINOR OR MAJOR.

(A) Before any land is platted, the property owner shall apply for and secure approval of the proposed subdivision plat or addition plat in accordance with the following procedures, unless otherwise provided by these regulations. Subdivisions are classified as major or minor depending on the number of lots proposed and the extent of public improvements required.

(1) Minor subdivisions shall create no more than four lots and do not require the creation of a new street or the extension of municipal facilities. Minor subdivisions may be approved for residential and non-residential properties. Conveyance plats may be approved under the procedure for minor subdivisions provided that they establish no more than four lots and do not create a new street or extend municipal facilities. Minor plat approval requires the submission of

a final plat as described under these regulations, or the submission of a conveyance plat as described under these regulations.

(2) Major subdivisions involve the creation of new streets, the extension of municipal facilities or the creation of more than four lots. Major subdivisions may be approved for residential and non-residential properties. Conveyance plats are considered major subdivisions if they create more than four lots or involve the creation of new streets or the extension of municipal facilities. The procedure for approving a major plat typically requires three steps: sketch plat, preliminary plat, and final plat. Sketch plats require recommendation of the Planning Commission and approval of the City Council. The sketch plat requirement may be omitted if the subdivision creates no more than one new street and the Community Development Director determines that sufficient information exist to begin preparation of a preliminary plat. A concept plan or preliminary site plan that contains sufficient information to provide for the proper coordination of the development may be required for non-residential property

Except as otherwise permitted, the preliminary plat shall have a recommendation from the Planning Commission and approval by City Council and the approval of a preliminary plat is required prior to the construction of public improvements to the property. The preliminary plat and the associated engineering plans for the property may be amended during construction, with only major changes requiring reapproval by the City Council after recommendation of the Planning Commission. Major changes shall include amendments to any infrastructure that is expected to be adopted by the City of Durant or will impact infrastructure that is already adopted by the City of Durant.

Upon completion of the required public improvements, or the provision of a subdivision improvement agreement described in these regulations, the owner may submit a corrected final plat for the subdivision. Lots may be sold and building permits obtained after recommendation of the Planning Commission and approval of the plat by the City Council, and filing of the signed plat.

§ 156.042 SKETCH PLAT.

(A) *Purpose.* The purpose of the sketch plat is to provide the subdivider, the Planning Commission and the governing bodies an opportunity to identify any problems concerning the land use, general design and overall approaches to installation of improvements before the expenditure of large amounts of money and manpower in the preparation of more detailed platting documents. This step in the overall subdivision process is very important because it is at the initial part of the process when decisions are to be made that can have great value from the fulfillment of the comprehensive plan; or, conversely decisions wrongly made at this point can be very damaging to the fulfillment of the comprehensive plan. It is important that all of the land to be included in the proposed subdivision shall be included in the sketch plat so that an overview of an entire area can be accomplished.

(B) Before preparing the sketch plat the subdivider should review these regulations and discuss with the Community Development Director the procedures for the adoption of a subdivision plat and the general requirements as to the layout of streets and for any reservations of land, street improvements, drainage, sewerage, water supply, fire protection, the availability of services and similar matters.

(C) *Applicability.* A sketch plat shall be required as a condition precedent to approval of any application for a major plat, except where the Community Development Director determines:

(1) The subdivision will result in no more than one new street and sufficient information exists to begin preparation of a preliminary plat, or

(2) A concept plan, preliminary site plan or final site plan for the property provides sufficient information for the preparation of a preliminary plat.

(D) *Phasing of Development.* The City Council after recommendation of the Planning Commission may permit a sketch plat for a major plat to be divided into two or more phases, as indicated on the sketch plat, provided each phase satisfies the requirements of this ordinance. In considering phasing of a sketch plat, the City Council may approve certain conditions as it deems necessary to assure the orderly development of the platted land. Such conditions may include but are not limited to temporary street and alley extensions, temporary cul-de-sacs, and off-site utility extensions.

(E) Application Procedure and Requirements:

(1) *Pre-application Conference.* Before preparing the sketch plat, the applicant is strongly encouraged to schedule an appointment and meet with the Community Development Director to discuss the procedures for approval of the plat and the requirements as to general layout of streets and or reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services.

(2) *General Application Requirements.* Prior to platting of the land, the property owner shall file an application for approval of a sketch plat with the Community Development Department. The application and sketch plat shall meet the following minimum requirements:

(a) The application shall include all contiguous holdings of the property owner with an indication of the portion which is proposed to be developed or offered, sold or leased, accompanied by an affidavit of ownership, which includes an address and telephone number of an agent who shall be authorized to receive all notices required by these regulations.

(b) The study shall be drawn to scale of 1" = 200' or larger.

(c) The lower right hand corner of the sketch plat shall contain a title block clearly showing the proposed name of the subdivision or addition, the name and address of the Owner and the Engineer or Surveyor responsible for the designer survey, the scale of the drawing, the date the drawing was prepared, and the legal description of the tract.

(d) The sketch plat shall clearly show the limits of the tract and scale distances. True north shall be clearly indicated and shall be to the top or left of the study.

(e) The sketch plat shall show the names of adjacent subdivisions or additions or the name of record owners of adjoining parcels of unplatted land.

(f) The study shall contain the existing zoning on adjoining land, the location, width, and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way, utility and drainage easements, and topography with existing drainage channels or creeks, and other important features such as tree groupings, vegetation, political subdivisions or corporate limits and school district boundaries.

(g) The study shall show the layout, names and width of proposed thoroughfares, collector streets, and intersections, and shall show a general configuration of proposed streets and alleys.

(h) The study shall show a general arrangement of land uses, including but not limited to park and school sites, municipal facilities, private open space, floodplains and drainage ways, phasing plan, and proposed non-residential and residential uses and densities.

(i) The study shall show the location and style of streetlights within the subdivision.

(j) The study shall show the location and dimension of sidewalks throughout the subdivision.

(3) *Additional Requirements Prerequisite to Preliminary Plat Approval.* Except as permitted, prior to the submittal of a preliminary plat, the applicant shall submit for approval a sketch plat, at a scale of 1" = 100' or larger, depicting all information required and the following additional items:

(a) The layout, names, and width of proposed streets, alleys, and easements.

(b) Layout, numbers, and approximate dimensions of proposed lots and all building lines.

(c) The location of proposed screening walls and/or other forms of screening shall be clearly indicated.

(d) Existing contours of the tract in intervals of two feet or less, referred to sea level datum.

(e) Existing sewers, water mains, culverts, or other underground structures within the tract and immediately adjacent thereto with pipe sizes and locations included.

(f) Proposed water, sanitary sewer and storm sewer pipe lines with culverts, bridges, and other appurtenances or structures shown.

(g) Storm water retention or detention basins as required.

(h) Erosion mitigation of lots or roads next to creeks and drainage ways.

(i) General landscape information.

(4) *Standards for Approval.* No sketch plat shall be approved by the City Council for a plat which is intended for development unless it conforms to the Comprehensive Plan and the development ordinances of the city.

(5) *Approval Procedure.* After review of the sketch plat, the report and pertinent information as it relates to the plat and the exhibits submitted at a scheduled meeting, the Planning Commission shall recommend approval, conditional approval or disapproval the sketch plat. The sketch plat with the recommendation of the Planning Commission and the Community Development Director will be heard at a scheduled meeting of the City Council, who shall approve, conditionally approve or disapprove the sketch plat. One (1) copy of the proposed sketch plat shall be returned to the owner with the date of approval or disapproval and the reasons therefore accompanying the copy.

(6) *Effect of Approval.* Approval of the sketch plat in conformance to these procedures by the City Council constitutes authorization by the city for the property owner to submit application for approval of a preliminary plat subject to compliance with any conditions attached to approval of the sketch plat. The approval of any study or plat other than a preliminary plat does not certify the availability or capacity of infrastructure or that the property is suitable for development. The determination of infrastructure needs and capacity and the delineation of floodplain or other limitations on development will be done only during the review and approval of either a preliminary or final plat complete with required engineering plans and studies.

§ 156.043 PRELIMINARY PLAT.

(A) *Purpose.* The purpose of the preliminary plat is to provide an interim step in the procedure at which point the subdivider shall present drawings of the detail features of the subdivision. It is at this point that the items discussed at the sketch plat stage and as set down herein are prepared in a form from which determinations can be made as to the technical workability of the development proposal. If the subdivider is not required to go through the sketch plat process, the subdivider will be required to have a pre-application conference with city staff.

(B) After the City Council has approved the sketch plat, the subdivider may proceed with the preparation of the preliminary plat. After the subdivider has prepared the preliminary plat he or she may take either of the following actions:

(1) He or she may present the preliminary plat and preliminary plat checklist to the Planning Commission and the City Council and obtain approval thereof before proceeding with preparation of the improvement plans; or

(2) He or she may present the improvement plans and improvement plans checklist to the Planning Commission and the City Council at the time the preliminary plat and preliminary plat checklist are presented.

(C) Whenever the subdivider presents to the Planning Commission and City Council a preliminary plat and preliminary plat checklist, without improvement plans, the City Council may conditionally approve the preliminary plat, subject to City Council approval of the improvement plans within six months following the preliminary plat conditional approval.

(D) After review of the preliminary plat, the Planning Commission shall give a recommendation and the City Council shall, within 60 days of its submission, approve, conditionally approve or reject the plat. The subdivider shall be notified in writing of this action, together with any conditions of approval or the reasons for rejection.

(E) Whenever the subdivider presents to the Planning Commission and the City Council the preliminary plat, preliminary plat checklist, improvement plans and improvement plans checklist and the Planning Commission and the City Council finds that the plat and improvement plans meet all the requirements of these regulations, it shall approve the preliminary plat and improvement plans by placing a certificate of approval upon each copy of the plat and plans. Such certificate of approval shall bear the signature of the Chairperson and Secretary of the Planning Commission and Mayor of the City Council and shall provide that the approval given thereby does not constitute approval for purposes of recording.

(F) Approval of the preliminary plat shall not in all cases entitle the subdivider to approval of the final plat. Upon preliminary approval, if any conditions arise which would cause the preliminary plat to become unsatisfactory due to health, safety or welfare of the community, the Planning Commission shall recommend that the final plat be rejected.

(G) *Application Procedure and Requirements.* On forms approved by the city, the applicant shall file for approval of a preliminary plat, which conforms substantially with the sketch plat (if required) or alternate plan submitted by the applicant. The plat shall be prepared by or under the supervision of a registered public surveyor in the State of Oklahoma and shall bear his seal, signature and date on each sheet. The payment of all applicable fees shall be required at the time of submission.

- (1) *General Application Requirement.* Copies of the proposed preliminary plat shall be at a scale of 1" = 100' or larger and in a form substantially as follows:
- (a) The boundary lines with accurate distances and bearings and the exact location and width of all existing or recorded streets intersecting or abutting the boundary of the tract.
 - (b) True bearings and distances to the nearest established street lines and monuments, which shall be accurately described on the plat.
 - (c) Specific landscape plan.
 - (d) The exact layout including:
 - (i) *Proposed street names* - Street names must be submitted to the Community Development Department for approval in accordance with the city's guidelines for the naming of streets. The Community Development Department will maintain an index of street names which will contain these guidelines. Street names and subdivision names are fixed at the time of approval of the preliminary plat. A fee, as set by the City Council by motion or resolution, will be charged to change street names and subdivision names after approval of the preliminary plat.
 - (ii) The length of all arcs, radii, internal angles, points of curvature, length, and bearings of the tangents.
 - (iii) All easements for rights-of-way provided for public services or utilities and any limitations of the easements.
 - (iv) All lot numbers and lines with accurate dimensions in feet and hundredths of feet and with bearings and angles to street and alley lines.
 - (v) The location of the centerline of creeks or drainage ways should be tied with accurate dimensions in feet and hundredths of feet with bearings and angles. No unplatted remainder will be allowed between property boundaries and centerlines of creeks.
 - (e) The accurate location, material, and size of all monuments approved by the City Engineer. Horizontal and vertical control data shall be established for a minimum of two (2) corners of the subdivision or addition. One-inch iron rods shall be set at all block corners, angle points, points of corners, and points of tangents. One-half inch iron rods shall be set at all other lot corners.
 - (f) The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision or addition.
 - (g) Building setback lines.
 - (h) Location of streetlights
 - (i) Location, dimension and construction drawings for sidewalks throughout the subdivision
 - (j) Special restrictions including, but not limited to, drainage and floodway, fire lanes, and screening.
 - (k) Proposed name of the subdivision or addition. The name shall not duplicate, be the same in spelling or alike in pronunciation with any other recorded subdivision.

- (l) Names of adjacent subdivisions or additions or the name of record owners of adjoining parcels of unplatted land.
 - (m) Name and address of the property owner, the owner's Surveyor, and the owner's Engineer.
 - (n) North point, scale, and date.
 - (o) Legal description according to the real estate records maintained by the County Clerk's office and area calculations.
 - (p) Location by section, town, range, township, county and state.
 - (q) Additional documents necessary for dedication or conveyance of easements or rights-of-way, as required by the city. The city may, in some instances, require the conveyance of fee simple title for certain rights-of-way.
 - (r) Entry easements to allow city inspectors to enter the property being platted for the purpose of inspecting the construction of the public improvements.
 - (s) Important features such as existing permanent buildings;
 - (1) Large trees and water courses;
 - (2) Parks and other public lands;
 - (3) railway lines *or easements*;
 - (4) Existing public easements;
 - (5) Oil and gas lines or wells as shown on the records of the Oklahoma Corporation Commission (including abandoned or gas or oil wells and dry holes which remain unplugged),
 - (6) Existing utilities including sewer, water mains, culverts and other underground structures within the tract or immediately adjacent thereto, showing pipe sizes and grades indicates;
 - (7) Contours at intervals of 2 feet which are referenced to USGS data; and
 - (8) Any other relevant feature necessary for a full and complete understanding of the proposed subdivision.
 - (t) Title of document and a vicinity sketch drawn to a scale of a maximum of 2,000 feet to the inch.
 - (u) Copies of any private restrictions to be included in the deeds shall be attached to the preliminary plat.
 - (v) Regulatory flood boundaries, and the ten (10) year flood boundaries.
-
- (2) Other Required Documents and Information to Be Filed With Preliminary Plat.
 - (a) Proposed covenants and deed restrictions, if any.
 - (b) Source of water supply.
 - (c) Provisions for sewage disposal.
 - (d) Construction Plans

(3) *Standards for Approval.* No preliminary plat shall be approved by the City Council unless the following standards have been met:

(a) The plat substantially conforms with the approved sketch plat or other study as provided in these regulations.

(b) The construction plans have been reviewed by the City Engineer.

(c) Provision for installation and dedication of public improvements has been made.

(d) The plat conforms to applicable zoning and other regulations.

(e) The plat meets all other requirements of these regulations.

(4) *Timing of Public Improvements:*

(a) The City Council may require that all public improvements be installed, offered for dedication, and ready for acceptance by the city prior to the signing of the final plat.

The City Council may permit or require the deferral of the construction of public improvements if in its judgment, deferring the construction would not result in any harm to the public, or offer significant advantage in coordinating the site's development with adjacent properties and off-site public improvements. Any required public improvement(s) approved for deferred construction must be provided for as required prior to the approval of the final plat.

(b) If the City Council does not require that all public improvements be installed, offered for dedication and accepted by the city prior to signing of the final plat, it shall require that the applicant execute an improvement agreement and provide security for the agreement as provided in these regulations.

(c) This procedure shall also apply to the approval of a final plat if the preliminary plat is omitted.

(5) *Approval Procedure.* After review of the preliminary plat, the report and pertinent information for the Community Development Director concerning the land study and the application, the report and recommendation of the City Engineer on the construction plans, and any exhibits submitted at a public meeting, the applicant shall be advised of any required changes and/or additions. The Planning Commission shall make a recommendation and the City Council shall approve or disapprove the preliminary plat. One (1) copy of the proposed preliminary plat shall be returned to the owner with the date of approval, conditional approval or disapproval and the reasons therefore accompanying the plat.

(6) *Effect of Approval* - Approval of a preliminary plat by the City Council constitutes authorization for the City Engineer to release construction plans subject to his final approval and for the City Engineer to authorize for the property owner to commence grading of the site and construction of such public improvements as are required by the Planning Commission and the City Council. Approval of a preliminary plat also authorizes the property owner, upon fulfillment of all requirements and conditions of approval, to submit for approval an application for final plat approval. Upon release of the construction plans, the City Engineer may, upon request of the applicant, issue a certificate indicating the construction plans have been released and construction of the improvement is thereafter authorized. Additional certificates may be issued by the City Engineer authorizing the construction of private utilities on a phased schedule. The certificate shall read as follows:

"The preliminary plat for (insert name of the subdivision or addition) as approved by the City of Durant City Council on (insert date of approval) is authorized for use with engineering plans for the construction of public improvements as approved by the City Engineer. A final plat shall be approved by the City Council and have a recommendation from the Planning Commission upon the completion of all public improvements or the provision of a subdivision improvement agreement under the terms of the Subdivision Ordinance and submission of a final plat in compliance with the Subdivision Ordinance of the City of Durant.

Zoning regulations that affect exterior appearance of a single-family house or the landscaping of a single-family lot and that are adopted after approval of a preliminary plat for a single-family residential development, shall not apply for a period of two years from the latter of the date of plat approval or the date of the acceptance of public improvements related to the plat."

(7) *Lapse of Preliminary Plat Approval.* The approval of a preliminary plat shall be effective for a period of two (2) years from the date that the preliminary plat is approved by the City Council, at the end of which time the applicant must have submitted and received approval for a final plat. If a final plat is not submitted and approved within two (2) years, or an extension is not granted in accordance with these regulations, the preliminary plat approval shall be null and void, and the applicant shall be required to submit a sketch plat for review subject to the then existing zoning restrictions and subdivision regulations.

(H) Construction Plan Procedure and Requirements:

(1) *General Application Requirement.* Construction plans shall be prepared by or under the supervision of a professional engineer or architect registered in the State of Oklahoma as required by state law governing such professions. Plans submitted for review by the city shall be dated and bear the responsible engineer's or architect's name, serial number and the designation of "engineer," "professional engineer," or "P.E." or "architect" and an appropriate stamp or statement near the engineer's or architect's identification, stating that the documents are for preliminary review and are not intended for construction. Final plans acceptable to the city shall bear the seal and signature of the engineer or architect and the date signed on all sheets of the plans. Public works construction in streets, alleys or easements which will be maintained by the city shall be designed by a professional engineer registered in the State of Oklahoma.

(2) *Construction Plan Review Procedure.* Copies of the construction plans, and the required number of copies of the plat shall be submitted to the City Engineer for final approval. The plans shall contain all necessary information for construction of the project, including screening walls and other special features. All materials specified shall conform to the design standards of the city. Each sheet of the plans shall contain a title block including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date the revision was made. The City Engineer will release the plans for construction, after recommendation of the preliminary plat by the Planning Commission and approval by the City Council and payment of all inspection fees. Upon such release, each Contractor shall maintain one set of plans, stamped with city release, on the project at all times during construction. This procedure shall also apply to approval of a final plat, if a preliminary plat is omitted.

(3) *Failure to Commence Construction.* If construction has not commenced within one (1) year after approval of the plans, resubmittal of plans may be required by the City Engineer for

meeting current standards and engineering requirements. "Construction" shall mean installation of city maintained public improvements.

§ 156.044 FINAL PLAT.

(A) *Purpose.* The purpose of the final plat is to create a record document which accurately describes the subdivided land, both as to accurate dimensions, and as to legal provisions which are pertinent to the subdivision. Much of the reason for this step is to make the transfer of the land simpler and certain. Land sales by reference to a legally filed plat are generally less complicated and more likely to provide the precise legal situation sought. The certainty of such sales derives from the assurance of an accurate survey and processes designed to assure the provision of facilities necessary to service the land.

(B) At the time the final plat and final plat checklist are submitted to the Community Development Department, the subdivider shall take one of the following courses of action:

(1) If the subdivider elects to, deposit the surety bond as specified in § 156.026, he or she shall submit plans for all improvements required under this chapter, such plans to bear the recommendation of the Planning Commission and approval of the City Council. Upon completion of a portion of the construction of the required improvements, the City Council may release a portion of the surety bond in the amount of the costs of the constructed improvements, as estimated by the City Council, Planning Commission, Secretary or municipal staff. Before any portion of the surety bond may be released, the City Engineer, City Building Inspector or City Manager shall approve the as-built plans and specifications for that portion of the improvements for which the subdivider has requested release of the surety bond;

(2) If the subdivider elects to complete all improvements as specified in the preliminary plat, he or she shall submit the as-built specifications and as-built original tracings of all improvements. If the Community Development Director or his or her designee finds that the as-built plan and specifications comply with requirements, and that the actual construction is as shown in the plans and specifications, he or she shall endorse his or her approval thereon.

(C) All actions of the Planning Commission, whether recommending approval of final plats for all or part of an area shown in a preliminary plat shall, in so far as the plat involves dedications to the public, constitute only an authorization for the subdivider to submit the plat to the City Council to which the dedications are proposed. Such Planning Commission actions shall not constitute an acceptance of dedication or a commitment to accept dedication.

(C) *Applicability.* A final plat shall be required for subdivisions of property and the recording of single lots in accordance with these regulations.

(D) *Application Procedure and Requirements.* A final plat for a subdivision shall require recommendation by the Planning Commission and approval of the City Council. Final plats shall comply to the preliminary plat where applicable. The application shall be accompanied by the following:

(1) Four (4) paper copies and a digital copy of the proposed final plat bearing all information specified in these regulations and the following:

(a) The final plat shall be clearly and legibly prepared by a Surveyor or Engineer. The size of the map shall not be less than 22 inches by 34 inches and shall be drawn to the scale of one inch

equals 100 feet, unless the Community Development Director authorizes a different scale in writing.

(b) *Notice Statement.* "Notice: Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits."

(c) Name of subdivision and the name and number of any larger subdivision of which this tract now subdivided was once a part.

(d) Number of lots and the acreage platted

(e) *Boundary Lines.* The boundary lines with accurate distances and bearings and the exact location and width of all existing or recorded streets intersecting the boundary of the tract.

(f) *Bearing Distances.* True bearings and distances to the nearest established street lines and monuments, which shall be accurately described on the plat

(g) *Property Offered For Dedication.* The accurate outline of all property which is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use for the common use of the property owners in the subdivisions, with the purpose indicated thereon.

(h) The exact layout including:

(i) Street and alley lines, including their names, bearings, angles of intersection and widths (including widths along the line of any intersecting street):

(ii) The length of all arcs, radii, internal angles, points of curvature, length, and bearings of the tangents.

(iii) All easements for rights-of-way provided for public services or utilities and any limitations of the easements.

(iv) All lot numbers and lines with accurate dimensions in feet and hundredths of feet and with bearings and angles to street and alley lines.

(v) The location of the centerline of creeks or drainage ways with accurate dimensions in feet and hundredths of feet with bearings and angles.

(i) The accurate location, material, and size of all monuments approved by the City Engineer.

(k) Building setback lines for all properties within the platted area.

(k) Special restrictions including, but not limited to, drainage and floodway, fire lanes, and screening.

(l) In case the subdivision is traversed by water course, channel, stream, or creek, the prior or present location of such water course, channel, stream, or creek shall be shown on the plat and the boundary of the regulatory flood and the ten (10) year flood. It will be assumed that there is no significant difference between the two (2) and the regulatory flood will be used, unless the owner shows the ten (10) year flood on the map.

(m) North point, scale, and date.

- (n) Legal description according to the real estate records maintained by the County Clerk's office and area calculations.
- (o) Names of adjacent subdivisions or additions or the name of record owners of adjoining parcels of unplatted land.
- (p) Location by section, town, range, township, county and state.
- (q) Title of document and a vicinity sketch drawn to a scale of a maximum of 2,000 feet to the inch.
- (2) Formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, in a form approved by the City Attorney. The plat shall be marked with a notation indicating the formal offers of dedication.
- (3) The improvement agreement and security, if required, in a form satisfactory to the City Attorney and in an amount established by the City Council upon recommendation of the City Engineer and shall include a provision that the property owner shall comply with all the terms of the final plat approval as determined by the City Council.
- (4) As-built construction plans, where applicable.
- (5) Covenants and deed restrictions, if any.
- (5) Accurate legal description.
- (6) Certification by a Registered Public Surveyor to the effect that the plat represents a survey made by him and that all the monuments shown thereon actually exist, and that their location, size, and material description are correctly shown, and that the survey correctly shows the location of all visible easements and rights-of-way and all rights-of-way, easements and other matters of record affecting the property being platted.
- (7) The County Clerk's Office and applicable state statutes may require additional information to be submitted or included on the final plat
- (E) *Standards for Approval.* No final plat shall be approved by the Planning Commission or the City Council unless the following standards have been met:
 - (1) The plat substantially conforms to the preliminary plat.
 - (2) Required public improvements have been constructed and are ready to be accepted, and/or an improvement agreement has been accepted by the city providing for the subsequent completion of improvements.
 - (3) The plat conforms to applicable zoning and other regulations.
 - (4) Provision has been made for adequate public facilities under the terms of this ordinance.
 - (5) The plat meets all other requirements of this ordinance.
- (F) *Approval Procedure.* After review of the final plat, the Community Development Director shall place the final plat for consideration on the agenda of a public meeting of the Planning Commission and City Council. One copy of the final subdivision plat shall be returned to the applicant with the date of approval, conditional approval or disapproval noted on the final plat, and, if the final plat is disapproved, the reasons for disapproval accompanying the final plat.

(G) *Certificate of Compliance.* Upon final approval of a final plat required by these regulations, the Planning Commission and the City Council shall issue to the person applying for approval a certificate stating that the final plat has been recommended for approval by the Planning Commission and approved by the City Council. For purposes of this section, final approval shall not occur until all conditions of approval have been met.

(I) *Signing and Recording of Final Plat.*

(1) When an improvement agreement and security are required, the Chairman of the Planning Commission and the Mayor shall endorse approval on the final plat after the agreement and security have been recommended for approval by the Planning Commission and approved by the City Council and all the conditions pertaining to the final plat have been satisfied.

(2) When installation of public improvements is required prior to recordation of the final plat, the Chairman of the Planning Commission and the Mayor shall endorse approval on the final plat after all conditions of approval have been satisfied and all public improvements satisfactorily completed. There shall be written evidence that the required public improvements have been installed in a manner satisfactory to the city as shown by a certificate signed by the City Engineer stating that the necessary dedication of public lands and installation of public improvements has been accomplished.

(3) It shall be the responsibility of the applicant to file the final plat with the County Clerk. Simultaneously with the filing of the final plat, the applicant shall record such other agreements of dedication and legal documents as shall be required to be recorded by the City Attorney. The final plat, bearing all required signatures, shall be recorded after final approval and within ten working days of its receipt. One (1) copy of the recorded final plat shall be returned to the City prior to the issuance of any building permits.

(J) *Effect of Approval.* Approval of a final plat shall certify compliance with the regulations of the City of Durant pertaining to the subdivision of land. An approved and signed final plat may be filed with the County as a record of the subdivision of land and may be used to reference lots and interests in property thereon defined for the purpose of conveyance and development as allowed by these regulations.

(K) *Lapse of Final Plat Approval.* The approval of a final plat shall be effective for a period of six (6) months from the date that the final plat is recommended for approval by the Planning Commission and approved by the City Council, at the end of which time the applicant must have met the requirements for recording of the final plat with the County Clerk. If the applicant has not met the requirements for recording of the final plat with the County Clerk within six (6) months, or an extension is not granted in accordance with these regulations, the final plat approval shall be null and void, and the applicant shall be required to submit a new plat for review subject to the then existing zoning restrictions and subdivision regulations. No Certificate of Occupancy or Change of Occupancy permit will be allowed for the property until the applicant has met the requirements for filing of the final plat with the County Clerk.

§ 156.046 DEVELOPMENT PLAT

(A) This section applies to the platting and development of any single parcel greater than five acres or the subdivision and development of any property into parts, each part being greater than five acres. The term "development" means the new construction or the enlargement of any

exterior dimension of any building, structure, or improvement. The term "improvement" shall include the construction of a utility, road, parking, or drainage system. The term shall also apply to the grading of land or clearance of trees, except as may be permitted for valid agricultural use of the property.

(B) A development plat must be prepared by a registered professional land surveyor as a boundary survey showing:

(1) Each existing or proposed building, structure or improvement or proposed modification of the external configuration of the building, structure or improvement;

(2) Each easement and right-of-way within or abutting the boundary of the surveyed property; and

(3) The dimensions of each street, sidewalk, alley, square, park, or other part of property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part; and

(4) Any additional information as required by this ordinance to apply for the approval of a plat

(C) The requirements and standards for design, reservation, construction, completion, maintenance, cost participation and escrow for public improvements applying to the approval of a plat shall also apply to a development plat.

(D) Development plats shall be processed under the same procedures and are subject to the same fees as apply to a plat. The procedures for a minor subdivision may be used when applicable.

(E) A development plat shall be approved if it conforms to the following standards:

(1) The general plans, rules, and ordinances of the city concerning its current and future streets, sidewalks, alleys, parks, playgrounds, and public utility facilities; and

(2) The general plans, rules, and ordinances for the extension of the city or the extension, improvement, or widening of its roads, streets, and public highways within the municipality.

(F) New development may not begin on the property until the development plat is filed with and approved by the city. Approved development plats and other agreements of dedication and legal documents as required shall be recorded with the County Clerk by the applicant.

§ 156.048 REPLATTING OF LAND

(A) *Replat Required.* Unless otherwise expressly provided for herein, a property owner who proposes to replat any portion of an already approved final plat, other than to amend or vacate the plat, must first obtain approval for the replat under the same standards and by the same procedures prescribed for the platting of land by these regulations. The Community Development Director may waive or modify requirements for a sketch plat under circumstances where the previously approved sketch plat is sufficient to achieve the purposes set forth in these regulations. Replats shall include all of the same information as previously described platting procedures.

(B) *Replatting Without Vacating Preceding Plat.* A replat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

- (1) Is signed and acknowledged by only the owners of the property being replatted;
- (2) Is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the Planning Commission and City Council; and
- (3) Does not attempt to amend or remove any covenants or restrictions previously incorporated in the final plat.

(C) Additional Requirements for Certain Replats.

(1) A notice of the public hearing shall be published in an official paper or a newspaper of general circulation in the city at least 15 days prior to the date of the public hearing. Notice shall be mailed to all owners of property located within 300 feet of the subject property as provided by a certified abstractor's list at the applicant's cost at least 20 days prior to the hearing;

(2) If the proposed replat requires a variance, and the owners of 20 percent or more of the area of lots to whom notice is required to be given under Subsection (b) file with the Planning Commission and City Council a written protest of the replatting before or at the hearing, approval of the replat will require the affirmative vote of four of the City Council members. In computing percentages of ownership, each lot is considered equal to all other lots regardless of size or number of owners, and the owners of each lot are entitled to cast only one vote per lot. The area of streets and alleys shall be included in computing the percentage of land area.

(3) Any replat which adds or deletes lots must include the original lot boundaries.

§ 156.999 PENALTY.

(A) Except as provided in these regulations and lots of record established prior to the effective date of this ordinance, no building permit shall be issued for any new structure or change, improvement or alteration of any existing structure on any tract of land which does not comply with all of the provisions of this chapter.

(B) Except as provided in these regulations and lots of record established prior to the effective date of this ordinance, the city shall withhold all public improvements and utilities, including the maintenance of streets and the provision of sewage facilities and water service, from all tracts, lots or additions, the platting of which has not been officially approved by the City Council and for which a certificate of compliance has not been issued pursuant to these regulations.

(B) A violation of this chapter shall be deemed an offense and shall be punishable as provided in § 10.99 and in accordance with applicable state law. Any person, partnership or corporation violating any of the provisions of this chapter upon conviction thereof shall be punished as provided in § 10.99.

(C) The city may issue citations to suspected violators of this chapter, which citations shall state the violation that is alleged, the time of the observation of the offense, any correction of the violation which is sought, the time allowable for the accomplishment of the correction and the further action which will be taken to seek remedy should correction not be accomplished. The issuance of such citations does not preclude the filing of charges in district court, nor shall the

issuance of such citations be a mandatory process precedent to the filing of charges in district court.

DESIGN STANDARDS NEIGHBORHOOD FEATURES

§ 156.060 COMMUNITY GENERAL.

(A) The quality of the design of the community, both in the urban area and on the fringes of the urban development, is dependent on the quality of design of the individual subdivisions in the area. Good community design can be accomplished by following a few principles. These better approaches to the layout of new areas. The violation of some of the basic rules concerning design of streets, ditches and other features can lead to such unpleasant situations as: streets that deteriorate and are expensive to maintain, street intersections that are dangerous, drainage ditches that clog up and cause flooding, building lots that are difficult or expensive to construct upon or difficulties with erosion during the time of development and even throughout the life of the homes.

(B) The figures which follow show some of the better ways of creating a subdivision. The use of good design and holding to these methods of development can provide for the least expense in the building of a subdivision. This is especially true considering the costs that come to the purchasers of property that has been improperly developed and the fact that there is no cheaper time to solve development problems than before houses are built and lots are sold.

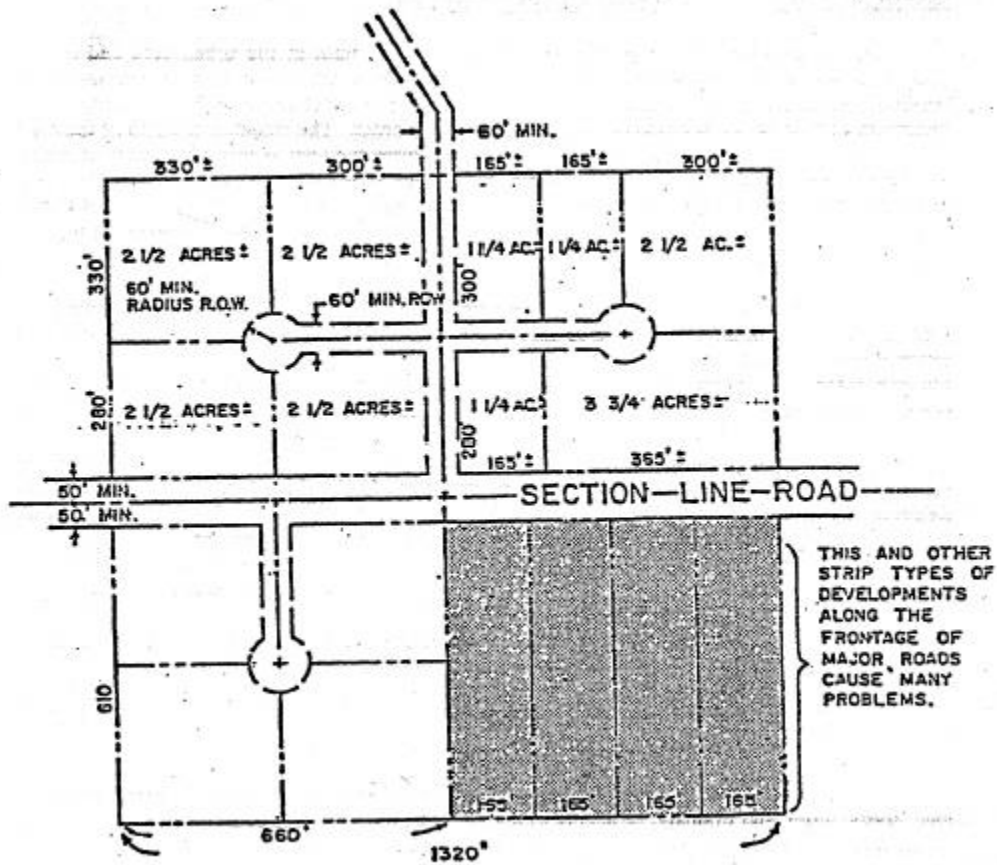
(C) Figure 1 shows some of the patterns of streets and lots that might be possible in the development of areas in large, rural estates type lots. In the shaded area is shown an all too frequent approach to the creating of lots in rural settings. There are a number of problems from the arrangement of lots in a road frontage strip as in the shaded area, such as:

- (1) Long narrow parcels which are of reduced usefulness to the buyer;
- (2) Increased numbers of driveways intersecting the section line road (this is a major problem to the county as it tries to keep ditches and culverts clean and working);
- (3) The narrower lots result in closer spacing of houses with less privacy and greater possibility of failure in the operation of individual sewer systems; and
- (4) (a) The frontage of each house upon a section line road means greater exposure to the dust, traffic, litter and drainage problems which occur along the major roads (also there is a loss of privacy and the danger that the road may have to be widened at some time in the future taking part of the front lawn).
- (b) On the other hand, some of the other styles of lot arrangements shown can provide lots of much more usable shape, more privacy, safer traffic, more workable utility layout, better spacing of buildings and the like.

(D) The majority of land developed in the manner shown in Figure 1 is expected to be in the jurisdiction of the regional planning commission outside the incorporated area of the city.

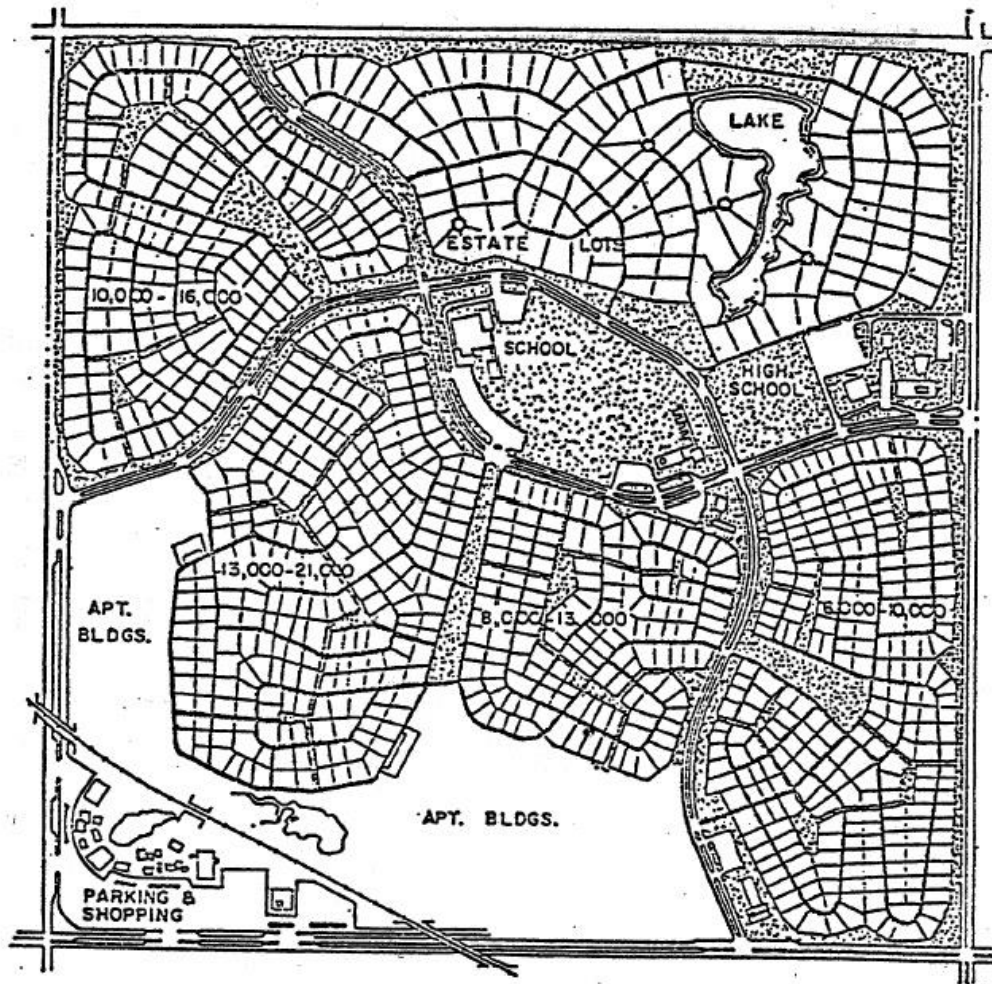
(E) These are not all of the possibilities for laying out a large lot development. In fact, a development usually turns out better if it is worked out to fit the shape of the particular piece of land considering the streams, hills and the like. However, from this figure it can be seen that almost any other arrangement is better than a strip of long, narrow lots along the frontage of a major road.

FIGURE 1
RURAL PLATTING PATTERNS



- Notes:
1. Property dimensions in many cases are shown as less the right-of-way dimension. This reflects the improvement of the street or road and dedication of it to the public.
 2. Covenants should provide for access to lots to be only from side roads.

FIGURE 2
AN EXAMPLE OF GOOD SUBDIVISION DESIGN



Notes: 1. Minor streets should be designed to provide access in a manner to discourage use by through traffic.

2. Collector streets should be designed to provide a direct route from minor streets to major streets.

3. Ingress and egress to residential properties should be provided only on minor streets.

4. Pedestrian ways should be separated from roadways.

5. The urban area shall be designed as a group of integrated residential neighborhoods with appropriate industrial, commercial and public facilities.

6. Lots, blocks and street systems should be designed for the most advantageous use of topography and natural physical features.

('93 Code, § 12-431) (Ord. 1041, passed 4-12-83)

§ 156.061 SIDEWALKS.

- (A) For purposes of this section, the terms “arterial streets”, “secondary thoroughfares”, “commercial streets”, “collector streets”, residential streets” shall be defined as indicated in the streets master plan.
- (B) Sidewalks no less than four feet in width shall be constructed along properties abutting residential streets, and no less than five feet in width along properties abutting collector streets, commercial streets, secondary thoroughfares, and arterial streets.
- (C) Sidewalks shall be constructed within dedicated streets rights-of-way along streets improved to city standards. On unimproved streets, covenants deferring sidewalk construction until street is improved according to city standards shall be required.
- (D) Within residential developments, required sidewalks shall be located adjacent to or within one foot of the property line. Within non-residential developments, the placement of required sidewalks shall be at the discretion of the City Council.
- (E) Sidewalks shall be laid out, graded and otherwise improved as specified in standards and specifications adopted by the City Council.
- (F) All sidewalks shall be incorporated into the street improvements construction plans required to be submitted by the developer for plat approval.
- (G) Sidewalks and walkways shall be completed at the time the streets are installed.
- (H) In order to facilitate access from streets to schools, parks, playgrounds, shopping centers, transportation facilities or other community facilities, the City Council may require pedestrian access ways or crosswalks not less than five feet wide to be located within perpetual unobstructed easements at least 20 feet in width. The easements shall be indicated on the plat.
- (I) No dwelling unit or business establishment that is required to install sidewalks shall be occupied until the required sidewalk construction is completed, inspected and accepted by the city.

§ 156.062 STREET LIGHTS.

- (A) Required new street lighting shall be installed by a franchised vendor, electric utility or the developer. The street lighting should be shown on preliminary and final plats. The primary objective for street lighting is for security and intersection identification.
- (B) Street lighting shall be chronologically integrated with a development and shall be installed prior to acceptance of public infrastructure by the City of Durant.
- (C) Should an easement be required to access power facilities, the easement should not be less than five (5) feet
- (D) The location of the street light shall be as follows and shall serve as the minimum lighting schedule:
 - a. One street light at each street or alley intersection
 - b. One street light at each end of each cul-de-sac or other permanently dead ended street
 - c. One street light at the approximate midpoint of curvilinear streets that prohibit visual contact between intersections

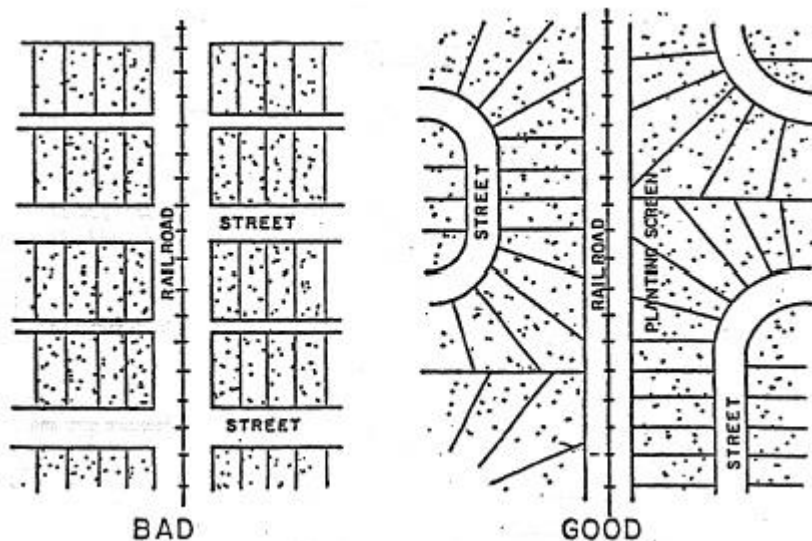
- d. One street light located midway between intersections that are spaced over 600' or more apart
- (E) The developer may choose to install lighting in addition to the minimum schedule set forth herein. If lighting is installed in addition to that maintained by the franchised vendor or electric utility, the developer shall ensure that a legal entity such as a homeowners association or equivalent is established and that the entity is assigned the obligation of maintaining the additional lighting in perpetuity.

§ 156.063 STREETS.

The arrangement, character, extent, width, grade and location of all streets shall conform to all of the elements of the general plan and shall be designed in accordance with the following provisions:

- (A) Major streets shall be planned to conform with the major streets shown in the comprehensive plan;
- (B) Whenever a subdivision abuts or contains an existing or proposed major street, the City Council may require service streets, reverse frontage with screen planting contained in a no access reservation along the rear property line, deep lots or such other treatment as may be necessary for adequate protection of residential properties and to afford separation from traffic;
- (C) Where a subdivision borders on or contains a railroad right-of-way of limited access highway right-of-way, the City Council may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. The following sketch illustrates both suitable and unsuitable ways of laying out developments bordering major right-of-way.

STREET LAYOUT ADJOINING LIMITED ACCESS RIGHT-OF-WAY FACILITIES



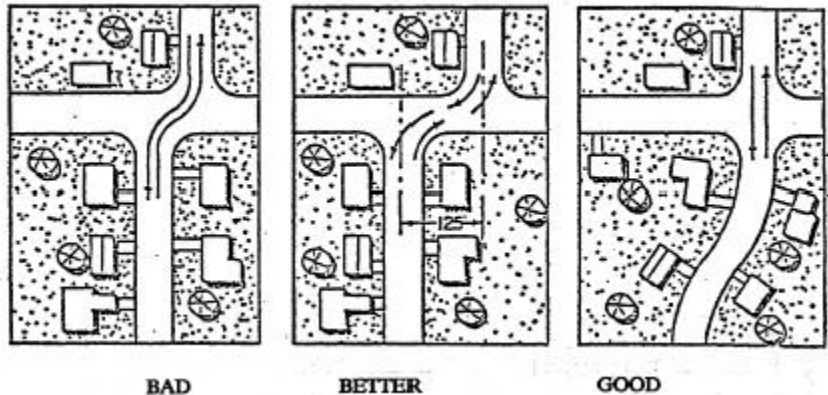
- (D) Reserve strips controlling access to streets shall be prohibited except where their control is placed in the city under conditions approved by the City Council and acceptable to the subdivider;

(E) Where the plat to be submitted includes the only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion may be required by the City Council;

(F) Where a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be arranged to permit the logical location and opening of future streets and appropriate resubdivision with provision for adequate utility easements; and

(G) Street jogs with centerline offsets of less than 125 feet shall be avoided.

STREET JOGS LESS THAN 125 FEET SHALL BE AVOIDED



(H) Street right-of-way widths shall be in accordance with the Comprehensive Plan and, where not designated therein, shall be not less than the following:

Street Type	R.O.W. Width
Arterial streets	85 feet
Secondary thoroughfares	80 feet
Commercial streets	80 feet
Collector streets	60 feet
Residential streets	60 feet

(I) The paved width of all streets shall be adequate to serve the existing and future estimated traffic load for the facility. Lane width for all streets shall be as follows:

(1) All major streets shall have lanes for traffic movement of not less than 11 feet or more than 12 feet in width, and lanes for parallel parking or emergency stopping of not less than 10 feet in width; and

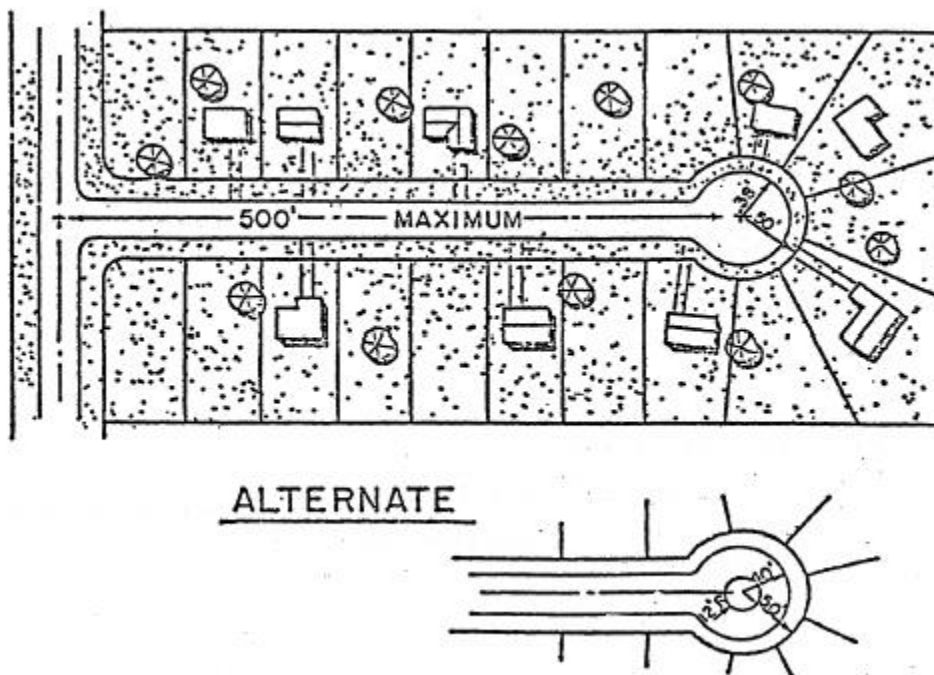
(2) All minor streets shall have lanes for traffic movement of not less than 9 feet or more than 12 feet in width and lanes for parallel parking of not less than 8 feet in width. Streets should be developed in accordance with the general standards given in the code of the city.

(J) (1) A cul-de-sac should not exceed 500 feet in length, measured from the entrance to the center of the turnaround unless a dedicated secondary emergency sealed-surface accessible ingress and egress is provided to the primary roadway to a point within 500 feet of the center of

the turnaround radius. The ingress and egress shall be, at a minimum, in the form of a 20- foot wide dedicated public easement that is graded, compacted, sealed-surface, and otherwise constructed to the city's specifications.

(2) If the cul-de-sac is longer than 150 feet then a turnaround radius of not less than 65 feet at the property line and 50 feet at the curb line shall be provided. If there is provided in the center of the turnaround an unpaved island, it shall be improved with landscaping that will not interfere with sight distance. The unpaved island shall have a radius of not less than 6 feet and the radius from the curb line of the island to the turnaround outside curb shall be 30 feet with the easement extending an additional 15 feet beyond the outer curb line.

CUL-DE-SAC

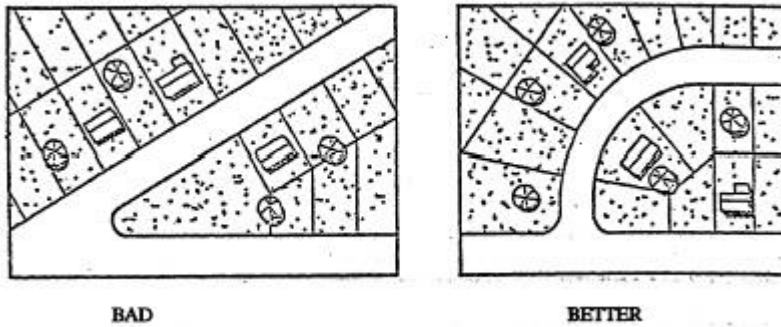


(K) Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, provided that the City Council finds it will be practical to obtain the dedication of the other half of the street easement when the adjoining property is subdivided. Wherever a half street is adjacent to the tract to be subdivided, the other half of the street shall be platted within the tract being subdivided;

(L) The arrangement of streets shall be such as to cause no hardship in the subdividing of adjacent properties. The City Council may require the dedication of street rights-of-way to facilitate the development of adjoining properties;

(M) No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the City Council;

(O) Minor streets shall be laid out so that their use by arterial traffic will be discouraged;



- (P) Streets shall intersect at approximately right angles;
- (Q) Street grades shall be as follows:
 - (1) The minimum grade of all streets shall be 0.4%;
 - (2) Except where unusual topo-graphic conditions justify it, the maximum grade of all streets shall not be greater than the following:

Street Type	Grade
Major	5%
Collector	7%
Residential streets	10%

- (R) Street corners shall be as follows:
 - (1) Street corners on local residential streets shall have a minimum radius of 20 feet at curb line or its equivalent;
 - (2) Street corners on collector streets shall have a minimum radius of 25 feet at the curb line or its equivalent;
 - (3) Street intersections involving major thoroughfares shall have a minimum street corner radius of 30 feet at the curb line or its equivalent;
 - (4) In order to provide for traffic safety, there shall be on each corner of each intersection of two streets a clear sight triangle. A clear sight triangle means a triangle formed by the curb lines of two intersecting rights of way and a third line connecting a full view zone of 25 feet from intersecting corners of the street. On streets with no curb and gutter, the same triangle will be used and measurements made twelve (12) feet from the center of the street if the street is two lanes in width and six (6) additional feet for each lane width as existing at the intersecting corner. The plat or the covenants of the addition shall clearly prohibit any construction or planting of landscaping materials in this area.
- ('93 Code, §12-441) (Ord. 1041, passed 4- 12-83; Am. Ord. 1859, passed 7-10-18)

§ 156.064 ALLEYS.

Alleys shall be as follows:

- (A) Alleys shall be provided in commercial and industrial districts, except that the City Council may waive this requirement where other definite and assured provision is made for

service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed;

(B) Alleys serving commercial and industrial areas shall be not less than 30 feet in width;

(C) Alleys are not required for residential areas, but when provided shall be not less than 20 feet in width;

(D) Alley intersections and sharp changes in alignment should be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement;

(E) Dead-end alleys should be avoided, but if necessary, shall be provided with adequate turn around facilities at the dead end, as determined by the City Council; and

(F) Alleys shall be finished with a sealed surface and otherwise constructed to the city's specifications.

('93 Code, §12-442) (Ord. 1041, passed 4-12- 83; Am. Ord. 1859, passed 7-10-18)

§ 156.065 EASEMENTS.

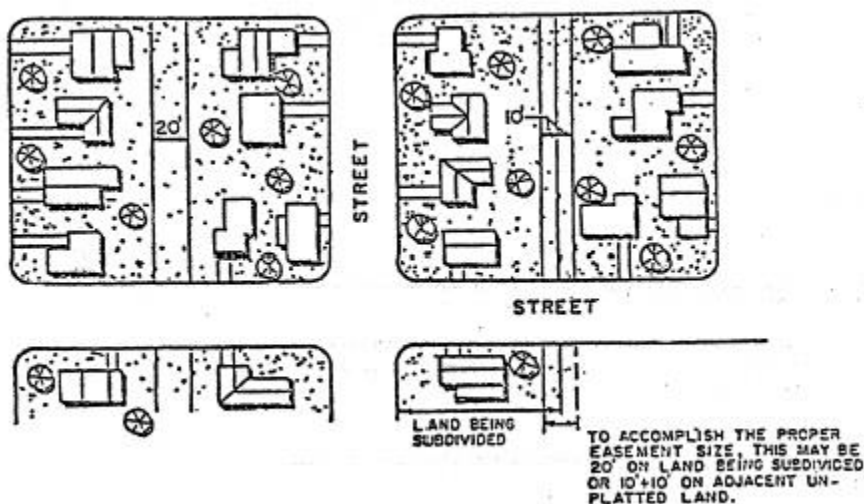
(A) Where alleys are not provided, easements not less than ten feet wide shall be provided along each rear lot line. A five-foot easement alongside lot lines of individual plots may be required where necessary for use by public and private utilities. The City Council may require air rights and easements of greater width for the extension of main storm and sanitary sewers and other utilities where it is deemed necessary.

(B) When a subdivision is adjacent to unplatted land, the easements for public and private utilities shall be:

(1) Provided as 20 feet wide on the land being subdivided; or

(2) Provided as ten feet wide on the land being subdivided with an easement ten feet wide being presented adjacent and simultaneous to the presentation of the final plat.

EASEMENTS



('93 Code, § 12-443) (Ord. 1041, passed 4-12-83)

§ 156.066 BLOCKS.

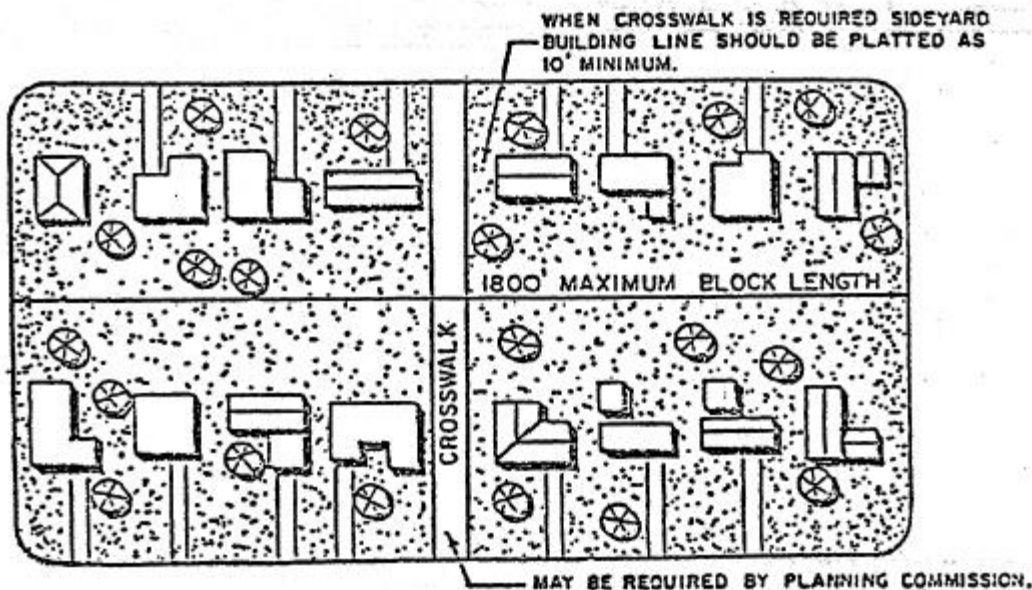
(A) The lengths, widths and shapes of blocks shall be determined with due regard for the following:

- (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated;
- (2) Zoning requirements as to lot sizes and dimensions;
- (3) Needs for convenient access, circulation, control and safety of street traffic; and
- (4) Limitations and opportunities of topography.

(B) Blocks for residential use shall not be longer than 1,800 feet, measured along the center line of the block. When a block exceeds 600 feet in length, the City Council may require a dedicated easement not less than 5 feet in width and a paved crosswalk not less than 5 feet in width to provide pedestrian access across the block.

(C) Blocks used for residential purposes should be of sufficient width to allow for two tiers of lots of appropriate depth, but should be not less than 200 feet in width. Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.

BLOCKS



('93 Code, § 12-444) (Ord. 1041, passed 4-12-83)

§ 156.067 LOTS.

(A) Residential lots shall be not less than 60 feet in width at the front building line and shall abut a street a distance of not less than 35 feet.

(B) The area of residential lots shall be not less than 6,000 square feet.

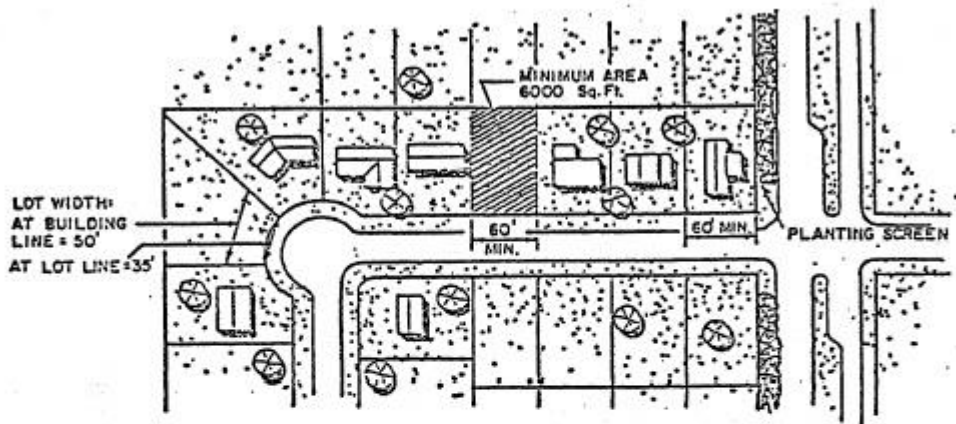
(C) In residential subdivisions where septic tank or individual sewage disposal devices are to be installed, the area of the lot shall be not less than 22,500 square feet.

(D) Lots are not required for subdivisions for commercial and industrial use, but when provided should be of appropriate size and arrangement to provide for adequate off-street parking and loading facilities based on the intended use.

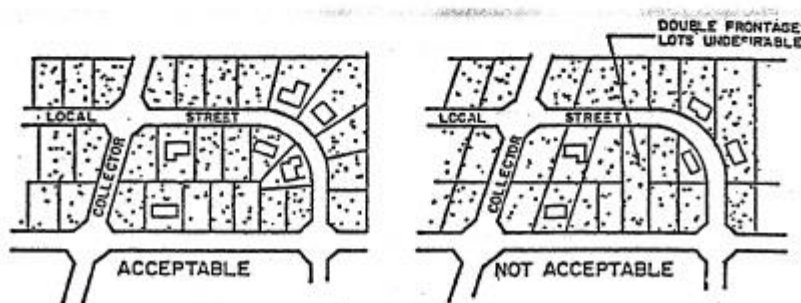
(E) Side lot lines should be approximately at right angles or radial to street lines.

(F) Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 20 feet shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right-of-access across a planting screen easement.

LOTS



LOT PATTERN

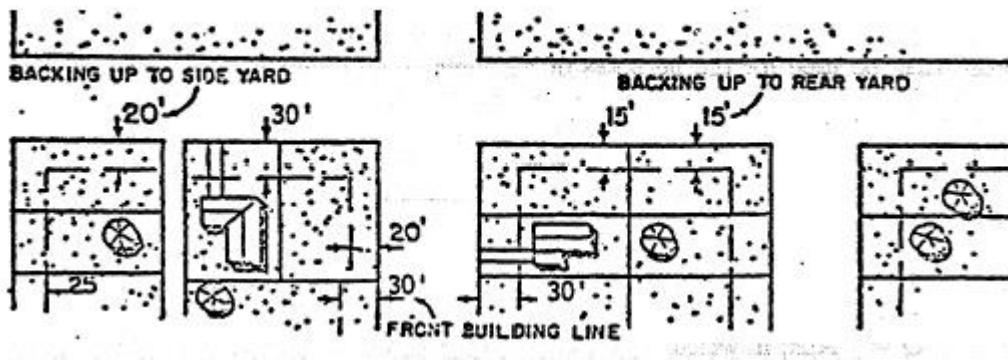


('93 Code, § 12-445) (Ord. 1041, passed 4-12-83)

§ 156.068 BUILDING LINES.

Building lines shall be provided for all residential subdivisions as follows:

- (A) A front building line shall be located 30 feet back of the street right-of-way line;
- (B) A side yard building line on the side of a corner lot abutting the street shall be located not less than 15 feet back of the street right-of-way when such lot is back to back with another corner lot and not less than 20 feet back of the street right-of-way line in every other case;
- (C) A side yard building line shall be provided not less than ten feet back of a crosswalk right-of-way line on the side of a lot abutting a midblock crosswalk; and
- (D) Restrictions requiring buildings to be located within the building lines shown on the plat shall be set forth on the plat or on a separate recorded instrument.



(`93 Code, § 12-446) (Ord. 1041, passed 4-12-83)

§ 156.069 DRAINAGE.

(A) These regulations and standards are designed, intended and should be administered in a manner to protect the various drainage areas in the city from flooding; to provide clean and sanitary channels for runoff; to prevent pollution of watersheds, streams and natural drainage channels; to prevent the encroachment of buildings and improvements on natural drainage channels; to equitably apportion the cost of improvements; to protect natural scenic areas; and to provide for the conservation of the natural resources of the area and to fulfill the requirements of the flood insurance administration. The regulations and standards herein contained shall apply to the incorporated area of the city. All subdivisions of land and all improvements of any character which affect drainage in any portion of the city shall be subject to the provisions of these regulations and be subject to approval by the City Public Works Director or his or her designee. Development within the limits of the 100-year flood shall be designed in such a manner that all finished floor elevations shall be at least one foot above the 100-year floor level; provided, however, that all earth fills within the 100-year flood level shall be approved by the City Engineer; and provided, further, that development within the 100-year flood shall not in any case plan for structures in the floodway as shown on the official flood maps.

- (B) (1) The two classes of drainage channels shall be:
 - (a) Primary drainage channels; and
 - (b) Secondary drainage channels.

(2) In general, it is intended that channels which are designated as primary channels serve a drainage area of 1,000 acres or more. It is intended by these regulations that the improvement of primary drainage channels shall be primarily the responsibility of the community as a whole, since the whole community is materially benefitted. However, the developer of the land containing a primary channel is expected to layout, design and otherwise plan and carry out his or her improvements in a manner that will not interfere with or restrict the natural flow of water or materially change the condition of runoff. Increased runoff and changes in primary channels which are created by improvements of an individual subdivision shall be the responsibility of the developer of the subdivision and shall be made in accordance with the provisions of these regulations. It is intended by these regulations that the improvement of a secondary channel shall be the responsibility of the developer of the area served by the channel, since the primary benefit is to the area served by the secondary channel and not to the community as a whole.

(C) The maximum condition of rainfall for a 100-year interval plus one-foot of freeboard shall be used for the purposes of determining all runoff for the sizing of drainage channels and structures for the city, unless otherwise specified herein. Values used in formulas for runoff and size of drainage structures shall reflect the degree of urbanization set forth in the projected land use pattern contained in the comprehensive plan for the city. The following formulas and values shall be used for calculating all stream flow and runoff for the policies and regulations established herein:

(1) Runoff from all drainage areas shall be determined by Rational Formula:

$Q = AIR$, in which

Q = Cubic feet per second

A = Area to be drained in acres, determined by field surveys for areas less than 1,000 acres and by latest government quadrangle maps for larger areas

I = Percent of imperviousness of the area may vary between 40% and 95%

R = Rate of rainfall over entire drainage area in inches per hour, based on time of concentration and latest government records for area (using 100-year storm plus one foot for primary and secondary channels).

(2) The size of closed storm sewers, open channels, culverts and bridges shall be determined using the Manning Formula:

$Q = \frac{1.486A r^{2/3} s^{1/2}}{n}$

Q = Discharge in cubic feet per second

A = Cross-sectional area of water in conduit in square feet

r = Hydraulic radius of water in conduit

s = Mean slope of hydraulic gradient, in feet of vertical rise per foot of horizontal distance

n = Roughness coefficient, based on condition and type of material of conduit lining, but not less than 0.013.

(D) All primary drainage channels which are located within, or immediately adjacent to an improvement or a subdivision shall be protected and improved by the developer as follows:

(1) All land having an elevation below the 50-year maximum flood elevation and not protected by levies or dikes shall be dedicated to the city for the purpose of providing drainage and for public park and utility easement use. The developer may retain unto himself or herself an

easement for landscaping, for installation and maintenance of ornamental elements and for fencing. Access for proper maintenance to the area of the 100-year flood shall not be obstructed;

(2) The existing channel laying within or immediately adjacent to the subdivision shall be cleaned to provide for the free flow of water, and the channel shall be straightened, widened and improved to the extent required to prevent overflow beyond the limits of the dedicated drainage area;

(3) Site improvement shall provide for the grading of all building sites and streets to an elevation where all lots, building areas and streets will not be subject to overflow and in a manner that will provide for the rapid runoff of all rainfall;

(4) Whenever channel improvement is carried out, sodding, back-sloping, cribbing and other bank protection shall be designed and constructed to control erosion for all the anticipated conditions of flow for the segment of channel involved. Planting of appropriate species for landscape beauty is encouraged;

(5) A drainage channel shall not be located in a street easement unless it is placed in an enclosed storm sewer; and

(6) Culverts, bridges and other drainage structures shall be constructed in accordance with the specifications of the city at all locations where drainage channels intersect with continuous streets or alleys.

(E) Surface drainage and all secondary channels within or adjacent to the addition shall meet the following conditions:

(1) When a subdivision is traversed by a secondary drainage channel, watercourse or stream which drains 160 acres or more of land, there shall be provided a right-of-way for drainage and public parks and public utility purposes adequate to contain all of the floodway of a 100-year maximum flood. The right-of-way shall include all of the land within the subdivision that is within the floodway as established by the official flood maps;

(2) Secondary drainage channels which have a primary function of collecting surface water from adjacent properties or intercepting and diverting side hill drainage shall be provided with an improved open channel;

(3) Secondary drainage channels which have a primary function of transporting water through the block or collecting water from cross channels and which have a drainage area of less than 40 acres shall be improved with closed storm sewers or an improved open channel when approved by the City Engineer of the city. Where the secondary drainage channel has a drainage area of greater than 40 acres, an improved open channel or closed storm sewer shall be provided;

(4) A drainage channel shall not be located in a street easement unless it is placed in a closed storm sewer;

(5) Site grading shall be carried out in such a manner that surface water from each lot will flow directly to a storm sewer, improved channel or paved street without crossing more than two adjacent lots;

(6) Surface water collected on streets shall be diverted to storm drains at satisfactory intervals to prevent overflow of six-inch high curbs during a ten- year frequency rain for the area and grades involved.

However, the minimum finished grade at the building line shall be such that it will not be affected by storms equivalent to a 100-year frequency plus one foot of freeboard;

(7) Drainage area allowed for surface flow on streets at a point of diversion shall not exceed 20 acres, regardless of flow;

(8) Drainage easements of satisfactory width to provide working room for construction and maintenance shall be provided for all storm sewers;

(9) Channel improvements shall be as follows:

(a) Open channels shall be improved by providing a paved section that will carry the runoff from a rain of 5-year frequency and a sodded section to carry the runoff from a rain of 10-year frequency. However, the minimum finished grade at the building line shall be such that it will not be affected by storms equivalent to a 100-year frequency plus one foot of freeboard. The design of the channel improvements shall be in accordance with the standards set forth on the three following figures. Where turbulence is sufficiently limited, where natural beauty is thereby preserved and where erosion will not result, the Planning and Zoning Commission may approve omitting the paved section; and

(b) Whenever an open improved channel is required or authorized for a secondary drainage channel under the provisions of these regulations and the channel crosses large residential lots (area of not less than 10,000 square feet) and the channel improvement is to be designed as an integral part of the landscaping of the area that will be maintained by the property owners of the area, then the City Council may modify the requirements of the first part of this provision to permit a channel improvement design in accordance with the third of the design alternatives shown.

(F) Requirements relating to improvements:

(1) Easements. All storm drainage features shall be placed in proper easements as set out in these regulations;

(2) Bridges and culverts. Bridges and culverts shall be as follows:

(a) All flow of water across continuous streets or alleys shall be through culverts or bridges;

(b) Bridges and culverts on primary drainage channels shall be sized to accommodate a 100-year frequency rain, plus one foot of freeboard, based on the drainage area involved;

(c) Bridges and culverts on secondary drainage channels which drain 160 acres or more of land shall be sized to accommodate a 100-year frequency rain, plus one foot of freeboard, based on the drainage area involved. However, a 50-year frequency may be used when overflow provisions are incorporated to accommodate a 100-year frequency rain;

(d) Bridges and culverts on secondary drainage channels which drain less than 160 acres of land shall be sized to accommodate a 10-year frequency rain, based on the drainage area involved; provided, that all building elevations shall have one foot of freeboard above overflows of the 100-year storm;

(e) Design of bridges and culverts shall be submitted to and have the approval of the City Engineer;

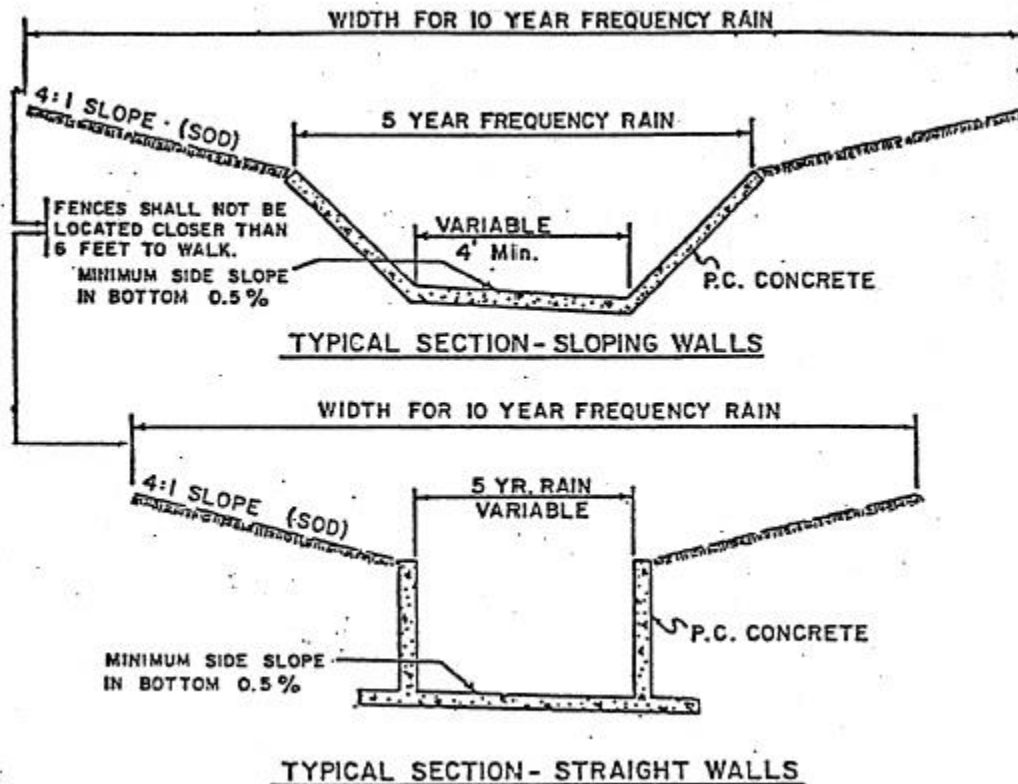
(3) Closed storm sewers. Closed storm sewers shall be constructed of pre-cast or pre-fabricated pipe or built in place of closed box design to serve a ten-year frequency rain for the drainage area involved; and

(4) Open paved storm drainage. Open paved storm drainage channels shall be approved in accordance with specifications approved by the City Engineer. Side slopes above the paved section shall be shaped and sodded on a slope of four horizontal to one vertical or flatter. Fences capable of limiting water flow or which would prevent proper maintenance and care of the drainage facility shall not be erected below the shoulder of the sodded section. Retaining walls or

other decorative elements which do not prevent necessary access for maintenance may be erected.

(G) The City Council reserves the right to require improvements, provisions of drainage easements and for provisions of agreements beyond the boundaries of the addition to facilitate flow of water through the addition and to provide continuous improvement of the overall storm sewer system.

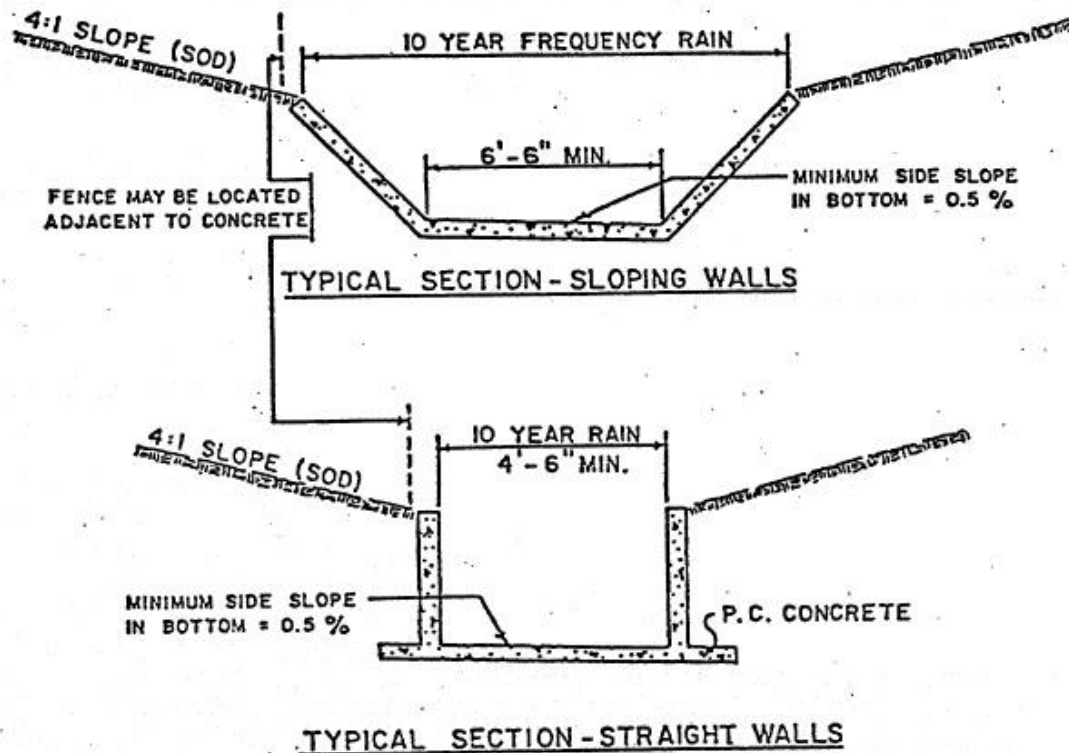
IMPROVED DRAINAGE CHANNEL



General Specifications

1. Use of sloping walls or straight walls is optional.
2. Construction of concrete lining shall conform to city specifications.
3. Straight walls shall be designed to withstand earth pressures.
4. Sloping walls shall have slope ratio of 1 horizontal to 1 vertical, or flatter.
5. Sodded slope ratio shall be 4 horizontal to 1 vertical, or flatter.
6. Concrete liners shall be structurally designed for calculated hydraulic load to be minimum 4 inches - maximum 6 inches of 3,500 lb. concrete.

IMPROVED DRAINAGE CHANNEL



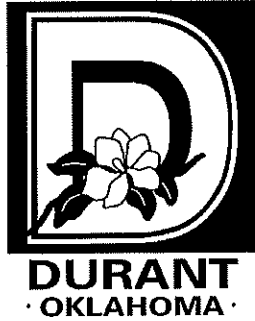
General Specifications

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IMPROVED DRAINAGE CHANNEL

General Specifications

1. Slopes back of curb shall have a ratio of 4 horizontal to 1 vertical, or flatter.
 2. Slopes shall be sodded uniformly to permit mowing.
 3. Concrete construction shall conform to city specifications.
 4. This section shall be constructed only in those locations outlined in general policies and requirements.
 5. Concrete liners shall be structurally designed for calculated hydraulic load to be minimum 4 inches - maximum 6 inches of 3,500 lb. concrete.
- (`93 Code, § 12-447) (Ord. 1041, passed 4-12-83)



THE CITY OF DURANT

Office of Community Development

Date: 05/03/2022
To: Planning Commission
Case: PC 2022-14
From: Danielle O'Neal, Community Development Director
Re: Preliminary Plat Extension for property located near Washington Ave and Mockingbird Ln

Request: Consider a request from Raquel Schmitz, for an extension of the preliminary plat located near Washington Avenue and Mockingbird Lane

Current Zoning: R-1, Single Family Residential

Surrounding Properties:

Direction	Zoning	Use
North	A-1 / R-1	Single Family Residential
East	C-2	Vacant Property
South	C-2	Commercial Uses
West	A-1	Single Family Residential

Lot Characteristics: (Proposed Lot)

Width	~ 680 ft.
Depth	~1,670 ft.
Total Area	~26 acres (~1,135,600 sq. ft.)

Applicant: Raquel Schmitz

Background: The applicant approached staff requesting a 180 day (6 month) extension on a preliminary plat. The applicant is requesting an extension in order to confirm if water will be available for this development. This property is served by a rural water district, and the developer recently was told that the water capacity is not currently available for this development. The rural water district and developers are working to complete a study to confirm if anything can be done to improve the water capacity in order to serve the anticipated homes. Therefore, the applicant is requesting additional time for the study to be completed.

This preliminary plat was originally approved on April 16, 2018. The plat received a 12-month extension in 2020 as well as 2021. No changes are being requested to the approved preliminary plat.

Analysis: The subject property is already a part of an approved preliminary plat that expired in April 2022. Per City Ordinance §155.021, if a final plat is not filed for all or part of the land shown in the preliminary plat within two years upon approval, then all approvals become void.

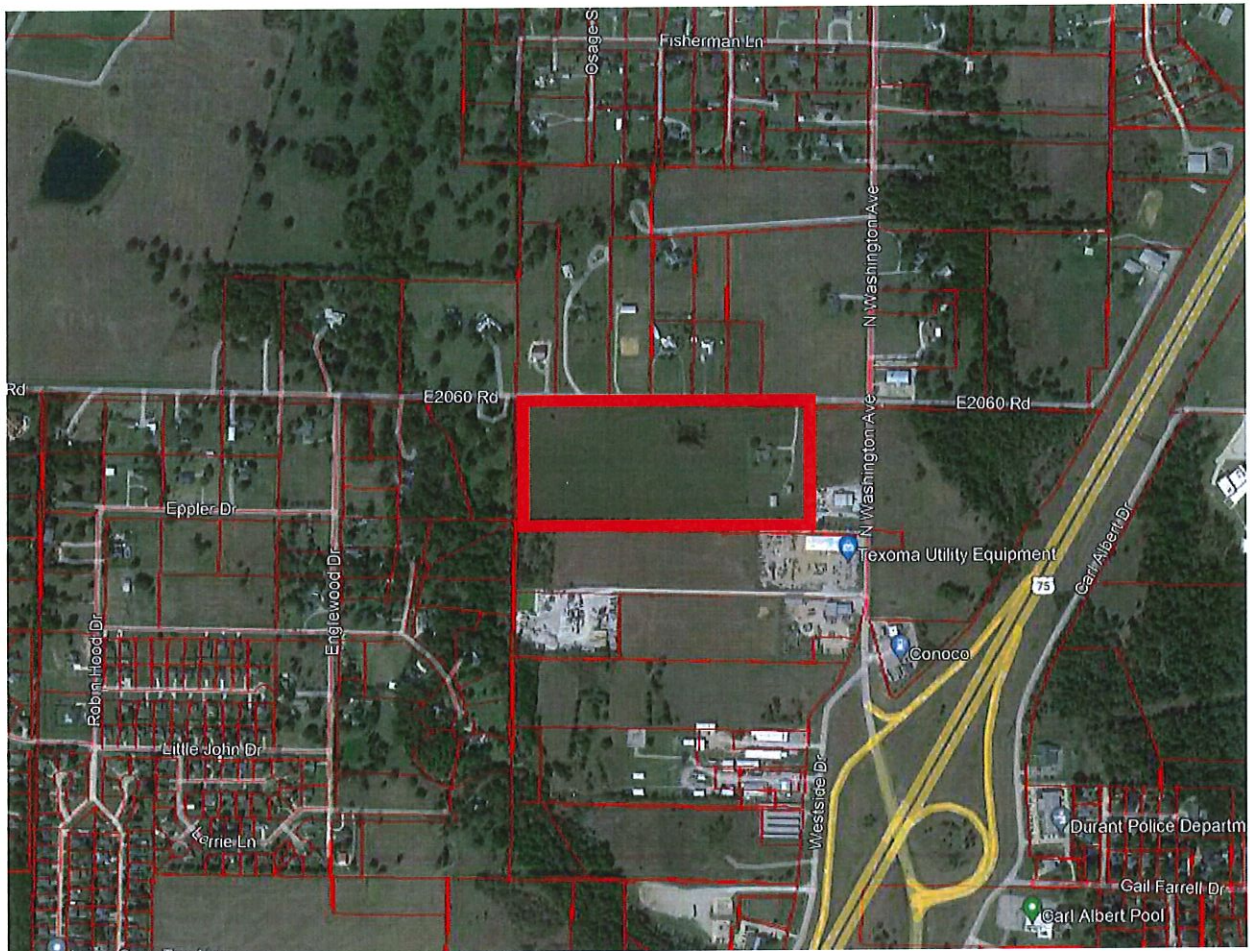
§155.027 offers the possibility of an extension or reinstatement procedure through a public meeting of the Planning Commission and to be heard by the City Council. This provides the Planning Commission to make a recommendation and City Council to decide on whether to extend or reinstate an existing plat.

The applicant has previously stated delays that has occurred revolving around supply shortages and the ability to find a developer or buyer for the property. This past year they have found an interested party to purchase and develop the property; however, it was recently discovered about the water capacity being an issue for this development.

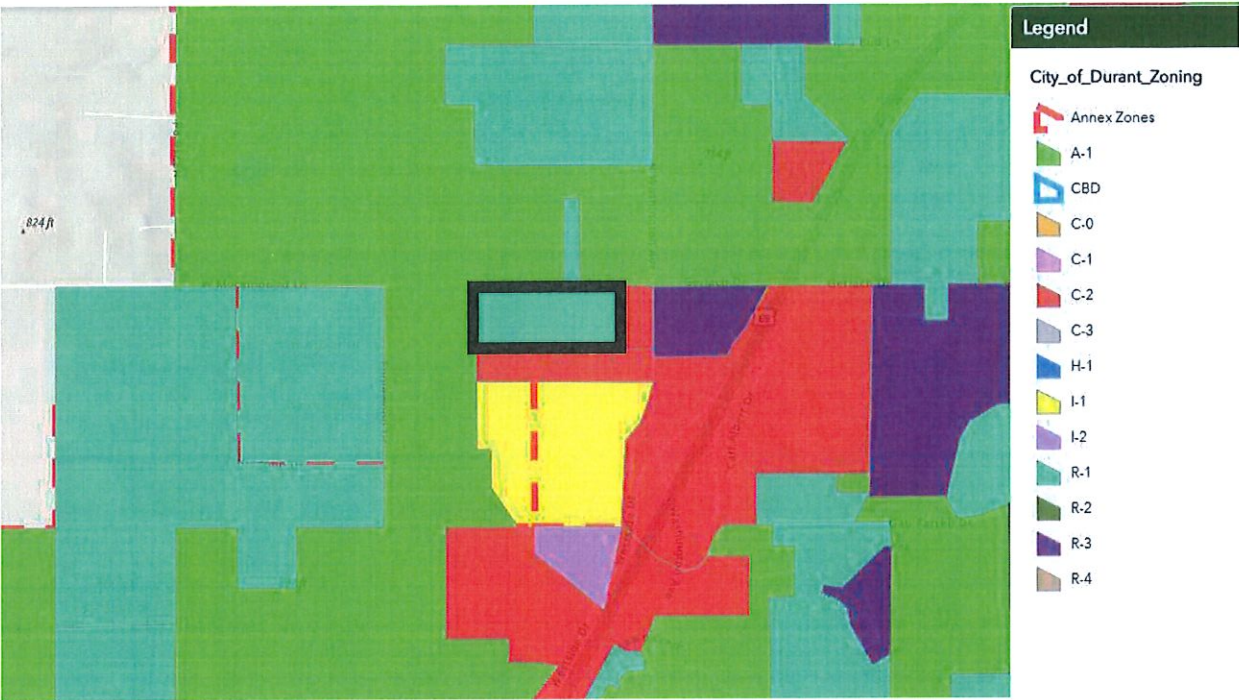
Staff Recommendation: Staff does not have any issues with the extension,

Required Action: Hold a public hearing and recommend approval or denial of the preliminary plat extension/reinstatement of 180 days (6 months) for property located near Washington Avenue and Mockingbird Lane. Any specific conditions imposed by the Commission should be read into any approval motion.

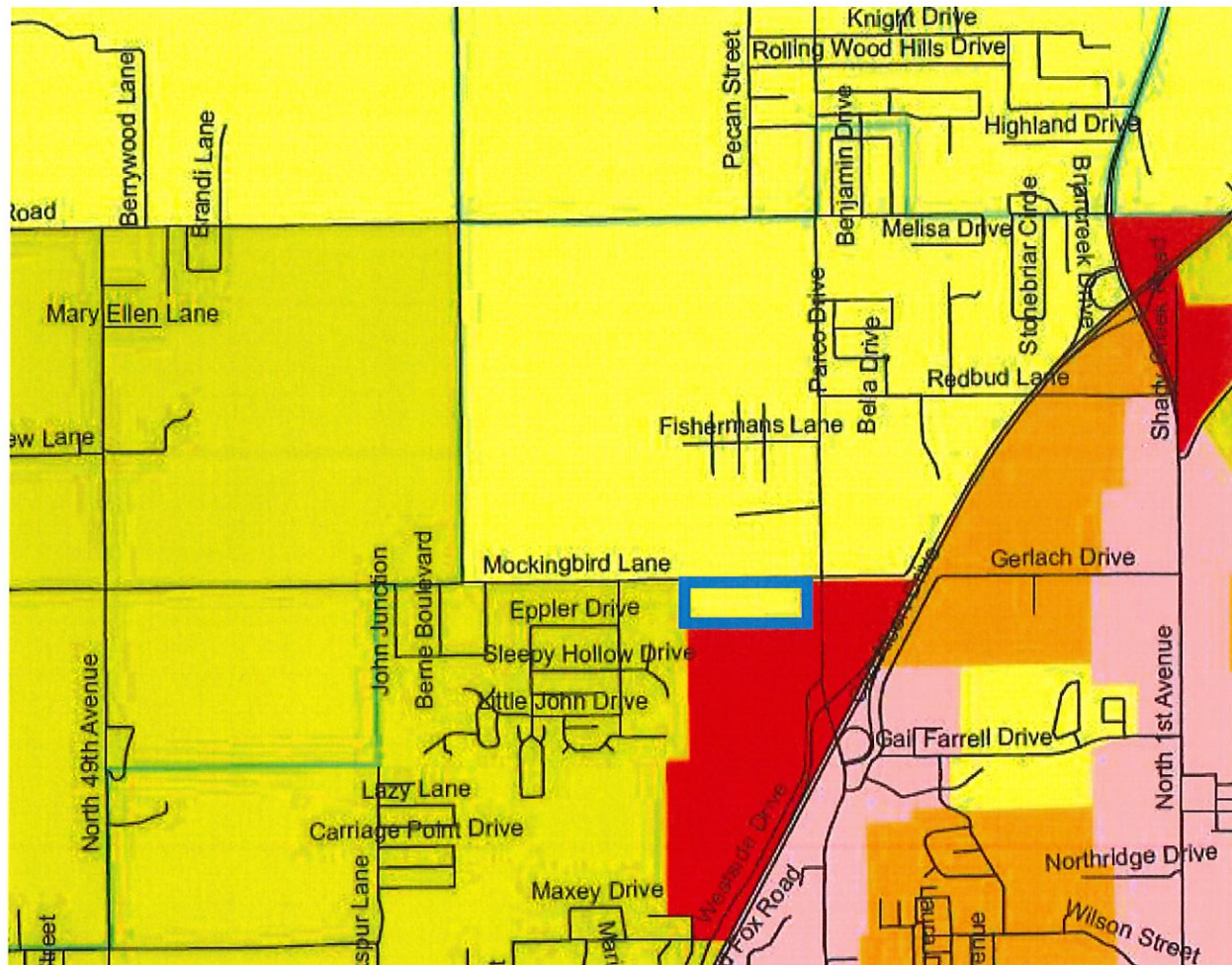
Aerial Map



Zoning Map



Future Land Use Map



Location is approximate

Future Land Use



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 29th day of March, 2018 and that an agenda of said meeting was posted at the place of such meeting at 4:57 p.m. on the 2nd day of April, 2018. Amended agenda posted at the place of such meeting at 4:35 p.m. on the 12th day of April, 2018.

**MINUTES OF THE SPECIAL MEETING OF DURANT CITY Council
Special Meeting OF April 16, 2018 AT 5:00 PM, 300 West Evergreen,
Large Conference Room, Durant, OK**

CALL TO ORDER

Mayor Tomlinson called the meeting to order at 5:03 p.m.

INVOCATION/FLAG SALUTE

City Manager Tim Rundel provided the invocation. There was no flag salute.

ROLL CALL

Present: Council Member Destry Hawthorne	City Attorney Tom Marcum
Council Member Oden Grube	City Manager Tim Rundel
Council Member Mike Dills	City Clerk Cynthia J. Price
Vice-Mayor Chad Hitchcock	
Mayor Jerry Tomlinson	

Absent: None

(*denotes partial attendance)

Mayor Tomlinson declared a quorum.

1. Consider Approval of PC2017-16 a Preliminary Plat for Property Located Near Washington and Mockingbird

Approved

PUBLIC HEARING -

Matt Nahrstedt, City Planner and Community Development Director, addressed council and stated on November 17, 2017, Raquel Schmitz filed an application requesting approval of a preliminary plat to facilitate the construction of a phased neighborhood of single-family homes. City staff has reviewed the preliminary plat and found no discrepancy. The Planning Commission recommended this plat for approval with a 4-0-0 vote

with one member absent on December 19, 2017. City Council voted 2-2-0 on this request with one member absent on February 13, 2018. Mr. Nahrstedt stated this is a 27 acre property.

Hearing opened to public:

Brenda Shipman - clarify number of lots;

Jerry Combrink - not in opposition to development; in opposition to number of houses and traffic impact;

Gerald Daniels - traffic impact; In favor of development;

Mike Morris - in opposition to development;

Bill Waddell - in opposition to development; lot size, air quality concerns;

Mark Swearengin -in opposition; lot size;

John Kilpatrick - in opposition; lot size, traffic impact.

Discussion from council. Marty Cook, Public Works Director, stated the proposed lots would be 8400 square feet in size.

Eric Schmitz, Developer, addressed council and audience.

Mike Morris;

Brenda Shipman;

Mark Swearengin;

Bill Waddell;

John Kilpatrick;

Eric Schmitz;

Brenda Shipman;

Don Lasawyer - retention pond;

Sam Aldridge - sewer system.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve PC2017-16, a preliminary plat for property located near Washington and Mockingbird. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Tomlinson

Nays: Dills, Grube

2. Consider Approval of Contract Between the City of Durant and the Durant Industrial Authority

Approved

City Attorney Tom Marcum addressed council and stated the contract before them for consideration is the latest version which was approved by the Durant Industrial Authority Board of Directors after the April 4, 2018 Special Called City Council Meeting. Council Member Grube stated her position that it was permissible under Section 9 of Ordinance 1408 to make changes to the ordinance to



The City of Durant

Office of Community Development

Memorandum

Date: 3/26/2018
To: Mayor and City Council
From: Matthew Nahrstedt, LEED GA, Community Development Director and City Planner
Re: Consider Approval of PC2017-16 a Preliminary Plat for Property Located Near Washington and Mockingbird

On November 17, 2017 Raquel Schmitz filed an application requesting approval of a Preliminary plat for property located near Washington Ave and Mockingbird Lane.

This division of property is to facilitate the construction of a phased neighborhood of single-family homes.

Staff has reviewed the preliminary plat and found no discrepancy and will be happy to discuss any concerns regarding this request.

Prior to City Council's regular meeting on February 13, 2018, staff received two citizen visits, three emails, one phone call and one petition with 94 signatures from last year's rezoning request expressing concerns with this request at the time of the memo. Staff has received two additional citizen emails expressing concerns at the time of this memo for the City Council special meeting.

Planning Commission recommended this plat for approval with a 4-0-0 vote with one member absent on December 19th, 2017.

City Council voted 2-2-0 on this request with one member absent on February 13, 2018.

Council Information / Action Requested

To approve or deny preliminary plat.

City Staff Information / Action Follow-up, if Council authorizes this action:

Community Development to notify applicant.

ATTACHMENTS:

Description

[PC2017-16 Preliminary Plat](#)

[Preliminary Plat PP](#)

Type

Cover Memo

Presentation

Upload Date

4/12/2018

4/13/2018

Subdivision/Plat Application

Preliminary Plat: ☐
Final Plat: ☒

Petition # PC 2017-16
Fee \$ 300
Expedited Fee \$ _____

APPLICANT INFORMATION

Name:	<u>RAQUEL SCHMITZ</u>		Email:	<u>raquelschmitz@gmail.com</u>	Phone #1	
Mailing Address:	<u>3505 TURTLE CREEK BLVD 11E</u>		Phone #2	<u>580-720-6603</u>		
City:	<u>DALLAS</u>	State:	<u>TX</u>	Zip:	<u>75219</u>	Fax #
Applicant's Interest In Property: <u>TRUSTEE</u>						

SURVEYOR INFORMATION

Name:	<u>Oberst Bennett</u>		Email:	<u>BENNETT1471@ATT.NET</u>	Phone #1	<u>580-564-4458</u>
Mailing Address:	<u>303 N. Choctaw St.</u>		Phone #2			
City:	<u>Kingston</u>	State:	<u>OK</u>	Zip:	<u>73439</u>	Fax #
Surveyor Oklahoma License Number: <u>RPLS NO. 1471</u>						

ENGINEER INFORMATION

Name:	<u>BARKER ENGINEERING</u>		Email:	<u>JAMIE@BARKERENGINEERS.COM</u>	Phone #1	<u>580-931-7045</u>
Mailing Address:	<u>3902 W. University Blvd</u>		Phone #2			
City:	<u>DURANT</u>	State:	<u>OK</u>	Zip:	<u>74701</u>	Fax #
Engineer Oklahoma License Number: <u>RPLS No. 1 - ON FILE WITH CITY OF DURANT</u>						

LAND INFORMATION

Legal Description:	<u>26.99 ACOS</u> <u>SEE ATTACHMENT A //</u>	Parcel Number:	
Proposed Subdivision Name:	<u>MULLINS ADDITION</u>	Current Zone:	
Proposed Use:	<u>RESIDENTIAL</u>	Proposed Zone:	
Current Property Owner's Name: <u>NONA L. MULLINS TRUST</u>			

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

Applicant: Raquel Schmitz Date: 11-17-17

Office Use Only

Date Filed	Date Payment Received	Notification Mailed	Comments
Initial <u>11/20/17</u> <u>[Signature]</u>	Initial	Date Initial	
Proof of Publication Received	Property Posting Verified	Comprehensive Plat Recommendation	
Date Initial	Date Initial		
Staff Recommendation	PC Recommendation	City Council Action	Ordinance #
☐ Approve ☐ Deny	☐ Approve ☐ Deny	☐ Approve ☐ Deny	

APPLICATION WILL NOT BE CONSIDERED COMPLETE WITHOUT THE FOLLOWING INFORMATION ADDRESSED:

Please, describe the nature and operating characteristics of the proposed use:

Residential - 70ft lots

STATE HOW THE FOLLOWING ISSUES WILL BE ADDRESSED:

1. Parking:

N/A

2. Screening of offensive areas (trash, loading areas, transformers, utility connections, detention ponds, etc.).

N/A

3. Traffic Impacts:

Revised Plan allows 2 access points
versus 5. onto Mockingbird which
was in original plan

4. Protection of Neighborhoods:

Durant Police & Fire Departments

What licenses and permits (if any) are required for this proposed use?

N/A

Please list or describe any other reasons to support this Subdivision/Final Plat Application.

Already Approved by Council

April 25, 2022

To:

The Honorable Oden Grube
The Durant City Council and
The Durant Planning and Zoning Committee

RE: The Reserve Plat Extension Request

We hereby respectfully request a one hundred eighty-day (180) day extension for the current preliminary plat for the Mullins Trust Property known as The Reserve located at the southwest corner of Mockingbird and Washington in Durant, Oklahoma.

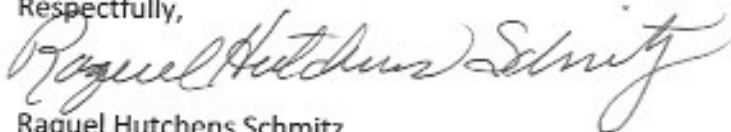
The property is currently in contract with Camden Homes, a large reputable home builder based in DFW. Tommy Kramer, a local consultant, has been hired by Camden Homes to coordinate utility services to the development with the various utility vendors. In a recent meeting between Mr. Kramer and the Oklahoma Rural Water Association it was discovered that neither the City of Durant nor Oklahoma Rural Water has adequate water capacity to service the development. This is contrary to what Mr. Marty Cooke, who was with the City of Durant at the time, had previously told us. The lack of water capacity is due to a new housing development on Mockingbird that was recently approved.

As a result, Camden Homes and Oklahoma Rural Water have agreed to study the possibility of a joint venture to construct off-site improvements to the system that will insure water supply to the development. This effort will require further engineering studies as well as costing of materials and labor to determine if the joint venture is economically feasible because of supply chain, materials and labor issues.

This study will require additional time for the developer and its engineer, Wayne Barker and Associates of Durant, the Oklahoma Rural Water's engineer, located in of Oklahoma City, as well as the City of Durant to study and approve the proposal.

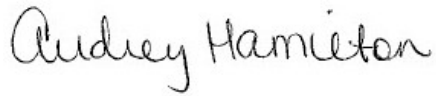
We thank you in advance for your thoughtful consideration of this request. We will be happy to answer any questions you may have. Please feel free to contact me at 580-920-6603 or by email at raquelschmitz7@gmail.com.

Respectfully,



Raquel Hutchens Schmitz
Trustee of the Mullins Trust

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 17th day of March, 2021 and that an agenda of said meeting was posted at the place of such meeting at 09:00 a.m. on the 23rd day of April, 2021.



Audrey Hamilton, City of Durant

MINUTES OF THE MEETING OF DURANT PLANNING COMMISSION
April 27, 2021 AT 5:30 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 5:33 p.m.

INVOCATION/FLAG SALUTE

Pastor Williams provided the invocation. Commission Member Knight led the flag salute.

ROLL CALL

Present:

Planning Commission Chairman Kevin Keener

Planning Commissioner Clent Horner (appeared at 5:38 p.m. after official roll call)

Planning Commissioner Shane Knight

Planning Commissioner Whitney Kerr

Absent:

Planning Commission Vice Chairman Drew Jackson

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 March 16, 2021

Motion was made by Commission Member Kerr and seconded by Commission Member Knight to approve the March 16th and March 31st minutes.

Motion Passed with the following vote:

Ayes: Keener, Horner, Knight, Kerr

Nays: None

Abstain: None

- b. CONSIDER APPROVAL OF SPECIAL MEETING MINUTES of March 31, 2021
- c. 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. Staff has had further discussion regarding the meeting dates and the length of time that it takes to go through the public hearing process. The applicant currently has a minimum 25-day period of time before they are able to come before the Planning Commission. Twenty (20) days is mandated by state statutes and the remaining five (5) is there to give staff time to put together the letters, newspaper information, maps, etc. The applicant currently waits an additional fourteen (14) days in between the Planning Commission and City Council meeting dates. Staff would like to have consideration of moving the date of the Planning Commission meeting to one week before the City Council meeting. This would make the Planning Commission date the first Tuesday of each month.

Motion was made by Commission Member Knight and seconded by Commission Member Horner to move the Planning Commission regular meeting date to the first Tuesday of the month beginning with the June meeting.

Motion Passed with the following vote:

Ayes: Keener, Horner, Knight, Kerr

Nays: None

Abstain: None

2. Administration

- a. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION on PC2021-14 a request of an extension of the preliminary plat located near Washington and Mockingbird.

Danielle O'Neal reviewed with the Planning Commission members a request from Raquel Schmitz for an extension of the preliminary plat located near Washington Ave and Mockingbird Lane. The original preliminary plat was approved on April 16, 2018 and they received a 12-month extension last year. The applicant is requesting a 12-month extension. No changes are being requested to the approved preliminary plat.

Eric Schmitz spoke in support.

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: Keener, Horner, Knight, Kerr

Nays: None

Abstain: None

b. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION on PC2021-15
Amending Chapter 156 Regarding platting approvals

Danielle O'Neal reviewed with the Planning Commission members a request to amend Chapter 156 of the Durant Code of Ordinances regarding platting approvals. Staff has been reviewing and working to fix any errors or major issues within our current code of ordinances over the past few months. During this time, staff discovered that currently Chapter 156 is not fully in compliance with state statutes for how plats are approved. After discussion with the City Manager and City Attorney, it was decided to move forward with amending Chapter 156 so that the approval authority can be changed to reflect state statutes. No public notifications are required.

Motion was made by Commission Member Kerr and seconded by Commission Member Knight to table the item until the City Attorney has time to review and bring back for the June meeting.

Motion Passed with the following vote:

Ayes: Keener, Horner, Knight, Kerr

Nays: None

Abstain: None

3. Public Hearings

a. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION on PC2021-08 a
Rezoning request from A-1, General Agriculture to R-2 Two-Family Residential
and a Preliminary Plat for property located near Cemetery Road and Rodeo
Road

Danielle O'Neal reviewed with the Planning Commission members a rezoning request from A-1, General Agriculture to R-2, Two-Family Residential and Preliminary Plat Request for property located near Rodeo Road and Cemetery Road. The subject property is approximately 5 acres in total, and the current preliminary plat shows

approximately 8 half acre lots. The applicant is planning to have duplex style homes built on each lot. Each lot will have an aerobic septic system and will be permitted through Oklahoma Department of Environmental Quality. City waters runs along Rodeo Road and the applicant shows a water line to go into the development. Water runoff is expected to run along the East side of the property and will be engineered by a licensed engineer. The Fire Marshal has stated that they will need to add one new fire hydrant inside the development. Once they have an engineered plan for a water line and for runoff, staff will ensure the City Engineer reviews and approves those plans. The current Land Use Map has this area as Agricultural; therefore, this request is generally not in compliance with the Comprehensive Plan. However, it should be noted that the Future Land Use Map and Comprehensive Plan are still being updated and this area could potentially change. No letters or comments have been received by staff at this point in time.

Brad Aycock, Representative of applicant, spoke in support.

Dustin Wolf spoke in support.

Sandra Levins spoke in opposition.

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

Motion Passed with the following vote:

Ayes: Keener, Horner, Knight, Kerr

Nays: None

Abstain: None

- b. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION on PC2021-10 a Rezoning request from R-3, General Residential to C-2 Highway Commercial and Commercial Recreation District for property located at 211 S 1st. Street

Danielle O'Neal reviewed with the Planning Commission members a rezoning request from R-3, General Residential to C-2, Highway Commercial and Commercial Recreation for property located at 211 S. 1st Avenue. The applicants want to convert a condemned dwelling into an operating commercial facility. The subject property is approximately 3,600 square feet and currently has a house on the lot. The area is made up of a mixture of Commercial Zoned, Industrial Zoned and Residential Zoned properties. The subject property does not meet the requirements for lot area that is required within the requested zoning type. It should also be noted that the lot does not meet the lot size requirements for the current zoning district either. The current Land Use Map has this area as general commercial land uses; therefore, this rezoning request is in compliance with the Comprehensive Plan. No letters or comments have been received by staff at this point in time.

Charles Maxey, Applicant, spoke in support.

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, Horner, Knight, Kerr

Nays: None

Abstain: None

- c. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION on PC2021-11 Rezoning request from R-3 General Residential to C-3 General Commercial for property located at 106 SE 3rd Avenue

Danielle O'Neal reviewed with the Planning Commission members a rezoning request from R-3, General Residential to C-3, General Commercial for property located at 106 SE 3rd Street. The applicants want to place a dispensary on the lot where there is currently a gas station. The subject property is approximately 16,240 square feet and currently has a gas station on the lot. The area is made up of a mixture of Commercial Zoned and Residential Zoned properties. The subject property does meet the requirements for lot area that is required within the requested zoning type. It should also be noted that the current use of this property is not in compliance with current zoning ordinances. The current Land Use Map appears to have this area as high density residential land uses; therefore, this rezoning request is not in compliance with the current Comprehensive Plan. However, it should be noted that the Future Land Use Map and Comprehensive Plan are still being updated and this area could potentially change. Staff has received one email opposing this request at this point in time.

Pastor Anthony G. Williams spoke in opposition.

Cathy Lucas spoke in opposition.

Beulah Boffman spoke in opposition.

Wanda Cummings spoke in opposition.

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

Motion Passed with the following vote:

Ayes: Keener, Horner, Knight, Kerr

Nays: None

Abstain: None

- d. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION on PC2021-12
Rezoning request from A-1 General Agriculture to I-1 Light Industrial for
property located near Hillcrest Avenue and McLean Drive

Danielle O'Neal reviewed with the Planning Commission members a rezoning request from A-1, Agriculture to I-1, Light Industrial for property located near Hillcrest and McClean. The applicants want to rezone this property for potential future industrial uses on the lot. The subject property is approximately 20 acres and currently is a vacant lot. The area is made up of a mixture of Industrial Zoned and Residential 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 low density residential land uses; therefore, this rezoning request is not in compliance with the current Comprehensive Plan. However, it should be noted that the Future Land Use Map and Comprehensive Plan are still being updated and this area could potentially change. No letters or comments have been received by staff at this point in time.

Lisa Taylor, Durant Industrial Authority Director, spoke in support.

Cathy Lucas spoke in opposition.

Wanda Cummings spoke in opposition.

John Last Name (inaudible) spoke in opposition.

Beulah Boffman spoke in opposition.

Dwight Vanderbien spoke in opposition.

Zim Spencer spoke in opposition.

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: Horner, Knight, Kerr

Nays: Keener

Abstain: None

- e. 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. Staff has made several changes including creating an action item table rather than having the

action items within the document itself. There were other changes made within the Comprehensive Plan to give clarification, added in some items that would further help support the effort of Blue Zones. Staff was also able to complete a Future Land Use Map that includes a 3-mile buffer around city limits. Staff created a future land use map that incorporates mixed use, expands the CBD District and introduces mixed residential. The commercial area that was near the Sports Complex was changed to match the area and is now recreation. This recreation area could be anything as it pertains to recreation.

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: Keener, Horner, Knight, Kerr

Nays: None

Abstain: None

4. New Business

There was no new business.

ADJOURNMENT

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

Motion Passed with the following vote:

Ayes: Keener, Horner, Knight, Kerr

Nays: None

Abstain: None

§ 155.021 TIME LIMITATIONS.

(B) *Preliminary plats.* The applicant shall submit to the Community Development Department four copies including a digital copy of the preliminary plat and one copy of the preliminary plat checklist 15 days before the Planning Commission meeting at which consideration is requested. At the option of the applicant, a preliminary plat may be submitted without the necessary improvement plans with a request for conditional approval from the Planning Commission. A notice of public hearing shall be published in an official paper or a newspaper of general circulation in the city at least 15 days prior to the date of the public meeting. Notice shall be mailed to all owners of property located within 300 feet of the subject property as provided by a certified abstractor's list at the applicant's cost at least 20 days prior to the hearing. At the option of the applicant a preliminary plat may be submitted without the necessary improvement plans with a request for conditional approval from the City Council after receiving a recommendation from the Planning Commission. After the granting of a conditional approval of such a partial submission of a preliminary plat, the applicant shall submit the necessary improvement plans within six months. If the improvement plans are not submitted within six months, all conditional approvals shall be void. The Planning Commission and the City Council shall act upon all submissions related to the preliminary plats within 75 days of the receipt of materials or the plat shall be considered to have been approved. If a final plat covering all or part of the land shown in a preliminary plat has not been filed with the Community Development Department within two years after the approval of the preliminary plat, then all approvals shall be void.

§ 155.027 EXTENSION AND REINSTATEMENT PROCEDURE.

(A) Sixty days prior to or following the lapse of approval for a sketch plat, preliminary plat, or final plat as provided in these regulations, the property owner may petition the Planning Commission and the City Council to extend or reinstate the approval. Such petition shall be considered for recommendation at a public meeting of the Planning Commission and shall be considered at the City Council.

(B) In determining whether to grant such requests, the Planning Commission and the City Council shall take into account the reasons for the lapse, the ability of the property owner to comply with any conditions attached to the original approval, and the extent to which newly adopted subdivision regulations shall apply to the plat. The Planning Commission and the City Council shall extend or reinstate the plat, or deny the request, in which instance the property owner must submit a new application for approval.

(C) The Planning Commission and the City Council may extend or reinstate the approval subject to additional conditions based upon newly enacted regulations or such as are necessary to assure compliance with the original conditions of approval. The Planning Commission and the City Council may also specify a shorter time for lapse of the extended or reinstated plat than is applicable to original approvals.

(D) The approval of a preliminary plat for a portion or phase of a sketch plat, or the approval of a final plat for a portion or phase of a preliminary plat, shall not automatically affect the expiration of approval of the sketch plat or preliminary plat as it pertains to the balance of the property. Extensions and reinstatement of a sketch plat, preliminary plat, or final plat may be approved under the provisions of this section.

(Prior Code, § 156.027) (Ord. 1573, passed 11-13-2007; Ord. O-2021-20, passed 8-10-2021)