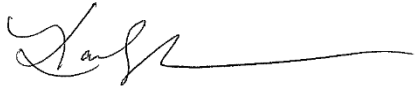


This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 2nd day of November, 2022 and that an agenda of said meeting was posted at the place of such meeting at 10:30 a.m. on the 31st day of March, 2023.



Kari Speers, City of Durant

MINUTES OF THE MEETING OF DURANT PLANNING COMMISSION
April 4, 2023 AT 5:30 PM, Roscoe J. Hatfield
Council Chambers,
300 West Evergreen,
Durant, Oklahoma

CALL TO ORDER

Chairman Jackson called the meeting to order at 5:38 p.m.

INVOCATION/FLAG SALUTE

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

ROLL CALL

Present:

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

Absent:

Planning Commissioner Thomas Newsom

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 7, 2023

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

Motion Passed with the following vote:

Ayes: Kerr, Horner, Knight, Jackson

Nays: None

Abstain: None

2. Consider Items Removed from Consent

3. Information Items

4. Administration

- a. Discussion, Consideration and Possible Action on an Amendment to Section 156.137 (Buildings) of the Durant Code of Ordinances

Staff has been working and researching ordinances that need to be updated and working alongside of Crafton Tull who is working on updating all of our Land Use Ordinances. It was requested that staff examine the ordinance pertaining to the number of buildings allowed on a lot. What staff has done in recent years should someone come in with a project that has multiple buildings on one lot was to have them apply for a Planned Unit Development should the project fit that criteria. The proposed fixes should help until the complete update of the land use ordinances is completed. Staff does not have any issues with this change, and recommends the approval because it will help staff as well as developers. This ordinance will allow for more flexibility.

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

Motion Passed with the following vote:

Ayes: Kerr, Horner, Knight, Jackson

Nays: None

Abstain: None

- b. Discussion, Consideration and Possible Action on an Amendment to Sections 158.14 (A) (1) (Exemptions From Sign Permit Requirements) and 158.19 (A) (B) (Tables) of the Durant Code of Ordinances

Staff has been working and researching ordinances that need to be updated and working alongside of Crafton Tull who is working on updating all of our Land Use Ordinances. It was requested that staff examine the ordinance pertaining to the exemption of official flags such as the flags of the United States, the State of Oklahoma, etc. Staff did research of how other cities handled the official flags. The research showed several cities that do exempt official flags from any requirements, while a couple cities do have various requirements. The request is to exempt official flags from any requirements as long as they do not pose a safety or health hazard and

are not within the public right-of-way. The proposed ordinance change exempts the flags of the United States, the State of Oklahoma, the City of Durant, the Choctaw Nation, foreign nations having diplomatic relations with the United States and any other flag sanctioned by the Durant City Council. Staff does not have any issues with this change, and recommends approval of this change because it does appear most cities are moving in this direction.

Motion was made by Vice Chairman Knight and seconded by Commission Member Kerr to approve the request as presented with the exception that the maximum sign square footage be 500 square feet.

Motion Passed with the following vote:

Ayes: Kerr, Horner, Knight, Jackson

Nays: None

Abstain: None

- c. Discussion, Consideration and Possible Action on Amending Section 156.034 Permitted Uses in Districts to allow stand-alone bars and taverns within the Central Business District.

Staff has been working and researching ordinances that need to be updated and working alongside of Crafton Tull who is working on updating all of our Land Use Ordinances. It was requested that staff examine the ordinance pertaining to allowing stand-alone bars and taverns within the Central Business District. Currently, the ordinance states that within the Central Business District the bar or tavern must serve food. As it is understood, the bar / tavern would be an accessory use to restaurants within the Central Business District, and they are not allowed as a stand-alone. Staff does not have any issues with this change, and recommends the approval as a restricted use to keep it consistent with current language regarding stand-alone bars and taverns within other zoning districts.

Motion was made by Commission Member Kerr and seconded by Commission Member Horner to amend the request as presented to amend the ordinance to allow a stand alone bar or tavern as a restricted use within the Central Business District.

Motion Passed with the following vote:

Ayes: Kerr, Horner, Knight, Jackson

Nays: None

Abstain: None

5. Public Hearings

Chairman Jackson moved to hear Item B before Item A on the agenda.

Motion Passed with the following vote:

Ayes: Kerr, Horner, Knight, Jackson

Nays: None

Abstain: None

- a. Discussion, Consideration and Possible Action on PC2023-05, a Final Plat request for property near Sunnyside Road and Sunny Meadows Drive.

Danielle O'Neal reviewed with the Planning Commission members a request from Kyle Kollmansberger, for a Final Plat for property located near Sunnyside Road and Sunny Meadows Drive. The applicant approached staff regarding the platting of this property with the desire of separating this lot into two lots and building a single-family home on each lot. The subject property is currently approximately a total of 1.4 acres as shown on the plat. The plat shows parcel 1 with 0.55 acres and parcel 2 with 0.86 acres. The current size of the property does not meet the zoning requirements and the applicant is asking for a rezoning that would remedy this. The property is within Rural Water 5's district and staff has received a letter stating that they will be able to serve both properties. There is not city sewer nearby; therefore, the applicant will need to work with the Oklahoma Department of Environmental Quality for septic/aerobic systems. Staff has signed off supporting the approval of this plat. The current Future Land Use map shows this area as low-density residential; therefore, this request is 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 of support or protest regarding this final plat request.

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

Motion Passed with the following vote:

Ayes: Kerr, Horner, Knight, Jackson

Nays: None

Abstain: None

- b. Discussion, Consideration and Possible Action on PC2023-05, a Rezoning request from A-1, General Agriculture to R-1, Single-Family Residential for property near Sunnyside Road and Sunny Meadows Drive.

Danielle O'Neal reviewed with the Planning Commission members a request from Kyle Kollmansberger, for a Rezone request for property located near Sunnyside Road and Sunny Meadows Drive from A-1, General Agriculture District to R-1, SingleFamily Residential District. The applicant approached staff regarding the rezoning of this property with the intention of separating the property into two different lots and building

a home on each of the lots. The lot does not currently meet the requirements for the current zoning district. The aforementioned property is approximately 1.4 acres and currently is a vacant piece of property. The area is made up of a mostly agricultural zoned property; however, there are some residential zoned property within approximately 500 feet of this property. The subject property does meet the requirements for the requested zoning type. Staff recommends approval of the rezoning request since the property does meet the requirements for the requested zoning category and is generally in line with the Future Land Use Map. However, it should be noted this could potentially be seen as a spot zoning. The current Future Land Use Map has this area as low-density residential; therefore, this rezoning request is 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, emails or letters regarding this rezoning request.

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

Motion Passed with the following vote:

Ayes: Kerr, Horner, Knight, Jackson

Nays: None

Abstain: None

- c. Discussion, Consideration and Possible Action on PC2023-07, a Re-Plat request for property near 21st Avenue and Main Street.

Kari Speers reviewed with the Planning Commission members a request from Melissa Huffman, for a Re-plat request for property located near 21st Avenue and Main Street. The applicant approached staff regarding the platting of this property with the desire of building a coffee shop with a drive thru and other potential retail users. The subject property is approximately a total of 0.96 acres as shown on the plat. There is City water and City sewer available. The applicant will work with City Staff for any connections that will be needed. Staff has signed off supporting the approval of this plat. Community Development noted a couple of minor adjustments to the plat that are needed. The plat needs the City Clerk Certificate signature block removed and the name of record owners on unplatted or names of adjacent subdivisions to adjoining parcels of land. Staff recommends approval of the re-plat because it does meet all requirements. Staff has signed off supporting the approval of the re-plat. Staff does recommend that the Planning Commission consider the above adjustments. The current Future Land Use map shows this area as commercial uses; therefore, this request is 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 of support or protest regarding this rezoning request.

Todd D'Amico spoke in support of this item.

Barbara Shipp spoke of concern about surrounding businesses.

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

Motion Passed with the following vote:

Ayes: Kerr, Horner, Knight, Jackson

Nays: None

Abstain: None

- d. Discussion, Consideration and Possible Action on PC2023-08, a Re-Plat request for property near South 2nd Avenue and West Tennessee Street.

Kari Speers reviewed with the Planning Commission members a request from BREI, LLC for a Re-plat request for property located near South 2nd Avenue and West Tennessee Street. The applicant approached staff regarding the platting of this property with the desire of separating this lot into two lots and building a single-family home on one lot and a duplex on the other. The subject property is approximately 0.32 acres, in total, as shown on the plat. The plat shows that lot 1A will be 8,000 sq. ft. and lot 1B will be 6,000 sq. ft. Therefore, both of these lots will meet the requirements for the current zoning. There is City water and City sewer available. The applicant will work with City Staff for any connections that will be needed. Staff has signed off supporting the approval of this plat. : Staff recommends the approval of this re-plat because it does meet all requirements. Staff has signed off supporting the approval of the re-plat. The current Future Land Use map shows this area as low to medium residential; therefore, this request is 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 of support or protest regarding this rezoning request.

Trevor Decaire spoke regarding the water runoff to his property.

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

Motion Passed with the following vote:

Ayes: Kerr, Horner, Knight, Jackson

Nays: None

Abstain: None

- e. Discussion, Consideration and Possible Action on PC2023-11, a Planned Unit Development (PUD) request for property located at 3324 Enterprise Drive.

Danielle O'Neal reviewed with the Planning Commission members a request from

Shannon Walker of People First Industries, for a Planned Unit Development request for property located at 3324 Enterprise Drive. The applicant approached staff regarding a request for a Planned Unit Development (PUD) to place a second building on the lot that will be a new administration / office building that will be adjacent to the current building. The site plan shows a modular building of approximately 82 ft. x 58 ft. placed on the lot. The timing of development hinges upon approval, should that occur, they would then work on gaining approval of a building permit. The aforementioned property is approximately 2.89 acres and currently has a building on the lot. The surrounding area is made up of a mix of Industrial, Commercial and Agriculture Zoned properties. The subject property does meet the requirements for the lot area that is required within the requested Planned Unit Development. Staff members reviewed and most have signed off on this project. Community Development had comments that needed to be addressed on the plat before they could sign off (see attached email). Hopefully, these comments can be addressed before the Planning Commission meeting. An additional item is that the application fee remains unpaid. The development will need to meet the required setbacks and parking as required within ordinance. The Maintenance and Operations Supervisor made a note that the applicant will be using an existing 2-inch water meter and tap into the existing manhole by the parking lot for sewer. The fire marshal made a note that the construction will need to meet the 2018 IFC (International Fire Code). Community Development has a comment that the applicant will be required to obtain a Stormwater Permit from the Oklahoma Department of Environmental Quality (ODEQ) and provide a copy of their permit and Stormwater Pollution Prevention Program (SW3P) plans to city staff before a building permit can be obtained should they disturb greater than 1 acre. Staff cannot recommend approval of the above request because we do not have all of the required information nor application fee at the time of this report. Staff does recommend that the above requests be considered in this request. The current Future Land Use Map has this area as commercial land uses; therefore, this PUD 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 request.

Mike Morris spoke in favor of this item.

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

Motion Passed with the following vote:

Ayes: Kerr, Horner, Jackson

Nays: None

Abstain: Knight

- f. Discussion, Consideration and Possible Action on PC2023-12, a Final Plat request for property located near Washington Avenue and Mockingbird Lane.

Danielle O'Neal reviewed with the Planning Commission members a request from Durant First Church Of The Nazarene, for a Final Plat request for property located near Washington Avenue and Mockingbird Lane. The applicant previously approached staff regarding the platting of this property as well as gaining a Conditional Use Permit with the desire to separate the property into three lots and use the corner approximately 6 acre lot for a new church site. However, they withdrew their application prior to the City Council meeting in hopes of addressing concerns of the third lot that did not meet requirements. For this application, the plat only shows two lots and both of them meet the requirements of the current zoning requirement. They removed the third lot and placed the house on the northern lot. Staff published the platting case and the Conditional Use Permit case separately in hopes of lessening any confusion. The subject property is approximately a total of 16.5 acres and has a house on the property. The applicant has two lots on the plat. The plat indicates that both lots will be over 5 acres. Rural Water District 2 serves the area, and the applicants did obtain a letter from the water district stating that they would be able to serve water to this location. They were notified that they would to find an alternative source for fire suppression, which would be covered by the fire marshal during the plan review. There is no sewer in the area, so they will need to work with the Oklahoma Department of Environmental Quality for septic/aerobic systems. The lots will not need any public infrastructure. Staff has signed off supporting the approval of this plat. The only note made was regarding the alternative source for a fire suppression system. A note was made that should greater than an acre is disturbed that the applicants will need to obtain a Stormwater Pollution Prevention Program and a Stormwater Permit from the Oklahoma Department of Environmental Quality (ODEQ). They will need to provide a copy to city staff. Staff does recommend approval of the plat since the plat does meet all of the platting requirements. Staff has signed off supporting the approval of the final plat. The current Land Use Map has this area as low-density residential uses; therefore, this 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 of support or protest regarding this final plat request.

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

Motion Passed with the following vote:

Ayes: Kerr, Horner, Knight, Jackson

Nays: None

Abstain: None

- g. Discussion, Consideration and Possible Action on PC2023-12, a Conditional Use Permit (CUP) request for property located near Washington Avenue and Mockingbird Lane.

Danielle O'Neal reviewed with the Planning Commission members a request from Durant First Church Of The Nazarene, for a Conditional Use Permit request to construct

a worship facility / church on property located near Washington Avenue and Mockingbird Lane. The applicant approached staff regarding platting the property as well as gaining a Conditional Use Permit with the desire to separate the property into three lots and use the corner approximately 6 acre lot for a new church site. This item previously had no action taken by the Planning Commission, and the church submitted a letter to withdraw their application prior to the City Council for the entire project. For this Conditional Use Application, nothing has changed; however, the plat did change from three lots to two lots. The new plat does meet the zoning requirements. For all new worship facilities / church construction, City Ordinance requires them to apply and obtain a Conditional Use Permit. The subject property that the applicant wants to construct the new church on is approximately 6 acres (should the plat be approved), and would be a vacant piece of property. The area is made up of mostly Agriculture, Residential and Commercial Zoned properties. The area is served by Rural Water District 2 and does not have any sewer in the area. The applicants have obtained a letter from Rural Water District 2 stating that they are able to serve water, but they will have to find an alternative for fire suppression, which will be covered by the fire marshal. The applicants will need to work with the Oklahoma Department of Environmental Quality for septic/aerobic systems. Staff drafted the resolution for the Conditional Use Permit and sent it to the City Attorney for review. Staff recommends approval of the Conditional Use Permit, since it does meet the suggested conditions and requirements. Staff recommends that the Planning Commission take into consideration that, if the plat is not approved, there will need to be changes to the legal description. The current Future Land Use Map has this area as low-density residential; therefore, this conditional use permit request appears to be partially 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 of support or protest regarding this Conditional Use Permit request.

Mike Morris spoke in favor of this item.

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

Motion Passed with the following vote:

Ayes: Kerr, Horner, Knight, Jackson

Nays: None

Abstain: None

6. New Business

There was no new business.

ADJOURNMENT

Chairman Jackson moved to adjourn the meeting.

Motion Passed with the following vote:

Ayes: Kerr, Horner, Knight, Jackson

Nays: None

Abstain: None