

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**

May 2, 2023

AGENDA

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 4, 2023

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

5. Public Hearings

- a. Discussion, Consideration and Possible Action on PC2023-10, a Planned Unit Development (PUD) request for property located near University Boulevard and Criswell Boulevard.

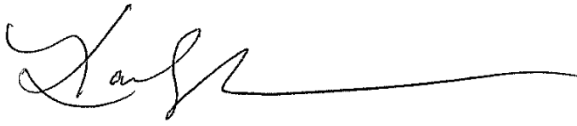
6. New Business

ADJOURNMENT

CERTIFICATE

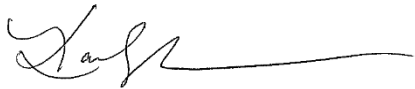
This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice

of the date, time and place of this meeting was filed with the City Clerk of Durant on the 2nd day of November, 2022 and that an agenda of said meeting was posted at the place of such meeting at 09:00 a.m. on the 28th day of April, 2023.

A handwritten signature in black ink, appearing to read 'Kari Speers', followed by a long horizontal line extending to the right.

Kari Speers, 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 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



The City of Durant

Memorandum

Date: 5/2/2023
To: Mayor and City Council
From:
Re: Administration

Council Information / Action Requested

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

ATTACHMENTS:



THE CITY OF DURANT

Office of Community Development

Date: 05/02/2023
To: Planning Commission
From: Danielle O'Neal, Community Development Director
Re: Discussion of Zoning Ordinance – Buildings

Update: Since the last meeting, staff has looked further into how other cities handle having multiple buildings on one lot as it pertains to lot coverage including handling the number of structures per lot. Based on the cities that were examined, some still had where there was only one principal structure per lot, while others were moving into a similar direction that we are. How they are getting there has been done in a variety of ways. A couple cities use tables within their ordinances to describe each of the zoning districts to clarify the density and lot coverages. Others focus on using the lot coverage percentages. Staff's thoughts include adding some lot coverage percentages in one of the zoning districts that we currently do not have any and staff added a sentence that states that all zoning requirements within each of the appropriate zoning districts shall be met. Since we are working on the full update of the land use ordinances, this will be something we can use as a bridge until we get the full update completed.

Information: 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. The proposed language changes are attached to this staff report.

Staff Recommendation: 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.

Required Action: Hear the item and recommend approval or denial of the change to Ordinance §156.137. Any specific conditions imposed by the Commission should be read into any approval motion.

ORDINANCE NO. 0-2023-04

**AN ORDINANCE OF THE CITY OF DURANT, OKLAHOMA, AMENDING
THE CODE OF ORDINANCES OF THE CITY OF DURANT, OKLAHOMA,
SECTIONS 156.137 AND DECLARING AN EMERGENCY**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
DURANT, OKLAHOMA:**

SECTION I. ENACTMENT.

That the Code of Ordinances, Sections 156.137 amended to read as follows:

§156.137 Buildings

For all zoning districts, aAny building hereafter erected or structurally altered shall be located completely within the boundary of the parcel being developed. on one lot and except as provided herein For residential development within the of all single-family detached housing and single-family attached housing containing four (4) units or fewer (duplexes, triplexes, quadplexes, and/or townhomes). ; there shall be no more than one principal building per lot. All other zoning requirements within each of the appropriate zoning districts shall be met. Customary accessory buildings are permitted on the lot, and the customary accessory buildings on one lot; provided further that accessory buildings may not be erected or placed in the front and side yard areas as required in the separate districts. Commercial, industrial and multifamily developments of more than four (4) units may utilize multiple principal buildings, provided that all zoning district requirements are met. The exterior wall and opening protection of the new and existing building(s) must be erected and/or remain in compliance with the provisions of the International Building Code as adopted by the City of Durant.

SECTION 2. EMERGENCY.

It being immediately necessary for the preservation of the public health, peace and safety of the City of Durant and inhabitants thereof, an emergency is hereby declared to exist by reason whereof, this Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

PASSED AND APPROVED this 9th day of May 2023, with the Emergency Clause passed separately.

CITY OF DURANT

Martin Tucker, Mayor

ATTEST:

Cynthia J. Price, City Clerk



THE CITY OF DURANT

Office of Community Development

Date: 05/02/2023
To: Planning Commission
Case: PC 2023-10
From: Danielle O'Neal, Community Development Director
Re: Planned Unit Development Request for property located near University Boulevard and Criswell Boulevard.

Request: Consider a request from Wu Ye-Gao and Wu Enterprise, for a Planned Unit Development for property located near University Boulevard and Criswell Boulevard.

Current Zoning: C-2, Highway Commercial and Commercial Recreation

Surrounding Properties:

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

Lot Characteristics (Proposed Lot):

Width	~ 320 ft.
Depth	~ 633 ft.
Total Area	~4.65 acres (~202,560 sq. ft.)

Applicant: Wu Ye-Gao and Wu Enterprise.

Background: The applicant approached staff regarding a request for a Planned Unit Development (PUD) to place multiple buildings on the lot that will be a new commercial retail development. Intended uses will be retail business and restaurant hospitality. The timing of development hinges upon approval, should that occur, they would then work on gaining approval of a building permit.

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.

Analysis: The aforementioned property is approximately 4.65 acres and there are currently three lots with individual houses on the lots. This PUD process will also join the three lots together. The surrounding area is made up of Commercial and Single Family Residential Zoned properties. The subject property does meet the requirements that is required within the requested Planned Unit Development.

Staff members have reviewed and signed off supporting this project. The development will need to meet the required setbacks and parking as required within ordinance. There is city water and sewer service available for this development. The Maintenance and Operations Supervisor made a note that the water will need to come across University Boulevard. Applicant will need to work with staff on connection and timing of the connection. A master meter for water service is strongly recommended. The fire marshal made a note that the construction will need to meet the 2018 IFC (International Fire Code) Appendix B, C and D. The site plan shall show location and distance to nearest fire hydrant. This all will be completed during the plan review portion of the process.

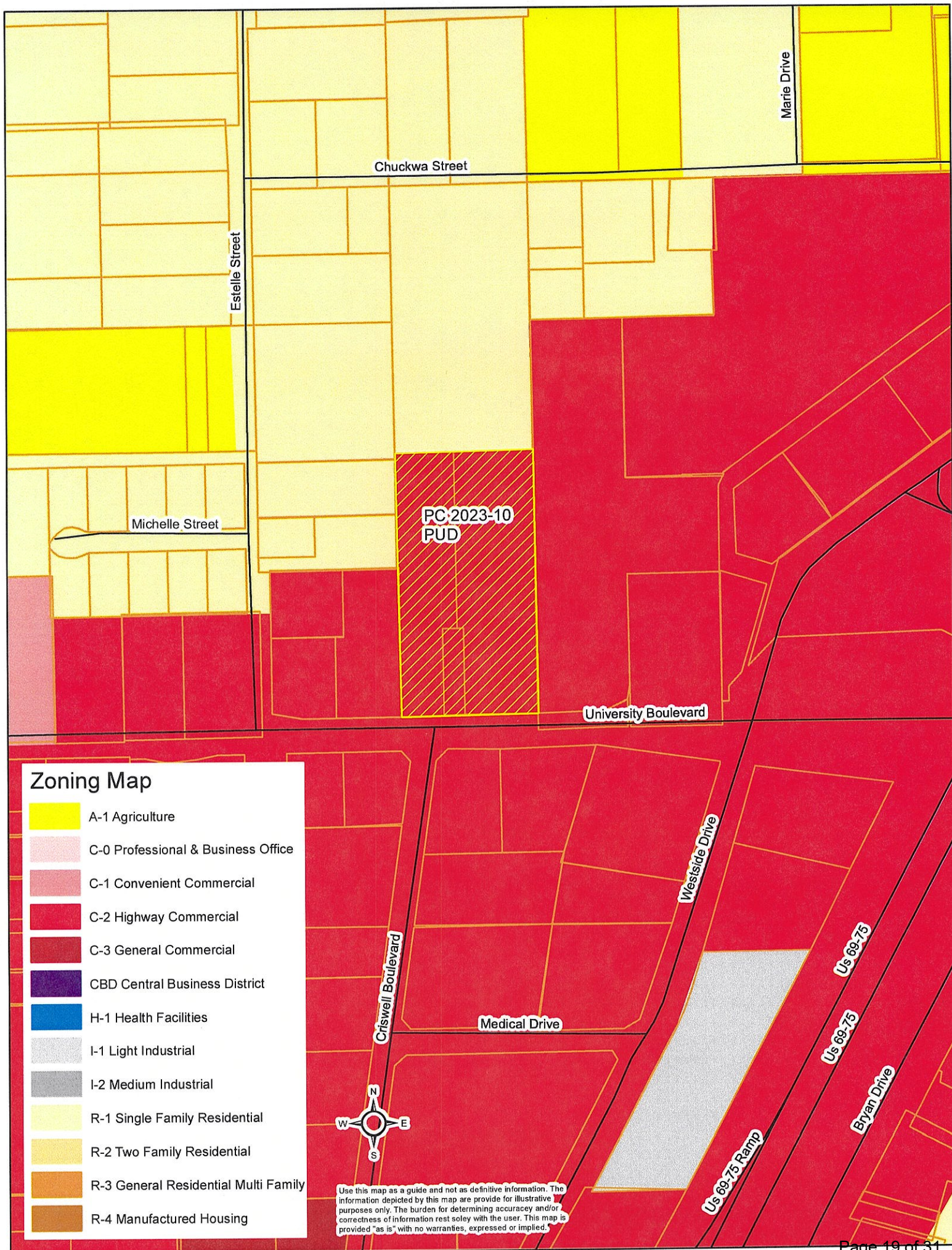
The current Future Land Use Map has this area as commercial land uses; therefore, this PUD request is in line with the Future Land Use Map.

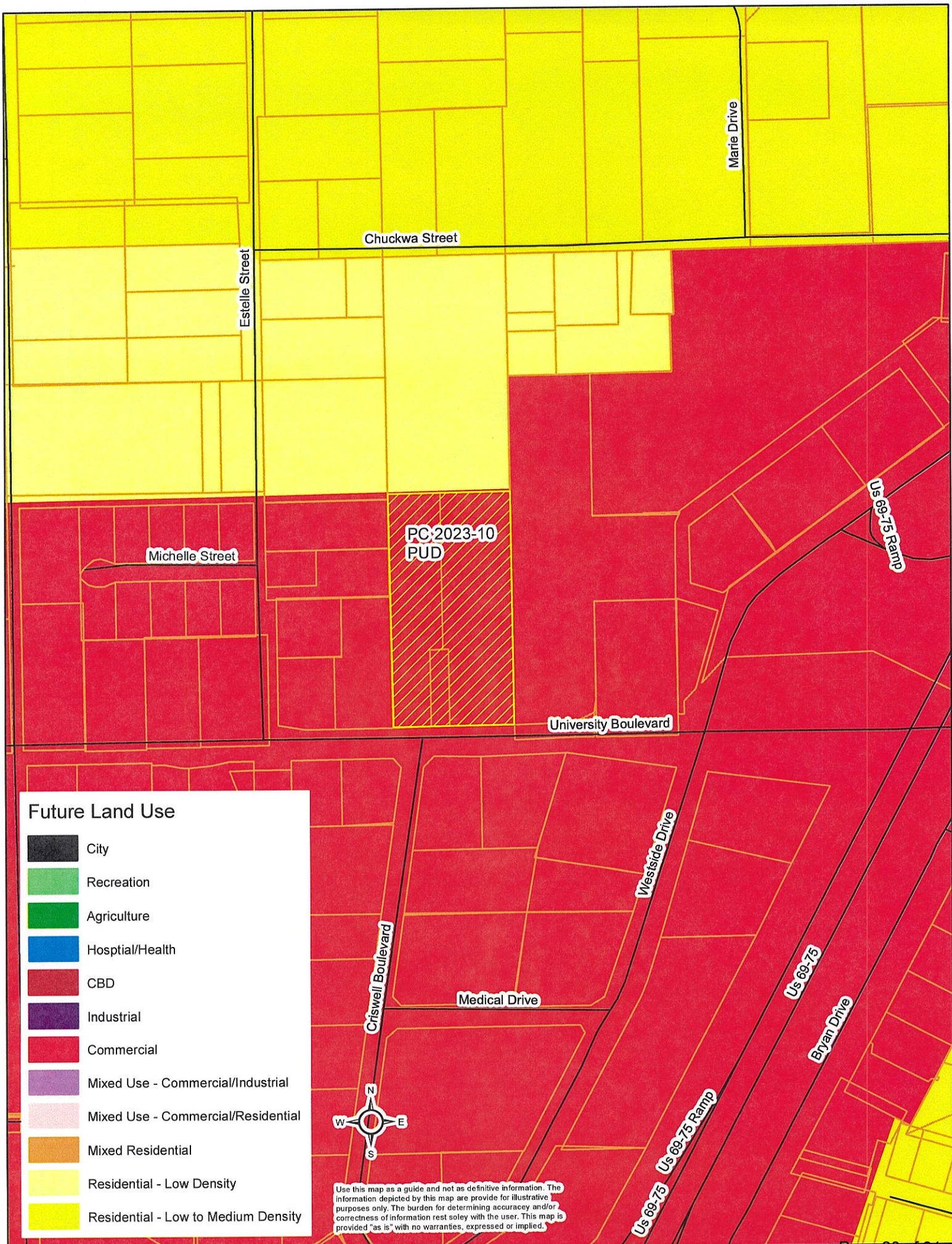
Staff Recommendation: Staff recommends approval of the Planned Unit Development since the request does meet all requirements.

Required Action: Hold a public hearing to recommend approval or denial of the Planned Unit Development request for the property located near University Boulevard and Criswell Boulevard. Any specific conditions imposed by the Commission should be read into any approval motion.



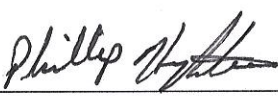
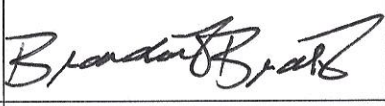
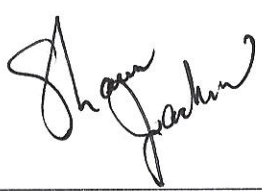
Use this map as a guide and not as definitive information. The information depicted by this map are provide for illustrative purposes only. The burden for determining accuracy and/or correctness of information rest solely with the user. This map is provided "as is" with no warranties, expressed or implied.





COMMUNITY DEVELOPMENT PLAT SIGN OFF SHEET

Wu Ye 2704 W. University Blvd.

Department	Signature	Date	Notes
Com Dev Director Danielle O'Neal		4/20/23	
M&O Randy Cantrell		04-06-2023	Water we'll come across University
Streets Carl Meade		4-6-23	
Public Works Director Phillip Hightower		4-6-23	
Fire Marshal Brandon Brooks		4/6/23	Site plan shall comply with 2018 IFC Appendix B, C, & D. Site plan shall show location & distance to nearest hydrant
Building Official Shawn Jackson		4/6/2023	
Engineer Brandon Wall	See attached 		



Danielle O'Neal <doneal@durant.org>

Signatures / Comments for Plat

brandon@wallengineering.com <brandon@wallengineering.com>
To: Danielle O'Neal <doneal@durant.org>

Thu, Apr 20, 2023 at 7:29 PM

Danielle,

We have no additional comments.

Thanks,

Brandon Wall, P.E., President

Wall Engineering, LLC

PO Box 1457, Durant, OK 74702 (mailing)

223 N Washington, Durant, OK 74701 (physical)

(c) 580.931.7998

[Quoted text hidden]

PLANNED UNIT DEV. APPLICATION (PUD)

Petition # PC 2023-10
 Fee \$ 300.00

APPLICANT INFORMATION

Name: Wu Ye - <u>GAO & WU ENTERPRISE</u>	Email: wuye543@yahoo.com	Phone #1 917-923-8993
Mailing Address: 2708 University Blvd		Phone #2
City: Durant	State: OK	Zip: 74701
Applicant's Interest in Property: Owner/ Commercial Retail Development		

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

Physical Address of proposed PUD: 2704 W University Blvd. Durant, OK 74701		Name of Project: Lion's Commercial Development	
☐ Platted ☒ Un-Platted	Subdivision	Lot	Block
Legal Description: (If Un-platted) See Attached Certificate of Bonded Abstractor			

Existing Zoning: C-2	Proposed Use: C-2: Commercial retail development		
Present Use: Residential	Parking Spaces Required: 280 or as req.	Parking Spaces Provided: 285 or as req.	
Parcel Width: 325 feet	Parcel Length: 630 feet	Acres: 4.7	Street/Road Frontage: 325 feet
☒ City Water (If City Water will be extended or improvements will be made, please explain: Existing along University Blvd.			
☒ City Sewer (If City Sewer will be extended or improvements will be made, please explain: Existing along University Blvd.			
☐ Private Water ☐ Private Sewer			
Explain in your own words why your property should be a Planned Unit Development. City of Durant Ordinances only allow for one building to be constructed per property/lot. Developments which may require multiple buildings, such as this proposed commercial retail development, should be zoned via a P.U.D. granted by the City of Durant.			

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: [Signature] Date: 2/27/23

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:

We are proposing a new commercial retail development at this location. Intended uses are retail, business and restaurant/hospitality.

STATE HOW THE FOLLOWING ISSUES WILL BE ADDRESSED:

1. Parking:

This will be a newly constructed development and will meet or exceed parking requirements of the City of Durant.

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

All screenings will be established per requirements of the City of Durant.

3. Traffic Impacts:

We do anticipate additional traffic loads along University Blvd and surrounding streets. University Blvd is currently under construction for improvements and should be able to handle future developments along this corridor.

4. Protection of Neighborhoods:

All protections and screenings from adjacent neighborhoods will meet or exceed the requirements of the City of Durant. We want to be considerate of our neighbors and will do all that we can to protect their privacy and property as a part of our development.

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

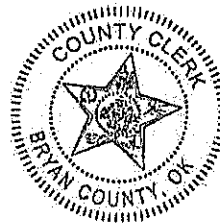
Building permits and business licenses as required by the City of Durant and State of Oklahoma.

Please list or describe any other reasons to support this Planned Unit Dev. Permit Application.

As our city continues it's growth we want to help provide amenities and services for the citizens and visitors of our community. We feel this commercial development is in harmony with adjacent commercial developments along University Blvd and will be a welcomed addition to our community for new retail, office space and restaurant offerings for everyone to enjoy.

Bryan County Abstract Company
Serving Bryan County Since 1903

**WARRANTY DEED
STATUTORY TRUST**



Documentary Stamps: \$1,170.00

That Walker Family Trust, (the "Grantor"), in consideration of the sum of TEN & NO/100 Dollars and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do(es) hereby, grant, bargain, sell and convey unto Gao and Wu Enterprise LLC, 2708 W University Blvd., Durant, OK 74701, (the "Grantee"), the following described real property and premises situate in Bryan County, Oklahoma, to wit:

A portion of land located in the East 10 acres of Lot Two (2), Section Thirty (30), Township Six (6) South, Range Nine (9) East of the Indian Meridian and Base line, Bryan County, Oklahoma and being more particularly described as follows: Commencing at the Southeast corner of said Lot 2; Thence North 00 degrees 00 minutes 33 seconds East along the East line of said Lot 2 a distance of 40.00 feet to the Point of Beginning; Thence North 89 degrees 58 minutes 32 seconds West parallel with the South line of said Lot 2 a distance of 226.71 feet to a point on the East line of a tract of land described in Book 1356, Page 327, Office of the County Clerk, Bryan County; Thence along said Book 1356, Page 327 for the following 3 courses;

1. Thence North 00 degrees 00 minutes 30 seconds East parallel with the West line of the East 10 acres of Lot 2 a distance of 210.00 feet;
2. Thence South 89 degrees 58 minutes 32 seconds East parallel with South line of said Lot 2 a distance of 35.00 feet;
3. Thence North 00 degrees 00 minutes 30 seconds East parallel with the West line of the East 10 acres of Lot 2 a distance of 431.14 feet to a point on the South line of the North 640 feet of the East 10 acres of Lot 2;

Thence North 89 degrees 58 minutes 27 seconds East along the South line of the North 640 feet of the East 10 acres of Lot 2, a distance of 191.72 feet to a point on the East line of said Lot 2; Thence South 00 degrees 00 minutes 33 seconds West along the East line of said Lot 2, a distance of 641.31 feet back to the Point of Beginning.

LESS AND EXCEPT all oil, gas, and other minerals outstanding of record and LESS AND EXCEPT all other oil, gas, and other minerals which are hereby specifically reserved unto Grantors.

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 Grantee, and to the heirs, successors and assigns, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

Signed and delivered this 8th day of April, 2022.

Walker Family Trust

By: Traci Reid, Successor Trustee

STATE OF OKLAHOMA

Bryan County

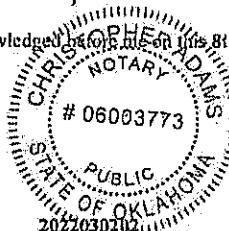
Documentary Stamps \$ 1,170.00

ACKNOWLEDGMENT - OKLAHOMA FORM

STATE OF OKLAHOMA

COUNTY OF BRYAN

This instrument was acknowledged by Traci Reid on this 8th, day of April, 2022 by Traci Reid, as Successor Trustee of Walker Family Trust.



Notary Public

My Commission Expires: 4/12/2026

Commission No.:

File No.:

Name of Title Insurer:

First American Title Insurance Company



WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That; **KATHERINE D. WILCOX**, a single person, parties of the first part, in consideration of the sum of Ten and more (\$10.00), the receipt of which is hereby acknowledged, do by these presents hereby grant, bargain, sell and convey unto **WU YE**, whose address is 8708 W. University Blvd, Durant, Ok 74704, parties of the second part, all of the following described real property and premises, situated in Bryan County, State of Oklahoma, to wit:

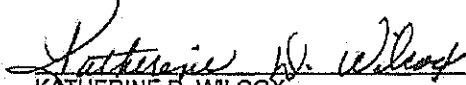
Part of the East 10 acres of Lot 2 in Section 30, Township 6 South, Range 9 East of the Indian Base and Meridian, more particularly described as follows: BEGINNING at the Southwest corner of the East 10 acres of said Lot 2, thence North 680 feet; Thence East 141 feet; Thence South 430 feet; Thence West 35 feet; Thence South 250 feet; Thence West 106 feet to the point of beginning, being in Bryan County, Oklahoma, according to the Government Survey thereof.

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

Doc Stamps: \$585.00

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

SIGNED AND SEALED this the 3rd day of February, 2014


KATHERINE D. WILCOX

STATE OF OKLAHOMA
Bryan County
Documentary Stamps \$ 585.00

State of Oklahoma

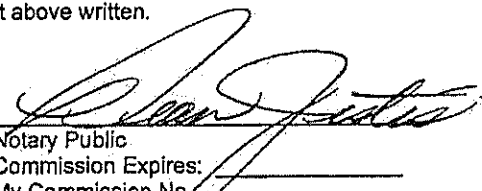
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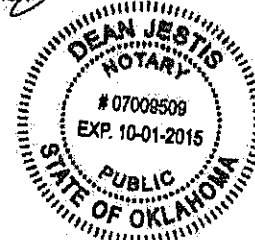
ACKNOWLEDGEMENT

County of Bryan

Before me, the undersigned, a Notary Public in and for said County and State on this 3rd day of February, 2014, personally appeared, **KATHERINE D. WILCOX**, a single person, to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that same was executed as the free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and Seal the day and year last above written.


Notary Public
Commission Expires:
My Commission No.



PLANNED DEVELOPMENTS

§ 156.090 PUD PURPOSES.

(A) The purposes of Planned Unit Development are:

(1) To permit flexibility that will encourage a more creative approach in the development of land and will result in a more efficient use of open area or will facilitate orderly land use transitions, while maintaining density and area coverage permitted in the general zoning district or districts in which the project is located; and

(2) To permit flexibility in design, placement of buildings, and use of open spaces, circulation facilities, and off-street parking areas, and to best utilize the potential of sites characterized by special features of geography, topography, parcel size, or shape or proximity to sensitive land use areas.

(B) It is the intent of this section to provide for a change in the size of tracts in which a Planned Unit Development is permitted.

(1) Eligible properties must normally be two acres or larger in size (gross acreage).

(2) Slightly smaller parcels, between one and two acres, may be eligible, provided the applicant can show that the proposed Planned Unit Development can meet the intent and regulation of this subchapter without injury to the public health safety and welfare.

(C) In every instance, the PUD is to be reviewed as to the proposed location and character of the uses and the treatment of the development of the tract. The regulations of the general zoning district or districts remain applicable except as specifically modified pursuant to the provisions of this section. No modification of use or bulk and area requirements of the applicable general use district or districts shall be permitted unless a subdivision plat or replat incorporating the provisions and requirements of this section is submitted to and approved by the Planning Commission and the City Council and filed of record in the office of the County Clerk.

(Prior Code, § 157.070) (Ord. 1040, passed 4-12-1983; Ord. 1454, passed 11-9-2004)

§ 156.091 USES PERMITTED IN PUDS.

The primary uses in a Planned Unit Development shall be those permitted in the zoning districts involved or those uses permitted in more restrictive zoning districts (for example, in a commercial district, a Planned Unit Development could be dominated by shopping facilities or apartments, but in a multi-family residential district, the predominate land use would have to be housing). In predominantly residential PUDs, certain other principal uses, other than dwellings, which are permitted by right or exception in the residential districts may be included within a PUD, if such uses do not occupy more than 10% of the gross area of the PUD and are designed and located to be compatible with the residential uses of the PUD and with the residential use of adjacent properties. It is intended that the PUD provisions may be used as an alternative approach in the processing of all types of developments.

(Prior Code, § 157.071) (Ord. 1040, passed 4-12-1983)

§ 156.092 PUD ACCESSORY USES.

(A) Accessory uses customarily incident to the principal uses included within the PUD are permitted. Accessory signs shall comply with the provisions of the zoning districts, except as hereafter provided for accessory commercial uses.

(B) Within a PUD in a residential district, accessory commercial facilities may be included in accordance with the following provisions.

(1) In considering commercial uses as a part of a Planned Unit Development in a residential district, the Planning Commission shall consider:

(a) The relationship of the proposed commercial use to:

1. The land parcel (both as to boundary shape and topographic and other physical features);
2. The land and land uses outside the proposed development; and
3. The arrangement of the other portions of the proposed development.

(b) The nature of the commercial use included in the proposal.

(2) In developments proposing more than one business, the aggregate floor area of the commercial facilities shall not exceed 50 square feet per dwelling unit nor a total of 30,000 square feet.

(3) Each commercial establishment shall be limited to a maximum of 3,500 square feet of floor area.

(4) Commercial signs shall be limited to one nameplate or not more than 16 square feet for each establishment. Nameplates shall be attached flat against a building wall and shall not be animated, flashing, or have other than indirect illumination. Window signs shall not be permitted.

(5) The commercial area shall be designed primarily for the service, convenience, and benefit of the residents of the PUD. The Planning Commission may permit a commercial establishment designed to serve patrons both inside and outside

the development if it is determined that a land use problem is not likely upon consideration of the items listed in division (B) (1)(a) above.

(Prior Code, § 157.072) (Ord. 1040, passed 4-12-1983)

§ 156.093 PUD AREA REQUIREMENTS.

The space required in a Planned Unit Development project, including lot area, area per unit, and percent of lot coverage, exclusive of the area of public or private streets, shall meet the requirements of the districts wherein the project is located (as set out in § 156.022 of this chapter); provided, however, that upon a finding that the PUD proposal is so designed as to provide the best use of the land with, at the same time, a good and full protection of the public welfare and the general intent and spirit of the Comprehensive Plan and the zoning ordinance, the Planning Commission may award an increase in the density of development not to exceed 10% of that otherwise allowable in the districts in which the PUD is located. If the project area falls in two or more zoning districts, the space requirements of the project shall be established by calculating the requirements of the various districts as applied to the amount of area in each district. In a Planned Unit Development, all area used for development purposes, including recreating areas, open space areas, parking lots, and similar space may be counted as part of the aggregate development area for computation of space requirements. The area of Planned Unit Development shall be considered as one parcel regardless of the extent to which the area may be divided by interior streets or other features.

(Prior Code, § 157.073) (Ord. 1040, passed 4-12-1983)

§ 156.094 PUD HEIGHT REQUIREMENTS.

The height of buildings shall not be more than one and one-half times the distance between the building line and the edge of pavement of the nearest street. The building measurement shall be from the ground floor level to the eave or top of the vertical wall should there be no eave. The Planning Commission upon review of plans for a Planned Unit Development may approve buildings of greater height than otherwise permitted in the zoning district.

(Prior Code, § 157.074) (Ord. 1040, passed 4-12-1983)

§ 156.095 PUD PERIMETER REQUIREMENTS.

The building setback from the exterior boundaries of the PUD shall not be less than the minimum yards customarily required for the district or districts in which located; provided that within 200 feet of any abutting property in a residential district, structures exceeding ten feet in height measured from the ground floor to the eave or top of vertical wall if there is no eave shall conform to the setback requirements of the zoning district, plus two feet of setback for each one-foot of building height exceeding ten feet measured from the ground floor level to the eave or top of vertical wall if there is no eave. An unenclosed off-street parking area, containing five or more spaces, shall be screened from adjoining areas in a residential district by the erection of a screening wall, fence, or hedge of acceptable design along the lot line or lines in common with the residential district, provided that if the parking area is located more than 50 feet from the residential district, the Planning Commission may waive screening requirements.

(Prior Code, § 157.075) (Ord. 1040, passed 4-12-1983)

§ 156.096 PUD OFF-STREET PARKING AND LOADING.

Off-street parking and loading spaces shall be provided as specified for the applicable use. The Planning Commission may consider designs providing for reasonable sharing of parking spaces by land uses which have inherently compatible time demands for parking. Required spaces may be provided on the lot containing the units for which it is intended to serve or in common areas. A common parking area shall be designed and located so as to be accessible to the units it is intended to serve. Provisions for the ownership and maintenance of a common parking space as will ensure its continuity and conservation shall be incorporated in the subdivision plat.

(Prior Code, § 157.076) (Ord. 1040, passed 4-12-1983)

§ 156.097 ADMINISTRATION OF PUD.

(A) Procedural steps include:

- (1) Outline development plan;
- (2) Supplemental designation PUD; and
- (3) Subdivision plat.

(B) The following may apply for PUD.

(1) Any person, corporation, partnership, association, or combination thereof owning or possessing a property right or interest in or to a tract of not less than five acres in size may make application for the approval of an outline development plan as provided in divisions (B)(2) and (B)(3) below.

(2) Any person, corporation, partnership, association, or combination thereof owning or possessing a property right or interest in or to a tract of not less than one acre in size may make application for the supplemental district designation PUD. Such application shall be accompanied by an outline development plan processed in the manner set forth in this division (B)

(2) and divisions (C)(3) and (C)(4) below.

(3) In areas of existing development, any person, corporation, partnership, association, or combination thereof may propose the redevelopment or reuse of land through the processing of a PUD application. Due to the previous division of land areas in already developed areas, the Planning Commission shall determine if a proposed site is suitable for development as a PUD. The Planning Commission and City Council may place the supplemental designation PUD upon locations through the established zoning amendment process.

(C) An application for a Planned Unit Development shall be filed with the Planning Commission. The application shall be accompanied by the payment of a fee equal to that for rezoning applications which shall include advertising and sign costs. The application shall be in such form and content as the Planning Commission may by resolution establish, provided that three copies of an outline development plan shall accompany the filing of the application. The outline development plan shall consist of maps or text which contain:

- (1) Existing topographic character of the land and any topographic changes which are proposed;
- (2) Proposed land uses, including public uses and open space and the approximate location of buildings and other structures;
- (3) The character and approximate density of development. Density shall be expressed in numbers of dwelling units and quantitative areas of each identifiable segment of the development;
- (4) The approximate location of thoroughfares;
- (5) Sufficient surrounding area to demonstrate the relationship of the development to adjoining uses, both existing and proposed;
- (6) An explanation of the character of the planned development; and
- (7) The expected schedule of development.

(D) (1) The Planning Commission, upon the filing of an application for the supplemental district designation PUD or the filing of an application for the approval of an outline development plan, shall set the matter for public hearing and give 15 days' notice thereof by publication in a newspaper of general circulation. Where deemed necessary by the Planning Commission, additional notice shall be given by the posting of a sign or signs on the property. Within 60 days after the filing of an application, the Planning Commission shall conduct the public hearing and shall determine:

- (a) Whether the proposal is consistent with the Comprehensive Plan;
- (b) Whether the proposal harmonizes with the existing and expected development of surrounding areas;
- (c) Whether the proposal is a unified treatment of the development possibilities of the project site;
- (d) Whether the proposal would benefit orderly and proper development of the city; and
- (e) Whether the sidewalks and streets provide a traffic flow compatible with the development and surrounding street pattern.

(2) Where a supplemental district designation PUD is required for the processing of a Planned Unit Development, the Planning Commission shall forward its recommendation, the application, and the outline development plan to the City Council for further hearing as provided in divisions (D)(1)(d) and (D)(1)(3) above and this division (D)(2). Where Planned Unit Development may be processed without the supplemental designation PUD (five acres or larger), the Planning Commission shall approve, approve with modification, or disapprove the outline development plan. Approval by the Planning Commission shall be authorization for the processing of a subdivision plat incorporating the provisions of the outline development plan. The Planning Commission, upon approval of the outline development plan, may direct that a notation indicating the boundaries of the PUD be made on the zoning map.

(E) Upon receipt of the application, outline development plan, and Planning Commission recommendation, the City Council shall hold a hearing, review the outline development plan, approve, disapprove, modify, or return the outline development plan to the Planning Commission for further consideration. Upon approval, the zoning map shall be amended to reflect the supplemental designation PUD, and the applicant shall be authorized to process a subdivision plat incorporating the provisions of the outline development plan.

(F) A Planned Unit Development subdivision plat shall be filed with the Planning Commission and shall be processed in accordance with the subdivision regulations shall include:

- (1) Details as to the location of uses and street arrangement;
- (2) Provisions for the ownership and maintenance of any common open space as will reasonably ensure its continuity and conservation. Open space may be dedicated to a private association or to the public, provided that a dedication to the public shall not be accepted without the approval of the City Council; and
- (3) Such covenants as will reasonably ensure the continued compliance with the approved outline development plan. In order that the public interest may be protected, the city shall be made beneficiary of the covenants pertaining to such matters as location of uses, height of structures, setbacks, screening, and access. Such covenants shall provide that the city may enforce compliance therewith.

(G) After the filing of an approved PUD subdivision plat, and notice thereof to the Building Inspector, no building permits shall be issued on lands within the PUD except in accordance with the approved plat. A building permit in a residential PUD for a freestanding or separate commercial structure shall not be issued until significant progress has been made on other aspects of the proposed development as follows:

- (1) Completion of one-third of the noncommercial features in a project of less than five acres;
- (2) Completion of one-half of the noncommercial features in a project of more than five acres; and
- (3) The Commission has received a satisfactory progress report.

(H) Minor changes in the platted PUD may be authorized by the Planning Commission upon a review of a proposed amended subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the outline development plan and the purposes and standards of the PUD provisions hereof. Changes which would represent a significant departure from the outline development plan shall require formal abandonment and the subsequent filing of a new application for a Planned Unit Development.

(I) Where a Planned Unit Development has been processed pursuant to the supplemental designation of PUD, its abandonment shall require the City Council's approval, after recommendation by the Planning Commission, of an application for amendment to the zoning map repealing the supplemental designation of PUD. Where a Planned Unit Development has been processed by reason of being more than ten acres, its abandonment shall require the approval of the Planning Commission and vacation of the plat.

(J) Any person aggrieved may appeal the final action of the Planning Commission on a proposed outline development plan or on a proposed subdivision plat to the district court by filing with the Secretary of the Planning Commission within ten days after the action appealed from a notice of appeal stating the grounds thereof. There shall be no right of appeal from any act of the Planning Commission taken in its advisory capacity to the City Council.

(Prior Code, § 157.077) (Ord. 1040, passed 4-12-1983)