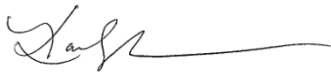


This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 2nd day of November, 2022 and that an agenda of said meeting was posted at the place of such meeting at 1:00 p.m. on the 23rd day of June, 2023.



Kari Speers, City of Durant

MINUTES OF THE MEETING OF DURANT PLANNING COMMISSION
June 27, 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 5:35 p.m.

INVOCATION/FLAG SALUTE

Chairman Jackson provided the invocation. Vice Chairman Knight led the flag salute.

ROLL CALL

Present:

Planning Commissioner Thomas Newsom
Planning Commissioner Whitney Kerr
Planning Commission Vice Chairman Shane Knight
Planning Commission Chairman Drew Jackson

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 May 2, 2023

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

Motion Passed with the following vote:

Ayes: Newsom, Kerr, 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.

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. 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 Commission Member Kerr and seconded by Vice Chairman Knight to approve the request as presented.

Motion Passed with the following vote:

Ayes: Newsom, Kerr, Knight, Jackson

Nays: None

Abstain: None

- b. Discussion, Consideration and Possible Action on an Amendment to Section 157.035 (District Regulations) 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 building / lot coverage. The conversation occurred during the research of having multiple buildings on a lot in certain areas, and there was concern that someone would try to cover their entire lot with buildings. Further conversation occurred that asked for staff to look at how other cities handle the building / lot coverage; therefore, staff has completed the research and found that in some areas, we are higher and others we are very similar to other cities. Staff changed some of the percentages in area that were significantly different from what other cities had. Staff does not have any issues with this change, and recommends the approval since this will be something else that will help development and help update some of the current.

Motion was made by Vice Chairman Knight and seconded by Commission Member Kerr to approve the request with the modification of changing the C3 percentage to 40% and changing the H1 percentage to 50%.

Motion Passed with the following vote:

Ayes: Newsom, Kerr, Knight, Jackson

Nays: None

Abstain: None

- c. Discussion, Consideration and Possible Action on an Amendment to Section 156.034 (Uses Permitted in Districts) 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 discovered during a Certificate of Occupancy process that we currently have health clubs / gymnasiums allowed in C-2, Highway Commercial & Commercial Recreation as well as the Central Business District, but it is a restricted use in the C-3, General Commercial District. Staff does not completely understand how a use could be allowed within what is generally a more restrictive district but as a restricted use in a less restrictive district. Therefore, staff wanted to be able to have a conversation with the Planning Commission about this particular use. Staff recommends that the restricted use in the C-3, General Commercial District be changed to allowed by right. Staff does not have any issues with this change, and recommends the approval since this will clarify this particular use.

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

Motion Passed with the following vote:

Ayes: Newsom, Kerr, Knight, Jackson

Nays: None

Abstain: None

5. Public Hearings

- a. Discussion, Consideration and Possible Action on PC2023-09, a Rezoning Request from C-3, General Commercial to I-1, Light Industrial for property located near South 9th Street and Alabama Street.

Danielle O'Neal reviewed with the Planning Commission members a request from Tracy Herron for a rezoning of the property located near South 9th Street and Alabama Street from C-3, General Commercial to I-1, Light Industrial. The applicant approached staff regarding the rezoning of this property with the desire to have what is considered a chemical compounding / processing business in these buildings. The current company applied for a remodel permit in December 2020, which was completed. Staff at that time informed them about all zoning requirements. A Certificate of Occupancy was applied for and approved in May 2022. Another Certificate of Occupancy was applied for in November 2022; however, there were several issues that had to be addressed including that the current use does not meet zoning requirements. At that time, the fire marshal did have to issue a stop work order due to some violations that were present. Once those violations were fixed, and after a conversation with the City Attorney, it was decided to allow them exactly how they were operating at that time as a nonconforming use. However, if they upgraded or made any changes, then they would be required to meet current zoning requirements. The property owner then decided to apply for a rezoning to an industrial zoning category with an understanding the company was expecting to grow more. At this present time, there has been some issues regarding this area and did have a situation that involved heavy smoke in the area that caused the Fire Department to respond, which then triggered the fire marshal, building inspector and code enforcement to respond. This situation is still being investigated by various entities. The original Certificate of Occupancy stated they were a food processor, and the fire marshal discovered that they did not have their Oklahoma Department of Health license. : The aforementioned property is approximately 0.60 acres and currently does have the business operating in this location as a nonconforming use. The area is made up of a mix of Residential and Commercial Zoned properties. The subject property does meet the requirements for the lot area that is required within the requested zoning type. The property is also not platted correctly. There was some changing and moving of lot lines that was never heard or approved by the Planning Commission and City Council. Staff does not recommend approval of this rezoning request. Staff's concerns regarding the rezoning of this property is largely that the request is not in line with the Future Land Use Map. Should there be a recommendation for approval, staff recommends that this becomes contingent upon the applicant having a plat approved, filed and submitted back to the city staff within the next 90 days. Should the applicant not complete this within that time frame the zoning would then revert back to the C-3, General

Commercial zoning category. The current Future Land Use Map has this area as commercial land uses; therefore, this rezoning request is not 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.

Matthew Burgess spoke in favor of the rezoning request.

Tracy Herron spoke in favor of the rezoning request.

Motion was made by Chairman Jackson and seconded by Vice Chairman Knight to deny the request as presented.

Motion Passed with the following vote:

Ayes: Newsom, Kerr, Knight, Jackson

Nays: None

Abstain: None

- b. Discussion, Consideration and Possible Action on PC2023-13, a Rezoning Request from R-3, General Residential to C-0, Professional and Business Office for property located at 817 W. Evergreen.

Danielle O'Neal reviewed with the Planning Commission a request from Josh Adams for a rezoning of the property located near the intersection of 817 W. Evergreen from R-3 General Residential Multi Family to C-0 Professional and Business Office. The applicant approached staff regarding the rezoning of this property with the desire to use the existing structure as a commercial office. The aforementioned property is approximately 0.15 acres and currently has a residential house on the property. The area is made up of a mix of Residential and Commercial Zoned properties. The subject property does not meet the requirements for the lot area that is required within the requested zoning type. Staff's concerns regarding the rezoning of this property is largely that the lot does not meet the requirements for the requested zoning type. The current Future Land Use Map has this area as Central Business District land uses; 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 or letters regarding this rezoning request.

Josh Adams spoke in favor of this request.

Beryl Sears spoke in favor of this request.

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

Motion Passed with the following vote:

Ayes: Newsom, Kerr, Knight, Jackson

Nays: None

Abstain: None

- c. Discussion, Consideration and Possible Action on PC2023-14, a Re-Plat Request for property located near West Elm Street and North 16th Avenue.

Kari Speers reviewed with the Planning Commission a request for a Re-Plat Request for property located near West Elm Street and North 16th Avenue. The applicant approached staff regarding filing for a re-plat request with the hopes of building a garage on the property. The location of the garage would be over a lot line and ordinances do not allow an accessory structure to be on a lot without a primary structure. This replat is combining two lots into one lot. The subject property individually is approximately 10,212 square feet and the lots together would be approximately 20,700 square feet. The applicant is planning to place a garage to be used for personal use on the property. There appears to be City Water and Sewer in the area. Should this be approved, the applicant will need to apply for a building permit for the garage. Staff recommends approval. Staff has signed off supporting the approval of the re-plat. No further comments have been received as of the creation of this report. The current Land Use Map appears to have this area as low to medium 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 Newsom and seconded by Vice Chairman Knight to approve the request as presented.

Motion Passed with the following vote:

Ayes: Newsom, Kerr, Knight, Jackson

Nays: None

Abstain: None

- d. Discussion, Consideration and Possible Action on PC2023-15, a Rezoning Request from A-1, General Agriculture to R-1, Single-Family Residential for property located near Larkspur Lane and Overland Drive.

Danielle O'Neal reviewed with the Planning Commission a request from Vithe Nguyen for a rezoning of the property located near located near Larkspur Lane and Overland Drive. The applicant approached staff regarding the rezoning of this property with the desire of building a single family home or residential development. The aforementioned property is approximately 1.95 acres total and is currently a vacant lot. The area is made up of mostly Agriculture Zoned property with Single-Family Residential properties across the street. The subject property does meet the requirements for the requested

zoning type. Staff does not have any issues with this rezoning request; however, should there be a recommendation for approval, staff requests that it be contingent upon having a plat approved, filed and brought back to Community Development within 90 days. The current Future Land Use Map has this area as low to medium residential 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 received one letter of protest regarding this request.

Clay Cecil spoke in favor of this request.

Motion was made by Vice Chairman Knight and seconded by Chairman Jackson to table the item to the September 5th regular meeting.

Motion Passed with the following vote:

Ayes: Newsom, Knight, Jackson

Nays: Kerr

Abstain: None

- e. Discussion, Consideration and Possible Action on PC2023-16, a Planned Unit Development (PUD) and Preliminary Plat Request for property located near Lindenwoods Drive and Thomas Circle.

Danielle O'Neal reviewed with the Planning Commission members a request from HPH Investors LP (Ryan Hackett), for a Planned Unit Development – Preliminary Plat located near Lindenwoods Drive and Thomas Circle. Applicants approached staff regarding filing for a preliminary plat with an overlay of a PUD (Planned Unit Development) for LindenWoods Townhomes IV. The applicant has stated that this area would be an apartment structures that will also have a management office onsite as well that will manage the property. Parking is stated to meet the City Ordinance requirements. The site plan does show five multi-family structures with onsite parking. The site plan further shows that there will be 40 units total within the development. The subject property is approximately 6.3 acres in total, and is planned to be divided into 4 lots with on street parking. The applicant is planning to have up to two multi-family complexes per lot. The plans do call for the streets to be considered public streets. Additionally, the streets shown on the plans have a smaller ROW listed then is required by ordinance. Should this be approved further review into water runoff, building plans and fire plans will be reviewed as well. The applicant will have to come back for a final plat should this be approved with public infrastructure. The site plan does indicate that the development will meet all required setbacks and the applicant is aware that it will be required to install streetlights and sidewalks. Staff members reviewed and signed off on this project with the following provisions being requested. Public Works staff has indicated that they wish for the infrastructure to be private instead of public. The current Lindenwoods Drive according to city records indicate it is a private drive. The applicant will need 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. The current Land Use Map has this area as mixed use (commercial / residential); therefore, this PUD / Preliminary Plat request is generally in compliance with the Comprehensive Plan. Notifications have been made to the surrounding property owners and at the time of this report staff has not received any letters or phone calls regarding this request.

Ryan Hackett spoke in favor of this request.

Phillip Hightower spoke in regards of public streets and private streets.

Motion was made by Vice Chairman Knight and seconded by Commission Member Kerr.to table the item to the next regular meeting.

Motion Passed with the following vote:

Ayes: Newsom, Kerr, Knight, Jackson

Nays: None

Abstain: None

- f. Discussion, Consideration and Possible Action on PC2023-17, a Preliminary Plat Extension for property located near Larkspur Lane and Wilson Street.

Danielle O'Neal reviewed with the Planning Commission members a request from Dr. Kinion Whittington, for an extension of the preliminary plat located near Wilson Street and Larkspur Lane. The applicant approached staff requesting a 180 day (6 month) extension on a preliminary plat. The applicant is requesting an extension in order to complete road construction, which is expected to be completed by July 1, 2023. The applicant stated that the University Boulevard project hampered the project, and further stated that the water, sewer and stormwater have been completed. This preliminary plat was originally approved on June 8, 2021. This is the first extension that the applicant has asked for on this project. No changes are being requested to the approved preliminary plat. The subject property is already a part of an approved preliminary plat that is set to expire on June 8, 2023. 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. Staff does not have any issues with the extension.

Motion was made by Chairman Jackson and seconded by Commission Member Newsom to approve the request contingent on meeting all updated ordinances including the walkways and lights.

Motion Passed with the following vote:

Ayes: Newsom, Kerr, Knight, Jackson

Nays: None

Abstain: None

6. New Business

There was no new business.

ADJOURNMENT

Motion made by Commission Member Newsom and seconded by Vice Chairman Knight to adjourn the meeting.

Motion Passed with the following vote:

Ayes: Newsom, Kerr, Knight, Jackson

Nays: None

Abstain: None