

AGENDA
CITY OF SHAWNEE
ZONING BOARD OF ADJUSTMENT
December 21st, 2017 at 2:30 P.M.,
Commission Chambers
at City Hall, 16 W. 9th St.

- 1) Roll Call
- 2) Approval of the minutes from the November 16th, 2017 Zoning Board of Adjustment meeting
- 3) Swearing in of Ed Bolt to the Zoning Board of Adjustment
- 4) Appointment of Zoning Board of Adjustment Chairperson and Vice-chairperson
- 5) Case #Z04-17: 4830 N. Harrison Avenue, Shawnee, OK

Applicant: Steve Murrah (White Sign Company)

A public hearing for consideration of the following requested variances:
 1. The allowance of a 120' sign(s) on the subject property.
- 6) New Business/Planning Director's report
- 7) Adjournment

ZONING BOARD OF ADJUSTMENTS

DATE: November 16th, 2017

The Zoning Board of Adjustment met at a scheduled meeting on Thursday, November 16th, 2017 at 2:30 p.m. in the Commission Chambers at City Hall, Shawnee, Oklahoma, Pottawatomie County, pursuant to notice duly posted as prescribed by law. Brittney Burton, Assistant Planning Director for the City of Shawnee, presented the staff reports. Staff reports are available upon request.

AGENDA ITEM NO. 1: Roll Call

Upon roll call the following members were present: Mark Cannon, Jim Cooper and William Kirkland

A quorum was declared present.

NOTE: Mat Thomas was absent.

AGENDA ITEM NO. 2: Approval of the September 21st, 2017 Zoning Board of Adjustment meeting minutes

Commissioner Cooper asked for a motion. Commissioner Kirkland made a motion to approve the minutes, seconded by Commissioner Cannon.

Motion carried:

AYE: Cannon, Cooper, Kirkland

NAY: None

ABSTAIN: None

AGENDA ITEM NO. 3: Consideration of approval of the 2018 Schedule of Regular Meetings for the Zoning Board of Adjustment

Commissioner Cooper asked for a motion. Commissioner Kirkland made a motion to approve the schedule, seconded by Commissioner Cannon.

Motion carried:

AYE: Cannon, Cooper, Kirkland

NAY: None

ABSTAIN: None

AGENDA ITEM NO. 4:

**Case #Z04-17: 4830 N. Harrison Avenue,
Shawnee, OK**

Applicant: Steve Murrah (White Sign Company)

**A public hearing for consideration of the following
requested variances:**

**1. The allowance of a 120' sign(s) on the subject
property.**

Brittney Burton presented staff report and stated the applicant is requesting a deviation in the sign code to allow a 120' sign to be constructed on property. Commissioner Cooper asked if it was one or two signs and the applicant and Ms. Burton both acknowledged it would be only one. Commissioner Kirkland asked how many businesses would be on location and Ms. Burton replied with two that she is aware of. Brittney Burton informed the Commissioners that the property went before the Planning Commission for approval to rezone to a Planned Unit Development, with denial of the signage request of 120' but staff stated they would allow for a 70' foot sign in comparison to the Collision Works sign that is located across the street. Ms. Burton also discussed the sign height for Domino Plaza located southeast of subject property with an approved sign height of 80' due to the owner not constructing numerous signs and instead incorporating it all into one monument sign. Brittney Burton went on to inform the board that staff denies request of 120', with allowance to construct a 70' sign due to the ideal of remaining consistent throughout the highway area. Commissioner Cooper asked if the rules allowed a 70' sign and Ms. Burton agreed, mentioning staff would allow a 70' sign but the code calls for a height limitation of 40'. Commissioner Kirkland asked where the exact sign location would be. Ms. Burton asked for applicant to come forward to answer. Commissioner Cooper opened for the public portion of the meeting and asked for anyone in favor to come forward. Tom White came forward to answer question regarding sign location and stated he had crews at subject property that day to sight area in and although they are not completely certain as of yet, they believe the northwest corner of the property would be the sign location due to best visibility potential. Mr. White explained there would be an apparent height of 25' above the interstate with the 70' sign due to the elevation in that location and that would not get the sign above the surrounding trees. Commissioner Kirkland asked Mr. White for clarification that he is unsure of the exact location of sign. Mr. White stated the height would determine that and their preference is to be above the tree line in the northwest corner. Mr. White also discussed grade level. Taylor Workman came forward to speak in favor and mentioned how issue is pulling people off interstate. Mr. Workman stated the 120' height is ideal but didn't know who to ask about possibly allowing a 110' height. Brittney Burton explained processes and possible actions. Commissioner Cannon asked applicant if this would be a make or break and Mr. Workman stated it could be but they would do everything they could to push forward. Chief Building Official, Jared Cooper, spoke about discussions with applicants regarding the documentation and data needed that was not submitted. Sign company spoke in favor with applicant. Jared Cooper clarified applicant wanted a sign 60' above I-40. Applicant stated 100' sign would work but 120' would be better. Brittney Burton offered to defer item to next month. Jared Cooper compared height of another sign along I-40. Commissioner Cooper discussed the light pole

heights along I-40 in comparison. Commissioner Kirkland discussed how standards need to be changed. Ms. Burton briefly mentioned hotel's sign allowance. Mr. Cooper stated the question for the board is whether this is something that will be handled through continuous variances or an ordinance change. Commissioner Kirkland stated he believed it needed to be addressed through an ordinance change. Mr. Cooper informed him that staff agreed but explained process for changing an ordinance and time frame. Commissioner Cooper stated he had a lot of questions and didn't know if they were better off putting this off with staff researching before next meeting. Ms. Burton agreed. Staff and the Commissioners discussed the date for December's zoning board of adjustment meeting. Applicants and staff discussed obtaining data needed before next meeting. There was additional general discussion from applicants. Staff discussed board could only approve, deny or defer item. Commissioner Cooper discussed the idea of setting a precedence and what staff would do. Staff discussed options with commissioners. Commissioner Kirkland asked about re-submitting application with two options, staff disagreed. Applicant gave more general discussion. Commissioner Cooper asked about obtaining a vote. Jared Cooper discussed applicant bringing more data to meeting next month. Applicant gave more general discussion and mentioned they would not be able to survey property for six months. Commissioner Cooper asked for anyone in opposition to come forward. Martin Smith with Domino Plaza came forward to discuss sign height allowed for their property, how I-40 traffic cannot see their sign and if staff is changing code, they would like to know for the sign they will be constructing. Brittney Burton stated this is a variance for this property only, not a change in code. Mr. Cooper stated staff has had this discussion regarding sign heights and reason they recommend denial is to be consistent with others. Commissioner Cooper asked for his location, Mr. Smith stated they were just east at Domino Plaza. Commissioner Cooper asked how sign sat set below I-40, applicant believed it was close to 10' below. Jared Cooper and Martin Smith discussed current sign height allowed in code and Mr. Smith further discussed his height allowance in their current PUD. Martin Smith does not want to start construction on an 80' sign if they can qualify for a 100' sign and would like some direction. Commissioner Cooper agreed with him. Brittney Burton recommended deferring and Jared Cooper stated they needed something to base off approving this if this was to go forward. Commissioner Cannon asked if they went out and put a pole for staff to see height, would that be sufficient data. Jared Cooper informed commissioners that it would be up to them and discussed his idea of sufficient data. Commissioner Cannon asked what downside was to being high. Mr. Cooper stated consistency would be number one and mentioned it would be what the city wants. Commissioner Cooper asked if the height of the sign or height above roadway mattered. Jared Cooper stated we could discuss this at a later time. Commissioner Cannon explained that it should be looked at on an individual basis. Mr. Cooper mentioned changing ordinance and how each case would come before board for variance. Applicant discussed how 120' sign height would work. Commissioner Cooper discussed how the real question is how far it is above the highway. Jared Cooper stated code is based off ground level and discussed current height allowances along I-40. Commissioner Cooper asked how low Domino Plaza's sign set in the hole and Mr. Cooper informed him he guessed it to be around 25' below I-40 level. Commissioner Cooper asked if sign was about 55' above and Mr. Cooper agreed. Mr. Cooper stated the sign being discussed today would be about 90' and applicant stated they thought it would be around 80' above I-40. Commissioner Cannon stated he had trouble supporting just a number and Commissioner Cooper agreed with board meeting again with more data from applicant. Commissioner Cooper offered for board to meet again in a month. Applicant discussed obtaining a survey. Jared Cooper informed board that applicant could come back in a month with

more data. Commissioner Kirkland asked Martin Smith with Domino Plaza would need to submit the same data for a variance if they wanted to have height changed and Mr. Cooper agreed and that it was up to the board and stated how applicant needs to prove the hardship for the requested variance. Commissioner Cooper asked if there were any additional public comments. There were none. Commissioner Cooper asked for a motion. Commissioner Kirkland made a motion to defer, seconded by Commissioner Cannon.

Motion deferred:

AYE: Cannon, Cooper, Kirkland

NAY: None

ABSTAIN: None

AGENDA ITEM NO. 5: **New Business/Planning Director's Report**

Brittney Burton stated staff took flagpole item before Planning Commission for discussion and would have additional discussion over next few months.

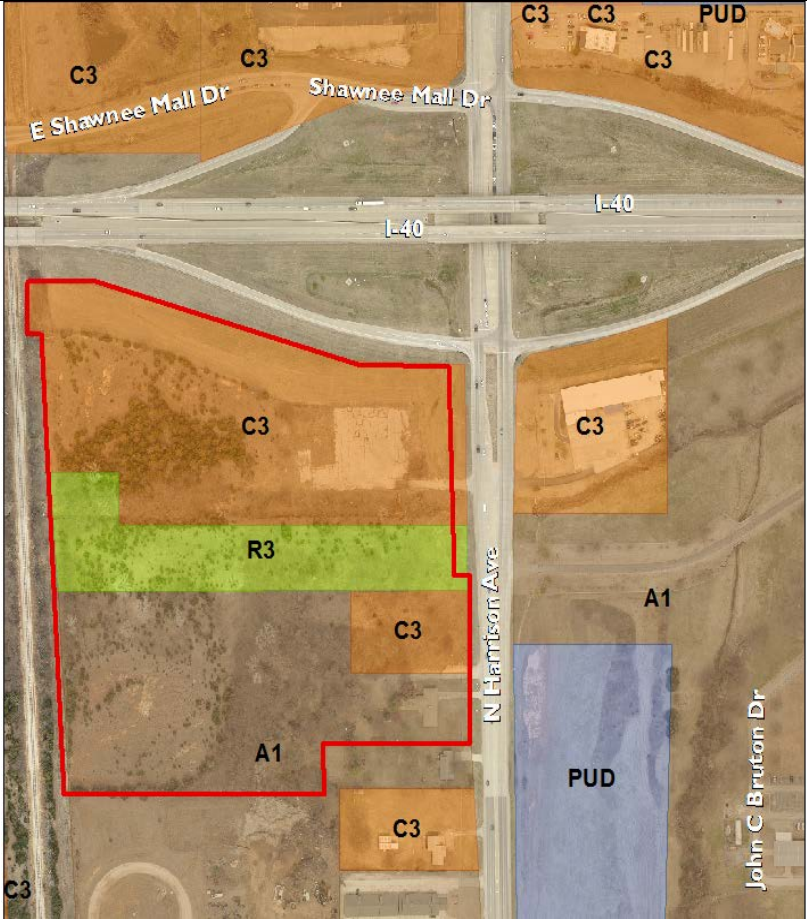
AGENDA ITEM NO. 6: **Adjournment**

Meeting was adjourned.

Chairman/Vice-Chairman

Cheyenne Pettigrew

Zoning Board of Adjustment Secretary

City of Shawnee Planning Department 222. N. Broadway Shawnee, OK 74801 (405) 878-1616 Fax: (405) 878-1587 www.ShawneeOK.org				CASE # Z04-17 PUBLIC HEARING DATE: December 21, 2017	
APPLICANT: Steve Murrah (White Sign Company)		6420 East St. Texarkana, AR 71854		(870) 779-1504	
PROPERTY ADDRESS/LOCATION: 4830 N. Harrison Shawnee, OK 74804					
BRIEF SUMMARY OF REQUEST: The applicant, Steve Murrah, has submitted a variance request to exceed the maximum sign height allowed in the C-3 (Highway Commercial) zoning district. Section 3-190 (d)(3) allows for a maximum freestanding sign height of 40' when within one-quarter (1/4) mile of Interstate 40. The requested sign height of 120' from grade is 80' greater than what is allowed by code. This case had been deferred by the Zoning Board of Adjustment (ZBOA) from November 16, 2017.					
EXISTING ZONING: PUD	EXISTING LAND USE: Vacant	SURROUNDING ZONING & LAND USE: A-1 (Rural Agricultural) C-3 (Highway Commercial) PUD		PROPERTY SIZE: 21.7	
STAFF ANALYSIS					
The applicant has requested a deviation from the City's Sign Code to allow for one (1) 120' tall freestanding sign along the northern perimeter of the property. Per Section 3-190(d)(3) of the City's Sign Code, maximum sign height shall not exceed forty (40') feet where within one-quarter (1/4) mile of Interstate-40. Elsewhere, freestanding signs shall not exceed twenty (20') feet in height.					

This variance request was originally incorporated into the Workman's Plaza Planned Unit Development (PUD), approved by Planning Commission on October 16, 2017. However, at Staff's recommendation the request for 120' maximum sign height was denied, but a 70' sign height allowance was approved, matching the highest historical allowance approved by the ZBOA.

Workman's Plaza proposes to create a commercial travel center with supporting commercial development. On approximately 21 acres of vacant land, the property will be split into two (2) developable lots with the addition of one (1) outlot to support storm water mitigation.

Three (3) total freestanding signs are proposed, per the PUD. Two of the three signs are located on the sites northern perimeter and include a requested height allowance of 120'. The third and final freestanding sign is located along Highway-18 and will be 40' in height. Historically, the City of Shawnee has approved variances to freestanding sign height requirements on properties located south of the Interstate, due to the lower elevation. Directly east of the subject site, a variance was approved for Collision Works (Case #Z10-06), located at 4881 N. Harrison Ave., to construct a free-standing sign at a height of seventy (70') feet.

After extensive review, Staff has determined that the currently approved 70' height on freestanding signs is adequate. The property owner has the opportunity to place freestanding signage along any length of their 685' (approximate) interstate frontage to help mitigate concerns. Along said frontage is a variety of elevations for the property owner to select for sign placement. In comparison to the neighbouring property at 4881 N. Harrison Ave., the grade elevations are quite similar.

Regulation of the quantity, size and type of signs in designated zones within the City provides equity among users and protects neighbours from adverse effects of signs. Adhering to a clear precedent set for similar properties is important so as not to create an advantage for one commercial property over the rest.

Provided next is a list of ZBOA cases, dating back to 1996, where Interstate-40 sign height was the topic. Keep in mind that all decisions were based on the still existing Sign Code for the City of Shawnee (est. 1986):

- **Z09-96: 4700 N. Harrison;** 80' sign height denied, 60' sign height approved. Due to a precedent set, 80' could not be approved.
- **Z07-99: 27 W. Interstate Pkwy. (Cracker Barrel);** 60' sign height approved due to lower elevation on the south side of I-40.
- **Z07-00: 185 W. Interstate Pkwy. (IHOP);** 60' sign height approved due to lower elevation on the south side of I-40.
- **Z09-06: 5401 Enterprise Ct. (La Quinta Inn);** 70' sign height approved due to lower elevation compared to Harrison Ave. fronting properties.
- **Z10-06: 4881 N. Harrison (Collision Works);** 70' sign height approved due to lower elevation on the south side of I-40.
- **Z11-06: 4904 N. Union (Holiday Inn Express);** Request for 59' denied, 53' approved.

Aside from sign height, Staff has an additional concern as to whether the sign's content intends to advertise business for Lot 1 or Lot 2 of Workman's Plaza Addition. If the freestanding sign, located on Lot 2, is serving to advertise business on Lot 1, it is considered off-premise signage, which is in contradiction with the Sign Code. If this assumption is correct, this may need to be addressed

through a PUD amendment.

The applicant has provided no evidence that warrant a variance to the City Code, beyond what has been currently allowed. The conditions are not unique to this site and Staff does not see a connection between exceeding the height restrictions and preserving the purpose of the Code or Comprehensive Plan. Because the City does not restrict signage to a specific location, the property owner has approximately 685' of frontage to decide on an optimal location. If approved, the subject property would have an advantage over other commercial businesses along the I-40 corridor and similar requests may come in the future. Staff finds that the recently approved variance for sign height up to 70' is generous and in accordance with variances granted in the past. Staff recommends that a request for 120' maximum sign height be denied.

APPROVE

APPROVE WITH
CONDITIONS

DENY

Staff has received one letter of protest (Exhibit 1).

ATTACHMENTS:

Exhibit 1
Exhibit 2
Exhibit 3
Exhibit 4
Exhibit 5

SUBMITTED
PLANS

PUBLIC HEARING
PETITION/
APPLICATION FORM

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

Exhibit 1: Workman's Plaza Preliminary Plat

Exhibit 2: Elevations (Applicant)

Exhibit 3: Elevation Handbook Notes (Applicant)

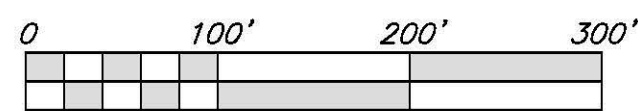
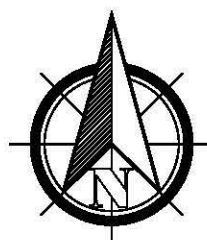
Exhibit 4: Elevations (City)

Exhibit 5: Letter of Protest

PRELIMINARY PLAT - P.U.D. - MASTER PLAN

WORKMAN'S PLAZA

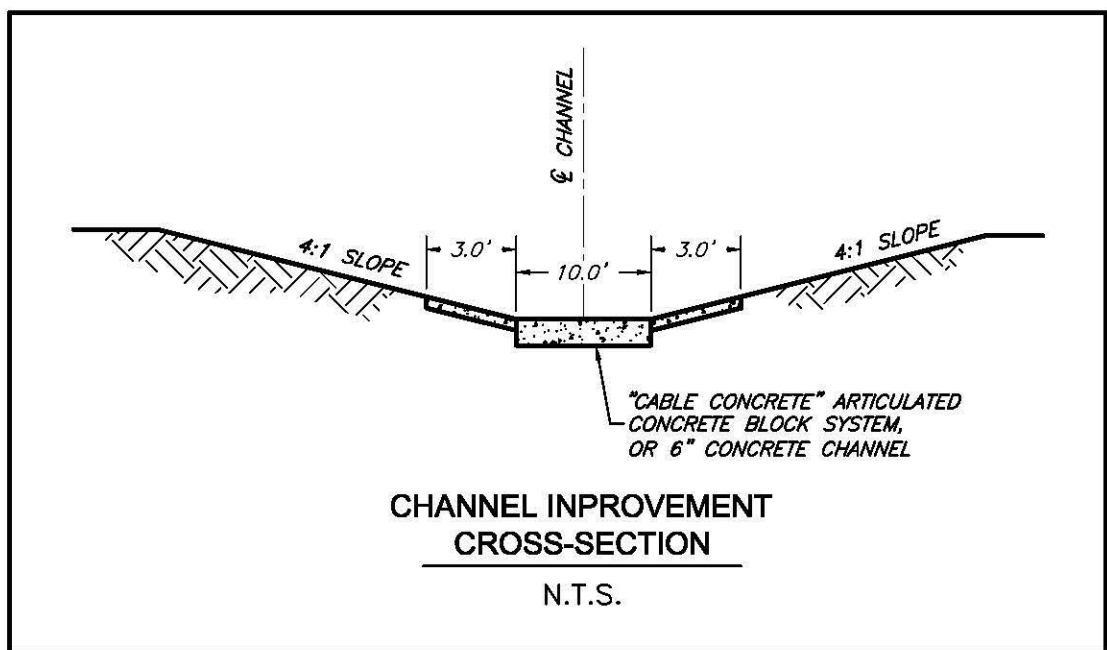
A PART OF THE SE/4 OF SECTION THIRTY-ONE (31), TOWNSHIP ELEVEN (11) NORTH,
RANGE FOUR (4) NORTH OF THE INDIAN MERIDIAN, SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA



SCALE: 1" = 100'

LEGEND

- (O) INDICATES 3/8" IRON PIN SET,
W/CAP "CA 2260" (UNLESS
OTHERWISE NOTED)
- (•) INDICATES EXISTING
MONUMENT
- WATER METER
WATER VALVE
FIRE HYDRANT
POWER POLE
LIGHT POLE
GUY WIRE
GAS METER
VENT PIPE
TELEPHONE PEDESTAL
ELECTRIC BOX
CLEAN OUT
MANHOLE
STORM DRAIN
AIR CONDITIONER UNIT
SIGN
BENCHMARK
- TUG TELEPHONE, UNDERGROUND
LGE UNDERGROUND ELECTRIC
OHE OVERHEAD ELECTRIC & CABLE TV
FOC FIBER OPTIC CABLE
CATV CABLE TV
PET PETROLEUM LINE
G GAS LINE
HPC HIGH PRESSURE GAS LINE
W WATER LINE
SS SANITARY SEWER LINE
STS STORM SEWER
PSS PRESSURIZED SANITARY SEWER LINE
X FENCE
FLOW LINE
- (R) INDICATES RECORDED DISTANCE OR
BEARING ACCORDING TO LEGAL
DESCRIPTION PROVIDED
- (M) INDICATES ACTUAL MEASURED
DISTANCE OR BEARING
- R/W RIGHT-OF-WAY
U/E UTILITY EASEMENT
D/E DRAINAGE EASEMENT
B/L BUILDING LINE

CHANNEL IMPROVEMENT
CROSS-SECTION
N.T.S.

LEGAL DESCRIPTION

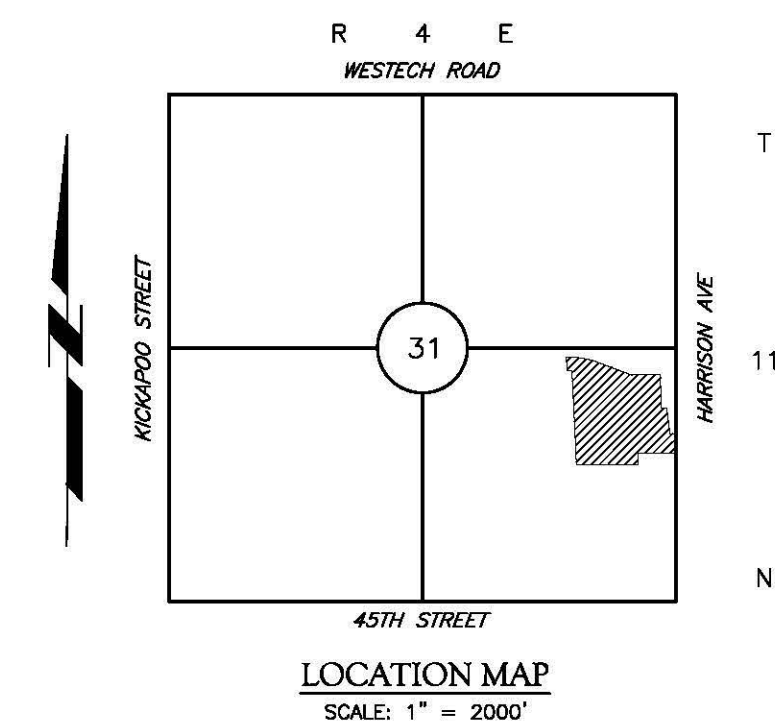
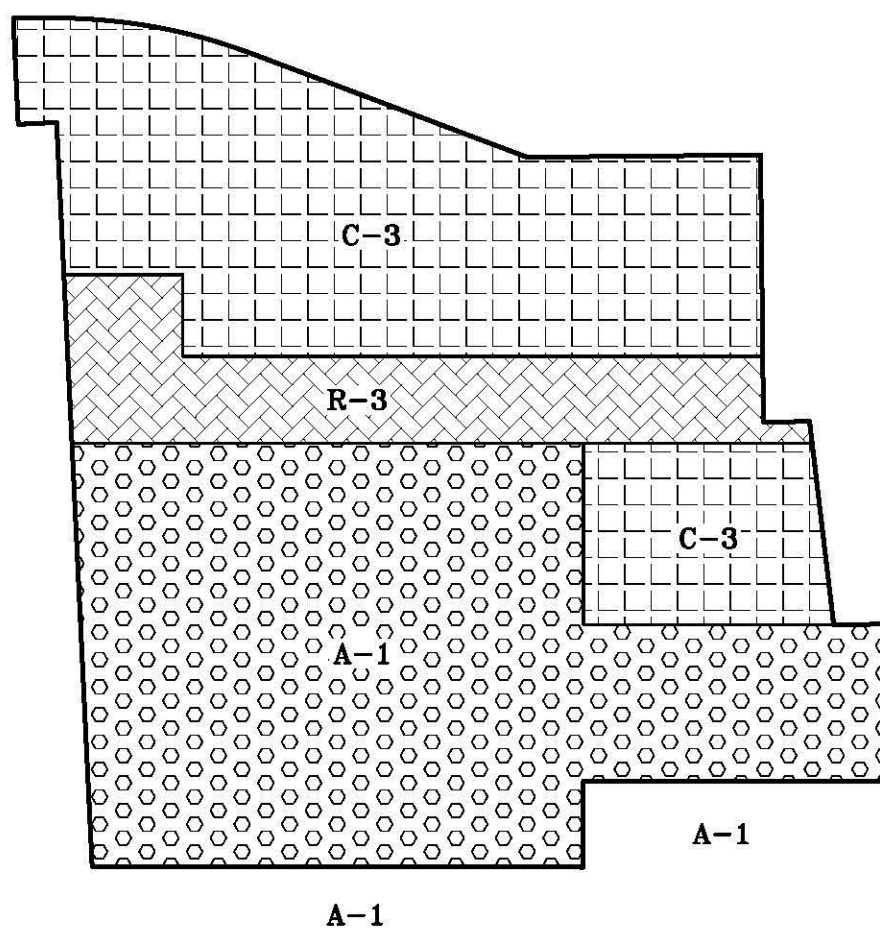
A TRACT OF LAND BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (NE/4-SE/4) OF SECTION THIRTY-ONE (31), TOWNSHIP ELEVEN (11) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA, THENCE SOUTH 112.12' FEET, THENCE WEST 389' FEET, THENCE SOUTH 112' FEET, THENCE WEST 692' FEET TO THE EAST SIDE OF THE A.T. & S.F. RAILWAY COMPANY RIGHT-OF-WAY, THENCE NORTH ALONG THE EAST SIDE OF THE RIGHT-OF-WAY TO A POINT 1204.6 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER, THENCE EAST 1204.6 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT
A STRIP, PIECE, OR PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER (SE/4) OF SECTION 31, TOWNSHIP 11, RANGE 4 EAST, POTTAWATOMIE COUNTY, OKLAHOMA, SAID PARCEL OF LAND DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT A POINT ON THE PRESENT WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 18, A DISTANCE OF 33.44 FEET WEST OF AND 915.08 FEET SOUTH OF THE NE CORNER OF SAID SE/4; THENCE NORTH AND NORTHWESTERLY ALONG SAID RIGHT-OF-WAY A DISTANCE OF 268.87 FEET TO A 400 IN SAID RIGHT-OF-WAY, THENCE WEST ALONG SAID 400 A DISTANCE OF 40.00 FEET, THENCE SOUTH 506°53'15"E A DISTANCE OF 268.07 FEET, THENCE N89°17'35"E A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.24 ACRES, MORE OR LESS, ALL BEARINGS CONTAINED IN THIS DESCRIPTION ARE BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM AND ARE NOT ASTRONOMICAL BEARINGS; LESS AND EXCEPT THE DEDICATION DEED FOR PUBLIC HIGHWAY RECORDED IN BOOK 170 PAGE 21.

Note to Contractors
Call Okle :1-800-522-6543

LOCATION OF UNDERGROUND UTILITY SERVICES. CONTRACTORS MUST
CONTACT THIS NUMBER PRIOR TO ANY EXCAVATION OR CONSTRUCTION.

EVERY EFFORT HAS BEEN MADE TO LOCATE AND IDENTIFY APPROXIMATE
LOCATIONS OF UNDERGROUND UTILITY LINES. BURIED UTILITIES ARE
NOT NECESSARILY SHOWN. IT IS THE RESPONSIBILITY OF THE
CONTRACTOR TO LOCATE AND PRESERVE ALL SERVICES. CONTRACTOR
MUST CONTACT ALL UTILITIES PRIOR TO ANY CONSTRUCTION.

LOCATION MAP
SCALE: 1" = 2000'PROPERTY CURRENT ZONING
N.T.S.

DEVELOPERS INFORMATION

CURRENTLY ZONED: C-3, R-3 AND A-1
TO BE RE-ZONED AS P.U.D.

LOCATION: SW CORNER, I-40 & HARRISON
SHAWNEE, OK. 74804

OWNER & DEVELOPER: TAYLOR WORKMAN
SHAWNEE 4 OK
200 COLLUM LANE W
ALMA, AR. 72021

PROJECT ENGINEER: RICHARD LANDES
903 E. 35TH ST.
SHAWNEE, OK. 74801
(405) 275-5388

PARKING REQUIREMENTS

REQUIRED PARKING - CONVENIENCE STORE (RETAIL ESTABLISHMENTS)
MIN 1 SPACE PER 225 S.F. = 14 SPACES
REQUIRED ACCESSIBLE PARKING SPACES = 26 TO 50 REQUIRED SPACES = 2 HC SPACES

REQUIRED PARKING - EATING PLACES, SIT DOWN
MIN 1 SPACE PER 200 S.F. = 38 SPACES
REQUIRED ACCESSIBLE PARKING SPACES = 26 TO 50 REQUIRED SPACES = 2 HC SPACES

TOTAL REQUIRED SPACES
STANDARD SPACES = 72 SPACES
ACCESSIBLE SPACES = 4 SPACES
76 SPACES TOTAL

TOTAL PROVIDED SPACES
STANDARD SPACES = 68 SPACES
ACCESSIBLE SPACES = 4 SPACES
TRUCK SPACES = 84 SPACES
156 SPACES TOTAL

PRELIMINARY PLAT NOTE

THE PRELIMINARY PLAT HAS BEEN PREPARED TO THE BEST OF
OUR ABILITIES IN ACCORDANCE WITH THE COMPREHENSIVE PLAN
WITH WHICH WE ARE FAMILIAR, AND IN ACCORDANCE WITH THE
ORDINANCES AND REGULATIONS GOVERNING THE SUBDIVISION OF
LAND EXCEPT WHERE VARIANCES ARE BEING REQUESTED.

FLOOD STATEMENT

THIS PROPERTY IS PARTIALLY LOCATED IN FLOOD ZONE 'A' (NO BASE FLOOD
ELEVATIONS DETERMINED) PER F.I.R.M. POTTAWATOMIE COUNTY, OKLAHOMA AND
INCORPORATED AREAS, PANEL 70 OF 550, MAP NUMBER 40125C0070-H,
MAP REVISED 9-3-2016.

STORMWATER FLOW

THE PROPERTY IS TO BE GRADED AND STORMWATER RUNOFF IS TO BE
DIRECTED TOWARDS THE PROPOSED STORMWATER DETENTION AREA. THE
STORMWATER IS TO BE DETAINED IN THE PROPOSED DETENTION AREA AND
DISCHARGED INTO IMPROVED TRIBUTARY #1 TO TRIBUTARY #2 TO ROCK CREEK.
RECHANNELIZATION OF THE TRIBUTARY WILL CONTAIN THE 100-YEAR STORM
AND FLOW COMPLETELY WITHIN THE PROPOSED CHANNEL.

VARIANCE REQUESTS

- 1- 120' TALL SIGN AS TO BE SEEN
FROM INTERSTATE AT NORTHEAST
CORNER OF PROPERTY
- 2- 120' TALL SIGN AS TO BE SEEN
FROM INTERSTATE AT NORTHWEST
CORNER OF PROPERTY

NOTES:

- 1- UNLESS SPECIFIED IN THE 'VARIANCES' SECTION, ALL
DEVELOPMENT WILL MEET CITY OF SHAWNEE STANDARDS.
- 2- TOPS OF EXISTING MANHOLES ADJACENT TO CHANNEL
MAY HAVE TO BE RAISED ABOVE DETERMINED BFE.

STATISTICAL DATA

- A. 21.27 TOTAL ACRES
- B. 2 LOTS & 1 OUTLOT
- C. NONE
- D. 1 15,000 SQ FT COMMERCIAL STRUCTURE
- E. NONE
- F. NONE
- G. NONE
- H. NONE

DWG FILE: P:\ENGINEERING\2017\ENG 604-17 SHAWNEE 4 OK\SITE DESIGN.DWG

Taylor Workman

LANDES ENGINEERING L.L.C.

www.landesengineering.net

903 E. 35th Street * P.O. BOX 1032

Shawnee, OK 74802-1032

(405) 275-5388 * Fax (405) 275-9047

CA # 2260 EXP. 6-30-19

Date

#8679

Richard

Richard

Date

Revisions

Date

1

09/22/2017

MARK-US PER CITY REVIEW

1

09/05/2017

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

2

14. PW ENC
 EL=10:50 BB
 15. PW ENC
 EL=10:50 BB
 16. PW ENC
 EL=10:50 BB

$\sum F_P = F_1 - W_{NW}$

10-EPGE 1-40

2-EPF 1-40
EL=148.96

8-EPGE-1-40
X
EL-EPGE-1-40

2-EDGE
EL=148.25-40

6-EPGE I-40

2-EDGE
46.51-40

EL-EPF-1-40

2-EPF-1-40
43.74

$\times$ $\frac{1}{2} - M_N$ APPROX BB
EL = 100.00

EXHIBIT

3

Rt 3E/4 SEC. 31-11N-4E

But Co.

STEVE MURSKY

MARK

MAS

11-30-17

MUR 17080

447

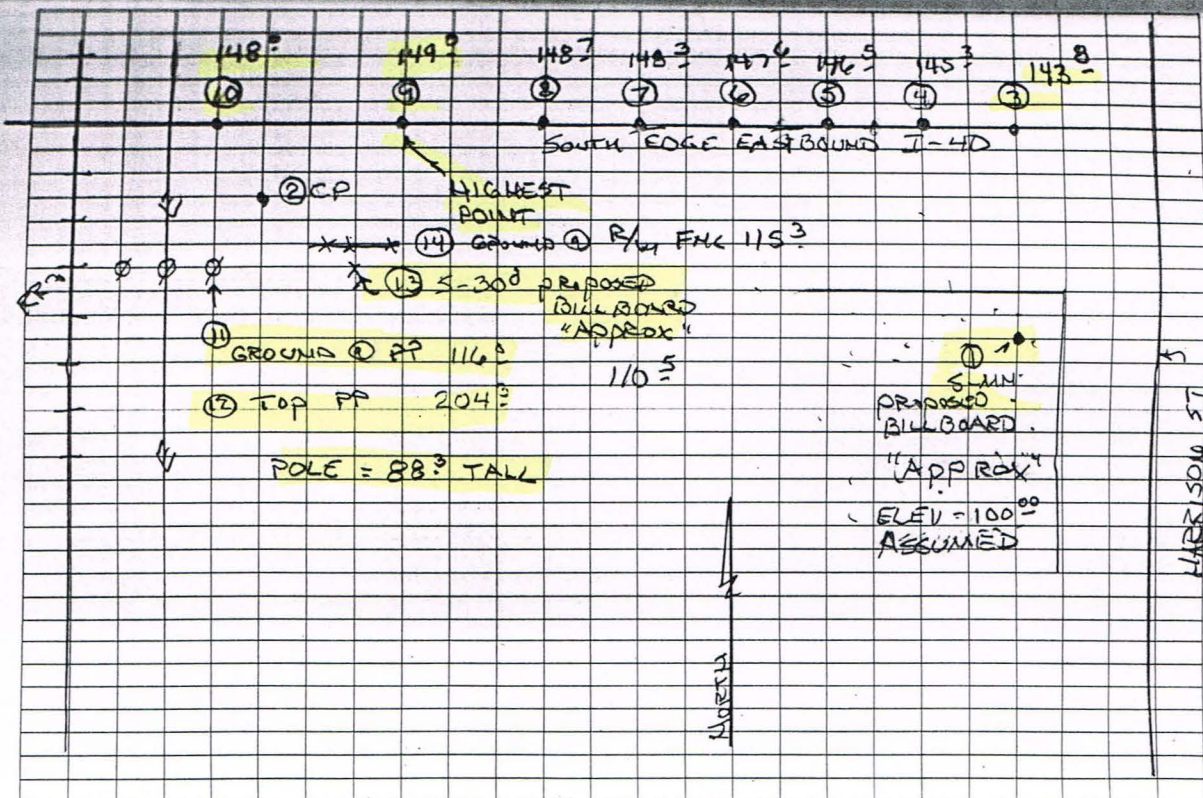




EXHIBIT
5

Elmer Smith Oil Company
Domino Food and Fuel, Inc.

P.O. Box 1719
Highway 183 South
Clinton, Oklahoma 73601
(580) 323-2929

November 7, 2017

RECEIVED CITY CLERK'S OFFICE
Date 11-07-17 Time 12:28pm

Zoning Board of Adjustments City of Shawnee
222 North Broadway
Shawnee, OK 74801

Re: Case # Z04-17 120' sign variance

To whom it may concern:

I would like to voice my concern regarding the variance request for a 120' sign located at 4830 N Harrison Avenue. This City of Shawnee has developed standards to regulate building within the city. These standards are important for a growing community. Our company is in the process of completing our second project in the past 12 months. We have invested millions of dollars on new construction. We understand the vision and standards set forth by the City of Shawnee as well as anyone.

We are currently in the process of developing the 15-acre tract to the East/Southeast of 4830 N Harrison. As part of our development, we have a variance for an 80' sign. Our development accommodates up to seven individual pad sites. Signage for the entire development is limited and controlled through our PUD. Each site will be limited to a monument type sign and the 80' sign accommodates up to eight brands. As part of our PUD, we submitted specific sign plans for the 80' sign to the City Of Shawnee. Therefore, instead of having seven or eight 40' and seven to eight 20' signs on our development we will have only one 80' sign. The remaining signs are limited in height and square footage that promotes uniformity within the development and city.

In reviewing, the plans at the City Office for the development at 4830 N Harrison there are three proposed signs. If I remember correctly this site would qualify as an interstate location and be permitted one 40' sign and one additional sign with a maximum height of 20'. Is the applicant asking for a variance to raise the 20' sign permitted to 40' sign, as well as the 40' sign permitted to 120' sign on the northeast corner and to add an additional 120' sign on the northwest corner?

We also have concerns about the city granting a variance for a sign without preliminary plans for the sign being permitted. We also do not support a sign variance for height if the only purpose is to get the sign higher. We feel height variances should only be given out of necessity to support multiple franchises on one sign.

Your time and consideration on this matter is greatly appreciated.


Martin Smith
President
Elmer Smith Oil Co.
PO Box 1719
Clinton, OK 73601

CITY OF SHAWNEE
222 N. BROADWAY
SHAWNEE, OK 74801

PLANNING DEPARTMENT
PHONE: (405) 878-1616
FAX: (405) 878-1587

ZONING BOARD OF ADJUSTMENT
PROJECT NO. 171128 CASE NO. 20447

NAME OF PROPERTY OWNER: KIM RODGERS

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE: (____) _____

APPLICANT'S NAME: STEVE MURRAH (WHITE SIGN COMPANY)

APPLICANT'S RELATIONSHIP TO OWNER (S): [CHECK ONE] **SAME** ☐ **AGENT** ☒

APPLICANT'S ADDRESS: 6420 EAST ST

CITY: TEXARKANA STATE: AR ZIP CODE: 71854

TELEPHONE: (870) 779-1504

903-293-4926

(PLEASE COMPLETE FOR THE **PROPERTY** THAT THE VARIANCE IS REQUESTED FOR.)

PROPERTY LOCATION (ADDRESS): 4830 N. HARRISON SHAWNEE, OK 74804

LEGAL DESCRIPTION: A part of the SE 1/4 of Sec. 31, T11N, R4E, I.M. Shawnee, Pottawatomie County, Oklahoma 21.273 Acres per existing ALTA Survey

(DIMENSIONS OF PROPERTY) AREA: _____ WIDTH: _____

LENGTH: _____ FRONTAGE: _____

CURRENT ZONING: _____ CURRENT USE: _____

VARIANCE REQUESTED: REQUEST OVERALL HEIGHT OF SIGN TO BE 120' FROM GRADE AS THE EXISTING SITE IS APPROXIMATELY 40' BELOW ROAD LEVEL, ALLOWING THE SIGN TO BE SEEN FROM THE INTERSTATE IN BOTH DIRECTIONS.

**APPLICATION, OWNERSHIP LISTING AND PAYMENT
MUST BE RECEIVED 30 DAYS PRIOR TO MEETING**

STEVE MURRAH

APPLICANT'S SIGNATURE

(OFFICE USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this 26th day of, October 20 17.

FILING FEE: \$90.00

will pay with credit card

RECEIPT NO: 02098644

Cheyenne Pettigrew

ZONING BOARD OF ADJUSTMENT SECRETARY

ZBOA DECISION: _____

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #Z04-17

Notice is hereby given that the Zoning Board of Adjustment of the City of Shawnee, Oklahoma, will conduct a Public Hearing to hear a request for a variance (as authorized under 1301.1.C Powers) to the City of Shawnee Zoning Code. This hearing concerns certain property located within the City of Shawnee, Oklahoma.

The property under consideration is described as follows:

A tract of land beginning at the Northeast Corner of the Southeast Quarter (SE/4) of Section Thirty-one (31), Township Eleven (11) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence South 1121 feet; thence West 389 feet; thence South 112 feet; thence West 692 feet to the East side of the A.T. & S.F. Railway Company right-of-way; thence North along the East side of the right-of-way to a point 1204.60 feet West of the Northeast Corner of the Southeast Quarter; thence East 1204.6 feet to the Point of Beginning less and except a strip, piece or parcel of land lying in part of the Southeast Quarter (SE/4 of Section 31, Township 11 North, Range 4 East, Pottawatomie County, Oklahoma. Said parcel of land described by metes and bounds as follows: Beginning at a point on the present West right-of-way line of State Highway No. 18, a distance of 33.44 feet West of and 915.06 feet South of the NE Corner of said SE/4; thence North and Northwesterly along said right-of-way a distance of 265.87 feet to a jog in said right-of-way; thence West along said jog a distance of 40.00 feet; thence S06°53'15"E a distance of 266.07 feet; thence N89°17'35"E a distance of 30.00 feet to the Point of Beginning, containing 0.24 acres, more or less. All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings. Less and except the dedication deed for public highway recorded in Book 170 Page 21.

ALTA Survey – 2004 – Rodger Whited LS 1298, Pollard & Whited Survey

GENERAL LOCATION: 4830 N. Harrison Avenue, Shawnee, OK

ZONING CLASSIFICATION: PUD; Planned Unit Development

The requested variance is as follows:

The allowance of 120' sign(s) on the subject property.

The public hearing will be held in the Commission Chambers, City Hall, 16 W. 9th St. Shawnee, Oklahoma on the 16th day of November at 2:30 p.m. At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the requested variance. Please call 878-1616 with any questions. A copy of the application is available during normal working hours in the Zoning Board of Adjustment Secretary's office located at 222 N. Broadway.

Witness my hand this 3rd day of November, 2017.

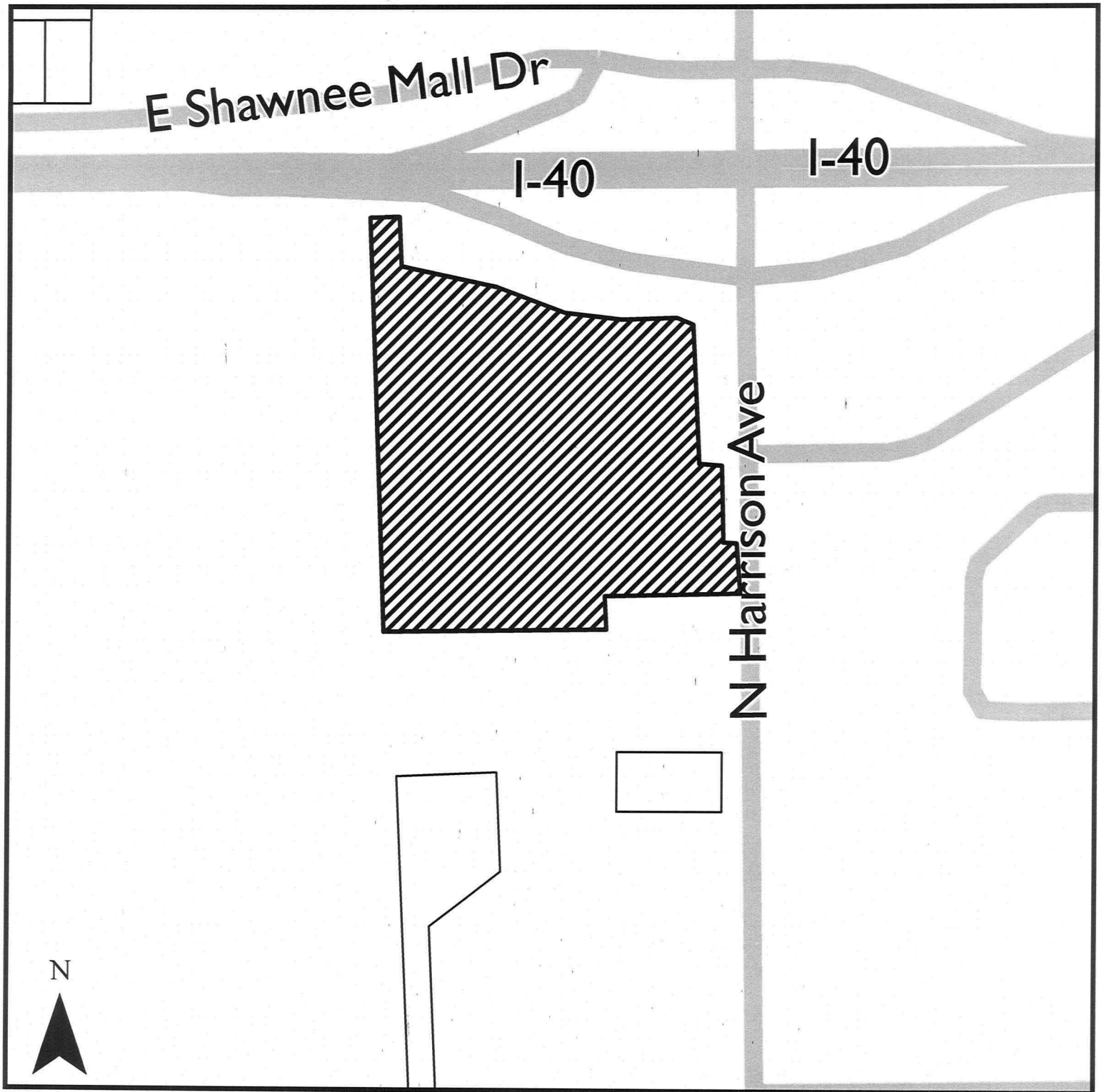
Cheyenne Pettigrew

Secretary, Zoning Board of Adjustment

CASE # Z04-17

CONSIDERATION FOR 120 FT. SIGN VARIANCE

4830 N. HARRISON AVE.



**CHOICE TITLE INSURANCE AGENCY
TITLE INSURANCE
ESCROW/CLOSING/ABSTRACTING
AGENCY**

118 N. Broadway
P.O. Box 1724
Shawnee, OK 74802

**Steve Murrah
WHITE SIGN COMPANY
6420 E Street
Texarkana, Arkansas 71854**

Telephone: (903) 293-4926

Email: sm@whitesign.com

October 26, 2017

LEGAL DESCRIPTION

A tract of land beginning in the Northeast corner of the Southeast Quarter (NE/c SE/4); thence South 1121 feet; thence West 389 feet; thence South 112 feet; thence West 692 feet to the East side of the A.T.&S.F. Railroad right-of-way line; thence North along railroad right-of-way to a point 1204.6 feet to the point of beginning, less and except .24 acres to the State of Oklahoma, all in Section Thirty-one (31), Township Eleven (11) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma.

Property Address: 4830 North Harrison, Shawnee, OK

Sheriff Deed - Document No. 200800002422 - Recorded - February 13, 2008

Property Owner: Kim Rodgers, 4307 Liberty Circle, Shawnee, OK 74804

300' SURROUNDING PROPERTY OWNERS

City of Shawnee, P.O. Box 1448, Shawnee, OK 74802-1448

**State of Oklahoma, C/O Department of Transportation, 200 N.E. 21st Street,
Oklahoma City, OK 73105**

Canadian Valley Electric Cooperative, P.O. Box 751, Seminole, OK 74818-0751

Shawnee Harrison, LLC, Attn: Martin Smith, P.O. Box 1719, Clinton, OK 73601

Collision Works of Shawnee, Oklahoma Properties LLC, 4881 North Harrison
Street, Shawnee, OK 74804

Gordon Cooper Area Vocational Technical School, 1 John C. Bruton Boulevard,
Shawnee, OK 74804

Central Disposal, LLC, 4650 North Harrison, Shawnee, OK 74804

Randy D. Edmonson, 115 Rene Place, P.O. Box 3003, Shawnee, OK 74802

Thomas T. Johnson, 4720 North Harrison, Shawnee, OK 74804

Dharshan, Inc., 4700 North Harrison, Shawnee, OK 74804

Don Bodard Trust, 3701 North Harrison, Shawnee, OK 74804

Cordially,

A handwritten signature in cursive script, appearing to read "Pam Atyia".

Pam Atyia

Choice Title Insurance Agency