

ZONING BOARD OF ADJUSTMENTS

DATE: December 21st, 2017

The Zoning Board of Adjustment met at a scheduled meeting on Thursday, December 21st, 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. Justin Debruin, 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 November 16th, 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: Swearing in of Ed Bolt to the Zoning Board of Adjustment

Ed Bolt was sworn in.

AGENDA ITEM NO. 4: Appointment of Zoning Board of Adjustment Chairperson and Vice-Chairperson

Commissioner Cooper asked who appoints the chairperson and vice-chairperson. Justin Debruin explained the board members are open to discussion amongst themselves, following with a motion if ready. Mr. Debruin informed the board they could wait for all members to be

present before deciding. Commissioner Kirkland made a motion to defer, seconded by Commissioner Bolt.

Motion deferred:

AYE: Bolt, Cannon, Cooper, Kirkland

NAY: None

ABSTAIN: None

AGENDA ITEM NO. 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' signs(s) on the subject property.**

Commissioner Cooper asked for staff report. Justin Debruin presented staff report and summarized project leading up to present day. Property is twenty one acres in size, split into two lots. Southern most lot is intended to be a travel center with two points of access and a third outlot meets in middle of other lots with the intent to contain the storm water detention. Mr. Debruin explained the request is for two 120' signs on subject property. Code allows 40' within a ¼ mile of the highway. Justin Debruin informed commissioners of previous cases with similar requests for comparison. Mr. Debruin discussed elevations staff came up with and mentioned the Planned Unit Development was approved in October; however Planning Commission agreed with staff's recommendation that the 120' sign did not conform with the comprehensive plan or any other codes within the city. Justin Debruin spoke of keeping consistency along I-40 and informed the board of the letter that was submitted from Domino Plaza, along with the phone calls from surrounding businesses, showing concern regarding the applicant's request. Mr. Debruin explained to board that these businesses may be submitting applications to the zoning board for similar sign height variances. Justin Debruin went on to explain there is not a hardship proven to this particular site; there are two other locations presented on their PUD and Preliminary Plat for signs. Mr. Debruin mentioned the major fear for applicant is trees on the western side of property but the hardship does not exist, it is merely a preference. Justin Debruin described the pertaining ordinances from the zoning code for the city. Staff does not find the intent meets a variance. If approved, the sign height should be addressed with the Planning Commission and if sign code needs to be changed, it should be done so at the Planning and City Commission level. Staff's recommendation is for staff to explore re-writing the portion of the sign code that language may be difficult to read or conflicting and includes revisions for I-40 area if needed. Mr. Debruin also informed board of an additional issue regarding on premise signage. If sign shows to be listed for lot two, but it would be advertising for lot one, it would need to go through Planning Commission for a PUD amendment. Staff finds request comes back to conformance with code and precedence, with the Planning Commission determining staff's recommendation to be appropriate. Commissioner Cooper asked if design showed the separate

lots. Justin Debruin showed him the pertaining exhibit and explained the out lot in middle was unable to be developed due to existing in floodplain until channel is created. Commissioner Cooper asked if all twenty one acres were being developed for travel center. Mr. Debruin disagreed and described lot plans. Commissioner Cooper asked where the additional signs went. Justin Debruin discussed the sign locations. Commissioner Cooper asked if the applicant was looking for sign height approval for the additional signs. Mr. Debruin stated that if nothing has changed since last meeting, the applicant requested the two most northern signs at 120' while the third sign sits further from Interstate and would abide by city code. Commissioner Cooper asked if applicant can be approved for 70' height and Justin Debruin confirmed; stating they are already approved for that height, which is the highest allowed by Interstate. Planning Commission approved 70' but denied the 120' request. Commissioner Cooper asked where the board goes from here. Mr. Debruin informed the board they can approve the variance for 120' sign height or deny and they will still be allowed to construct 70' signage. Justin Debruin offered to prepare a proposal for Planning Commission to evaluate Interstate signage. Mr. Debruin also informed board that the northern side of interstate has been allowed 40' and some southern properties off interstate have been allowed 70'. Commissioner Cannon mentioned applicant discussing 110' feet and Justin Debruin stated the applicant would still be over the height and request today is for 120'. Commissioner Kirkland mentioned the 80' sign for Domino Plaza. Mr. Debruin explained the allowance was a give and take between applicant and Planning Commission as applicant gave up numerous monument signs in exchange for one taller sign. Commissioner Kirkland asked that sign needs to be on particular property to represent business that is there. Justin Debruin agreed, stating freestanding signage has to be on site. Commissioner Kirkland asked if the sign close to Harrison and by railroad tracks was on same property and Mr. Debruin agreed. Commissioner Kirkland also discussed Planning Commission allowing items not by code and asked why. Justin Debruin explained it was through Planning Commission and a negotiation to sacrifice having numerous signs off Harrison Street for one nice sign with a façade placed upon it. Commissioner Cooper asked Justin Debruin to explain item on exhibit. Commissioner Kirkland had Mr. Debruin explain the sign locations and discussed height for Domino Plaza signage. Justin Debruin stated sign height could have been talked to during Planned Unit Development stage. Commissioner Cannon asked about the 90' and 110' requests and Mr. Debruin stated it was his recommendation that it would be done through a Planned Unit Development amendment. Commissioner Cooper opened the public portion of the meeting. Todd White with White Sign Company came forward to speak in favor and passed out survey results to commissioners. Applicant explained they were unable to get a crane to property to get specific measurements. Mr. White stated they were only requesting one 120' sign and discussed visibility concerns. Commissioner Kirkland discussed getting crane to property. Justin Debruin asked if applicant was able to get in touch with the railroad company. Mr. White stated they did not and explained that the trees were not the issue; they still needed the height and visibility within ten seconds of the exits off the Interstate or the sign is useless. Mr. White also mentioned there is no visibility from eastbound traffic if they went with a 70' sign. Mr. Debruin indicated that without necessary proof, the claim could not be substantiated. Mr. White stated he can drive out and look. Justin Debruin discussed there was no burden of proof. Commissioner Kirkland discussed utility pole heights in comparison. Mr. White mentioned they could make 100' or 110' height work. Taylor Workman came forward to speak in favor and stated they needed someone to approve the 120' sign height so they can build and he doesn't know who he needs to talk to. Mr. Debruin explained this was originally negotiated at the Planned Unit Development level. Mr. Workman asked if the board approves it, can he build his 120' sign. Justin Debruin agreed. Mr.

Workman told the board he needed a 120' sign in the location provided so he can move forward with purchasing property. Mr. Workman asked if there were any questions. There were none. Richard Finley came forward to speak regarding excessive traffic being funneled onto Harrison Avenue due to the Bryan Street exit being denied and approving any variance that encourages the project to be completed will exacerbate traffic issue already on hand. Mr. Finley discussed facilitating any variance to project is not in the city's best interest. Mr. Finley expressed appreciation for the applicants and asked if there were any questions. There were none and the public portion of the meeting was closed. Commissioner Cooper asked Justin Debruin to summarize for the board. Mr. Debruin summarized. Commissioner Bolt asked if applicant still had option to go before Planning Commission again to discuss sign height. Justin Debruin agreed. Commissioner Bolt asked if applicant asked the Planning Commission for the same height and Mr. Debruin agreed. Commissioner Cooper asked if this needed to go before the Planning Commission. Justin Debruin stated they had the right to vote, but it was the recommendation of staff. Commissioner Cooper asked for a motion. Commissioner Cannon asked if it made any difference if they came up with a hard number and it was 90'. Mr. Debruin informed him it did not make a difference, it was presented at the Planning Commission even with hypotheticals thrown out and it was denied. Commissioner Kirkland stated if he figured correctly, the sign would be 10' higher than the utility poles and they can be seen more than ten seconds from exit and had a problem with that. Commissioner Kirkland also mentioned the Planning Commission should base signs off the elevation of the road as well as the Domino Plaza elevation since an exception was made. Justin Debruin explained that it was not an I-40 adjacent property. Mr. White discussed comparisons to the Domino Plaza sign height. Commissioner Kirkland made a motion to deny, seconded by Commissioner Bolt.

Motion denied:

AYE: Bolt, Cannon, Cooper, Kirkland

NAY: None

ABSTAIN: None

AGENDA ITEM NO. 6:

New Business/Planning Director's Report

No new business or report.

AGENDA ITEM NO. 7:

Adjournment

Meeting was adjourned.


Chairman/Vice-Chairman

Cheyenne Pettigrew
Zoning Board of Adjustment Secretary