

AGENDA
CITY OF SHAWNEE
ZONING BOARD OF ADJUSTMENT
November 16th, 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 September 21st, 2017 Zoning Board of Adjustment meeting
- 3) Consideration of approval of the 2018 Schedule of Regular Meetings for the Zoning Board of Adjustment
- 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. A deviation from Section 3-190 (e)(1)(b) of the Sign Code to allow for 120' maximum sign height for freestanding signage.
- 4) New Business/Planning Director's report
- 5) Adjournment

ZONING BOARD OF ADJUSTMENTS

DATE: September 21st, 2017

The Zoning Board of Adjustment met at a scheduled meeting on Thursday, September 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 May 18th, 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:

AGENDA ITEM NO. 3: Case #Z03-17 – 4920 N. Auto Mall Drive, Shawnee, OK

Applicant: Vital Signs of Oklahoma

A public hearing for consideration of the following requested variances:

- 1. The allowance of a 100' flagpole on the subject property.**

Commissioner Cooper asked for the staff report. Justin Debruin presented staff report and stated the property is the Joe Cooper Chevy dealership located on Shawnee Mall Drive, east of union, west of railroad tracks. The request is for a 100' flagpole placed on east side of the Chevy dealership and allowance falls under the existing sign code that shows a 40' max height. Mr.

Debruin discussed comparison to other cities sign codes with an average showing sign height being directly related to building height. Justin Debruin mentioned Commissioner Kirkland made a good point before meeting stating there was a difference in elevation on both sides of the highway and there were a majority of sign variances over the years coming from the south side of the highway. Mr. Debruin discussed a sign variance was approved recently at Domino Plaza for an 80' sign with certain conditions. Staff recommends denying variance. Commissioner Cooper asked about the 80' sign for Domino Plaza. Justin Debruin explained it was within a PUD and the applicant negotiated some give and take to sacrifice twenty-five signs in order to have one universal 80' sign. Commissioner Kirkland asked if there were other options. Mr. Debruin agreed and informed him staff could make time to create an ordinance for a conditional use process. Commissioner Cooper asked what a conditional use permit was. Justin Debruin explained process. Commissioner Cooper asked if staff knew how tall the flagpoles were in Midwest City. Mr. Debruin was unaware. Commissioner Cannon asked how changes could be made. Justin Debruin discussed bringing before the Planning Commission for review. Commissioner Kirkland spoke of elevation differences. Commissioner Cooper asked for confirmation on staff bringing discussion regarding flagpoles to Planning Commission. Commissioner Thomas asked if the board has heard from the applicant. Mr. Debruin informed him they had not. Commissioner Cooper opened the public portion of the meeting and no one came forward to speak against. Joe Cooper came forward to speak in favor and thanked the board for taking to visit with him and he's proud to do business here. Mr. Cooper discussed investing a tremendous amount of money into the two dealerships by highway, didn't cut any corners, does not believe the flagpole is a sign and it would make Shawnee stand out as a community as you're driving by. Justin Debruin stated he could commit to bringing something before the Planning Commission in the case the board denies the request so it would not be left open ended. Joe Cooper discussed how he feels any other height for flagpole would minimize impact from the flag due to the elevation. Commissioner Cooper expressed how he feels it would be nice to have something like that but still have to abide by rules and regulations but if there is a possibility to get something done then it would be great. Commissioner Kirkland agreed with flag being a good idea but wants to stay within what city has and would like Justin to have discussion on it. Justin Debruin mentioned looking into Yukon's highway flagpole ordinances and also stated they needed to look at how there is not a hardship in this case for a variance. He would like to go through right channels. Commissioner Thomas discussed variances versus conditional use permits and precedence but asked if variance was for a very specific purpose, would it cause that. Mr. Debruin explained certain lots might depending on setbacks and gave example of grandfathering lots. Commissioner Cannon asked if staff could take this to committee. Justin Debruin agreed. Commissioner Thomas expressed how if it became a common exception it could at some point swallow the rule. Commissioner Cooper asked for a motion. Commissioner Kirkland made a motion to deny, Commissioner Thomas made an amended motion to deny with condition to bring discussion before the Planning Commission regarding the boards underlying idea, seconded by Commissioner Cannon. There was more discussion between Joe Cooper and Commissioners.

Motion denied:

AYE: Cannon, Thomas, Cooper, Kirkland

NAY: None

ABSTAIN: None

NOTE: Mat Thomas arrived at meeting.

AGENDA ITEM NO. 4: **New Business/Planning Director's Report**

No new business.

AGENDA ITEM NO. 5: **Adjournment**

Meeting was adjourned.

Chairman/Vice-Chairman

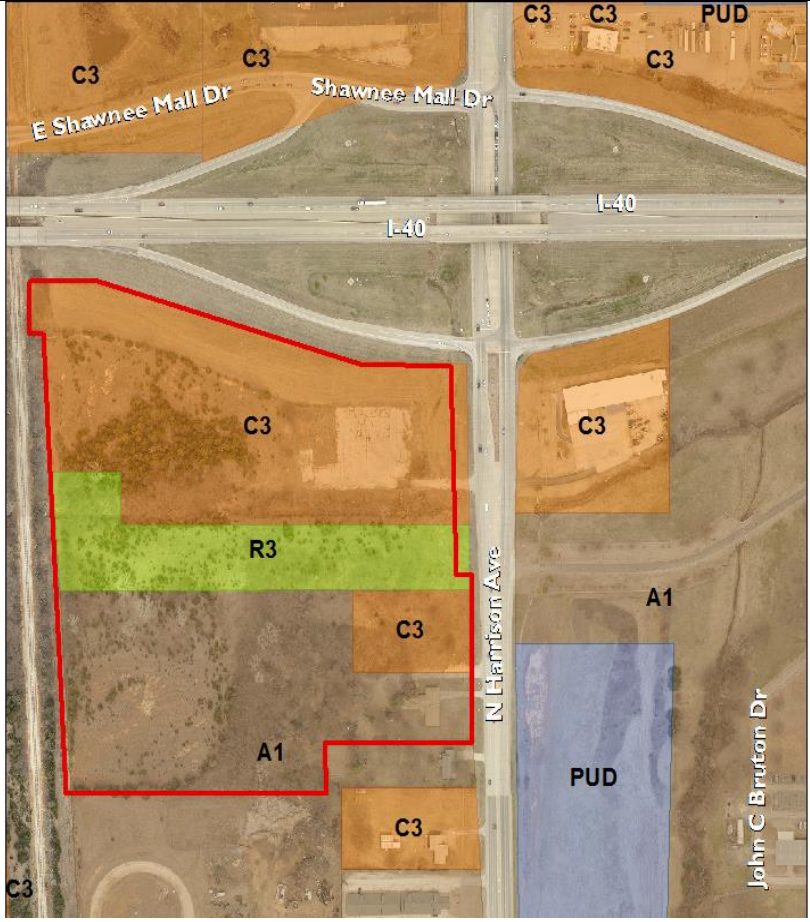
Cheyenne Pettigrew
Zoning Board of Adjustment Secretary

**2018 CALENDAR YEAR
SCHEDULE OF REGULAR MEETINGS
ZONING BOARD OF ADJUSTMENT**

APPLICATION, SITE PLAN, OWNERSHIP LIST & PAYMENT
MUST BE RECEIVED 30 DAYS PRIOR TO MEETING

<u>DATE</u>	<u>TIME</u>	<u>PLACE OF MEETING</u>
1-18-18	2:30 P.M.	Commission Chambers-City Hall
2-15-18	2:30 P.M.	Commission Chambers-City Hall
3-15-18	2:30 P.M.	Commission Chambers-City Hall
4-19-18	2:30 P.M.	Commission Chambers-City Hall
5-17-18	2:30 P.M.	Commission Chambers-City Hall
6-21-18	2:30 P.M.	Commission Chambers-City Hall
7-19-18	2:30 P.M.	Commission Chambers-City Hall
8-16-18	2:30 P.M.	Commission Chambers-City Hall
9-20-18	2:30 P.M.	Commission Chambers-City Hall
10-18-18	2:30 P.M.	Commission Chambers-City Hall
11-15-18	2:30 P.M.	Commission Chambers-City Hall
12-20-18	2:30 P.M.	Commission Chambers-City Hall

Please call the Planning Department at 405-878-1616 if you have any questions.

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: November 16, 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 request to exceed the maximum sign height established for the C-3 (Highway Commercial) zoning district. The applicant has requested the maximum height for freestanding signage be 120' from grade.					
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 two (2) 120' tall freestanding signs along the northern perimeter of the subject property. Per section 3-190(e)(1)(b) of the City's Sign Code, maximum sign height shall not exceed forty (40') feet when within one-quarter (1/4) mile of Interstate-40. Elsewhere, freestanding signs shall not exceed twenty (20') feet in height. This request was originally incorporated into the Workman's Plaza PUD, recently approved on October 16, 2017. However, at Staff's recommendation the request for 120' maximum					

sign height was denied, but an allowance was granted for 70' maximum sign height.

Workman's Plaza proposes to create a commercial travel center facility 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. Two of the three 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, which stands as the tallest to date.

Staff finds that the recently approved variance for sign height up to 70' is generous, in accordance with allowances granted in the past, and is representative of the maximum height granted by the City for property abutting Interstate-40. 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	SUBMITTED PLANS	PUBLIC HEARING PETITION/ APPLICATION FORM	LEGAL NOTICE	LEGAL DESCRIPTION
PUBLIC COMMENTS	AGENCY COMMENTS		RESPONSE TO STANDARDS	

EXHIBIT

1

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:

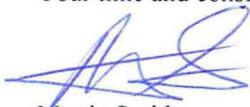
I would like to voice my concern regarding the variance request for a 120' sign located at 4830 N Harrison Avenue. This City of Shawnee has developed standards to regulate building within the city. These standards are important for a growing community. Our company is in the process of completing our 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 21st day of October 17.

FILING FEE: \$90.00 will pay with credit card

RECEIPT NO: 02098644

ZBOA DECISION: _____

Cheyenne Pettigrew

ZONING BOARD OF ADJUSTMENT SECRETARY

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.

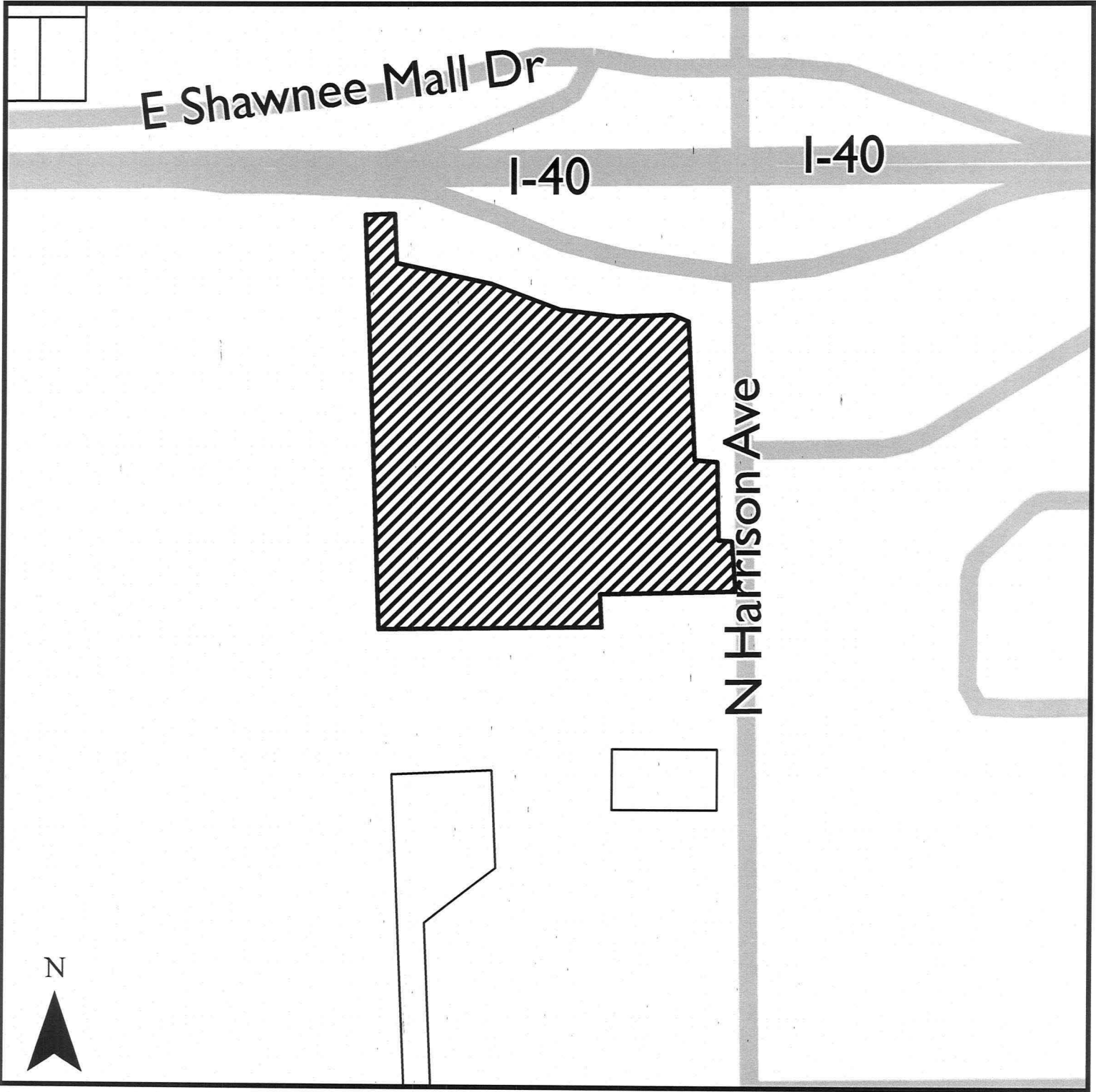
The public hearing will be held in the Commission Chambers, City Hall, 16 W. 9th St. Shawnee, Oklahoma on the 16th day of November at 2:30 p.m. At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the requested variance. Please call 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", is written over the printed name and agency information.

Pam Atyia

Choice Title Insurance Agency