

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:

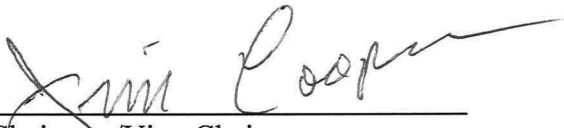
New Business/Planning Director's Report

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