

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