

The City of Muskogee encourages participation from all its citizens in public meetings. If participation is not possible due to a disability, notify the Planning Department, in writing, at least forty-eight hours prior to the scheduled meeting and necessary accommodations will be made (ADA 28 CFR/36).

AGENDA
CITY OF MUSKOGEE BOARD OF ADJUSTMENT
August 14, 2018

Members of the City of Muskogee Board of Adjustment are hereby requested to attend a Regular Meeting to be held on August 14, 2018, at 9:00 a.m. in the Council Chambers, 3rd Floor of the Municipal Building, Muskogee, Oklahoma, for the purpose of discussing the following items:

1. Roll Call.
2. Approval of the Minutes of the July 10, 2018 Board of Adjustment meeting.
3. Consider approval of a request by Hodge Properties, LLC / Toyota of Muskogee (Jack Hodge, Agent) for a variance to Section 90-16-07.(C) (Commercial and Industrial District Sign Regulations) to allow the installation of a ground sign, located at 2314 W. Shawnee Bypass, that is forty-seven feet, five inches (47'5") where the code requirement provides a limitation of thirty (30') feet in height, or take other necessary action. (Gary Garvin)

Lot 1, Block 1 in the James Hodge Addition, according to the official plat thereof, located in the Southwest Quarter (SW1/4) of Section 15, Township 15 North, Range 18 East, Muskogee County, State of Oklahoma

Adjournment

BOA

2.

Meeting Date: 08/14/2018

Initiator: Gary Garvin, Planning Director

Information

AGENDA ITEM TITLE:

Approval of the Minutes of the July 10,2018 Board of Adjustment meeting.

LEGAL DESCRIPTION:

BACKGROUND:

See attached minutes.

RECOMMENDED STAFF ACTION:

Approve the minutes.

Fiscal Impact

Attachments

BOA Minutes

MINUTES
Board of Adjustment
July 10, 2018

Members of the City of Muskogee Board of Adjustment were called to order at a Regular Scheduled Meeting on Tuesday, July 10, 2018 at 2:00 p.m. in the 3rd Floor Conference Room, of the Municipal Building, 229 W. Okmulgee Ave., Muskogee, Oklahoma.

Present: Chairman of the Board Dave Davis; Board Member Rodger L.B. Cutler; Board Member Gary Dunlap; Board Member Marcela Paige

Absent: Board Member Mark Bonney; ;

Staff Gary D. Garvin, Director of Planning and Economic Development; Tish Callahan, Assistant City Planner; Susan Ross, Office Administrator

1 Roll Call.

2 Chairman Dave Davis called for approval of the Minutes of the August 8, 2017 City of Muskogee Board of Adjustment meeting.

Motion was made by Chairman of the Board Dave Davis, seconded by Board Member Marcela Paige

AYE: Chairman of the Board Dave Davis, Board Member Rodger L.B. Cutler,
Board Member Gary Dunlap, Board Member Marcela Paige

Carried - Unanimously

3 Chairman Dave Davis opened the Public hearing.

Gary D. Garvin, Planning Director, presented the staff report on the request from Boomer Sooner Homes, LLC., (Tom Sullivan, Agent) for a special exception to Section 90-09-02(A) Permitted and Special Uses in Commercial Districts to allow a Boardinghouse and/or Pre-Release Center within the "C-1" Local Commercial District. The property is located at 615 S. Main Street. The Board of Adjustment may grant a special exception within each zoning category when the use is "in harmony with its general purpose and intent and only in accordance with the general provisions contained in the zoning regulations." The general description of the "C-1" zone indicates that the district is intended to allow commercial development which can be carried out in a harmonious manner with a minimum of disruption and undesirable impact upon the adjacent residential uses. A boardinghouse and Pre-Release Center is an allowed use within the "C-1" Local Commercial District upon approval from the Board of Adjustment. The area consists of commercial and residential uses. To the east, across Main Street is an automobile shop/wrecker service. North of the property is a resale shop and vacant property to the south. There are some single-family dwellings to

the west across 2nd Street. The property was previously used as a transitional living center/boardinghouse by the Salvation Army. The applicant intends to use the property as a Boardinghouse, however they would like the option to use the property in the future for a Pre-Release Center. In order to use the property as a Pre-Release Center, they would have to obtain any and all permits, licenses and /or contracts required by any City, State or Federal agency.

Tom Sullivan, Agent, was present to answer any questions from the board. Mr. Sullivan stated that he and the church have worked with Prison Ministries for years and the boardinghouse would be ran by volunteers from the church. The Boardinghouse would be used to help released offenders who have no place to go. The volunteers working at the boardinghouse would help the residents get back on their feet by helping them get needed licenses and gain employment. Mr. Sullivan stated that the applicants to the boardinghouse would be screened and volunteers would already know the applicants well.

Board Member, Gary Dunlap asked how many residents the building could hold. Tom Sullivan replied that the building could hold 40-50 residents but he did not anticipate that many residents at one time.

Board Member Rodger Cutler asked what type of security would be in place at the boardinghouse. Tom Sullivan replied that the boardinghouse would have volunteers on staff at all times. He also stated that there would be very strict guidelines for residents to follow.

Gary D. Garvin clarified the difference of a Boardinghouse and Pre-Release center. The boardinghouse would house individuals that have already been released from custody and a Pre-Release center would house individuals that are under DOC custody and the Pre-Release house is a condition of their release.

Jack Stout, Representative for Seventh Day Adventist Church, stated that residents would receive counseling and would have a chance to work at the on site thrift shop.

Patrick Torres, Representative for Seventh Day Adventist Church, stated that Community Outreach offers training worldwide and they are working on getting requirements met by the State.

Dee Jones, 615 S. 2nd St., stated that she and her family are opposed to the Boardinghouse and Pre-Release Center. Ms. Jones stated that there are many children in the area and that poses a safety concern. She stated that the building is not being taken care of and that her fiance had to mow the yard. Tom Sullivan replied and stated that they are not the owners of the building yet and that the sale is contingent upon the special exception being approved. He also stated that as the owners of the building it would be well kept and the lawn mowed.

Board Member Dave Davis asked the applicant if clients would be screened for sexual offenders. Tom Sullivan replied that no sexual offenders would be in the program.

Judy Andrews, 612 S 2nd St., Muskogee, OK., stated that she is concerned about the safety of the children in the area and is very opposed to the boardinghouse.

After much discussion, Board Member Rodger Cutler made a motion to approve the special exception on the condition that they provide 24 hour security for the boarding house and for the Pre-Release Center they would need to come back to the Board of Adjustment for approval.

Motion was made by Board Member Rodger L.B. Cutler, seconded by Board Member Gary Dunlap

AYE: Chairman of the Board Dave Davis, Board Member Rodger L.B. Cutler,
Board Member Gary Dunlap

NAY: Board Member Marcela Paige

Carried

There being no further business, the meeting adjourned at 2:27 p.m.

BOA

3.

Meeting Date: 08/14/2018

Initiator: Gary Garvin, Planning Director

Information

AGENDA ITEM TITLE:

Consider approval of a request by Hodge Properties, LLC / Toyota of Muskogee (Jack Hodge, Agent) for a variance to Section 90-16-07.(C) (Commercial and Industrial District Sign Regulations) to allow the installation of a ground sign, located at 2314 W. Shawnee Bypass, that is forty-seven feet, five inches (47'5") where the code requirement provides a limitation of thirty (30') feet in height, or take other necessary action. (Gary Garvin)

LEGAL DESCRIPTION:

Lot 1, Block 1 in the James Hodge Addition, according to the official plat thereof, located in the Southwest Quarter (SW1/4) of Section 15, Township 15 North, Range 18 East, Muskogee County, State of Oklahoma

BACKGROUND:

The applicant is requesting approval to allow the installation of a ground sign that is forty-seven feet, five inches (47'5") in height where the requirement is not to exceed thirty (30') feet in height. The property is located at 2314 W. Shawnee Bypass (Toyota of Muskogee). The applicant has stated that the existing sign is being obstructed by an existing billboard sign and some trees within the median between Shawnee and the frontage road.

If there was a major difference in the elevation from the street to the property line or the property was not abutting the highway a variance could possibly be justified. In this case, there is no major elevation difference and the property abuts the highway. The existing sign is currently located about 17' from the front property line, therefore the sign could be moved closer to the street and/or east and west to help eliminate the visibility problem. Additionally, if the variance was granted the sign would typically be required to setback twenty-five (25) feet from the property line to accommodate the height of the sign. That would put the sign within the existing vehicle maneuvering area, rather than a parking space.

Staff feels like the request does not meet the requirements for a variance to be granted. There are other options available to increase the visibility of the sign.

RECOMMENDED STAFF ACTION:

Deny the request.

Fiscal Impact

Attachments

Site Plan/Notice

Proposed Sign

Applicant's Justification

Public Hearing Notice



Proposal: Request for a Special Exception to Section 90-16-07(C), Commercial and Industrial District Sign Regulations, of the City of Muskogee Zoning Ordinances, to allow the installation of a sign that is forty-seven feet, five inches in height where the requirement is not to exceed thirty feet in height. The property is located at 2314 W. Shawnee Bypass being more particularly described as:

Lot 1, Block 1 in the James Hodge Addition, according to the official plat thereof, located in the Southwest Quarter (SW1/4) of Section 15, Township 15 North, Range 18 East, Muskogee County, State of Oklahoma

Owner: Hodge Properties, LLC.

The City of Muskogee Board of Adjustment will hold a public hearing to discuss the above proposal. This notice is provided to property owners within 300 feet of the site. You are welcome to attend the meeting and express your views. The meeting will occur on **Tuesday, August 14, 2018 at 2:00 p.m.** in the Council Chambers, 3rd Floor of the City Municipal Building, 3rd Street and Okmulgee, Muskogee, Oklahoma.

If you have questions about the proposal or need additional information prior to the public hearing, please contact the Planning Department at (918) 684-6232.

City of Muskogee Board of Adjustment



(Hodge Properties, LLC., Owner)

PUBLIC NOTICE

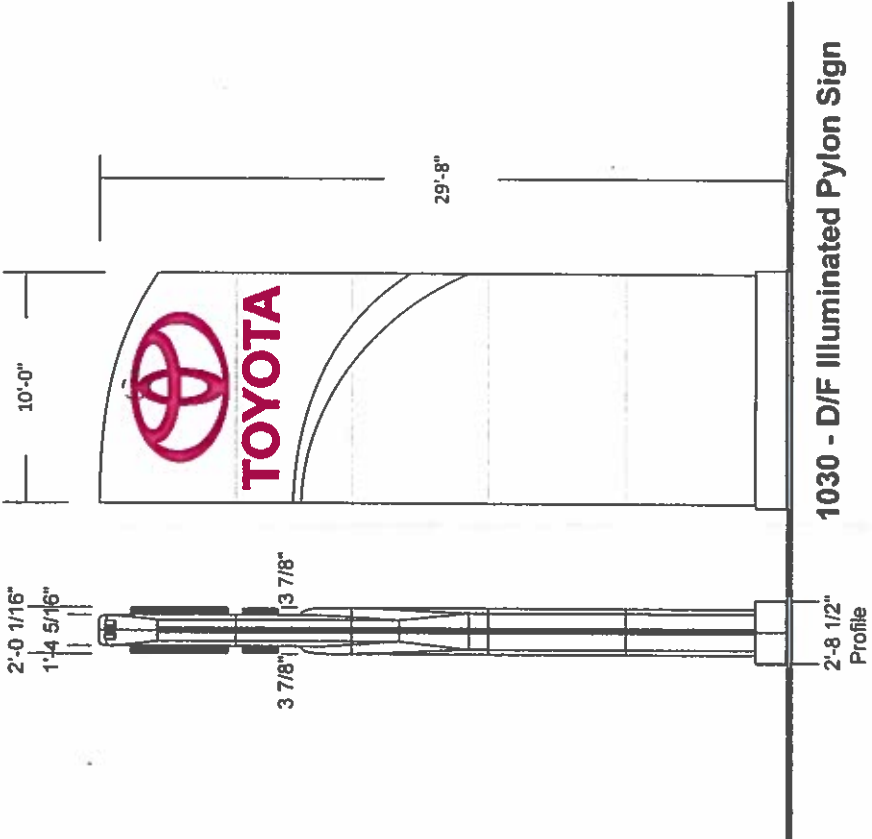
Notice is hereby given that on **Tuesday, August 14, 2018 at 2:00 p.m.**, a public hearing will be conducted by the City of Muskogee Board of Adjustment to consider a Special Exception to Section 90-16-07(C), Commercial and Industrial District Sign Regulations, of the City of Muskogee Zoning Ordinances, to allow the installation of a sign that is forty-seven feet, five inches in height where the requirement is not to exceed thirty feet in height. The property is located at 2314 West Shawnee Bypass, being more particularly described as:

Lot 1, Block 1 in the James Hodge Addition, according to the official plat thereof, located in the Southwest Quarter (SW1/4) of Section 15, Township 15 North, Range 18 East, Muskogee County, State of Oklahoma

And for taking any other actions as authorized by law, of which all interested persons will be notified.

Dave Davis, Chairman of the Board
City of Muskogee Board of Adjustment

Comparison 1030 & 1048 Pylon Sign



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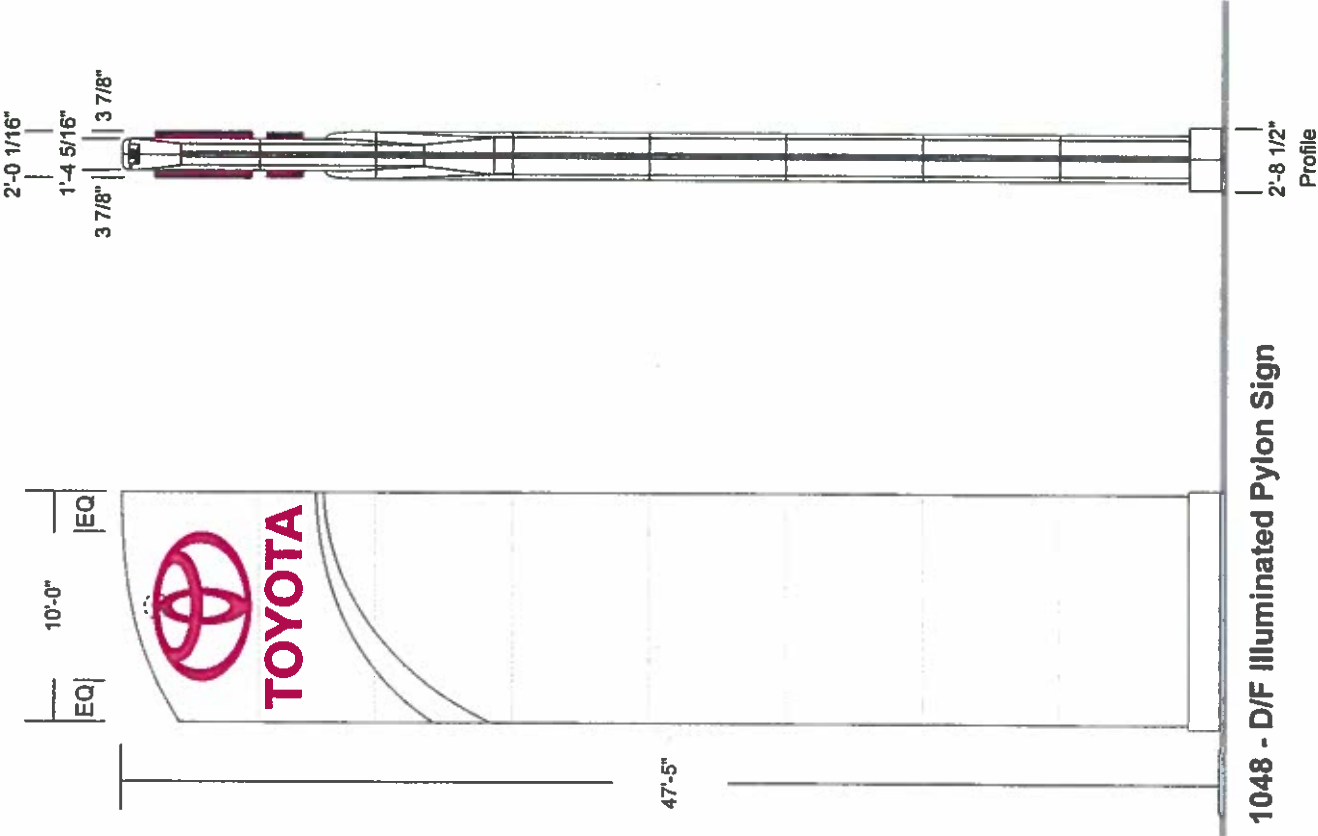
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This includes proper grounding and bonding of the sign.



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Dispose of the lamps according to Local, Provincial, State or Federal Laws.



Project ID LS4-7213	
Date: 15-MAY-2018	Scale: 1/8" = 1'-0"
Sales: L.Slinger	Designer: C.Sabatino
Rev. #: _____	Date: _____
Revision Note: _____	
<input checked="" type="checkbox"/> Conceptual	Information Required: _____
<input type="checkbox"/> Master	Electrical
<input checked="" type="checkbox"/> 120V	<input type="checkbox"/> 347V
<input type="checkbox"/> Other _____	

Customer Approval	
Signature _____	MM/DD/YYYY

It is the Customer's responsibility to ensure that the structure of the building is designed and constructed to accept the installation of the signs being ordered. Please ask PSG to provide further details if required.

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TOYOTA
35061
James Hodge Toyota
2314 West Shawnee Bypass
Mustogee, OK

Sign Item
SG1

CITY OF MUSKOGEE
Application for the Board of Adjustment – Hodge Properties, LLC

Request – Hodge Properties, LLC owns the property on which Toyota of Muskogee sits. Hodge Properties requests a variance to Section 90-16-07(c). The variance is to allow installation of a sign forty-seven feet, five inches in height.

Justification – Toyota of Muskogee’s current sign stands twenty-nine feet, eight inches. On the east the sign is obscured by a double billboard standing approximately fifty feet in height. From the east, the Toyota of Muskogee sign is also obscured by trees planted in the median between Shawnee Bypass and the frontage road. The sign is less obscured from the west, but is difficult to see due to the dealership sitting lower than street level. There is also a single billboard on the west standing approximately fifty feet in height. The current footprint of the Toyota sign already sits thirty feet from the Shawnee Bypass frontage road and at least seventeen feet from the property line on the site plan. This combination of conditions is creates an unjust hardship to the Toyota Dealership and the conditions are peculiar to this particular piece of property.

Hodge Properties requests to erect a sign standing forty-seven feet five inches in height so that the sign can be seen as vehicles approach from the east and west on Shawnee Bypass. This relief, if granted, would not cause substantial detriment to the public good. The billboards surrounding Toyota of Muskogee stand well above thirty feet and obscure the Toyota sign. This relief would also not impair the purposes and intent of the regulations or the comprehensive plan. There are multiple billboards in Shawnee Bypass exceeding fifty feet in height. There are also three business signs on Shawnee Bypass (Taco Bueno, Red Lobster and Phillips 66) exceeding thirty feet. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship. It would allow travelers to see the sign as they approach from the east and west without obscuring any other signs.

Legal Description – See Attached.

Name of Property Owner – Hodge Properties, LLC

Street Address – 2314 West Shawnee Bypass, Muskogee, Oklahoma 74401

Phone Number – (918) 687-1234

Name of Applicant – Hodge Properties, LLC/Toyota of Muskogee

Existing Zoning of Property – Commercial

Existing Use of Property – Toyota Dealership

Area of Property – 5.79 acres