

BOARD OF ADJUSTMENT MINUTES

DECEMBER 9, 2015

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in Conference Room D of Norman Municipal Building A, 201-A West Gray, at 4:30 p.m. on Wednesday, December 9, 2015. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at www.normanok.gov/content/board-agendas at least 24 hours prior to the beginning of the meeting.

Item No. 1, being:

CALL TO ORDER

Chairman Andrew Seamans called the meeting to order at 4:30 p.m.

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Item No. 2, being:

ROLL CALL

MEMBERS PRESENT

Hank Ryan
Curtis McCarty
Kristen Dikeman
Andrew Seamans

MEMBERS ABSENT

Brant Alexander

A quorum was present.

STAFF PRESENT

Jane Hudson, Principal Planner
Leah Messner, Assistant City Attorney
Roné Tromble, Recording Secretary
Terry Floyd, Development Coordinator

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Item No. 3, being:

APPROVAL OF MINUTES OF THE OCTOBER 28, 2015 REGULAR MEETING

Hank Ryan moved to approve the minutes of the October 28, 2015 Regular Meeting as presented. Curtis McCarty seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS

Hank Ryan, Curtis McCarty, Kristen Dikeman,
Andrew Seamans

NAYS

None

ABSENT

Brant Alexander

Ms. Tromble announced that the motion to approve the October 28, 2015 Minutes as presented passed by a vote of 4-0.

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Item No. 4, being:

BOA-1516-8 – JOHNSON CONTROLS REQUESTS A VARIANCE OF 597 SQUARE FEET TO ALLOW A 14'x48' (672 SQUARE FEET) SINGLE-SIDED DIGITAL INTERSTATE GROUND SIGN FOR PROPERTY LOCATED AT 5005 YORK DRIVE.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Application with Attachments

PRESENTATION BY STAFF:

Ms. Hudson reviewed the staff report, a copy of which is filed with the minutes. There were no filed protests.

Mr. Ryan noted that one of the requirements is the variance is the minimum necessary to permit the applicant. Did staff make a determination of what they believe is the minimum necessary? All we've got is a statement that the 75 feet, the normal maximum, is insufficient. But the standard is, is the application for the minimum necessary? There's nothing in the staff report.

Ms. Hudson was not able to address that question.

PRESENTATION BY THE APPLICANT:

Vickie Davis, Norman Plant Manager for Johnson Controls – We're a long-standing business within the Norman community. Johnson Controls supports close to 1,000 employees that live and work around the Norman community. We are looking at the ability to create advertisement for the product that is built specifically in Oklahoma. We are also looking at a future expansion of the Norman facility to add even more jobs. This is the first step to drive market growth for the product that we build in the light residential/light commercial industry that we're in right now. It's something that we've discussed with not only the staff of Norman, but also the higher level staff of Johnson Controls, and there's a lot of excitement around us being able to market our product here in Oklahoma, and especially the made in Oklahoma product that we have. That's why we're requesting to be able to put the billboard up.

Mr. McCarty asked if this sign will be used just for the company. Ms. Davis responded it would just be for Johnson Controls and their product.

AUDIENCE PARTICIPATION:

Crystal Van Tuyle, Insignia Signs – One thing that I wanted to address and make sure that you were aware of is that we may not even need a permit from ODOT at all, with this being an on-premise sign. Most of the time, on-premise signs they do not require a sign permit. It's only when they are advertising for off-premise signs, which means that they were advertising for someone else. So I just want to make that clear, because it said in your staff recommendation. I just wanted to make sure that we didn't come back and say ODOT doesn't require a permit, and then you say, well then you can't – you see what I'm saying?

Mr. McCarty responded the City would require a letter from ODOT that states that it doesn't require any type of permit or any action from ODOT. Ms. Van Tuyle said they can do that; that would not be a problem.

Mr. McCarty commented that, if somewhere in the future they decided to have this sign to sell

advertisement, they would have to go back to ODOT and to the Board of Adjustment. Ms. Davis said they would be fine with that; they have no intention of using it for anything other than their marketing purposes.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. McCarty asked if there are any other signs in Norman similar to this. Ms. Hudson pointed out that in the staff report Mr. Stenis called out two sites that are a similar size: Astellas and Hitachi.

Mr. Ryan commented this is nine times the allowed – 896% increase in allowable. I don't see anything that I feel comfortable with on the requirement that it is the minimum necessary to meet the objectives. Everybody on the Interstate – every car dealer wants the biggest sign they can get. I'm concerned about the size of this. I respect your business. I think it's a big employer. Our job is to be reasonable and protect the interests of the citizens of Norman that requested and implemented these sign codes to make sure that the very types of signs they may have been trying to code against don't slip through. I would be much more conducive to this size of sign if it was actually attached to the building so it wasn't looking like an Interstate sign that's advertising in general – that it was saying this is our building – this is who we are.

Ms. Van Tuyle stated that the way the building is located it would not be visible from I-35. Mr. Ryan argued that there is no right to visibility.
Slater

Ms. Slater explained that they looked at both mounting it on the building and having it free-standing. There is no line of visibility where they can put this at the right height in order to put it on the building. We're not using this just to be able to put a Johnson Controls sign, but to be able to put marketing messages on it. It would be showing different products, different brands that we produce within the facility.

Mr. Ryan commented that those types of changing signs are concerns with the sign ordinance. Ms. Van Tuyle stated that the sign ordinance for electronic signs has a minimum hold for any kind of electronic.

Mr. McCarty pointed out that they will still be under their 3,000 square foot maximum signage. If you drive north on I-35 and you pass Indian Hills, it curves and Johnson Controls does sit up there kind of unseen, in a sense. If you're driving, your eyes should follow the highway. I think it benefits their company.

Ms. Davis said there are some other billboards off I-35 in the area that are used for general advertisements.

Mr. Ryan noted they are not in Norman. We're supposed to be a little bit flexible, but I'm uncomfortable with this amount of flexibility.

Ms. Van Tuyle responded to the comment that the car dealers are going to want signs like that. But car dealers are not going to have this much frontage. They don't have property anywhere near as large as Johnson Controls where they are going to be allowed to have 3,000 square feet of signage.

Mr. Ryan commented that the car dealers will probably know that, but the customers might not. They're going to ask why is this huge thing out there? I thought we had a sign ordinance. I

wonder how I explain – well, we do but we granted a variance. Well, how big a variance? Well, 900%.

Curtis McCarty moved to approve the Variance as requested, with the condition that we have a letter stating that ODOT has no problem with it and allows for the sign. Hank Ryan seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Curtis McCarty, Kristen Dikeman, Andrew Seamans
NAYS	Hank Ryan
ABSENT	Brant Alexander

Ms. Tromble announced that the motion to approve the Variance passed 3-1.

Mr. Seamans noted the ten-day appeal period before the decision is final.

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Item No. 5, being:

MISCELLANEOUS COMMENTS

Mr. McCarty wished everyone a Merry Christmas and Happy New Year.

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Item No. 6, being:

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 4:43 p.m.

PASSED and ADOPTED this 27th day of January, 2016.

as amended

Alan G. Ryan, Secretary
Board of Adjustment