

Barbara Hoppes

From: Thomas Davis
Sent: Monday, March 09, 2020 8:46 AM
To: Justin Booher
Cc: Barbara Hoppes
Subject: RE: [External] Re: Kilpatrick Control
Attachments: DSC01062.JPG; DSC01060.JPG; TWF-7637.jpg

Justin,

Below is the verbiage directly copied from the Code of Federal Regulations in regards to Zoning Qualifications for Class "A" signs. I hope this clarifies the regulations better. I was at the proposed location on Friday. The only activity in close proximity to the proposed sign location is Residential. I took some photos, (attached), to help support our decision that this does not meet HBA qualifications for Class "A" signs at this time. You can find this verbiage in the CFR 730:35-5-12 and also in our sign packet on page 44. We can no longer hold this application in office. Therefore, we will be mailing the application and supporting documents back to you with a formal letter denying the application.

730:35-5-12. Class "A" signs

(a) **Site requirements.** Class "A" permitted signs must be located in a commercial or industrial area as defined in 730:35-5-3.

(1) Zoning Qualifications

(A) Property upon which signs are to be erected within the control area must be zoned comprehensively for business, commercial or industrial activities under the authority of any state zoning law, or city or county zoning ordinance of this state, or but shall not include areas which reflect strip or spot zoning granted strictly for the purpose of outdoor advertising.

(B) To determine whether a zoning action, **past or present**, is an attempt to circumvent outdoor advertising law or regulations, the following factors shall be taken into consideration:

- (i) expressed reason for zoning
- (ii) **zoning for the surrounding area**
- (iii) **actual land use**
- (iv) existence of plans for commercial or industrial development
- (v) proper access to property
- (vi) availability of utilities (water, electricity, sewage) in the newly zoned area, and
- (vii) whether or not the property is being assessed in accordance with zoning.

Respectfully,

Thomas Davis
Outdoor Advertising Control
200 N.E. 21st, Rm. 2-A1

OKC, OK 73105
405-521-3005

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From: Justin Booher <justin@vitaloutdoor.com>
Sent: Friday, March 06, 2020 1:19 PM
To: Thomas Davis <TTDAVIS@ODOT.ORG>; Barbara Hoppes <BHOPPES@ODOT.ORG>; William Hickman <hickman@hickmanlawgroup.com>
Subject: [External] Re: Kilpatrick Control

Happy Friday Barbara and Thomas.

A sign that was permitted today can go non-conforming in as little as a year. A church could move in next door, commercial building tore down, rezoned and a house built on it, spacing can change with a City or State. The sign then just becomes ReClassified, correct? I don't see anywhere in the regs about being in City limits and having to have commercial activity going on the property or nearby, just zoned appropriate, hence the Confirmation of Zoning. From what I've read this is for outside of the city limits (which I understand why there). The drawings that are provided by the state only show commercial activity on or near properties outside of City Limits. The property we're applying for is not Spot Zoning, it's been zoned for many, many years. I can't imagine the Fed's could take funds away from the State on a sign that's Grandfathered in.

We've had several emails about this permit and location, but at one point you all had sent information/verbiage and I can't seem to locate it. It was in regards to Commercial Activity on Site or Near in City Limits from what I recall. If you have that could you resend?

Sorry, not trying to beat a dead horse here. I promise. Have a great weekend! ;)

Sincerely,
Justin



www.vitaloutdoor.com

justin@vitaloutdoor.com

On Fri, Mar 6, 2020 at 8:30 AM Thomas Davis <TTDAVIS@odot.org> wrote:

Justin,

In response to your request for a map of the NHS in regards to the Kilpatrick Turnpike, I have attached two maps. One is the NHS map view of Oklahoma showing all the regulated routes. The other is the area in question that is zoomed into 400% on the overall map. In this view,

you can see that the Kilpatrick is regulated south of I-40 to Mustang Creek. Our control will be 660' from the nearest edge of ROW. If you would like a scaled map showing the limits of control in that particular area, I can work something up for you. I hope this is what you were looking for. Have a great day.

Respectfully,

Thomas Davis

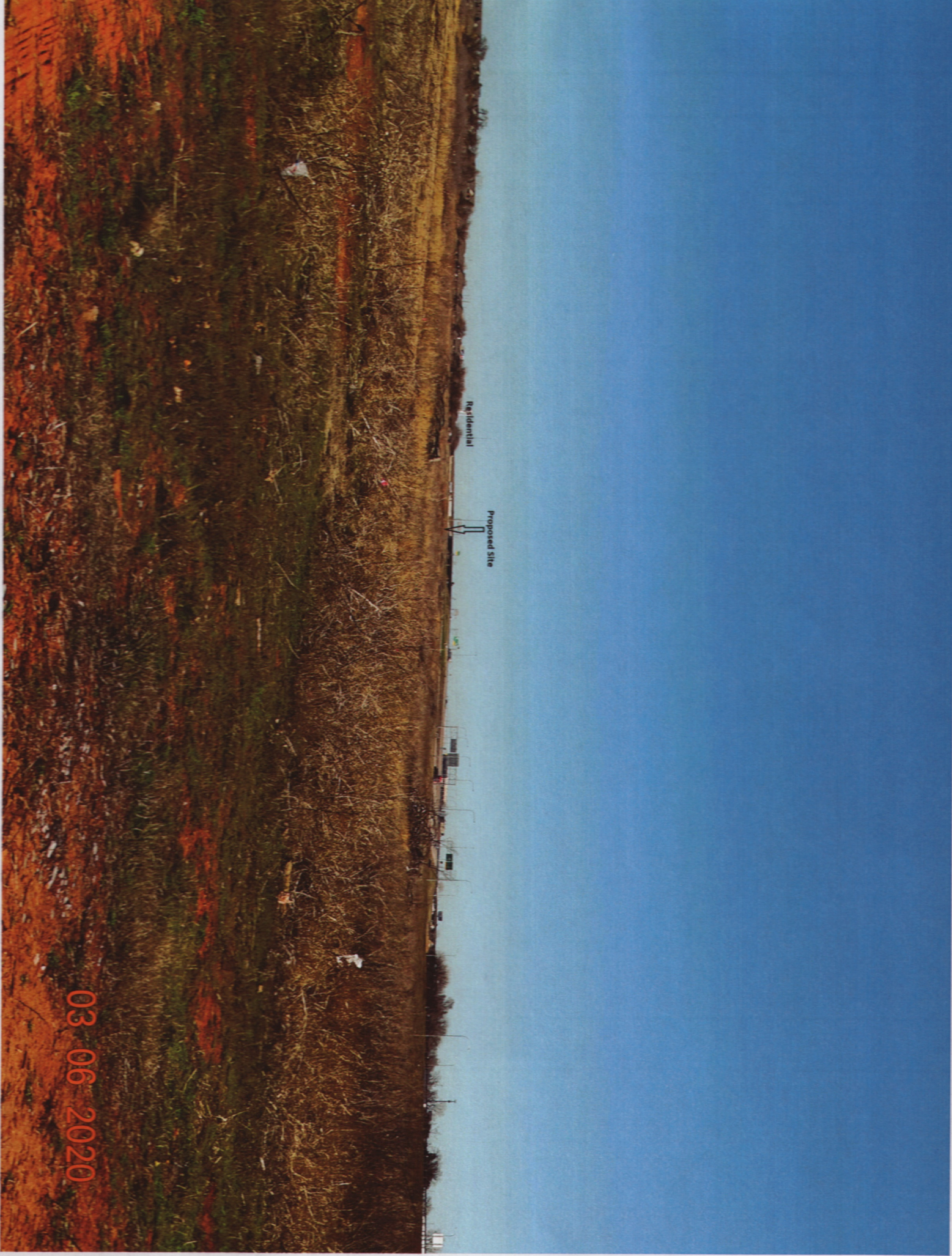
Outdoor Advertising Control

200 N.E. 21st, Rm. 2-A1

OKC, OK 73105

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Residential

Proposed Site

03 06 2020

Residential

PegmentWay

SW-5th-St

SW-6th-St

SW-7th-Gir

SW-8th-St

Proposed Site



Commercial/Industrial Activity

Periwinkle-Dr

Bir

John Kilpatrick Turnpike

S-Sara-Rd

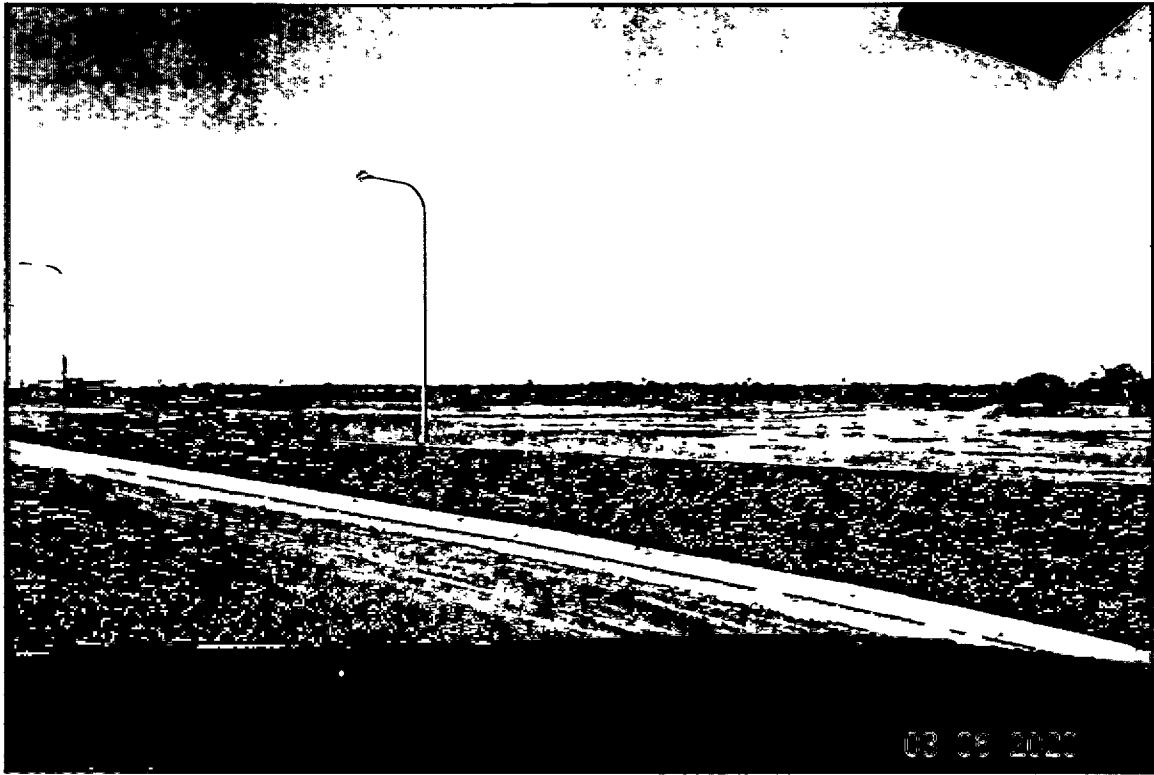
SW



stake



X stake



sign
stake



stake



Stake

03 06 2020



Stake

03 06 2020



NO

KILPATRICK

3

Kilpatrick Shown
On NHS Map



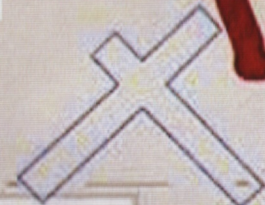
Kilpatrick Ends At
Mustang Creek.



92

A

152



WILL. ROGERS

TH

