

AGENDA ITEM

TO: Planning and Zoning Commission

THROUGH: Jennifer Cox, AICP, Director of Planning

FROM: Brandon Opiela, Senior Planner

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Doug Parker, for Approval of a Request to Rezone Approximately 0.33 Acres from “BN” – Neighborhood Business District and “CC” – Corridor Commercial Overlay District to “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District, to Allow a Digital Billboard, Located on the Southeast Corner of Rockhill Road and U.S. Highway 75 (Central Expressway).

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the May 1, 2012 meeting.

STAFF RECOMMENDATION: Staff recommends denial of the proposed rezoning request due to a lack of conformance with the City of McKinney’s Comprehensive Plan, specifically to provide “Attractive Urban Design Elements” through the stated objective of “US 75 as an attractive corridor through appropriate urban design” and “Land Use Compatibility and Mix” through the stated objective of “Land use patterns that complement one another.”

APPLICATION SUBMITTAL DATE: April 1, 2011 (Original Application)
April 15, 2012 (Revised Submittal)
March 13, 2012 (Revised Submittal)
March 21, 2012 (Revised Submittal)
April 2, 2012 (Revised Submittal)
April 5, 2012 (Revised Submittal)
April 6, 2012 (Revised Submittal)

ITEM SUMMARY: The applicant is proposing to rezone the subject property from BN” – Neighborhood Business District and “CC” Corridor Commercial Overlay District to “PD” - Planned Development District and “CC” Corridor Commercial Overlay District generally to allow a digital billboard sign. The request proposes to modify the allowed use on the property, increase the maximum allowed effective sign area, and reduce the required minimum distances between adjacent buildings so that the billboard sign may be permitted on the subject property.

The applicant is proposing an approximately 35' tall and approximately 38' wide digital billboard sign and support structure. The lower portion of the billboard's support structure is proposed to be stone clad and the remaining portion of the structure is proposed to be covered with a pre-cast concrete casing. Both sides of the proposed billboard will have an LED screen with an effective sign area of 378 square feet (10.5' tall x 36' wide) on each side. The applicant has indicated that the billboard will not be animated, flash, travel, blink, fade or scroll, and will transition through multiple static images/advertisements, displaying each image for a total of eight (8) seconds before switching to the next.

BACKGROUND INFORMATION: On April 26, 2011, this case was presented to the Planning and Zoning Commission requesting approval of a larger 43' tall and approximately 50' wide digital billboard sign and support structure. The previous request proposed a billboard with an effective sign area of 672 square feet (14' tall x 48' wide), with vinyl graphics on one side and a LED screen on the opposite side that rotated through a total of eight (8) advertisements, displaying each image/advertisement for a total of eight (8) seconds before switching to the next. The Planning and Zoning Commission voted unanimously to recommend denial of the request, and was subsequently tabled prior to being heard by the City Council.

PLATTING STATUS: The subject property is currently unplatted; however, a plat will not be required to be filed with the County Clerk prior to the issuance of a sign permit.

ZONING NOTIFICATION SIGNS: The applicant has posted zoning notification signs on the subject property, as specified within Section 146-164 (Changes and Amendments) of the City of McKinney Zoning Ordinance.

SURROUNDING ZONING AND LAND USES:

Subject Property: Subject Property: "BN" – Neighborhood Business District (Commercial Uses) and "CC" – Corridor Commercial Overlay District

North	"BN" – Neighborhood Business District (Restaurant Uses) and "CC" – Corridor Commercial Overlay District	Golden Corral Buffet and Grill
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South	"PD" – Planned Development District Ordinance No. 94-10-41 and "CC" – Corridor Commercial Overlay District	Honda Cars of McKinney
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East	"PD" – Planned Development District Ordinance No. 94-10-41 and "CC" – Corridor Commercial Overlay District	Honda Cars of McKinney
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West	U.S. Highway 75 (Central Expressway)	N/A
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Discussion: The City of McKinney Sign Ordinance permits billboards to be located in agricultural, light manufacturing, and heavy manufacturing zoning districts. Since the property is currently zoned for neighborhood business uses, a billboard cannot be located on the property unless the proposed rezoning request is approved.

PROPOSED ZONING: The applicant is requesting to rezone the subject property from “BN” – Neighborhood Business District and “CC” – Corridor Commercial Overlay District generally for neighborhood commercial uses to “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District, maintaining the base zoning designation of neighborhood business while adding the additional use of a billboard and modifying the current sign regulations.

Listed below is a comparison chart of the existing City of McKinney signage standards, the previous request, and the proposed digital billboard specifications.

Regulations	Existing	Original Request	Proposed Request
Required Zoning Districts	AG, ML, MH	BN (with added billboard use)	BN (with added billboard use)
Setback from all Property Lines	15'	8'	16.5'
Minimum Distance from Buildings	300'	230' from Honda and 265' from Golden Corral	211' from Honda and 316' from Golden Corral
Maximum Sign Height	35'	43'	35'
Maximum Effective Sign Area	288 square feet	672 square feet (1-side Vinyl / 1-side LED)	378 square feet (2-sided LED)

As reflected in the table above, the applicant has proposed a decrease in the minimum distance to an adjacent building as well as an increase to the maximum allowed effective sign area. The proposed effective sign area is 90 square feet larger than what is currently allowed for billboard signage. As a point of reference for the size of the proposed billboard, the adjacent property to the south (Honda Cars of McKinney) has a sign located approximately 190 feet directly south of the proposed sign, with a 10' by 10' sign and a support structure approximately 30' tall (see attached photo).

The applicant has also shown a free-standing monument sign beneath the proposed billboard sign. This is for informational purposes only and may be constructed in conformance with the City of McKinney Sign Ordinances.

The most recent billboards constructed in McKinney (along University Drive) were permitted in November of 2006 and March of 2009. Each of the two signs complies with the maximum effective sign of 288 square feet and are located in agricultural districts.

Both Allen and Frisco have ordinances prohibiting the construction of new billboard signs; however, they have permitted LED signs in conjunction with a specific development. The dual-sided LED billboard in Allen (Village at Allen) is approximately 464 square feet of effective sign area with a height of 50'. This sign is restricted through an agreement with the City to allow only advertisements within the shopping center and makes the sign available to City sponsored events at the Allen Event Center.

The LED billboard in Frisco (Pizza Hut Park) is approximately 468 square feet of effective sign area with a height of 50'. This sign is also restricted through an agreement with the City to allow only advertisements for events held at Pizza Hut Park (including City and FISD events at Pizza Hut Park).

Staff is of the opinion that the proposed signage is not appropriate given the existing zoning designation on the subject property ("BN" – Neighborhood Business District) and the reduction in signage standards necessary to allow the proposed billboard. Staff is also concerned that approval of this request may lead to additional similar requests from other commercial properties along the U.S. Highway 75 corridor.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Future Land Use Plan (FLUP) designates the subject property for commercial uses. The FLUP modules diagram designates the subject property as Regional Commercial within a significantly developed area. The Comprehensive Plan lists factors to be considered when a rezoning request is being considered within a significantly developed area:

- **Comprehensive Plan Goals and Objectives:** The proposed rezoning request is generally not in conformance with some of the Comprehensive Plan Goals and Objectives. A main goal of the Comprehensive Plan is to provide "Attractive Urban Design Elements" through the stated objective of "U.S. 75 as an attractive corridor through appropriate urban design." Another goal of the Comprehensive Plan is "Land Use Compatibility and Mix" through "Land use patterns that complement one another." The U.S. Highway 75 corridor is our City's gateway from the north and south and Staff is of the opinion that the proposed rezoning request is in conflict with the Goals and Objectives of the Comprehensive Plan and feels the proposed billboard will not contribute to the attractiveness of the U.S. 75 corridor nor will the size of the proposed signage complement the surrounding and adjacent properties.
- **Impact on Infrastructure:** The subject property is designated for commercial uses on the Future Land Use Plan, and public infrastructure is planned based on the anticipated land uses as shown on the Future Land Use Plan. Since the proposed rezoning request does not alter the base zoning district of the subject property, the proposed rezoning request should have a minimal impact on the existing and planned water, sewer and thoroughfare plans in the area. While Staff examined the impact that the proposed additional use would have on the public infrastructure in the area, it is not a determining factor in Staff's recommendation of denial.

- Impact on Public Facilities/Services: The subject property is designated for commercial uses on the Future Land Use Plan. Similar to infrastructure, the public facilities and services are all planned for based on the anticipated land uses as shown on the Future Land Use Plan. Since the proposed rezoning request does not alter the base zoning district of the subject property, the proposed rezoning request should have a minimal impact on public services, such as schools, fire and police, libraries, parks and sanitation services. While Staff examined the impact that the proposed additional use would have on the public facilities and services in the area, it is not a determining factor in Staff's recommendation of denial.
- Compatibility with Existing and Potential Adjacent Land Uses: The existing regulations only permit billboards in agricultural and light/heavy manufacturing districts. Staff feels that these districts are appropriate for this type of signage as there is minimal development on or around most agricultural tracts, and the industrial districts are inherently higher intensity and are generally located away from key corridors within the City such as the U.S. Highway 75 corridor. Staff feels that the proposed billboard and associated support structure could have a negative impact on the surrounding commercial tracts to the north, south, and east. Staff feels that since the proposed signage is substantially larger than what has been allowed previously on the adjacent properties, the approval of a request such as this may lead to additional similar requests from other commercial properties along the corridor.
- Fiscal Analysis: Staff did not perform a fiscal analysis for this case because the rezoning request does not alter the base commercial zoning of the subject property.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of billboards in this particular area as there no billboards within a mile north or south of the subject property along U.S. Highway 75 frontage. However, Staff does have concerns that allowing this billboard may result in other property owners in close vicinity to the subject property making similar requests.

CONFORMANCE TO THE MASTER PARK PLAN (MPP): The proposed rezoning request does not conflict with the Master Park Plan.

CONFORMANCE TO THE MASTER THOROUGHFARE PLAN (MTP): The proposed rezoning request does not conflict with the Master Thoroughfare Plan.

OPPOSITION TO OR SUPPORT OF REQUEST: Prior to the public hearing on April 26, 2011, two letters in opposition and five letters in support of the original request were provided to the Planning and Zoning Commission (see attached letters). At the April 26, 2011 Planning and Zoning Commission meeting, a number of residents voiced their

opinions both in support and opposition of the request (see attached minutes). Staff has not received any additional feedback for the revised request.

ATTACHMENTS:

- Maps
- PZ Minutes from 042611
- PZ Report from 042611
- Letter of Intent
- Letters of Opposition to 042611 Planning and Zoning Commission Meeting
- Letters of Support to 042611 Planning and Zoning Commission Meeting
- Photo View of Subject Property from the South
- Proposed Zoning Exhibit – Metes and Bounds
- Proposed Zoning Exhibit - Site Layout
- Proposed Zoning Exhibit – Digital Billboard and Monument Sign Elevation
- PowerPoint Presentation

Action: