

11-050Z 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 to “PD” – Planned Development District, to Allow a Digital Billboard, Located on the Southeast Corner of Rockhill Road and U.S. Highway 75 (Central Expressway).

Commission Member Ray Eckenrode stepped down during the consideration of this item, due to a possible conflict of interest.

Mr. Brandon Opiela, Senior Planner for the City of McKinney, stated that he distributed five additional letters of opposition to the Planning and Zoning Commission prior to the meeting. He stated that the applicant might have some more letters of support to distribute at the meeting as well. Mr. Opiela stated that all letters of support and opposition received by the Planning Department have been shared with the Planning and Zoning Commission. He stated that the applicant is requesting to modify the zoning on the property to allow for a billboard sign. Mr. Opiela stated that the applicant is proposing to modify the allowed use, reduce the required setbacks, increase the maximum sign height, and reduce the minimum distances between uses so that the billboard sign may be permitted on the subject property. He stated that the applicant is proposing an approximately 43' tall and approximately 50' wide billboard sign and support structure. Mr. Opiela stated that the proposed sign area will be approximately 2.3 times larger (288 verses 672) and approximately 35% taller than what is currently allowed for billboard signage (35' verses 43'). He stated that 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. Mr. Opiela stated that the applicant would also like to modify the minimum distance from another building from 300' to 230' and reduce the eastern setback from 15' to 8'. He stated that the existing regulations only permit billboards in agricultural and light/heavy manufacturing districts. Mr. Opiela stated that staff feels that these districts are appropriate for this type of signage since 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 U.S. Highway 75. He stated that staff does not feel that billboard signs are appropriate in commercial/retail districts, especially along a key commercial corridor through the City. Mr. Opiela stated that the applicant has provided an elevation showing the south facing side (visible by northbound traffic) which will be an LED screen. He stated that the north facing side (visible by southbound traffic) will be a traditional billboard with vinyl graphics. Mr. Opiela stated that the applicant has indicated that the digital side of the billboard will rotate through a total of eight (8) advertisements, displaying each advertisement for a total of eight (8) seconds before switching to the next. He stated that 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. Mr. Opiela stated that 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, and therefore Staff recommends denial of the proposed rezoning request. Commission Member Bush asked if the State of Texas has additional restrictions on electronic billboards; if so, he asked if the proposed billboard complies with those restrictions. Mr. Opiela stated that the applicant might want to address his question. Commission Member Lingenfelter asked if there would be any issues with the Honda sign and the proposed billboard. Mr. Opiela stated that the proposed billboard would be in between the Honda sign and the Golden Corral sign, but could not verify how much of the signage would be affected. Vice-Chairperson Tate asked about the height of the proposed billboard compared to the surrounding buildings. Mr. Opiela stated that the proposed billboard would be a little taller than the surrounding buildings. Chairperson Clark asked if the proposed billboard is similar in size to the one located on the service road of U.S. Highway 75 in Allen, Texas. Mr. Opiela stated that staff had looked at similar signs in Allen and Frisco. He stated that those signs have smaller effective sign areas but are a little taller than the proposed billboard. Commission Member Lingenfelter asked if Honda gave any feedback regarding the proposed billboard. Mr. Opiela stated no.

Mr. Doug Parker, 2827 Meadowside Drive, McKinney, Texas, gave a brief history on the property where the proposed sign would be located. He also described some of the hardships on the property. Mr. Parker stated that they

have been looking for something to do with the property for the past three to four years. He stated that this was the best option that they had come up with. Mr. Parker stated that the proposed sign will allow for the residents and visitors to easily find attractions and points of interest in our community which he felt accomplished the goals of the Way Finding Study. He stated that he felt there were some misconceptions of the proposed sign. A video was shown displaying signs that Mr. Parker stated were not what is being proposed with this sign. Mr. Parker stated that the State of Texas regulations for off-premises signs do not allow the following: neon colors, animation, flashing, moving video, or scrolling. He stated that the lights on the proposed sign would dim in the evenings. Mr. Parker discussed a study that said that there are no additional safety issues with a digital billboard verses a typical billboard. He stated that he plans to place deed restrictions that would not allow any sin advertising. For example: alcohol, tobacco, casino, lottery, or adult content book advertising would not be allowed. Mr. Parker stated that he felt they had addressed most concerns that he has heard. He stated that the proposed sign would help direct residents and visitors to the downtown area. Mr. Parker stated that he feels it will transfer a vacant lot into a manicured Crape Myrtle corner. He stated that they are offering about 12% of the advertising on the proposed billboard for free to the City of McKinney and McKinney Convention & Visitors Bureau. Mr. Parker stated that the proposed sign would generate additional tax benefits to the City. He stated that Amber Alerts and natural disasters could be displayed on the proposed digital sign when appropriate. Mr. Parker stated that a monument sign is also being

proposed on the property below the proposed digital billboard. He distributed some additional letters of support and information about similar signage in the Metroplex to the Planning and Zoning Commission. Commission Member Bush asked where some similar off-premise signs are located. Mr. Parker gave some locations and stated that they are also included in the packet he just distributed. He stated that the proposed billboard is the standard size for most billboards. Commission Member Bush asked to clarify that the billboard would be digital on one side and a typical billboard on the other side. Mr. Parker stated that is correct.

Chairperson Clark opened the Public Hearing and called for comments.

The following people spoke in favor of the proposed rezoning request:

- Mr. Russell Grimes, 2808 Stafford Court, McKinney, Texas
- Dr. Jeff Nyberg, 3800 F.M. 543, McKinney, Texas
- Pastor Derrick Scobey, 2636 Valley Creek Trail, McKinney, Texas
- Mr. James Penny, 8217 Livingston, McKinney, Texas
- Mr. Johnny Galyear, 2809 Hidden Forest, McKinney, Texas
- Ms. Windy Gallagher, 1010 Lakewood, McKinney, Texas
- Mr. Craig Nedrow, 8717 Hems Meadow Lane, McKinney, Texas

The following citizens spoke in opposition of the proposed rezoning request.

These citizens had concerns about the size, aesthetics, safety, and precedent that the proposed sign would set.

- Mr. Frank Henderson, 1000 Goldenrod, McKinney, Texas
- Ms. Christine Lindsay, 800 N. College Street, McKinney, Texas

- Mr. Clint Scofield, 1502 W. Virginia Street, McKinney, Texas
- Mr. Rudy Littrell, 405 W. Hunt Street, McKinney, Texas
- Mr. Jeremiah Hammer, 502 N. College Street, McKinney, Texas
- Ms. Jennifer Richmond, 306 W. Davis Street, McKinney, Texas
- Mr. Dewey Straley, 2709 Brookside Lane, McKinney, Texas
- Ms. Lisa Raymer, 409 N. Bradley Street, McKinney, Texas
- Ms. Edna Brown, 1103 Hyde Park Court, McKinney, Texas
- Ms. Anne Davidson, 408 Heard, McKinney, Texas

The following person turned in a speaker's card in opposition to the proposed rezoning request; however, did not wish to speak at the meeting:

- Ms. Diane Craig, 309 N. Bengé Street, McKinney, Texas

Ms. Jennifer Cox, Director of the Planning Department, stated that zoning signs were posted on this property prior to the Planning and Zoning Commission Meeting and Property Owner Notices were mailed to the property owners within 200' of the subject property to notify about this rezoning request.

Chairperson Clark asked Mr. Parker how many minutes would be donated to the City of McKinney and if an agreement with the City would be set up. Mr. Parker stated that it would average about three hours per day. He stated that the advertisements would be equal rotation. Mr. Parker stated that he was willing to sign an agreement with the City.

Chairperson Clark asked Mr. Parker if he received any compensation from Texas Department of Transportation for diminished value of the property. Mr. Parker stated that the State of Texas did purchase the property.

Mr. Parker stated that Texas Department of Transportation is moving the future exit back when they reconstruct that section of U.S. Highway 75. Chairperson Clark asked if the moving of the exit would favorably affect the ingress or egress on the subject property. Mr. Michael Quint, Senior Planner for the City of McKinney, stated that he did not believe that it would change access points to the subject property. Mr. Parker stated that it would not allow for a curb cut.

Commission Member Thompson asked what would be on the back side of the proposed billboard. Mr. Parker stated that it would be a standard billboard advertisement with vinyl graphics.

Commission Member Bush asked Mr. Parker if he discussed purchasing the remainder of the property with Texas Department of Transportation. Mr. Parker stated that they initially did not realize that they would not have access to the property. He stated that the taking of the property was about four to five years ago. Mr. Parker stated that they initially planned to build a building on the property; however, later found out that would not be possible. Commission Member Bush asked if there was a limit to the taking and reimbursing of property by the Texas Department of Transportation. Mr. Parker was unable to answer.

Vice-Chairperson Tate asked if any safety studies had been completed for the subject property. Mr. Parker stated no.

Chairperson Clark asked Mr. Parker if he had considered a small size sign. Mr. Parker stated no, that this is the standard size billboard. He discussed the proposed sign being considered and proposed expenses for the project.

Commission Member Thompson stated that he did a quick Google search and did not find any positive safety reports. He stated that what he found all stated that these signs are distracting.

On a motion by Commission Member Bush, seconded by Commission Member Radke, the Commission voted 6-0 to close the public hearing.

Commission Member Bush expressed his concerns that if this proposed billboard was approved then it would be setting a precedent.

Vice-Chairperson Tate stated that he had safety concerns over the proposed billboard.

On a motion by Commission Member Thompson, seconded by Commission Member Radke, the Commission voted 6-0 to recommend denial of the proposed rezoning request.

Chairperson Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council for action on May 17, 2011.