

11-050Z4 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).

Mr. Brandon Opiela, Senior Planner for the City of McKinney, explained the proposed rezoning request and discussed Staff's concerns. He stated that 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."

The Honorable Ken Paxton, Texas House of Representatives, 5613 S. Woodcreek Cir., McKinney, TX, explained the proposed rezoning request and gave a brief history of the request. Representative Paxton felt a digital sign at this location would be a benefit to Downtown McKinney. He stated that the applicant also would provide some free advertisements for various community events and various alerts. Representative Paxton discussed similar digital billboards in Allen, TX and Frisco, TX and the benefits to those cities. He stated that he has not heard any complaints about these digital signs. Representative Paxton felt the City of McKinney should take advantage of new technologies and the benefits of the proposed digital sign.

Vice-Chairman Lindsay asked if there is an agreement between the applicant and the City of McKinney for the free advertising. Representative Paxton stated that an agreement had not been worked out yet; however, the applicant is willing to provide the free advertising to the City of McKinney.

Chairperson Clark opened the Public Hearing and called for comments.

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. Gerhard Deffner, 108 ½ W. Virginia St., McKinney, TX
- Ms. Jill Alcantara, 2837 Dog Leg Trl., McKinney, TX
- Mr. Clint Scofield, 1502 W. Virginia St., McKinney, TX
- Mr. Jason Burress, 7204 Claridge Ln., McKinney, TX
- Mr. Jeremiah Hammer, 502 N. College St., McKinney, TX
- Ms. Michelle Lenox, 908 N. College St., McKinney, TX
- Ms. Lisa Raymer, 501 Heard St., McKinney, TX

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. Benge Street, McKinney, Texas
- Ms. Pat Dowell, 700 W. Virginia Street, McKinney, Texas

The following people spoke in favor of the proposed rezoning request. These citizens did not feel there were safety concerns for placing the proposed digital sign on this property and the sign would benefit the City and businesses within the City.

- Mr. Roger Brown, Daktronics, 1605 12th Street South, Brookings, SD
- Mr. Randall P. Pogue, P.E., 1512 Bray Central Dr., # 100, McKinney, TX
- Mr. Doug Parker, 1611 Wilmeth Rd., McKinney, TX
- Mr. Rick Lewis, 1109 Pecan Hollow, McKinney, TX

Vice-Chairman Lindsay asked Mr. Parker if he was compensated for the right-of-way on the property. Mr. Parker said no. Commission Member Bush asked Mr. Parker to clarify if the property was purchased before or after the right-of-way taking. Mr. Parker stated that he had purchased the property after the right-of-way taking.

Vice-Chairman Lindsay asked Mr. Parker about the advertisements planned for the proposed digital sign. Mr. Parker explained that he plans to give one rotation to the City of McKinney to use as they see fit. He stated that he hopes to advertise local businesses. Mr. Parker stated that there would be deed restrictions in place to not allow sin advertisements such as gambling, cigarettes, alcohol, or lottery. Chairman Clark asked if Staff had seen the proposed deed restrictions. Mr. Opiela stated no and that Staff could not enforce deed restrictions.

Commission Member Kochalka asked if the Texas Department of Transportation (TxDOT) had any control over the advertisements displayed on the board or how the advertisements would be displayed. Mr. Parker stated that TxDOT has regulations on digital billboard signs. He stated that the advertisements would be displayed for eight seconds before they would be

immediately changed to the next advertisement. Mr. Parker stated that there would not have any flashing, fading out, or animated advertising.

Commission Member Kochalka asked Mr. Parker if he still needs to receive TxDOT permission for the digital sign at this location. Mr. Parker stated yes, and mentioned some of TxDOT's regulations, including each billboard has to be a minimum of 1,500' from each other.

Commission Member Kochalka asked Mr. Parker if the proposed digital sign is a standard size billboard. Mr. Parker stated that the proposed sign is smaller in size. He stated that the sign has the same proportions, so the artwork could be sized down and still work.

Chairman Clark briefly mentioned the current sign ordinance restricts billboards along U.S. Highway 75 (Central Expressway). He felt there were some other concerns that need to be addressed prior to approval of this sign.

Mrs. Jennifer Cox, Director of Planning for the City of McKinney, stated that the City's current sign ordinance has not been significantly updated since 1988. She stated that Staff is working on drafting a revised sign ordinance. Chairman Clark asked Mrs. Cox if the revised sign ordinance would be presented to City Council within the next six months. Mrs. Cox said yes.

The Commission unanimously approved the motion by Commission Member Bush, seconded by Commission Member Kochalka, to close the public hearing.

Commission Member Bush had concerns about setting a precedent and felt it was a safety issue.

Commission Member Thompson had concerns about the purpose of this proposed digital sign.

Commission Member Kochalka spoke in favor of the proposed digital sign. He gave various examples of other dangerous things that could be more of a hazard. Commission Member Kochalka liked the idea of free advertisement for promoting various City events.

Chairman Clark asked if Staff took into account any safety issues for the proposed digital sign when preparing the staff report. Mr. Opiela said no.

Commission Member Hilton asked Mr. Brown, with Daktronics, about the appearance of the advertisements on the proposed sign. Mr. Brown stated that the advertisement would not have any movement and would be displayed for a minimum of eight seconds. He stated that it would immediately transition into another advertisement. Mr. Brown stated that the government has researched into this type of advertisement and deemed it safe. He briefly discussed some of the safety studies.

Commission Member Hilton asked Mr. Brown about the brightness of the sign and if it would dim at night. Mr. Brown stated that brightness would adjust automatically using a photo sensor and would not be as bright during the night time or on a cloudy day.

Commission Member Hilton gave some examples of other current signs in McKinney that he felt would be more distracting than the proposed sign.

On a motion by Commission Member Thompson, seconded by Commission Member Bush, the Commission voted 4-3 to recommend denial of

the rezoning request as recommended by Staff. Commission Members Franklin, Hilton, and Kochalka voted against the motion.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on May 1, 2012.