

## PLANNING AND ZONING COMMISSION

APRIL 10, 2012

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on Tuesday, April 10, 2012 at 6:30 p.m.

Commission Members Present: Chairman Robert S. Clark, Vice-Chairman Lance Lindsay, George Bush, Rick Franklin, Matt Hilton, David Kochalka, and Larry Thompson

Staff Present: Director of Planning Jennifer Cox; Senior Planner Brandon Opiela; Planner II Anthony Satarino; and Administrative Assistant Terri Ramey.

City Council Present: Mayor Pro Tem Travis Ussery

There were approximately thirty guests present.

Chairman Clark called the meeting to order at 6:30 p.m. after determining a quorum was present.

Chairman Clark explained the format and procedures of the meeting, as well as the role of the Commission. He announced that some of the items considered by the Commission on this date would be only heard by the Planning and Zoning Commission and others could be forwarded on to City Council. Chairman Clark stated that he would advise the audience if the case will go on to City Council or be heard only by the Planning and Zoning Commission. He requested that applicants and Staff limit their remarks to ten minutes each and that guests limit their remarks to five minutes and speak only once. Chairman Clark explained that there is a timer located on the podium, and when one minute of the speaker's time is remaining, the light will switch from yellow to red and a buzzer will sound. He asked that everyone treat others with respect, be concise in all comments, and avoid over talking issues.

Commission Member Kochalka stepped down during the consideration of the Consent items, due to a possible conflict of interest.

The Commission unanimously approved the motion by Commission Member Franklin, seconded by Commission Member Thompson, to approve the following Consent Items:

**12-212 Minutes of the Planning and Zoning Commission  
Regular Meeting of March 27, 2012**

- 12-048PF Consider/Discuss/Act on the Request by Kimley-Horn and Associates, Inc., on Behalf of the City of McKinney and McKinney Economic Development Corporation, for Approval of a Preliminary-Final Plat for Lots 1 and 2, Block A, of the Gateway Addition, Approximately 57.89 Acres, Located on the Southeast Corner of Marketplace Drive and U.S. Highway 75 (Central Expressway).**

**END OF CONSENT**

Commission Member Kochalka returned to the Council dias.

- 12-016Z2 Conduct a Public Hearing to Consider/Discuss/Act on the Request by RWR Wireless Corporation, on Behalf of Richard B. Wade, for Approval of a Request to Rezone Approximately 1.27 Acres from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, to Allow for a Telecommunications Tower, Located Approximately 1,700 Feet West of Grassmere Lane and Approximately 240 Feet North of U.S. Highway 380 (University Drive). NO ACTION NECESSARY**

Mr. Anthony Satarino, Planner II for the City of McKinney, explained that the applicant has withdrawn the proposed rezoning request; therefore, no further action is necessary.

- 12-038Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Abernathy, Roeder, Boyd & Joplin, on Behalf of The Chateau at McKinney, L.L.C., for Approval of a Request to Rezone Approximately 10.37 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located Approximately 1,500 Feet East of Ridge Road and Approximately 300 Feet South of Virginia Parkway. REQUEST TO BE TABLED**

Mr. Anthony Satarino, Planner II for the City of McKinney, explained that the applicant has withdrawn the proposed rezoning request; therefore, no further action is necessary.

- 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 12<sup>th</sup> 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.

**12-055PFR Conduct a Public Hearing to Consider/Discuss/Act on the Request by Roome Land Surveying, Inc., on Behalf of Steven K. Regier, for Approval of a Preliminary-Final Replat for Lots 1 and 2, Block A, of the Regier Addition, Approximately 0.45 Acres, Located Approximately 285 Feet North of Graham Street and Generally Between Tennessee Street and Kentucky Street.**

Mr. Anthony Satarino, Planner II for the City of McKinney, explained the preliminary-final replat request. He stated that Staff is recommending approval of the proposed preliminary-final replat as conditioned in the staff report.

Chairperson Clark opened the public hearing and called for comments. There were none.

The Commission unanimously approved the motion by Vice-Chairman Lindsay, seconded by Commission Member Hilton, to close the public hearing and approve the proposed preliminary-final replat as conditioned in the staff report.

Chairperson Clark stated that the Planning and Zoning Commission is the final approval authority for the proposed preliminary-final replat.

**12-040MRP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Tororo Group, L.L.C., for Approval of a Minor Replat for Lots 1-3, Block A, of the Christie Addition No. 1, Approximately 0.76 Acres, Located on the Southwest Corner of Hunt Street and Byrne Street.**

Mr. Anthony Satarino, Planner II for the City of McKinney, explained the proposed minor replat request. He stated that Staff recommends approval of the proposed minor replat request as conditioned in the Staff Report.

Mr. Jim Schwalls, 6817 Norman Rockwell, McKinney, TX 75069, concurred with the Staff Report.

Chairperson Clark opened the public hearing and called for comments. There being none, on a motion by Commission Member Bush, seconded by Commission Member Kochalka, the Commission unanimously approved the motion to close the public hearing and approve the proposed minor replat as conditioned in the staff report.

Chairman Clark stated that the Planning and Zoning Commission is the final approval authority for the proposed minor replat.

**12-050SP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Kimley-Horn And Associates, Inc., on Behalf of the City of McKinney and McKinney Economic Development Corporation, for Approval of a Site Plan for Emerson Regulator Technologies, Approximately 12.16 Acres, Located on the Southeast Corner of Marketplace Drive and U.S. Highway 75 (Central Expressway). NO ACTION NECESSARY**

Mr. Brandon Opiela, Senior Planner for the City of McKinney, explained that action on this item by the Planning and Zoning Commission would not be required, and the site plan may be approved administratively by Staff; therefore, no further action was necessary.

Ms. Jennifer Cox, Director of Planning for the City of McKinney, mentioned that there would be a work session held at the April 24, 2012 Planning and Zoning Commission meeting to discuss possible ordinance updates.

Chairman Clark declared the meeting adjourned at 7:35 p.m.

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ROBERT S. CLARK  
Chairman