

PITTENGER, PAXTON, NUSPL & CRUMLEY
ATTORNEYS & COUNSELORS
OFFICES IN MCKINNEY, FRISCO & ALLEN
www.ppnclaw.com

McKinney Office
201 W. Virginia Street
McKinney, Texas 75069

W. Kenneth Paxton, Jr.
ken@ppnclaw.com

Telephone (469) 742-0100
Facsimile (214) 544-9007

April 5, 2012

Mr. Brandon Opiela
City of McKinney Planning Department
221 N. Tennessee
McKinney, Texas 75069

Re: Letter of Intent - Re-zoning Request
Property ID: 2589667

Dear Brandon:

We are requesting a review and approval of the re-zoning application, Property ID 2589667, that was filed on March 13, 2012, on behalf of Doug Parker. This request for re-zoning approval relates to approximately .33 acres, located on the Southeast Corner of Rockhill and U.S. Highway 75 (Central Expressway). The request is for a change in the zoning from "BN", Neighborhood Business District, to "PD", Planned Development District, to allow for the placement of a digital sign on the property. We would construct an LED sign approximately 35 feet above the level of the street with a surface area of 378 square feet. A LED screen would be placed on both sides of the sign. It would be located approximately 248 feet from the Honda dealership located at 601 S. Central Expressway and 308 feet from the Golden Corral located at 475 S. Central Expressway .

The variable message signs will not be animated, flash, travel, blink, fade or scroll. The variable message sign will transition instantaneously to another static image. Each sign message will be complete in itself and will not continue on a subsequent sign message. The signs will not exceed a brightness level of 0.3 foot-candles above ambient light. It would be our desire to present this application to the Planning and Zoning Commission on April 10.

The **Current Ordinance** provides as follows:

Section 134-7.(a) - Business and agricultural zoning districts.

Billboards. Billboards may be erected on locations in the agricultural, light manufacturing and heavy manufacturing zoning districts along any roadway with an average right-of-way width of 150 feet.

Proposed Change: As mentioned above, we are requesting a change from the current zoning of BN to PD so that we can construct a billboard on the property under an appropriately zoned property.

In addition to the re-zoning request, we are seeking variances from two current ordinances.

1) The **Current Ordinance** provides as follows:

Section 134-7.(a)(1) - Business and agricultural zoning districts.

Height and size limitation. No billboard sign shall be erected, the total height of which is greater than 35 feet, above the level of the street or road upon which the sign faces, or above the natural ground level, if such ground level is above the street or road level. No such sign shall have a surface exceeding 288 square feet in area or containing less than 15 square feet in area.

Proposed Change: We are requesting a variance from the billboard surface area requirements that would exceed the current requirements by 90 square feet (total would be 378 square feet).

2) The **Current Ordinance** provides as follows:

Section 134-7.(a)(6) - Distance from buildings.

Distance from buildings. Such sign shall be located a minimum of 300 feet from any building.

Proposed Change: We are requesting a variance from the 300 feet requirement from any building. The sign would be located at least 248 feet from the Honda Dealership and 308 feet from the Golden Corral restaurant.

Sincerely,

W. Kenneth Paxton, Jr.