

BOARD OF ADJUSTMENT REGULAR MEETING

DECEMBER 13, 2023

The Board of Adjustment met in regular session in the McKinney City Hall second floor conference room, 222 N. Tennessee Street, McKinney, Texas, on Wednesday, December 13, 2023, at 6:00P.M.

Board Members Present: Chairman Eric Roberts, Vice Chair Larry Jagours, and Members, Deanna Kuykendall, Jon N. Prevost, and Randell Wilder.

City Staff members present: Chief Building Official Suzanne Arnold, and Administrative Assistant Brittany Sprague.

Chairman Eric Roberts called the meeting to order at 6:00 P.M. after determining a quorum was present.

23-1005 Minutes of the Board of Adjustment Meeting of October 11, 2023. The motion was made by Vice-Chairman Larry Jagours to approve the minutes, seconded by member Randall Wilder. The Minutes of the Board of Adjustment Meeting on October 11, 2023, were unanimously approved and referred to the City Council for approval.

BOA23-03 Conduct a Public hearing to Consider/Discuss/Act on the request by Owner Terry Casey, to Consider/Discuss/Act on the Appeal of the Building Official's decision for the consideration of a Meritorious Exception to the Sign Ordinance to allow an attached sign above the roof of the main structure, consisting of illuminated letters affixed to the existing smoke stack, at the site of the Cotton Mill, on the property located at **610 Elm Street, Lot 1 of Block A of the Cotton Mill Addition to the City of McKinney, Texas**

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A motion was made by Board Member Jon Neal Prevost to open the public hearing, seconded by Vice Chairman Larry Jagours and unanimously approved.

The floor was open to the public for comment. Owner representative; Tommy Tanner owner of Mello Signs and Chief Building Official Suzanne Arnold.

Chief Building Official Suzanne Arnold provided her opening statement. Mrs. Arnold stated that both cases on the agenda for this evening were regarding sign variances. Mrs. Arnold then proceeded to share the duties and summaries of sign variances as a review for the Board.

Mrs. Arnold stated that the owners of the Cotton Mills are seeking to appeal the decision for the consideration of a Meritorious exception to the sign ordinance to allow an attached sign above the roof of the main structure, consisting of illumination letters affixed to the existing smokestack.

The Historic Cotton Mill building at Elm St. & Hwy. 5/McDonald St is currently partially occupied by houses offices and an event venue. The area is within the Cotton Mill Core Character District, which standards are intended to implement the recommendation for an Entrepreneurial Village. The Cotton Mill core would anchor the area, serving as a de facto incubator for emerging technology firms. The land around the mill could be developed to house “graduates” of the Cotton Mills who need more space but want to stay in the area. The concept shows a walkable “campus” of general office buildings that could support some small service retail as well as additional space that support the large events within the Cotton Mill Building.

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The smokestack structure of the Cotton Mill underwent an engineering inspection to determine the structural integrity of the existing smokestack for the purpose of the installation of graphics to be installed by Mello signs. The smokestack was observed to have sufficient support.

Mrs. Arnold also stated that there are no perceivable issues of light pollution at this time or within the foreseeable future.

Owner Representative Tommy Tanner of Mello Signs stated that the signs design and construction would add to the uniqueness that the City of McKinney is known for. The sign would be illuminated on both sides, so residents and visitors would be able to see the location from a distance. The smokestack underwent an inspection to confirm the integrity of the structure and was found to be of sound nature. The sign would have color changing abilities so that the owners could change the lighting according to special events and holidays.

Specifics on location, light pollution, structure integrity, color changing abilities, and letters related to agenda were requested by Board Chairman Eric Roberts. Vice Chairman Larry Jagours, and Members Deanna Kuykendall, Randall Wilder and Jon Neal Prevost.

A total of 30 letters were sent out and one letter was received in approval for the case at the time of the meeting.

A motion was made by Board Chairman Larry Jagours to close the Public Hearing, seconded by Board Member Deanna Kuykendall, and unanimously approved.

Board Member Deanna Kuykendall made a motion, seconded by Vice Chairman Larry Jagours to approve BOA23-03- A Public hearing to Consider/Discuss/Act on the request by

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Owner Terry Casey, to Consider/Discuss/Act on the Appeal of the Building Official's decision for the consideration of a Meritorious Exception to the Sign Ordinance to allow an attached sign above the roof of the main structure, consisting of illuminated letters affixed to the existing smoke stack, at the site of the Cotton Mill, on the property located at **610 Elm Street, Lot 1 of Block A of the Cotton Mill Addition to the City of McKinney, Texas.**

Board Members approved the motion 5 to 0. Ayes from Board Member's Chairman Eric Roberts, Vice Chairman Larry Jagours Members Jon N. Prevost, Randall Wilder, and Deanna Kuykendall.

BOA23-04 Conduct a Public hearing to Consider/Discuss/Act on the request by Applicant Keith Lewis, to Consider/Discuss/Act on the Appeal of the Building Official's decision for the consideration of a Meritorious Exception to the Sign Ordinance to allow a monument sign of unconventional materials and size, being composed of a car with a bicycle mounted to the top sitting on recycled concrete blocks, and allowing that sign to be 10 feet in height (exceeding the allowed 6 feet), and allowing that sign to be approximately 120 square feet in area (exceeding the allowed 40 square feet) at the site of the TUPPS Brewery complex, on the property owned by the McKinney Community Development Corporation (MCDC) located at **402 E. Louisiana Street, Lot 1 of Block A of the TUPPS Brewery Addition to the City of McKinney, Texas.**

A motion was made by Board Vice Chairman Larry Jagours to open the public hearing, seconded by Board Member Randall Wilder and unanimously approved.

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The floor was open to the public for comment. Owners, Keith Lewis and Katy Baker, community resident Patrick Cloutier, community resident and board secretary for MCDC David Riche, and Chief Building Official Suzanne Arnold, were sworn in by Chairman Eric Roberts.

Chief Building Official Suzanne Arnold provided her statement. Mrs. Arnold stated that the applicant is seeking to appeal the decision for the consideration of a Meritorious exception to the sign ordinance to allow a monument sign of unconventional materials and size, being composed of a car with a bicycle mounted to the top sitting on recycled concrete blocks, and allowing that sign to be 10 feet in height (exceeding the allowed 6 feet), and allowing that sign to be approximately 120 square feet in area (exceeding the allowed 40 square feet) at the site of the TUPPS Brewery complex.

The newly developed entertainment complex of TUPPS Brewery is located East of Hwy. 5 on Louisiana St., south of the Silos and the New Municipal Complex. The property is owned by MCDC and is leased by TUPPS. The area is located within the Transit Village Edge Character District with standards that implement the recommendation of the Town Center Master Plan for the blocks around the Transit Village Core. The standard emphasizes the reuse of existing buildings, establishing a walkable street grid, and allowing for an electric mix of building types and uses from residential to cottage to light industrial uses. The Transit Village Edge acts as the transition from higher intensity Transit Village Core to the existing residential neighborhoods north and south of the Town Center and the rail station area. This area will also be the home to the future DART Rail station and the Hwy. 5 Pedestrian Crossing.

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The TUPPS Vehicle is currently located at TUPPS existing property on Anderson St. The vehicle sign has not been issued a city permit.

Owner Keith Lewis stated that the TUPPS car is a big part of their branding, over the past 9 years the vehicle has become an iconic element of TUPPS. The surprise of the communities' support for the vehicle's uniqueness turned into a marketing icon. We now use the vehicle in everyday media and the branding of our beer. Keith Lewis also stated that the lack of permit for the current location for the vehicle was due to being unaware that the vehicle was considered a sign.

Specifics on location, vandalism, structure integrity, and letters related to agenda were requested by Board Chairman Eric Roberts, Vice Chairman Larry Jagours, and Members Deanna Kuykendall, Randall Wilder and Jon Neal Prevost.

Keith Lewis stated that the vehicle will be lifted on concrete blocks to discourage people from climbing and to make sure the vehicle is stable. The vehicle doors will be welded shut to ensure they are unable to open. The vehicle has undergone its fair share of mishandlings, we are not terribly concerned about future vandalism of the vehicle. The glass of the vehicle was removed to decrease the chance of harm from people that tried to crawl through the vehicle. We can discuss possible options for the placement of something on the interior to limit the ability to climb in. Our hope is that with the vehicle being elevated on the concrete boulders it will reduce the risk. Owner Katy Baker stated that the placement of signs by the vehicle stating "keep off" may aid in keeping people off the vehicle.

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David Riche, community resident and board secretary for the MCDC stated that the MCDC was in full support of this agenda item. He also mentioned that Mayor George Fuller wanted to be in attendance tonight, however, was unable to and he wanted him to share his support for this agenda item.

Patrick Cloutier community resident stated that Mayor Geroge Fuller wanted him to share a brief statement on his behalf. The agenda item tonight is to contemplate a rare sign variance that is uncommon in nature. The uniqueness of this sign shares the story of a small business and their journey. You would be hard-pressed to find someone in the community that is not familiar with the iconic Tups car. This vehicle stands behind the City of McKinney's approach on preserving the past while caring for the future.

Partrick Cloutier shared his thoughts on the redeveloped of the Downton area and how the history behind the iconic looks we are custom has been a guiding point for future city developments.

A total of 25 letters were sent out and two letters were received in approval for the case at the time of the meeting.

A motion was made by Board Chairman Larry Jagours to close the Public Hearing, seconded by Board Member Jon Neal Prevost, and unanimously approved.

Board Member Deanna Kuykendall made a motion, seconded by Board Member Jon Neal Provost Tonya to approve BOA23-04- A Public hearing to Consider/Discuss/Act on the request by Applicant Keith Lewis, to Consider/Discuss/Act on the Appeal of the Building

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Official's decision for the consideration of a Meritorious Exception to the Sign Ordinance to allow a monument sign of unconventional materials and size, being composed of a car with a bicycle mounted to the top sitting on recycled concrete blocks, and allowing that sign to be 10 feet in height (exceeding the allowed 6 feet), and allowing that sign to be approximately 120 square feet in area (exceeding the allowed 40 square feet) at the site of the TUPPS Brewery complex, on the property owned by the McKinney Community Development Corporation (MCDC) located at **402 E. Louisiana Street, Lot 1 of Block A of the TUPPS Brewery Addition to the City of McKinney, Texas.**

Board Members approved the motion 5 to 0. Ayes from Board member's Chairman Eric Roberts, Vice Chairman Larry Jagours Members Jon N. Prevost, Randall Wilder, and Deanna Kuykendall.

Board Member Randall Wilder made a motion to adjourn, seconded by Board Vice Chairmen Larry Jagours at 7:07 P.M.

Eric Roberts
Chairman