



AGENDA
BOARD OF ADJUSTMENT
City Commissioner's Room
118 S. Cage Blvd. October 18, 2017 - 6:00 PM

The City of Pharr has called this meeting as allowed pursuant to Texas law, city charter, and Ordinance O-2015-28. The governing body may recess from day to day when it does not complete consideration of a particularly long subject as authorized by law. All persons desiring to address the governing body must register with the presiding city clerk prior to the scheduled meeting.

If during the course of the meeting, the BOARD OF ADJUSTMENT should determine that a closed, or executive session of the BOARD is required, then such closed or executive session or meeting is authorized by Sections 551.071 et seq. of the Texas Government Code. Notice of closed or executive session will be given after the commencement of the meeting covered by this notice.

Should any final action, decision, or vote be required in the opinion of the Commission with regard to any item during the meeting, then such final action, final decision, or final vote shall be made during the open meeting covered by this notice upon the reconvening of the public meeting.

In compliance with Section 551.041 et seq. of the Texas Government Codes, VTCS (Open Meetings Act), notice is given that the Board of Adjustments Commission will meet to consider and act upon the following:

1. CALL TO ORDER:

2. ROLL CALL:

3. APPROVAL OF MINUTES:

A) August 16, 2017 Minutes

4. PUBLIC COMMENTS: (Ordinance No. O-2015-28): : *A registered speaker may speak on several items or topics of public concern; however, a speaker may not exceed three (3) minutes as a whole when addressing the board. A registered speaker may not donate*

time to another speaker. No more than five registered persons may speak at a scheduled meeting. A sign-in form must be filled out prior to the meeting to allow the registered speaker to address the governing body.

5. PUBLIC HEARINGS: (Ordinance No. O-2015-28): *A registered speaker during the public hearing may not exceed three (3) minutes when addressing the board. A sign-in form for participation in public a hearing shall be promulgated by the city clerk and be made available at the city clerk's office. The public hearing sign-in form shall include the person or entity's name, address, telephone number, other contact information, organization if applicable, and other notices, authorizations, and acknowledgements as may be allowed by law from time to time. No registered speaker may be allowed to address the governing body once the public hearing has closed.*

A) Hamlin Pools, representing Ouida J. Hamlin, owner, is requesting a special exception to expand a legal non-conforming use (ground pole sign) in a Limited Industrial District (L-I). The property is legally described as being a 3.09-acre tract of land, more or less, out of Lot 117, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 3701 North IH 69C.

6. ANNOUNCEMENTS/OTHER BUSINESS:

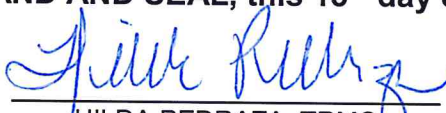
7. ABSENTEE REPORT:

8. ADJOURNMENT:

I, the undersigned authority, do hereby certify that the above notice of said Meeting of the Board of Adjustment of the City of Pharr was posted on the bulletin board at City Hall and on the City's web page at www.pharr-tx.gov. This Notice was posted on the 13th day of October, 2017 at 4:00 p.m. and will remain posted continuously for at least 72 hours preceding the scheduled time of said Meeting, in compliance with Chapter 551 of the Government Code, Vernon's Texas Codes, Annotated (Open Meetings Act).

WITNESS MY HAND AND SEAL, this 13th day of October, 2017.




HILDA PEDRAZA, TRMC
CITY CLERK



AGENDA MEMORANDUM

BOARD: Board of Adjustment

AGENDA ITEM #: 3.A.

DATE SUBMITTED: October 10, 2017

MEETING DATE: October 18, 2017

FROM: Rita Galvan, Secretary

DEPARTMENT: Development Services

DIRECTOR: Melanie Cano

Agenda Item: August 16, 2017 Minutes

Classification: Regular

(* If closed session, City Attorney must review and approve.)

Exclude Material from Public Packet? No

Reason: N/A

Issue: August 16, 2017 Minutes

Financial Consideration: N/A

Staff Recommendation:

Alternatives: N/A

ROUTING:

Rita Galvan

Created/Initiated - 10/10/2017

Roland Gomez

Approved - 10/10/2017

Melanie Cano

New -



BOARD OF ADJUSTMENT

August 16, 2017

A regular called meeting of the City of Pharr's Board of Adjustment was called for Wednesday, August 16, 2017. The meeting was called to order by Danny Wylie, Member, at 6:00 p.m. in the City Commissioners' Room, 118 S. Cage Blvd. 2nd Floor, Pharr, Texas.

ATTENDANCE:

MEMBERS PRESENT: Danny Wylie Ramiro Gutierrez
 Rogelio Torres Guadalupe Cano

ABSENT: Hector Guerra Rafael Munguia
 Ruben Luna

STAFF PRESENT: Edward Wylie, Assistant City Manager
 John Rigney, City Attorney
 Roland Gomez, Assistant Director of Development Services
 Cristina Garcia, Senior Planner of Development Services
 George Martinez, Building Official of Development Services
 Omar Anzaldua, Jr., City Engineer
 Janie Benedict, Administrative Assistant

OTHERS PRESENT: See attached list.

CALL TO ORDER:

The meeting was called to order by Danny Wylie at 6:00 p.m. and welcomed all to the meeting. Roll call established a quorum.

APPROVAL OF MINUTES:

There being no discussion, Guadalupe Cano **moved** to approve the minutes of May 3, 2017, as submitted. Ramiro Gutierrez second the motion and when put to a vote, it polled as follows

H. Guerra: Absent
G. Cano: Approve
R. Gutierrez: Approve
R. Munguia: Absent

D. Wylie: Approve
R. Torres: Approve
Ruben Luna: Absent

The motion carried unanimously to approve the minutes of May 3, 2017, as submitted.

PUBLIC COMMENTS:

Danny Wylie asked if there was anyone signed up to speak at the Public Comments. Janie Benedict advised that K.C. Fletcher had signed up to speak.

A gentleman approached the podium and introduced himself as Kenneth C. Fletcher residing at 504 South Diplomat and presented the following:

- As presented to the Planning & Zoning Commission, he is not happy with the affect that Costco is causing his neighborhood in that it is flooded with sounds, lights, and is not well protected from that, which is an obligation of the City of Pharr with protection by an adequate acoustical buffer and requests his neighborhood not be stonewalled by City Hall but putting up a stone wall between his neighborhood and Costco would be good.
- He signed up for public hearings and feels it is important as he feels he has a legally recognized interest in where his tax money is going. Is interested in background and 'how it happened'. Lives in a neighborhood that is pretty noisy and is how he got interested in Planning and Zoning.
- There is a city wide problem. Pointed out the Sign Ordinance Sections 106-117 about permits. "Can't tell if a sign being looked at in the city has a permit or if a permit has been applied for". He continued that the sign ordinance says every 2 years the signs are supposed to be painted and refurbished. Mr. Fletcher then pointed out Tax Section 106-91, Permit Identification "there shall be a sticker (that being legal talk for being mandatory) affixed to each sign" and these are not there at all. He also stated this ordinance goes back to 1991, pointed out Amendment 2009 still being there and continued that the Ordinance 2004-21 is currently in use. He continued that after complaining about this (expressing that he has had experience in getting petitions) that an "ordinance gets amended and eliminated and taken out of the ordinance" and hopes this is not the pattern here. He also added that it is important to collect on each and every sign, to maintain the signs all being a matter of beauty for the community but also addressing health and safety issues too. That he was going to bring Mr. Guerra 'up-to-speed', but Mr. Guerra was not present at this meeting.
- In reference to public hearings Mr. Fletcher expressed still liking to go out and taking ordinances, such as the one he had in hand, and "ride around to see". Feels it has been a valuable exercise for the past 5 years to try to get the proper sound control and with this being an outlet for him, gave thanks for the public comments but feels he is legally entitled to public hearings too.

There being no one else wishing to speak, Danny Wylie closed the Public Comments and proceeded to the next item.

PUBLIC HEARING:

As the public hearing is only for people that are affected by the proposed area, Danny Wylie closed the public hearing and proceeded to the next item.

George Martinez introduced himself as Building Official for the City of Pharr and stated there was one item for recommendation and proceeded as follows:

**NAIN ENGINEERING, LLC.
Rep. MAQUILA TRADES &
FORWARDING, LLC**

**VARIANCE TO THE CITY OF PHARR
STANDARDS MANUAL SECTION V -
OFF STREET PARKING
BOA#170739**

Nain Engineering, LLC, representing Maquila Trades & Forwarding, LLC, owner, has filed with the Board of Adjustment a request for a variance to the City of Pharr Standards Manual Section V – Off Street Parking. The applicant is requesting a variance to allow the use of a TRUEGRID Permeable Paver System in a Limited Industrial District (L-I). The legal description is being 2.953 acres out of Lot 363, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 9601 South International Boulevard. The property is currently zoned Limited Industrial District (L-I). The surrounding area is zoned Limited Industrial District (L-I) to the west and east, Agricultural and/or Open Space District (A-O) to the north and Planned Unit Development (PUD) to the south. The area is generally designated for industrial use in the Land Use Plan. Five (5) surrounding property owners were notified of the request by letter and a legal notice was published in the McAllen Monitor. One individual signed up to speak at the public hearing in favor of the item.

George Martinez advised the applicant and the project engineer both being in the audience.

Danny Wylie asked for more information on this new system.

A gentleman approached the podium and introduced himself as Guillermo Arriata, the Project Engineer. He provided the members with leaflet and pictures regarding the product. He stated that whereas this system is being used in Houston and other northern areas; only Rio Hondo has a site using this system in this southern area. He explained that the applicant is wishing to utilize this system for a private parking for the trucks and also that the area where the system will be installed is close to 3 acres in size. Mr. Arriata provided technical information about the material such as how the foundation would be worked, inches of rock to be used, the capacity, etc.

Danny Wylie asked if research on this had been done. Omar Anzaldúa, Jr., introduced himself as the Engineer for the City of Pharr and reported the following:

- The system has been researched and finds no objections to it being used.
- Meets the H-20 loading requirements having about 1-million pounds per sq. ft.
- Vehicles can drive directly onto this product.
- Base is very environmentally friendly.
- Run-off soaks into the ground / eco-friendly and useful for parking lots.
- Application for the proposed use is good and Engineering finds no objections or anything contrary of the product.
- Product is equal to concrete, better than asphalt, and has more tolerance to heavy trucks and is more comparable to concrete than asphalt.

Rogelio Torres asked if Omar Anzaldua, Jr., is the City Engineer. Mr. Anzaldua affirmed as being the Engineer for the City of Pharr. Mr. Torres then stated that the Board will be trusting his opinion regarding information provided about the product.

Mr. Arriata stated that this project will be for private use whereas the one now in Rio Hondo is a public use. Ramiro Gutierrez asked if this project would still require detention. Mr. Arriata advised this will have detention but will be reduced. Ramiro Gutierrez commented the amount of detention will be reduced and Mr. Arriata affirmed such..

Guadalupe Cano asked of the cost per square foot against asphalt or concrete. Mr. Arriata advised it would be cheaper – about 50% less.

Danny Wylie asked staff if this product is comparable to what zoning now requires. Roland Gomez, Development Services Assistant Director, affirmed this to be compatible to the concrete requirement we currently have.

Danny Wylie asked if this product would be added to the specs for future use. Roland Gomez advised staff is currently looking into this.

Guillermo Arriata stated this site may be the test section for Pharr to see how it will work and look for city uses vs. the dollar amount that would be spent on concrete and asphalt.

Guadalupe Cano asked of the primary use of the site and Mr. Arriata advised it was for the parking of heavy trucks. Mr. Arriata explained that presently the trucks are being parked on the side of the existing building due to no room; but, they do have this area, which is undeveloped and legal to be used as parking. However, the subdivision is in the process in order to be used as a parking lot.

Roy Torres asked if striping was to be done and Mr. Arriata stated “No, but it can be done”.

There being no further discussion Danny Wylie called for the vote and advised that due to the number of members present, if the project is to be approved, a unanimous vote is required.

Ramiro Gutierrez **moved** to approve the request for a variance to the City of Pharr Standards Manual Section V – Off Street Parking to allow the use of a TRUEGRID Permeable Paver System in a Limited Industrial District (L-I). Guadalupe Cano second the motion and when put to a vote it polled as follows:

H. Guerra: Absent
G. Cano: Approve
R. Gutierrez: Approve
R. Munguia: Absent

D. Wylie: Approve
R. Torres: Approve
Ruben Luna: Absent

Motion carried unanimously to approve the request for a variance to the City of Pharr Standards Manual Section V – Off Street Parking to allow the use of a TRUEGRID Permeable Paver System in a Limited Industrial District (L-I).

ANNOUNCEMENTS/OTHER BUSINESS:

Danny Wylie announced that the Board was needing to vote for a Vice-Chairman and asked if this should be postponed for the entire Board to be present. Edward Wylie, Assistant City Manager advised the Board had the authority to go ahead and proceed with the election or wait. Board determined to proceed with the election and Guadalupe Cano nominated Danny Wylie for Vice Chairman. Ramiro Gutierrez second the nomination. There being no other nominations to be brought forth, Danny Wylie accepted the nomination to serve as Vice Chairman. When put to a vote it polled as follows:

H. Guerra: Absent
G. Cano: Approve
R. Gutierrez: Approve
R. Munguia: Absent

D. Wylie: Approve
R. Torres: Approve
Ruben Luna: Absent

By unanimous vote, Danny Wylie will serve as Vice Chairman for the Board of Adjustment.

ABSENTEE REPORT

Hector Guerra, Sr., Rafael Munguia, and Ruben Luna were the absent members. Ramiro Gutierrez moved to excuse the absence of the members. Guadalupe Cano second the motion and when put to a vote, it polled as follows:

H. Guerra: Absent
G. Cano: Approve
R. Gutierrez: Approve
R. Munguia: Absent

D. Wylie: Approve
R. Torres: Approve
Ruben Luna: Absent

The motion carried unanimously to excuse the absent members.

ADJOURNMENT

There being no further business, by unanimous consent, the meeting adjourned at 6:17 p.m.

Danny Wylie

Vice - Chairman

ATTEST:

Ramiro Gutierrez

Member



AGENDA MEMORANDUM

BOARD: Board of Adjustment

AGENDA ITEM #: 5.A.

DATE SUBMITTED: October 10, 2017

MEETING DATE: October 18, 2017

FROM: Rita Galvan, Secretary

DEPARTMENT: Development Services

DIRECTOR: Melanie Cano

Agenda Item: Hamlin Pools, representing Ouida J. Hamlin, owner, is requesting a special exception to expand a legal non-conforming use (ground pole sign) in a Limited Industrial District (L-I). The property is legally described as being a 3.09 acre tract of land, more or less, out of Lot 117, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 3701 North IH 69C.

Classification: Regular

(* If closed session, City Attorney must review and approve.)

Exclude Material from Public Packet? No

Reason: N/A

Issue: Hamlin Pools, representing Ouida J. Hamlin, owner, is requesting a special exception to expand a legal non-conforming use (ground pole sign) in a Limited Industrial District (L-I). BOA #170952

Financial Consideration: N/A

Staff Recommendation:

Alternatives: N/A

ROUTING:

Rita Galvan

Created/Initiated - 10/10/2017

Roland Gomez

Approved - 10/10/2017

Melanie Cano

Final Approval - 10/10/2017

MEMORANDUM

DATE: WEDNESDAY, OCTOBER 18, 2017

TO: BOARD OF ADJUSTMENT

FROM: DEVELOPMENT SERVICES

SUBJECT: SPECIAL EXCEPTION FILE NO. BOA#170952

GENERAL INFORMATION:

APPLICANT: Hamlin Pools, representing Ouida J. Hamlin, owner, is requesting a special exception to expand a legal non-conforming use (ground pole sign) in a Limited Industrial District (L-I).

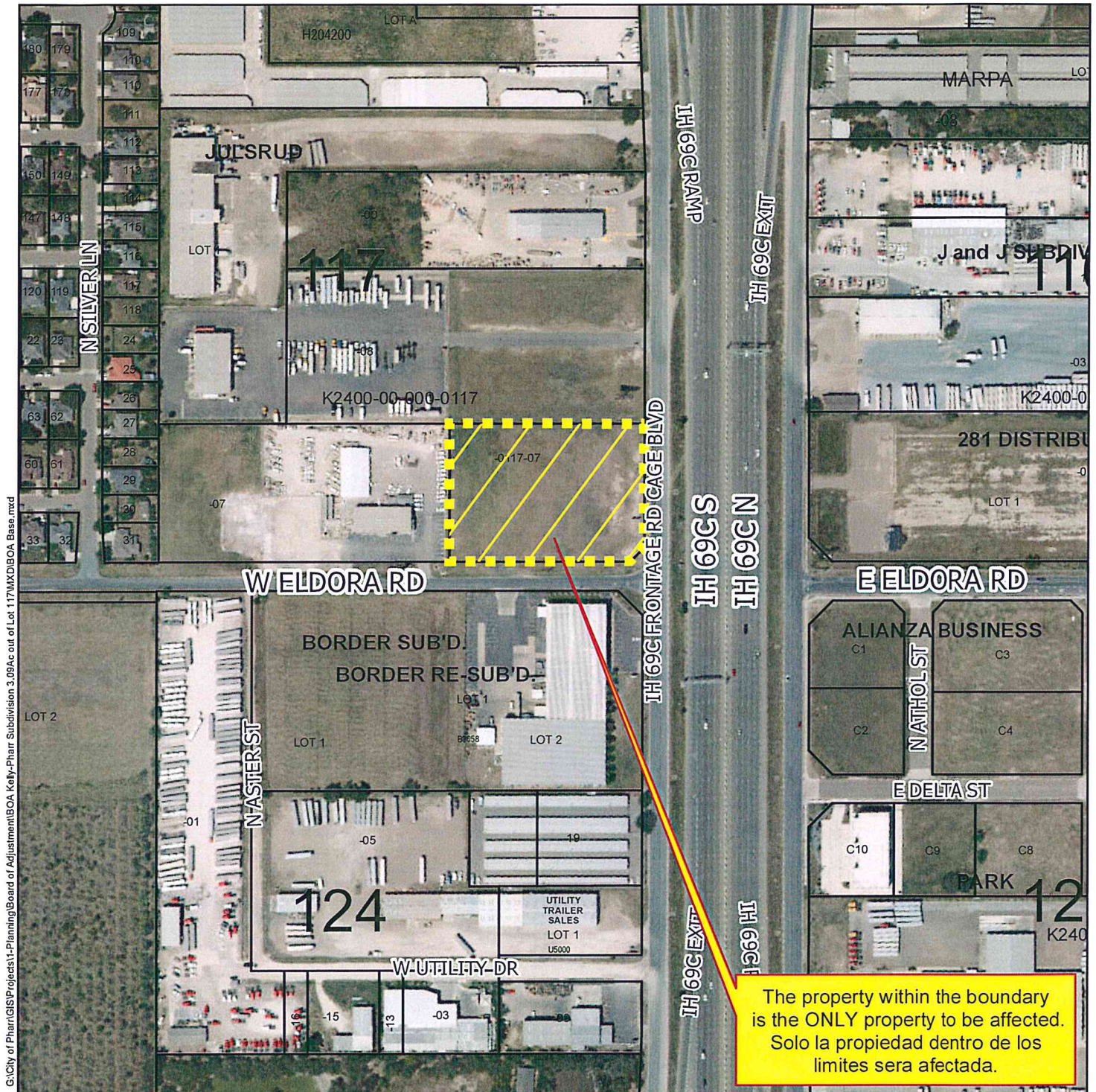
FOR YOUR INFORMATION: The applicant is proposing to replace an existing off-premise sign, 18 feet in height (9' x 17' – face) and in its place add a 60 foot electrical pylon sign (19' x 14' – face).

LEGAL DESCRIPTION: The property is legally described as being a 3.09 acre tract of land, more or less, out of Lot 117, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas.

LOCATION: The property's physical address is 3701 North IH 69C.

ZONING: The property is currently zoned Limited Industrial District (L-I). The surrounding area is zoned Limited Industrial District (L-I) to the north, south east and west. The area is generally designated for industrial use in the Land Use Plan.

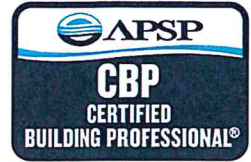
NOTIFICATION OF PUBLIC: Three (3) surrounding property owners were notified of the request by letter and a legal notice was published in the McAllen Monitor. Staff received no response to the letters or the legal notice.





300 West Eldora Road
Pharr, Texas 78577
(956) 787-3281 (Pharr)
(956) 541-8349 (Brownsville)
(956) 787-3285 (Fax)
www.hamlinpools.com TICL 715

Regulated by The Texas Department of Licensing and Regulation
P.O. Box 12157, Austin, Tx. 78711, 1-800-803-9202, 512-463-6599 www.tdlr.texas.gov/complaints



Special Exception Narrative:

Hamlin Pools is requesting a special exemption to replace the existing 20+ year old business sign. The sign is showing significant wear and tear. The surrounding businesses and expressway have been built up since the original sign was installed. Hamlin Pools would like to replace this sign with an existing sign. The sign is currently off premise from the property that is owned by Hamlin Pools. We have attached signed and notarized consent by the property owner to replace the sign with a new sign in its place. Many other properties along the expressway have signs with similar dimensions as the sign proposed. IE: McDonalds, La Quinta, Motel 6, Penske, etc.

**HAMLIN
POOLS**

PARTS COUNTER
NOW OPEN
SATURDAYS 9AM - 12PM
956-787-3281

WEST 495
HEALING
PRATT
STONE RD
495

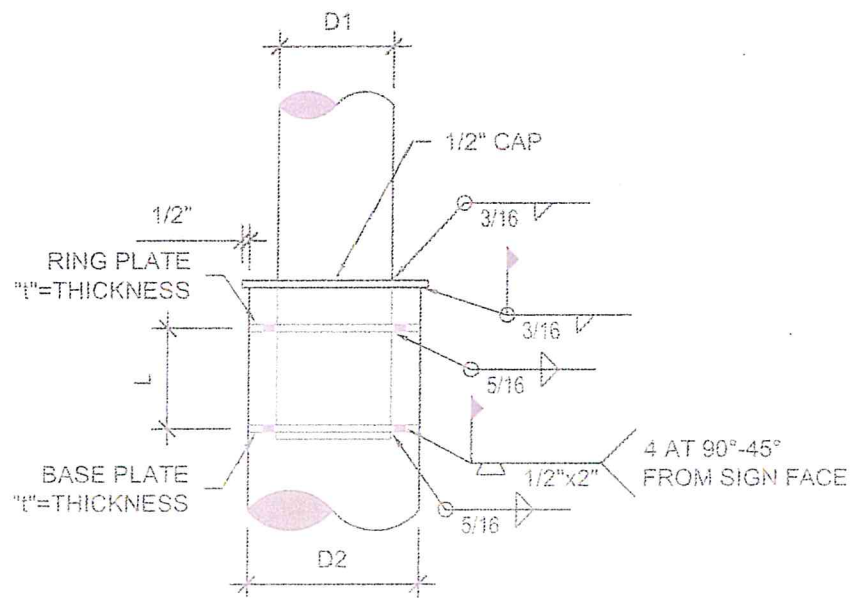




10815 RANCHO BERNARDO ROAD
SUITE 260, SAN DIEGO, CA 92127
PROJECTMANAGER@SULLAWAYENG.COM
PHONE: 1-858-312-5150 FAX: 1-858-777-3534

PROJECT: HAMLIN POOLS - POLE SIGN - 300 W. ELDORA RD., PHARR, TX
PROJECT #: 15455
CLIENT: HIWAY NEON SIGNS

DATE: 8-17-2017
ENGINEER: JS
LAST REVISED:



SPICE DETAIL

NOTES:

1. THIS DETAIL MAY BE USED FOR PIPE AND SQUARE TUBE SECTIONS.
2. $L = 1.5 \times D1$ OR 12", WHICHEVER IS LARGEST

THICKNESS (t)

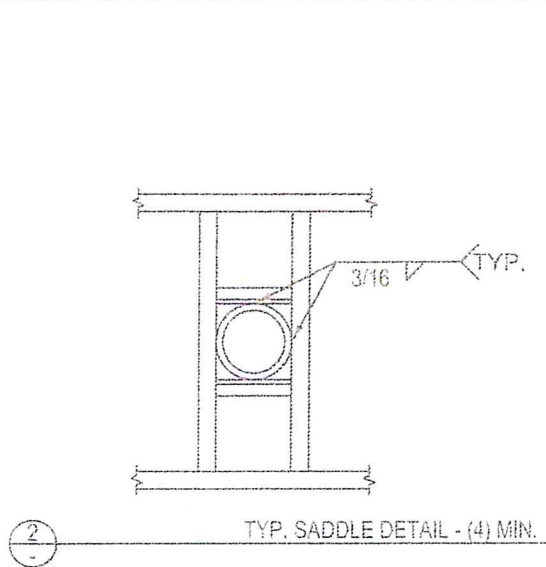
FOR D1 THRU 16" DIA., USE $t = 1/2"$ PL.
FOR 16" DIA. < D1 < 30" DIA., USE $t = 3/4"$ PL.
FOR D1 > 30" DIA., USE $t = 1"$ PL.



10815 RANCHO BERNARDO ROAD
SUITE 260, SAN DIEGO, CA 92127
PROJECTMANAGER@SULLAWAYENG.COM
PHONE: 1-858-312-5150 FAX: 1-858-777-3534

PROJECT: HAMLIN POOLS - POLE SIGN - 300 W. ELDORA RD., PHARR, TX
PROJECT #: 15455
CLIENT: HIWAY NEON SIGNS

DATE: 8-17-2017
ENGINEER: JS
LAST REVISED:



GENERAL NOTES

1. DESIGN CODE: IBC 2012
2. DESIGN LOADS: ASCE 7-10
3. WIND VELOCITY: 135 MPH EXPOSURE C
4. CONCRETE 3000 PSI MIN.
5. ROUND HSS STEEL ASTM A500 GR.B, $F_y = 42$ KSI MIN.
6. PLATE STEEL ASTM A36
7. WELD $F_{exx} = 70$ KSI MIN.
8. PROVIDE PROTECTION AGAINST DISSIMILAR METALS USING ANTI-CORROSIVE PAINT OR NEOPRENE GASKETS.
9. LATERAL SOIL BEARING PER IBC CLASS 4 (150 PSF/FT).

