

MINUTES
BOARD OF ADJUSTMENT
City Commissioner's Room
118 S. Cage Blvd. April 18, 2018 - 6:00 p.m.

A meeting of the Board of Adjustment of the City of Pharr was held on Monday, April 18, 2018 and following is the record of attendance.

MEMBERS PRESENT: Danny Wylie Ramiro Gutierrez
 Rogelio Torres Guadalupe Cano
 Ruben Luna

ABSENT: Rafael Munguia Hector Guerra

OTHERS PRESENT: See attached list

STAFF PRESENT: Melanie Cano, Director
 Roland Gomez, Assistant Director
 Patricia Rigney, City Attorney
 Cristina Garcia, Senior Planner
 George Martinez, Building Official
 Rita Galvan, Administrative Assistant
 Angie Resio, Secretary

ITEM 1. CALL TO ORDER

Vice Chairman, Danny Wylie called the meeting to order at 6:00 p.m.

ITEM 2. ROLL CALL:

Roll call established a quorum.

ITEM 3. APPROVAL OF MINUTES

A) MINUTES OF August 16, 2017

Vice Chairman, Danny Wylie introduced the item.

There being no discussion, Guadalupe Cano **moved** to approve the minutes of August 16, 2017. Ramiro Gutierrez seconded the motion and when put to a vote it carried unanimously.

ITEM 4. PUBLIC COMMENTS

Kenneth C. Fletcher, residing at 504 South Diplomat, stated he signed up for public

hearing and felt it should have the right to speak as a tax payer. Dr. Fletcher stated the City should increase the permit rate on the LED signs because more advertisements are displayed. He further stated that BOA meetings should be advertised in the official newspaper, the Advance News Journal, not the Monitor according to ordinance 84-13. Dr. Fletcher stated he was once a member of the Planning and Zoning Commission and he believed the agenda item to be presented should be a special exception and not a variance. Dr. Fletcher stated that none of the signs in the City of Pharr have a permit posted on them as they should according to Ordinance 2014-21. He further stated he would like to see his taxes decrease and have the people who owned signs pay more taxes.

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

ITEM 5. PUBLIC HEARING

- A. CRAIG L. JENKINS, ACME PARTNERSHIP LP, IS REQUESTING A VARIANCE TO IMPROVE AN EXISTING LEGAL NON-CONFORMING OFF-PREMISE ONE-FACE L.E.D. BILLBOARD SIGN TO A DOUBLE – FACED L.E.D. BILLBOARD SIGN. THE PROPERTY IS LEGALLY DESCRIBED AS BEING 1.182 ACRE OUT OF LOT 148, KELLY PHARR TRACT SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 5808 SOUTH CAGE BOULEVARD. CUP#180210**

Cristina Garcia, Senior Planner, introduced the item and stated the property was currently zoned General Business District (C). The surrounding area was zoned General Business District (C) to the north, south and west and Heavy Commercial District (H-C) to the east. The area is generally designated for commercial use in the Land Use Plan. She further reported sixteen (16) surrounding property owners were notified of the request by letter and a legal notice was published in the McAllen Monitor. She stated staff received no response to the letters or the legal notice.

Vice Chairman, Danny Wylie opened the public hearing and asked if anyone signed up to speak. There being no one who signed up, the public hearing was closed. Mr. Wylie opened the item for discussion and action.

Guadalupe Cano asked staff what the city ordinance stated regarding a double-faced sign and if was off-premise

Melanie Cano, Director of Development Services, stated the city ordinance does not have specification for a two-faced billboard sign, however it specifies off premises billboard signs are prohibited. She further stated in the reference to the agenda item it is an existing one-faced digital billboard and confirmed the sign was off-premise.

Vice Chairman, Danny Wylie mentioned he has seen a double-face LED sign at RGV careers. Melanie Cano stated that sign was an on premise sign.

Rogelio Torres, asked staff to clarify if this sign was already a one sided digital sign and if the other side of the billboard would be reconstructed. Melanie Cano, Director of Development Services, stated that was correct and the applicant was in the audience and could answer the Board's questions regarding that.

A gentleman approached the podium and introduced himself as Craig Jenkins. with Media ACME Partnership. Mr. Jenkins stated all their billboards are built to IBC code and to be double-faced. Mr. Jenkins further stated all they would need to do is bolt the LED screen on the board currently in place.

Roy Torres asked applicant if he would be building something different then what was there before and if he would be submitting drawing to City staff.

Mr. Jenkins stated the new sign would be identical to the one on the other side and he would submit plans from the original permit that was done two years ago.

At this time, Ramiro Gutierrez recommended the item be discussed in closed session. There was no objection.

CLOSED SESSION: IN ACCORDANCE WITH CHAPTER 551 OF THE TEXAS GOV'T. CODE, THE BOARD OF ADJUSTMENT HEREBY GIVES NOTICE THAT IT MAY MEET IN A CLOSED (NON-PUBLIC) EXECUTIVE SESSION TO DISCUSS THE ITEMS LISTED ON THE PUBLIC PORTION OF THE MEETING AGENDA IN ACCORDANCE WITH THE FOLLOWING BELOW

The time being 6:11 p.m., Vice Chairman Wylie stated the commission would be entering into closed session in accordance with Chapter 551 of the Texas Govt. Code to discuss agenda items listed in the public portion of the agenda and Pursuant to Sections 551.071, 551.072, 551.074, 551.076, 551.084 and 551.087

RECONVENE:

The time being 6:44 p.m., Vice Chairman Wylie stated the commission would be resuming the open meeting.

- A. CRAIG L. JENKINS, ACME PARTNERSHIP LP, IS REQUESTING A VARIANCE TO IMPROVE AN EXISTING LEGAL NON-CONFORMING OFF-PREMISE ONE-FACE L.E.D. BILLBOARD SIGN TO A DOUBLE – FACED L.E.D. BILLBOARD SIGN. THE PROPERTY IS LEGALLY**

DESCRIBED AS BEING 1.182 ACRE OUT OF LOT 148, KELLY PHARR TRACT SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 5808 SOUTH CAGE BOULEVARD. CUP#180210

Rogelio Torres asked Mr. Jenkins if his company owned any other signs in the City limits and if he was aware that these signs were illegal.

Mr. Jenkins confirmed both questions

Mr. Torres asked if he would inform Staff the location of existing sign and if he would be willing to remove twice the amount of square footage of the new sign.

Mr. Jenkins stated he would be adding 672 square feet so he would remove double the square footage which would be one double-sided billboard sign.

Guadalupe Cano asked what time frame they would you need to remove the signs.

Mr. Jenkins stated the process to receive a TxDOT permit takes approximately 90 days and once he receives that he would apply for a permit to remove the sign the City has agreed on.

Vice Chairman, Danny Wylie clarified that they would be removing twice the square footage as what is being applied for and Mr. Jenkins confirmed.

Patricia Rigney, City Attorney asked if any of the signs were under any leases.

Mr. Jenkins stated some of them are on an easement owned by the company and he can work on getting out of leases on the others if necessary.

Ramiro Gutierrez moved to approve with the condition that double the square footage of the new sign size would be removed prior to the new sign being installed. Guadalupe Cano seconded the motion and when put to a vote, it carried unanimously.

ITEM 6. ANNOUNCEMENTS/OTHER BUSINESS

None.

ITEM 7. ABSENTEE REPORT

Hector Guerra, Sr., and Rafael Munguia, 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 carried unanimously.

ITEM 8. AJOURNMENT

There being no further business, Rogelio Torres moved to adjourn. Ruben Luna second the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:50 p.m.

ATTEST:



Rafael Munguia, Secretary



Danny Wylie, Vice Chairman

APPROVED:

5-2-18