

FARMERSVILLE SIGN BOARD OF APPEALS
MEETING MINUTES
OCTOBER 12, 2010

The Farmersville Sign Board of Appeals met in a special called session on October 12, 2010 at 6:00 p.m. in the Board Chamber at City Hall with the following members present: Mayor Joe Helmberger, Fred Langford, Paul Kelly, Billy Long, Bobby Bishop and Jim Foy. Staff members present were City Manager John Moran, Police Chief Mike Sullivan, Fire Department Chief Kim Morris, Finance Director Daphne Hamlin, Interim Public Works Director Walter Ragsdale, City Attorney Alan Lathrom and City Secretary Edie Sims.

CALL WORKSESSION TO ORDER, ROLL CALL

Mayor Helmberger called the meeting to order. Edie Sims called the roll and announced a quorum was present.

PUBLIC HEARING – HEAR PUBLIC COMMENTS FOR A REQUEST FOR THE CONTINUANCE OF A NONCONFORMING SIGN FROM JOE MCKEE TO AUTHORIZE THE RECONSTRUCTION OF A NONCONFORMING POLE SIGN FOR THE DAIRY QUEEN LOCATED AT 201 EAST AUDIE MURPHY PARKWAY

Chairman Helmberger recused himself from this agenda item. Mayor Pro-Tem Paul Kelly opened the Public Hearing at 6:01pm asking for those who wish to speak for the request of continuing a nonconforming sign for the Dairy Queen. Joe McKee, owner of the Farmersville Dairy Queen, came forth and stated to the Board that the expansion of Highway 380 by TxDOT is creating the need to move his sign. The Dairy Queen sign has been in existence in Farmersville around 45 years and is a landmark to Farmersville. The request to move the same sign closer to the building will allow the landmark to remain and be out of the way of the highway expansion. No one spoke opposed to the request. The public hearing was not closed so that a continuation of the same property would continue on the next item.

PUBLIC HEARING – HEAR PUBLIC COMMENTS FOR A VARIANCE REQUEST FROM JOE MCKEE REGARDING THE MENU BOARD SIGN FOR THE DAIRY QUEEN LOCATED AT 201 EAST AUDIE MURPHY PARKWAY

Mayor Pro-Tem Paul Kelly continued the Public Hearing by asking for those who wish to speak for the variance request regarding the menu board sign for the Dairy Queen. Interim Public Works Director Walter Ragsdale came before the Board with a Power Point Presentation showing the site plan and the present location of the nonconforming sign and the menu board as well as proposed locations for both the nonconforming sign and the menu board. As shown by Mr. Ragsdale's presentation, TxDOT needed to acquire more right-of-way into the Dairy Queen property which is creating the need to remove or move the existing pole sign. Also due to the right-of-way acquisition, the path for the drive-thru will be reconfigured which in turn will create the need to remove or move the existing menu board. The plan for the menu sign is to have a drive wrap around the building, allow for queuing to the menu board and stacked drive area for the drive-thru. According to City Attorney Alan Lathrom, the menu board requires a variance as it will be 3' in front of the building line and is a nonconforming placement. Jim Foy stated that menu boards are not classified in our Sign Ordinance.

Mayor Pro-Tem Paul Kelly requested anyone who was against the variance request to step forward. No one spoke either for or against the menu board variance.

Both Public Hearings were closed at 6:19pm.

DRAFT

DISCUSS AND ACT UPON A REQUEST FOR THE CONTINUANCE OF A NONCONFORMING SIGN FROM JOE MCKEE TO AUTHORIZE THE RECONSTRUCTION OF A NONCONFORMING POLE SIGN FOR THE DAIRY QUEEN LOCATED AT 201 EAST AUDIE MURPHY PARKWAY

Jim Foy stated concerns of allowing the continuance of a nonconforming sign and still enforcing the Sign Ordinance. The plan of the Sign Ordinance was to plan how the highway signage would look in the future and not have the signage taking over the area. Mr. Foy continued that he is opposed to moving the pole sign and the owner should have a monument sign which is in accordance with our Sign Ordinance. Bobby Bishop stated that he felt the situation would be different for a new business; however in this particular case, TxDOT is forcing this issue. The Shell station will also be affected by this same situation. Paul Kelly reminded the Board that the Dairy Queen sign is a part of Farmersville and a landmark. Mr. Kelly stated the Board should consider allowing the sign to be moved. Jim Foy reiterated that if a new business comes within the City they must follow the Sign Ordinance requirements. Paul Kelly again stated that this particular sign gives a "hometown" feeling. Bobby Bishop stated he has no problems enforcing the Sign Ordinance for new businesses and has no problem with relocating the Dairy Queen sign due to the extenuating circumstances.

Bobby Bishop motioned to grant the continuance of the nonconforming pole sign at Dairy Queen. Fred Langford seconded the motion. A poll of the Board was taken as follows: Fred Langford yes, Paul Kelly yes, Billy Long yes, Bobby Bishop yes, and Jim Foy No. Motion passed with majority of Board approval.

DISCUSS AND ACT UPON A VARIANCE REQUEST FROM JOE MCKEE REGARDING THE MENU BOARD SIGN FOR THE DAIRY QUEEN LOCATED AT 201 EAST AUDIE MURPHY PARKWAY

Jim Foy stated to the Board that he does not have a problem with the menu board being moved, however he does not believe a request for variance is required. City Attorney Alan Lathrom stated that a variance request and action by the Board was required on the menu board as it is within three feet of the building line. This particular menu board is a nonconforming placement. Bobby Bishop motioned to approve the relocation of the menu board. Fred Langford seconded the motion. A poll of the Board was taken as follows: Fred Langford yes, Paul Kelly yes, Billy Long yes, Bobby Bishop yes, and Jim Foy yes. Motion passed with full Board approval.

DISCUSS AND ACT UPON A REQUEST FOR THE CONTINUANCE OF MULTIPLE NONCONFORMING SIGNS FROM TEXAS INDEPENDENT BANK (FORMERLY FIRST BANK) TO AUTHORIZE RECONSTRUCTION OF MULTIPLE SIGNS FOR INDEPENDENT BANK AT THE MAIN BANK BUILDING LOCATED IN THE CENTRAL BUSINESS DISTRICT AT 223 MCKINNEY STREET

Chairman Helmberger returned to administrate this item. Chairman Helmberger opened the public hearing at 6:34pm. John P. Bratcher came before the board requesting to continue the use of the Independent Bank signs which are used in their other branches. Interim Public Works Director Walter Ragsdale presented a power point presentation which showed photographs of the existing signs and their sizing along with the proposed signs from Independent Bank. Jim Foy stated that the Sign Ordinance does not allow for internally lit signs in the Central Area District and a variance is not allowable. City Attorney Alan Lathrom informed the Board that the signs qualify as a nonconforming sign; therefore if the proposed sign does not increase what is existing, the variance could be considered. The problem is that the words Independent Bank will increase from the words First Bank which relinquishes the request for variance according to the City's Sign Ordinance.

The public hearing was closed at 6:50pm.

The Board continued this discussion with questions regarding the illumination being asked. Per John P. Bratcher of Independent Bank, the East side of the building will not be illuminated, only the North side of the building will have illumination.

After much discussion, Fred Langford motioned to approve the variance request of Independent Bank. The motion died for a lack of a second.

ADJOURNMENT

The Sign Board of Appeals adjourned at 6:58pm.

APPROVED

Joseph E. Helmberger, P.E., Mayor

ATTEST

Edie Sims, City Secretary

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