

AGENDA

PLANNING AND ZONING COMMISSION

COUNCIL CHAMBER

JUNE 17, 2021

1:30 P.M.

1. Approve the minutes of the following Planning and Zoning Commission meetings:
 - a. May 20, 2021
 - b. June 3, 2021
2. CASE FILE NO. 2021-11-Z
Open a public hearing to consider approval of the request by Marcus Fielden, owner, to rezone from Single-Family-Three (SF-3) to Neighborhood Services (NS) Lots 8 and 9, Block 9 Fleetwood Subdivision, City of Odessa, Ector County, Texas (northwest of the intersection of E. 42nd St. and Waverly Ave.)
3. CASE FILE NO. 2020-05-Z
Open a public hearing to consider approval of the request of CJ Real Estate, LLC., owner, to rezone from Multi-Family-Two (MF-2) to Light Commercial (LC) Lots 27 and 28, Block 1, Grand View Addition (southwest of the intersection of E. 9th St. and Limestone Ave.)
4. CASE FILE NO. 2021-38-P
Open a public hearing to consider approval of the replat of Lot 41, Block 1, Grand View Subdivision, City of Odessa, Ector County, Texas (north of the intersection of McKinley Ave. and E. 8th St.)
5. CASE FILE NO. 2021-39-P
Consider approval of the preliminary plat of Mardi Gras Estates, 5th Filing, being a subdivision of 19.94 acres of land in Section 38, Block 42, T-1-S, T&P RR Co. Survey, City of Odessa, Ector County, Texas (northeast of Cajun St. and Mardi Gras Blvd.)
6. Other business
7. Adjourn

Be it said and remembered that at 1:30 p.m. on the 17th day of June, 2021, there came on and was held a Planning and Zoning Commission meeting in the Council Chambers, 5th Floor, 411 W. 8th Street, Odessa, Texas.

MEMBERS PRESENT: Jimmy Peacock, Chairman
Lance Marker
Wayne Russell
Gary Sims

MEMBERS ABSENT: Connie Coots
Renee Earls
Steve Tercero

OTHERS PRESENT: Randy Brinlee, Director of Development; Lorraine Quimiro, Planning Manager; Tim McDaniel, Planner; Jared Aguilar, Planning Tech; Joe Tucker, Assistant City Engineer; and Anne Roney, Secretary.

The minutes of the May 20, 2021, and June 3, 2021 Planning and Zoning Commission meetings were approved, motion for approval being made by Member Sims, seconded by Member Russell, with the vote being a unanimous "aye".

CASE FILE NO. 2021-11-Z (approved)

Open a public hearing to consider approval of the request by Marcus Fielden, owner, to rezone from Single-Family-Three (SF-3) to Neighborhood Services (NS) Lots 8 and 9, Block 9 Fleetwood Subdivision, City of Odessa, Ector County, Texas (northwest of the intersection of E. 42nd St. and Waverly Ave.)

Mr. McDaniel gave the following presentation: There were 20 notices mailed to surrounding property owners, with no notices returned, 3 written protests and 3 written approvals.

The property involved in this request is located northwest of the intersection of E. 42nd St. and Waverly Ave. The site is currently zoned Single Family-Three (SF-3) and is occupied by a day care and a vacant lot. Land use in the area consists of single-family residential development.

The applicant is Marcus Fielden, owner, and the purpose of the rezone request is to accommodate an office.

Using the City's identified priorities contained in the City of Odessa's Comprehensive Plan to evaluate zoning amendments the following comments are offered:

Comprehensiveness: This request is not out of line with the City of Odessa's Comprehensive Plan. The request is considered to be a spot zone, however the property

is located along a main thoroughfare (42nd St) which is a good location for Neighborhood Services (NS) to be located.

Livability: The proposed development is intended to compliment the surrounding neighborhood.

Reasonableness: The lot currently has an approved Specific Use Permit to allow for a day care and has been used as such for 30+ years. Allowed uses in the Neighborhood Services (NS) zoning would be of a similar intensity as a day care.

Based upon the preceding analysis, Staff has no objections to the request as presented.

There being no questions for City Staff, Chairman Peacock opened the public hearing.

Mr. James Hines, 1807 E. 42nd, approached the lectern. He stated the property in this request is residential property. He asked what type of office building is going into this location and did not want to have his property devalued because of this request.

Ms. Dallas Powell, 1511 Custer, approached the lectern. She stated the proposed use is for an insurance office. Mr. Sims asked if this was going to be a rebuild or a remodel, being told the existing structure will be remodeled.

Mr. Randy Thompson, 1508 Montana, approached the lectern. He stated they will be remodeling the existing structure. He noted the parking lot will need to be put in. Mr. Sims asked if this request is approved will it limit what the applicant can do on this location. Mr. Brinlee stated there will be development requirements and noted a house could be two stories. Mr. Russell asked if there would be exterior remodeling as well, with Mr. Thompson stating there would be. He added they will also be putting in some landscaping on the property.

Ms. Mikki McDougall, 829 Tower Dr, approached the lectern. She stated Mr. Thompson currently has an office in the same area where she is located. She felt what he is proposing would be a positive/beneficial addition to the neighborhood as she has always been a courteous neighbor to her. There being no further questions or comments, Chairman Peacock closed the public hearing.

Member Sims moved the rezoning be approved to Neighborhood Services (NS). Member Russell seconded the motion, with the vote being a unanimous "aye".

CASE FILE NO. 2020-05-Z (approved to PD-LC with conditions)

Open a public hearing to consider approval of the request of CJ Real Estate, LLC., owner, to rezone from Multi-Family-Two (MF-2) to Light Commercial (LC) Lots 27 and 28, Block 1, Grand View Addition (southwest of the intersection of E. 9th St. and Limestone Ave.)

Mr. McDaniel gave the following presentation: there were 15 notices mailed to surrounding property owners, with no notices returned, 1 written protest and no written approvals.

The property involved in this request is located southwest of the intersection of E. 9th St. and Limestone Ave. The site is currently zoned Multi-Family-Two (MF-2) and is vacant. Land uses in the area consist of commercial development and vacant land.

The applicant is CJ Real Estate, LLC., owner and the purpose of the rezone request is to accommodate new construction and replat of the lots.

Using the City's identified priorities contained in the City of Odessa's Comprehensive Plan to evaluate zoning amendments the following comments are offered:

Comprehensiveness: The proposed zoning is not contrary to the established land uses in the general area or the land use plan of the City of Odessa's Master Plan.

Livability: The proposed zoning would not have a negative impact on this site or surrounding properties. The proposed commercial development would not be out of line with development in the area.

Reasonableness: The proposed zoning district would be consistent with surrounding zoning districts in the area.

Based upon the preceding analysis, Staff recommends approval of the request.

There being no questions for City Staff, Chairman Peacock opened the public hearing.

Mr. Mickey Thomas, applicant's representative, approached the lectern. He stated Starbucks is here to work with the community and the city. He stated they are using a new speaker system to control any sound. This will drop the noise from the speakers down depending on the time of day. The lighting on the property will be in accordance with the city requirements so it will not spill over onto surrounding properties. The owner is willing to place screening between this property and the surrounding properties to prevent any headlights from shining onto the surrounding properties. The dumpsters are presently at the north end of the property and can be moved.

Mr. Joe Gamble, 4029 Kingsbury in Wichita Falls, approached the lectern. He stated he was representing the owner of the apartment complex. They do have concerns that the proposed zoning will impact the surrounding properties. The increased traffic and noise levels could impact their property. They also feel this proposal will impact the value of their property and the occupants of the complex.

Mr. Russell asked if the apartments were located directly behind the property. Mr. Gamble indicated the apartments were northwest of the property and will be impacted by the headlights of vehicles and the noise of the drive-thru will also impact their property. They are concerned with the traffic circulation. Mr. Russell asked if there would be a fence

separating the two properties. Mr. Brinlee stated the City has visited with the owner and there will be a fence as well as some landscaping separating the two properties. There is 150' separation between the properties. With the new speaker systems there will not be a problem. Mr. Peacock asked if there were to be a motion for approval would the Commission need to make some changes. Mr. Brinlee stated the Commission could approve the request as a Planned Development-Light Commercial and address the various issues. Mr. Russell asked Mr. Gamble if that was what they were asking for. Mr. Gamble indicated it was and stated there needed to be some mitigation for the larger trucks which will come in.

Mr. Thomas stated this property is already adjacent to Light Commercial zoning. They have designed the property so that all of the traffic will be entering and exiting the property from 8th Street. They are aware the product they are offering generates a lot of traffic. There will be a screening wall around the trash containers. Mr. Sims asked if there would be any entrances off of 9th Street, with Mr. Brinlee stating there will be no entrances from 9th. Mr. Thomas stated with the new speaker technology they will be using it will be as if a normal conversation were being held. Mr. Brinlee stated if the Commission should go with a Planned Development zoning the screening wall could be a part of the conditions and all development on the property needs to meet ordinance requirements. Mr. Marker asked what the height of the fence would be. Mr. Brinlee stated the fence could be 4'. Landscaping plans will be part of the permitting process. Mr. Gamble stated they would encourage any requirements be tied into the site plan. The traffic flow is a concern because of headlights coming from cars. He stated they are not opposed to this development, however they wish to have their concerns addressed. There being no further questions or comments, Chairman Peacock closed the public hearing.

Mr. Peacock stated he felt the Planned Development-Light Commercial zoning would address all the stated concerns and was confident the City staff could take care of any of the problems that were brought up.

Member Marker moved the rezoning be approved to Planned Development-Light Commercial with the following conditions:

1. Screening be incorporated into the landscape plans for the proposed development.
2. Development to meet all code and ordinance requirements.

Member Sims seconded the motion with the vote being a unanimous "aye".

CASE FILE NO. 2021-38-P (approved with conditions)

Open a public hearing to consider approval of the replat of Lot 41, Block 1, Grand View Subdivision, City of Odessa, Ector County, Texas (north of the intersection of McKinley Ave. and E. 8th St.)

Mr. McDaniel gave the following presentation: The property involved in this replat request is located north of the intersection of McKinley Ave. and E. 8th St. The site is currently zoned Multi-Family-Two District (MF-2) and Light Commercial District (LC) with a pending application for zoning from Multi-Family Two District (MF-2) to Light Commercial District (LC) and is occupied by commercial development. Land use in the area consists of multi-family development (apartments) and a church to the north and commercial development to the west, south and east.

The applicant is CJ Real Estate, LLC, owner, MJThomas Engineering, LLC, consultant, and the purpose of the replat is to create one (1) lot for commercial purposes.

Comments were sent to the consultant for review on June 8, 2021.

Staff Comments:

- Original ownership and tax certificates need to be submitted prior to filing the plat.
- Metes and Bounds are not necessary on the face of the plat.
- Water and sewer are available. No pro rata is due.
- Drainage report has been submitted. This tract is not in a special flood hazard area.
- Any work in the right of way or easements will require a permit from the Engineering Division and must comply with current City Ordinances and policies.

Commission action is requested on the following item:

1. Signature blocks and filing information block needs to be added on the face of the plat. (Planning)
2. Alley abandonment will need to be finalized prior to filing the plat. (Public Works)
3. Construction plans for sewer relocation needs to be submitted for review and acceptance. (Public Works)
4. Sidewalk on 8th Street and 9th Street will be required. (Public Works)
5. An Improvements Agreement will be required. (Public Works)
6. A Blanket Refuse Collection Easement Agreement will be required. (Public Works)
7. Grand View Subdivision replat needs 2 GPS points. (GIS)

There being no questions for City Staff, Chairman Peacock opened the public hearing. With no one coming forward to speak for or against the request, Chairman Peacock closed the public hearing.

Member Sims moved the replat be approved with the following conditions:

1. Signature blocks and filing information block needs to be added on the face of the plat.
2. Alley abandonment will need to be finalized prior to filing the plat.
3. Construction plans for sewer relocation needs to be submitted for review and acceptance.
4. Sidewalk on 8th Street and 9th Street will be required.
5. An Improvements Agreement will be required.
6. A Blanket Refuse Collection Easement Agreement will be required.
7. Grand View Subdivision replat needs 2 GPS points.

Member Russell seconded the motion, with the vote being a unanimous "aye".

CASE FILE NO. 2021-39-P (approved)

Consider approval of the preliminary plat of Mardi Gras Estates, 5th Filing, being a subdivision of 19.94 acres of land in Section 38, Block 42, T-1-S, T&P RR Co. Survey, City of Odessa, Ector County, Texas (northeast of Cajun St. and Mardi Gras Blvd.)

Ms. Quimiro gave the following presentation: The property involved in this request is located northeast of Cajun St. and Mardi Gras Blvd. The site is within the City of Odessa and is zoned Special Dwelling District (SPD). The land is currently vacant. Land use in the general area consists of single-family residential development to the north, east, and west and vacant land to the south.

The applicant is Betenbough Homes, owner, and the purpose of the request is to create 124 single-family residential lots (approx. avg. size of 5,726 sq. ft.).

Comments were sent to the consultant for review on June 8, 2021.

Staff Comments:

- Original ownership and tax certificates need to be submitted prior to filing the plat.
- A blanket refuse collection easement is shown on the plat.
- Water and sewer are available for extension. No pro rata is due.

- Drainage report needs to be submitted. This tract is not in a special flood hazard area.
- Water, sewer, paving, and drainage plans need to be submitted for review and acceptance.
- An Improvements Agreement will be required.
- Any work in the right of way or easements will require a permit from the Engineering Division and must comply with current City Ordinances and policies.

Commission action is requested on the following items:

1. Plat the extension of Mardi Gras Boulevard to 87th Street as part of this plat. (Public Works)
2. Include the construction of the extension of Mardi Gras Boulevard with this plat. (Public Works)
3. \$11,889.90 street pro-rata for 90 feet of 87th Street frontage is due prior to recording the plat (invoice is attached). (Public Works)

Ms. Quimiro stated the items noted as needing Commission action are being removed from consideration because the property along 87th Street does not belong to the applicant. The preliminary plat is ready for Commission approval.

There being no questions or comments, Member Sims moved the preliminary plat be approved as presented. Member Marker seconded the motion, with the vote being a unanimous "aye".

There being no further business to come before the Commission, the meeting was adjourned at 2:17 p.m.

Anne Roney, Secretary, placed the minutes in the Minute Book on June 17, 2021.

Jimmy Peacock, Chairman