

AGENDA
PLANNING & ZONING COMMISSION
COUNCIL CHAMBER

August 18, 2022

1:30 P.M.

1. Approve the minutes of the August 4, 2022, Planning and Zoning Commission meeting.
2. CASE FILE NO. 2022-08-Z
Open a public hearing to consider approval of the request by 87th Street Partners, owner, to rezone from Multi-Family Residence-Two (MF-2) to Retail (R) a 0.62 acre tract, a 1.34 acre tract, and a 1.16 acre tract situated in Sections 38 & 39, Block 42, T-1-S, T & P Ry Co. Survey, City of Odessa, Ector County, Texas (northwest of the intersection of Evans Blvd. and E. 87th St.)
3. CASE FILE NO. 2022-39-P
Open a public hearing to consider approval of Crescent Park Addition, 33rd Filing being a replat of the west part of Block 81, Crescent Park Addition, 4th Filing, City of Odessa, Ector County, Texas (southeast of the intersection of N. Grandview Ave. and E. University Blvd.)
4. CASE FILE NO. 2022-40-P
Consider approval of the short form plat of Shiloh Retail 2nd Filing, being approximately 1.56 ac. tract in Section 4 Block 41, T-2-S, T&P RR Co. Survey, City of Odessa, Ector County, Texas (south of the intersection of Rocking L Ranch Rd. & P Bar Ranch Rd.)
5. CASE FILE NO. 2022-42-P
Consider approval of the short form plat of Odessa Country Club Addition, 2nd Filing, being a 10.885-acre tract in Section 15 Block 41, T-2-S, T&P RR, Co. Survey, City of Odessa, Midland County Texas (northwest of the intersection of N. Faudree Rd. and E. Bankhead Hwy.)
6. Other Business
7. Adjourn

Be it said and remembered that at 1:30 p.m. on the 18th day of August 2022 there came on and was held a Planning and Zoning Commission meeting in the Council Chambers, 5th Floor, 411 W. 8th St., Odessa, Texas.

MEMBERS PRESENT: Jimmy Peacock, Chairperson
Connie Coots, Vice Chairperson
Steve Tercero
Wayne Russell

MEMBERS ABSENT: Lance Marker
Renee Earls
Gary Simms

OTHERS PRESENT: Randy Brinlee, Director of Development Services; Lorraine Quimiro, Planning Manager; Maria Prieto, Planner, Yervand Hmayakyan, City Engineer, Joe Tucker, Assistant City Engineer, Fara Hernandez, CIP Coordinator, and Monique Wimberley, Senior Assistant Attorney

The minutes of the of the August 4, 2022, Planning and Zoning Commission meeting were approved, motion for approval being made by Member Tercero, seconded by Member Russel, with the vote being a unanimous "aye".

CASE FILE NO. 2022-08-Z (approved with conditions)

Open a public hearing to consider approval of the request by 87th Street Partners, owner, to rezone from Multi-Family Residence-Two (MF-2) to Retail (R) a 0.62 acre tract, a 1.34 acre tract, and a 1.16 acre tract situated in Sections 38 & 39, Block 42, T-1-S, T & P Ry Co. Survey, City of Odessa, Ector County, Texas (northwest of the intersection of Evans Blvd. and E. 87th St.)

Ms. Quimiro gave the following presentation: Twelve notices were sent out to adjoining property owners. No letters were returned. Six protests were received, and none were returned in support. The property involved in this request is located northwest of the intersection of Evans Blvd. and E. 87th St. The site is currently zoned Multi-Family-Two (MF-2) and is vacant. Land uses in the area consist of single-family residential development to the north and east, vacant land to the west and retail to the south.

The applicant is 87th Street Partners, owner, and the purpose of the request is to accommodate businesses that may provide services to residents in the North Odessa area.

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 property is located at an intersection along a major arterial (Evans Blvd.) which allows for a Retail (R) zoning and the associated less intense uses.

Livability: The proposed zoning should not have a negative impact on this site or surrounding properties. However, adjacent property owners have expressed concerns about the development of this property. Staff is prepared to address concerns with development standards and an amended allowable use list.

Reasonableness: The proposed zoning district will be abutting single family and multi-family development with additional retail to the south. It will facilitate a reasonable transition between land uses and would not create a conflict to the existing land uses in the area.

Based upon the preceding analysis and bearing in mind the concerns of adjacent property owners the P&Z has the option to approve Planned Development-Retail (PD-R) for this case. Staff recommends Planned Development-Retail (PD-R) with the adoption of the following conditions to lessen any negative impacts the proposed development might have on adjacent property owners. Planning staff recommends requiring 25' front, 25' rear, and 25'

side yard setbacks adjacent to any residential development, with maximum 50% lot coverage. Staff also recommends requiring an 8' solid masonry screening wall adjacent to single family residential development and limiting the height of buildings to one story. Any Signs and Landscaping must meet the ordinance requirements. Any lighting would need to be downward facing and not bleed onto adjacent property. Allowable land uses in the zoning district would be those presented on the conditions list.

Chairman Peacock asked if there were any question for staff.

Chairman Peacock inquired on zoning of property to the west. Ms. Quimiro indicated vacant zoned Multi Family-Two (MF-2) and beyond that was a drainage basin. Chairman Peacock inquired reason for protests, to which Ms. Prieto handed over protest cards to the commission. Chairman Peacock then questioned height limit of fenced area. Mr. Brinlee stated height limit is 8 feet screened fence height, which is the maximum allowable height for fire safety reasons. Chairman Peacock inquired on building height which was also confirmed by Mr. Brinlee that building will be limited to one- story height adjacent to residential development. Mr. Brinlee stated that a Planned Development designation added to the Retail zoning use would allow staff to eliminate uses from the existing list of uses, such as taverns and other retail uses that might disrupt residential development.

Chairman Peacock opened the floor to the public. Ms. Tiffany Foster advanced to the podium and stated the concerns of homeowners on Pepperdine Ct. Main concerns were of safety and privacy of families in cul-de-sac due to increase in commercial traffic. Ms. Foster read a letter from the families stating their objection to the rezone request.

Mr. Coby Foster advanced to the podium and stated that Evans Blvd. cannot accommodate additional traffic as traffic already backs up on Evans Blvd. if zoning is changed to Retail (R). Chairman Peacock asked Mr. Foster on difference of traffic intensity between Multi Family- Two (MF-2) and Retail (R) whether intensity of traffic was similar or different between the two zones. Mr. Foster stated that this was his second home in Odessa. That the existing Multi-Family-Two zoning would create a less intensity because there would be less amount of people and traffic, only those that would live there instead of attracting people who will come and go.

Ronnie Wallace with Betenbough approached the podium and thanked the commission and homeowners for expressing their concerns and appreciated the feedback. Mr. Wallace stated that the plan is to develop Single Family homes to the western portion adjacent to the three parcels that are currently being requested for rezoning. The idea is to create a daycare in the proposed Retail (R) Zoning District that will meet the need of the Betenbough homeowners and that this type of development would not create additional traffic than the current zone of Multi Family-Two (MF-2). Mr. Wallace also stated he had just received notice from the Planning office today regarding the opposition and additional development standards to accompany the rezone. The details on the fence which would help provide privacy to adjacent residential homes, Mr. Wallace stated that this would bring a good balance to the area. Chairman Peacock asked Mr. Wallace if they would be adding two more streets, to which Mr. Wallace replied, yes, they would be adding two streets that would create a loop street and provide access the rear property.

Member Coats inquired on the status of the parks that Betenbough had previously proposed to update present homeowners. Mr. Wallace stated the parks were still being considered but were on hold with the city due to cost and responsibility of maintaining them. Mr. Wallace also stated that Betenbough is working with the City to possibly utilize the Public Improvement District to invest money to develop and maintain parks in the area. It is a resource they have used successfully in Lubbock.

Member Tercero asked Mr. Brinlee if restrictions could be added to lessen retail concerns? Mr. Brinlee stated that a Planned Development (PD) designation added to the zoning would

restrict certain businesses uses and TABC might also restrict certain uses if the day care is in developed. The property would need to be platted and a site plan would need to be submitted prior to any construction approval. Mr. Wallace stated he would like to discuss the 25 ft. front setback since this would leave little room for place of daycare and limit the smaller northern most tract. Mr. Brinlee indicated that there is a 20 ft. easement and that an additional 5 ft. would not interfere with the proposed structure.

Mr. Foster approached the podium and stated that a privacy fence adjacent to Pepperdine Ct. would be favorable. Mr. Brinlee stated that the fence would not be limited to extend to 80 ft. and that an 8 ft. height fence with screening adjacent to single family residential would be required.

Chairman Peacock closed the public portion and asked for questions or discussion. Hearing none he requested a motion. Member Coots moved the rezone be approved to Planned Retail (PD-R) with the following conditions.

1. Front yard Building setback at 25', rear setbacks at 25', and 25' for all structures adjacent to residential development. Building height not to exceed one (1) story. Lot coverage for all structures not to exceed 50% maximum.
2. Amended Planned Development-Retail (PD-R) Building Uses to eliminate more intense retail uses.
3. An 8 ft. height solid masonry screening fence be constructed along the property line adjacent to any single-family residential development. The construction of the fence shall coincide with the development of the lots.
4. Signs and Landscaping shall be according to the standards established in the Zoning Ordinance.
5. Approval of the site plan.

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

CASE FILE NO. 2022-39-P (approved with conditions)

Open a public hearing to consider approval of Crescent Park Addition, 33rd Filing being a replat of the west part of Block 81, Crescent Park Addition, 4th Filing, City of Odessa, Ector County, Texas (southeast of the intersection of N. Grandview Ave. and E. University Blvd.)

Ms. Quimiro gave the following presentation: The property involved in this request is located southeast of the intersection of N. Grandview Ave. and E. University Blvd. The site is within the City of Odessa, currently zoned Retail (R) and is occupied by retail uses. Land use in the area consists of office and commercial uses to the south, residential to the east, and retail and commercial uses to the north and west.

The applicant is RS Odessa LLC, owner, Aaron Burrell, agent and the purpose of the rezone request is to create four (4) lots for ownership purposes.

Platting comments were sent to the developer on August 9, 2022 for review.

Staff Comments:

- Original tax certificates needed prior to filing the plat.
- Water and sewer are available. No pro rata is due.
- Drainage report needs to be submitted. This tract is not in a special flood hazard area.
- Extend sewer to serve Lot 23. Submit plans for review and acceptance.

- Plans for utility relocations in the abandoned easements are under review.
- Designate the abandoned easements as abandoned by this plat.
- Dedicate a blanket drainage easement across all lots.
- The previously platted alley has been abandoned.
- 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.
- Recommendation is for developers to assign proper street names on plats to avoid any potential confusion during future addressing phases by City of Odessa Building Inspection personnel.

The plat is ready for commission approval with the following conditions.

Commission action is requested on the following items:

1. Dedicate right of way along Grandview to be a consistent 104'. (Public Works)
2. Dedicate a reciprocal access agreement across all lots. (Public Works)
3. An Improvements Agreement will be required. (Public Works)
4. A Blanket Refuse Collection Easement Agreement will be required. (Public Works)
5. "University Boulevard (27th Street)" on the plat is actually E University Boulevard. (Ector County 911)
6. "26th Street" on the plat is actually E 26th Street. (Ector County 911)
7. "Grandview Avenue" on the plat is actually N Grandview Avenue. (Ector County 911)

Chairman asked if there were any question for staff.

Member Russel asked the parking density for the location. Mr. Brinlee replied that there are currently various uses in that location that are adequately covered by the current parking, however, the owner is only replating for ownership purposes. Currently there is no proposed new use for this location.

Chairman Peacock closed the public portion and asked for questions or discussion. Hearing none he requested a motion. Member Tercero made the motion to approve the replat case with conditions as presented by the Planning staff.

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

CASE FILE NO. 2022-40-P (approved with conditions)

Consider approval of the short form plat of Shiloh Retail 2nd Filing, being approximately 1.56 ac. tract in Section 4 Block 41, T-2-S, T&P RR Co. Survey, City of Odessa, Ector County, Texas (south of the intersection of Rocking L Ranch Rd. & P Bar Ranch Rd.)

Ms. Quimiro gave the following presentation: The property involved in this request is located south of the intersection of Rocking L Ranch Rd. & P Bar Ranch Rd. The site is zoned Planned Development-Single Family-One (PD-SF-1) and is currently vacant. Land use in the area consists of single family residential to the north, and vacant land to the south, east and west.

The applicant is Wyly & Fredna Brown Family Partnership, LTD, owner, LCA, agent and the purpose of the rezone request is to create one (1) lot for ownership purposes and the development of a tree farm.

Platting comments were sent to the developer on August 9, 2022 for review.

Staff Comments:

- Original tax certificates needed prior to filing the plat.
- Water and sewer are available. No pro rata is due.
- Label this Lot as Lot 1, Block 3.
- 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.
- Please make note, as LCA also indicates, this plat stubs up against CRMWD 27 in. pipeline's 25 FT easement. Please make sure there is no infringement.

The plat is ready for commission approval with the following conditions.

Commission action is requested on the following items:

1. Drainage report needs to be submitted. This tract is not in a special flood hazard area. (Public Works)
2. Submit paving and drainage plans for south half of P-Bar Ranch Road across frontage with 100' transitions on each end for review and acceptance. (Public Works)
3. Add a note to the plat: No direct residential access to P-Bar Ranch Road is allowed. (Public Works)
4. An Improvements Agreement will be required. (Public Works)
5. A Blanket Refuse Collection Easement Agreement will be required. (Public Works)

Ms. Quimiro stated the applicant would come to commission in the future for rezone request this property.

Chairman asked if there were any question for staff.

Mr. Peacock asked if there was direct residential access or direct entrance to home which could limit access from P Bar Ranch Rd. and does the residence have more access points. Mr. Brinlee responded with a yes there is an access point to the residence which is not from P Bar Ranch Rd.

Chairman Peacock closed the public portion and asked for questions or discussion. Hearing none he requested a motion. Member Russell made the motion to approve the short form plat request with conditions as indicated by the Planning staff.

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

CASE FILE NO. 2022-42-P (approved with conditions)

Consider approval of the short form plat of Odessa Country Club Addition, 2nd Filing, being a 10.885-acre tract in Section 15 Block 41, T-2-S, T&P RR, Co. Survey, City of Odessa, Midland County Texas (northwest of the intersection of N. Faudree Rd. and E. Bankhead Hwy.)

Ms. Quimiro gave the following presentation: The property involved in this request is located northwest of the intersection of N. Faudree Rd. and E. Bankhead Hwy. The site is zoned Retail (R) and is currently vacant. Land use in the area consists of vacant land to the north, and east, multi-family residential to the south, and the Country Club facilities to the west.

The applicant is Odessa Country Club, owner, Maverick, consultant, and the purpose of the short form plat request is to create two (2) lots for platting purposes and to add to the Odessa Country Club facilities.

Platting comments were sent to the developer on August 9, 2022 for review.

Staff Comments:

- Original tax certificates needed prior to filing 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.

- Plans for utilities and Bankhead Hwy have been submitted and are under review.
- 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.
- Recommend spacing from current Access Management Standards for a 50mph roadway is 425 between access points. Recommend only allowing 1 access to Faudree for Lot 2 approximately mid-point between Fairway Dr. and Bankhead Hwy.
- Post-development runoff/drainage should not exceed pre-development conditions.
- Recommendation is for developers to assign proper street names on plats to avoid any potential confusion during future addressing phases by City of Odessa Building Inspection personnel.

The plat is ready for commission approval with the following conditions.

Commission action is requested on the following items:

1. Add utility and drainage easements on the plat. (Public Works)
2. An Improvements Agreement will be required. (Public Works)
3. A Blanket Refuse Collection Easement Agreement will be required. (Public Works)
4. "Bankhead Highway" on the plat is actually E Bankhead Highway. (Ector County 911)

Chairman asked if there were any question for staff.

Chairman Peacock asked for questions or discussion as this was not a public hearing. Hearing none he requested a motion. Member Coots made the motion to approve the short form case with conditions as indicated by the Planning staff.

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

There being no further business to come before the Commission, the meeting was adjourned at 2:07 p.m.

Maria Prieto, Planner, placed the minutes in the Minute Book on 8/24/2022.

Jimmy Peacock, Chairperson