

AGENDA

PLANNING AND ZONING COMMISSION

COUNCIL CHAMBER

SEPTEMBER 2, 2021

1:30 P.M.

1. Approve the minutes of the August 5, 2021 Planning and Zoning Commission meeting
2. CASE FILE NO. 2021-13-Z
Open a public hearing to consider approval of the request by Smith West Texas Properties, owner, to rezone from Office (O) to Retail (R) Lot 26, Block 12, Crestwood Addition, City of Odessa, Ector County, Texas (3641 N Dixie Blvd.)
3. CASE FILE NO. 2021-49-P
Open a public hearing to consider approval of Mission Estates 12th Filing, being a replat of Lot 28, Block 23, Mission Estates 11th Filing, located in Section 15, Block 41, T-2-S T&P RR. Co. Survey, City of Odessa, Midland County, Texas (east of the intersection of San Pedro Dr. and Mission Dr.)
4. CASE FILE NO. 2021-50-P
Open a public hearing to consider approval of Prosperity Bank Addition, being a replat of Lots 1, 2, 7, 8 & 9, Block 43 and a 3,002 sq. ft. portion of the Alley through Block 43 Original Town (Volume 3, Page 32 E.C.P.R.), City of Odessa, Ector County, Texas (east of the intersection of N. Texas Ave. and E. 6th St.)
5. CASE FILE NO. 2021-51-P
Consider approval of the preliminary plat of Shiloh Square, 2nd Filing, being a 6.92 acre tract located in Section 4, Block 41, T-2-S RY, Co. Survey, City of Odessa, Ector County, Texas (north of the intersection of N. Faudree Rd. and State Hwy 191)
6. CASE FILE NO. 2021-52-P (ETJ)
Open a public hearing to consider approval of the replat of Lot 7, Block 30, of the replat of Lots 3-6, Block 30, Ocotillo Park, 4th Filing (north of the intersection of N. Clearview Ave. & W. Tucson Dr.)
7. CASE FILE NO. 2018-01-P
Consider approval of the final plat of Homestead at Parks Bell Ranch 4th Filing, Phase 5, being approximately a 46.96 acre tract in Section 46, Block 41, T-1-S, T&P RR. Co. Survey, Ector County, Texas (southwest of the intersection of Yukon Rd. and proposed Legacy Rd.)

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8. CASE FILE NO. 2021-31-P (ETJ)

Consider approval of the final plat of Westfork Subdivision, 4th Filing, being a 31.95 acre tract located in Section 10, Block 43, T-2-S, T&P Ry. Co. Survey, Ector County, Texas (northwest of the intersection of N. Milkyway Ave. and W. 42nd St.)

9. Other business

10. Adjourn

Be it said and remembered that at 1:30 p.m. on the 2nd day of September 2021, 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, Chairman
Connie Coots
Lance Marker
Wayne Russell
Gary Sims
Steve Tercero

MEMBERS ABSENT: Renee Earls

OTHERS PRESENT: Lorraine Quimiro, Planning Manager; Maria Prieto, Planner; Jared Aguilar, Planning Tech; Joe Tucker, Planning Tech; and Anne Roney, Secretary.

The minutes of the August 5, 2021, Planning and Zoning Commission meeting were approved, motion for approval being made by Member Coots, seconded by Member Sims, with the vote being a unanimous "aye".

CASE FILE NO. 2021-13-Z (approved)

Open a public hearing to consider approval of the request by Smith West Texas Properties, owner, to rezone from Office (O) to Retail (R) Lot 26, Block 12, Crestwood Addition, City of Odessa, Ector County, Texas (3641 N Dixie Blvd.)

Ms. Prieto gave the following presentation: There were 15 notices mailed to surrounding property owners, with no notices returned, no written protests and no written approvals.

The property involved in this request is 3641 N Dixie Blvd. and is located northwest of E. 36th St. and N. Dixie Blvd. The site is currently zoned Office (O) and is occupied by commercial development. Land use in the area consists of commercial and retail development to the east and south and residential development to the north.

The applicant is Smith West Texas Properties, owner, and the purpose of the rezone request from Office (O) to Retail (R) is to provide a wider range of development options for the site.

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 rezone request 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 and is an extension of the existing Retail (R) zoning of property south of this site.

Livability: The proposed rezoning would not have a negative impact on this site or surrounding properties. The proposed retail development is not out of line with the existing retail use development in the area.

Reasonableness: The proposed zoning district will be encircled by existing office and retail development as well as single family and multi-family development. It will facilitate a reasonable transition between land uses of varying intensities and would not create a conflict to the existing land uses 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. With no one coming forward to speak for or against the request, Chairman Peacock closed the public hearing.

Member Simis moved the request for rezoning be approved to Retail (R). Member Tercero seconded the motion, with the vote being a unanimous "aye".

CASE FILE NO. 2021-49-P (tabled)

Open a public hearing to consider approval of Mission Estates 12th Filing, being a replat of Lot 28, Block 23, Mission Estates 11th Filing, located in Section 15, Block 41, T-2-S T&P RR. Co. Survey, City of Odessa, Midland County, Texas (east of the intersection of San Pedro Dr. and Mission Dr.)

Ms. Quimiro gave the following presentation: There were 31 notices mailed to surrounding property owners, with no notices returned, 3 written protests and no written approval.

The property involved in this replat request is located east of the intersection of San Pedro Dr. and Mission Dr. The site is zoned Special Dwelling District (SPD) (approximately 2.4 ac.) and is vacant. Land use in the area consists of residential development to the north and west and vacant land to the east and south.

The applicant is Mousa Jack N LTD, Owner, and LCA, Agent and the purpose of the replat is to create nine (9) lots for residential development.

Comments were sent to the consultant for review on August 24, 2021.

Staff Comments:

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

- Drainage report needs to be submitted. Excavation is required in the adjacent basin. This tract is not in a special flood hazard area.
- Water & Sewer plans need to be submitted for review and acceptance.
- Change sewer tie-in point to Mission Drive 12" sewer line.
- Paving & 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. Mission Estates 12th Filing exists and the name of this replat will need to be changed. (Planning)
2. A street name is needed for the proposed right-of way noted in the replat. (Planning & Ector County 911)
3. Add a note to the plat: No direct access to Mission Drive is allowed from Lots 29 & 37. (Public Works)
4. Add a drainage easement on the south end of the cul-de-sac. (Public Works)

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

Mr. Anthony Eldridge, 3124 San Pedro, approached the lectern. He stated there has been recent construction in their area. There was drainage from the construction that went into his home. There will be an increase in traffic and activity in that area. He requested a fence be built to block out the noise that will be generated.

Mr. David Henderson, 3112 San Pedro, approached the lectern. He stated most of the areas have alleys, however he did not see an alley proposed for this subdivision. He also stated 75% of the newer subdivisions are 2-story. He asked the height be restricted to 1-story in order to provide privacy for the adjacent properties. Mr. Henderson mentioned the Homeowner's Association had voted to donate this land for a park since there are no parks in the area. He stated this would be a good location for a park. Mr. Peacock stated the staff may need to address some of the concerns that were raised.

Mr. Steven Sanchez, 3104 San Pedro, approached the lectern. He stated the reason he chose this area to live in was because of the undeveloped property in this request and was told the property would not be developed. He objects to having 2-story houses up next to his property and the fact that there is no alley. He understands Odessa needs

more housing but asked if these lots could be restricted to 1-story and an alley be installed between the two areas.

Mr. Matthew Lippman, 21 Augustine, approached the lectern. He stated he is part of the HMO for this area. He agrees with the comments that have been made. He would ask the homes be limited to 1-story and stated this area is in need of a park.

Mr. Henderson stated there were 2-story homes in Midland but there were no windows or openings next to the adjacent properties.

Mr. Peacock stated as the Planning and Zoning Commission there were limits on some of the comments that have been made. This is a request for a plat and many of the concerns would be zoning. This property is already zoned Special Dwelling District. He also mentioned the city has been moving away from subdivisions with alleys. Ms. Quimiro also mentioned the request is for a plat. The zone for this property does require site plan approval and some of the issues that have been raised can be addressed during the site plan approval process. She also mentioned that alleys are not a requirement.

Mr. John Landgraf, applicant's representative, stated they will be submitting a site plan for this development in the near future. There are still some issues that need to be addressed through the City's Engineering department. He mentioned these lots are comparable to what is already developed in this area. The lots that back up to the golf course do not have alleys. There is also a new subdivision in this area that does not have alleys. Mr. Rector asked about some of the other subdivisions that do not have alleys. Ms. Coots stated the Mission Greens area either back up to an alley or to a street. Mr. Peacock stated one of the comments had to do with drainage in the area. Mr. Joe Tucker, Assistant City Engineer, stated there is a drainage basin to the south of this area. There are plans to excavate this area for water retention. Mr. Peacock also mentioned the Planning and Zoning Commission cannot require a park be placed in this area. There being no further questions or comments, Chairman Peacock closed the public hearing.

Mr. Sims asked what is proposed to the east of the property in this request, with Mr. Tucker stating the City has not heard of any proposed projects for that area. Mr. Sims asked who developed the existing subdivision west of this replat, being told Jack Mousa. Mr. Sims then stated there have been subdivisions built in various locations in the city. He also mentioned Mr. Mousa has built areas with alleys. He is concerned that this subdivision is being built next to an existing subdivision without an alley separation. Ms. Quimiro stated the City cannot prevent companies from selling lots and telling their customers the adjacent undeveloped property in the area will remain undeveloped. Mr. Sims stated the Commission has to work within the guidelines the City has established. Mr. Tercero asked if the City, the developer and the adjacent subdivision could work together in order to address the concerns. Mr. Landgraf asked if the Commission would table this request in order to give him an opportunity to speak with his client. Mr. Russel asked about developing 1-story houses instead of 2-story houses. Mr. Landgraf stated he did not know what the difference in valuation of the proposed houses would be. Mr.

Peacock also mentioned most of the questions and concerns expressed could be dealt with during the site plan approval process.

Member Coots moved the table the replat request. Member Marker seconded the motion, with the vote being a unanimous "aye".

CASE FILE NO. 2021-50-P (approved with conditions)

Open a public hearing to consider approval of Prosperity Bank Addition, being a replat of Lots 1, 2, 7, 8 & 9, Block 43 and a 3,002 sq. ft. portion of the Alley through Block 43 Original Town (Volume 3, Page 32 E.C.P.R.), City of Odessa, Ector County, Texas (east of the intersection of N. Texas Ave. and E. 6th St.)

Ms. Quimiro gave the following presentation: The property involved in this replat request is located east of the intersection of N. Texas Ave. and E. 6th St. The site is zoned Central Business District-1 (CB-1) and Central Business District-2 (CB-2) (approximately 1.2 ac.) and is a parking lot. Land use in the area consists of a hotel, office/commercial uses, and a church.

The applicant is Prosperity Bank, Owner, and LCA, Agent and the purpose of the replat is to create one lot for the development of a new Prosperity Bank facility with parking and drive-up lanes.

Comments were sent to the consultant for review on August 24, 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. No pro rata is due.
- Drainage report needs to be submitted. This tract is not in a special flood hazard area.
- Construction plans are needed for water & sewer relocation. Rebuild sewer to the manhole in 6th street.
- Add 10' cutback at the NW corner of 24' access and utility easement for trash trucks turn.
- An Improvements Agreement will be required.
- A Blanket Refuse Collection Easement 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.
- 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. Correct Jackson Avenue to North Jackson Ave. (Planning & Ector County 911)
2. Alley abandonment will need to be completed prior to filing the plat. (Planning & Public Works)
3. Add the proposed utility easements to the plat. (Public Works)
4. Add 20' cutback dedications at the two street intersections. (Public Works)

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 Coots moved the replat be approved with the following conditions:

1. Correct Jackson Avenue to North Jackson Ave.
2. Alley abandonment will need to be completed prior to filing the plat.
3. Add the proposed utility easements to the plat.
4. Add 20' cutback dedications at the two street intersections.

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

CASE FILE NO. 2021-51-P (approved with conditions)

Consider approval of the preliminary plat of Shiloh Square, 2nd Filing, being a 6.92 acre tract located in Section 4, Block 41, T-2-S RY, Co. Survey, City of Odessa, Ector County, Texas (north of the intersection of N. Faudree Rd. and State Hwy 191)

Ms. Quimiro gave the following presentation: The property involved in this preliminary plat request is located north of the intersection of N. Faudree Rd. and State Hwy 191. The site is zoned Retail-One (R-1) and is undeveloped. Land use in the area consists of commercial development, and vacant land.

The applicant is Wyly Brown and Fredna Family Partnership LTD., Owner, and LCA, Agent and the purpose of the preliminary plat is to create one (1) lot and private road easements for retail development.

Comments were sent to the consultant for review on August 24, 2021.

Staff Comments:

- Original ownership and tax certificates need to be submitted prior to filing the plat.
- A blanket refuse collection easement is noted on 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.
- Need CRMWD review to place a private street on their pipeline.
- Additional pavement and curb will be needed on E. 56th Street. Submit plans for review and acceptance.
- An Improvements Agreement will be required.
- A Blanket Refuse Collection Easement 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.
- Access to SH 191 north frontage road should be permitted through the City of Odessa.
- Post-development drainage/runoff should not be increased from pre-development conditions.”
- District personnel shall be notified prior to excavation of pipelines.
- The developer shall determine the amount of cover existing over the pipelines to determine their potential impact on planned improvements.
- All proposed crossing utilities must cross under the pipeline with a minimum clearance of two feet and be encased throughout the easement.

- In order to help ensure the integrity of this pipeline, CRMWD requests that a copy of the proposed construction plans be provided for this property for review. This review will allow CRMWD the opportunity to provide comments prior to issuance of the final construction plans and will help to make the construction process go smoother.

Commission action is requested on the following items:

1. Add a note to the plat: No direct access to Faudree from Lot 1, Block 2 is allowed (Public Works)
2. Proposed 191 spacing is acceptable for Lionsgate Access. Add a note to the plat: No additional driveways will be allowed between Faudree Road and Lionsgate Access. (Public Works & TxDOT)
3. Shiloh Market Street is similar in name to Shiloh Road in the City of Odessa. (Ector County 911)
4. Shiloh Square 2nd Filing only has 1 GPS point. (GIS)
5. CRMWD has a 33" pipeline running through and along portions of this addition. Prior to finalizing the plat, the location of this line shall be determined. If needed the existing CRMWD easements shall be adjusted on the new plat so that the existing pipelines are within the easements. (CRMWD)

Ms. Coots asked if the development would face the proposed 56th Street or Faudree Road. Mr. Landgraf stated the development would face 56th Street. Access to this property will be from the north and the south and there would not be any access to this property directly from Faudree Road.

There being no further questions, Member Coots moved the preliminary plat be approved with the following conditions:

1. Add a note to the plat: No direct access to Faudree from Lot 1, Block 2 is allowed.
2. Proposed 191 spacing is acceptable for Lionsgate Access. Add a note to the plat: No additional driveways will be allowed between Faudree Road and Lionsgate Access.
3. Shiloh Market Street is similar in name to Shiloh Road in the City of Odessa.
4. Shiloh Square 2nd Filing only has 1 GPS point.

5. CRMWD has a 33" pipeline running through and along portions of this addition. Prior to finalizing the plat, the location of this line shall be determined. If needed the existing CRMWD easements shall be adjusted on the new plat so that the existing pipelines are within the easements.

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

CASE FILE NO. 2021-52-P (ETJ) (approved)

Open a public hearing to consider approval of the replat of Lot 7, Block 30, of the replat of Lots 3-6, Block 30, Ocotillo Park, 4th Filing (north of the intersection of N. Clearview Ave. & W. Tucson Dr.)

Ms. Prieto gave the following presentation: The property involved in this request is located north of the intersection of N. Clearview Ave. & W. Tucson Dr. The site is within the City of Odessa Extra-Territorial Jurisdiction (ETJ), does not have a zoning designation and is currently vacant.

The applicant is Ramon H. Torresdey, owner, S W Howell, Consultant, and the purpose of the plat is to create two (2) lots (approx. 0.50 ac./lot) for ownership purposes.

Comments were sent to the consultant for review on August 24, 2021.

Staff Comments:

- This tract is outside the City limits and is in the ETJ.
- Water is available through ECUD. No sewer available.
- Drainage report needs to be submitted. This tract is not in a special flood hazard area.

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 Tercero moved the replat be approved as presented. Member Sims seconded the motion, with the vote being a unanimous "aye".

CASE FILE NO. 2018-01-P (approved)

Consider approval of the final plat of Homestead at Parks Bell Ranch 4th Filing, Phase 5, being approximately a 46.96 acre tract in Section 46, Block 41, T-1-S, T&P RR. Co. Survey, Ector County, Texas (southwest of the intersection of Yukon Rd. and proposed Legacy Rd.)

Ms. Prieto gave the following presentation: The property involved in this request is located southwest of the intersection of Yukon Rd. and proposed Legacy Rd.) (approx. 46.96 acres), is zoned Special Dwelling District (SPD) and is vacant. Land use in the surrounding area consists of single family residential development to the west and single family residential and vacant land to the south and vacant land to the north and east.

The applicant is DR Horton, owner, and the purpose of the request is to facilitate development of 171 single-family residential lots (ave. 7,500 sq. ft./lot) and and for ownership purposes.

The Planning and Zoning Commission gave preliminary approval to Phase 1 on February 1, 2018 with the following condition:

1. Pitchfork Ranch Rd. is a direct conflict of a street that is already being used in Homestead at Parks Bell Ranch 1st Filing and it not an extension of the same roadway. Cibola Creek Ranch Rd. is similar in name to Cibola Ct., and Love Ranch Rd. is similar in name to Love Dr., Recommendation is for consideration to be given for new street names to avoid potential confusion for emergency response teams.

This condition has been met and final plat is ready for Commission approval.

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

CASE FILE NO. 2021-31-P (ETJ) (approved)

Consider approval of the final plat of Westfork Subdivision, 4th Filing, being a 31.95 acre tract located in Section 10, Block 43, T-2-S, T&P Ry. Co. Survey, Ector County, Texas (northwest of the intersection of N. Milkyway Ave. and W. 42nd St.)

Ms. Quimiro gave the following presentation: The property involved in this request is located northwest of the intersection of N. Milkyway Ave. and W. 42nd St. The site is located outside the City limits, is in the City of Odessa ETJ and is vacant.

The applicant is OBBCO Ranch Corporation, owner, SW Howell, consultant, and the purpose of the plat is to create thirteen (13) lots for ownership purposes.

The Planning and Zoning Commission gave preliminary plat approval on May 20, 2021 with the following conditions:

1. Cul-du-sac needs to be developed to County standards if it is to be used for access.

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2. The streets should be designated as water line easements. When the groundwater gives out ECUD will not be able to serve this subdivision without water line easements.

These conditions have been met and final plat is ready for Commission approval.

There being no questions or comments, Member Sims moved the final plat be approved as presented. Member Russell 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 2:08 p.m.

Anne Roney, Secretary, placed the minutes in the Minute Book on September 2, 2021.

Jimmy Peacock, Chairman