

Be it said and remembered that at 8:30 a.m. on the 20th day of April 20, 2022, there came on and was held a Zoning Board of Adjustment meeting in the Council Chamber, 5th Floor, 411 W. Sth St., Odessa, Texas.

MEMBERS PRESENT: Gerardo Arzate
Brooke Harper
Anthony Rios
Kirk Strahan
Tim Harry
Kyle Newton
Craig Stoker (Alternate)

MEMBERS ABSENT: Priscilla Contreras (Alternate)
Mark Windham, Chairman

OTHERS PRESENT: Randy Brinlee, Director of Development; Lorraine Quimiro, Planning Manager; Maria Prieto, Planner; Jared Aguilar, Planning Tech; Jan Baker, Senior Assistant City Attorney; and Joe Tucker, Assistant City Engineer.

Chair Gerardo Arzate called the meeting to order, with Member Harper giving the Invocation.

The minutes of the November 17, 2021 and March 2, 2022, Zoning Board of Adjustment meetings were approved, motion for approval being made by Member Strahan, seconded by Member Stoker, with the vote being a unanimous "aye".

DOCKET NO. 2022-02-V

Open a public hearing to consider approval of the request of Kent Kwik, for a variance from Section 14-10-1(d) of the City of Odessa Zoning Ordinance to allow 415 sq. ft. of freestanding identification signage instead of the maximum 220 sq. ft. allowed, and a variance from section 14-10-1(d) to allow a free standing sign to be placed at forty feet (40') from the property line, instead of the one hundred forty feet (140') required setback for freestanding signs over fifty feet (50') in height, allowed in a Retail (R) Zoning District, Lot 17, Block 26, Henderson Heights, 1st filing. (3600 W. 8th Street.)

Mr. Aguilar gave the following presentation: The property involved in this request is located at 3600 W. 8th Street. The site is zoned Retail (R) and is currently under construction for a gasoline service station. The property has a total lot area of approximately 2.0 acres. Land use in the area consists of vacant land to the north, multi-family residential to the east, combined retail and residential to the south and vacant land to the west.

The applicant is Kent Kwik, owner, Prince Signs, agent, and the purpose of the request is to allow 415 sq. ft. of freestanding signs instead of the maximum 220 sq. ft. (55% of the total sign area) allowed. The proposed overall freestanding signs will be approximately 195 sq. ft. more than the allowed 220 sq. ft. maximum allowed. From section 14-10-1(d)(1) the purpose of the request is to allow a free-standing sign (Sign B) to be located forty feet (40') instead of the one hundred forty feet (140') required front yard setback for a seventy feet (70') overall height freestanding sign on loop 338. The applicants are proposing the location of the following signs: (see attached site plan)

- A. Freestanding sign on the North Elevation 160 sq. ft.
- B. Freestanding sign on the East Elevation 127'6" sq. ft.
- C. Freestanding sign on the West Elevation 127'6" sq. ft.

In order to allow the additional sign area, the applicant is requesting a variance from Section 14-10-1(d)(1) of the City of Odessa Zoning Ordinance which states:

- 14-10-1 (d) Business (retail and office) signs may be of the free standing, wall, sloping roof, or canopy type. Freestanding business signs may increase their height by one (1) additional foot (above the thirty (30) feet maximum allowed height) for each five (5) feet of setback from property line.
- 14-10-1 (d)(1) Individual businesses located on a separate lot or tract shall be entitled to a business identification sign, the maximum area in square feet of which is derived by one and seventy-five hundredths (1.75) times the linear feet of street frontage occupied by a separate business on its own lot or tract, but in no case shall total business sign area for the business or use exceed four hundred (400) square feet.

The following criteria as outlined in the Zoning Ordinance are to be used by the Board of Adjustment in evaluating variance requests. The burden of proof in meeting each of these criteria is upon the applicant.

- A. The variance request is not contrary to the public interest.
- B. Special conditions exist for the applicant that do not generally exist for others.
- C. A literal enforcement of the ordinance will result in unnecessary hardship.
- D. The spirit of the zoning ordinance is observed and substantial justice is done.

Staff analysis of this request is that based on the overall size of the development (2.0 acres) and street frontages involved does create a hardship for the applicant and additional signage is needed to properly identify the products and services. The location and design of the proposed signs is reasonable and not out of scale for this development. With this in mind, the Planning Staff has no objection to this request with the understanding that no additional freestanding signs be allowed for this development and would recommend approval of the request as presented.

There being no questions for City Staff, Vice Chairman Arzate opened the public hearing and asked if there was anyone there to speak for the item. Kevin Prior, with Prince Signs approached the podium. He went over what they were proposing. There is the standard Chevron sign with the Kent Kwik identification on the other side and the taller sign. This is a travel center with a diesel island. A hallmark of a travel center for the truckers is the higher sign with the diesel prices on there. You want to get that visibility so that the truckers know that it is a place they can get their trucks in and out of without issue. There being no questions for Mr. Prior, he thanked the board. Vice Chairperson Arzate asked if there was anyone there to speak against the variance. There being no one, Vice Chairperson Arzate closed the public hearing and asked for discussion or a motion.

Member Harry moved the variance be approved:

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

FINDINGS OF FACT

The Zoning Board of Adjustment for the City of Odessa finds as a matter of fact that the applicant has sustained his burden of showing that:

- 1. The variance request is not contrary to the public interest.

2. Special conditions exist for the applicant that do not generally exist for others.
3. A literal enforcement of the ordinance will result in unnecessary hardship.
4. The spirit of the zoning ordinance is observed and substantial justice is done.

ORDER OF THE BOARD

Therefore, the Zoning Board of Adjustment of the City of Odessa acting on the basis of the required concurring vote of four (4) members of the Board hereby orders the variance sought by the applicant in this case be, in all things granted subject to the following appropriate conditions and safeguards, to wit: 415 sq. ft. of freestanding identification signage instead of the maximum 220 sq. ft. allowed, and a variance from section 14-10-1(d) to allow a free standing sign to be placed at forty feet (40') from the property line, instead of the one hundred forty feet (140') required setback for freestanding signs over fifty feet (50') in height, allowed in a Retail (R) Zoning District.

There being no further business to come before the Board, the meeting was adjourned at 8:35 a.m.

Lorraine Quimiro, Planning Manager, placed the minutes in the Minute Book on August 10, 2022.

Gerardo Arzate, Vice-Chairman