

AGENDA

PLANNING AND ZONING COMMISSION

COUNCIL CHAMBER

MARCH 16, 2017

1:30 P.M.

1. Approve the minutes of the March 2, 2017 Planning and Zoning Commission meeting
2. CASE FILE NO. 2017-04-SUP  
Open a public hearing to consider approval of the request by Odessa Housing Finance Corporation, owner, Eco-Site/T-Mobile, agent for Specific Use Permit to allow a 75 ft. monopole telecommunications tower and unmanned equipment structure in a Planned Development-Retail (PD-R) Zoning District, Lot 1, Block 1, Hilldale Addition (3811 N. Dixie)
3. CASE FILE NO. 2017-05-SUP  
Open a public hearing to consider approval of the request by Guardian Storage and Car Wash LLC, owner, Eco-Site/T-Mobile, agent for Specific Use Permit to allow a 150 ft. monopole telecommunications tower and unmanned equipment structure in a Retail (R) Zoning District, Lot 4, Block 30, University Gardens, 6<sup>th</sup>. Filing (5136 E. University)
4. CASE FILE NO 2017-16-P  
Consider approval of the Road Dedication Plat (Arroyo Road) being approximately 5.94 acre tract located in Section 8, Block 41, T-2-S T&P RR Co. Survey Odessa, Ector County, Texas
5. CASE FILE NO. 2017-17-P  
Open a public hearing to consider approval Banks Addition, 2<sup>nd</sup> Filing, being a replat of Lots 1 - 6, Block 1, Banks Addition, and a portion of Tract 3, Roy T. Minear Subdivision (southeast of the intersection of Clements St. and S. Jackson Ave.)
6. CASE FILE NO. 2017-18-P(ETJ)  
Open a public hearing to consider approval of the replat of Lot 9, Block 1, Westmoor Acres (southeast of the intersection of W. 29th St. and N. Redondo Ave.)
7. CASE FILE NO. 2017-19-P(ETJ)  
Open a public hearing to consider approval of Southwest Industrial Sites, 2<sup>nd</sup> Filing, being a replat of Lots 9 and 10, Block 6, Southwest Industrial Sites (northwest of the intersection of McCormick St. and Einstein Ave.)
8. Other business
9. Adjourn

Be it said and remembered that at 1:30 p.m. on the 16<sup>th</sup> day of March, 2017 there came on and was held a Planning and Zoning Commission meeting in the Council Chamber, 5<sup>th</sup> Floor, 411 W. 8<sup>th</sup> St., Odessa, Texas.

**MEMBERS PRESENT:** Gary Sims, Chairman  
Katherine Kirk  
Anabel Spencer

**MEMBERS ABSENT:** Renee Earls  
Jimmy Peacock  
Steve Tercero

**OTHERS PRESENT:** Randy Brinlee, Director of Planning and Development; Sherry Bailey and Danielle Pittman, Planners; Sammy Quiroz, Acting Building Official; Konrad Hildebrandt, Assistant City Manager; Todd Stephens, Senior Assistant City Attorney; and Anne Roney, Secretary.

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Chairman Sims stated P&Z Commission Jimmy Peacock was responding well to chemotherapy for his cancer and at this time it appeared surgery would not be necessary. If anyone wished to send a card to Mr. Peacock they could drop a card by the Odessa Board of Realtors office or his office and the cards would be forwarded.

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The minutes of the March 2, 2017 Planning and Zoning Commission meeting were approved, motion for approval being made by Member Spencer, seconded by Member Kirk, with the vote being a unanimous "aye".

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**CASE FILE NO. 2017-04-SUP (approved with conditions)**

Open a public hearing to consider approval of the request by Odessa Housing Finance Corporation, owner, Eco-Site/T-Mobile, agent for Specific Use Permit to allow a 75 ft. monopole telecommunications tower and unmanned equipment structure in a Planned Development-Retail (PD-R) Zoning District, Lot 1, Block 1, Hilldale Addition (3811 N. Dixie)

Ms. Bailey gave the following presentation: There were 33 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 northwest of the intersection of N. Dixie Blvd. and E. 38<sup>th</sup> St. The site is currently zoned Planned Development-Retail (PD-R) and is vacant. Land use in the area consists of single family residential to the west, office to the east, north and south

The applicant is Odessa Housing Finance Corporation, owner, Eco-Site/T-Mobile, agent, and the purpose of the specific use permit is to allow 75 ft. monopole telecommunications tower and unmanned equipment structure on an approximately 50 ft. by 50 ft. site plus a 20 ft. access/utility easement to be established in a Planned Development- Retail (PD-R) Zoning District.

A site plan has been prepared indicating the location of the lease space and proposed fencing, the access to the site and the adjacent property and fall radius of the proposed tower. There is an accompanying packet that shows the existing tower in the area. None of the existing structures meet the placement and height requirements that are necessary for T-Mobile to meet their growing data needs to service this area of Odessa. As required by City Ordinance the fall radius places the tower outside the area of the residential property. Also, there should be no traffic impact on the adjacent property. All other requirements of the ordinance are being met.

If the Commission chooses to approve this request, the Planning Staff recommends adoption of the following conditions:

Be it said and remembered that at 1:30 p.m. on the 16<sup>th</sup> day of March, 2017 there came on and was held a Planning and Zoning Commission meeting in the Council Chamber, 5<sup>th</sup> Floor, 411 W. 8<sup>th</sup> St., Odessa, Texas.

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Ms. Bailey gave the following presentation: There were 33 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 northwest of the intersection of N. Dixie Blvd. and E. 38<sup>th</sup> St. The site is currently zoned Planned Development-Retail (PD-R) and is vacant. Land use in the area consists of single family residential to the west, office to the east, north and south

The applicant is Odessa Housing Finance Corporation, owner, Eco-Site/T-Mobile, agent, and the purpose of the specific use permit is to allow 75 ft. monopole telecommunications tower and unmanned equipment structure on an approximately 50 ft. by 50 ft. site plus a 20 ft. access/utility easement to be established in a Planned Development- Retail (PD-R) Zoning District.

A site plan has been prepared indicating the location of the lease space and proposed fencing, the access to the site and the adjacent property and fall radius of the proposed tower. There is an accompanying packet that shows the existing tower in the area. None of the existing structures meet the placement and height requirements that are necessary for T-Mobile to meet their growing data needs to service this area of Odessa. As required by City Ordinance the fall radius places the tower outside the area of the residential property. Also, there should be no traffic impact on the adjacent property. All other requirements of the ordinance are being met.

If the Commission chooses to approve this request, the Planning Staff recommends adoption of the following conditions:

1. One (1) parking space for service vehicle is required within the site.
2. Review of the permit upon receiving neighborhood complaints. This is a temporary permit and the City Council shall have the right of termination after a public hearing where any violations of the terms and conditions of the permit or because of the negative impact of the use on the adjoining neighborhood through neglect or disrepair.
3. The site is in full view of the surrounding property owners so screening through a solid enclosure wall (8') is required.
4. The site access easement is shown off of the alley to the south. That alley will have to be paved to the access in order for it to be used as access to the site.
5. Adoption of site plan.

Ms. Spencer asked about the protest card with Ms. Bailey indicating she would defer to the applicant's representative for comment. Ms. Kirk asked if the location of the tower meant the remainder of the property could not be developed, being told this is a small area of the lot and the remainder of the lot could be developed. There being no further questions for City Staff, Chairman Sims opened the public hearing.

Mr. Richard Manley, representing T-Mobile, approached the lectern. Ms. Spencer stated the protest card expressed concern about the proposed tower causing interference with his current cell phone provided and his WiFi. Mr. Manley stated the different providers use a different frequency and should not cause interference. There being no further questions or comments, Chairman Sims closed the public hearing.

Member Kirk moved the specific use permit be approved with the following conditions:

1. One (1) parking space for service vehicle is required within the site.
2. Review of the permit upon receiving neighborhood complaints. This is a temporary permit and the City Council shall have the right of termination after a public hearing where any violations of the terms and conditions of the permit or because of the negative impact of the use on the adjoining neighborhood through neglect or disrepair.
3. The site is in full view of the surrounding property owners so screening through a solid enclosure wall (8') is required.
4. The site access easement is shown off of the alley to the south. That alley will have to be paved to the access in order for it to be used as access to the site.
5. Adoption of site plan.

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

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**CASE FILE NO. 2017-05-SUP** (approved with conditions)

Open a public hearing to consider approval of the request by Guardian Storage and Car Wash LLC, owner, Eco-Site/T-Mobile, agent for Specific Use Permit to allow a 150 ft. monopole telecommunications tower and unmanned equipment structure in a Retail (R) Zoning District, Lot 4, Block 30, University Gardens, 6<sup>th</sup>. Filing (5136 E. University)

Ms. Bailey gave the following presentation: There were 11 notices mailed to surrounding property owners, with no notices returned, no written protests and no written approvals.

The property involved in this request is located southwest of the intersection of University Ave. and Billy Hext Dr. The site is currently zoned Retail (R) and is occupied by storage units and a car wash. Land use in the area consists of single family residential to the

south, retail and office to the east and west and the UTPB (University of Texas Permian Basin) to the north.

The applicant is Guardian Storage and Car Wash, LLC, owner, and the purpose of the specific use permit is to allow 150 ft. monopole telecommunications tower and unmanned equipment structure on an approximately 50 ft. by 50 ft. site plus a 20 ft. access/utility easement to be established in a Retail (R) Zoning District.

A site plan has been prepared indicating the location of the existing storage buildings, the lease space and proposed fencing, the access to the site and the adjacent property and single family residential area to the southeast. There is an accompanying packet that shows the existing tower in the area and the 75 ft. tall Elegante Hotel. None of the existing structures meet the placement and height requirements that are necessary for T-Mobile to meet their growing data needs to service this area of Odessa. As required by City Ordinance the fall radius places the tower outside the area of the residential property. Also, there should be no traffic impact on the adjacent residential property. All other requirements of the ordinance are being met.

If the Commission chooses to approve this request, the Planning Staff recommends adoption of the following conditions:

1. One (1) parking space with drive access to city right-of-way for service vehicle is required within the site.
2. Review of the permit upon receiving neighborhood complaints. This is a temporary permit and the City Council shall have the right of termination after a public hearing where any violations of the terms and conditions of the permit or because of the negative impact of the use on the adjoining neighborhood through neglect or disrepair.
3. Adoption of site plan.

Ms. Kirk mentioned it appeared there were existing buildings within the fall radius. Ms. Bailey stated there were storage buildings within the fall radius, however the fall radius concerns are only with residential buildings. There being no further questions for City Staff, Chairman Sims opened the public hearing.

Ms. Patricia Forester, 8 Hummingbird Place, approached the lectern. She asked about the circle noted on the map, being told the circle indicates the notification area. Ms. Forester stated she was in opposition to the request and how it would affect the property values. There being no further questions or comments, Chairman Sims closed the public hearing.

Ms. Spencer asked if there was a density requirement on the number of towers allowed in an area. Mr. Brinlee stated there was not a density requirement, however there cannot be any additional towers in an area if they can co-locate on an existing tower. The applicant attempted to place the tower on the neighboring hotel but it was determined a tower would be feasible in that location. Ms. Kirk asked if this tower has to be used in full before another tower can be put up, being told that was correct. Ms. Kirk stated she was concerned with the storage buildings on the lot if the tower should fall on the buildings being told any damages could be paid by either the property owner or the owner of the tower. The tower designer took all the factors into consideration when designing the tower. Ms. Spencer stated this tower is in the back yards of the residential area and asked if there was another area that could be used. Mr. Brinlee stated the agents did look at other locations and this request is the final proposal. Mr. Manley stated the proposed location is in an area where they were receiving complaints about dropped calls. They did look at other sites within this area, including the University, however this is the only site which was willing to work with the company. Ms. Spencer asked about a fence. Ms. Bailey stated since this request is in a storage building area a fence would not be required. Mr. Manley stated they do have co-location capabilities. Ms. Kirk asked if there had been studies done on the impact of towers near residential area. Mr. Sims stated there would be

minimal impact from the towers and pointed out the commercial uses in the area would be more of an impact on property values.

Member Spencer moved the specific use permit be approved with the following conditions:

1. One (1) parking space with drive access to city right-of-way for service vehicle is required within the site.
2. Review of the permit upon receiving neighborhood complaints. This is a temporary permit and the City Council shall have the right of termination after a public hearing where any violations of the terms and conditions of the permit or because of the negative impact of the use on the adjoining neighborhood through neglect or disrepair.
3. Adoption of site plan.

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

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CASE FILE NO 2017-16-P (approved with conditions)

Consider approval of the Road Dedication Plat (Arroyo Road) being approximately 5.94 acre tract located in Section 8, Block 41, T-2-S T&P RR Co. Survey Odessa, Ector County, Texas

Ms. Bailey gave the following presentation: The property involved in this request is located northeast of the intersection of Loop 338 and Arroyo Road and extending east to Billy Hext Road. The area is zoned Light Commercial (LC) and is vacant

The applicant is ICA Properties (owner) --Roy Allen (representative), and the purpose of the request is to dedicate approximately 5.94 acres of street right of way through a large undeveloped area.

A platting conference was held on March 7, 2017 where city staff and the applicant's representative were present. The following items were discussed with those present concerning the replat.

Staff Comments:

- Original tax/ownership certificates are needed prior to the recording of the plat.
- Drainage report has been submitted. This tract is not in a special flood hazard area.
- An Improvements Agreement will be required.
- Curve #2 radius needs to be according to AASHTO requirements.
- A 20' cut back needed at Billy Hext Rd.
- Any work in the City right of way or easements will require a permit from the Engineering Division and must comply with current Ordinances and polices.

Commission action is requested on the following item:

1. Subdivision Ordinance Section 16 A 9 Minimum Platting Design Standards provides that "Half streets on bounding property lines shall be permitted for major or collector streets and one-half of the street shall be required from each property". This provision applies for this application. Design plans for the roadway (full width) need to be submitted for review and approval. (Planning and Public Works)

Ms. Kirk asked if this property was from Chimney Rock Shopping Center, being told that was correct. Mr. Brinlee stated this was a back road for this area.

Member Kirk moved the request be approved with the following condition:

1. Subdivision Ordinance Section 16 A 9 Minimum Platting Design Standards provides that "Half streets on bounding property lines shall be permitted for major or collector streets and one-half of the street shall be required from each property". This provision applies for this application. Design plans for the roadway (full width) need to be submitted for review and approval. (Planning and Public Works)

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

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CASE FILE NO. 2017-17-P (approved)

Open a public hearing to consider approval Banks Addition, 2<sup>nd</sup> Filing, being a replat of Lots 1 - 6, Block 1, Banks Addition, and a portion of Tract 3, Roy T. Minear Subdivision (southeast of the intersection of Clements St. and S. Jackson Ave.)

Ms. Pittman gave the following presentation: The property involved in this request is located southeast of the intersection of Clements St. and S. Jackson Ave. The site is zoned Light Commercial (LC) and is currently occupied by a commercial development (AmeriPride). Land use in the general area consists of residential and commercial development to the north, residential development to the east, west and south.

The applicant is IAG Commercial-David Buckman, owner, and the purpose of the request is to combine six (6) lots and one (1) tract into one (1) lot for ownership purposes.

A platting conference was held March 7, 2017 with the applicants' consultant and city staff present.

Staff Comments:

- Original tax/ownership certificates are needed prior to filing the plat.
- Preliminary needs to be removed from the title of the plat.
- Proposed lots need to be identified as Block 4, Lots 7 and 8.
- A blanket refuse collection easement is noted on the plat.
- Water and sewer are available. No pro rata is due.
- An Improvements Agreement will not 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.

The plat is ready for Commission approval as noted above.

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

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

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CASE FILE NO. 2017-18-P(ETJ) (approved with conditions)

Open a public hearing to consider approval of the replat of Lot 9, Block 1, Westmoor Acres (southeast of the intersection of W. 29th St. and N. Redondo Ave.)

Ms. Pittman gave the following presentation: The property involved in this request is located southeast of the intersection of W. 29th St. and N. Redondo Ave. The site is located outside the city limits in Odessa's Extra-Territorial Jurisdiction (ETJ) does not

have a zoning designation and is currently occupied by a residential development and vacant land. Land use in the general area consists of residential development to the north and south, and vacant land to the east and west.

The applicants are Polidoro Portillo Jr. and Evelyn Portillo, and Jesus J. Valenzuela II, and April Valenzuela, owners, and the purpose of the request is to divide one lot into six (6) lots to facilitate residential development and for ownership purposes.

A platting conference was held March 7, 2017 with the applicants' consultant and city staff present.

Staff Comments:

- Original tax certificates are needed prior to filing the plat.
- Pipelines shown on the plat need to be dimensioned.
- Water line extension is available thru ECUD. No pro rata is due.
- Drainage report has been submitted.
- Lot frontage for proposed Lot 20 needs to be worked out with Ector County prior to filing the plat (less than 100' frontage).

Commission action is requested on the following items:

1. Northern part of the subdivision is in a flood hazard area, Zone A, playa, needs to be noted on the plat. (Public Works)

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

Member Spencer moved the replat be approved with the following condition:

1. Northern part of the subdivision is in a flood hazard area, Zone A, playa, needs to be noted on the plat.

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

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CASE FILE NO. 2017-19-P(ETJ) (approved)

Open a public hearing to consider approval of Southwest Industrial Sites, 2<sup>nd</sup> Filing, being a replat of Lots 9 and 10, Block 6, Southwest Industrial Sites (northwest of the intersection of McCormick St. and Einstein Ave.)

Ms. Pittman gave the following presentation: The property involved in this request is located northwest of the intersection of McCormick St. and Einstein Ave. The site is located outside the city limits in Odessa's Extra-Territorial Jurisdiction (ETJ) does not have a zoning designation and is currently vacant. Land use in the general area consists of industrial development and related uses and vacant land.

The applicants are Trinidad and Luz Romero, owners, and the purpose of the request is to divide a portion of two (2) existing lots to create one (1) lot to facilitate industrial development and for ownership purposes.

A platting conference was held March 7, 2017 with the applicants' consultant and city staff present.

Staff Comments:

- Original tax certificates are needed prior to filing the plat.
- City utilities are not available.

- Drainage report has been submitted. This tract is not in a special flood hazard area.
- An Improvements Agreement will not be required.
- The proposed development is near Chevron's Moss Unit 305W, which means any proposed development, could be affected by flow lines and/or additional Chevron operated facilities. Please have the developer contact Chevron prior to any construction work.

The plat is ready for Commission approval as noted above.

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

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

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There being no further business to come before the Commission, the meeting was adjourned at 2:03 p.m.

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Anne Roney, Secretary, placed the minutes in the Minute Book on March 16, 2017.

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Gary Sims, Chairman