

Be it said and remembered that at 8:30 a.m. on the 21st day of June, 2017, there came on and was held a Zoning Board of Adjustment meeting in the 2nd Floor Conference Room, City Hall, 411 W. 8th St., Odessa, Texas.

MEMBERS PRESENT: Ludie Warner, Chairperson
Gerardo Arzate
Brooke Harper
Edith Vandervoort
Mark Windham

MEMBERS ABSENT: Libby Campbell (Alternate)
Anthony Rios (Alternate)
Rosa Valdez (Alternate)

OTHERS PRESENT: Randy Brinlee, Director of Planning and Development; Danielle Pittman and Sherry Bailey, Planners; and Anne Roney, Secretary.

Chairperson Warner called the meeting to order, with Member Windham giving the invocation.

The minutes of the January 18, 2017 Zoning Board of Adjustment meeting were approved, motion for approval being made by Member Windham, seconded by Member Harper, with the vote being a unanimous "aye".

DOCKET NO. 2017-03-V (approved)

Open a public hearing to consider approval of the request of At Home, leasee, John Bushman, Music City Mall, owner, Callaway Architecture, agent, for a variance from Section 12-105-6 of the City of Odessa Zoning Ordinance to allow 764 sq. ft. of identification signage instead of the 400 sq. ft. allowed for an anchor store in a shopping mall (store exceeding 20,000 square feet in floor area) in a Light Commercial (LC) Zoning District, Lot 1, Block 1, Permian Mall (4101 E. 42nd St.)

Ms. Pittman gave the following presentation: There were 25 notices mailed to surrounding property owners, with 4 notices returned, no written protests and 2 written approvals.

The property involved in this request is located at 4101 E. 42nd St. The site is zoned Light Commercial (LC) and is currently occupied by Music City Mall. Land use in the general area consists of residential (single family and multi-family) and retail development to the south, retail development to the east, and commercial development and related uses to the west and north.

The applicants are At Home, leasee, John Bushman, Music City Mall, owner, Callaway Architecture, agent, and the purpose of the request is to permit a 302 sq. ft. wall sign and two (2) 231 sq. ft. wall signs for a total of 764 sq. ft. In order to allow the additional 364 sq. ft. of additional Identification signage the applicant is requesting a variance from Section 12-105-6 of the City of Odessa Zoning Ordinance, which states:

12-105-6 Exterior wall signage shall be limited to anchor stores (those stores exceeding 20,000 square feet in floor area) and cinemas. The maximum allowable sign area (in square feet) for an anchor store shall be derived by three (3) times the linear building frontage to which the sign applies up to a maximum of four hundred (400) square feet for all signs. A shopping mall shall be limited to one additional free standing cinema business sign with a maximum sign area of one hundred fifty (150) square feet. An exterior wall mounted cinema identification sign shall be limited to one hundred fifty (150) 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 applicants 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 the building setback from E. 42nd St. will cause the wall signs to appear smaller than their actual size. The opinion of the Planning Staff is that the overall size of this development (Music City Mall) does create a hardship for the applicant and additional signage is needed to identify the business. The location and design of the proposed signs are 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 signs be allowed for this lease space, and would recommend approval of the request as presented.

There being no questions for City Staff, Chairperson Warner opened the public hearing. Mr. Hall Hofheimis, representing Callaway Architects and At Home, approached the lectern. He stated At Home is a new retailer for this area. They go into existing structures which are vacant. They are asking for signage in order to identify the business. Mr. Windham asked what kind of business this was, being told home décor. There being no further questions or comments, Chairperson Warner closed the public hearing.

Member Windham moved the variance be approved as requested. Member Harper 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:

- 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: Approved as requested.

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

Anne Roney, Secretary, placed the minutes in the Minute Book on June 21, 2017.

Ludie Warner, Chairperson