

Be it said and remembered that at 8:30 a.m. on the 2nd day of August, 2017 there came on and was held a Zoning Board of Adjustment meeting in the 3rd Floor Conference Room, City Hall, 411 W. 8th St., Odessa, Texas.

MEMBERS PRESENT: Ludie Warner, Chairperson
Geraldo Arzate
Libby Campbell (Alternate)
Anthony Rios (Alternate)
Edith Vandervoort

MEMBERS ABSENT: Brooke Harper
Rosa Valdez (Alternate)
Mark Windham

OTHERS PRESENT: Randy Brinlee, Director of Planning and Development; Danielle Pittman, Planner; Todd Stephens, Senior Assistant City Attorney; and Anne Roney, Secretary.

Chairperson Warner called the meeting to order and gave the invocation.

The minutes of the June 21, 2017 Zoning Board of Adjustment meeting were approved, motion for approval being made by Member Arzate, seconded by Member Rios, with the vote being a unanimous "aye".

DOCKET NO. 2017-04-V (tabled)

Open a public hearing to consider approval of the request by Chickn 4 U, leasee, ICA Properties, Inc., owner, for a variance from Section 12-105-5 of the City of Odessa Zoning Ordinance to allow a free standing shopping center identification sign with a total area of 1,008 sq. ft. of identification signage instead of the 500 sq. ft. allowed and a variance from Section 12-106 of the City of Odessa Zoning Ordinance to allow a free standing shopping center identification sign with a height of 50 ft. instead of the 30 ft. maximum height allowed in Light Commercial (LC) Zoning District, Lot 1, Block 1, Crossroads East, 1st Filing (4101 Billy Hext Road)

Ms. Pittman gave the following presentation: There was 1 notice mailed to surrounding property owners, with no notices returned, no written protest and no written approvals.

The property involved in this request is located at 4101 Billy Hext Rd. The site is zoned Light Commercial (LC) and is currently vacant with a proposal for retail development. Land use in the general area consists of residential development to the north (across 191), retail and related uses to the east, and vacant land to the south and west.

The applicants are Chickn 4 U, leasee, ICA Properties, Inc., owner, and the purpose of the request is to allow a free standing shopping center identification sign with a total area of 1,008 sq. ft. instead of the 500 sq. ft. (508 sq. ft. additional signage) allowed and an overall height of 50 ft. instead of the 30 ft. maximum height allowed (20 ft. additional height). The applicant is requesting a variance from Section 12-105-5 and Section 12-106 of the City of Odessa Zoning Ordinance, which states:

12-105-5 A shopping center or combined commercial strip development is permitted to have a wall/canopy (for identification of the shopping center) or free standing (pole mounted or ground) signs, derived by one and seventy-five hundredths (1.75) times the linear feet of street frontage to a maximum sign area of five hundred (500) square feet for all free standing signs and five hundred (500) square feet for all wall/canopy signs.

12-106 No free standing business (commercial) sign shall be constructed to exceed the maximum height permitted of thirty (30) feet above grade level, except for the following highway oriented uses:

1. Gasoline service stations
2. Service stations for motor fuels of all types
3. Motor vehicle parts, sales and repair service businesses
4. Motor vehicle sales, rental and or storage
5. Restaurants of all types
6. Hotels and motels
7. Recreational vehicle parks
8. Combinations of the above notes uses commonly referred to as truck stops
9. Any other businesses not noted above that can be reasonable interpreted as highway oriented.

The above mentioned highway oriented uses shall be allowed signs up to fifty (50) feet in height and shall comply with the City of Odessa building code as to design and construction.

This section shall apply only to the following highways:

- U.S. Highway 80, east of the intersection of 8th and 2nd Streets
- State Highway 191 east of its intersection with East Loop 338
- Interstate Highway 20 and
- U.S. 385 north of Yukon Rd. and south of I-20

Highway oriented business signs shall meet the required setback specified for the zoning district where they are located (See Section 8-401, Zoning Ordinance).

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 overall size of the shopping center (approximately 20 acres) and the fact that the development has two (2) large street frontages (Highway 191 1,950 ft. street frontage and Billy Hext Rd. 975 ft. street frontage) creates a hardship for the applicant. The development standards of the shopping center will be established at a later date with Case File 2017-38-SP. The staff has discussed several signage options with the applicant, including one (1) 500 sq. ft. shopping center sign per street frontage to limit the intrusive impact of one large sign to surrounding properties. With this in mind, the Planning Staff recognizes the need for additional shopping center identification signage while also minimizing the impact on adjacent properties.

Ms. Warner asked if the staff was proposing two freestanding signs instead of one larger sign. Ms. Pittman stated that had been discussed prior to the meeting. The Planning Department did receive a phone call from an adjacent property owner who was concerned this request would block their sign. Ms. Warner asked which property owner, being told Security State Bank. Mr. Arzate asked where the bank was located, being shown on the map the location of the property. Ms. Warner stated the only people impacted would be the properties directly across the street. There being no further questions for City Staff, Chairperson Warner opened the public hearing.

Mr. Roy Allen, applicant's representative, approached the lectern. He stated the overpass in this area blocks the view for this location. The shopping center will run to the apartments and to the drainage channel. The way the property angles in that area the sign will not be

intrusive. Mr. Rios asked what direction the sign would be facing, being told north/south. Mr. Brinlee stated the sign will be oriented for visibility on 191. Ms. Warner asked about the square footage of the sign on Billy Hext. Mr. Brinlee stated the applicant is asking for one sign at 1,000 sq. ft. Ms. Warner asked if the cars will be able to see the sign before they reach the off-ramp, being told that the sign would be seen. Ms. Warner asked how big the sign was at Cinergy, with that information not being available. Mr. Allen pointed out where the sign would be located on the property. Mr. Rios asked if the sign could be placed at the back of the property so it would not block any of the adjacent buildings. Mr. Allen stated there are pipelines in the area they have to work with. Ms. Warner stated they are placing the building on the east side of the property and wondered if it could be placed further west. Mr. Rios asked if they reason the building is located where it is shown because of the pipelines. Mr. Allen stated there are 3 pipelines on this property where they will not be able to build. Mr. Allen indicated where the drainage channel is located, as well as the pipelines. He stated the drill site will be in the middle of the shopping center. Ms. Pittman noted the layout of the shopping center is in the agenda. Mr. Rios asked if they are allowed to place signage in the pipeline area, being told they are not. Mr. Allen stated they are having problems just being allowed to pave over the pipelines. Mr. Arzate asked about other signs in the area. Mr. Brinlee stated the other signs in the area to the east meet sign ordinance requirements. Mr. Arzate then asked if the other signs in the area would want to come back for larger signs if this is approved. Ms. Pittman stated this is a multi-tenant sign and not individual signs. Mr. Brinlee mentioned the signs located in Chimney Rock and noted the signs are about 750 sq. ft. Ms. Warner stated the site plan shows about 5 lots. Mr. Allen stated there will be smaller tenants with some of the larger tenants to draw people in. Ms. Warner asked how many tenants, being told 10-12. There being no further questions, Chairperson Warner closed the public hearing.

Mr. Arzate stated he felt their requested signage was a little big. He would like to compare their request with other signs in the area. Mr. Rios stated he felt he was looking at 1,000 solid sign. Ms. Vandervoort stated their request would be the size of a billboard. Mr. Brinlee stated the maximum size of a billboard is 500 sq. ft. Mr. Arzate felt the request was larger than what was needed. Mr. Allen suggested the Board table the request to allow them time to come back with a visual of how the sign would appear. Ms. Campbell felt it would be better. The Board also needed to consider this area is growing and what will they face in the future. Ms. Warner stated she would like to see some comparison.

Member Arzate moved the request for variance be tabled. Member Rios seconded the motion, with the vote being a unanimous "aye".

There being no further business to come before the Board, the meeting was adjourned at 8:52 a.m.

Anne Roney, Secretary, placed the minutes in the Minute Book on August 2, 2017.

Ludie Warner, Chairperson