

Be it said and remembered that at 8:30 a.m. on the 4th day of October, 2017 there came on and was held a Zoning Board of adjustment meeting in the Third Floor Conference Room 411 W. 8th Street, Odessa, Texas.

MEMBERS PRESENT: Ludie Warner, Chairperson
Geralde Arzate
Brooke Harper
Anthony Rios (alternate)
Edith Vandervoort
Mark Windham

MEMBERS ABSENT: Libby Campbell (alternate)
Rosa Valdez (alternate)

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

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

The minutes of the September 6, 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. 2017-05-V (approved)

Open a public hearing to consider approval of the request of The Sewell Family of Companies Inc., owner, for a variance from Section 12-105-1 of the City of Odessa Zoning Ordinance to allow 560 sq. ft. of signage instead of the maximum 400 sq. ft. and a variance from Section 12-105 of the City of Odessa Zoning Ordinance to allow 267 sq. ft. of freestanding signs instead of the maximum 220 sq. ft. allowed (55% of total sign area) for freestanding signs in a Light Commercial (LC) Zoning District, Lots 9-10, Block 1, Parks Legado East. (7500 Highway 191)

Ms. Pittman gave the following presentation: There were 3 notices sent to surrounding property owners, with no notices returned, no written protests and no written approvals.

The property involved in this request is located at 7500 Highway 191. The site is zoned Light Commercial (LC) and is currently occupied by a auto sales dealership that is currently under construction. Land use in the general area consists of multi-family residential development to the south, vacant land to the east, west and north.

The applicant is The Sewell Family of Companies Inc., owner, and the purpose of the request is to allow 560 sq. ft. of signage instead of the maximum 400 sq. ft. and to allow 267 sq. ft. of freestanding signs to instead of the max 220 sq. ft. allowed (55% of total sign area) for freestanding signs allowed in a Light Commercial (LC) Zoning District. The applicant is requesting a variance from Section 12-105-1 and 12-105 of the City of Odessa Zoning Ordinance, which states:

12-105-1 Individual businesses located on a separate lot of 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.

- 12-105 Business (retail and office) signs may be of the free standing, wall, sloping roof, or canopy type, Free standing 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 with the only exception stated in Section 12-106. Free standing business signs shall be limited to a maximum of fifty-five percent of the total sign area specified in this section (Items #1-4) with the only exception stated in Section 12-105-(5).

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 the overall size of the development (14.75 acres) does create a hardship for the applicant and additional signage is needed to identify the business. 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 signs be allowed for this development, and would recommend approval of the request as presented.

There being no questions for City Staff, Chairperson Warner opened the public hearing. Mr. Jose Mendez, applicant's representative, approached the lectern. He thanked the Board for hearing their variance request. He stated they did not know the signs square footage would be larger than what would be allowed until the signs were already ordered.

Mr. Cole Wardell, Marketing Director for the applicant, approached the lectern. He stated with the facility being located between Midland and Odessa on Hwy. 191, the larger signs will help to advertise their business. There being no further comments or any questions, Chairperson Warner closed the public hearing.

Member Windham moved the variance be approved as requested. Member Arzate 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 October 4, 2017.

Ludie Warner, Chairperson