

Be it said and remembered that at 8:30 a.m. on the 3rd day of October, 2018, there came on and was held a Zoning Board of Adjustment meeting in the Council Chamber, 5th Floor, 411 W. 8th St., Odessa, Texas.

MEMBERS PRESENT: Mark Windham, Vice Chairman
Geraldo Arzate
Brooke Harper
Anthony Rios (alternate)

MEMBERS ABSENT: Libby Campbell (alternate)
Rosa Valdez (alternate)
Edith Vandervoort
Ludie Warner

OTHERS PRESENT: Randy Brinlee, Director of Planning and Development; Tim McDaniel, Planner; Maria Prieto, Planning Tech; Gary Landers, Interim City Attorney; and Anne Roney, Secretary.

Vice Chairman Windham called the meeting to order, giving the Invocation.

The minutes of the June 6, 2018 Zoning Board of Adjustment meeting were approved, motion for approval being made by Member Harper, seconded by Members Rios and Arzate, with the vote being a unanimous "aye".

DOCKET NO. 2018-04-V (approved with conditions)

Open a public hearing to consider approval of the request of WFDR Partnership, owner, Prestige Companies, Optionee for a variance from Sections 9-100 and 9-101 of the City of Odessa Zoning Ordinance to increase the allowable height to four (4) stories instead of the maximum of three (3) stories allowed in a Retail-One (R-1) zoning district, on an approximately 3 acre tract in Section 3, Block 41, T-2-S, T&P RY. Co. Survey, Midland County, Texas (On the southeast corner of Dr. Emmitt Headlee Rd. and San Antonio St.)

Mr. McDaniel gave the following presentation: There were three notices mailed to surrounding property owners, with no notices returned, no written protests and 1 written approval.

The property involved in this request is located on the southeast corner of Dr. Emmitt Headlee Rd. and San Antonio St. This site is currently zoned Retail-One (R-1) and is currently vacant land. The property is surrounded by commercial development to the north and vacant land to the south, west, and east.

The applicant is WFDR Partnership, Owner, Prestige Companies, Optionee, and the purpose of the request is for a variance to allow a building to be built to four (4) stories in height instead of the maximum allowable height of three (3) stories. In order to allow the structure to exceed the maximum height of three (3) stories, the applicant is requesting a variance from Sections 9-100 and 9-101 of the City of Odessa Zoning ordinance which state:

9-100 HEIGHT REGULATIONS

No building or structure shall be located, erected, or altered so as to exceed the height limit hereinafter specified for the district in which the building is located.

9-101 In the following zoning districts-----the maximum height of buildings and structures shall be
Retail-One (R-1) ----- 3 stories except as noted in 9-102.

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 the request is that the addition of a 4th floor to the property would not cause any hardship to adjacent property. There is no nearby single family residential development that would be impacted by this request. Additionally, the 4th floor would provide wall sign visibility from Hwy. 191 over the adjacent Cinergy complex.

If the Board approves this request, staff requests that no further building height be allowed in the future.

There being no questions for City Staff, Vice Chairman Windham opened the public hearing. Mr. Wyly Brown, owner, #2 Estates Dr., approached the lectern. He stated he was representing the optionee in this request and was available to answer questions. There being no questions, Vice Chairman Windham closed the public hearing.

Member Harper moved the variance be approved with the following condition:

1. No further building height be allowed in the future.

Member Rios 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: No further building height be allowed in the future.

There being no further business to come before the Board, the meeting was adjourned at 8:33 a.m.

Anne Roney, Secretary, placed the minutes in the Minute Book on October 3, 2018.

Mark Windham, Vice Chairman