

Be it said and remembered that at 8:30 a.m. on the 21st day of November, 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: Ludie Warner, Chairperson
Geraldo Arzate
Brooke Harper
Anthony Rios (alternate)
Mark Windham

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

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

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

The minutes of the October 3, 2018 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. 2018-05-V (approved)

Open a public hearing to consider approval of the request of City of Odessa, owner, UEB Builders, Inc., contractor, Permian Sign Company, agent, for a variance from Section 12-105-1 of the City of Odessa Zoning Ordinance to allow 525 sq. ft. of identification signage instead of the maximum 400 sq. ft. allowed in a Central Business-One (CB-1) Zoning District, Lot 1, Block 1, Conference Center Addition. (305 E. 5th St.)

Ms. Pittman gave the following presentation: There were 16 notices mailed to surrounding property owners, with no notices returned, no written protests and one written approval.

The property involved in this request is located at 305 E. 5th St. The site is zoned Central Business -1 (CB-1) and is currently under construction for a hotel and convention center. The property has a total lot area of approximately 3.94 acres. Land use in the general area consists of church development, office/retail development and related uses.

The applicants are City of Odessa, owner, Marriott Hotels, lease, Permian Sign Company, agent, and the purpose of the request is to permit three (3) 150 sq. ft. wall signs, one (1) 22 sq. ft. wall sign and one (1) 53 sq. ft. monument sign for a total of 525 sq. ft. of signage. The applicants are proposing the location of the following signs: (see attached site plan)

- | | |
|---------------------------------------------------------|-------------|
| A. Monument Sign on the South Elevation | 53 sq. ft. |
| B. Marriott Odessa Hotel letters Northwest Elevation | 150 sq. ft. |
| C. Marriott Odessa Hotel letters facing West Elevation | 150 sq. ft. |
| D. Marriott Odessa Hotel letters facing East Elevation | 150 sq. ft. |
| E. Marriott Odessa Hotel letters facing South Elevation | 22 sq. ft. |

The proposed total overall signage is 525 sq. ft., approximately 125 sq. ft. more than the 400 sq. ft. maximum allowed. In order to allow the additional sign area, the applicant is requesting a variance from Section 12-105-1 of the City of Odessa Zoning Ordinance which states:

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

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 development (3.94 acres) and multiple street frontages involved 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. Derek Dutton, Permian Sign Company representing the applicant, approached the lectern. He indicated he was available to answer any questions. There being no questions, Chairperson Warner closed the public hearing.

Member Windham moved the request for sign 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 8:33 a.m.

Anne Roney, Secretary, placed the minutes in the Minute Book on November 21, 2018.

Ludie Warner, Chairperson