

AGENDA

PLANNING AND ZONING COMMISSION

COUNCIL CHAMBER

JUNE 20, 2019

1:30 P.M.

1. Approve the minutes of the June 6, 2019 Planning and Zoning Commission meeting
2. CASE FILE NO. 2019-11-Z  
Open a public hearing to consider approval of the request by City of Odessa and ONCOR Electric Delivery Company, owners, LCA, agent, for rezoning from General Residential (GR) and Neighborhood Services (NS) to Special Dwelling District (SPD) on Lot 1, Block 1, Blackshear Stadium Addition and an approx. 2 acre tract in Section 35, Block 42, T-2-S, T&P Ry. Co., Odessa, Ector County, Texas (on the northeast corner of Fitch Ave. and Avenida de Mexico)
3. CASE FILE NO. 2019-12-Z  
Open a public hearing to consider approval of the request by Leeco Energy and Investments, owner, LCA, agent, for original zoning of Special Dwelling District (SPD) on an approx. 37 acre tract in Section 2, Block 42, T-2-S, T&P Ry. Co. Survey, Odessa, Ector County, Texas (northeast of the intersection of Dawn Ave. and Boise Dr.)
4. CASE FILE NO. 2019-50-P  
Consider approval of the preliminary plat of Desert Ridge, 2<sup>nd</sup> Filing, Phase 4, being an approximately 37 acre tract out of Section 2, Block 42, T-2-S, T&P Ry. Co. Survey, Odessa, Ector Co., Texas (northeast of the intersection of Dawn Ave. and Boise Dr.)
5. CASE FILE NO. 2019-01-AZ  
Open a public hearing to consider approval of the request of PTCAA Texas, LP, owner, for annexation to the City of Odessa and original zoning of Light Industrial (LI) on Lot 1, Block 1, Flying J Addition (northwest corner of the intersection of Kermit Hwy. and W. Loop 338) and the request of Dax Barnhart, owner, for annexation to the City of Odessa and original zoning of Light Industrial (LI) on Lot 17, Block 3, Northwest Acres (2419 W. 42<sup>nd</sup> St.)
6. CASE FILE NO. 2019-52-P  
Open a public hearing to consider approval of the replat of Lot 7, Block 4, Leeco Addition 3<sup>rd</sup> Filing (northeast corner of Eastridge Rd. and Billy Hext Rd.)
7. CASE FILE NO. 2019-53-P  
Open a public hearing to consider approval of the replat of Lots 1 and 2, Block 1, WK Addition (southwest of the intersection of Billy Hext Rd. and Stonehenge Rd.)
8. CASE FILE NO. 2019-54-P(ETJ)  
Open a public hearing to consider approval of the replat of Lots 3-7, Block 3, and Lots 1&2, Block 4, Vista Grande, Ector County, Texas (south of the intersection of N. Vista Grande Dr. and Cheyenne Trail)
9. Other business
10. Adjourn

Be it said and remembered that at 1:30 p.m. on the 20<sup>th</sup> day of June, 2019 there came on and was held a Planning and Zoning Commission meeting in the Council Chamber, 5<sup>th</sup> Floor, 411 W. 8<sup>th</sup> Street, Odessa, Texas.

MEMBERS PRESENT: Jim Rector, Vice Chairman  
Jimmy Peacock  
Gary Sims  
Steve Tercero

MEMBERS ABSENT: Renee Earls

OTHERS PRESENT: Randy Brinlee, Director of Planning and Development; Tim McDaniel, Planner; Maria Prieto, Planning Tech; Yervand Hmayakyan, City Engineer; Joe Tucker, Assistant City Engineer; Sylvia Carillo, Interim Development Services Manager; Sammy Quiroz, Building Official; Gary Owens, Assistant Building Official; Dan Jones, Senior Assistant City Attorney; and Anne Roney, Secretary.

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The minutes of the June 6, 2019 Planning and Zoning Commission meeting were approved, motion for approval being made by Member Peacock, seconded by Member Tercero, with the vote being a unanimous "aye".

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CASE FILE NO. 2019-11-Z (approved)

Open a public hearing to consider approval of the request by City of Odessa and ONCOR Electric Delivery Company, owners, LCA, agent, for rezoning from General Residential (GR) and Neighborhood Services (NS) to Special Dwelling District (SPD) on Lot 1, Block 1, Blackshear Stadium Addition and an approx. 2 acre tract in Section 35, Block 42, T-2-S, T&P Ry. Co., Odessa, Ector County, Texas (on the northeast corner of Fitch Ave. and Avenida de Mexico)

Mr. McDaniel gave the following presentation: There were 51 notices mailed to surrounding property owners, with 4 notices returned, 1 written approval and no written protests.

The property involved in this request is on the northeast corner of Fitch Ave. and Avenida de Mexico and has a pending replat. The site is currently zoned General Residential (GR) and Neighborhood Services (NS) and is vacant.

The applicants are the City of Odessa and ONCOR Electric Delivery, owners, LCA, agent, and the purpose of the rezoning request from General Residential (GR) and Neighborhood Services (NS) to Special Dwelling District (SPD) is to allow for smaller lot widths to fit more affordable housing (33 lots) on the property.

Using the City's identified priorities contained in the City of Odessa's Comprehensive Plan to evaluate zoning amendments the following comments are offered:

Comprehensiveness: The proposed rezone request is not contrary to the established land uses in the general area or the land use plan of the City of Odessa's Master Plan.

Livability: The proposed original zoning would not have a negative impact on this site or surrounding properties. The proposed single-family development is not out of line with development in the area.

Reasonableness: The proposed zoning district will be located near other single-family development, will be infill development, and will consist of affordable, single-family homes.

Based upon the preceding analysis, Staff recommends approval of the request.

There being no questions for City Staff, Vice Chairman Rector opened the public hearing. With no one coming forward to speak for or against the request, Vice Chairman Rector closed the public hearing.

Member Sims moved the rezoning request be approved to Special Dwelling District (SPD). Member Tercero seconded the motion, with the vote being a unanimous "aye".

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CASE FILE NO. 2019-12-Z (approved)

Open a public hearing to consider approval of the request by Leeco Energy and Investments, owner, LCA, agent, for original zoning of Special Dwelling District (SPD) on an approx. 37 acre tract in Section 2, Block 42, T-2-S, T&P Ry. Co. Survey, Odessa, Ector County, Texas (northeast of the intersection of Dawn Ave. and Boise Dr.)

Mr. McDaniel gave the following presentation: There were 61 notices mailed to surrounding property owners, with 3 notices returned, no written protests and no written approvals.

The property involved in this request is northeast of the intersection of Dawn Ave. and Boise Dr. and has a pending preliminary plat. The site is currently designated Future Development (FD) and is vacant.

The applicant is Leeco Energy and Investments, owner, LCA, agent, and the purpose of the original zoning request of Special Dwelling District (SPD) is to facilitate the development of approx. 200 single family residential lots.

Using the City's identified priorities contained in the City of Odessa's Comprehensive Plan to evaluate zoning amendments the following comments are offered:

Comprehensiveness: The proposed original zoning request is not contrary to the established land uses in the general area or the land use plan of the City of Odessa's Master Plan.

Livability: The proposed original zoning would not have a negative impact on this site or surrounding properties. The proposed single-family development is not out of line with development in the area.

Reasonableness: The proposed zoning district will be located near other single-family development, and will be an extension of an existing residential development.

Based upon the preceding analysis, Staff recommends approval of the request.

There being no questions for City Staff, Vice Chairman Rector opened the public hearing. With no one coming forward to speak for or against the request, Vice Chairman Rector closed the public hearing.

Member Peacock moved the original zoning request be approved to Special Dwelling District (SPD). Member Sims seconded the motion, with the vote being a unanimous "aye".

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CASE FILE NO. 2019-50-P (approved)

Consider approval of the preliminary plat of Desert Ridge, 2<sup>nd</sup> Filing, Phase 4, being an approximately 37 acre tract out of Section 2, Block 42, T-2-S, T&P Ry. Co. Survey, Odessa, Ector Co., Texas (northeast of the intersection of Dawn Ave. and Boise Dr.)

Mr. McDaniel gave the following presentation: The property involved in this request is located northeast of the intersection of Dawn Ave. and Boise Dr. The site is currently designated Future Development (FD), with an original zoning request of Special Dwelling

District (SPD) pending, and is currently vacant. General land use in the area consists of residential development and vacant land.

The applicant is Leeco Energy and Investments, owner, LCA, consultant, and the purpose of the plat is to create approx. 200 lots for single-family residential development.

A platting conference was held June 11<sup>th</sup>, 2019 with the applicant's consultant and city staff present.

Staff Comments:

- Ownership certificates and original tax certificates need to be submitted prior to filing the plat.
- Administrative site plan approval is required prior to development of this site.
- A blanket refuse collection easement is noted on the plat.
- Water and sewer are available for extension. No pro rata is due.
- Drainage report follows the Master Drainage plan for Desert Ridge Subdivision, 2<sup>nd</sup> revision. This tract is not in a special flood hazard area
- Water, sewer, paving & drainage and channel excavation plans need to be submitted for review and acceptance.
- An Improvements Agreement will be required.
- Any work in the right of way or easements will require a permit from the Engineering Division and must comply with current City Ordinances and policies.

The plat is ready for approval as noted above.

There being no questions or comments, Member Tercero moved the preliminary plat be approved as presented. Member Peacock seconded the motion, with the vote being a unanimous "aye".

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CASE FILE NO. 2019-01-AZ (approved)

Open a public hearing to consider approval of the request of PTCAA Texas, LP, owner, for annexation to the City of Odessa and original zoning of Light Industrial (LI) on Lot 1, Block 1, Flying J Addition (northwest corner of the intersection of Kermit Hwy. and W. Loop 338) and the request of Dax Barnhart, owner, for annexation to the City of Odessa and original zoning of Light Industrial (LI) on Lot 17, Block 3, Northwest Acres (2419 W. 42<sup>nd</sup> St.)

Mr. Brinlee gave the following presentation: The first property (Lot 1, Block 1, Flying J Addition) involved in this request is located in the northwest corner of the intersection of Kermit Hwy. and W. Loop 338. A commercial/industrial use development (truck stop and related uses) is currently under construction on the site and land use in the general area consists of commercial/industrial use development and vacant land. The applicant and owner of this property is PTCAA Texas, LP and the purpose of the annexation request is to incorporate approximately 7.1 acres into the City of Odessa.

The second property (Lot 17, Block 3, Northwest Acres) involved in this request is located in the 2400 block of W. 42<sup>nd</sup> St. This site is occupied by commercial/industrial use development and related uses and land use in the general area consists of commercial/industrial use development. The applicant and owner of this property is Dax Barnhart and the purpose of the annexation request is to incorporate approximately 0.23 acres into the City of Odessa.

The current area of the city limits is approximately 52 square miles. The total area of the two (2) sites related to this request is approximately 7.33 acres which puts the area of the

request within the annexation statutes that allow a maximum annual annexation of up to 30% of the city limits area.

The City of Odessa Comprehensive Plan states the city should strive for orderly city boundaries and utility service area. Annexing properties adjacent to city limits lines would be considered logical boundary extensions of the city limits lines.

Should the Commission choose to approve this annexation request, a service plan for the proposed annexation has been prepared by the Legal Staff in accordance with State law requirements (see attached copy). The service plans require Commission adoption and accompany the annexation recommendation forwarded to the City Council.

An original zoning of Light Industrial (LI) is also being requested for the two (2) sites. This requested original zoning is compatible with the adjacent land uses of each site and is not contrary to the land use plan of the City of Odessa's Comprehensive Master Plan.

Based on the preceding analysis, the Planning Staff endorses the annexation requests and recommends approval of the original zoning request of Light Industrial (LI) for each property.

Mr. Brinlee stated the properties are part of an industrial district agreement. Mr. Peacock asked if this request can be acted on with one motion. Mr. Brinlee recommended they have one motion for the annexation and one motion for the proposed zoning. Mr. Rector stated he was looking at the proposed service plan and noted there were three properties listed. Mr. Brinlee stated one of the properties has been withdrawn from consideration. There being no further questions or comments, Vice Chairman Rector opened the public hearing.

Mr. Dax Barnhart, 2306 W. 42<sup>nd</sup> St., approached the lectern. Mr. Barnhart stated he was here because his property was being considered for annexation. He wished to have some clarification because he did not recall requesting to be annexed into the city. Mr. Brinlee stated part of the industrial agreement stated the property could be annexed at the time the agreement expires. Mr. Barnhart asked if the industrial agreement was for water, being told that it was. Mr. Brinlee showed Mr. Barnhart the petition for annexation, with Mr. Barnhart stating he did not recall signing the petition. He did not know he was being annexed until he received his letter. There being no further questions or comments, Vice Chairman Rector closed the public hearing.

Member Peacock moved the annexation be approved. Member Sims seconded the motion.

Member Sims moved the original zoning of the properties be approved to Light Industrial (LI). Member Tercero seconded the motion, with the vote being a unanimous "aye".

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CASE FILE NO. 2019-52-P (approved)

Open a public hearing to consider approval of the replat of Lot 7, Block 4, Leeco Addition 3<sup>rd</sup> Filing (northeast corner of Eastridge Rd. and Billy Hext Rd.)

Mr. McDaniel gave the following presentation: The property involved in this request is located northeast corner of Eastridge Rd. and Billy Hext Rd. The site is currently zoned Retail (R), and is currently occupied with commercial development and vacant land. General land use in the area consists of commercial development and vacant land.

The applicant is Leeco Energy and Investments, owner, LCA, consultant, and the purpose of the plat is to divide one (1) lot into three (3) lots for ownership purposes.

A platting conference was held June 11<sup>th</sup>, 2019 with the applicant's consultant and city staff present.

Staff Comments:

- Ownership certificates and original tax certificates need to be submitted prior to filing the plat.
- A blanket refuse collection easement is noted on the plat.
- The easement along the eastern lot line between proposed Lot 11, Block 4 and existing Lot 8, Block 4 is obscured.
- Water and sewer are available. No pro rata is due.
- Drainage report has been submitted. This tract is not in a special flood hazard area
- An Improvements Agreement will not be required.
- Access easement needs to read: "Utility and Access Easement"
- Any work in the right of way or easements will require a permit from the Engineering Division and must comply with current City Ordinances and policies

This plat is ready for approval as noted above.

There being no questions for City Staff, Vice Chairman Rector opened the public hearing. With no one coming forward to speak for or against the request, Vice Chairman Rector closed the public hearing.

Member Tercero moved the replat be approved as presented. Member Peacock seconded the motion, with the vote being a unanimous "aye".

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CASE FILE NO. 2019-53-P (approved)

Open a public hearing to consider approval of the replat of Lots 1 and 2, Block 1, WK Addition (southwest of the intersection of Billy Hext Rd. and Stonehenge Rd.)

Mr. McDaniel gave the following presentation: The property involved in this request is located southwest of the intersection of Billy Hext Rd. and Stonehenge Rd. The site is currently zoned Planned Development-Office (PD-O), and is currently occupied with commercial development and vacant land. General land use in the area consists of single-family residential development, industrial development, and vacant land.

The applicant is WK Investments, owner, N3Brito, consultant, and the purpose of the plat is to divide two (2) lots into three (3) lots for ownership purposes.

A platting conference was held June 11<sup>th</sup>, 2019 with the applicant's consultant and city staff present.

Staff Comments:

- Original tax certificates need to be submitted prior to filing the plat.
- A blanket refuse collection easement is noted on the plat.
- The 30 ft. pipeline easement needs to be dimensioned on all proposed properties.
- Water and sewer are available. No pro rata is due.
- Drainage report has been submitted. This tract is not in a special flood hazard area
- An Improvements Agreement will not be required.

- Any work in the right of way or easements will require a permit from the Engineering Division and must comply with current City Ordinances and policies.
- Notary block needs to be worked out prior to filing the plat.

This plat is ready for Commission action as noted above.

There being no questions for City Staff, Vice Chairman Rector opened the public hearing. With no one coming forward to speak for or against the request, Vice Chairman Rector closed the public hearing.

Member Peacock moved the replat be approved as presented. Member Tercero seconded the motion, with the vote being a unanimous "aye".

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CASE FILE NO. 2019-54-P(ETJ) (approved with conditions)

Open a public hearing to consider approval of the replat of Lots 3-7, Block 3, and Lots 1&2, Block 4, Vista Grande, Ector County, Texas (south of the intersection of N. Vista Grande Dr. and Cheyenne Trail)

Mr. McDaniel gave the following presentation: The property involved in this request is located south of the intersection of N. Vista Grande Dr. and Cheyenne Trail. The site is located in the City of Odessa Extra-Territorial Jurisdiction (ETJ), does not have a zoning designation, and is currently vacant. General land use in the area consists of single-family residential development and vacant land.

The applicant is Lince by Owner #2, LLC, owner, N3Brito, consultant, and the purpose of the plat is to divide five (5) lots into eight (8) lots (Block 3) and two (2) lots into four (4) lots (Block 4) for ownership purposes.

A platting conference was held June 11<sup>th</sup>, 2019 with the applicant's consultant and city staff present.

Staff Comments:

- Original tax certificates need to be submitted prior to filing the plat.
- A blanket refuse collection easement is noted on the plat.
- This tract is outside the City limits and is in the ETJ.
- Water extension is available thru ECUD. No pro rata is due.
- Drainage report has been submitted. This tract is not in a special flood hazard area.
- Street layout needs to be discussed.
- Submit paving plans for review.
- Notary block needs to be worked out prior to filing the plat.

Commission action is requested on the following items:

1. Lince Dr. and New York Dr. need to be either all public or all private. Abandonment of county ROW is required for private streets. Dedication of public ROW is required for public streets. (Planning and Public Works)
2. The existing platted streets are not built to County standards. All streets next to the proposed lots needs to be paved. Vista Grande needs to be paved to connect to existing pavement. (Public Works and Ector County)
3. Water needs to be looped to all lots prior to filing the plat. (Public Works)

Mr. Rector asked about the public and private streets. Mr. McDaniel stated this property was originally platted with public streets. The applicant is wanting to use the alley as private. Mr. McDaniel then indicated where the plat is noting where part of the street is noted as public and part of the street is noted as private. The applicant is aware of what the conditions are. The staff needs to know if the streets are going to be public or private. Mr. Peacock asked what the advantages were to have private streets. Mr. McDaniel stated the applicant would not have the meet the County standards.

There being no further questions or comments for City Staff, Vice Chairman Rector opened the public hearing. With no one coming forward to speak for or against the request, Vice Chairman Rector closed the public hearing.

Member Peacock moved the replat be approved with the following conditions:

1. Lince Dr. and New York Dr. need to be either all public or all private. Abandonment of county ROW is required for private streets. Dedication of public ROW is required for public streets.
2. The existing platted streets are not built to County standards. All streets next to the proposed lots needs to be paved. Vista Grande needs to be paved to connect to existing pavement.
3. Water needs to be looped to all lots prior to filing the plat.

Members Sims and Tercero seconded the motion, with the vote being a unanimous "aye".

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There being no further business to come before the Commission, the meeting was adjourned at 1:53 p.m.

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Anne Roney, Secretary, placed the minutes in the Minute Book on June 20, 2019.

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Jim Rector, Vice Chairman