

AGENDA

PLANNING AND ZONING COMMISSION

COUNCIL CHAMBER

FEBRUARY 6, 2020

1:30 P.M.

1. Approve the minutes of the following Planning and Zoning Commission meetings:
 - a. November 21, 2019
 - b. December 5, 2019
 - c. December 19, 2019
 - d. January 2, 2020

2. CASE FILE NO. 2020-01-AZ
Open a public hearing to consider approval of the request by Tommy Pugh, owner, Odessa (Pugh) DTP, LLC, optionee, John Cowan and Associates, agent, for annexation and original zoning of Retail-One (R-1) on an approx. 3 acre tract in Section 4, Block 41, T-2-S, T&P Ry. Co. Survey, Ector County, Texas (southeast of the intersection of Lagow Ln. and Faudree Rd.)

3. CASE FILE NO. 2020-09-P
Open a public hearing to consider approval of the replat of Lot 6, Block 1, Stafford Addition, Odessa, Ector County, Texas (east of the intersection of 52nd St and Andrews Hwy.)

4. CASE FILE NO. 2020-08-P
Consider approval of the short form plat of KAW Addition, being approximately 4.2 AC Tract in SEC 10, BLK 42, T-2-S, T&P RR Co. Survey, Ector County, Texas (SE of the intersection of Andrews Hwy. and E 52nd St.)

5. CASE FILE NO. 2019-114-P
Consider approval of the final plat of Mesquite Crossing, 3rd Filing, being approximately 24.467 ac. tract in Section 9, Block 41, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (east of the intersection of Hwy. 191 and Billy Hext Rd.)

6. CASE FILE NO. 2020-04-Z
Remove from the table and open a public hearing to consider approval of administrative corrections and amendments to the City of Odessa Zoning Ordinance.
7. Other business
8. Adjourn

AGENDA

PLANNING AND ZONING COMMISSION

COUNCIL CHAMBER

NOVEMBER 21, 2019

1:30 P.M.

1. Approve the minutes of the November 7, 2019 Planning and Zoning Commission meeting
2. CASE FILE NO. 2019-30-SUP
Open a public hearing to consider approval of the request by New Dawn Fellowship, owner, Roger, Wells, optionee, for a specific use permit to allow a repair garage use in a Retail (R) zoning district on Lots 1-2, Block 7, Grandview Subdivision (2101 E 9th St.)
3. CASE FILE NO. 2019-31-Z
Open a public hearing to consider approval of the request by Mary Daramola, owner, for rezone from Single Family-Three (SF-3) to Neighborhood Services (NS) on an approximately 0.1607 acre tract out of Lot 1, Block 14, Crestview, City of Odessa, Ector County, Texas (Southwest of the intersection of W 8th St. and N Lauderdale Ave.)
4. CASE FILE NO. 2019-122-P
Consider approval of the short form plat of Parks Bell Ranch North, 6th Filing, being a 23.43 acre tract in Section 45, Block 41, T-1-S, T&P Ry. Co. Survey, City of Odessa, Ector County, Texas. (on the southeast corner of Yukon Road and Kate Reed Dr.)
5. CASE FILE NO. 2019-123-P (ETJ)
Consider approval of the preliminary plat of Motley's Subdivision, being a 29.15 acre tract located in Section 42, Block 42, T-2-S, T&P Ry. Co. Survey, Ector County, Texas (northwest of the intersection of S. Crane Ave. and U.S. Hwy 385)
6. CASE FILE NO. 2019-124-P (ETJ)
Open a public hearing to consider approval of the replat of Lots 2 & 3 and Well Site No. 4, Block 1, Western Industrial Site, Odessa, Ector County Texas. (Southeast of the intersection of W 42nd St. and N FM 1936.)
7. Other business
8. Adjourn

Be it said and remembered that at 1:30 p.m. on the 21st day of November, 2019, there came on and was held a Planning and Zoning Commission meeting in the Council Chamber, 5th Floor, 411 W. 8th Street, Odessa, Texas.

MEMBERS PRESENT: Jim Rector, Acting Chairman
Lennerd Byrd
Connie Coots
Jimmy Peacock

MEMBERS ABSENT: Renee Earls
Gary Sims
Steve Tercero

OTHERS PRESENT: Randy Brinlee, Director of Development; Tim McDaniel, Planner; Yervand Hmayakyan, City Engineer; Joe Tucker, Assistant City Engineer; Sammy Quiroz, Building Official; Robert Carroll, Senior Assistant City Attorney; and Anne Roney, Secretary.

The minutes of the November 7, 2019 Planning and Zoning Commission meeting were approved, motion for approval being made by Member Peacock, seconded by Member Coots, with the vote being a unanimous "aye".

Member Peacock stepped down from the Commission at this time. A quorum still being present, Acting Chairman Rector continued with the following:

CASE FILE NO. 2019-30-SUP (approved with conditions 2-1)

Open a public hearing to consider approval of the request by New Dawn Fellowship, owner, Roger Wells, optionee, for a specific use permit to allow a repair garage use in a Retail (R) zoning district on Lots 1-2, Block 7, Grandview Subdivision (2101 E 9th St.)

Mr. McDaniel gave the following presentation: There were 11 notices sent to surrounding property owners with no notices returned, 1 written protests and no written approvals.

The property involved in this request is located at 2101 E. 9th St. The site is zoned Retail (R) and is currently vacant. Land use in the general area consists of residential and apartment development to the north and east, and retail/commercial development to the south and west.

The applicant is New Dawn Fellowship, owner, Roger Wells, optionee, and the purpose of the request is to consider approval of a specific use permit to allow a repair garage use in a Retail (R) zoning district. The area of protest within the area of notification is approximately 21%, which will require $\frac{3}{4}$ approval vote by the City Council.

A site plan has been prepared indicating the location of a proposed 6,400 sq. ft. commercial use structure to function as a repair shop and office. No additional structures are proposed for this development. The building setbacks and lot coverage (31%) meet ordinance requirements.

Should the Commission choose to approve the specific use permit request, in order to minimize any possible impact to nearby properties, the staff would recommend adoption of the following conditions:

1. Uses limited to vehicle prep and light repair.
2. All wrecked or dismantled vehicles need to be stored inside the building or in a storage yard area enclosed by a solid screening fence (minimum 7 ft. height)
3. Hours of operation limited to 7:00 A.M. – 7:00 P.M.

4. Seven ft. (7') solid screening fence is required adjacent to the North Property line.
5. The required parking needs to be striped.
6. Any signs need to meet zoning ordinance requirements and landscaping needs to meet ordinance requirements.
7. Adoption of the site plan.
8. Review of the permit upon receiving neighborhood complaints. This is a temporary permit and the City Council shall have the right of termination for violation of the terms and conditions of the permit or because of the negative effect of the use on the neighborhood after a public hearing.

Mr. Bryd asked if the 7' screening fence was for the north side only. Mr. McDaniel stated the fence is recommended for the north side, however if any cars are parked outside the staff is requesting that area to be enclosed. Mr. Rector asked if the fence could be taller. Mr. Brinlee stated the maximum height for a fence is 8' so if necessary the firefighters can get over the fence. There being no further questions for City Staff, Acting Chairman Rector opened the public hearing.

Mr. Greg Walden, owner of the apartments to the north, approached the lectern. They have invested a lot for renovations in the past years. The 8' fence would not screen the sound from the apartments. These apartment provide housing for low income tenants. There are also tenants who do shift work and sleep during the day. He was concerned with the noise that would be generated with the proposed use.

Mr. Roger Wells, agent for this request, approached the lectern. The proposed use will be behind an 8' cinder block fence. The sound from the proposed use will be minimal. The doors will be on the south side of the building and there will be no vehicles parked outside the building. The proposed use of the building will be to remove the parts from the cars and then to install the parts once they have been repaired. He felt Mr. Walden was speaking for himself and not for the tenants.

Mr. McDaniel stated the percentage of protest is based on the property owners and not the number of tenants. The ownership of the property determines the protest area. Mr. Walden pointed out the apartments are 2-story structures and an 8' fence will not block the view from the tenants.

Mr. Brian Prentice with Quality Body Shop approached the lectern. He indicated the property they own and where the vehicles will be stored. The building will have two bays and anything that is done will be inside the building. Mr. Rector asked if the cars will also be repaired where the parts are removed. Mr. Prentice stated they will have a paint booth in the proposed area which will not make any noise. They open at 7:30 a.m. and close at 6:00 p.m. They also want to build a wash bay in this proposed location. Mr. Rector asked if they will have fork lifts, being told the cars will be moved by hand.

Mr. Bradley Howell, 2012 E. 10th St., approached the lectern. His concern is they do not know what the property will look in the future. Where will the water go from the proposed car wash? He has seen some of the tenants of the neighboring apartments. There are fire fighters and police officers.

Mr. Wells stated the apartments are 2-story and there is no way to completely block the view. The proposed cinder-block fence is soundproofed and will block any noise. There will be no doors on the north side of the building. All the water from the proposed car wash bay will drain into the city sewer. There is currently no fence along the north side of their property. They will be placing a fence along the south side of the alley on their property, and there is currently a fence along the property line of the apartments. Mr. Rector asked if their entrance would be off of 9th Street, being told that was correct. Mr. Rector then asked if the fence would be on the north side of their property. Mr. Wells stated they will also place a fence along the east side of the property. He thought that a fence to the west side of their property would be a detriment to the property owners to

their west. Mr. Rector asked what happens to the parts that are dismantled from the cars. Mr. Prentice stated they have a fence in area they stack the parts and they are taken to the City dump for disposal. They do not park cars along 9th Street. The cars that are parked along 9th Street are people doing business with Carl's Meat Shop. There being no further questions or comments, Acting Chairman Rector closed the public hearing.

Mr. Byrd asked if this was a permit for a temporary specific use permit. Mr. Brinlee stated specific use permits are considered a temporary permits. IF the conditions are not complied with or if it is determined the use is detrimental to the area the City Council can revisit the request. It would be a public hearing to reconsider the request.

Member Byrd moved the specific use permit be approved with the following conditions:

1. Uses limited to vehicle prep and light repair.
2. All wrecked or dismantled vehicles need to be stored inside the building or in a storage yard area enclosed by a solid screening fence (minimum 7 ft. height).
3. Hours of operation limited to 7:00 A.M. – 7:00 P.M.
4. Seven ft. (7') solid screening fence is required adjacent to the North Property line.
5. The required parking needs to be striped.
6. Any signs need to meet zoning ordinance requirements and landscaping needs to meet ordinance requirements.
7. Adoption of the site plan.
8. Review of the permit upon receiving neighborhood complaints. This is a temporary permit and the City Council shall have the right of termination for violation of the terms and conditions of the permit or because of the negative effect of the use on the neighborhood after a public hearing.

Member Coots seconded the motion, with the vote as follows: Members Byrd and Coots – "aye"; Member Rector – "nay". Chairman Rector noted the vote for approval was 2-1.

Member Peacock rejoined the Commission at this time.

CASE FILE NO. 2019-31-Z (denied)

Open a public hearing to consider approval of the request by Mary Daramola, owner, for rezone from Single Family-Three (SF-3) to Neighborhood Services (NS) on an approximately 0.1607 acre tract out of Lot 1, Block 14, Crestview, City of Odessa, Ector County, Texas (Southwest of the intersection of W 8th St. and N Lauderdale Ave.)

Mr. McDaniel gave the following presentation: There were 21 notices mailed to surrounding property owners, with 1 notices returned, 1 written protest and no written approval.

The property involved in this request is located southwest of the intersection of W. 8th St. and N. Lauderdale Ave. The site is currently zoned Single-Family-Three (SF-3) and is vacant. Land use in the general area consists of residential development.

The applicant is Mary Daramola, owner, and the purpose of the rezoning request to Neighborhood Services (NS) is to facilitate a coin-operated laundromat 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 rezoning is not contrary to the established single family residential uses in the general area. Also, the request does not conflict with the land use plan of the City of Odessa's Comprehensive Plan (residential development and related support services use).

Accessibility: This property is located at the intersection of a major street (W. 8th St. and Lauderdale Ave.) that is conducive to the zoning and use requested. However, the lot area of the property involved in the request (approximately 7,000 sq. ft.) is not adequate related to development standards related to building setbacks and parking requirements for the requested use.

Reasonableness: This site is an appropriate location for this type of use and zoning. However, the property is platted for intended residential use and additional lot area is needed to accommodate required development standards for non-residential development.

Based on the preceding analysis, Staff cannot support the requested rezoning based on insufficient lot area needed for Neighborhood Service related uses development standards.

There being no questions for City Staff, Acting Chairman Rector opened the public hearing.

Ms. Mary Daramola, applicant, approached the lectern. She stated she would like to build a coin-operated laundromat on this site. Mr. Bryd stated the Planning Staff indicated there was not enough parking for the proposed use. Ms. Daramola stated they have seen other laundromats that had less room for parking than this location. She mentioned the laundromat at University and Kay Street that did not have room for parking. Mr. Rector asked what the proposed square footage of the building was going to be. Ms. Daramola stated the proposed square footage was 60' x 30' with the frontage being on Lauderdale. Mr. McDaniel stated the laundromat that was mentioned the off-street parking comes into the right-of-way and is legal-nonconforming. Traffic can no longer back into the street.

Mr. Alex Garcia approached the lectern. He stated they would be able to access the lot and have the room for 10 parking spaces without backing into Lauderdale. The proposed building will be small and he felt the parking could be provided. Mr. Peacock asked how many parking spaces would be required, being told 9 spaces. The minimum drive aisle is 20', however fire apparatus required 24'. Mr. Peacock asked if the applicant was made aware of the concerns of the staff. Mr. McDaniel stated they tried to reach out to the applicant but could not get a response. There being no further questions or comments, Acting Chairman Rector closed the public hearing.

Member Peacock moved the rezone request be denied. Member Byrd seconded the motion, with the vote being a unanimous "aye".

Mr. Peacock suggested the applicant meet with City Staff and see what could be worked out. Mr. Byrd agreed the staff could guide her in developing the property.

CASE FILE NO. 2019-122-P (approved)

Consider approval of the short form plat of Parks Bell Ranch North, 6th Filing, being a 23.43 acre tract in Section 45, Block 41, T-1-S, T&P Ry. Co. Survey, City of Odessa, Ector County, Texas. (on the southeast corner of Yukon Road and Kate Reed Dr.)

Mr. McDaniel gave the following presentation: The property involved in this request is on the southeast corner of Yukon Road and Kate Reed Dr. The site is designated Future Development (FD) with a pending request for Special Dwelling District (SPD) and is vacant. Land use in the general area consists of single-family residential development and vacant land.

The applicant is 2012 Cross B, LLC, owner, LCA, consultant, and the purpose of the request is to create one (1) lot for educational development purposes (charter school).

A platting conference was held November 12, 2019 with the applicant's consultant and city staff present.

Staff Comments:

- Ownership certificates and original tax certificates needed prior to filing the plat.
- A blanket refuse collection easement is noted on the plat.
- Building setback lines need to be noted on the plat.
- Water and sewer are available. No pro rata is due.
- Drainage letter has been submitted. This tract is not in a special flood hazard area.
- Lot and Block numbers should be consecutive with previous filings.
- Plat boundaries should not include previously dedicated rights-of-way.
- Pipeline associated with the plat needs to be noted and dimensioned on the plat.
- 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.

This plat is ready for Commission approval as noted above.

There being no questions for City Staff, Member Peacock moved the short form plat be approved as presented. Member Coats seconded the motion, with the vote being a unanimous "aye".

CASE FILE NO. 2019-123-P (ETJ) (approved with conditions)

Consider approval of the preliminary plat of Motley's Subdivision, being a 29.15 acre tract located in Section 42, Block 42, T-2-S, T&P Ry. Co. Survey, Ector County, Texas (northwest of the intersection of S. Crane Ave. and U.S. Hwy 385)

Mr. McDaniel gave the following presentation: The property involved in this request is on the northwest of the intersection of S. Crane Ave. and U.S. Hwy. 385. The site is outside of the city limits, has no zoning designation, and is located in the City of Odessa ETJ. The site is vacant land. Land use in the general area consists of industrial development and vacant land.

The applicant is Motley Capital, LLC, owner, LCA, consultant, and the purpose of the preliminary plat is to create 9 lots (1.69 ac.-7.15 ac.) for ownership purposes.

A platting conference was held November 12, 2019 with the applicant's consultant and city staff present.

Staff Comments:

- Ownership certificates and original tax certificates needed 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 is available for extension at developer's expense, if developer requests annexation.

- Drainage report has been submitted. This tract is not in a special flood hazard area. Each lot will be required to provide on-site detention.
- Submit paving plans for Motley Drive.
- An improvements agreement will be required if annexation is requested.

Commission action is requested on the following items:

1. Street needs to follow county naming conventions. (W. Motley's Dr.) (Planning)
2. The subdivision ordinance caps the distance of a cul-de-sac at 600'. Turnarounds need to be provided along Motley's Drive to keep that interval. (Planning/Public Works)

Mr. Byrd mentioned the turnaround. Does this mean it is before the end of the street. Mr. McDaniel stated a turnaround is not a full cul-de-sac but allows fire apparatus easier access and exit from the properties. Mr. Bryd then asked if there was an easement down the middle of the lots. Mr. McDaniel confirmed it was a TESCO easement.

Member Coats moved the preliminary plat be approved with the following conditions:

1. Street needs to follow county naming conventions. (W. Motley's Dr.)
2. The subdivision ordinance caps the distance of a cul-de-sac at 600'. Turnarounds need to be provided along Motley's Drive to keep that interval.

Member Byrd seconded the motion, with the vote being a unanimous "aye".

CASE FILE NO. 2019-124-P (ETJ) (approved with conditions)

Open a public hearing to consider approval of the replat of Lots 2 & 3 and Well Site No. 4, Block 1, Western Industrial Site, Odessa, Ector County Texas. (Southeast of the intersection of W 42nd St. and N FM 1936.)

Mr. McDaniel gave the following presentation: The property involved in this replat request is located southeast of the intersection of W. 42nd St. and N. FM 1936. The site is located in the City of Odessa Extra-Territorial Jurisdiction (ETJ), does not have a zoning designation and is currently occupied by vacant land. Land use in the general area consists of commercial development and vacant land.

The applicants are Sphere Industrial Properties Ltd., Co., owner, and John Cowan & Associates, Inc., agent and the purpose of the replat is to create a lot for ownership purposes.

Comments related to the request were discussed with the applicant's consultant November 12, 2019.

Staff Comments:

- Original tax certificates are needed prior to filing the plat.
- Title of the plat needs to read as a Replat of Lots 2, 3, Well Site No. 4 & 0.1144 ac. of alley row, Blk. 1, Western Industrial Sites Subdivision.
- Property needs to be identified as Lot 8, Blk. 1.
- Documentation of intent to abandon alley by Ector Co. has been provided.
- This tract is outside the City limits and is in the ETJ.
- Water is available thru ECUD.
- The alley needs to be vacated by a separate instrument.

-- Result of plat would be two dead end alleys.

Commission action is requested on the following items:

1. Dedicate 40th Street through to FM 1936. (Public Works)
2. Only 1 access point will be allowed to FM 1936 due to the current Access Management Standards spacing requirements for this roadway. (TXDOT)

Mr. McDaniel stated the Staff did receive and amended plat that indicated 40th Street going through. They are using a part of the alley and a portion of the well site for right-of-way.

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

1. Dedicate 40th Street through to FM 1936.
2. Only 1 access point will be allowed to FM 1936 due to the current Access Management Standards spacing requirements for this roadway.

Member Peacock seconded the motion, with the vote being a unanimous "aye".

There being no further business to come before the Commission, the meeting was adjourned at 2:11 p.m.

Anne Roney, Secretary, placed the minutes in the Minute Book on November 21, 2019.

Jim Rector, Acting Chairman

AGENDA

PLANNING AND ZONING COMMISSION

COUNCIL CHAMBER

DECEMBER 5, 2019

1:30 P.M.

1. CASE FILE NO. 2019-32-Z
Open a public hearing to consider approval of the request by Roger F. Clayton, owner, for original zoning of Light Industrial (LI) on Lots 8, 9, and 10, Block 2, Dovecote Industrial Park (northwest of the intersection of S. Meadow Ave. and Production St.)
2. CASE FILE NO. 2019-126-P
Open a public hearing to consider approval of Leeco Industrial, 21st Filing, being a replat of Lot 1, Block 14, Leeco Industrial, 16th Filing, and Lot 4, Block 14, Leeco Industrial, 18th Filing, City of Odessa, Midland County, Texas (southeast of the intersection of Faudree Road and Interstate 20)
3. CASE FILE NO. 2019-127-P(ETJ)
Open a public hearing to consider approval of the replat of Lots 1 and 2, the west 92 feet of Lot 3, the east 0.59 ac. of Lot 3, the west 170 feet of Lot 4, the west 64 feet of Lot 16, Lots 17 and 18, all in Block 13, Western Plains Subdivision (northeast of the intersection of Rasco and 42nd St.)
4. CASE FILE NO. 2019-62-P
Consider approval of the final plat of Mardi Gras Estates, 3rd Filing, being a 29.46 acre tract located in Section 38, Block 42, T-1-S, T&P Ry. Co., Odessa, Ector County, Texas (northeast of the intersection of Evans Blvd. and 87th St.)
5. CASE FILE NO. 2019-39-P(ETJ)
Consider approval of the final plat of PHX Permian Park, being approximately 150.252 ac. tract in Sections 23 and 24, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (south of the intersection of IH-20 and SCR 1300)
6. Other business
7. Adjourn

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

MEMBERS PRESENT: Steve Tercero, Vice Chairman
Lennerd Byrd
Renee Earls
Jim Rector

MEMBERS ABSENT: Connie Coots
Jimmy Peacock
Gary Sims

OTHERS PRESENT: Randy Brinlee, Director of Development; Tim McDaniel, Planner; Maria Prieto, Planning Tech; Joe Tucker, Assistant City Engineer; Gary Ownes, Assistant Building Official; Robert Carroll, Senior Assistant City Attorney; and Anne Roney, Secretary.

CASE FILE NO. 2019-32-Z (approved)

Open a public hearing to consider approval of the request by Roger F. Clayton, owner, for original zoning of Light Industrial (LI) on Lots 8, 9, and 10, Block 2, Dovecote Industrial Park (northwest of the intersection of S. Meadow Ave. and Production St.)

Ms. Prieto gave the following presentation: There were 7 notices mailed to surrounding property owners, with no notices returned, no written protests and no written approvals.

The property involved in this request is located northwest of the intersection of S. Meadow Ave. and Production St. The site is currently designated Future Development (FD) and is occupied by commercial/industrial use development (Desert Paving). Land uses in the area consist of industrial development and vacant land.

The applicant is Roger Clayton, owner, and the purpose of the original zoning request of Light Industrial (LI) is to facilitate expansion of the existing use 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 original zoning 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 existing development and proposed future development in the area will be similar industrial type uses.

Reasonableness: The proposed zoning district would be consistent with surrounding zoning districts in the area, and the existing development is an allowed use in this zoning district.

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

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

Member Rector moved the zoning be approved to Light Industrial (LI). Member Byrd seconded the motion, with the vote being a unanimous "aye".

CASE FILE NO. 2019-126-P (approved)

Open a public hearing to consider approval of Leeco Industrial, 21st Filing, being a replat of Lot 1, Block 14, Leeco Industrial, 16th Filing, and Lot 4, Block 14, Leeco Industrial, 18th Filing, City of Odessa, Midland County, Texas (southeast of the intersection of Faudree Road and Interstate 20)

Mr. McDaniel gave the following presentation: The property involved in this request is southeast of the intersection of Faudree Road and Interstate 20. The site is designated Planned Development-Light Industrial (PD-LI) and is vacant. Land use in the general area consists of industrial development and vacant land.

The applicant is Monomoy Properties, LLC, owner, LCA, consultant, and the purpose of the request is to create one (1) lot for industrial development and ownership purposes.

Comments were sent to the developer and the consultant for review on November 25, 2019.

Staff Comments:

- Ownership certificates and original tax certificates needed prior to filing the plat.
- A blanket refuse collection easement is noted on the plat.
- Previous lot identification is not needed on the plat.
- Water is available. Sewer may be extended. No pro rata is due.
- Drainage letter needs to be submitted specific to this replat (basin and channel excavation). This tract is not in a special flood hazard area.
- The civil plans of the building construction set should include excavation plans.
- An Improvements Agreement will be required for excavation.
- A blanket refuse collection easement 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.

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

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

CASE FILE NO. 2019-127-P(ETJ) (approved)

Open a public hearing to consider approval of the replat of Lots 1 and 2, the west 92 feet of Lot 3, the east 0.59 ac. of Lot 3, the west 170 feet of Lot 4, the west 64 feet of Lot 16, Lots 17 and 18, all in Block 13, Western Plains Subdivision (northeast of the intersection of Rasco and 42nd St.)

Mr. McDaniel gave the following presentation: The property involved in this request is northeast of the intersection of Rasco and 42nd St. The site is outside of the City limits, has no zoning designation, and is in the City of Odessa ETJ. The site is occupied by industrial and related development. Land use in the area consists of industrial development.

The applicant is Lone Star I and E Corporation, owner, SW Howell, consultant, and the purpose of the request is to create three (3) lots for industrial development and ownership purposes.

Comments were sent to the developer and the consultant for review on November 25, 2019.

Staff Comments:

- Original tax certificates needed prior to filing the plat.
- The remainder of lots 3, 4, and 16 should be included if possible.
- Signature block for "Director of Planning" should now read "Director of Development."
- This tract is outside the City limits and is in the ETJ
- City water is available with annexation. 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.
- A CRMWD pipeline is located in the 42nd St. ROW. Any improvements in this area that may impact the pipeline should be coordinated with the District and CRMWD requests a copy of any proposed construction plans for improvements near the pipeline be provided for review.

The plat is ready for approval as noted above.

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

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

CASE FILE NO. 2019-62-P (approved)

Consider approval of the final plat of Mardi Gras Estates, 3rd Filing, being a 29.46 acre tract located in Section 38, Block 42, T-1-S, T&P Ry. Co., Odessa, Ector County, Texas (northeast of the intersection of Evans Blvd. and 87th St.)

Mr. McDaniel gave the following presentation: The property involved in this request is located northeast of the intersection of Evans Blvd. and 87th St. The site is zoned Special Dwelling District (SPD) and is currently vacant. Land use in the general area consists of single-family residential development and vacant land.

The applicant is Jack N Mousa, LTD, owner, LCA, consultant, and the purpose of the plat is to create approx. 170 lots for ownership purposes.

The preliminary plat was approved on October 17th, 2019 with the following conditions:

1. Add a note to the plat: No direct access to Evans Boulevard from Lot 25, Block 5. (Public Works)
2. Plat needs to show the west side of Evans Blvd, for alignment with the existing side streets. (Public Works)

These conditions have been met, and the final plat is ready for approval.

There being no questions for City Staff, Member Earls moved the final plat be approved as presented. Member Rector seconded the motion, with the vote being a unanimous "aye".

CASE FILE NO. 2019-39-P(ETJ) (approved)

Consider approval of the final plat of PHX Permian Park, being approximately 150.252 ac. tract in Sections 23 and 24, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (south of the intersection of IH-20 and SCR 1300)

Mr. McDaniel gave the following presentation: The property involved in this request is located south of the intersection of IH-20 and SCR 1300. The site is within the City of Odessa Extra-Territorial Jurisdiction (ETJ), does not have a zoning designation and is currently vacant. Development in the area consists of industrial development and vacant land.

The applicant is PHX Permian Park 20, LLC, owner, and the purpose of the plat is to create twenty (20) lots to facilitate industrial development and related uses on the property.

The Planning and Zoning Commission gave preliminary approval of this plat on May 16th, 2019 with the following conditions:

1. Add 30' utility easement along North property line. (Public Works)
2. Designate shared drive access points along TxDOT right-of-way. Add a note to the plat that access is allowed at designated access points only. (Public Works, TXDOT)
3. Line up proposed Cameron Drive with CR1300 to work with proposed grade separation (Public Works, TXDOT)
4. Road naming needs to follow Midland County naming conventions. Proposed Cameron Drive should be named S County Road 1300, Proposed Phoenix Boulevard should be named W County Road 135, and Proposed Black Gold Drive should be named S County Road 1302. (Midland County 911)

These conditions have been met and the final plat is ready for Commission approval.

Mr. Rector asked if the plat was 144 acres or 150 acres, being told 150 acres is correct.

Member Rector moved the final plat be approved as presented. Member Byrd seconded the motion, with the vote being a unanimous "aye".

There being no further business to come before the Commission, the meeting was adjourned at 1:42 p.m.

Anne Roney, Secretary, placed the minutes in the Minute Book on December 5, 2019.

Steve Tercero, Vice Chairman

AGENDA

PLANNING AND ZONING COMMISSION

COUNCIL CHAMBER

DECEMBER 19, 2019

1:30 P.M.

1. CASE FILE 2019-128-SP
Consider approval of the request of Temple Baptist Church, owner, Maverick Engineering, consultant, for site plan approval of a multi-family residential apartment project (323 units), proposed Lot 5, Block 1, Mesquite Crossing, 2nd Filing (northeast of the intersection Billy Hext Rd. and State Hwy. 191.)
2. CASE FILE NO. 2019-57-P
Consider approval of the final plat of Desert Ridge 2nd Filing, Phase 4, being a 64.46 acre tract located 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.)
3. CASE FILE NO. 2018-01-P
Consider approval of the final plat of Homestead at Parks Bell Ranch 4th Filing, Phase 4, being approximately a 23.28 acre tract in Section 46, Block 41, T-1-S, T&P RR. Co. Survey, Ector County, Texas (northeast of the intersection of Aaron Parker Rd. and proposed extension of P Bar Ranch Rd.)
4. Other business
5. Adjourn

Be it said and remembered that at 1:30 p.m. on the 19th day of December, 2019, there came on and was held a Planning and Zoning Commission meeting in the Council Chamber, 5th Floor, 411 W. 8th Street, Odessa, Texas.

MEMBERS PRESENT: Steve Tercero, Vice Chairman
Lennerd Byrd
Connie Coots
Renee Earls
Jimmy Peacock
Jim Rector

MEMBERS ABSENT: Gary Sims

OTHERS PRESENT: Randy Brinlee, Director of Development; Tim McDaniel, Planner; Maria Prieto, Planning Tech; Joe Tucker, Assistant City Engineer; Robert Carrell, Senior Assistant City Attorney; and Anne Roney, Secretary.

CASE FILE 2019-128-SP (approved with conditions)

Consider approval of the request of Temple Baptist Church, owner, Maverick Engineering, consultant, for site plan approval of a multi-family residential apartment project (323 units), proposed Lot 5, Block 1, Mesquite Crossing, 2nd Filing (northeast of the intersection Billy Hext Rd. and State Hwy. 191.)

Ms. Prieto gave the following presentation: The property involved in this request is located northeast of the intersection of Billy Hext Rd. and State Hwy. 191. The site is zoned Multi-Family-One (MF-1) and is currently vacant.

The applicant is Temple Baptist Church, owner, Maverick Engineering, consultant, and the purpose of the site plan approval request is to facilitate development of a 323 unit apartment project on the property.

A development conference was held December 10th, 2019 with the applicant's consultant and city staff present.

Staff Comments:

- The site plan has been submitted indicating the development of an apartment complex on the site with 14 multi-family buildings w/ 323 units. A dog park, clubhouse, sports courtyard and a pool are provided along with other amenities.
- The building setbacks, separations, parking, and height all meet ordinance requirements.
- A total of 622 parking spaces are provided, with 600 required.
- Buildings need to be dimensioned.
- Parking and setback requirements are met.
- Amenities for this property include covered parking, and garages for tenants.
- All lighting for this development needs to be designed so that no light will bleed over to adjacent properties.
- All signage for the site must meet ordinance requirements. Permits are required for all signage.
- Water and sewer are available for extension. No pro-rata is due.
- An Improvements Agreement will be required.
- Adjust refuse collection locations. Locations need to be accessible for side load pick up or compactor.

- Provide sidewalk along Estancia Blvd.
- Extend curb & gutter along 191 frontage road for the entire frontage.
- The proposed storm water routing into Common Area A (detention basin) is not addressed.
- TXDOT comments related to access and Hwy 191 need to be addressed and worked out prior to development.

Commission action is requested on the following:

1. Adoption of the site plan.

There being no questions for City Staff, Member Peacock moved the site plan be approved with the following condition:

1. Adoption of the site plan.

Member Coots seconded the motion, with the vote being a unanimous "aye".

CASE FILE NO. 2019-57-P (approved)

Consider approval of the final plat of Desert Ridge 2nd Filing, Phase 4, being a 64.46 acre tract located 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: The property involved in this request is located northeast of the intersection of Dawn Ave and Boise Dr. The site is zoned Special Dwelling District (SPD) and is currently vacant. Land use in the area consists of single-family residential development and vacant land.

The applicant is Leeco Properties, owner, LCA, consultant, and the purpose of the final plat is to create approx. 360 lots for ownership purposes.

The Planning and Zoning Commission approved the preliminary plat on July 18th, 2019 with the following condition:

1. Plat one half of 61st Street right of way. (Public Works)

This condition has been met and the final plat is ready for approval.

There being no questions for City Staff, Member Coots moved the final plat be approved as presented. Member Earls seconded the motion, with the vote being a unanimous "aye".

CASE FILE NO. 2018-01-P (approved)

Consider approval of the final plat of Homestead at Parks Bell Ranch 4th Filing, Phase 4, being approximately a 23.28 acre tract in Section 46, Block 41, T-1-S, T&P RR. Co. Survey, Ector County, Texas (northeast of the intersection of Aaron Parker Rd. and proposed extension of P Bar Ranch Rd.)

Mr. McDaniel gave the following presentation: The property involved in this request is located northeast of the intersection of Kate Reed Dr. and proposed extension of P Bar Ranch Rd. The site is zoned Special Dwelling District (SPD) (approx. 15.9 acres) and Special Dwelling District-Surface Drainage (SPD-SD) (approx. 6.2 acres) and is vacant. The property is surrounded by vacant land.

The applicant is DR Horton, owner, and the purpose of the request is to facilitate development of 60 single-family residential lots (ave. 7,500 sq. ft./lot) and one (1) surface drainage basin (approx. 6.2 acres) and for ownership purposes.

The Planning and Zoning Commission gave preliminary approval to Phase 1 on February 1, 2018 with the following condition:

1. Gage Ranch Rd. is similar in name to Gage Ave. Recommendation is for consideration to be given for new street names to avoid potential confusion for emergency response teams.

This condition has been met and the final plat is ready for approval.

Mr. Rector asked if this was located east of the current development in this area and asked if it was the extension of Yukon Rd. Mr. McDaniel confirmed the location of this property and noted it is located south of the proposed extension of Yukon. Yukon will intersect Hwy. 191 further east. Mr. Rector then asked if Capstone Road would be the only access into this area, being told that was correct. Mr. Tercero asked about the surface drainage Mr. Brinlee indicated where the drainage would flow. Mr. McDaniel stated in one of the other development phases for this subdivision the drainage channel is indicated. Mr. Peacock stated one of the lots appears to be in Ector and Midland County, with Mr. Tucker stating that was correct.

Member Peacock moved the final plat be approved as presented. Member Byrd seconded the motion, with the vote being a unanimous "aye".

There being no further business to come before the Commission, the meeting was adjourned at 1:38 p.m.

Anne Roney, Secretary, placed the minutes in the Minute Book on December 19, 2019.

Steve Tercero, Vice Chairman

AGENDA
PLANNING AND ZONING COMMISSION
COUNCIL CHAMBER
JANUARY 2, 2020

1:30 P.M.

1. CASE FILE NO. 2020-01-Z
Open a public hearing to consider approval of the request by Betenbough Homes, owner, for rezoning from Retail (R) to Special Dwelling District (SPD) on an approx. 8.19 acre tract in Section 35, Block 42, T-1-S, T&P Ry. Co. Survey, Odessa, Ector County, Texas (northwest of the intersection of Loop 338 and 87th St.)
2. CASE FILE NO. 2020-02-Z
Open a public hearing to consider approval of the request by Marcos Roman and Edwards Perez, owners, SW Howell, agent, for original zoning of Light Commercial (LC) on an approx. 3.5 acre tract in Section 45, Block 42, T-2-S, T&P Ry. Co. Survey, Odessa, Ector County, Texas (south of the intersection of U.S. Hwy 385 and Crane Ave.)
3. CASE FILE NO. 2020-03-P
Consider preliminary plat approval of Las Americas Industrial Park, being an approx. 10 ac. tract in Section 45, Block 42, T-2-S, T&P Ry. Co. Survey, City of Odessa, Ector County, Texas (south of the intersection of U.S. Hwy 385 and Crane Ave.)
4. CASE FILE NO. 2020-01-P
Open a public hearing to consider approval of the replat of Lots 24-26, Block 9, Old Course Estates, 3rd Filing (east of the intersection of Turnberry Ln. and Tom Morris Rd.)
5. CASE FILE NO. 2020-02-P
Open a public hearing to consider approval of Tesco Addition, 3rd Filing, being a replat of the remainder of Lots 1 & 2, Block 1, Tesco Addition (southeast of the intersection of S County Rd West and W. Murphy St.)
6. Other business
7. Adjourn

Be it said and remembered that at 1:30 p.m. on the 2nd day of January, 2020, there came on and was held a Planning and Zoning Commission meeting in the Council Chamber, 5th Floor, 411 W. 8th Street, Odessa, Texas.

MEMBERS PRESENT: Gary Sims, Chairman
Lennerd Byrd
Connie Coots
Renee Earls
Jimmy Peacock
Steve Tercero

MEMBERS ABSENT: Jim Rector

OTHERS PRESENT: Randy Brinlee, Director of Development; Tim McDaniel, Planner; Maria Prieto, Planning Tech; Yervand Hmayakyan, City Engineer; Joe Tucker, Assistant City Engineer; Dan Jones, Senior Assistant City Attorney; and Anne Roney, Secretary.

It was noted the first item on the agenda, Case file No. 2020-01-Z, was postponed.

CASE FILE NO. 2020-02-Z (approved)

Open a public hearing to consider approval of the request by Marcos Roman and Edwards Perez, owners, SW Howell, agent, for original zoning of Light Commercial (LC) on an approx. 3.5 acre tract in Section 45, Block 42, T-2-S, T&P Ry. Co. Survey, Odessa, Ector County, Texas (south of the intersection of U.S. Hwy 385 and Crane Ave.)

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

The property involved in this request is south of the intersection of U.S. Hwy 385 and Crane Ave. The site is currently designated Future Development (FD), is vacant, and has a plat application pending. Land use in the general area consists of commercial/industrial uses and vacant land.

The applicants are Marcos Roman and Edwards Perez, owners, SW Howell, agent, and the purpose of the original zoning request of Light Commercial (LC) is to facilitate the development of commercial use 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:

Consistency: The U.S. Hwy 385 Corridor has been designated as an entrance corridor to the city. A Light Commercial (LC) designation would not be out of character with said corridor, and would fall in line with surrounding zoning classifications.

Accessibility: This tract will have a private road to access rear portions of the property both inside and outside of city limits.

Reasonableness: A commercial/industrial park is not out of character with the neighborhood. A Light Commercial (LC) designation will keep the portion of this plat that falls within the City Limits to a standard that is more welcoming to incoming visitors and in line with appropriate land uses of an entrance corridor.

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

Mr. McDaniel mentioned the plat for this request is located within the city limits of Odessa and in Odessa's Extra-Territorial Jurisdiction (ETJ).

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

Member Peacock moved the original zoning request be approved to Light Commercial (LC). Member Tercero seconded the motion, with the vote being a unanimous "aye".

CASE FILE NO. 2020-03-P (approved with conditions)

Consider preliminary plat approval of Las Americas Industrial Park, being an approx. 10 ac. tract in Section 45, Block 42, T-2-S, T&P Ry. Co. Survey, City of Odessa, Ector County, Texas (south of the intersection of U.S. Hwy 385 and Crane Ave.)

Mr. McDaniel gave the following presentation: The property involved in this request is located south of the intersection of U.S. Hwy 385 and Crane Ave. The portion of the site inside the city limits is currently designated Future Development (FD) with a pending application for original zoning of Light Commercial (LC). The portion of the site outside the city limits is in the City's ETJ and has no zoning designation. The site is vacant. Land use in the area consists of industrial/commercial development and vacant land.

The applicants are Marcos Roman and Edwards Perez, owners, SW Howell, consultant, and the purpose of this preliminary plat is to create five (5) lots for commercial/industrial use development and ownership purposes.

Comments were sent to the consultant for review on December 23rd, 2019.

Staff Comments:

- Original tax certificates needed prior to filing the plat.
- A blanket refuse collection easement is needed on the plat.
- TESCO ROW/easement between proposed lots 2 and 3 needs to be worked out prior to filing the plat.
- This property is partially in the City limits and partially in the City ETJ
- Water and sewer are not available.
- Drainage report has been submitted. This tract is not in an identified special flood hazard area. The report needs to be expanded to identify size and location of on-site detention for each lot.
- 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.

Commission action is requested on the following items:

1. The ROW for Mechanical Drive needs to be 50' with a 100' cul-de-sac on the south end of the road. (Ector County Public Works/Planning)
2. Access will need to be paved for fire apparatus accessibility and to meet parking requirements for property in the city limits. (Planning/City of Odessa Public Works)
3. Turnarounds need to be provided every 600 ft. along access. (Planning)
4. Mechanical Drive needs to connect to U.S. 385 at a right angle. (City of Odessa Public Works)

Member Tercero moved the preliminary plat be approved with the following conditions:

1. The ROW for Mechanical Drive needs to be 50' with a 100' cul-de-sac on the south end of the road.

2. Access will need to be paved for fire apparatus accessibility and to meet parking requirements for property in the city limits.
3. Turnarounds need to be provided every 600 ft. along access.
4. Mechanical Drive needs to connect to U.S. 385 at a right angle.

Member Peacock seconded the motion, with the vote being a unanimous "aye".

CASE FILE NO. 2020-01-P (approved)

Open a public hearing to consider approval of the replat of Lots 24-26, Block 9, Old Course Estates, 3rd Filing (east of the intersection of Turnberry Ln. and Tom Morris Rd.)

Mr. McDaniel gave the following presentation: The property involved in this replat request is located east of the intersection of Turnberry Ln. and Tom Morris Rd. and is currently zoned Planned Development Housing District (PD-H) and is occupied by residential housing and vacant land.

The applicants are Morrison Group, Inc. and Craig Winborn, Owners, and Newton Engineering, PC, Consultant and the purpose of the replat is to combine three (3) lots into two (2) lots for ownership purposes.

A platting conference was held December 23, 2019 with the applicant's consultant and city staff present.

Staff Comments:

- Original tax/ownership certificates are needed prior to filing the plat.
- Drainage report has been submitted.
- Water and sewer are available. No pro rata is due.
- Drainage letter has been submitted. This tract is not in an identified special flood hazard area.
- An Improvements Agreement will be required.
- Plans need to be submitted for the drainage improvements
- Include a signature block for the owner of Lot 24.
- 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 Commission approval as noted above.

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

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

CASE FILE NO. 2020-02-P (approved)

Open a public hearing to consider approval of Tesco Addition, 3rd Filing, being a replat of the remainder of Lots 1 & 2, Block 1, Tesco Addition (southeast of the intersection of S County Rd West and W. Murphy St.)

Ms. Prieto gave the following presentation: The property involved in this replat request is located southeast of the intersection of S. County Rd. West and W. Murphy St. The site is currently zoned Light Industrial (LI) and occupied by industrial development.

The applicant is Doud Land Company LLC., Owner, and Newton Engineering, PC, Consultant and the purpose of the replat is to combine parts of two (2) lots into one (1) lot for ownership purposes.

A platting conference was held December 23, 2019 with the applicant's consultant and city staff present.

Staff Comments:

- Original tax/ownership certificates are needed prior to filing the plat.
- Drainage report has been submitted.
- Water and sewer are available. No prorate 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.

The plat is ready for approval as noted above.

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

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

There being no further business to come before the Commission, the meeting was adjourned at 1:39 p.m.

Anne Roney, Secretary, placed the minutes in the Minute Book on January 2, 2020.

Gary Sims, Chairman

TO: PLANNING AND ZONING COMMISSION

FROM: RANDY BRINLEE, DIRECTOR OF PLANNING

SUBJECT: CASE FILE NO. 2020-01-AZ

APPLICANT: Tommy Pugh, owner
John Cowan and Associates, agent

REQUEST: Annexation and original zoning of Retail-One (R-1)

PROPERTY INVOLVED: An approx. 3 acre tract in Section 4, Block 41, T-2-S, T&P Ry. Co. Survey, Ector County, Texas (southeast of the intersection of Lagow Ln. and Faudree Rd.).

The property involved in this request is located southeast of the intersection of Lagow Ln. and Faudree Rd. Land use in the general area consists of commercial and residential use development and vacant land. The applicant and owner of this property is Tommy Pugh and the purpose of the annexation request is to incorporate approximately 3 acres into the City of Odessa.

The current area of the city limits is approximately 52 square miles. The total area of the site related to this request is approximately 3 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 Retail-One (R-1) is also being requested for the site. 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.

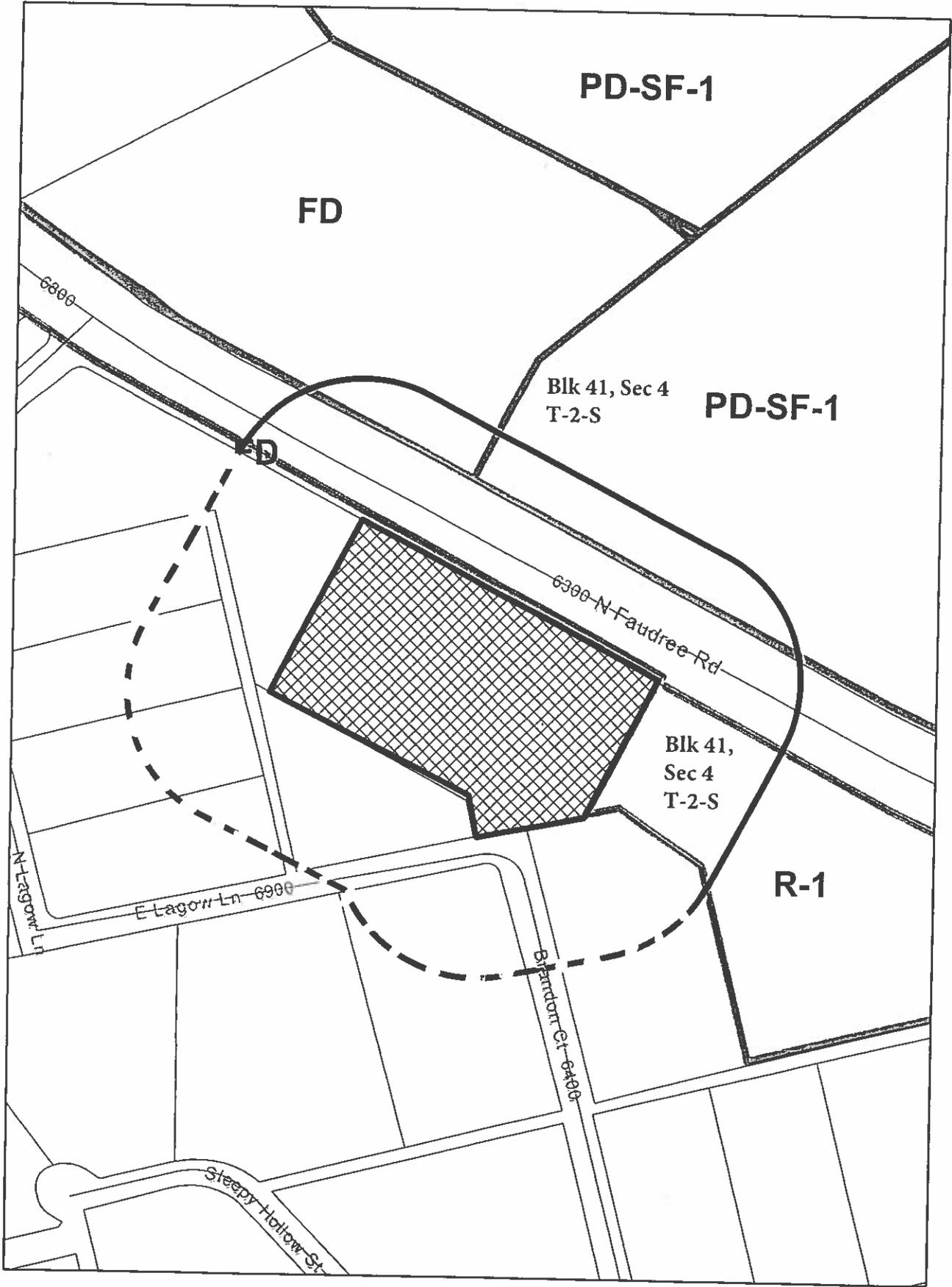
Based on the preceding analysis, the Planning Staff endorses the annexation requests and recommends approval of the original zoning request of Retail-One (R-1) for the property.

Information in order of inclusion:

Area location map for proposed annexation

Copy of service plan

List of uses allowed in a Retail-One (R-1) zoning district



1 inch = 200 feet

CITY OF ODESSA, TEXAS
ANNEXATION SERVICE PLAN
(Proposed)

AREA ANNEXED

Consider initiation of annexation to the City of Odessa of approximately total 3 acres of land adjacent to city limit lines throughout the city's extraterritorial jurisdiction in Ector County, Texas:

Approximately 3.0 acres of land located in Section 4, Block 41, T-2-S, T&P Ry. Co. Survey, Ector County, Texas (southeast of the intersection of Lagow Lane and Faudree Road);

All that certain lot, tract, or parcel of land, being part of the Texas and Pacific Railway Company, Section 4, Block 41, Township 2 South, Abstract No. 518 Ector County, Texas, and being part of that certain called 3.0 acres described in a deed from Pugh and DIAIS Joint Venture to Tommy Pugh on May 3, 2013, recorded in Document No. 2013-00008527 of the Official Public Records of Ector County, Texas, and being more completely described as follows, to-wit:

BEGINNING at a ½" iron rod (found, X: 1684612.55 Y: 10669606.03, TSPCS, NAD83, FIPS 4203) for the North corner of the above mentioned 3.0 acre tract, the East corner of the Louie Hoover 2.36 acre tract described in Document No. 2012-00013176, in the Southwest right of way Faudree Road;

THENCE South 62 deg 25 min. 15 sec. East with the Southwest right of way of Faudree Road, the Northeast line of the 3.0 acre tract, a distance of 475.66 ft to a ½" iron rod (found) for the East corner of same, the North corner of the Shihab Diais 4.4 acre tract described in Document No. 2013-00008528;

THENCE South 27 deg. 36 min. 29 sec. West with the Southeast line of the 3.0 acre tract, the Northwest line of the 4.4 acre tract, a distance of 222.54 ft. to a ½" iron rod (found) for the West corner of same, the easterly South corner of the 3.0 acre tract, in the North line of Lot 12, Block 9 of the Ponderosa Estates East Subdivision, as shown by plat of same record in Volume B, Page 23-B and C of the Plat Records of Ector County, Texas;

THENCE South 78 deg. 43 min. 34 sec. West with the North line of Lot 12, the north right of way line of Brandon Court, the South line of the 3.0 acre tract, a distance of 153.63 ft. to a ½" found for the South corner of same, the Southeast corner of the JNR Homes & Construction, Inc. 1.0 acre tract described in Document No. 2014-00003000;

THENCE North 10 deg. 59 min. 59 sec. West with the East line of the 1.0 acre tract, the southerly West line of the 3.0 acre tract, a distance of 60.57 ft. to a ½" iron rod (found) for an angle corner;

THENCE North 63 deg. 27 min. 07 sec. West with the Northeast line of the 1.0 acre tract, the Southwest line of the 3.0 acre tract, a distance of 318.81 ft. to a ½" iron rod (found) for the West corner of same, the South corner of the 2.36 acre tract;

THENCE North 27 deg. 42 min. 23 sec. East with the Southeast line of the 2.36 acre tract, the Northwest line of the 3.0 acre tract, a distance of 277.30 ft. to the place of beginning, containing 3.006 acres of land.

Bearing oriented to Grid North of the Texas State Plane Coordinate System, NAD83, Central Zone 4203.

INTRODUCTION

This service plan has been prepared in accordance with Texas Local Government Code, Sections 43.056. Municipal facilities and services to the annexed area described above will be provided or made available on behalf of the city at the following levels and in accordance with the following schedule:

POLICE PROTECTION & ANIMAL CONTROL

Patrolling, responses to calls, and other police services will be provided within ten (10) days after the effective date of the annexation at the same level as provided throughout the city. For questions call Chief Mike Gerke at 432-335-5767.

FIRE PROTECTION AND PREVENTION

Fire protection and fire prevention services will be provided within ten (10) days after the effective date of the annexation at the same level as provided throughout the city. For questions call Chief John Alvarez at 432-257-0507.

EMERGENCY MEDICAL SERVICES

Emergency medical services will be provided within ten (10) days after the effective date of the annexation on the same basis and at the same level as provided throughout the city. For questions call Chief John Alvarez at 432-257-0507.

SOLID WASTE COLLECTION AND DISPOSAL

Solid waste collection and disposal services could be provided within sixty (60) days after the effective date of the annexation on the same basis and at the same level as provided throughout the city. Providing service "on the same basis" as inside city could in some situations, include lower fees and more frequent pick-ups. For questions call Jesus (Jesse) Rodriguez at 432-368-3509.

MAINTENANCE OF WATER AND WASTEWATER FACILITIES

Maintenance of water and wastewater facilities will be continued to be maintained immediately after the effective date of the annexation on the same basis and at the same level as provided throughout the city. For questions call Gloria Gonzalez at 432-335-4639.

STREET LIGHTING

Street lighting will be made available on the effective date of the annexation on the same basis and at the same level as provided throughout the city. Currently street lighting throughout the city is planned and installed by the electric service provider Oncor and paid for by city upon request by city to Oncor

after staff recommendation or receipt of requests from city residents. For questions call Gloria Gonzalez at 432-335-4639.

STREET MAINTENANCE

Responses to calls for information or service related to concerns about public street surface conditions including potholes will be provided immediately after the effective date of the annexation at the same level as provided throughout the city. For questions call Gloria Gonzalez at 432-335-4639.

FLOODPLAIN MAINTENANCE & REGULATION

Maintenance of drainage ways upon receipt of requests for service according to routine and periodic maintenance schedules will become available immediately after the annexation date on the same basis and at the same level as provided throughout the city. For questions call Gloria Gonzalez at 432-335-4639.

TRAFFIC CONTROL VIA SIGNS AND SIGNALS

Responses to calls for information or service related to concerns about the need for or condition of existing traffic control devices such as signs or traffic signals will be provided immediately after the effective date of the annexation at the same level as provided throughout the city. For questions call Hal Feldman at 432-335-4189.

MAINTENANCE OF CITY PARK AND RECREATION FACILITIES

If any city park and recreation facilities are located within the annexed area, they will be maintained on the effective date of the annexation on the same basis and at the same level as similar facilities are maintained throughout the city. For questions call Steve Patton at 432-368-3548.

PLANNING AND LAND USE ZONING

The annexed land is brought into the city with a designation of Retail 1 (R-1). Future development inside the city would require that the land be platted. For questions call Randy Brinlee at 432-335-3216.

CODE ENFORCEMENT

Responses to calls, and other code enforcement services related to prohibited accumulations of debris, hazardous vegetation, junked vehicles, illegal dumping, or substandard buildings will be provided immediately after the effective date of the annexation at the same level as provided throughout the city. In order to assure same levels of service, the newly annexed areas will be added to an already existing code enforcement district or to a newly created district depending on the location within ten (10) days after the annexation. For questions call Merita Sandoval at 432-335-4819.

STORMWATER MANAGEMENT

Regulation of run off from construction sites will become effective immediately after the annexation date or continued on the same basis and at the same level as provided throughout the city. For questions call Monica Fuentez at 432-335-3240.

OTHER SERVICES

Other services that may be provided by the city such as municipal court, and general administration will be made available immediately after the effective date of the annexation on the same basis and at the same level as provided throughout the city. For Municipal Court questions call Lawrence Glick at 432-335-5781. For Finance questions call Cindy Muncy at 432-335-5722.

CAPITAL IMPROVEMENTS

Construction of needed new currently not existing water, sewer, street, and drainage facilities will begin either subject to implementation of current Capital Development Programs or upon special request and subject to the total circumstances within two (2) years after submission of written request by landowners and payment of any development fees and construction costs required by the city in accordance with subdivision regulations and water and sewer extension policies. Construction will be completed within four and one-half (4-1/2) years after request unless the construction process is interrupted by circumstances beyond the control of the city. No impact fees will be charged to any developer or landowner within the annexed area except in conformity with Texas Local Government Code, Ch. 395. Construction of other capital improvements shall be considered by the city in the future as the needs dictate on the same basis as such capital improvements are considered throughout the city and subject to new Capital Development Programs. For questions call Gloria Gonzalez 432-335-4639.

UNIFORM LEVEL OF SERVICE MAY NOT BE REQUIRED

Nothing in this plan shall require the city to provide a uniform level of full municipal services to each area of the city, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

TERM

This service plan shall be valid for a term of ten (10) years unless the majority of landowners or registered voters of the area vote by petition submitted to the city for disannexation, then this service plan shall no longer be binding upon the city.

AMENDMENTS

The service plan may be amended through negotiation at the hearings called and held in the manner provided by Texas Local Government Code, Section 43.0561. On approval by the governing body, the service plan is not subject to amendment or repeal, Texas Local Government Code, Section 43.056.

RETAIL-1

The following uses are allowed in the Retail-1 (R-1) District:

PRIMARY RESIDENTIAL USES (14-2-2.1)

Single Family Dwelling Detached
Single Family Dwelling Attached
Two-Family Dwelling (Duplex)
Three or Four Family Dwelling
Multiple-Family Dwelling (Apartment)
Boarding or Tourist House
Residence Home for the Elderly
Mobile or HUD-Manufactured Home Dwelling
Mobile or HUD-Manufactured Home Park
RV Park
Housing, Special Arrangement and Types
Hotel or Motel

ACCESSORY AND INCIDENTAL USES (14-2-2.2)

Accessory Building or Use (Residential)
Accessory Building or Use (Business or Industry)
Beauty Shop -- One Chair Accessory Use
Garage or Estate Sale Accessory Use
Home Occupation
Off-Street Parking Required for Primary Use
Off-Street Parking Excess to Minimum Requirement
Swimming Pool (Private)
Temporary Field Office, Construction Yard or Office (Subject to temporary permit issued by Building Official)

UTILITY AND SERVICE USES (14-2-2.3)

Electrical Energy Generating Plant (by Specific Use Permit)
Electrical Substation (High Voltage Bulk Power)
Electrical Transmission Line (High Voltage)
Fire Station or Similar Public Safety Building
Gas Line and/or Regulating Station
Library, Public
Local Utility Line
Municipal Office Building or City Hall
Public Building, Shop or Yard of Local, State or Federal Agency
Wireless Communications Systems
Radio or Television Transmitting Station

(Retail-1 -- Cont.)

Page 2

(Utility and Service Uses -- Cont.)

Sewage Pumping Station

Storm Water Retention Basin or Pumping Station

Telephone Business Office

Telephone Exchange--Switching, Relay or Transmitting Station Only

Utility Shops, Storage Yards or Building (Private)

Water Reservoir, Water Well or Pumping Station

Water Stand Pipe and Elevated Storage Tank

Water Treatment Plant

RECREATIONAL AND ENTERTAINMENT USES (14-2-2.4)

Amusement, Commercial (Indoor)

Country Club (Private)

Dance Hall or Night Club (by Specific Use Permit)

Golf Course (Commercial) (by Specific Use Permit)

Park or Playground (Public)

Park or Playground (Other Than Public)

Playfield or Stadium (Public)

Private Club (by Specific Use Permit)

Roller or Ice Skating Rink (by Specific Use Permit)

Swim or Tennis Club

Swimming Pool or Tennis Complex (Commercial) (by Specific Use Permit)

Tavern or Lounge (by Specific Use Permit)

Theater or Playhouse (Indoor)

EDUCATIONAL, INSTITUTIONAL & SPECIAL USES (14-2-2.5)

Art Gallery or Museum

Cemetery or Mausoleum (by Specific Use Permit)

Church or Rectory

College or University

Convent or Monastery

Day Care Center

Fairgrounds or Exhibition Area

Fraternal Club or Lodge

Home for Senior Citizens or Nursing Home

Hospital, Acute Care

Hospital, Chronic Care

Institution or Center for Alcoholic, Narcotic or Psychiatric Patients

Institution of Religious, Charitable or Philanthropic Nature

(Retail-1 -- Cont.)

Page 3

(Educational, Institutional & Special Uses -- Cont.)

Institutional Out-Patient Medical Clinic
Kindergarten or Nursery School
School, Business
School, Public or Denominational
School, Trade, Technical or Commercial

AUTOMOTIVE & TRANSPORTATION RELATED USES (14-2-2.6)

Auto Glass, Seat Cover or Muffler Shop
Auto Laundry or Car Wash
Auto Parts and Accessory Sales (Indoor)
Bicycle Sales and Service
Boat Sales or Display
Gasoline Sales
Gasoline or Motor Fuel Service Station
Heliport (by Specific Use Permit)
Helistop (by Specific Use Permit)
Motorcycle or Scooter Sales or Service
New Auto Display and Sales (Indoor)
New or Used Auto Sales (Outdoor Lot)
Parking Lot or Structure Commercial (Primary Use) (by Specific Use Permit)
Parking Lot or Structure Non-Commercial
Railroad Passenger Station
Railroad Team Track
Railroad Track or Right-of-Way
Repair Garage (by Specific Use Permit)

RETAIL AND SERVICE TYPE USES (14-2-2.7)

Antique Shop
Art Supply Store
Bakery or Confectionery Shop (Retail)
Bank or Savings and Loan Office
Book or Stationery Shop
Cleaning and Pressing, Small Shop and Pick-Up
Clinic, Medical or Dental
Custom Personal service Shop
Department, Variety or Discount Store
Drapery, Needlework, Fabric or Weaving Shop
Drug Store or Pharmacy

(Retail-1 -- Cont.)

Page 4

(Retail and Service Type Uses -- Cont.)

Florist or Garden Shop
Food and Beverage Sales
Furniture or Appliance Store
Greenhouse or Plant Nursery (Retail Sales)
Hardware Store
Household Appliance Service or Repair
Incidental or Accessory Retail or Service Use
Key Shop
Laboratory, Medical or Dental
Laundry and Cleaning Shop (Self Service)
Medical Appliances and Fitting, Sales or Rental
Mortuary or Funeral Home
Office, General Business or Professional
Pawn Shop
Pet Grooming
Pet Shop
Reprographic Service
Restaurant or Cafeteria (Not Drive-In) (With Dining Room)
Restaurant or Eating Place (Drive-In Service)
Retail Shop, Apparel, Gifts, Accessories and Similar Items
Retail Shop or Store (General Items)
Sales, Outdoor Temporary
Studio -- Decorator, Artist or Photographer
Studio, Health, Exercise and Reducing
Studio -- Music, Dance or Drama
Tool Rental, Domestic, Small Equipment
Travel Bureau or Travel Consultant
Veterinarian Hospital (Indoor Animal Pens)
Veterinarian Office Only (No Animal Pens)

SIGN AND IDENTIFICATION USES (14-2-2.8)
(see Section 14-10-1)

Apartment or Housing Project Identification Sign
Apartment or Housing Project Informational Sign
Construction Sign Temporary
Development Sign Temporary
General Business Sign
Institutional Identification Sign
Institutional Information Sign

(Retail-1 -- Cont.)

Page 5

(Sign and Identification Uses -- Cont.)

Name Plate

Office Identification Sign

Real Estate Sign (Temporary)

COMMERCIAL TYPE USES (14-2-2.9)

Bakery or Confectionery Plant (Wholesale)

Bottling Works

Building Material and Home Supply Sales (Indoor Storage)

Cabinet and Upholstery Shop

Clothing or Similar Light Manufacturing

Laboratory Manufacturing

Laboratory, Scientific or Research

Lithographic Shop or Commercial Printer

Maintenance and Repair Service for Buildings

Milk Depot, Dairy or Ice Cream Plant

Mini-Warehouse

Paint Shop

Plumbing Shop

AGRICULTURAL TYPE USES (14-2-2.10)

Greenhouse or Nursery (Commercial)

NATURAL RESOURCE STORAGE AND EXTRACTION (14-2-2.11)

Petroleum or Gas Well (permitted in any district carrying Drill Reservation "DR" suffix subject to Oil and Gas Ordinance)

SPECIAL INDUSTRIAL PROCESSES (14-2-2.12)

Asphalt or Concrete Batching Plant (Temporary) (by Specific Use Permit)

TO: PLANNING AND ZONING COMMISSION

FROM: RANDY BRINLEE, DIRECTOR OF PLANNING

SUBJECT: CASE FILE NO. 2020-09-P

APPLICANT: Shawn Crouch and Tonya Trower, owner
SW Howell, consultant

REQUEST: Replat

PROPERTY INVOLVED: Replat of Lot 6, Block 1, Stafford Addition,
Odessa, Ector County, Texas (East of the
intersection of 52nd St and Andrews Hwy.)

The property involved in this request is located east of the intersection of 52nd St and Andrews Hwy. The site is currently zoned Heavy Commercial (HC) and is occupied by an retail/commercial uses. Land use in the area consists of commercial development.

The applicants are Shawn Crouch and Tonya Trower, owners, SW Howell, consultant, and the purpose of this replat is to create four (4) lots for retail/commercial development and ownership purposes.

A platting conference was held on January 30, 2020 with the applicant's consultant and city staff present.

Staff Comments:

- Original tax certificates needed prior to filing the plat.
- Signature block for Director of Public Works needs to read "for Director of Public Works".
- Utility and access easements shown on the plat need to be dimensioned.
- Water and sewer are available. 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.

Commission action is requested on the following item:

1. Mylar will not be filed unless utilities and trash collection are available on existing lot 7 and proposed lot 11. (Public Works/Planning)
2. Pro-rata must be paid prior to filing the plat. (Public Works)

The following agencies submitted no comments or response with regard to this replat: Fire, Legal, Utility Billing and Collection, Parks and Recreation, Utilities Administration, Police, Traffic, Building Inspection, Sparklight, Atmos Energy, ECISD, SBC, PostMaster, El Paso Natural, Oncor, Appraisal District, Grande Communications, ConocoPhillips Pipeline Company, and Chevron

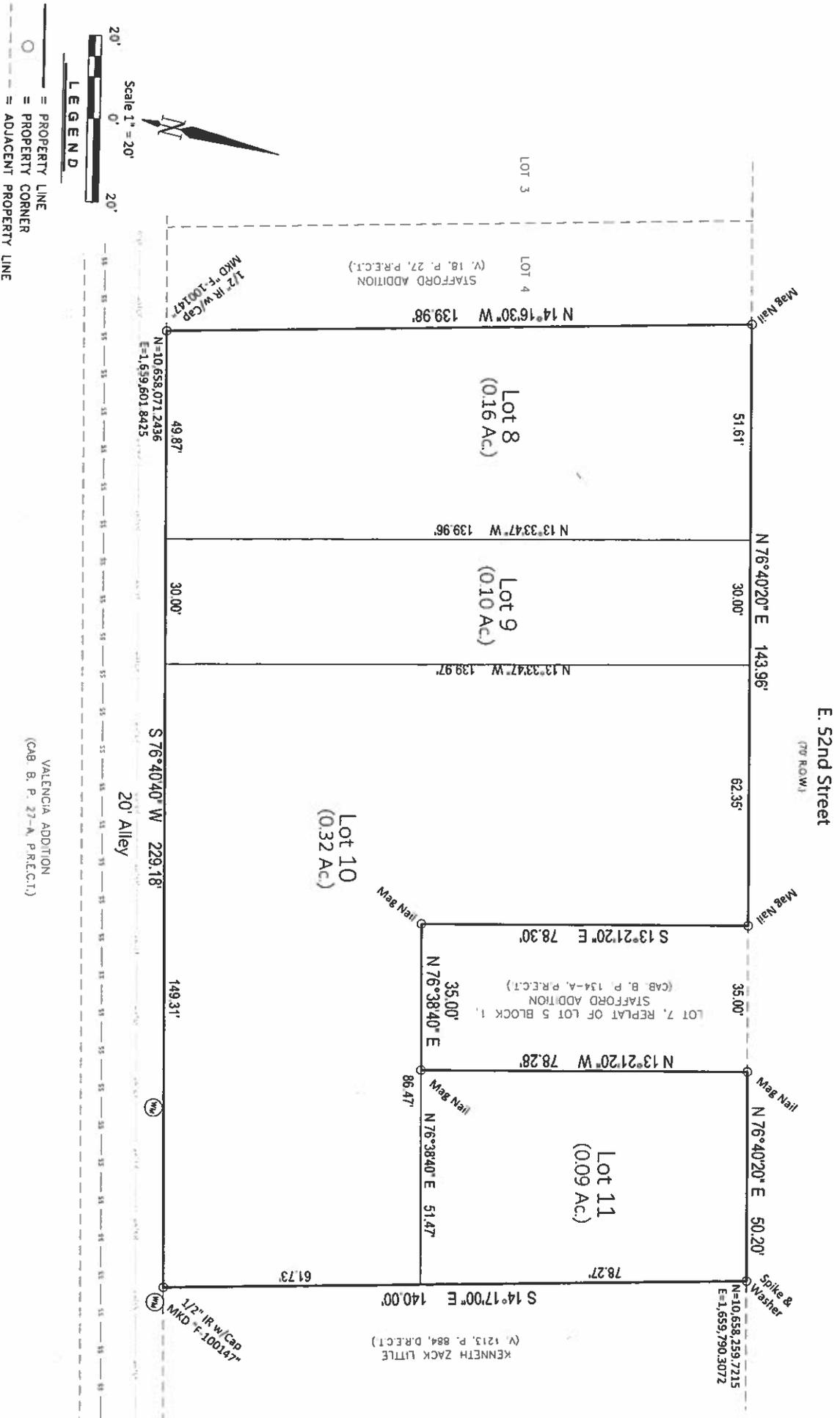
Information in order of inclusion:

- Area zoning map
- Copy of proposed replat



1 inch = 100 feet

REPLAT OF LOT 6, BLOCK 1, OF THE REPLAT OF LOT 5, BLOCK 1
STAFFORD ADDITION
 AN ADDITION TO THE CITY OF ODESSA, ECTOR COUNTY, TEXAS



TO: PLANNING AND ZONING COMMISSION
FROM: RANDY BRINLEE, DIRECTOR OF PLANNING
SUBJECT: CASE FILE NO. 2020-08-P

APPLICANT: KAW Properties, LLC, owner,
SW Howell, consultant

REQUEST: Short Form Plat

PROPERTY INVOLVED: KAW Addition, being approximately 4.2 AC Tract in SEC 10, BLK 42, T-2-S, T&P RR Co. Survey, Ector County, Texas (SE of the intersection of Andrews Hwy. and E 52nd St.)

The property involved in this request is located on the southeast intersection of Andrews Hwy. and E 52nd St. The site is currently zoned Heavy Commercial (HC) and is currently occupied by commercial development. Land uses in the area consist of residential to the north, commercial development to south and a religious institution to the east.

The applicant is KAW Properties, LLC, Owners, and SW Howell, Consultant and the purpose of this short form plat is to create a lot for commercial development and ownership purposes.

A platting conference was held January 28, 2020 with the applicant's consultant and city staff present.

Staff Comments:

- Ownership certificates and original tax certificates needed prior to filing the plat.
- Water and sewer are available. No pro rata is due.
- Drainage report has been submitted and needs to be discussed. Routing to Lancaster goes between houses. This tract is not in a special flood hazard area.
- An Improvements Agreement will be required for sewer and drainage.

-- A Blanket Refuse Collection Easement Agreement will be required.

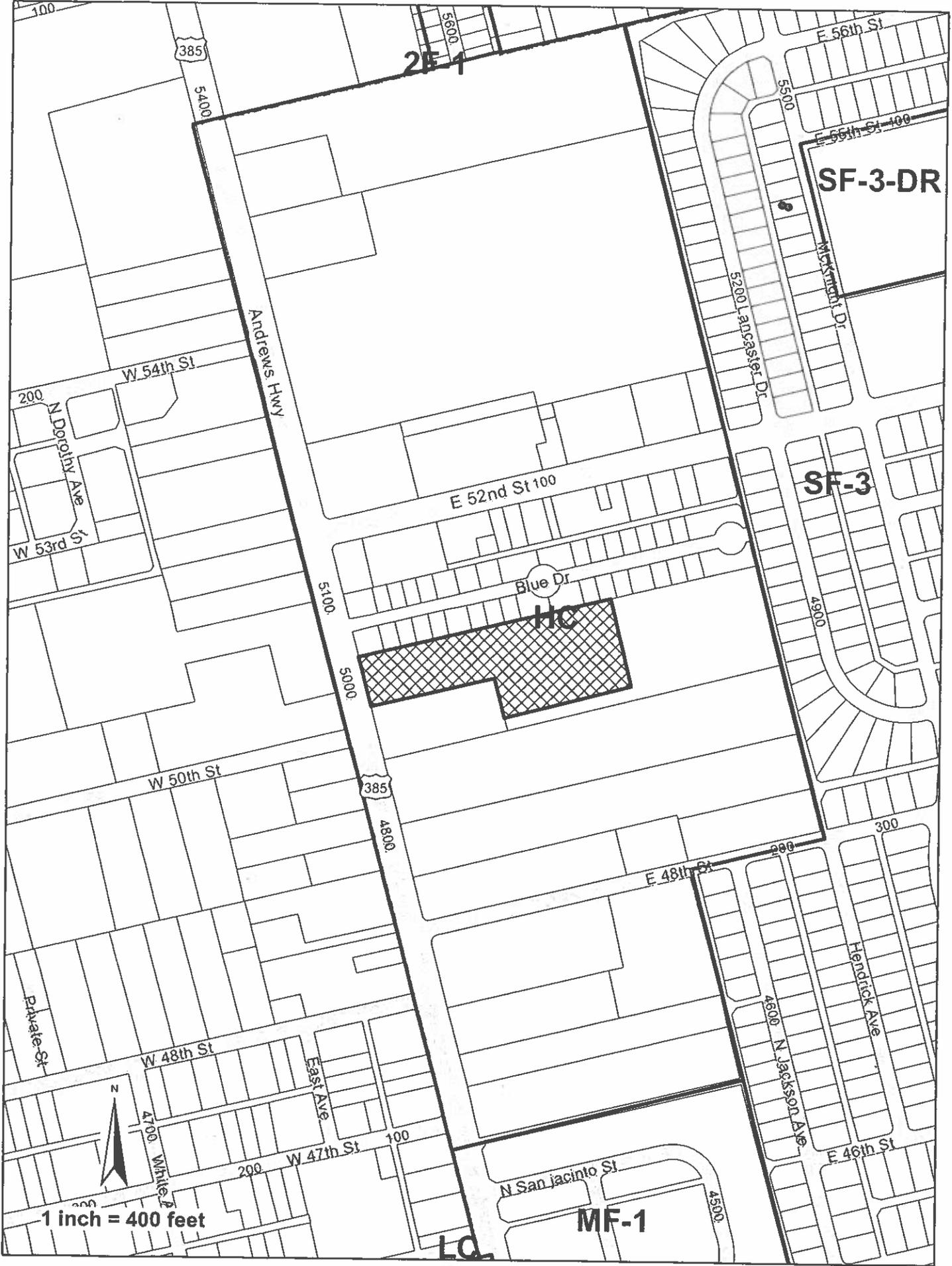
Commission action is requested on the following items:

1. Closure of the northern access and utilized the southern access only to reduce access points at this site. (TxDOT)

The following agencies submitted no comments or response with regard to this short form plat: Fire, Legal, Utility Billing and Collection, Parks and Recreation, Utilities Administration, Police, Traffic, Building Inspection, Sparklight, Atmos Energy, ECISD, SBC, PostMaster, El Paso Natural, Oncor, Appraisal District, Grande Communications, ConocoPhillips Pipeline Company, and Chevron

Information in order of inclusion:

- Area zoning map
- Copy of proposed short form plat



385

2E-1

E 56th St

SF-3-DR

Andrews Hwy

W 54th St

E 52nd St 100

SF-3

N Dorothy Ave

W 53rd St

Blue Dr

HC

W 50th St

385

300

Private St

W 48th St

East Ave



1 inch = 400 feet

W 47th St

N San Jacinto St

MF-1

LC

E 46th St

N Jackson Ave

Henrick Ave

E 48th St

4500

100

5400

5600

5500

E 55th St 100

5200 Lancaster Dr

McKinnitt Dr

4900

5100

5000

4800

200

4700

White St

200

100

4800

4600

4500

TO: PLANNING AND ZONING COMMISSION
FROM: RANDY BRINLEE, DIRECTOR OF PLANNING
SUBJECT: CASE FILE NO. 2019-114-P

APPLICANT: Temple Baptist Church, owner,
Maverick Engineering, consultant

REQUEST: Final Plat

PROPERTY INVOLVED: Mesquite Crossing, 3rd Filing, being approximately 49.15 ac. tract in Section 9, Block 41, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (east of the intersection of Hwy. 191 and Billy Hext Rd.)

The property involved in this request is located east of the intersection of Hwy. 191 and Billy Hext Rd. The site is zoned Multi-Family-One (MF-1), Retail (R), Multi-Family-One-Drill Reservation (MF-1-DR) and Multi-Family-One-Surface Drainage (MF-1-SD) and is currently vacant. Land use in the general area consists of retail development, single and multi-family residential development, and vacant land.

The applicant is Temple Baptist Church, owner, Maverick Engineering, consultant, and the purpose of the plat is to create four (4) lots to facilitate multi-family residential (apartments) and retail development on the property and create a drill site, two (2) common area detention basins and dedicate street right-of-way between E. 56th St. and Hwy. 191.

The preliminary plat was approved on November 11, 2019 with the following conditions:

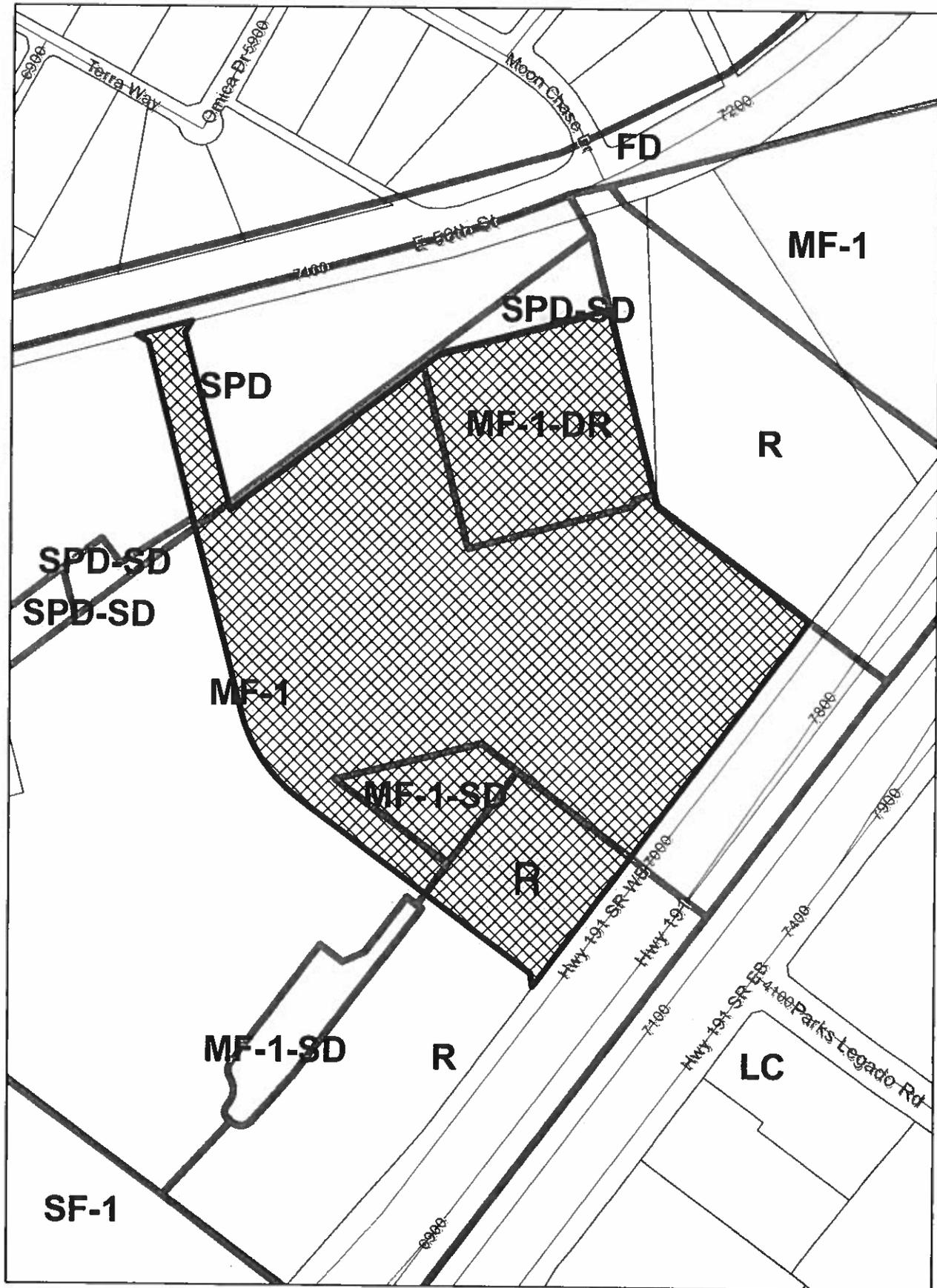
1. Street needs to be named. (Planning/Public Works/Ector County 911)
2. Add a note: No direct access to State Highway 191 from Lot 6, Block 1 shall be allowed. (Planning/Public Works)
3. Provide a 30' access easement to Lot 4, Block 1. (Planning/Public Works)

4. Prior to finalizing the plat, the location of the CRMWD pipeline needs to be determined. If needed, the easements shall be adjusted to have the pipeline within the easements. Design for improvements may need to keep depth of pipeline in mind. CRMWD requests a copy of the construction plans be provided so they may determine compatibility with their pipeline. (CRMWD)

These conditions have been met, and the final plat is ready for approval.

Information in order of inclusion:

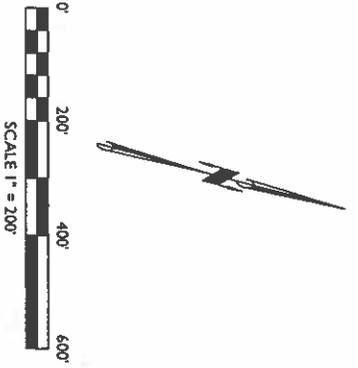
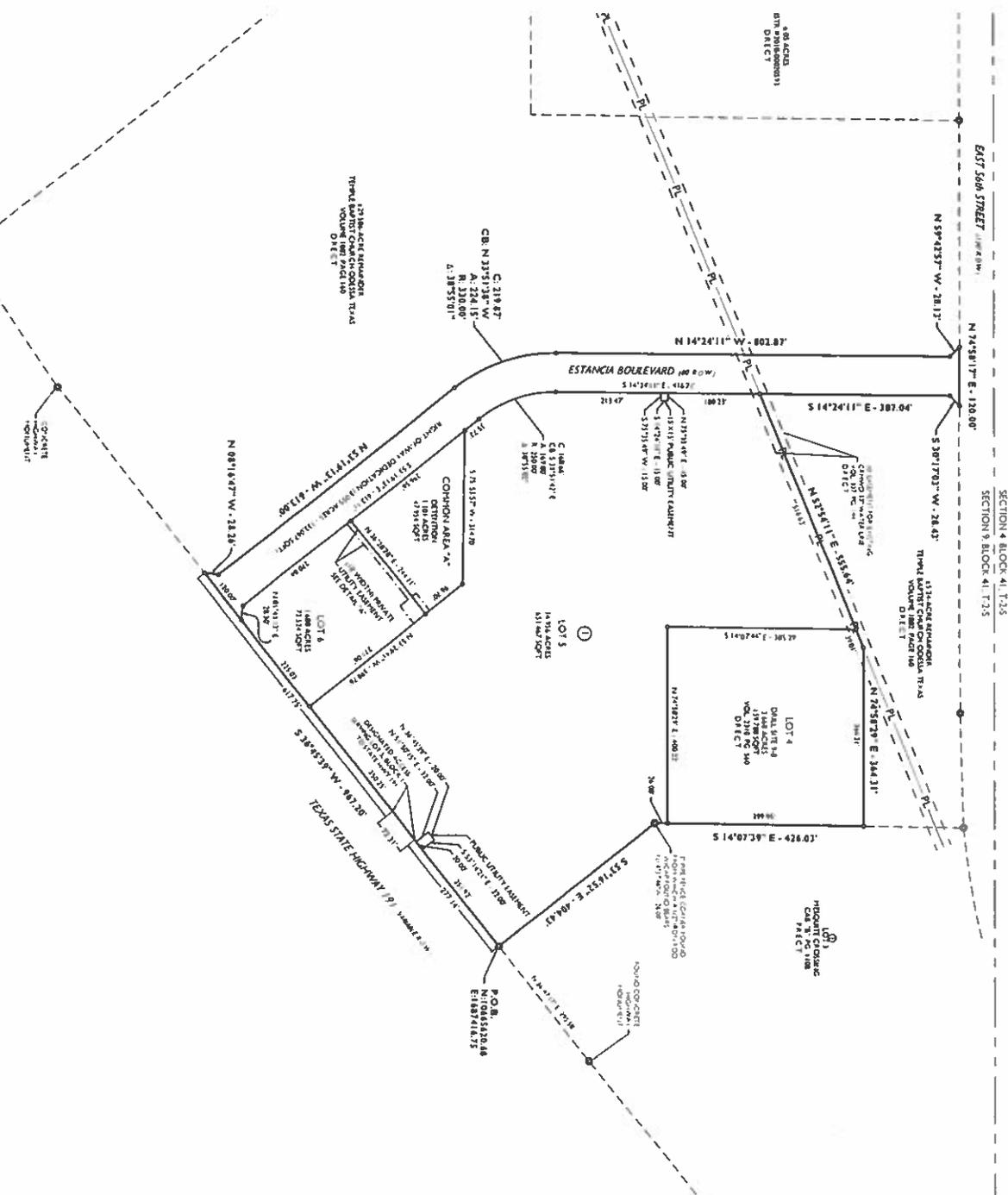
- Area zoning map
- Copy of proposed final plat



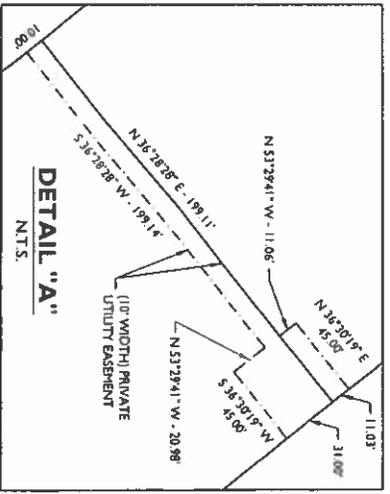
1 inch = 300 feet

MESQUITE CROSSING, 2ND FILING

BEING A 24,467-ACRE TRACT OF LAND OUT OF SECTION 9, BLOCK 41, T-2-S, T&P RR Co. SURVEY,
CITY OF ODESSA, ECTOR COUNTY, TEXAS



- LEGEND**
- DENOTES SET 1/2 INCH IRON ROD
 - DENOTES 1/2" IR FOUND UNLESS NOTED
 - OFFICIAL RECORDS ECTOR CO. TX
 - - - DEED RECORDS ECTOR CO. TX
 - PLAT RECORDS ECTOR CO. TX
 - DENOTES BOUNDARY LINE
 - DENOTES EXISTING LOTS
 - DENOTES EXISTING EASEMENT LINE
 - DENOTES PROPOSED EASEMENT LINE
 - - - DENOTES SURVEY SECTION



ROBERT DUNN
TECHNICAL SURVEY COMPANY ODESSA TEXAS
400 W. 11TH STREET
ODESSA, TEXAS 79747

TO: PLANNING AND ZONING COMMISSION

FROM: RANDY BRINLEE, PLANNING DIRECTOR

SUBJECT: CASE FILE NO. 2020-04-Z

APPLICANT: City of Odessa

REQUEST: Administrative corrections and amendments to the City of Odessa Zoning Ordinance

Proposed changes to the City of Odessa Zoning Ordinance include, but are not limited to, the following:

1. Proposed new use: "Outdoor Market" that would allow for food truck parks, permanent downtown markets, etc. Changes needed in the Zoning Ordinance and the Food Truck Ordinance are included.
2. Included some amendments to the previous Zoning Ordinance that didn't make it into the new ordinance as passed in April 2019. (Front yard parking, etc.)
3. Various typographical errors and corrections to language that was in conflict with other ordinances or state law.

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

- The introduction of the "Outdoor Market" use will fulfill goals from the City of Odessa's Comprehensive Master Plan for vibrant neighborhoods.

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

Information in order of inclusion:

- Area zoning/notification map
- Amended ordinance

ORDINANCE NO. 2020-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS; AMENDING THE ODESSA CITY CODE CHAPTER 14 "ZONING" ARTICLES 14-2 "USES," 14-3 "HISTORICAL PRESERVATION," 14-5 "SEXUALLY ORIENTED BUSINESSES," 14-7 "AREA REGULATIONS," 14-8 "HEIGHT REGULATIONS," 14-9 "PARKING," 14-10 "SIGNS," 14-11 "FENCES AND SCREENING," 14-12 "CREATION OF A BUILDING SITE," 14-13 "SITE PLAN APPROVAL/PLAT APPROVAL," 14-14 "NONCONFORMING USES AND STRUCTURES," 14-18 "AMENDMENTS" AND 14-19 "DEFINITIONS"; PROVIDING A PENALTY CLAUSE AND OTHER APPROPRIATE CLAUSES.

WHEREAS, under the laws of the State of Texas, authority is conferred upon the City of Odessa to establish zoning districts within the City for the purpose of regulating the use of land and controlling the density of population to the end that congestion may be lessened in the public streets and that the public health, safety, convenience, and general welfare be promoted; and

WHEREAS, the Planning and Zoning Commission after considerable study did recommend to the City Council approving the proposed revisions in the Zoning Ordinance of the City of Odessa; and

WHEREAS, all public hearings were held in accordance with Section 211.007, Local Government Code, and notice was published in a paper of general circulation in the City of Odessa in accordance with Section 211.006, Local Government Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS:

Section 1. That the Odessa City Code Chapter 14 “Zoning” Articles 14-2 “Uses,” 14-3 “Historical Preservation,” 14-5 “Sexually Oriented Businesses,” 14-7 “Area Regulations,” 14-9 “Parking,” 14-8 “Height Regulations,” 14-10 “Signs,” 14-11 “Fences and Screening,” 14-12 “Creation of a Building Site,” 14-13 “Site Plan Approval/Plat Approval,” 14-14 “Nonconforming Uses and Structures,” 14-18 “Amendments” and 14-19 “Definitions” are hereby amended as follows:

ARTICLE 14-2 USES

Sec. 14-2-2 Legend for interpreting schedule of uses

Designates use permitted in district indicated.	
Designates use prohibited in district indicated.	
Indicates use may be approved as specific use permit.	S

Note: Number in parenthesis () following use listed in use schedules 14-2-2.1 through 14-2-2.13 refers to definitions and explanatory notes which restrict or define the meaning and intent of the specific use in section 14-19-1(a).

TYPE USE	FD	SF-E	SF-1	SF-2	SF-3	SF-4	SPD	2F-1	2F-2	GR	4-F	MF-1	MF-2	MHE	MH	U	P	O	MC	NS	R	R-1	CB-1	CB-2	LC	HC	LJ	HI	PD		
14-2-2.7 RETAIL AND SERVICE TYPE USES																															
...																															
Laundry or Cleaning Shop (Self Service) (86)																															
<u>Market, Outdoor</u> (186)																															
Medical Appliances and Fitting, Sales or Rental																															
...																															

Sec. 14-2-4 Planned development district

(a) The city council of the City of Odessa, Texas, after public hearing as prescribed for amendment to the zoning ordinance and after recommendation by the planning and zoning commission, may authorize the creation of the following types of planned development districts:

(9) A combination of any of the specific uses listed as permitted in a “PD” planned development district by the use ~~charts-schedules~~ 14-2-2.1 through 14-2-2.13 when such uses are specified in the amending ordinance.

Sec. 14-2-6 Specific use permits

The city council of the City of Odessa, Texas, after public hearing (as prescribed for amendments to the zoning ordinance) and after recommendations by the planning and zoning commission may authorize the issuance of specific use permits for the uses indicated by “S” in the use schedules 14-2-2.1 through 14-2-2.13.

Sec. 14-2-8 Surface drainage suffix “SD” and flood hazard suffix “FH” to district designation

(1) Areas designated on the zoning district map by an “SD” suffix shall be subject to the following provisions:

(A) Uses permitted: The permitted uses in that portion of any district having an “SD” surface drainage suffix shall be limited to the following:

(iv) All types of local utilities including those requiring specific use permits when approved as provided in section 14-2-86.

(vi) Private commercial open area amusements such as golf courses, driving ranges, archery ranges and similar uses when approved by specific use permit as provided in section 14-2-86.

(viii) Heliport when approved by specific use permit as provided in section 14-2-86.

Sec. 14-2-9 Drill reservation suffix to district designation

(b) Areas designated on the zoning district map by a “DR” suffix shall be subject to the following provisions:

(1) The development of any mineral interests in any drill reservation site shall be subject to the provisions of the oil and gas ordinance, ~~a~~Article 4-14 of the City of Odessa Code of Ordinances.

ARTICLE 14-3 HISTORICAL PRESERVATION

Sec. 14-3-2 Historic preservation commission

(5) The commission shall meet at least monthly, if business is at hand. Special meetings may be called at any time by the chairman or on the written request of any two commission members. All meetings shall be held in conformance with the Texas Open Meetings Act, ~~e~~Chapter 551 of the Government Code.

Sec. 14-3-5 Criteria for approval of a certificate of appropriateness

(c) Certificate of appropriateness required for demolition.

(1) A permit by the building official for the demolition of a historic landmark or property within a historic district, including secondary buildings and landscape features, shall not be granted by the preservation officer without the review of a completed application for a certificate of appropriateness by the commission, as provided for in sections 14-3-4, 14-3-5(a), 14-3-5(b) ~~of the ordinance.~~

(5) Qualification for tax freeze.

(C) If a certificate of qualification is approved, the director shall send written notice to the county appraisal district which shall appraise the property in accordance with subsection (5)(A) ~~of this section.~~ The director shall also send a copy of the certificate of qualification to the city finance department.

(D) A certificate of qualification shall not be approved until the applicant files a commitment to immediately repay to the city all tax revenues not paid because of the tax freeze if the owner is required to repay the taxes under subsection (6)(A) ~~of this section.~~ The commitment must be approved as to form by the city attorney or designee and filed in the county deed records. The commitment shall run with the land and bind the owner, heirs and assigns. Any unpaid repayment required under subsection (6)(A) ~~of this section~~ shall be a lien against the property.

ARTICLE 14-5 SEXUALLY ORIENTED BUSINESSES

Sec. 14-5-1 Location of sexually oriented businesses

(a) A person commits an offense, except as provided in subsections (f) and (g) ~~of this section,~~ if they operate, or cause to be operated, a sexually oriented business within 800 feet of:

(d) For the purposes of subsection (a) ~~of this section,~~ measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, college or university, state licensed day care center, coliseum, convention center, mall, or to the nearest boundary of an affected public park, or residential district.

(f) Any sexually oriented business lawfully operating on the effective date of this ordinance, that registers with the director of planning as a nonconforming use, by filing an application with the chief of police for a license prior to November 1, 1996, and that is in violation of subsections (a), (b) or (c) of this section, or in violation of ~~section [use chart] schedule 14-2-2.4 of the zoning ordinance,~~ shall be deemed a nonconforming use and it shall not be an offense under subsections (a), (b), or (c), of this section which such nonconforming status is in effect. The nonconforming use will be permitted to continue unless terminated or abandoned for any reason or voluntarily discontinued for a period of six (6) months or more. Any nonconforming use which is discontinued or which remains vacant for a period of six (6) months shall be considered to have been abandoned. Such nonconforming use shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.

Sec. 14-3-11 Ad valorem tax incentive

The restoration of landmarks and contributing property within a historic district in the City of Odessa shall be eligible for a tax freeze pursuant to ~~section~~Sec. 11.24 of the Tax Code subject to the following conditions:

ARTICLE 14-7 AREA REGULATIONS

Sec. 14-7-3 Lot width

(a) The minimum lot width for lots in the various districts used for residential purposes, shall be in accordance with the following schedule, provided that a lot having less width than herein required which was an official lot of record prior to the adoption of this ordinance may be used as a single-family or mobile/HUD-manufactured home dwelling and no lot existing at the time of passage of this ordinance shall be reduced in width below the minimum set forth herein except where a platted lot or a portion thereof is part of a lot of record as described in sections 14-19-1(a)(96)(B) or ~~section 14-19-1(a)(96)(C)~~ and all or part of such lot of record is being platted in accordance with the minimum standards of this ordinance.

Sec. 14-7-6 Special Front Yard Regulations

(c) Where a building line has been established by plat or ordinance and such line requires a front yard setback greater or lesser in depth than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the minimum required front yard as established by section 14-7-5 ~~of this ordinance~~. All residential development located on a cul-de-sac shall have a minimum front yard building setback of fifteen (15) feet.

(f) If buildings along the frontage of any street between two intersecting streets in any residential district have observed an average setback for that block which is greater or lesser in dimension than the minimum front yard or setback established for the district in which the street frontage is located, then the average setback of all buildings fronting upon such street between two intersecting streets shall establish the minimum front yard requirement. All vacant lots shall be assumed to have a minimum front yard specified for the district in computing the average front yard. These provisions shall not be interpreted as requiring a setback or front yard greater than fifty (50) feet nor shall they be interpreted as requiring any building to observe a front yard of more than ten (10) feet greater than the front setback observed by any building on a contiguous lot. These provisions shall be superseded on any lot where a minimum building line has been established ~~by plat or ordinance and the front yard or setback provisions of such plat or ordinance shall be observed by plat, site plan, or ordinance filed after December 28, 1971.~~

Sec. 14-7-7 Side yard

Schedule minimum side yards - residential uses

DISTRICTS-	Indicates side yard not applicable for type of housing
*	See section 14-2-5
†	See section 14-7-8(g)
#	See section 14-7-8(e)
+	See section 14-8-7(5) [sic] <u>14-7-8(5)</u>
**	See section 14-7-8(b)
††	See sections 14-7-8(b), (g), (i)
##	See section 14-7-8(h)

++	See section 14-7-(7)(8) [sic] 14-7-8(7)(8)
----	--

Sec. 14-7-9 Rear Yard

No building or structure shall hereafter be located, erected or altered to have a rear yard smaller than herein required and no rear yard existing at the time of passage of this ordinance shall be reduced below the minimum set forth below.

(4) The minimum required rear yard in a PD, ~~SPD, or MU~~ ~~planned development~~ district shall be established on the ~~site plan~~ Site Plan or by the amending ordinance.

Sec. 14-7-10 Lot Coverage

The maximum percentage of any lot area which may hereafter be covered by the main building and all accessory buildings shall not exceed the following schedule:

In the following zoning districts the maximum building lot coverage shall be in accordance with the following schedule:

<u>District</u>	<u>Maximum Lot Coverage Main Building</u>	<u>Maximum Lot Coverage Main Building and All Accessory Buildings*</u>	<u>Maximum Lot Coverage Main Building and Parking in Parking Structure</u>
Residential Districts (GR, SF-1, SF-2, SF-3, SF-4, SF-E, MH, MH-E, 4-F, 2F-1, 2F-2)	70%	70%	70%
MF-1	40%	50%	60%
MF-2	40%	50%	70%
MH	40%	50%	50%
O	40%	50%	80%
MC	70%	50% 80%	90%
NS	35%	75%	80%
R	35%	40%	100%
R-1	35%	40%	100%
CB-1	100%	100%	100%
CB-2	70%	75%	90%
LC	50%	60%	80%
HC	50%	60%	100%
LI	40%	50%	100%
HI	50%	75%	100%
PD SPD	<u>To be specified in site plan or in amending ordinance but not exceeding 60%</u> <u>To be specified in Site Plan or in amending ordinance, but not exceeding 80%</u>	<u>70%</u> <u>To be specified in Site Plan or in amending ordinance, but not exceeding 80%</u>	<u>80%</u> <u>To be specified in Site Plan or in amending ordinance, but not exceeding 80%</u>
MU	<u>To be specified in site plan or in amending ordinance.</u>		

Sec. 14-7-13 Accessory Building and Structure Regulations

(c) Rear yard. There need be no rear yard for accessory buildings or structures except that, if no alley exists, the rear yard shall not be less than ~~ten (10)~~five (5) feet as measured from the rear lot line.

ARTICLE 14-8 HEIGHT REGULATIONS

Sec. 14-8-1 Height regulations

(b) In the following the maximum height buildings and zoning districts structures shall be:

MF-2, Multiple-Family Residence District-2	To any legal height except apartment buildings over three (3) stories require additional yards. See 14-7-6(g) and 14-7-8(2) <u>{14-7-8(b)}</u> .
MU, Mixed Use District	To be set in the site plan process as noted in section 14-2-5(2).

ARTICLE 14-9 PARKING

Sec. 14-9-1 Vehicle Parking Regulations

(3) The following schedule governing nonresidential parking requirements shall be in effect for all districts except CB-1 (central business district - 1).

~~(W) Retail or personal service, general. One (1) space for every two hundred (200) square feet of floor area. Furniture stores and appliance stores. One (1) space for every four hundred (400) square feet of floor area. One (1) space for every 400 square feet of area in establishments with 20,000 sf or fewer. One (1) space for every 300 square feet of floor area in establishments with greater than 20,000 sf.~~

Sec. 14-9-2 Special Off-Street and Certain Parking Regulations

(b) Mobile recreational equipment and commercial vehicles:

(2) Mobile recreation equipment shall not be used for living, sleeping or housekeeping purposes or office space when parked or stored ~~on a lot in the fore-mentioned districts or in any location not approved for such a use in the following districts, or in any location not approved for such a use:~~ SF-E, SF-1, SF-2, SF-3, SF-4, SPD, 2F-1, 2F-2, GR, MF-1, MF-2, MH-E, O, R, R-1, LC, MU, NS.

~~(e) In instances where deemed appropriate by the Director of Planning, parking minimums may be reduced by up to 10%.~~

Sec. 14-9-5 Parking on Front Yards

~~(a) Parking on the front yard of a residence is allowed on paved surfaces. It shall be unlawful for any person to park or to cause, suffer, maintain, or allow to be parked upon any property under their control, either as owner or tenant, any vehicle or boat on any unpaved surface in the front yard in Zoning Districts SF-E, SF-1, SF-2, SF-3, SF-4, SPD, 2F-1, 2F-2, GR, 4-F, MF-1, MF-2, MH-E, MH, and MU.~~

~~(b) Rear and side yard parking is allowed on unpaved surfaces.~~

~~(c) Each required parking space must be at least nine feet by eighteen feet (9' x 18') constructed of four inches (4") of concrete where curb and gutter exists, or either compressed asphalt or concrete where there is no curb and gutter.~~

(d) Location and construction of required paved front yard surfaces must be done to comply with the City's ordinances, regulations, and driveway standards.

(e) Exceptions: This does not apply to residences having no alley or having an alley too small for vehicles or boats to safely enter or exit the rear yard (16 feet or less). Original concrete strip parking is not required to be converted to solid concrete parking. Any additional parking for residences with original concrete strip parking must conform to the additional parking space requirements as provide herein.

(f) It shall be a defense to prosecution under this section that the property is multi-family residential (apartment complex) or that the parking space is on original concrete strip parking.

ARTICLE 14-10 SIGNS

Sec. 14-10-1 Sign Regulations

(1) General provisions.

(H) Each business is entitled to four (4) advertising flagpoles, per street frontage, with height not to exceed the maximum allowed height in each zoning district (See section 14-8-1.) All poles shall be located entirely on private property and are not allowed to encroach into the public right of way. Placement of the advertising poles authorized under this section is not to exceed sixty (60) consecutive days per use and thirty (30) days must elapse before the next use of the signs.

(I) Billboard signs may be of the freestanding, wall or roof type. Freestanding billboard signs shall not exceed thirty-five (35) feet in height and roof or wall signs shall not exceed the height of the building on which such signs are attached or located and all billboard sign structures shall observe the same yards and setbacks required for buildings or other structures in the district on which they are located. No billboard sign shall be located nearer than one hundred twenty-five (125) feet to any residential district boundary line. Billboard signs shall not consist of more than two (2) panels and each such sign installation shall be separated from any other billboard sign installation by the following minimum distances: All billboards shall not be located closer than 500' to any other billboard sign. (For additional information see section 14-10-1(2)(C3).)

(iv) Electronic billboard signs shall not consist of more than one (1) panel per side and each sign installation shall be separated from any other billboard sign installation by the following minimum distances:

All electronic billboards shall not be located closer than 700' to any other electronic billboard and 500' to any traditional billboard. (For additional information see sections 14-10-1(2)(D4).)

(2) Permanent type signs.

	<u>Type Sign</u>	<u>Maximum Area</u>	<u>Zone Permitted</u>	<u>Specific Standards</u>
5.	Directional sign	6 square feet	Permitted in all nonresidential districts	See 14-10-1(78) and 14-19-1(d)(13) Sign permit is required
6.	General Business Sign	See 14-10-1(34)	Permitted in P, NS, O, MC, R, R-1, LC, HC, CB-1, CB-2, LI and Hi Districts and as specified in the PD Ordinance	See 14-19-1(d)(16) and 14-10-1(4)(2)(A) Sign permit is required

12.	Portable sign	35 square feet	Permitted in O, MC, P, NS, R, R-1, LC, HC, CB-1, CB-2, LI, and HI districts	See a Article 3-14 of the City of Odessa Code of Ordinances
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(4) Business (retail and office) signs may be of the freestanding, wall, sloping roof, or canopy type. Freestanding 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. Highway oriented signs, section 14-10-1(5), may increase their height by one (1) additional foot (above the fifty (50) feet maximum allowed height) up to a maximum height of seventy (70) feet. Freestanding business signs shall be limited to a maximum of fifty-five (55) percent of the total sign area specified in subsections (A)-(D) below this section (~~subsections (A)-(D)~~), with the only exception stated in section 14-10-1(1)(E) above.

Sec. 14-10-4 Noncommercial sign regulations

(b) Special residential lot regulations.

(3) The period of display shall be as follows:

(A) Temporary. Unless the noncommercial sign satisfies all of the requirements in subsection (B) below, it shall be displayed on a temporary basis only. The period of display shall not exceed ninety-five (95) days. A thirty (30) day extension for removal of any noncommercial sign may be obtained from the director of planning by submitting a prior written request if there is a need based on changed circumstances. If the ninety-five (95) days expires and there is no approved extension, the sign with the same message must be removed for a period of at least ninety-five (95) days.

ARTICLE 14-11 FENCES AND SCREENING

Sec. 14-11-1 Fence and Wall Regulations

(1) Height of fence or wall.

(A) Any fence or wall erected on the side property line and located to the rear of the minimum required front yard as determined by the provisions of ~~7-5.1 [sic]~~ Section 14-7-5 shall not exceed eight (8) feet in height above the adjacent grade. Interior fences in commercial or industrial districts erected on or behind the required front, side or rear yard line shall be subject to the same height restrictions as buildings in the specified districts in which the fence is located.

(B) Any fence or wall in residential districts erected on the property line across the front of the lot shall not exceed four (4) feet in height above the adjacent grade except as provided in ~~7-1.13 and 7-1.14 [sic]~~ Sections 14-7-6 (m) and (n) and such fence may be increased in height one (1) foot for each six (6) feet it is set back from the property line to a maximum of eight (8) feet. The height of the fence shall be referenced to the highest adjacent grade.

Sec. 14-11-2 Screening walls or visual barriers and open space

(b) No open storage of commodities, materials or equipment for sale or display shall be permitted in any residential or office district. All commodities and materials offered for sale and displayed in the open in the R-1, LC, CB-1, CB-2, LI or PD-I districts shall be located back of the minimum required front yard line. In the NS and R districts, no open storage operation shall be permitted except as an accessory use and all such open storage operations shall be located behind the main building and screened with a visual barrier as herein prescribed except for temporary sales as defined by section 14-19-1(a) ~~(146144)~~.

ARTICLE 14-12 CREATION OF A BUILDING SITE

Sec. 14-12-1 Creation of a Building Site

No permit for the construction of a building ~~of a building~~ or buildings upon any tract or plot shall be issued until a building site, building tract or building lot has been created by compliance with one of the following conditions:

- (3) The plot, tract or lot faces upon a dedicated street and was separately owned prior to December 28, 1971, or prior to annexation to the City of Odessa and the boundaries of which have not been changed even though the ownership may have changed, whichever is applicable, and no main building exists on the plot, tract or lot, in which event a building permit for only one main building may be issued on each such original separately owned parcel without first complying with subsections 14-12-1(1) and 14-12-1(2) of this section.

ARTICLE 14-13 SITE PLAN APPROVAL/PLAT APPROVAL

Sec. 14-13-1 Site Plan Approval/Plat Approval

(a) Approval of a site plan shall be required for all development involving the following:

- ~~(1)~~ Initial approval of a ~~p~~Planned ~~d~~Development or ~~m~~Mixed ~~u~~Use ~~z~~Zoning ~~d~~District
- ~~(2)~~ A ~~s~~Specific ~~u~~Use ~~p~~Permit
- ~~(3)~~ A ~~s~~Shopping ~~e~~Center
- ~~(4)~~ An ~~a~~Apartment ~~p~~Project
- ~~(5)~~ Single-family redevelopment of more than ten ~~(10)~~ lots.
- ~~(6)~~ A mobile or HUD-~~m~~Manufactured ~~h~~Home ~~p~~Park having more than ten (10) units
- ~~(6)(7)~~ An RV Park having more than ten (10) units.
- ~~(7)(8)~~ A reduction of the twenty-five (25) ft. ~~f~~Front ~~y~~Yard ~~b~~Building ~~s~~Setback for residential uses.
- ~~(8)(9)~~ Special ~~h~~Housing ~~a~~Arrangement - this will include single-family attached as well as housing units arranged on the site in a manner differing from the specific lot, yard spacing and access arrangement established for the conventional residential district including patio homes and staggered building line arrangements.
- ~~(9)(10)~~ Single-family redevelopment of ten ~~(10)~~ lots or lessfewer.
- ~~(10)(11)~~ Any development where more than one main building or use is proposed on a lot or tract.
- ~~(12)~~ A mobile or HUD-~~m~~Manufactured ~~h~~Home ~~p~~Park having ten (10) units or lessfewer
- ~~(13)~~ An RV Park having ten (10) units or fewer
- ~~(11)(14)~~ An Outdoor Market
- ~~(12)(15)~~ Amending/correction plats

~~(13)(16)~~ Amendments to PD and MU site plans

~~(14)(17)~~ A reduction of the twenty-five (25) ft. Front Yard Building Setback for non-residential uses.

For any development involving categories 1 and 2, approval shall be by the city council after review and recommendation of the planning and zoning commission. For any development involving categories 3, 4, 5, ~~and 6~~, 7 and 8 approval shall be by the planning and zoning commission with appeal to the city council. Approval of categories ~~7, 8~~, 9, 10, 11, 12, ~~and 13~~, 14, 15, 16, and 17 shall be by the director of planning with appeal to the planning and zoning commission and city council. All appeals may be requested by either the developer/property owner or city staff. Appeals on plats or site plans shall be submitted in writing to the planning department within ten (10) days from the date action is taken by the planning and zoning commission or staff. The city council or planning and zoning commission shall hear the appeal within thirty (30) days from the date the planning and zoning commission or staff, respectively, acted on the plats or site plans.

When 20 percent or more of the owners required to be notified protest a proposed replat, the case shall automatically be appealed to the city council for final approval.

The director of planning is authorized to approve the site plans for ~~special housing arrangement and any development where more than one main building or use is proposed on a lot or tract and a mobile or HUD manufactured home park having ten (10) units or less~~ categories 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 listed above, subject to the terms and conditions which are reasonable, necessary, not in conflict with other city ordinances and related to the following subjects: open space, off-street parking, special traffic requirements, hours of operation, noise, sanitation, glare, utilities, setbacks, spacing, height, density, coverage and emissions.

ARTICLE 14-14 NONCONFORMING USES AND STRUCTURES

Sec. 14-14-1 Generally

(b) Pursuant to the provisions of ~~1914-15-1(d)(2)(A) [sic]~~, a nonconforming building may be expanded within the limits of the lot or tract upon which such nonconforming use or building was located as the lot or tract existed prior to the effective date of this ordinance, except that off-street parking space located off the lot or tract on which the nonconforming use is located but within two hundred (200) feet of such lot or tract may be approved by the board of adjustment subject to any specific conditions and restrictions which the board of adjustment may prescribe in their action.

ARTICLE 14-18 AMENDMENTS

Sec. 14-18-1 Adjustment Of Amendment Applications

(b) By city council. Upon receiving a recommendation from the planning and zoning commission concerning a proposed zoning amendment case involving a requested change in the zoning classification of property, the city council may, subject to the applicable provisions of section 14-17-1(2), rezone the subject property to a zoning classification which is more restrictive than the zoning classification requested. Provided, however, no such rezoning may be enacted unless the notice requirements in section 14-18-1(a)14-7-1(2) have been met by the planning and zoning commission, and unless the notice provided for in ~~17-1.2(4) [section 14-17-1 (2)(D)]~~ indicates that consideration may be given to rezoning the subject property to a more restrictive zoning classification than was requested. Provided, further, that the city council may not rezone property under this procedure to a classification that does not appear in whichever of the two groups (group A or group B) set out in section 14-18-1(a) contains the requested zoning classification.

ARTICLE 14-19 DEFINITIONS

Sec. 14-19-1 Definitions

Definitions and restrictive and explanatory provisions related to use regulations. Certain words in this ordinance are qualified, restricted and defined as follows:

(a) Words in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number; the word "building" includes the word "structure"; the word "lot" includes the words "plot" or "tract"; the word "shall" is mandatory and not discretionary. Number in parenthesis () indicates reference to use ~~chart-schedules~~ 14-2-2.1 through 14-2-2.13.

(34) *Carnival*. An event which provides amusement rides, as defined in chapter 2151 of the Occupations Code, which includes mechanical rides or devices but not coin-operated rides or nonmechanical playground equipment. It shall not include an event sponsored by the property owner for civic, charitable or church purposes, which does not include more than four mechanical rides or devices, does not extend for more than fourteen days and is authorized by a special use permit if required by ~~a~~Article 1-15 of the City of Odessa Code of Ordinances.

(101) *Mini-warehouse*. A complex of small storage units which are rented or leased and which are arranged to be individually accessible to the lessee or renter. In the "MH" "~~R~~" or "~~R-1~~" districts, when approved by specific use permit, individual storage units shall not exceed three hundred sixty (360) square feet in area; no mini-warehouse building shall exceed twelve (12) feet in height and a paved surface area a minimum of twenty (20) feet wide shall be provided on the site connecting all exterior doors of a mini-warehouse building. The open storage of recreational vehicles and boats on a paved surface shall be permitted as an accessory use in conjunction with a mini-warehouse provided that such storage area is enclosed by an eight (8) foot high screening wall or fence as provided in ~~11-2~~ [section 14-11-2]. When a mini-warehouse is located adjacent to the "SF-E," "SF-1," "SF-2," "SF-3," "SF-4," "SPD," "2F-1" or "2F-2" district, a screening wall having a minimum height of six (6) feet and meeting the provisions of ~~11-2~~ [section 14-11-2] shall be provided between the mini-warehouse and the adjacent residential district boundary line. Where the wall of a mini-warehouse contains no openings or access points, such solid wall may be considered as the equivalent of a screening wall.

(109) *Nonconforming use*. A building, structure, or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, or which was subsequently annexed to the city and which does not conform to the use regulations of the district in which it is situated. (See section 14-14-1)

(114) *Off-street parking, excess to minimum requirements*. Off-street parking spaces provided on the lot or tract occupied by the main use, or for nonresidential uses, within three hundred (300) feet of such lot or tract, which parking spaces exceed the minimum requirements for the main use as specified in sections 14-9-1 and 14-9-2. All off-street parking located off the lot or tract on which the main use is located shall be limited to passenger vehicles and vehicles of not more than one (1) ton rated capacity.

(115) *Off-street parking, required for primary use*. Off-street parking spaces provided in order to satisfy the minimum off-street parking requirements specified by this ordinance in sections 14-9-1 and 14-9-2, and which are located on the lot or tract occupied by the main use, or for nonresidential uses, within three hundred (300) feet of such lot or tract and located within the same zoning district as the main use or in an adjacent "P," parking district.

(126) *Petroleum or gas well*. A well created for the extraction of oil or gas from subsurface strata and which well and related facilities are subject to the oil and gas ordinance, ~~a~~Article 4-14 of the City of Odessa Code of Ordinances.

(145) *Sales space contracting*. A site where the primary use is to provide space to persons for the sale, trade, or barter of new or used merchandise, items, goods, chattels, or any service.

Spaces for such activity may be rented, leased, or sold to vendors, sellers, or traders on a short or long term basis. Improvements on site may promote an open, semi-open, or developed atmosphere by the nature of the development. Such uses as noted above may be also known as an outdoor market, mercado, flea market, or similarly accepted terminology. The use, sales space contracting, is allowed by a specific use permit only and will be subject to such development standards as necessary pursuant to section 14-2-~~8(1)(A)6~~ of the City of Odessa zoning ordinance which conditions shall include the provision that all persons contracting for such space shall comply with all applicable State, Federal, and city laws and ordinances.

(180) *Yard, rear.* An open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified in the district in which the lot is situated. (See illustration in section 14-7-9(7).)

(186) *Market (Outdoor).* An outdoor area with spaces for short-term or long-term lease by vendors such as food trucks, farm fresh produce vendors, cottage foods, etc.

(d) The following words and phrases used in the section Sign Regulations shall have the following meaning:

(26) *Portable, sign.* See ~~a~~Article 3-14 of the City of Odessa Code of Ordinances for portable sign information.

Section 2. That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the city as a whole or any part thereof, other than the part so declared to be invalid.

Section 3. That any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$2000.00 as provided in Section 1-1-9, "General Penalty", Odessa City Code, which section is adopted by reference and made a part hereof.

Section 4. That the caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the city of Odessa as provided by City Charter section 65.

Section 5. That this ordinance shall go into effect five (5) days after its publication following adoption on second approval as provided by City Charter section 65.

The foregoing ordinance was first approved on the ___ day of January, A.D., 2020, by the following vote:

Malcolm Hamilton _____
Dewey Bryant _____

Detra White _____
Tom Sprawls _____
Mari Willis _____
Peggy Dean _____
David R. Turner _____

The foregoing ordinance was adopted on second and final approval on the ____ day of February, A.D., 2020, by the following vote:

Malcolm Hamilton _____
Dewey Bryant _____
Detra White _____
Tom Sprawls _____
Mari Willis _____
Peggy Dean _____
David R. Turner _____

Approved this the ____ of February, A.D., 2020.

David R. Turner, Mayor

ATTEST:

Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

Natasha Brooks, City Attorney

ORDINANCE NO. 2020-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, AMENDING THE ODESSA CITY CODE CHAPTER 6 "HEALTH AND SANITATION" ARTICLE 6, "FOOD ESTABLISHMENTS"; CHAPTER 12, "TRAFFIC AND VEHICLES" ARTICLE 3, "PARKING, STOPPING AND STANDING"; PROVIDING A PENALTY AND OTHER APPROPRIATE CLAUSES.

WHEREAS, on _____, the City Council approved the codification of the new Zoning Ordinance into Chapter 14 of the City Code of Ordinances;

WHEREAS, given the codification of the Zoning Ordinance, it is necessary to amend portions of the current code to reflect the proper Zoning sections and subsections;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS:

Section 1. That the Odessa City Code Chapter 6, "Health and Sanitation" Article 6, "Food Establishments" be amended to read as follows:

ARTICLE 6-6 FOOD ESTABLISHMENTS

Sec. 6-6-6 Mobile Food Vendors

(c) Operating Procedures

(11) Mobile food units shall be prohibited from remaining stationary at any given location for longer than a 24-hour period unless:

(A) operating as part of a city-sponsored event and given permission to stay longer than a 24-hour period; or

(B) operating in an Outdoor Market as defined in Sec. 14-19-1(a)(186)

Section 2. That the Odessa City Code Chapter 12, "Traffic and Vehicles" Article 3, "Parking, Stopping and Standing" be amended to read as follows:

ARTICLE 12-3 PARKING, STOPPING AND STANDING

Sec. 12-3-8 Stopping, standing or parking prohibited in specified places

(a) It shall be unlawful for any person to stop, stand, or park a vehicle or boat, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

(5) On unpaved surfaces of an exterior front yard in zoning districts SF-E, SF-1, SF-2, SF-3, SF-4, SPD, 2F-1, 2F-2, GR, 4-F, MF-1, MF-2, MH-E, MH, and MU; unless otherwise stated in Sec. 14-9-5

Section 3. That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the city as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. That any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$2000.00 as provided in Section 1-1-9, "General Penalty", Odessa City Code, which section is adopted by reference and made a part hereof. That the caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the city of Odessa, in compliance with the provisions of Article 1176b-1, T.R.C.S., and this ordinance shall go into effect five (5) days after its publication following adoption on second approval as provided by City Charter section 65.

The foregoing ordinance was first approved on the ___ day of _____, A.D., 2020, by the following vote:

Malcolm Hamilton	___
Dewey Bryant	___
Detra White	___
Tom Sprawls	___
Mari Willis	___
Peggy Dean	___
David R. Turner	___

The foregoing ordinance was adopted on second and final approval on the ___ day of _____, A.D., 2020, by the following vote:

Malcolm Hamilton	___
Dewey Bryant	___

Detra White _____
Tom Sprawls _____
Mari Willis _____
Peggy Dean _____
David R. Turner _____

Approved this the ____ day of _____, A.D., 2020.

David R. Turner, Mayor

ATTEST:

Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

Natasha Brooks, City Attorney

DRAFT