

**ORDINANCE NO. 2024-13**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, AMENDING THE ODESSA CITY CODE CHAPTER 14 "ZONING" ARTICLE 14-2 "USES" SECTION 14-2-6 "SPECIFIC USE PERMITS" BY GRANTING A SPECIFIC USE PERMIT TO ALLOW A TAVERN (BAR) ON LOT 5, BLOCK 3, FAIR OAKS GARDENS 2<sup>ND</sup> FILING, CITY OF ODESSA, ECTOR COUNTY, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF E UNIVERSITY BOULEVARD, APPROXIMATELY 440-FEET WEST OF N JOHN BEN SHEPPARD PARKWAY BOULEVARD); FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE AND DECLARING AN EFFECTIVE DATE

**WHEREAS**, all legal requirements, including public notice, hearing and recommendation by the Planning and Zoning Commission prerequisite to the amendment contained herein have been complied with and fulfilled; and

**WHEREAS**, the City Council considers the herein contained amendment to the Odessa City Code Chapter 14 "Zoning" Article 14-2 "Uses" Section 14-2-6 "Specific use permits" to be in harmony with the general plan of development in the City of Odessa and consistent with the health, safety, and welfare of the inhabitants of the City of Odessa;

**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” Article 14-2 “Uses” Section 14-2-6 “Specific use permits” is hereby amended to grant a specific use permit to allow a tavern (bar) on Lot 5, Block 3, FAIR OAKS GARDENS 2<sup>ND</sup> FILING, City of Odessa, Ector County, Texas, as shown on the attached Exhibit “A”. This property is generally located on the north side of E University Boulevard, approximately 440-feet west of N John Ben Sheppard Parkway Boulevard. This specific use permit shall be referenced on the Zoning District Map of the City of Odessa and shall be listed in the official zoning map maintained on the official City of Odessa website and available upon request in the planning and zoning commission's office.

**Section 2.** That the site plan and conditions, which are attached hereto as Exhibits “B” and “C” respectively, are approved.

**Section 3.** That the use and development of this property shall conform to the regulation of the Retail District (R) attached hereto as Exhibit “D”

**Section 4.** That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to 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 5.** That any person violating the provisions of this ordinance shall be deemed guilty of a Class C misdemeanor and shall be punished by a fine not to exceed two thousand dollars (\$2,000.00) as provided by City Code Section 1-1-9 “General Penalty”.

**Section 6.** 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 7.** That this ordinance shall go into effect five (5) days after its publication following adoption on second approval as provided by City Charter Sections 61 and 65.

The foregoing ordinance was first approved on the 12<sup>th</sup> day of March, A.D., 2024, by the following vote:

Mark Matta	AYE
Steven P. Thompson	AYE
Gilbert Vasquez	AYE
Greg Connell	AYE
Chris Hanie	AYE
Denise Swanner	ABSENT
Javier Joven	AYE

The foregoing ordinance was adopted on second and final approval on the 26<sup>th</sup> day of March, A.D., 2024, by the following vote:

Mark Matta	AYE
Steven P. Thompson	AYE
Gilbert Vasquez	AYE
Greg Connell	AYE
Chris Hanie	AYE
Denise Swanner	AYE
Javier Joven	AYE

Approved this the 26<sup>th</sup> day of March, A.D., 2024.

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Javier Joven, Mayor

ATTEST:

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Norma Aguilar, City Secretary

APPROVED AS TO FORM:

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Daniel C. Jones, City Attorney



**Aerial Map**

Case File No. 2024-03-SUP 1 inch equals 200 feet

Consider a request by Michael Matthews for a Specific Use Permit on Lot 5, Block 3, Fair Oaks Gardens, 2<sup>nd</sup> Filing, being a Replat of Lot 4 Block 3 in Section 13, Block 42, T-2-S, T&P RY. CO. Survey, City of Odessa, Ector County, Texas. (Generally located on the north side of E University Boulevard, approximately 440-feet west of N John Ben Sheppard Parkway —Council District 2)

Spatial Reference  
 Name: NAD 1983 StatePlane Texas Central FIPS 4203 Feet

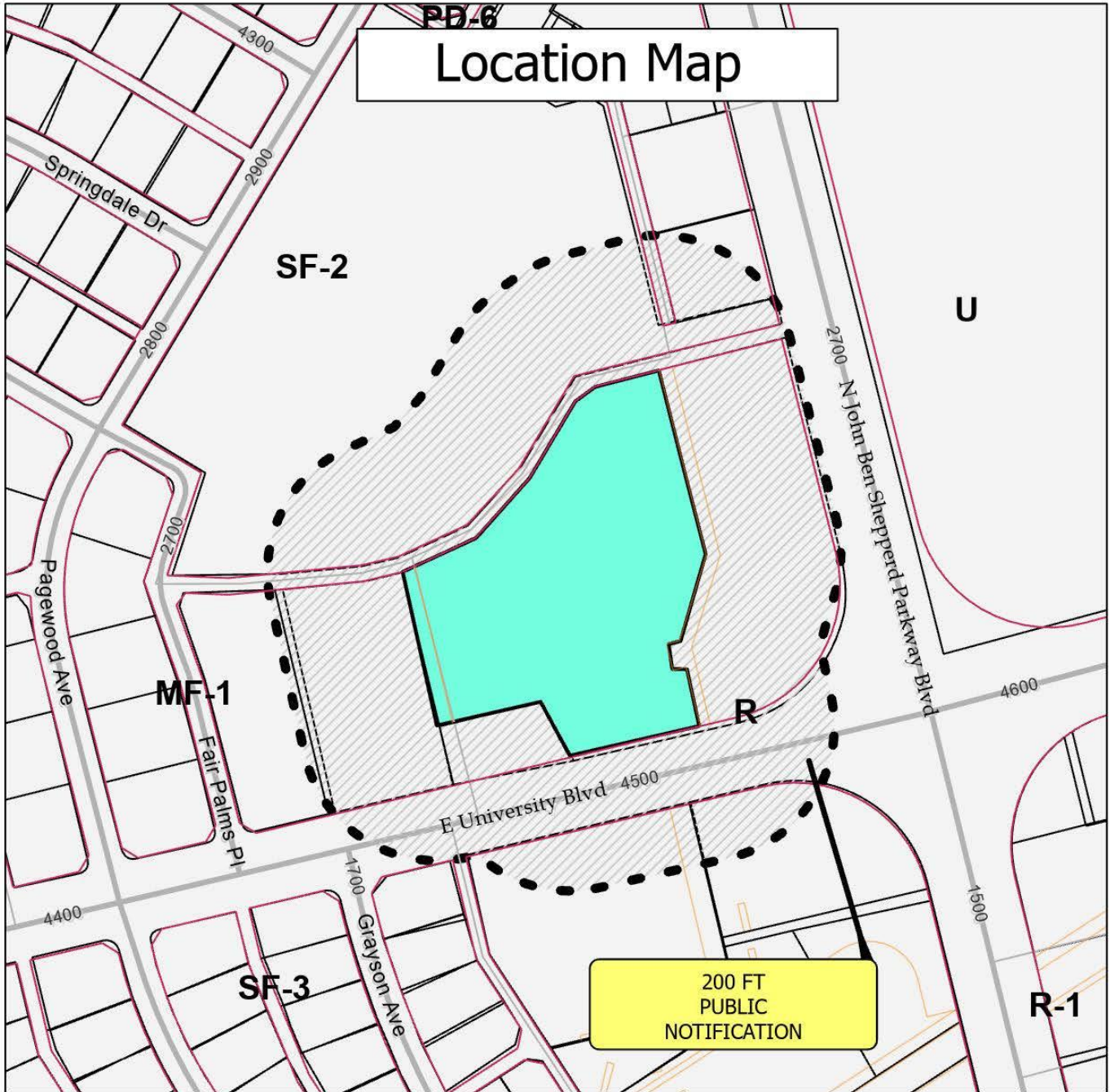
**Legend**

- Right Of Way
- Property Lines
- Easement
- Other
- ▭ PROPERTY OF INTREST
- ▭ Odessa Parcels
- ▭ Midland Parcels
- ▭ City Limits



City of Odessa 2024





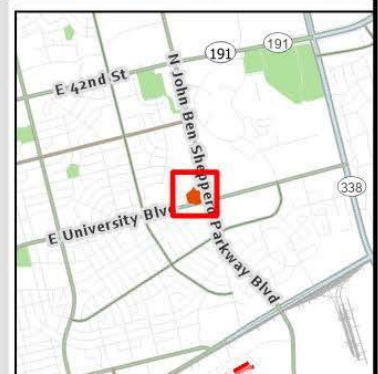
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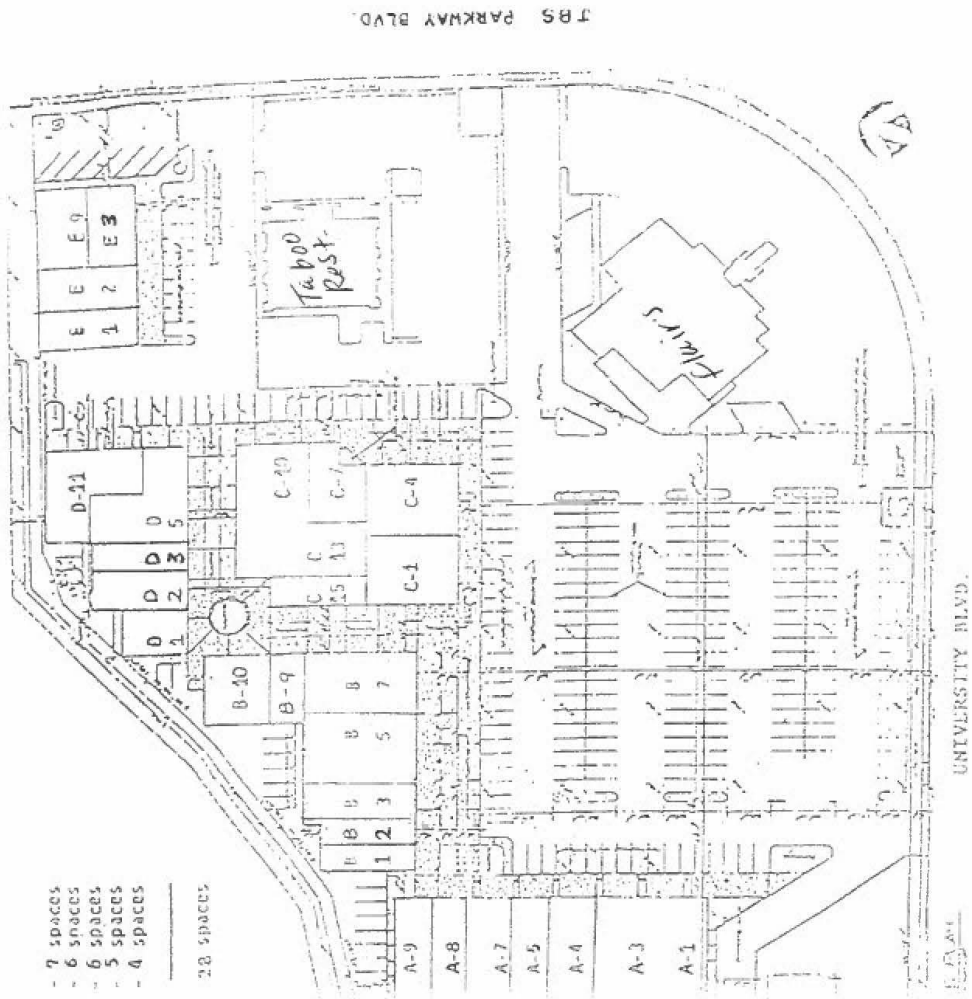
**Legend**

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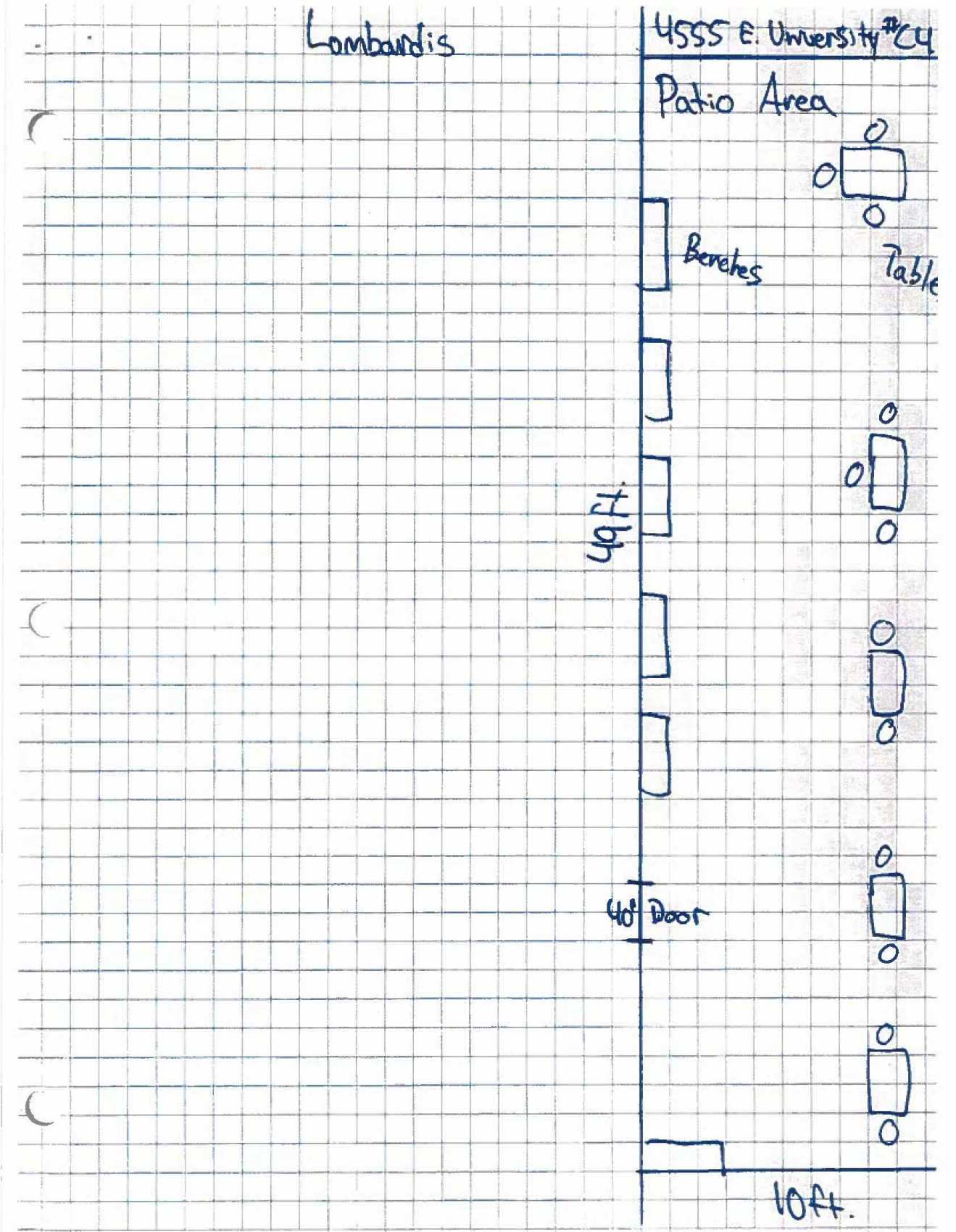
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EXHIBIT "B" – SITE PLAN  
PAGE 1 OF 3**



- 7 SPACES
- 6 SPACES
- 6 SPACES
- 5 SPACES
- 4 SPACES
- 4 SPACES
- 28 SPACES

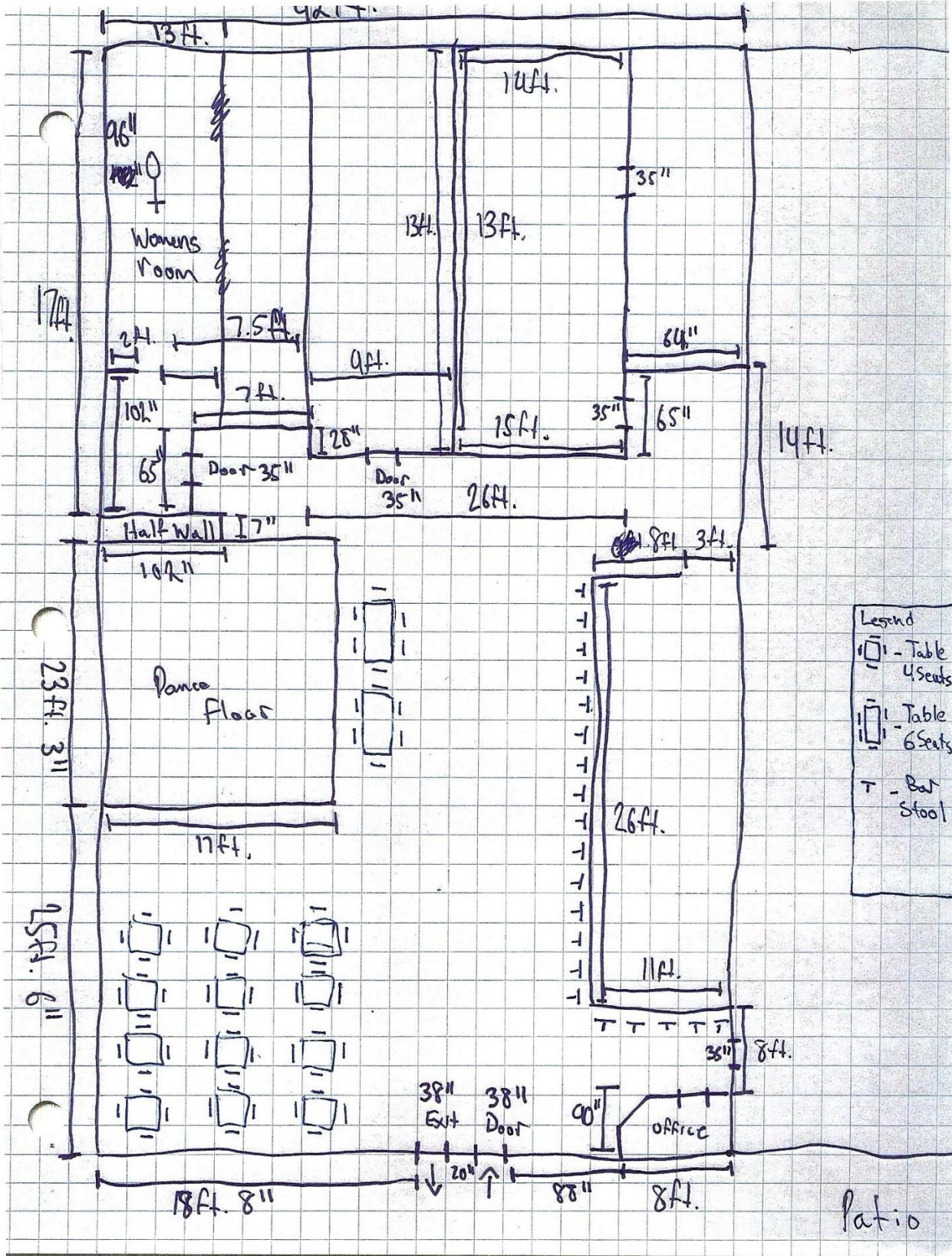


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EXHIBIT "B" - SITE PLAN  
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Legend:  
 60 Floor Seats  
 20 Bar Stools

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**EXHIBIT “C” – CONDITIONS**  
**PAGE 1 OF 1**

1. Any signs need to meet zoning ordinance requirements.
2. Adoption of the site plan.
3. 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.

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**EXHIBIT "D" - USES**  
**PAGE 1 OF 5**

RETAIL

The following uses are allowed in the Retail (R) 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)  
Residence Home for the Elderly  
Mobile or HUD-Manufactured Home Dwelling  
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  
Sewage Pumping Station  
Storm Water Retention Basin or Pumping Station



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**EXHIBIT "D" - USES**  
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(Retail -- Cont.)  
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(Utility and Service Uses -- Cont.)

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  
Institutional Out-Patient Medical Clinic

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(Retail -- Cont.)  
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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  
Gasoline Sales  
Gasoline or Motor Fuel Service Station  
Helistop (by Specific Use Permit)  
New Auto Display and Sales (Indoor)  
Parking Lot or Structure Commercial (Primary Use) (by Specific Use Permit)  
Parking Lot or Structure Non-Commercial  
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  
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

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**EXHIBIT "D" - USES**  
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(Retail -- Cont.)  
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(Retail and Service Type Uses -- Cont.)

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  
Name Plate  
Office Identification Sign  
Real Estate Sign (Temporary)

**COMMERCIAL TYPE USES (14-2-2.9)**

Building Material and Home Supply Sales (Indoor Storage)  
Laboratory, Scientific or Research  
Mini-Warehouse



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**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)