

STATE OF TEXAS §
COUNTIES OF POTTER §
AND RANDALL §
CITY OF AMARILLO §

On the 16th day of August 2021, the Amarillo Planning and Zoning Commission met in a work session at 2:45 PM to review agenda items, and then convened in regular session at 3:00 PM in the City Council Chambers on the third floor of city hall, 601 S. Buchanan, Amarillo, Texas, with the following members present:

VOTING MEMBERS	PRESENT	NO. MEETINGS HELD	NO. MEETINGS ATTENDED
Renee Whitaker	Y	16	16
Royce Gooch	Y	83	78
Rob Parker, Chairman	Y	165	140
Jason Ault	Y	62	47
Fred Griffin	Y	16	16
Dick Ford	Y	110	99
Pedro Limas, Vice Chair	Y	62	56

PLANNING DEPARTMENT STAFF:

Andrew Freeman, Managing Director - Planning & Special Projects
Cris Valverde, Assistant Director of Planning and Development Services
Emily Koller, Economic Development and Neighborhood Revitalization Manager
Brady Kendrick, Planner II
Jason Taylor, Planner I
Torie BenShushan, Planner I
Amanda Medellin, Recording Secretary

Chairman Rob Parker opened the meeting at 3:00 PM, established a quorum and conducted the consideration of the following items in the order presented.

I. Call to order and establish a quorum is present.

II. Public Address: Citizens who desire to address the Planning and Zoning Commission with regard to items on the agenda will be received at this time.

No comments were made.

III. Consent Agenda: The Commission may request a consent agenda item to be moved to the Regular Agenda for presentation and comment. Otherwise, the consent agenda will be considered in one vote. Consent agenda items are routine items recommended for approval, and which do not include requests for waivers or variances.

1. Approval of the minutes of the August 2, 2021 regular meeting.

A motion to approve the minutes was made by Commissioner Royce Gooch, seconded by Commissioner Renee Whitaker, and carried unanimously.

IV. Regular Agenda:

1. **VACATION/S:** The Planning and Zoning Commission will consider the following vacation/s:

- A. V-21-02 Vacation of a 24,000 square foot portion of Public Right-of-way (SW 14th Avenue), lying between Blocks 182 and 197, Plemons Addition, in Section 170, Block 2, A.B.&M. Survey, Potter County, Texas.

VICINITY: SW 14th Ave. and Tyler St.

APPLICANT/S: Chris Sharp for Amarillo Junior College

Jason Taylor, Planner I, presented the above-proposed vacation. The vacation has been reviewed by the customary City Departments and local utility companies and complies with all Development Ordinance standards. Staff recommended approval of the vacation as presented.

Chairman Rob Parker asked if anyone wanted to speak for or against the item.

No comments were made.

A motion to approve V-21-02 as presented was made by Chairman Rob Parker and seconded by Commissioner Jason Ault. The motion passes unanimously.

- B. V-21-03 Vacation of a 7,544 square foot portion of a Public Right-of-way (alley) located adjacent to Lots 2 through 4, Block 33, Lawrence Park Unit No. 23 and Lot 6, Block 24, Lawrence Park Unit No. 89, in Section 227, Block 2, A.B.&M. Survey, Potter County, Texas.

VICINITY: SW 26th Ave. and Britain Dr.

APPLICANT/S: David Hudson for Southwestern Public Service Company

Brady Kendrick, Planner II, presented the above-proposed vacation. Staff and private utility companies have reviewed the request and with exception of construction plan approval and surety still needing to be addressed prior to approval of the request, no significant comments and/or requirements have been expressed. Staff recommended that this item be allowed to be resubmitted for consideration at a later date once ready.

Chairman Rob Parker asked if anyone was for or against this item.

No comments were made.

A motion to allow V-21-03 to be resubmitted at a later date was made by Chairman Rob Parker and seconded by Commissioner Royce Gooch. The motion passes unanimously.

2. **REZONING/S:** The Planning and Zoning Commission will consider the following rezoning/s:

A. Z-21-12 Rezoning of 168.88 acres of land in Section 169, Block 2, A.B.&M. Survey, Potter County, Texas pertaining to Part 2 of 2 of the North Heights Rezoning Initiative and being further described below:

1: Rezoning of 56.38 acres consisting of land in the Glidden and Sanborn Addition, plus one half of all bounding streets, alleys, and public ways to change from Light Industrial District and Planned Development Districts 16 and 65 to Heavy Commercial District, in Section 169, Block 2, A.B.&M. Survey, Potter County, Texas.

2: Rezoning of 15.11 acres consisting of land in the Glidden and Sanborn Addition, plus one half of all bounding streets, alleys, and public ways to change from Light Industrial District to Light Commercial District, in Section 169, Block 2, A.B.&M. Survey, Potter County, Texas.

3: Rezoning of 17.58 acres consisting of land in the GT Davis Subdivision of Blocks 109 through 112 of the Glidden & Sanborn Addition and Glidden & Sanborn Addition, plus one half of all bounding streets, alleys, and public ways to change from Heavy Commercial District to General Retail District, in Section 169, Block 2, A.B.&M. Survey, Potter County, Texas.

4: Rezoning of 30.63 acres consisting of land in the Glidden and Sanborn Addition, plus one half of all bounding streets, alleys, and public ways to change from Multiple-Family District 1 and Light Industrial District to Moderate Density District, in Section 169, Block 2, A.B.&M. Survey, Potter County, Texas.

5: Rezoning of 49.18 acres consisting of land in the Glidden and Sanborn Addition, plus one half of all bounding streets, alleys, and public ways to change from Heavy Commercial District, Light Commercial District, and Light Industrial District to Neighborhood Service District, in Section 169, Block 2, A.B.&M. Survey, Potter County, Texas.

VICINITY: North Heights Neighborhood Plan Area (south-portion of Plan Area)
APPLICANT/S: City of Amarillo

Emily Koller, Economic Development and Neighborhood Revitalization Manager, presented the above-proposed rezoning. Ms. Koller gave a brief status on part 1 of the North Heights Rezoning, it was tabled by City Council on August 10 and rescheduled for August 24. Ms. Koller explained what the citizen's main concerns are; downzoning and property value. She then went over the current land uses which are non-residential 39%, residential 37%, and vacant 24%, then showed multiple maps to back up Staff's analysis. Ms. Koller gave a detailed description of each district that is proposed to change. Staff recommended approval of the rezoning as presented.

Chairman Rob Parker asked if there would be a 45% reduction of legal non-conforming use after the rezoning.

Emily Koller confirmed that there would be a 45% reduction after the rezoning.

Mr. Parker then asked if there are any Multiple Family zones in the area.

Ms. Koller stated that there was not any additional Multiple-Family District 1 district planned to be added.

Commissioner Fred Griffin stated that there are many residential properties that are unoccupied. He asked if Staff had an accurate count of those or included all properties as a whole.

Emily Koller confirmed that residential properties were counted as a whole and did not separate out vacant properties.

Commissioner Rene Whitaker asked if staff knows how many residential properties are vacant.

Emily Koller stated that staff does not have that information but they could look into it.

Cris Valverde also added that in some instances, it would be difficult to make that determination by simply driving by the property.

Commissioner Dick Ford asked about the two Planned Developments in the area.

Emily Koller gave a brief description of both the Planned Developments in the area and explained based on Staff's understanding of the uses, would not become Legal Non-Conforming.

Chairman Rob Parker asked if anyone wanted to speak for the request.

Jerri Glover, 5707 N Berget, asked the commission to look into the best interest of the neighborhood, not just certain individuals.

Alan Abraham, 7205 SW 35th, stated that Mildred and he talked to 20 different active businesses in this area and most were in support of the rezoning.

Herman Moore, 402 Sue Terrace, thanked the commission and staff and expressed his support. He stated that many of the residential properties in the area are condemned.

Derick, 1330 NW 12th Ave, stated that he is in full support of the rezoning. He mentioned that he has been trying to help the community for many years.

Chairman Rob Parker asked if anyone wanted to speak against the request.

Tom Roller, 5702 Town Square, representing a client, stated that the rezoning would deter potential developers from this property because of the potential for down zoning. While he supports the process as a whole, he was not in favor of any down zoning.

Vice Chairman Pedro Limas asked for a description of the current use of the building of his client.

Mr. Roller stated that the property has been used as a homeless outreach center, window company, and auto repair shop.

Mr. Limas stated that this property is constantly changing and asked if next owner would need to operate a similar business.

Cris Valverde confirmed that the next owner would either need to meet the conditions of Legal Non-Conforming status or a business that is allowed in the proposed zoning district.

Commissioner Fred Griffin asked if the property would be legal non-conforming after the rezoning.

Mr. Roller confirmed that the property would be legal non-conforming.

Timothy Gassaway represented Jorge Garcia, 407 N Hughes. Mr. Gassaway read a letter written by Jorge opposing the removal of Heavy Commercial zoning from his property and concerns about being able to continue his business.

Vice Chairman Pedro Limas asked what the property is right now.

Jorge Garcia stated that if he would like to rent his property later he is going to have problems. He used it for automotive related uses.

Chairman Rob Parker asked if the problems could be solved with a Specific Use Permit.

Cris Valverde stated that it was something proposed in the upcoming Zoning Ordinance changes that could be depending on the exact use.

Laird Kinnier, 402 N Monroe, stated that he was opposed to the request because it did not go far enough with the changes. As a builder, he would like to see more Residential zoning as he has build multiple homes in the area over the last decade.

Vice Chairman Pedro Limas stated that residential homes are allowed in Moderate Density, which is proposed for areas in the neighborhood.

Commissioner Fred Griffin asked Mr. Kinnier to tell the commission about the homes that he has built.

Mr. Kinnier gave a brief description of the homes he has built.

Arvell Williams, 1313 NE 3rd, stated that no one wanted to own a property that is legal non-conforming and he was opposed to the request as several of his properties would become such if this passed. There would be too many expensive obstacles to go through if the request was approved and it would negatively impact these properties that would ultimately become his relative's. He stated that it could impact future plans to sell land to Plains Dairy.

Vice Chairman Pedro Limas stated that if someone wants to rezone they can always apply for a rezoning and this change did not lock the properties in to a zoning indefinitely.

Emily Koller reiterated that Plains Dairy would not become legal non-conforming.

Rupert Brashears, 2422 Poplar, gave a history on the Emmett Till incident. Mr. Brashears stated that he was lied to by staff about the proposed impacts to his property. He also stated that Mildred was unprofessional with him.

Gabe Irving, 600 Tyler, stated he was in opposition of the rezoning. He stated that each property owner should apply for the rezoning on their own, rather than rezoning the whole neighborhood at once. He stated that staff should not charge for a Specific Use Permit for the property owners that will be down zoned.

Bernadette Kariem, 201 N Adams, stated that she felt the SUP fee should be waived. She stated that the City of Amarillo does not fix the other issues in the neighborhood such as overgrown weeds and trash and does not see how zoning will change things.

Vice Chairman Pedro Limas informed Ms. Kariem that overgrown weeds are to be maintained by the property owner and not the City.

Timothy Gassaway, 1604 NW 16th Ave, represented Amarillo Black Chambers of Commerce. He stated the organization is upset that NHAA didn't involve the property owners more and felt that the process needed to start over.

David Gutierrez, 1336 W Amarillo Blvd, stated he was opposed to the rezoning.

Chairman Rob Parker asked for rebuttals for the request.

Mildred Darton, 2005 NW 14th, stated that the North Heights Association is trying to do what is in the best interest of the whole neighborhood not just certain business.

Alan Abraham, 7205 SW 35th stated that there were many people who did attend the outreach meetings and ultimately, it was up to people to show up if they wanted to be heard.

Chairman Rob Parker asked for rebuttals against the request.

Timothy Gassaway, 1604 NW 16th Ave, stated that staff cannot make North Heights look like communities in south Amarillo. Property owners should not be penalized as they have already invested in North Heights.

Rupert Brashears, 2422 Poplar, stated that Mildred refuses to speak to him. He then spoke about race issues.

Gabe Irving, 600 Tyler, stated that he has a constant turnover of business at his property and that it often takes more than 12 months to get a new tenant. This would likely mean his properties would lose their legal non-conforming status.

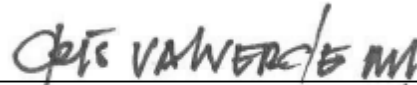
No other comments were given.

Chairman Rob Parker stated that as a Commission, they felt it was best to wait to proceed with this request until City Council made a determination on Part 1 of the request at their next meeting which had previously been tabled.

A motion to table Z-21-12 was made by Vice Chairman Pedro Limas and seconded by Commissioner Fred Griffin. The motion passed unanimously.

4. Discuss Items for Future Agendas.

The meeting adjourned at 5:02 PM.

A handwritten signature in black ink, appearing to read "Cris Valverde" with a stylized flourish at the end.

Cris Valverde, Assistant Director of Planning
Planning and Zoning Commission