

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

On the 18th day of July 2022, 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	N	39	37
Royce Gooch, Vice Chair	Y	106	101
Rob Parker, Chairman	Y	188	162
Jason Ault	N	85	66
Fred Griffin	Y	39	38
Cindi Bulla	Y	15	12
Jeff Perkins	N	15	9

CITY STAFF:

Cris Valverde, Director of Planning and Development Services
Emily Koller, Assistant Director of Planning and Development Services
Brady Kendrick, Planner II
Jason Taylor, Planner I
Jenine Cruz, Recording Secretary

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

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.

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 July 6, 2022, Planning and Zoning Commission Regular Meeting.

A motion to approve the minutes was made by Commissioner Fred Griffin, seconded by Vice Chairman Royce Gooch, and carried unanimously.

IV. **Regular Agenda:**

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

- A. P-22-60 Chaparral Hills Unit No. 12, a suburban subdivision to the City of Amarillo, being a replat of Lot 1, Block 5, Chaparral Hills Unit No. 5, in Section 219, Block 2, A.B.&M. Survey, Potter County, Texas.
VICINITY: Western St. and Big Horn Trl.
APPLICANT/S: Lucero Estrella

Jason Taylor, Planner I presented the above item. This plat is for the purpose of creating three residential lots from a previously platted tract of land. The plat has been reviewed by the customary City Departments and local utility companies and complies with all Subdivision and Development Ordinance standards. As proposed the applicant's tracts would meet subdivision standards for the Extraterritorial Jurisdiction. That said, it must be noted that if approved the proposed lots would create a denser residential product than what is currently found within the immediate area. consulting with the Amarillo Area Public Health District, they stated that a standard one-acre lot in the ETJ can typically accommodate three to four single family homes while meeting septic system requirements. This is important to note as the applicant would be able to develop the lot in the same manner without replating as there are not density standards or other land-use related standards/zoning enforced in the ETJ that would prevent such development. Public notices were sent to all property owners within 200 feet as required by State Law. As of this writing, two comments have been received in which opposition was expressed. Both callers stated that they were not in favor of the creation of smaller lots and do not support the proposed higher density of residential development in this area. Considering the just mentioned, Staff recommends approval of the plat as presented, pending the return of the corrected originals prior to plat expiration.

Chairman Rob Parker asked the commissioners if they have any questions.

Chairman Rob Parker asked what is going through all three lots on the right side of the plat.

Commissioner Fred Griffin replied it is a 20 ft drainage easement.

Chairman Rob Parker asked if TXDot is okay with access coming from Western Street.

Jason Taylor asked if Chairman Rob Parker was asking about lot 2 block 5.

Chairman Rob Parker replied lots 17 and 18, the only access will be from Western St., so he is assuming TXDot is okay with the access directly from Western Street.

Jason Taylor replied yes, it was sent to TXDot and based on the feedback provided to the Planning Department TXDot has no issue with this.

Commissioner Cindi Bulla asked about the opposition received, was it centered around density or were there other concerns.

Jason Taylor replied yes, they communicated when they bought the property the development was consistent with having larger tracts of land and did not want someone to go out and split up this piece of land into smaller lots. Tracts to the north, south and east are over 2 acres, that is what is consistent out there and this would change the dynamics and create a denser residential product.

Commissioner Cindi Bulla asked if all three lots that are subject to the plat, will be a minimum of one acre.

Jason Taylor replied yes, the two lots further north are over 1 acre and the one to the south is around 1.15 acre.

Commissioner Cindi Bulla asked if the proposed changes to lot 17 would still allow the lot to be 1 acre.

Jason Taylor replied yes.

Chairman Rob Parker asked the commissioners if they have any additional questions.

No comments were made.

Chairman Rob Parker asked if anyone in the audience would like to speak for this item.

Roger Swanson from 9311 Big Horn Trail spoke in opposition to the item. Density is part of the issue, but another part of the issue is adding two more water wells. Moved into town and big draw was having 5 acres and being spaced out from your neighbors. Never had to worry about water before and with them wanting to drill two more wells, it will reduce the water available. Current owners bought the lot at auction and said they will be living on the land. Now they are selling it in 3 different lots.

Chairman Rob Parker stated items have come up by Bishop Hills, same situation. People talk about the water, water on the north side has a lot of question marks. Planning and Zoning has nothing to do with that. If item makes sense, we either approve it or deny it. The developer is the one who the water falls on more. If property is over an acre and meets the requirements from Environmental Health Department about wells and septic tanks that is what we must abide by. If it was less than 1 acre, we would have issues with this item but since it is over an acre

per lot it meets the qualifications.

Commissioner Cindi Bulla asked city staff if this meets the criteria, is it not within our purview to decline the item? Why would this item come to the board if they cannot decline item?

Cris Valverde, Planning Director replied yes that is correct. It is before the board because we sent notices out to everyone within a 200 ft radius about this public hearing because it was the Planning Departments interpretation this was a residential replat. What the notices are meant to do is let neighbors know what is going on within their subdivision and express their concerns and maybe the concerns may be backed up by the private deed restrictions. If this meets minimum standards for platting which is strictly subdivision planned, state law says the board must approve.

Chairman Rob Parker asked if there are any deed restrictions that we know of.

Cris Valverde replied we do not look at or enforce deed restrictions. That is one of the things about living outside of the city, there are no city regulations. There may be some deed restrictions that may prevent the smaller lots but those are all private.

Commissioner Fred Griffin stated if Roger Swanson wants to look through deed restrictions when the property was bought, he has a title policy, look on schedule B it is usually one of the first items one or two.

Roger Swanson replied he is confused took time off work because notice sent out said he has a voice in this, and he does not.

Cris Valverde replied this is an opportunity for his voice to be heard.

Roger replied he was just told it does not matter.

Commissioner Fred Griffin replied we approve the plat. If there are valid deed restrictions prohibiting development of this into individual lots, then Roger Swanson would have private cause of action. But that does not keep the board from approving this item.

Roger Swanson replied the rules are the rules, but he received a letter telling him if he didn't agree to come in here.

Commissioner Cindi Bulla stated she understands where Roger is coming from there is only so much water under the lots. If you add demand, then you may constrict supply. This conversation is under area then Planning and Zoning.

Roger Swanson stated when his neighbor put an inground pool in a couple of years ago no one had water for 2 days.

Cris Valverde stated in the future we are looking to get ground water certification

for platting in the ETJ to address the concern. We are not there yet it was proposed with our new subdivision ordinance. This is part of it.

Chairman Rob Parker stated especially in the area north of town where Roger lives in the ETJ.

Vice Chairman Royce Gooch stated Cris he thinks Randall County does require that out in the county areas.

Chairman Rob Parker asked if anyone would like to speak for or against this item.

No comments were made.

A motion to approve the item was made by Vice Chairman Royce Gooch contingent on receipt of the corrected originals prior to the expiration of the plat and seconded by Commissioner Fred Griffin.

The motion passes unanimously.

2. **MISCELLANEOUS:** The Planning & Zoning Commission will consider the following item/s:

- A. A-22-01 Discussion regarding the proposed annexation of a 44.26 acre tract of unplatted land, in Section 62, Block 9, B.S.&F. Survey, Randall County, Texas.
VICINITY: SW 34th Ave. and Soncy Rd.
APPLICANT/S: Daryl Furman for Kustersont Limited Partnership

Brady Kendrick, Planner II presented the above item. The area proposed for annexation currently is developed with a home and associated accessory buildings with the remaining portion of the land being vacant. While exact development plans are not known, it is anticipated that a portion of this tract will be developed with an apartment complex and the remaining portion will likely develop. The purpose of the Public Hearing is to provide an opportunity for Council to review the Agreed Service Plan as well as gather input from any interested parties. State Law requires that an Agreed Service Plan be negotiated and executed between the City of Amarillo and the Developer that details municipal services to be provided, needed improvements, and who will be responsible for the improvements. Municipal Services include water, sanitary sewer, emergency services, code enforcement, and solid waste, among others. The Agreed Service Plan does not take effect unless the Annexation is approved by the City Council. If the Planning and Zoning board has any questions or comments present them to the Planning Department and they will be incorporated into the Annexation request.

Chairman Rob Parker asked if this is a more multi family, commercial & retail, as opposed to single family.

Brady Kendrick replied yes. They have an apartment complex in the early stages of planning and the rest would retail or office spaces. They do not have a development plan yet. Will come to the city as Agricultural.

Vice Chairman Royce Gooch asked if Anton Kuster Ave be continued to the west.

Brady Kendrick replied they have not said but Engineering Dept expressed that would be a logical continuation of the street. This property owner is also the owner to the land further east.

3. Discuss Items for Future Agendas.

Chairman Rob Parker will be resigning effective immediately. Will need to consider a new Chairman and Vice Chairman in next meeting.

The meeting adjourned at 3:21 PM.



Cris Valverde
Director of Planning and Development Services