

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

On the 14th day of June 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 Street, Amarillo, Texas, with the following members present:

VOTING MEMBERS	PRESENT	NO. MEETINGS HELD	NO. MEETINGS ATTENDED
Renee Whitaker	Y	11	11
Royce Gooch	Y	78	73
Rob Parker, Chairman	Y	160	135
Jason Ault	Y	57	43
Fred Griffin	Y	11	11
Dick Ford	Y	105	94
Pedro Limas, Vice Chair	Y	57	53

PLANNING DEPARTMENT STAFF:

Andrew Freeman, Managing Director - Planning and Special Projects
Emily Koller, Economic Development and Neighborhood Revitalization Manager
Brady Kendrick, Planner II
Torie Benshushan, Planner I
Jason Taylor, Planner I
Annemarie Rossato, Planner I

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.

Fransetta Crow, 1508 N Hughes, explained how she was not against change but she felt as if some areas need to be readdressed. Each individual should be contacted and brought in to speak to a planner and get a more clear understanding prior to the request moving forward.

Joseph Peterson, 6306 Bowery, stated his support for the rezoning and explained all efforts and meetings that the North Heights Advisory Association were conducted to inform the neighborhood about what was being requested and the reason for the request.

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.

A. Approval of the minutes of the June 2, 2021 Planning and Zoning Commission meeting.

A motion to approve the minutes was made by Vice Chairman Pedro Limas, seconded by Commissioner Jason Ault, and carried unanimously.

IV. Regular Agenda:

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

- A. P-21-43 The Woodlands of Amarillo Unit No. 17, an addition to the City of Amarillo, being a replat of Lot 52, Block 6, The Woodlands of Amarillo Unit No. 12, in Section 23, Block 9, B.S.&F. Survey, Potter County, Texas.
VICINITY: Golden Chestnut Ln. and Sweetbay Ln.
APPLICANT/S: Estefania and Damon Herbert

Brady Kendrick, Planner II, presented the above plat. This item had been reviewed by the customary City Departments and local utility companies and complies with all Subdivision and Development Ordinance Standards. Staff recommended approval of this item as presented.

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

No comments were made.

A motion to approve P-21-43 as presented was made by Commissioner Royce Gooch and seconded by Commissioner Renee Whitaker. The motion passed unanimously.

- B. P-21-46 Grand Avenue Estates Unit No. 8, a suburban subdivision to the City of Amarillo, being an unplatted tract of land, in Section 143, Block 2, A.B.&M. Survey, Randall County, Texas.
VICINITY: Farmers Ave. and Grand St.
APPLICANT/S: Abdiel Perez for Amarillo Value Homes, LLC

Brady Kendrick, Planner II, presented the above plat. This item had been reviewed by the customary City Departments and local utility companies and with the exception of the 3 lots not meeting the minimum lot width requirement and an alley not being provided, complies with all Subdivision and Development Ordinance Standards. Staff recommended approval of this item as presented with a lot width and alley variance.

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

No comments were made.

A motion to approve P-21-46 as presented with the lot width and alley variance was made by Commissioner Dick Ford and seconded by Commissioner Fred Griffin. The motion passed unanimously.

- C. P-21-47 2T Estates Unit No. 1, a suburban subdivision to the City of Amarillo and to Randall County, Texas, being an unplatted tract of land, in Section 37, Block 1, T.T.R.R. Co. Survey, Randall County, Texas.
VICINTY: Dowell Rd. and Rockwell Rd
APPLICANT/S: Jake Pancost

Brady Kendrick, Planner II, presented the above-proposed plat. The plat has been reviewed by the customary City Departments and local utility companies and with exception of 11 of the proposed lots along Rockwell Road not meeting minimum lot widths and no alleys being provided, meets all Subdivision and Development Ordinance standards. Staff recommended approval of the plat as presented with a lot width and alley variance.

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

No comments were made.

A motion to approve P-21-47 as presented with a lot width and alley variance was made by Vice Chairman Pedro Limas and seconded by Commissioner Jason Ault. The motion passed 6-0 with Commissioner Royce Gooch abstained from voting.

- D. P-21-54 Sears Park Addition Unit No. 6, an addition to the City of Amarillo, being a replat of Lot 2A, Block 2, Sears Park Addition Unit No. 5, in Section 226, Block 2, A.B.&M. Survey, Potter County, Texas.
VICINITY: Plains Blvd. and S. Western St.
APPLICANT/S: Mikw Lafleur for the Couch Foundation

Jason Taylor, Planner I, presented the above-proposed plat. The item has been reviewed by the customary City Departments and Local Utility Companies and with exception of not meeting the requirement of having access onto a an existing street, complies with all Subdivision and Development Ordinance standards. Staff recommended approval of this plat as presented with a variance for the ingress/egress easement being allowed to act as access to public right-of-way.

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

No comments were made.

A motion to approve P-21-54 as presented with the variance was made by Commissioner Jason Ault and seconded by Commissioner Royce Gooch. The motion passed unanimously.

- E. P-21-57 Tradewind Square Unit No. 6A, an addition to the City of Amarillo, being a replat of Lots 140 through 144, Lots 146 through 150, and Lots 181 through 190, Block 2, Tradewind Square Unit No. 6, in Section 173, Block 2, A.B.&M. Survey, Randall County, Texas.

VICINITY: SE 46th Ave. and Tradewind St.

APPLICANT/S: Seth Williams for PEGA Development, LLC and Dustin Eggleston for Betenbough Homes, LLC

Brady Kendrick, Planner II, presented the above-proposed plat. This item had been reviewed by the customary City Departments and local utility companies and complies with all Subdivision and Development Ordinance Standards. Staff recommended allowing this item to be resubmitted and reconsidered at a later meeting prior to the expiration date as the corrected originals were not turned in prior to the meeting.

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

No comments were made.

A motion to allow P-21-57 to be resubmitted at a later date prior to expiration was made by Vice Chairman Pedro Limas and seconded by Commissioner Jason Ault. The motion passed unanimously.

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

- A. Z-21-01 Rezoning 814.06 acres of land in Sections 168, 169, 188, 189, and 224, Block 2, A.B.&M. Survey, Potter County, Texas.

VICINITY: North Heights Neighborhood Plan Area (North-Portion)

APPLICANT/S: City of Amarillo

Emily Koller, Economic Development and Neighborhood Revitalization Manager, presented the above-proposed rezoning. Ms. Koller explained that the rezoning proposal would better align the zoning pattern in North Heights with Amarillo's Neighborhood Unit Concept as well as the Future Land Use maps for this area. The proposal furthers the goals of the North Heights Neighborhood Plan and is consistent with the land use principles established in the plan and utilized by the sub-committee to guide their work.

Emily Koller, gave an explanation on how the rezoning will be divided into two parts, a north and south part. Ms. Koller gave an in depth explanation of all the different outreach meetings held and the notices that were sent. 1,220 property owner notices were sent inviting property owners to workshops to interact with planners and ask any questions. The North Heights Advisory Association also held multiple meetings. Staff received multiple calls and emails, the main concerns from the public were devaluing property values, legal non-conforming status, and questioning how the City of Amarillo is legally able to rezone without consent from the public. Ms. Koller explained that the goal of the rezoning is to revitalize the neighborhood while preserving the existing culture in North Heights.

Staff recommended approval of the rezoning proposal for Part 1 of the North Heights Rezoning Initiative as presented.

Chairman Rob Parker asked what will happen if a business that is grandfathered in with the new rezoning is vacant for more than 12 months.

Ms. Koller answered that the business will then need to comply with the zoning standards for the location that is located in.

Chairman Rob Parker asked what the cost would be for a property owner to obtain a Specific Use Permit.

Ms. Koller answered approximately \$800.

Commissioner Fred Griffin asked if the empty lots in the neighborhood have utilities.

Ms. Koller answered that not all lots are served by utilities or streets.

Commissioner Dick Ford asked for an explanation on the difference between General Retail and Neighborhood Services, and if a drive-up window is allowed in Neighborhood Services.

Ms. Koller explained that Neighborhood Services serves the immediate neighborhood while General Retail serves a much larger area and the uses are more intensive in nature. A drive-up window could potentially be allowed in Neighborhood Services depending on the use or the need for a Specific Use Permit. Andrew Freeman then explained what districts and uses are allowed to have a drive-up window under the current zoning ordinance and the future zoning ordinance that is under development.

Commissioner Dick Ford asked for the number of businesses being affected with the rezoning that are north of Amarillo Boulevard.

Ms. Koller answered that approximately two would become legal non-conforming.

Vice Chairman Pedro Limas asked if there would be issues after the rezoning if someone would want to remodel their home in a residential area.

Ms. Koller answered no.

Commissioner Jason Ault asked if the grandfathering clause would be 12 months or 6 months.

Ms. Koller answered it is currently 12 months, but the updates to the zoning ordinance may reduce it to 6 months. This is a topic that is still under discussion and may not change to 6 months.

Vice Chairman Pedro Limas asked how many businesses will become legal non-conforming.

Ms. Koller answered approximately 2, an auto repair shop and a motel.

Commissioner Dick Ford mentioned that he drove by McMasters St and he seen several businesses there.

Ms. Koller stated that staff would look into that area again.

Vice Chairman Pedro Limas asked if one business abandons a property, would the next business need to be the same if it were to remain.

Ms. Koller answered yes.

Chairman Rob Parker stated that the intention is not to take someone's business away. He asked if there is a legal way to have a permanent grandfather clause rather than the 12 months.

Ms. Koller explained that a business can stay the same as long as they are operating to the requirements of legal non-conforming status.

Commissioner Dick Ford asked if the board would be voting on the rezoning as a whole or as 5 separated items.

Ms. Koller explained that the board could make any motion they feel is appropriate.

Chairman Parker asked if anyone was for this item.

Jerri Glover, 5707 N Berget, stated that this rezoning has been in the works for 15 months. Just because an individual doesn't like the idea of the rezoning, does not mean the rezoning is bad for the area as a whole. She then explained the issue in North Heights is home ownership and rezoning will promote development. She stated that if someone wants a special request then they need to speak up and ask.

Melodie Graves, 1601 NW 17th, President of the North Heights Neighborhood Association, said that on Saturday she took a tour of North Heights and she sees broken homes and junkyards, this does not allow children to grow up in this neighborhood. She stated that rezoning would be the first step in fixing North Heights. Ms. Graves said that she had been getting a lot of calls opposing the rezoning; she let all the callers know about the outreach meetings.

Reggie Jones, 1621 NW 18th, owner of North Heights Discount Café, stated that North Heights keeps going downhill. He stated that a lot of property owners don't want to do anything with their property. The ones who do want to purchase property or beautify North Heights don't have the recourses. He stated he was for the rezoning and wants to help the community.

Edith DiTommaso, 1613 Bowie, member of the Barrio Neighborhood Plan Committee, said she encourages property owners to take pride in their property and that zoning provides opportunity for growth and redevelopment.

Manzellus Gardner, 1636 NW 18th, stated that he owns several properties in North Heights and the area is crime and dope infested. Police need to be more present as he has requested help multiple times. He would like to see property values increase in the neighborhood. He has concern about the impacts to his properties but also isn't opposed to the request as a whole.

Allison Moorhead, 2700 S. Wilson, Habitat for Humanity, stated she was for the rezoning.

Alan Abraham, 7205 SW 35th Ave, gave a background on how North Heights was created and the history on the segregation. He stated that the citizens of North Heights need a consistent foundation and that the rezoning will attract is investors.

Sheree Wilson, 1709 N Jefferson, owner of Delvin's restaurant, stated that she was for the rezoning but expressed concern about the 12 month period for legal non-conforming status if her business were to become vacant or stopped operating. She also expressed concern about the trash in the neighborhood. She expressed that something needed to be done about the trash and junked cars in the neighborhood.

Chairman Rob Parker asked if she would be more in favor if a grandfather clause was included that was indefinite.

Sheree Wilson answered yes.

Commissioner Dick Ford asked how the rezoning would affect her.

Sheree answered that it would not affect her as her restaurant is already GR.

Patrick Miller, NAACP President, stated that he is in favor of the rezoning.

Prisiella Arreola, 1114 NW 15th, explained that her home is currently vacant due to it being rebuilt, and wanted to know how the rezoning will affect her property.

Andrew Freeman stated that Modern Density would allow for a single family home.

Chairman Rob Parker asked if anyone was against this item.

Tom Roller, 5701 Town Square Blvd, stated he is NOT opposed to the rezoning but he is representing the property at 1430 Amarillo Blvd West. Mr. Roller explained that the property is currently zoned Light Commercial and is proposed to be

rezoned to General Retail and this will limit the possibility of what the property could be used for. He was not in favor of the down zoning of property.

Gabe Irving, 600 Tyler, stated that the rezoning will not help the problems going on in North Heights. He stated that the problems in North Heights are issues that rezoning will not even solve.

Rupert Brashears, 2422 Poplar, stated that the rezoning needs to be reconsidered. He stated that the request was a Civil Rights issue and that he took issue with the NAACP President supporting the request as he is a member as well and does not support it. He stated that he felt City Staff was the ones that drew up the plans for the request. He supports change, but the right kind of change and that this request needs more work and that the request did not need to be approved today.

Arvell Williams, 1313 NE 3rd, stated that he is NOT against the change. He agrees that the north half does need to be rezoned as residential, but the south half should not be changed.

David Gutierrez, 1336 W Amarillo Blvd stated that he never received the rezoning notices. He wanted to know why his shop would be rezoned but the gas station on the same street would not be rezoned. He stated he was afraid that he would not be in compliance within the 12 months due to lack of funds.

Fred Salamy, 1900 Goliad, stated he is concerned about the second half of the rezoning. He mentioned that when staff sends out the notices they should let the property owners know if they are non-conforming. He also expressed concern about legal non-conforming status and what that meant for code requirements for a property.

Jorge Garcia, 407 N Hughes, stated that he is taking initiative himself to make North Heights a better place and takes care of his properties.

John D'Costa, 1502 N Washington, stated he was at the meeting to figure out what was going on because he was not educated on the rezoning. He and much of the neighborhood do not know what is going on and that more education on zoning is needed. He also expressed that trash and crime was a major problem and needed to be addressed first.

Joe Shehan, 1702 N 2nd Ave in Canyon, representing Mr. George Chapman, stated that Mr. Chapman would consider working with the City of Amarillo, but he does not want to downgrade the zoning.

Chairman Rob Parker asked how long Mr. Chapman has owned his property.

Mr. Shehan stated that Mr. Chapman has owned his property since at least 1998 when he started representing Mr. Chapman.

Chairman asked if anyone had any rebuttal comments in favor of the rezoning.

Jerri Glover, 5707 Burkett, commented that proper zoning would increase property values.

Alan Abraham, 7205 SW 35th, stated that he is in support of orderly development patterns in the neighborhood.

Melodie Graves, 1601 NW 17th, reiterates how much outreach was done for the community to get educated on the rezoning prior to the meeting.

Chairman Rob Parker asked if anyone had rebuttal comments against the rezoning.

Rupert Brashears, 2422 Poplar, stated that he tried to talk to Ms. Graves and she was unprofessional. She suggested that this item be tabled due to there being a lot that staff did not know about Ms. Graves or how rude she was. He offered to play a recording of a conversation.

Fred Powell spoke up that the Chairman should stop the personal attacks on Ms. Graves.

Chairman Rob Parker stated that Mr. Brashears should keep his comments to the point on the rezoning and facts only and that the Commission has heard all they need to from him.

David Gutierrez, 1336 W Amarillo Blvd, stated that no one knew anything about the rezoning. He mentioned that he has emailed and called staff and no one has gotten back to him. He stated he felt that staff is hiding information.

Vice Chairman Pedro Limas asked what staff did with the comments collected from the public.

Ms. Koller explained how staff sent them specific instructions on how to attend meetings and how to go online to get more information. She mentioned how Mr. Gutierrez has received emails from multiple staff members.

Mr. Limas asked how many properties will be non-conforming.

Ms. Koller explained that in quadrant 2 there would be 4 duplexes and 12 one family dwellings. In quadrant 3 there would be 2 tiny homes, 18 manufactured homes, and 4 junkyards. In quadrant 4 there would be 1 auto repair shop, 1 motel, and 1 warehouse.

John D'Costa, 1502 N Washington, stated that rezoning would not guarantee beautifying of the area, and the City of Amarillo needs to take care of the other problems first before changing the rezoning.

Chairman Rob Parker then closed the public comment.

Chairman Rob Parker and the Commission then discussed the request. Mr. Parker stated that he understood the difficulty of processing the request during COVID. Mr. Parker stated he would prefer not to table again.

Mr. Ford expressed he felt the request should be broken into even smaller parts and be considered a small piece at a time.

Vice Chairman Pedro Limas expressed a desire to make a recommendation to table the item and then divide it while also meeting with the public and other Commissioners again.

A motion to table Z-21-01 was made by Vice Chairman Pedro Limas and seconded by Commissioner Jason Ault. The motion to table passed 4-3.

Chairman Rob Parker then expressed to Staff that the Commission would like to set up a work session meeting to discuss the request with Staff.

Vice Chairman Pedro Limas expressed he would like to consider it again no later than the end of July.

Dick Ford asked Senior Assistant City Attorney Leslie Schmidt if a work session meeting with Staff was allowed. She stated that it was as long as it was properly posted.

Jerri Glover, 5707 Burkett, expressed frustration with the Commission about why a meeting with them wasn't held sooner or why they didn't ask these questions at the public meetings.

Vice Chairman Pedro Limas expressed that he personally attended the meetings and appreciated her concern and frustration and that this has been a long process.

3. Discuss Items for Future Agendas:

Chairman Rob Parker requested a work session for the Commission to discuss recommendations.

Meeting adjourned at 6:30 PM.

Andrew Freeman,
Managing Director
Planning and Special Projects