

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

On the 21st day of March 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	Y	30	29
Royce Gooch, Vice Chair	Y	97	90
Rob Parker, Chairman	Y	179	153
Jason Ault	Y	76	59
Fred Griffin	Y	30	29
Cindi Bulla	Y	6	5
Jeff Perkins	Y	6	4

CITY STAFF:

Jared Miller, City Manager
Andrew Freeman, Assistant City Manager
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
Annemarie Rossato, Planner I
Thomas Oscarsson, Assistant Director of Aviation
Leslie Spear-Schmidt, Senior Assistant City Attorney
Andreanna Jarrett, 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 public comments 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 March 7, 2022, Planning and Zoning Commission Meeting.

A motion to approve the minutes was made by Vice Chairman Royce Gooch, and seconded by Commissioner Renee Whitaker,

The motion passed. unanimously.

IV. Regular Agenda:

1. **Miscellaneous:** The Planning and Zoning Commission will consider the following item/s:

- A. Consideration of proposed revisions to the City of Amarillo Zoning and Subdivision Ordinances.

APPLICANT/S: City of Amarillo

Andrew Freeman City Assistant Manager and Kelley Cousino presented the above item.

The Zoning and Subdivision Ordinance Revision Project began in 2019 and plans to implement policies and recommendations of the Amarillo Comprehensive Plan, modernize and simplify the ordinance, update regulations based on community input, current and anticipated market conditions, and best practices for development regulation.

Some of the specific changes include land use table restructuring, impervious area maximums, dark sky provisions, infill incentives, additional plat exemptions, tiny homes, accessory dwelling units, consolidation of certain zoning districts, and the addition of an urban overlay district among other changes.

Mr. Freeman stated the item has been under way since June of 2019 with multiple meetings, presentations, and news coverage over the rezoning change within the past two years. Mr. Freeman presented the handout of the most common questions that the city has received such as map changes, driveways, non-conforming status, property values, and concerns about short term rentals.

Ms. Cousino presented the overall project goals with the zoning ordinance rewrite. Ms. Cousino stated that the reason for the change is to modify the ordinance as it has not been updated in 50 years. Ms. Cousino stated the city wanted to make the ordinance user friendly with graphs and tables and also clear up areas that were not well addressed with the previous code. Ms. Cousino stated that 75%-80% of the previous

ordinance is being carried over. There are 6 zones that are being consolidated. An Estate District is being introduced in addition to two new overlay districts. Historic preservation and airport overlay has been incorporated into the zoning ordinance. Updates to the allowed uses chart is also being incorporated. A clarification on how and where temporary uses are allowed. Residential density has been added for certain uses, lot coverage calculations, landscaping changes, modernized parking ratios, outdoor lighting, performance standards are also other changes being proposed. The city has prepared to add a section for administrative procedures. A consolidation of all the zoning procedures into a single article, and a new future land use map amendment procedure are proposed. The city has consolidated all submittal requirements into a single section. Ms. Cousino went on to list the other revisions in the zoning ordinance, as well as addressed the concerns of the non-conformities.

Chairman Rob Parker asked if parking ratios and outdoor lighting requirements would apply to all properties or just new ones.

Ms. Cousino stated that the outdoor lighting regulations are new and would apply to new development. The parking requirements for existing businesses would remain as is unless there was a change in use or if modifications were made that triggered an update in the parking totals.

Commissioner Fred Griffith asked if there has been a survey done on how many non-conforming uses this zoning ordinance would take.

Ms. Cousino stated they have not because this would be a difficult thing to quantify as conforming status can vary drastically from property to property.

Mr. Freeman stated that they wanted to get a lot of feedback from this particular change as they have got a lot of questions on non-conforming situations.

Commissioner Cindi Bulla stated she had two questions. First question was about the new Urban Neighborhood Overlay and would it make single family homes non-conforming.

Ms. Cousino stated it depends on the base district and the overlay adds uses, it does not remove uses.

Commissioner Cindi Bulla asked if a property was grandfathered in and was lost by hazard would the property still be grandfathered in.

Ms. Cousino stated that there are two types of non-conforming which are uses and structures. It is stated the single-family dwelling could be rebuilt as non-conforming structure if it in a two-year time frame.

Commissioner Cindi Bulla asked about the airport wildlife regulations and wanted more clarification.

Thomas Oscarsson, Assistant Director of Aviation, explained the FAA regulations and how they related to the recommended changes in the Zoning Ordinance.

Commissioner Cindi Bulla stated as example if someone wanted to plant a garden or a tree would that be in violation of the wildlife FAA regulations.

Mr. Oscarsson said that a garden would not constitute an issue and that the tree would not as well as long as it did not grow taller than the designated aviation clear zone altitude.

Commissioner Cindi Bulla asked if a pond of any size would be an attractant.

Mr. Oscarsson stated if it was proven by a wildlife assessment that it was an attractant then yes.

Commissioner Renee Whitaker asked if we don't have the airport overlay what would happen.

Mr. Oscarsson stated this a FAA requirement for any city with an airport that accepts federal funding and that the goal of including it in this ordinance was to codify and consolidate it all in one place within the City Ordinance.

Mr. Freeman stated that they added the airport regulations into the zoning change because if not they would have had to present it to city council as its own item in the future.

Commissioner Jeff Perkins asked if there are any specific situations where buildings aren't going to be grandfathered in and have to tear down.

Mr. Freeman stated no it wouldn't require anyone to tear down a structure. If the owner decided to make a change, depending on the nature of the changes, there could be additional requirements and changes needed.

Commissioner Cindi Bulla asked if that would include a crop or planting.

Mr. Freeman stated as far as related to the airport he believes so but the airport works with those people in those situations but in general, if the use was established it would be allowed to continue.

Rick Gilliland, Wildlife Biologist for the airport, spoke on the wildlife regulations with the FAA.

Chairman Rob Parker asked if there were any more questions.

No questions were asked.

Chairman Rob Parker stated we would now move to public comment.

Mike Fisher at 4410 Van Kriston Dr. spoke on his opposition to the rezoning ordinance and feels as if there is not enough time and information to grasp the understanding of the ordinance and that the City arbitrarily decides things. He also expressed complaints about a near-by Tide Cleaners.

Karri Billstrum at 2022 Travis spoke on her opposition to the rezoning ordinance. She stated she felt the ordinance was going to be overly burdensome and would hurt small businesses.

Doug Hershey, 6406 Cromwell, asked about if parking spaces were going to have to be updated for existing businesses.

Mr. Freeman stated that some parking ratios will change and that existing business will not have to update parking unless they trigger the need to do so.

Karyl Restine spoke asked several questions regarding non-conforming situations.

Chairman Rob Parker addressed that most of the questions asked were for the Building Safety Department and that these questions would be best answered with Staff outside of the meeting.

Mr. Freeman addressed a question asked regarding fines

Ms. Cousino addressed a question asked about the airport overlay and how it could impact existing non-conformities. She also stated the Airport Director could look at situations case by case.

Rick Gilliland, Wildlife Biologist for the airport, addressed the concerns expressed about the wildlife attractants.

Mr. McCathern, 7620 Farwell Drive, asked why R-2 and R-3 was being combined and if they would have any impacts on existing homes.

Cris Valverde, Director of Planning and Development Services, stated that R-2 and R-3 are very similar districts outside of a few lot development standards and would have minimal, if any impacts on existing homes.

Charlene Taylor at 906 Crockett asked if the board has read the plan. Mrs. Taylor also asked if the board swore an oath.

Chairman Rob Parker stated they have gone through the plan.

Ms. Taylor stated that the citizens of the city come first and asked several questions about if the board members have followed the Texas Constitution.

Fred Salamy at 1900 Goliad spoke on the landscape ordinance on page 156 and stated the new update is unclear and recommends an amendment to leave it as is.

Ms. Cousino stated the main change in landscaping is for I2 and I1 on an arterial street will now require landscaping.

Mr. Freeman stated that new landscaping would not be required unless an applicant triggered the need for it.

Commissioner Bulla asked if it would be required if the building was vacant and non-conforming would landscaping be required.

Mr. Freeman answered that it would depend on the exact circumstances of the situation.

Gabe Irving, 6326 Kalee Drive spoke on his opposition to the rezoning ordinance. He stated there are some good things in the rewrite, but overall the non-conforming issue is a major problem and should not be passed as a result as it would impact property rights for many.

Commissioner Fred Griffith asked if Mr. Irving could send in his statement in writing to the city for review.

Mr. Irving stated yes, he would.

Lane Miller 2218 Canyon Dr spoke on his opposition to the rezoning ordinance as he owns an event center and with the changes it could put him out of business due to occupancy load and other future requirements that would be burdensome.

Michael Reed, 316 Hastings spoke on his opposition to the rezoning ordinance he stated that he has concerns about what may or may not trigger requirements for his home and also expressed concern about the non-conformities being created.

Arvell Williams 1313 NE 3rd spoke on his opposition to the rezoning ordinance he stated that when buying a commercial property tenants want to know if the zone is going to allow the business they want to have. He stated that making a property that is conforming, non-conforming, would not be right and a violation of property rights.

Kaylor Williams 3713 Teckla asked why tiny homes were only going into certain areas and some areas that were excluded are low-income areas and it seems like tiny homes would be suitable for those lower income areas.

Ms. Cousino explained why certain zones were chosen over others and the main objective is compatibility to the zone as tiny homes may not be compatible in certain neighborhoods.

Chairman Parker asked for clarification on why the tiny homes aren't allowed in R-1 and R-2.

Ms. Cousino stated there is no opposition to have tiny homes allowed in zones such as R-1 and R-2 the reason they aren't allowed now in these zones are due to lot sizes and typically larger dwellings. The Commission could decide to allow them there if they see fit.

Commissioner Fred Griffith asked what a tiny home is.

Ms. Cousino stated it is a home under 400 sq ft.

The Commission discussed tiny homes openly amongst themselves.

Tom Roller at 5701 Time Square, made a statement regarding the zoning change he appreciates all the hard work they do, but he feels like that this code would make it hard to do business in Amarillo.

Ethan Hernandez at 211 N Buchanan stated he has been working on this property for 2 years he has yet to apply for permits as covid has set his team back. He stated with this new change would make his property non-conforming.

Mr. Freeman stated that if this individual comes speak to the Planning Department, they can look at his particular property and his concerns.

Qlo Crumb, no address given, spoke on his opposition to the rezoning ordinance, he stated that he didn't understand the letter he received or some of the terminology in the zoning ordinance. He has what a planned development was.

Mr. Freeman stated a planned development is an overlay zone where a current zone isn't working for a developer it is a specialized custom zone to fit the developers needs for the property.

Mr. Crumb stated he lived in Creighton Park park, and he does not want unwanted neighbors and asked can tiny houses be put along 45th and Coulter.

Mr. Freeman stated we would have to pull the Planned Development documents to see what is allowed over in that area.

Gene Miller at 8603 Addison Dr spoke on wanting multiple uses removed from being allowed in the General Retail zone as he feels like they would impact his home.

Debbie Stich 4246 SW 12th stated she lives in R-2 and asked if tiny homes can be built in her neighborhood.

Mr. Freeman stated yes, as an accessory dwelling unit.

Ms. Stich stated this was not going to work, as the streets and small and tiny homes would cause traffic issues. She stated she is against tiny homes.

Tara Vanover at 2100 Washington spoke on her property that she has been working on for 2 years and stated that she is 3 days away from closing on the property and is concerned about if she will be made non-conforming now. Her lender requires appropriate zoning and it could cause an issue with the deal and wants to know if she needs to continue the deal or not.

Chairman Rob Parker asked what the address is.

Ms. Vanover stated the address is 2615 Paramount and it is zone General Retail and with this change General Retail won't allow for an event center.

Mr. Freeman stated that it is allowed now and with a SUP under the new code. A decision on an SUP can't be made in only 3 days.

Chairman Rob Parker stated that she should talk with the Planning Department to get further advice on the steps to take.

No further comments were made.

Chairman Rob Parker stated that there will not be a decision made on this item today. Mr. Parker stated nothing is perfect, and that the board are not elected officials this is a volunteer job, they make recommendations to city council on items, but nothing will be decided today.

Mr. Freeman stated if anyone one the board had any specific feedback, and they will be looking at the non-conforming language more in depth.

Commissioner Fred Griffith asked if they would have the changes before next week.

Mr. Freeman stated yes redlines will be available.

Commissioner Renee Whitaker asked what percentage of the zoning ordinance isn't changing.

Mr. Freeman stated roughly 70%.

Commissioner Cindi Bulla stated that she wants to make sure that the non-conforming subject is very clear when we get ready to pass this item.

Vice Chairman Royce Gooch stated he had concerns about a couple of the parking ratios.

Mr. Freeman stated they will look into all this and stated that the parking ratios in question have already been addressed.

There was an open discussion on if to table the item and when to bring it back for discussion.

Mr. Freeman stated they could post notice to bring it back on Monday, March 28 in a special meeting.

A motion to table this item until March 28 at 3pm was made by Commissioner Jeff Perkins and seconded by Jason Ault.

The motion passed unanimously.

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

- A. P-22-15 E.W. Raef Addition Unit No. 15, an addition to the City of Amarillo, being a replat of the remaining portion of Lot 3, Block 1, E.W. Raef Addition Unit No. 1 and Lot 4B, Block 1, E.W. Raef Addition Unit No. 9, all in Section 125, Block 2, A.B.&M. Survey, Potter County, Texas.
VICINITY: Amarillo Blvd. and State Hwy. 136
APPLICANT/S: Clifford Williams

Brady Kendrick, Planner II, presented the above-proposed item. This plat is for the purpose of creating 3 lots from two existing platted lots. The proposed lots are configured as shown in order to have the two manufactured homes currently located on one lot, located on their own platted lot. The third proposed lot is being configured as such in order to encompass the existing automotive land use entirely on one lot, rather than on two as it now exists. Consideration by the Planning and Zoning Commission is required as two proposed lots (4C and 4D) do not meet the required lot width minimum. It is worth noting that this particular Planning and Zoning Commission is the last meeting for consideration as expiration of the plat will occur on March 29th. The plat has been reviewed by the customary City Departments and local utility companies, and with the exception of the just mentioned lot widths and the fact that two of the proposed lots share a sewer tap, complies with all other Subdivision and Development ordinance standards. Staff recommends approval of the item presented with a variance for lot width, receipt of corrected originals and all staff comments addressed prior to the plat's expiration.

Chairman Rob Parker asked if there were any questions.

No comments were made.

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

No comments were made.

A motion to approve with the noted variances and with corrected originals being received prior to expiration was made by Chairman Rob Parker and was seconded by Vice Chairman Royce Gooch.

The motion passed unanimously.

- B. P-22-18 Lawrence Park Unit No. 116, an addition to the City of Amarillo, being a replat of Lots 2 through 4, and a portion of Lot 5, Block 33, Lawrence Park Unit No. 23, and a portion of Lot 6, Block 24, Lawrence Park Unit No. 89, plus vacated public alley, all in Section 227, Block 2, A.B.&M. Survey, Potter County, Texas.
VICINITY: S.W. 26th Ave. and Britain Dr.
APPLICANT/S: Sean Frederiksen for Southwestern Public Service Company, Inc.

Jason Taylor, Planner I, presented the above-proposed item. This plat is for the purpose of creating two (2) commercial lots for an Xcel Energy Substation. Consideration by the Planning Commission is required as the plat is considered a Final Plat. The plat has been reviewed by the customary City Departments and local Utility Companies and with the exception of the public improvements for a new alley right-of-way not being completed, complies with all other Subdivision and Development Ordinance Standards. The just mentioned alley right-of-way is required to be paved to serve the proposed lot and is in the final stages of construction and inspection. That said, the alley has not yet been approved and accepted by the City's Capital Projects and Development Engineering Department. However, the Engineering Department is anticipating public improvements to be completed and accepted prior to plat expiration. Considering the just mentioned information, Staff recommends approval of the plat, pending the return of the corrected originals and acceptance of the alley public improvements prior to plat expiration on April 11, 2022.

Chairman Rob Parker asked if they were adding to the substation.

Mr. Taylor stated they are building a new footprint for the substation.

Chairman Rob Parker asked if they were there were any questions.

No comments were made.

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

No comments were made.

A motion to approve as presented pending the alleys public improvements approval prior to plat expiration was made by Vice Chairman Royce Gooch and seconded by Commissioner Renee Whitaker.

The motion passed unanimously.

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

- A. Z-22-08 Rezoning of Lots 20A through 22A, a portion of Lot 22B, Lot 23A, and Lots 24 and 25, Block 2, South Side Acres Unit No. 20, an addition to the City of Amarillo, in Section 230, Block 2, A.B.&M. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District and Planned Development District 235C to amended planned development for expansion of existing development standards and land uses.
VICINITY: Office Park Dr. and Business Park Dr.
APPLICANT/S: Brent Lane for Paradise Builders Custom Homes LLC

Brady Kendrick, Planner II, presented the above item. The applicant is proposing a change in zoning in order to develop the entirety of the tract with multiple office warehouse buildings and associated parking. The applicant's tract, while mostly appropriately zoned for the proposed use (PD-235C), is partially zoned as Agricultural District which would not allow for the proposed use and is the reason for the request to expand the existing development standards and allowed land uses within PD-235C to the entirety of the applicant's tract (applicant's tract and site plan with the boundary of PD-235C in red shown on the screen). Notices were sent to all property owners within 200 feet. As of this writing, the Planning Department has not received any comments regarding the request. Considering the above-mentioned information, Staff recommends approval of the request as presented.

Chairman Rob Parker asked if this was addition to the office park.

Mr. Kendrick stated yes that is correct.

Chairman Rob Parker asked about the undeveloped street to the south.

Mr. Kendrick explained that this development would extend one street, but it would not connect with the right-of-way further to the south.

Chairman Rob Parker asked if there were any questions.

No comments were made.

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

No comments were made.

A motion to approve the item as presented was made by Commissioner Jason Ault and seconded by Vice Chairman Royce Gooch.

The motion passed unanimously.

Z-22-09 Rezoning of Lot 12, Block 3, Johnson and McCluskey Addition, an addition to the City of Amarillo, in Section 139, Block 2, A.B.&M. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Residential District 1 to Residential District 1 with a Specific Use Permit for the placement of a carport in the front yard setback.

VICINITY: Marrs St. and SE 19th Ave.

APPLICANT/S: Charles Lynch for Grace Montoya

Jason Taylor Planner I presented the above item. The applicant is requesting a change in zoning in order to allow an existing carport to remain in place within the front-yard setback as it was built without permit. Regarding the presence of other carports in the area, in examining a two-block radius around the applicant's tract, Staff noticed that there are several carports, however a majority of which appear to be outside of the front-yard setback. It is worth noting that of the carports observed, there was at one detached carport that appears to be located within the front yard setback, however no permit can be found. Considering the limited number of accessory buildings (carports) located in the front yard setback in the area and that

the existing carport encroaches into public right-of-way, staff is of the opinion that if the applicant's request were approved, a precedent would be set that will go against the neighborhood's characteristics and allow for a structure to be in the public right-of-way. The applicant as part of a request for a Specific Use Permit is also required to submit an expert evaluation by a licensed real estate appraiser to assess the impacts, if any, the request would have on the area. It was the opinion of the appraiser that the request, if approved, would not adversely affect the property values of the adjoining property or other property in the area. Notices were sent to all property owners within 200 feet. As of this writing, the Planning Department did receive one call regarding the request in which the caller expressed opposition to the request. Considering the above-mentioned information, Staff recommends denial of the request as presented.

Chairman Rob Parker asked if there were questions.

Vice Chairman Royce Gooch asked if extends all the way into the sidewalk.

Mr. Taylor stated that the carport is several feet from the sidewalk, but there was an encroachment in the public right away around two feet.

Chairman Rob Parker asked how far back it from the sidewalk is.

Mr. Taylor stated four to six feet from the sidewalk.

Commissioner Cindi Bulla asked if Jason had stated there were multiple carports in the area.

Mr. Taylor stated there are multiple carports in the area but only one that looked as if it was extending into the setback area.

Commissioner Cindi Bulla asked if the board approved this in the right-of-way if the City could be liable.

Mr. Taylor stated that was correct.

Commissioner Renee Whitaker asked how long ago was this built, and why was this brought to our attention.

Mr. Taylor stated that he was unsure of how long the carport has been built but there was a representative to speak of this item. He also stated that someone called into Building Safety and reported the carport as being out of compliance.

Chairman Rob Parker asked the representative of this item to step up and speak.

Charles Lynch at 1001 SE 3rd presented his explanation on the carport and presented multiple solutions to keep the carport such as cutting it back to remove the encroachments to the right-of-way and over the neighbor's property.

Commissioner Renee Whitaker asked if the neighbor has complained.

Mr. Lynch responded he didn't know.

Mr. Montoya, the owner of the property stated the neighbor has no concern with the carport.

Vice Chairman Royce Gooch asked about the overhang on the north property line.

Mr. Lynch stated they could cut that overhang off.

Mr. Taylor presented pictures of the carport to the board.

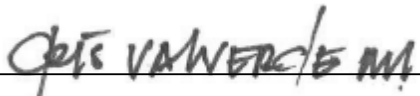
Commissioner Jeff Perkins motioned to approve this item provided the encroachments over the public right-of-way and the neighbor's property line were removed and was seconded by Chairman Rob Parker.

The motion passed unanimously.

4. **Discuss Items for Future Agendas.**

No future items were presented.

The meeting adjourned at 5:46 PM

A handwritten signature in dark ink, appearing to read "Cris Valverde", is written over a horizontal line.

Cris Valverde
Director of Planning and Development Services