

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

On the 6th day of February 2023, 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 3:03 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, Vice Chairwoman	Y	51	49
Royce Gooch, Chairman	Y	118	113
Jason Ault	Y	97	77
Fred Griffin	Y	51	50
Cindi Bulla	N	27	23
Jeff Perkins	Y	27	19
Lex Graham	Y	3	3

CITY STAFF:

Emily Koller, Assistant Director of Planning and Development Services

Cody Balzen, Economic Development Specialist.

Leslie Spear-Schmidt, Senior Assistant City Attorney

Brady Kendrick, Planner II

Jenine Cruz, Recording Secretary

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

Chairman Royce Gooch opened the meeting at 3:03 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.

Chairman Royce Gooch asked if anyone wanted to speak on an item?

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 January 18, 2023, Planning and Zoning Commission Regular Meeting.

A motion to approve the minutes was made by Commissioner Fred Griffin, seconded by Commissioner Lex Graham.

Motion passed unanimously.

IV. Regular Agenda:

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

- A. Z-23-01 Rezoning of a 5.26 acre tract of unplatted land in Section 11, Block 9, B.S.&F. Survey, Potter County, Texas, plus one half of all bounding streets, alleys, and public ways to change from Residential District 1 to Office District 1.

VICINITY: W. Amarillo Blvd. and Western St.

APPLICANT/S: Aubrey Brockman for the Emeline Bush O'Brien/Marsh Trust

Brady Kendrick, Planner II presented this item. The applicant is requesting a change in zoning to develop the tract of land with a freestanding emergency room clinic. The Future Land Use Map category for the applicant's tract is Suburban Commercial. Given the proposed zoning district and proposed use for the site, Staff is of the opinion that the request would conform with the Future Land Use Map and the Neighborhood Unit Concept given its location. Office District 1 in Staff's opinion is an appropriate zoning district given its allowed uses being much less intensive from a land use perspective than other districts such as General Retail. Given these factors along with required development standards upon development of the site, Staff believes that if approved, the proposed rezoning would not result in detrimental impacts to surrounding zoning or development patterns in the area. Notices were sent as required by State Law. As of this writing, three calls have been received that did not express opposition to the request.

Considering the previously mentioned, staff recommends approval of the request as presented.

Chairman Royce Gooch asked the commissioners if they have any questions.

No comments were made.

Chairman Royce Gooch asked if anyone in the audience would like to speak on behalf of this item.

Aubrey Brockman from 717 Ventosa Cir Wolfforth, TX stated she is the applicant on the rezoning. Present at today's meeting to answer any questions the Commission may have.

No comments were given.

Chairman Royce Gooch asked if anyone in the audience would like to speak in opposition to this item.

No comments were made.

A motion to approve this item was made by Commissioner Jeff Perkins, seconded by Commissioner Lex Graham.

Motion passed unanimously.

- B. Z-23-02 Rezoning of a 3.93 acre portion of Tract 3, Riverroad Gardens, a subdivision out of Section 161, 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 and Light Commercial District to Light Commercial District.

VICINITY: River Rd. and Cherry Ave.

APPLICANT/S: Daryl Furman for LJ4 Leasing, LLC

Brady Kendrick, Planner II presented this item.

In 2021, a rezoning request for Light Commercial zoning for land zoned Residential District 1 within the applicant site was submitted. Upon review of the 2021 submittal, staff determined that retail/commercial activities are being carried out on all land owned by the applicant, including those areas zoned Residential District 1. Commercial/retail activities existed on the “north-half” of the applicant’s site prior to annexation (1964) and upon annexation, the existing land uses are considered legal non-conforming land use and allowed to continue. In 1983 the “south-half” of the site was purchased by the then property owner and was vacant land. Since, a new commercial/retail building was built on the “south-half” of the site within the area zoned Light Commercial along River Rd. The applicant, who has purchased both “halves”, is now requesting a zoning change in order to construct a new commercial/retail building on the “south-half” of the site currently zoned Residential District 1. During the time leading up to the first public meeting on the request in 2021, Staff received several comments opposed to the request. Based on these concerns, the applicant and Staff did for a period discuss the potential for a Planned Development that would incorporate increased setbacks and screening of uses in the eastern half of the property. Planning and Zoning Commission did express interest in seeing a Planned Development that would mitigate impacts to the neighboring properties. The item was then tabled at that meeting. Prior to meeting with Staff, the applicant withdrew the request for consideration.

The applicant’s request for Light Commercial District would not conform with this Future Land Use Map category. Staff does note that while Light Commercial zoning was designated along the River Road corridor immediately adjacent to the TxDot designated right-of-way and portions of this area were developed prior to annexation. the concept calls for more intensive uses such as commercial, retail, office, and multi-family development to be located at or near Section Line Arterial Intersections with intensity of use and/or zoning decreasing inward towards the center/middle of a section. Staff sees how a business of this nature could be some-what compatible in the area if

developed appropriately with impacts to surrounding residences mitigated. Staff does have concern about expanding Light Commercial District further east into the section amongst residential tracts for several reasons. The expansion of Light Commercial on this tract could set a precedent for similar request on vacant tracts within this area. Expansion of Light Commercial Zoning across the applicant's tract would be detrimental to surrounding zoning and development patterns in the area and would also go against the recommendations of the Future Land Use Map and the NUC. Notices were sent as required by State Law. As of this writing, no comments have been received on the request.

Considering the factors noted, Staff recommends denial of the request as presented.

Chairman Royce Gooch asked the commissioners if they have any questions.

Commissioner Fred Griffin asked if the tract to the south is served by Amarillo Utilities or is it wells and septic.

Brady Kendrick, Planner II stated it is a mix of the two, some of the homes existed prior to annexation so some have well and septic in this area.

Commissioner Fred Griffin asked if the city utilities serve the tract to the south.

Brady Kendrick replied he would have to look into this.

Commissioner Fred Griffin asked if that would have an impact on development in the area?

Brady Kenrick replied when it comes to the residential homes in this part of town the utilities director does have some discretion on allowing septic and wells. We do allow it on a case-by-case basis.

Vice Chairwoman Renee Whitaker asked if it is a drawback to development if the infrastructure is not available.

Brady Kenrick replied it could be a development barrier, we do have water and sewer services in the River Road area, not sure exactly what streets are serviced.

Vice Chairwoman Renee Whitaker asked if the south and north tract are fenced in.

Brady Kendrick replied there is not a full screening fence. A lot of the properties out in this area utilize the barbed wire.

Vice Chairwoman Renee Whitaker asked if the only entrance and exit off of River Road.

Brady Kendrick replied yes.

Commissioner Jason Ault asked if the applicant did a Planned Development would it allow them to do what they want to do.

Brady Kendrick replied they never got into the specifics with them the last time, but Staff has been leaning towards the direction of presenting them with the Planned Development that would allow their use.

Vice Chairwoman Renee Whitaker asked if they are currently operating as a feed store.

Brady Kenrick replied yes, Ranchers Supply.

Vice Chairwoman Renee Whitaker asked if the Commission approved it for Light Commercial and years passed, the owner decided to sell the land at that time. Could they potentially open up a car dealership or car repair shop.

Brady Kenrick replied yes anything allowed in LC would be able to open here.

Vice Chairwoman Renee Whitaker asked if a PD would allow them to say they can only open this type of business and set screenings and setbacks.

Brady Kenrick replied yes, if the Commission wants to go the PD route, we can iron something out and present it to the Commission if that is the direction they want to go.

Chairman Royce Gooch asked if the Commissioners have any other questions or comments.

No comments were made.

Chairman Royce Gooch asked if anyone in the audience would like to speak on behalf of this item.

Brett Littlejohn from 5301 Sierra Hill Road, owner of the business stated he bought the business in February 2020. In the 3 years since owning the business he has doubled the gross annual sales. They are out of space and need another feed warehouse. The only way to get another warehouse is to rezone. They did talk about letting him build one if he builds privacy screening but the screening would cost more than the warehouse they are looking to build. Looking to build a 4800 sq ft warehouse located on the east side of the property. There is mess on the east side that has been there for years, they are clearing it out today. Will be building an 8ft metal privacy fence on the east side of the property. As a new business owner they are strapped for cash and are doing what they can as funds become available.

Vice Chairwoman Renee Whitaker stated on the east end it will help to put up the privacy fence.

Brett Littlejohn stated it has been a feed store since 1961, they have customers that come from out of state. They have customers who have come in since the store was established. Does not have plans to sell it in the future is looking to leave it to his kids when they get older.

Commissioner Jeff Perkins asked if Brett is in opposition to the PD due to the cost.

Brett Littlejohn stated it will be a burden put upon him, he does not have the disposable income. It is not a struggling store, but with the \$150k going towards the new building

it is out of there limit. The west side has chain link fence, the south side has a building right up against his building and it is open going down, the east side has a fence already and the north side is barbed wire. The only piece of land open is the southeast corner of the property.

Commissioner Jeff Perkins asked if he has had any direct complaints from the residential neighbors.

Brett Littlejohn stated none, one of the neighbors had asked him what he is doing and he explained how he has to get the area rezoned for a new warehouse and he said that was fine.

Chairman Royce Gooch stated he sees City Staff has pulled up the water and sewer map is wanting to know which property the client owns on the screen.

Brady Kendrick showed the commissioners on the map where the business is located. Showed the Commissioners where the cities water and sewer lines are in the area.

Vice Chairwoman Renee Whitaker if it is unheard of to give the zoning just to the area needed for the building.

Brady Kendrick asked if Vice Chairwoman Renee means just give up enough square footage to allow this to be zoned LC.

Vice Chairwoman Renee Whitaker yes to allow for the footage for the warehouse and not open the whole area to LC.

Brady Kendrick replied if the Commission chose to, they could explore that option. They can recommend that option.

Commissioner Jason Ault stated he would like to see a PD for this request, it will be better than rezoning LC. Asked does it have to be screened.

Brady Kendrick replied typical screening fences requirements for commercial when they need to screen themselves from residential is usually solid and made of wood, masonry, or a combo of both. In this case depending on where the building is placed, it is adjacent to residential zoning then it depends on what is proposed to see what type of development standards may or may not apply.

Commissioner Jason Ault stated it is land locked in there and you only have access through River Road. They have an unusable piece of property if a portion was left R-1.

Brady Kendrick stated essentially they can utilize the north half of the land but the south piece they are not supposed to be using for commercial activities. Depending on that the Commission decides they would not be able to use it to store hay.

Vice Chairwoman Renee Whitaker asked how many feet is the LC that goes into the property.

Chairman Royce Gooch stated it looks like it might be just under 200 feet.

Commissioner Jeff Perkins asked if they were to go Vice Chairwoman Renee's route and just approve enough space in R-1 to build the warehouse would that create a problem for the property owner.

Brett Littlejohn stated no he just needs the permit to build the warehouse. He is locked in on the north side because of the existing hay barns he does not have enough room to build a new warehouse there.

Vice Chairwoman Renee Whitaker asked on the picture where are they proposing the new building to be being set.

Brett Littlejohn showed the Commissioners on the map where he would like to set the building.

Vice Chairwoman Renee Whitaker asked in feet how long is the building.

Brett Littlejohn stated 60 wide 80 long.

Vice Chairwoman Renee Whitaker stated if you look at the map it looks like there is a little square where someone needed LC.

Brett Littlejohn stated his brother-in-law told him when he obtained the permit for this, building they did not know exactly where the LC was and the city just drew a line at the east end of the old warehouse.

Chairman Royce Gooch stated in observation of the water and sewer map it shows to have sewer & water running along River Road.

Brady Kendrick replied yes. Going from the current limits of the Light Commercial zone all the way to the east property line will be an additional 578ft. Anything in the south lot is zoned R-1 and technically should not be used to store anything.

Vice Chairwoman Renee Whitaker stated it seems unnecessary to have to include the whole area in the rezoning.

Commissioner Jason Ault asked if it was zoned commercial would they be able to get the permit and build the warehouse.

Brady Kendrick replied yes, if they were given the Light Commercial zoning, they can get a permit and maybe a site plan review depending on the size and nature. Also, if City Council agrees with the Commission's decision and approves it.

Vice Chairwoman Renee Whitaker asked what year the feed store was established.

Brady Kendrick replied 1961.

Chairman Royce Gooch asked if anyone else would like to speak on behalf of this item.

No comments were made.

Chairman Royce Gooch asked if anyone in the audience would like to speak in opposition to this item.

No comments were made.

A motion to approve this item was made by Vice Chairwoman Renee Whitaker, seconded by Commissioner Fred Griffin.

Motion passed unanimously.

Chairman Royce Gooch asked if the next step for this item City Council.

Brady Kendrick replied yes, it will be presented to the City Council March 14, 2023.

That will be the public hearing for this item.

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

A. Planning Commissioner Training: Discussion on Course 5: Working with the Public

This course highlights the importance of effectively interacting with the public throughout the planning process.

Brady Kendrick advised the Commission this will be a time for them to have an open discussion about this course and ask any questions.

Vice Chairwoman Renee Whitaker stated this course felt more applicable than any of the other courses.

Chairman Royce Gooch thought the summary was good and liked the Texas State Legal references in there.

Emily Koller, Assistant Director of Planning stated she liked this course because it follows in line with the city plan kicking off. She presented a run down of the city plan process and public engagement that is upcoming for the next phase of City Plan.

3. **Discuss Items for Future Agendas.**

Emily Koller did advise the Commission Cris Valverde, Director of Planning, will be retiring. His last day in office will be Friday February 10, 2023. He is taking some leave and will be officially retiring at the end of the month. There will be some department restructuring. Cody Balzen will be taking on a broader role in current planning and he will be promoted to Principal Planner. Brady Kendrick has been promoted to a Senior Planner; he will continue to be the Commission's primary liaison. Emily has been promoted to the new Director of

Planning.

No other comments were made.

The meeting was adjourned at 3:46 PM.

A handwritten signature in blue ink, reading "Brady D. Kendrick". The signature is fluid and cursive, with a large initial "B" and a stylized "K".

Brady Kendrick
Senior Planner