

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

On the 21st day of January 2026, the Planning and Zoning Commission met in a regularly scheduled meeting at 3:00 PM in Room 1500 on the first floor of City Hall, at 623 South Johnson Street, Amarillo, Texas with the following members present:

Voting Members	Present	Meetings Held	Meetings Attended
Jason Ault, Chairman	Y	165	132
Cindi Bulla, Vice Chairman	Y	95	76
Fred Griffin	N	119	112
Josh Langham	Y	49	44
Noah Dawson	Y	49	48
Dick Ford	Y	49	44
Landon Moreland	Y	50	39

Staff present:

Brady Kendrick, Senior Planner
Emily Kotara, Planner I
Leslie Schmidt, Senior Assistant City Attorney

1. Call to Order

Chairman Jason Ault called the meeting to order at 3:00 PM and established a quorum of five voting members.

2. Public Comment

**It is noted that Commissioner Landon Moreland joined the meeting during this item and Chairman Ault established that there were six voting members now present for the meeting.*

Chairman Ault inquired if anyone in the audience wanted to speak for public comment.

Kim Benson, citizen, requested that a list of the members and their attendance be added to the agenda.

Mike Fisher, citizen, spoke against an item from the January 5, 2026 meeting of the Planning and Zoning Commission (Item 4.G.). Mr. Fisher also provided a handout to the Planning and Zoning Commission (attached in the minutes).

3. Planning and Zoning Commission will discuss or receive reports on the following current matters or projects.

ITEM 3.A. Announcements;

Emily Kotara, Planner I, provided the Commissioners with an update on cases that they had previously considered and forwarded to the City Council for consideration.

ITEM 3.B. Request future agenda items or updates from staff;

Commissioner Josh Langham requested a future discussion item on Specific Use Permits and how they are applied to a property.

Commissioner Noah Dawson also requested a future discussion item on Specific Use Permits and what obligations the Commission had when considering them. He also requested staff to research if other boards do include membership information for the members on the agenda.

4. Regular Agenda

ITEM 4.A. Consider approval of the minutes from the January 5, 2026 regular meeting of the Planning and Zoning Commission.

A motion to approve the minutes as presented was made by Vice Chairman Cindi Bulla and seconded by Commissioner Moreland.

The motion passed unanimously, 6-0.

ITEM 4.B. Consideration of Plat 2025-186-P Glenwood Addition Unit No. 18

Ms. Kotara presented the item and gave a staff recommendation of approval of the plat as presented with the condition that corrected originals are provided that address all review comments, the associated infrastructure plans are approved by the Engineering Department, and either the improvements completed, or surety provided for the improvements.

Chairman Ault asked if anyone from the public wanted to speak on the item.

No comments were made.

A motion to approve the plat as presented by staff was made by Commissioner Dick Ford and seconded by Vice Chairman Bulla.

The motion passed unanimously, 6-0.

ITEM 4.C Consideration of Plat 2025-220-P Amended Buffalo Highlands Unit No. 1

Ms. Kotara presented the item and gave a staff recommendation of approval of the plat as presented conditional on the corrected revisions being provided.

Chairman Ault asked if anyone from the public wanted to speak on the item.

No public comments were made.

A motion to approve the plat as presented by staff was made by Commissioner Dawson and seconded by Commissioner Moreland.

The motion passed unanimously, 6-0.

5. Adjourn

The meeting adjourned at 3:15 PM.

A handwritten signature in cursive script that reads "Cody Balzen". The signature is written in black ink and is positioned above a horizontal line.

Cody Balzen
Director of Planning

Zoning Board Responsibility in Reviewing Alcohol-Related Uses

This summary outlines the legal and ethical responsibilities of zoning and land use boards—such as the Planning and Zoning Commission and the Zoning Board of Adjustment—in evaluating Specific Use Permits (SUPs) involving alcohol sales and service.

1. Texas Alcoholic Beverage Code §109.33 – Distance Requirements

This law prohibits alcohol sales within **300 feet of a church, public/private school, or daycare**, unless a **variance** is granted by the municipality.

- Boards must identify and consider proximity to these **sensitive uses**.
 - A **variance** must be considered **publicly and formally**, not assumed or implied.
 - If no variance exists, a permit issued in violation of §109.33 is **invalid**.
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2. Texas Local Government Code §§ 211.004 & 211.005 – Zoning Authority

These provisions empower cities to form zoning commissions to **review, recommend, and regulate** land uses based on compatibility, health, and welfare.

- Specific Use Permits are zoning actions and **must be scrutinized** for land use compatibility.
 - Alcohol-related land use is **not exempt** from board oversight.
 - Failure to consider alcohol-related impacts violates the board's **statutory duty**.
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3. Local Zoning Ordinance – Specific Use Permits

Most SUP ordinances require findings that the use will:

- **Not adversely affect** health, safety, morals, or general welfare.
- Be **compatible** with adjacent properties and uses.
- Consider **public input** and **compliance with state law**, including TABC regulations.

4. The Board's Role When Alcohol is Involved

When a SUP request is **specifically for alcohol service**, the board **must**:

- Consider whether the use complies with **state alcohol laws** (e.g., §109.33).
 - Evaluate proximity to **churches, daycares, and schools**.
 - Ensure a **variance** is granted if distance requirements are not met.
 - Respond to and record **public objections** based on those proximity issues.
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5. Misuse of “Grandfathering” – A Legal Error

The City of Amarillo labeled a new alcohol permit as “grandfathered”, despite the following facts:




- The original restaurant changed ownership and business entity.
- A new TABC application was submitted after a daycare began operating on the premises.
- No variance was granted under Texas Alcoholic Beverage Code §109.33.
- The existing permit or history of alcohol use was never provided to the board for consideration.

What the Law Says:

Texas Alcoholic Beverage Code §109.59(b):

“The exception [to distance rules] is limited to the premises for which the permit was issued and to the licensee or permittee who held the license or permit when the permittee’s premises became subject to the distance requirement.”

This means:

-  A business can continue serving alcohol only if it is the same owner, and
 -  Grandfathering does not apply to new applicants or new entities.
 -  The city cannot grant new permits based on historical use after a sensitive use (e.g., daycare) begins operation.
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Omission of Existing Alcohol Permit = Procedural Failure

The Planning & Zoning Board was asked to vote on a Specific Use Permit (SUP) for alcohol without:

- Knowing an alcohol license already existed (allegedly grandfathered),
- Being told that a daycare had since opened on the same premises, and
- Being informed that no variance had ever been requested or granted.

This constitutes a material omission of relevant legal and factual information, and undermines the legitimacy of the board's deliberation.

✓ Conclusion (Updated)

It is not sufficient for the board to defer alcohol-related concerns to another entity. When the SUP explicitly authorizes alcohol, and when state law imposes distance requirements, the board is obligated to ensure those laws are met — and to require full, accurate disclosure of permit history and surrounding uses.

The misuse of “grandfathering” and the omission of that permit information from the board's materials raises serious legal and ethical questions.

✓ Conclusion:

The statement that “alcohol isn't part of the board's process” is legally incorrect. When a SUP application is **specifically for alcohol**, and it involves proximity to a daycare or church, this board has a **clear legal duty** to consider it. To ignore that duty risks **invalidating the process** and invites **legal and regulatory consequences**.