

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

On the 18th day of February 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	167	134
Cindi Bulla, Vice Chairman	Y	97	78
Fred Griffin	Y	121	114
Josh Langham	Y	51	46
Noah Dawson	Y	51	50
Dick Ford	Y	51	46
Landon Moreland	N	52	40

Staff present:

Cody Balzen, Director of Planning
 Brady Kendrick, Senior Planner
 Emily Kotara, Planner I
 Leslie Schmidt, Senior Assistant City Attorney
 Jenine Cruz, Administrative Technician

1. Call to Order

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

2. Public Comment

Tim Benson, citizen, asked if the conflict-of-interest discussion was going to be put on an upcoming agenda.

Mike Fisher, citizen, provided the Commission with a handout (attached in the minutes) and spoke on the previously considered Netplex Specific Use Permit case.

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

ITEM 3.A. Announcements;

Brady Kendrick, Senior Planner, provided the Commissioners with an update on cases that they had previously considered and forwarded to the City Council for consideration.

ITEM 3.B. Discussion on the Specific Use Permit (SUP) Zoning Designation and Process

Mr. Kendrick gave a presentation on Specific Use Permit rezonings. Mr. Kendrick and Cody Balzen, Director of Planning, then answered questions from the Commission.

ITEM 3.C. Request future agenda items or updates from staff:

No comments were made.

4. Regular Agenda

ITEM 4.A. Consider approval of the minutes from the February 2, 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 Fred Griffin.

The motion passed unanimously, 6-0.

ITEM 4.B. Public Hearing and Consideration of Plat 2026-4-P Heritage Hills Unit No. 20-A

Emily Kotara, Planner I, presented the item and gave a staff recommendation of approval of the plat as presented with the condition that corrected originals are received.

Chairman Ault conducted the public hearing on the item.

No comments were made.

A motion to approve the plat as presented by staff was made by Commissioner Josh Langham and seconded by Commissioner Dick Ford

The motion passed unanimously, 6-0.

ITEM 4.C Public Hearing and Consideration of Plat 2026-20-P Estancia Addition Unit No. 7

Ms. Kotara presented the item and gave a staff recommendation approval of the plat as presented with the condition that corrected originals are received.

Chairman Ault conducted the public hearing on the item.

No public comments were made.

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

The motion passed unanimously, 6-0.

ITEM 4.D. Consideration of Plat 2026-22-P Pilot Acres Unit No. 6

Ms. Kotara presented the item and gave a staff recommendation approval of the plat as presented with the condition that construction plans are approved, the public infrastructure is either built or surety provided for completion, and that corrected originals are received.

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 Ford and seconded by Commissioner Noah Dawson.

The motion passed unanimously, 6-0.

ITEM 4.E Consideration of Plat 2026-23-P Homestead Unit No. 8

Ms. Kotara presented the item and gave a staff recommendation approval of the plat as presented with the condition that the public infrastructure is either completed or surety is provided for completion and corrected originals are received.

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 Langham and seconded by Commissioner Griffin.

The motion passed unanimously, 6-0.

ITEM 4.F. Public Hearing and Consideration of Plat 2026-24-P Ridgcrest Unit No. 65

Ms. Kotara presented the item and gave a staff recommendation approval of the plat as presented with the condition that construction plans are approved, the public infrastructure is either built or surety provided for completion, and that corrected originals are received.

Chairman Ault conducted the public hearing on the item.

No public comments were made.

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

The motion passed unanimously, 6-0.

ITEM 4.G. Public Hearing and Consideration of Rezoning 2026-18-Z

Mr. Kendrick presented the item and gave a staff recommendation of approval of the request as presented.

Chairman Ault conducted the public hearing on the item.

No public comments were made.

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

The motion passed unanimously, 6-0.

ITEM 4.H. Public Hearing and Consideration of Street Name Change 2026-01

Mr. Kendrick presented the item and stated staff does not object to the request.

Chairman Ault conducted the public hearing on the item.

Matt Griffith, applicant, stated he was present to answer any questions.

A motion to approve the street name change request was made by Vice Chairman Bulla and seconded by Commissioner Langham.

The motion passed unanimously, 6-0.

5. Adjourn

After the conclusion of Item 4.H. and prior to adjourning the meeting, Chairman Ault allowed Mr. Benson, citizen, to make an additional comment on Item 4C that was a question about the involvement of Commissioner Langham in the development. Mr. Benson did not express support or opposition regarding the item.

The meeting adjourned at 4:03 PM.



Cody Balzen
Director of Planning

PLANNING & ZONING COMMISSION

SPECIFIC USE PERMITS (SUPs) – LEGAL DUTY & SCOPE

Clarification Following Board Statements

What Was Said

During the Netplex SUP hearing, members stated:

- “It’s not our job to decide who can and can’t drink.”
- “It’s not the government’s job to decide how private property owners use their property.”

These statements deserve clarification under Texas law.

1. ZONING IS GOVERNMENT REGULATION OF PRIVATE PROPERTY USE

Texas Local Government Code § 211.003

A municipality may regulate:

- The use of land
- The location of businesses
- The size, type, and character of structures
- Land use in the interest of public health, safety, and welfare

Zoning exists precisely because government regulates private property use.

If it were not the government’s job to regulate property use:

- There would be no zoning districts.
- There would be no parking requirements.
- There would be no setbacks.
- There would be no SUP process.

An SUP is not a philosophical statement.
It is a legal land-use authorization.

2. WHAT A SPECIFIC USE PERMIT (SUP) DOES

An SUP:

- Authorizes a use not allowed by right.
- Attaches that authorization to the land.
- Runs with the property.
- Applies to future owners.

In this case:

The requested SUP is for:

“On-Premise Primary Use Alcohol Sales and Service.”

Without the SUP → Primary alcohol sales are not permitted under General Retail zoning.

With the SUP → The property becomes legally entitled to operate primarily as an alcohol-serving establishment.

That is a land use decision.

It is not a moral vote on whether individuals may drink.

It is a regulatory decision about what activity is legally permitted at that location.

3. ZONING AUTHORITY VS. TABC AUTHORITY

TABC regulates:

- Licensing qualifications
- Permit categories
- Enforcement of state alcohol statutes

Planning & Zoning regulates:

- Whether the land may be used for that purpose at that location
- Compatibility with surrounding uses
- Impact on public welfare
- Whether conditions or limitations are appropriate

These are separate layers of authority.

The existence of TABC regulation does not remove zoning responsibility.

4. DAY-CARE LAW IS EXPRESSLY INCORPORATED INTO STATE ALCOHOL LAW

Texas Alcoholic Beverage Code § 109.331:

- Applies school distance rules to day-care centers.
- Incorporates Section 109.33 measurement requirements.
- Measurement for schools = property line to property line.

If a proposed use cannot legally qualify for state licensing due to distance restrictions, that is directly relevant to land-use viability and compatibility.

Zoning decisions should not ignore statutory limitations affecting the permitted use.

5. SUPs ARE “CUSTOM ZONING”

An SUP is not routine zoning.

It is:

- A discretionary exception.
- A property-specific privilege.
- A regulatory customization.

Because it is discretionary, the Commission must evaluate:

- Compatibility
 - Legal framework
 - Public welfare
 - Whether conditions are appropriate
 - Whether the use is properly limited
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6. THE CORE CLARIFICATION

Planning & Zoning is not deciding:

“Who can drink.”

Planning & Zoning is deciding:

“Whether this property may be legally authorized to operate as a primary alcohol-serving establishment.”

That is land-use regulation.

That is within the Commission’s statutory authority.

That is precisely why the SUP process exists.

CONCLUSION

When considering an SUP involving primary alcohol sales:

- The alcohol component is not incidental.
- The statutory framework is relevant.
- Compatibility with surrounding uses must be evaluated.

- Legal feasibility matters.

A vote on an SUP is not a vote on morality.

It is a vote on land use.

And land use regulation is the core function of this Commission under Texas law.