

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

On the 28th day of April 2014, the Amarillo Planning and Zoning Commission met in a work session in Room 206, second floor of City Hall, at 2:30 PM to review agenda items, then convened in regular session at 3:00 PM in the City Council Chambers on the third floor of City Hall, 509 East 7th Avenue, Amarillo, Texas, with the following members present:

VOTING MEMBERS	PRESENT	NO. MEETINGS HELD	NO. MEETINGS ATTENDED
David Craig, Chairman	Y	62	45
Dean Bedwell	Y	129	122
Judy Day	N	132	104
Casey Webb	Y	62	49
Mike Good, Vice-Chairman	Y	44	34
Anthony Ledwig	Y	44	38
Howard Smith	Y	167	148

PLANNING DEPARTMENT STAFF: Cris Valverde, Senior Planner
Kelley Shaw, Planning Director Jan Sanders, Admin Tech

Chairman Craig opened the meeting, established a quorum and conducted the consideration of the following items in the order presented. Kelley Shaw, Planning Director, read the staff reports and gave the recommendations for each item.

ITEM 1: Approval of the minutes of the April 14, 2014 meeting

A motion to approve the minutes of the March 24, 2014 meeting was made and seconded. Chairman Craig announced the wrong date for the minutes had been read and asked for approval of the minutes from the April 14, 2014 meeting. A motion to approve the minutes of the April 14, 2014 meeting was made by Commissioner Ledwig, seconded by Commissioner Webb, and carried unanimously.

ITEM 2: Z-14-07 Rezoning of Lots 15 through 18, Block 1, Hastings Unit No. 2, in Section 158, Block 2, AB&M Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Residential District 1 to Light Commercial District. (Vicinity: Hastings Ave. & River Rd.)
APPLICANTS: Eric and Vianet Diaz

Mr. Shaw stated the item had been presented on March 24, 2014, whereby the applicant mentioned he had documentation from the City of Amarillo confirming his trucking operation was a legal use on this particular site. This item was tabled until today to give the applicant time to produce such documentation. Mr. Shaw advised staff still feels the request is inappropriate and comments remain the same from the March 24, 2014 meeting. Mr. Shaw reminded the Commission of the complaints from area property owners in late 2012, concerning a trucking operation at this address. Complaints were about the noise, trucks blocking traffic along Hastings Ave., and an overall nuisance to live next to. Beginning in December 2012, Building Safety Department sent the property owner letters stating the operation of a trucking company was an illegal use since the property is zoned residential. In subsequent conversations with the applicant, he stated he assumed the property was commercially zoned and inquired if the business could be a legal non-conforming use. City staff explained the property has been zoned residential since 1968 and therefore is not a legal non-conforming use. The applicant inquired how to continue the operation of his trucking business and was made aware he would need to request a re-zoning of the property. Staff informed the applicant based on the area's existing zoning and character, the recommendation would not be a favorable one.

Mr. Shaw presented aerial pictures of the area, which revealed Hastings Ave. is a very narrow street with less than 25' of paving width. Per the City's Traffic Engineer, 45' of paving width is recommended for traffic associated with commercial development. Mr. Shaw commented a

petition signed by 12 property owners has been received by the Planning Department opposing this re-zoning. Mr. Shaw re-affirmed staff believes the proposed zoning request is not consistent with the goals and recommendations of the Comprehensive Plan and would set a dangerous precedent for the surrounding area. Therefore, staff recommends denial of this item as presented.

Chairman Craig asked if anyone present wished to speak in favor of the rezoning. Merrill Nunn, 1900 Crestview Ave., Attorney for the applicant, spoke in favor of the request. Mr. Nunn presented to the Commission copies of the documents given to Mr. Diaz, whereby Mr. Diaz relied on for the use in the operation of his commercial business. Mr. Nunn also presented an assumed name certificate from Mr. Tapia of Tapia's Trucking Company filed with the Potter County Clerk in 2001. Mr. Nunn's stated much of the property along Hastings Ave. is vacant, and if the property is not going to be used for which it was zoned, he appealed to the Commission to change the zoning to benefit his client. Eric Diaz, 711 S. Bivins, applicant, spoke stating he purchased the property in November, 2012, and operates 12 trucks in his business. Mr. Diaz also mentioned he was not aware of the former property owners receiving any notices stating a trucking business was not allowed on this site.

Chairman Craig asked if anyone present wished to speak against the rezoning. Elena Scardino, 541 E. Hastings, spoke against the request, and on behalf of the individuals who signed the petition who could not be present at today's meeting. Ms. Scardino stated when she purchased her property she was informed the surrounding properties were all zoned residential. Ms. Scardino voiced concerns about damages to the road with truck traffic, the noise of the trucks, and traffic congestion.

After no further discussion, a motion to deny Z-14-07 was made by Commissioner Good, seconded by Commissioner Smith and carried unanimously.

ITEM 3: Z-14-09 Rezoning of a 14.03 acre tract of land to change from Agricultural and General Retail Districts to Moderate Density District and a 17.24 acre tract of land to change from Agricultural District to Residential District 2, all unplatted and in Section 64, Block 9, BS&F Survey, Randall County, Texas, plus one-half of all bounding streets, alleys and public ways. (Vicinity: Nick St. & Prather Ave.)
APPLICANT: Perry Williams

Mr. Shaw stated the applicant is requesting the zoning in order to develop the next phase of the Hillside Terrace Estates subdivision with single-family detached and attached homes. Mr. Shaw commented staff feels the request is a logical continuation of the development and recommends approval as submitted.

A motion to approve Z-14-09 was made by Commissioner Smith, seconded by Commissioner Bedwell and carried unanimously.

ITEM 4: P-14-26 K & S Acres Unit No. 4, a suburban subdivision to the City of Amarillo, being an unplatted tract of land in Section 33, Block 9, BS&F Survey, Randall County, Texas. (6.34 acres)(Vicinity: I-27 and Coulter St.)
DEVELOPER(S): Mark Medley
SURVEYOR: Richard Johnson

Mr. Shaw stated the plat was not ready and could be resubmitted at a later date at no charge. A motion to deny P-14-26 was made by Commissioner Webb, seconded by Commissioner Ledwig and carried unanimously.

CARRY OVERS:

ITEMS 5-9: P-14-19 McCormick Estates Unit No. 7, P-14-21 Pleasant Valley Unit No. 48, P-14-22 South Haven Addition Unit No. 4, P-14-23 Meadow Addition Unit No. 18, P-14-25 Arrowhead Addition Unit No. 8.

No action was taken on these plats.

PENDING ITEMS:

ITEMS 10-17: P-08-10 The Woodlands of Amarillo Unit No. 14, P-11-31 Sundown Acres Unit No. 6, P-11-54 Tradewind Air Park Unit No. 19, P-12-23 Soncy Estates Unit No. 3, P-12-45 Redstone Addition Unit No. 1, P-12-52 Bownds Industrial Park Unit No. 1, P-13-05 Beverly Gardens Unit No. 22, P-13-32 University Heights Unit No. 7.

No action was taken on these plats.

ITEM 18: P-13-64 South Side Estates Unit No. 37, an addition of the City of Amarillo, being a replat of a portion of Lots 1,2, and 4, Block 11, South Side Estates, a portion of Lot 8, Block 11, South Side Estates Unit No. 6 and Lot 2-A, Block 11, South Side Estates Unit No. 14 out of Section 5, Block 9, BS&F Survey, Randall County, Texas. (5.24 acres)(Vicinity: Greenhaven Rd. & Catalpa Ln.)
DEVELOPER(S): Ronnie Mayfield
SURVEYOR: Heather Lemons

A motion to approve P-13-64 was made by Commissioner Bedwell, seconded by Commissioner Good and carried unanimously.

ITEMS 19-24: P-13-72 Park Hills Unit No. 2, P-13-76 San Jacinto Heights Addition Unit No. 7, P-13-78 Heritage Hills Unit No. 2, P-13-81 E. W. Raef Unit No. 14, P-14-04 River Falls Unit No. 38, P-14-05 Glidden and Sanborn Addition Unit No. 9.

No action was taken on these plats.

ITEM 25: P-14-06 Tangle Aire Estates Unit No. 4, a 5.28 acre tract of land being a replat of Lots 14, 15, and 16, Block 4, Tangle Aire Estates Unit No. 2, of which includes a 0.27 acre suburban subdivision to the City of Amarillo and 5.01 acres adjacent to and outside of the City of Amarillo Extraterritorial Jurisdiction, all lying in Section 11, Block 6, I&GNRR CO Survey, Randall County, Texas. (5.28 acres)(Vicinity: Road Runner & Tangle Aire Ln.)
DEVELOPER(S): Billy Eubanks
SURVEYOR: Daryl Furman

A motion to approve P-14-06 was made by Commissioner Ledwig, seconded by Commissioner Bedwell and carried unanimously.

ITEMS 26-30: P-14-07 Ranch Acres South Unit No. 4, P-14-10 West Amarillo Industrial Park Unit No. 23, P-14-12 Lonesome Dove Estates Unit No. 6, P-14-14 Hillside Terrace Estates Unit No. 22, P-14-15 Lawndale Addition Unit No. 9.

No action was taken on these plats.

ITEM 31: P-14-18 Hester Road Estates Unit No. 1, a suburban subdivision to the City of Amarillo being an unplatted tract of land situated in Section 22, Block 9, BS&F Survey, Potter County, Texas. (2.58 acres)(Vicinity: Hester Rd. and Cliffside Rd.)
DEVELOPER(S): Stanley Stambaugh
SURVEYOR: Wendell Stoner

Chairman Craig stated that the plat was signed by the Assistant City Manager of Development Services on April 28, 2014.

ITEM 32: Public Forum: Time is reserved for any citizen to comment on City zoning or planning concerns; however, the Commission can take no action on any issue raised.

No comments were made.

ITEM 33: Discuss Items for Future Agendas.

No further comments were made and meeting adjourned at 3:40 p.m.

Kelley Shaw, Secretary
Planning & Zoning Commission