

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

On the 15th day of August 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, Vice Chairwoman	Y	42	40
Royce Gooch, Chairman	Y	109	104
Jason Ault	Y	88	69
Fred Griffin	Y	42	41
Cindi Bulla	Y	18	15
Jeff Perkins	Y	18	12

CITY STAFF:

Cris Valverde, Director of Planning and Development Services
 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 3:00 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 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 Aug 1, 2022, Planning and Zoning Commission Regular Meeting.

A motion to approve the minutes was made by Commissioner Cindi Bulla, seconded by Commissioner Jason Ault, and passed unanimously.

IV. Regular Agenda:

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

A. P-22-74 The Colonies Unit No. 81, an addition to the City of Amarillo, being a replat of Lots 3 and 4, Block 31, The Colonies Unit No. 63, in Section 40, Block 9, B.S.&F. Survey, Randall County, Texas.

VICINITY: Patriot Dr. and Wesley Rd.

APPLICANT/S: Paul Tiffany for Paul Tiffany Homes, Inc.

Brady Kendrick, Planner II presented the above item. This plat is for the purpose of reconfiguring a lot line between two residential lots. Consideration by the Planning and Zoning Commission is required as the plat is considered a residential replat. The plat has been reviewed by the customary City Departments and local utility companies and complies with all Subdivision and Development ordinance standards.

Considering the just mentioned, Staff recommends approval of the plat as presented pending the return of corrected originals prior to expiration.

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

A. Z-22-27 Rezoning of Lot 1A, Block 118, Mrs. M.D. Oliver-Eakles Addition Unit No. 3, an addition to the City of Amarillo, in Section 171, 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 with Specific Use Permit 78 to Residential District 1 with amended Specific Use Permit for increased lot coverage, reduced setbacks, and a change in hours of operation.

VICINITY: SW 25TH Ave. and Jackson St.

APPLICANT/S: Gene Mayfield for Amarillo Bible Chair

Brady Kendrick, Planner II presented the above item. This item was originally considered at the August 15, 2022 Planning and Zoning Commission meeting but was postponed by the Commission. Postponement was made so that an appraisal for the proposed project to determine any impacts on surrounding properties and whether any similar cases have been considered in the vicinity of Amarillo College. The applicant did obtain an appraisal for the property based on the proposed project for the site. It was the opinion of the Appraiser that the project, if allowed, would not negatively affect the property values of the adjacent properties in the area if the project were to move forward. Regarding similar cases that have been considered in the past, there are 3 that featured similar variance/s and/or development standard/s as to those being considered for this case.

- Planned Development 41, approved in 1973, allowed for the construction of a new building for a youth bible center that allowed a ten foot side yard and a 5 foot rear yard setback reduction as compared to the base zoning that existed on the lot prior to rezoning to Planned Development.
- Specific Use Permit 43, approved in 1977, was for the establishment of a Bible Chair in an existing home on the site. The project was approved with hours of operation 8:00am to 9:45pm. It is noted that this site is now an Amarillo College parking lot but was at the time location adjacent to other homes and a parking lot owned by the college.
- Specific Use Permit 52, approved in 1978 allowed for the construction of a new building for the Baptist Student Union and Bible Chair and associated parking on the site. A setback of 11 feet is observed on Van Buren St. (4 foot reduction).

Amarillo Bible Chair originally obtained a Specific Use Permit (SUP), S-78, to operate at this location in 1988. Staff is of the opinion that this site would be appropriate for a smaller scale institutional land-use and building with appropriate development standards. With onsite parking lot not being proposed for the site, 6,882 square feet of landscaping being provided. The proposed structure is just under 16 feet tall (single story) and 2,800 square feet. Compared to the current structure, this would represent an increase in lot coverage of 10.12% (31.7%). With the increase being in excess of 10%, Staff felt that the increase needed to be considered by the Planning Commission. the applicant is required to construct a solid screening fence along this property line. the site will be allowed to have one non-illuminated wall sign on the north elevation of the building. Staff does note that the hours of operation is a change from what is currently listed in the current SUP 8am to 5pm to 8am-9:45pm.

Notices were sent to all property owners within 200 feet as required by State Law. As of this writing, five comments in opposition have been noted on the request. The primary concerns expressed from the five individuals included:

- Concerns about a commercial style building being allowed in a residential area.
- Concerns that if approved, this would further erode the neighborhood and allow the college to expand further.
- Concerns that the building was not a good fit for the area in character and would be a negative impact on a historic neighborhood and would not enhance the area.
- Concerns about increases in traffic and noise and hours of operation.

Staff is aware of concerns raised during and after the August 15th meeting relating to the architectural styling of the proposed building. With the passing of Texas House Bill 2439 in 2019, cities are no longer able to dictate specific building materials, architectural styling, and/or specific characteristics of a building. Since the tabling of this item and considering it was relayed to the Commission that only variances sought (reduced setbacks, increased lot coverage, and a change in hours of operation) could

be considered, staff met with the Legal Department to verify whether this is still the case. As a result of this internal meeting, it should be noted that should the Commission deem it necessary, it has the authority to require development or protective requirements considered necessary to create a reasonable transition and/or to protect adjacent property.

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

No comments were made.

Chairman Royce Gooch asked if anyone would like to speak for or against the item.

No comments were made.

A motion to approve the item as presented by Staff pending the return of corrected originals prior to the plat's expiration was made by Commissioner Cindi Bulla and seconded by Commissioner Jason Ault.

The motion passed unanimously.

B. Z-22-28 Rezoning of 21.24 acres of land, plus one-half of all bounding streets, alleys and public ways, in Section 61, Block 9, B.S.&F. Survey, Randall County, Texas being further described below:

1. Rezoning of 3.08 acres of unplatted land, in Section 61, Block 9, B.S.&F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District to Amended Planned Development District 400 for the expansion of development standards (single-family detached homes with reduced lot depth and area).

2. Rezoning of 2.14 acres of unplatted land, in Section 61, Block 9, B.S.&F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District to Amended Planned Development District 401 for the expansion of development standards (single-family detached homes with reduced lot width).

3. Rezoning of 16.02 acres of unplatted land, in Section 61, Block 9, B.S.&F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Residential District 3 and Multiple-Family District 1 to Multiple Family District 1.

VICINITY: SW 34th Ave. and Soncy Rd.

APPLICANT/S: Daryl Furman for the Emeline Bush O'Brien/Sobieski Trust.

Brady Kendrick, Planner II presented the above item. The applicant is proposing the above changes in zoning in order to develop this recently annexed area with a residential subdivision. That property under consideration includes the areas being rezoned to Amended Planned Developments 400 and 401 to expand the development standards in PD-400 and 401 to the areas in this request. Development standards for the two Planned

Developments include the below:

9. PROPOSED PD – 400 LESS THAN 100' DEEP
 - 9.1. ALLOWED USES: SINGLE FAMILY DETACHED HOMES
 - 9.2. MINIMUM LOT DEPTH: 85 FEET
 - 9.3. MINIMUM LOT AREA: 4,250 SQUARE FEET
 - 9.4. ALL OTHER DEVELOPMENT STANDARDS NOT SPECIFICALLY NOTED ABOVE SHALL COMPLY WITH MODERATE DENSITY ZONING DISTRICT AND ALL OTHER CITY OF AMARILLO STANDARDS.

10. PROPOSED PD – 401 LOTS LESS THAN 50' WIDE
 - 10.1. ALLOWED USES: SINGLE FAMILY DETACHED HOMES
 - 10.2. MINIMUM LOT WIDTH: 45 FEET
 - 10.3. ALL OTHER DEVELOPMENT STANDARDS NOT SPECIFICALLY NOTED WILL COMPLY WITH THE STANDARDS FOR SF-DETACHED DEVELOPMENT IN THE RESIDENTIAL DISTRICT 3 ZONING DISTRICT AND ALL OTHER CITY OF AMARILLO STANDARDS.
 - 10.4. PLANNED 45 FOOT WIDE LOTS DELINIATED BY *.

Additionally, since annexation, the applicant's plans for the area zoned Multiple-Family District 1 have changed resulting in the need to expand that zoning district by 0.78 acres. Given the tracts location at the periphery of the proposed subdivision adjacent to vacant land that will likely develop with non-residential land uses in the future, Staff believes a deviation is warranted in this instance. The applicant's request for higher density single family detached homes at the periphery of the subdivision would be appropriate as such development types can serve as a buffer between higher intensity uses located to the east along Soncy Road to the rest of the subdivision to the west. It is also worth noting that the request above would be inline with the approved Preliminary Plan for this area in addition to aligning with the annexation zoning plan that was approved. Notices were sent to all property owners within 200 feet as required by State Law. As of this writing, no comments have been received regarding the request.

Considering the previously mentioned, Staff believes the request is a logical continuation and expansion of existing zoning patterns in the area and would not result in detrimental impacts and 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 for or against this item.

No comments were made.

A motion to approve the item as presented by Commissioner Jason Ault and seconded by Commissioner Jeff Perkins.

The motion passed unanimously.

- C. Z-22-30 Rezoning of Lot 4, Block 23, Sunrise Park Unit No. 2, an addition to the City of Amarillo, in Section 106, 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 2 to Residential District 2 with a Specific Use Permit for the placement of a carport within the front-yard setback.

VICINITY: SE 10th Ave. and Inman Dr.

APPLICANT/S: Moises and Rosa Martinez

Brady Kendrick, Planner II presented the above item. The applicant is requesting a Specific Use Permit (SUP) in order to keep a carport within the front-yard setback. The applicant constructed the carport without a permit and received a violation letter from the Building Safety Department. The carport that was constructed by the applicant is a custom metal carport with a peaked roof that is 576 square feet and located 9 feet 3 inches feet from the front property line and 20 feet 9 inches from the back of curb on Inman Drive. This represents a 16 foot 9 inch encroachment into the front yard setback that is required for Residential District 2. It is Staff's opinion from the site visit that the carport has minimal impact on character of the street and would not be detrimental to the character of the street. Staff also visited the surrounding streets in the area and in addition to the applicant's carport, there are four additional carports in the area, two of which have permits and approved Specific Use Permits on file one block to the east of the applicant's homes. Of additional note, allowing drainage onto a neighbor's property is not allowed unless an easement is granted. Considering the pitch of the carport's roof, Staff has concerns that this would be the case. Notices were sent to all property owners within 200 feet as required by State Law. As of this writing, no comments have been received.

Considering the just mentioned information, Staff believes that the existing carport is similar to other permitted carports in the area, however any encroachment and/or drainage onto adjacent property will need to be addressed in an appropriate manner prior to approval. Should this Specific Use Permit be granted, it is important to state that the applicant will have to apply for a Building Permit to verify the structure meets all building code requirements.

Given this, Staff recommends APPROVAL of the request as presented.

A motion to approve the item as presented by Staff pending the return of corrected originals and the needed offsite easements being provided prior to the plat's expiration was made by Commissioner Cindi Bulla and seconded by Commissioner Jeff Perkins.

The motion passed unanimously.

3. **VACATION/S:** The Planning & Zoning Commission will consider the following vacation/s:

- A. V-22-03 Vacation of two public rights-of-ways, being a public street (SE 6th Avenue) located adjacent to Blocks 354 and 355 of Mirror's Addition, and the public alley located in Block 355 of Mirror's and Holland's Addition, all additions to the City of Amarillo, being in Section 155 and 156, Block 2, A.B.&M. Survey, Potter County, Texas.

VICINITY: SE 5th Ave. and Johnson St.

APPLICANT/S: City of Amarillo

Brady Kendrick, Planner II presented the above item. The applicant is requesting vacation of the just mentioned rights-of-ways to create a unified development site for the upcoming City of Amarillo City Hall project at the Amarillo Hardware Building. The public alley and street segment proposed to be abandoned are located in downtown

Amarillo where the adjacent land on both sides of the street and alley are owned by the applicant. Traffic Engineering did not express any concerns about the closure of this segment as the street dead-ends approximately a block to the east and is not a thru street. It is worth noting the City would have sought the abandonment of the street segment further east yet given that there are additional property owners adjacent to that segment, the City did not want to burden those property owners with additional maintenance costs and/or taxes or reduce the ability to use the full width of a publicly maintained street (as half the street segment would be given to each property if vacated). City Solid Waste Department stated that this abandonment would not have impacts on any existing trash routes in the area. The alley segment in the block to the south of this alley under consideration has also already been abandoned. While there are City and franchised utility company infrastructure located in both the alley and the street under consideration, the city will be relocating the city utilities in addition to coordinating with the other utility companies regarding relocation. The city will be retaining a PUE over the alley to be vacated and portions of the street to be vacated to cover utility infrastructure that will be in those areas.

Notices have been sent to property owners within 200 feet regarding this proposed vacation. At the time of this writing, the Planning Department has not received any comments regarding the request.

Considering the above, staff recommends approval 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 for or against the item.

No comments were made.

A motion to approve this item was presented by Commissioner Cindi Bulla and seconded by Vice Chairwomen Renee Whitaker.

Motion carried unanimously.

4. Discuss Items for Future Agendas.

No items to discuss.

The meeting adjourned at 4:15 PM.

Cris Valverde M.

Cris Valverde
Director of Planning and Development Services