

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

On the 7th day of November 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	45	43
Royce Gooch, Chairman	Y	112	107
Jason Ault	Y	91	72
Fred Griffin	Y	45	44
Cindi Bulla	Y	21	18
Jeff Perkins	Y	21	15

**CITY STAFF:**

Andrew Freeman, Assistant City Manager  
Cris Valverde, Director of Planning and Development Services  
Emily Koller, Assistant 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 October 3, 2022, Planning and Zoning Commission Regular Meeting.

A motion to approve the minutes was made by Commissioner Cindi Bulla, seconded by Commissioner Fred Griffin.

Motion passed unanimously.

**IV. Regular Agenda:**

1. **MISCELLANEOUS:** The following presentation will be given to the Planning and Zoning Commission

A. City Plan Kick-Off Presentation by MIG

Emily Koller, Assistant Director of Planning introduced Jay Renkens and Krystin Ramirez from MIG. They gave a presentation on the new City of Amarillo comprehensive plan called Vision 2045 and introduced the Commission to the project and gave an outline of the goals, timeline, and objectives for the plan.

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

A. P-22-85 Heritage Hills Unit No. 17, an addition and suburban subdivision to the City of Amarillo, being an unplatted tract of land, in Section 65, Block 9, B.S.&F. Survey, Randall County, Texas.

VICINITY: FM 2186 and FM 2590

APPLICANT/S: Mark Tate for Circle K. Stores Inc.

Brady Kendrick, Planner II, presented the item. This plat is for the purpose of creating one commercial lot. Consideration by the Planning and Zoning Commission is required as the plat is considered a Final Plat due to main extensions being required to serve the lot. This is also the plat's final meeting prior to its expiration. The plat has been reviewed by the customary City Departments and local utility companies and with the exception of needed utility easements not yet being dedicated to allow for the acceptance of the main extensions and corrected originals not yet being received, complies with all other subdivision and development ordinance standards.

Considering the above, Staff recommends approval of the plat as presented, pending the dedication of all needed easements for the acceptance of the public improvements and receipt of the corrected originals prior to the plat's expiration by end of business tomorrow.

Chairman Royce Gooch asked what will happen documentation does not come in by end of business tomorrow.

Brady Kendrick replied it will expire and they will have to resubmit everything in again and begin the process again.

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 this item pending the dedication of all needed easements for the acceptance of the public improvements and receipt of the corrected originals prior to the plat's expiration was made by Commissioner Cindi Bulla and seconded by Commissioner Jason Ault.

Motion passed unanimously.

- B. P-22-89 Rockwell Acres Unit No. 5, a suburban subdivision to the City of Amarillo, being a replat of Lots 6 and 7, Block 4, Amended plat of Rockwell Acres Unit No. 2, in Section 33, Block 1, T.T.R.R. Co. Survey, Randall County, Texas.  
VICINITY: Windrock St. and Rockwell Rd.  
APPLICANT/S: Jeff Reese

Brady Kendrick, Planner II, presented the item. This plat is for the purpose of creating one lot from two previously platted tracts of land. Consideration by the Planning and Zoning Commission is required as this replat is residential and required property owner notification. The plat has been reviewed by the customary City Departments and local utility companies and complies with subdivision and development ordinance standards. Public notices were sent and no comments have been received.

Considering the above, Staff recommends approval of the plat pending the receipt of the corrected originals prior to the plat's expiration.

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

Commissioner Fred Griffin if we know what the proposed development is?

Brady Kendrick replied no we do not, it is currently vacant land.

Chairman Royce Gooch asked the commissioners if they have any other 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 was to approve this item pending the receipt of the corrected originals prior to the plat's expiration was made by Commissioner Jeff Perkins and seconded by Vice Chairwoman Renee Whitaker.

Motion passed unanimously.

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

- A. Z-22-26 Rezoning of the west 125 feet of the east half of Block 267, Holland's Addition, an addition to the City of Amarillo, in Section 156, Block 2, A.B.&M. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Multiple-Family District 1 to Planned Development District for a new or used auto sales outdoor lot.

VICINITY: Wichita Ave. and Mirror St.

APPLICANT/S: Marcelino and Lucia Alvarado

Brady Kendrick, Planner II, presented the item. The applicant is requesting a change in zoning in order to construct an outdoor new or used auto sales lot. It is noted that this case was originally considered for a change to Light Commercial District but was denied at the August 1, 2022 Planning and Zoning Commission meeting. The applicant appealed the decision and at the October 11, 2022 City Council meeting. The consensus was that Light Commercial zoning is inappropriate for the area. That said, it was recommended that a "General Retail" Planned Development zoning that allows an outdoor new or used auto sales lot be considered. The applicant has now amended their request to Planned Development zoning as just mentioned.

Staff believes that the request could provide an appropriate transition in zoning that could ease impacts on area residences while allowing the land to be developed as intended.

Staff would caution that further encroachment north of the applicant's site into the established residential areas should be discouraged. Upon development, the applicant will be required to submit a site plan for review to ensure compliance with all applicable development standards.

Notices were sent to all property owners within 200 feet as required by State Law. As of this writing, one call has been received in the form of a general inquiry. A petition of support for the original rezoning request was presented at the City Council meeting which was signed by 13 different people. Of the 13, six were property owners in the area and of the six-property owners, three were owners that were within the 200 foot notice radius.

Considering the above information, 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 for or against this item.

No comments were made.

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

The motion passed unanimously.

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

- A. V-22-04 Vacation of a 0.10 acre public Right-of-way (alley), located between Lot 3-A and Lot 3-B, Block 72, Replat of Lot 3, Block 72 Ridgecrest Unit No. 14, an addition to the City of Amarillo, in Section 7, Block 9, B.S.&F. Survey, Randall County, Texas.

VICINITY: SW 45th Ave. and Teckla Blvd.

APPLICANT/S: Che Shadle for Opportunity Sky Capital, LLC

Brady Kendrick, Planner II, presented the item. The applicant is requesting vacation of the just mentioned alley segment in order to be able to install a drive-thru lane in the area now dedicated as a public alley. The drive-thru lane is for an upcoming fast-casual restaurant to be located at the western most tenant space of the existing multi-tenant retail building. Because the area proposed for a drive-thru lane is currently public right-of-way, use for such purposes is not allowed and is the reason for the vacation request.

A new alley segment will be dedicated to the south to avoid a dead-end alley situation, and a Public Utility Easement will be retained over the area to be abandoned to cover existing utilities. If approved, the alley segment will revert to private property and will be equally divided (10ft) between the two adjacent property owners. A traffic count was performed on Cherokee and Prairie rights-of-ways. The resulting traffic counts have led the Traffic Engineering Department expressing no concern with allowing the alley traffic being re-routed south.

Notices have been sent to property owners within 200 feet regarding this proposed vacation. At the time of this writing, the Planning Department has received two comments from adjacent property owners that have expressed opposition to the applicant's request and one call from a citizen in the form of a general inquiry. This property owner, who owns several condo units along Prairie Ave stated that residents have long used the segment proposed to be vacated to access SW 45th Ave. Of the two property owners opposed, one offered feedback as to reasoning for opposition.

Considering all mentioned, staff believes that the City's ability to provide public services will not be impacted by this request and recommend approval as presented.

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

Commissioner Fred Griffin stated he will be abstaining; he has a conflict of interest on this item.

Commissioner Cindi Bulla asked if the portion that is proposed to be vacant will be divided in half between property owners & the other half will be used for the drive thru.

Brady Kendrick replied yes, the 10ft width will be adequate length for a drive thru per the Traffic Engineer.

Commissioner Cindi Bulla asked if the area in blue that goes to the north will that be the new route.

Brady Kendrick replied yes, it actually will go south the map is upside down.

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

Commissioner Cindi Bulla asked if the area is being vacated is there any rear entry garages or entrances?

Brady Kenrick replied no.

Chairman Royce Gooch stated on the west side of the alley there is a fence, does it belong to the property owner on the west side?

Brady Kenrick replied yes.

Chairman Royce Gooch stated unless the fence comes down his access to the alley is cut off.

Brady Kenrick replied yes access will be cut off.

Chairman Royce Gooch asked if the city will be retaining a public utility easement.

Brady Kendrick replied yes.

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

No comments were made.

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

No comments were made.

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

Barbara Burnette from 4406 Prairie Ave stated her garage connects to the green alley on the sketches presented. Also owns 2 other townhomes along that same alleyway. She was not aware that was a public alley until they posted signs, she thought it was just an easement behind the houses. That is the direct exit onto 45<sup>th</sup> Ave. It is also the

way emergency personal access the back part of the properties. Will create a lot of traffic in the alley and cause accidents shared a couple of years ago someone hit power pole in alley and caused a lot of damage and lost power. Does not feel it is right to give up the alley to someone who wants to open a restaurant and increase traffic in the whole area. No one maintains alley and it is in poor condition. Feels it will lower the property values.

Commissioner Jeff Perkins asked how many townhomes are there.

Barbara stated 6 townhomes.

Chairman Royce Gooch asked if anyone else would like to speak in opposition of this item.

Barry Wilson owns 2 of the townhomes there. If the approve vacation they will increase traffic in the area and will cut off access to the alley.

Kerry McLain from 4801 Lexington Sq., attorney representing the owner of the property to the west. Does not believe this vacation will benefit the public will only benefit the restaurant owner Chop Chop. If this is approved, it impedes his clients access to the alley and the neighboring property. This alley was created during the dedication of the plat, property owners and the public have a right to use this alleyway. The city is not supposed to impede access to an alleyway. Stated he has provided the commissioners with a parking manual that shows it is to give a 10ft width before the driveway begins. Says what was presented in the packet is wrong talking about the use of the public right of way for a drive thru lane. He has provided a survey showing the alley is just proposing to move the alley down further and it will just push traffic from 45<sup>th</sup> Ave onto Prairie Ave. With the study currently done traffic count is low but when the drive thru opens it will create a lot of traffic onto the residential streets. He also stated there is an existing court case from the state that is similar to this situation in which a vacation was overturned as it did not benefit the public.

Commissioner Cindi Bulla asked if Prairie was a private street?

Kerry McLain stated no, just private residences, it is a public street.

Commissioner Jeff Perkins stated if the alley is vacated it will impede access to the alley. Wanting to know if the alley backs up to the property.

Kerry McLain stated yes, they are directly west, property is the fenced one located to the west.

Commissioner Jeff Perkins asked if it is a commercial property.

Kerry McLain stated yes.

Commissioner Jeff Perkins asked does the alley give direct access to the property.

Kerry McLain stated the potential is there, the property owner is able to use it at this time if he wanted to.

Commissioner Royce Gooch asked the commissioners if they have any other questions.

No comments were made.

Dean Boyd 4423 SW 45<sup>th</sup> said he is currently the tenant occupying the building to the west Kerry McLain is representing. Ever since construction began on the streets at 45<sup>th</sup> Ave and Western he has had an increased number of traffic cutting through his lot. If a drive thru lane was to be put their people will be driving onto his property all the time. In the future if cars were to be driving through his property, they will get stuck because he has installed gates in the back of the property that blocks access. He had traffic going through there previously that risked his employee's safety that is why the fence was installed. Stated what the city engineers said about not much traffic on Prairie Ave, that is not true he watches the traffic all day every day on that street. People are driving fast through there all the time trying to get to 45<sup>th</sup> Ave from Western St due to the construction. Has a hard time getting out at the end of the day. Where the proposed drive thru exit will be there is a residential house right there and it puts a risk to the homeowner with all the traffic the drive thru will be creating a dangerous risk for the city. Does not understand why they want to turn an alleyway into a roadway. Stated the city has the water & sewer lines in that alley way they are proposing to vacate, what happens if the city is going to have to be doing repairs on that, then the owners of the restaurant will be calling the city pushing to get the repairs done asap because it will be restricting access to their drive thru lane. What about the trash trucks going a different route already problems in that alley way?

Vice Chairman Renee Whitaker stated soon construction on Western St will be resolved, does Mr. Boyd think traffic will dissipate?

Dean Boyd stated no he does not believe so; his business is based off of these crazy drivers we have now a days.

Commissioner Royce Gooch asked if the commissioners have any other questions.

Vice Chairwoman Renee Whitaker asked Staff what will the drive thru be used for, a restaurant?

Brady Kendrick replied yes, for a proposed Chop Chop location.

Commissioner Cindi Bulla stated in the analysis it was determined that there will no impact on existing services except solid waste. Wanting to know if there have been any instances with safety for solid waste going onto 45<sup>th</sup> Ave.

Brady Kendrick stated not that he is aware of, there was nothing expressed to them.

Commissioner Cindi Bulla stated on the traffic engineer's analysis and drainage can he comment on how breaking out the curb will impact the drainage onto Prairie Ave.

Brady Kendrick replied based off of what was provided to them by the Engineer representing the applicant they did not have any concerns.

Chairman Royce Gooch asked if anyone else who would like to speak in opposition of



this item.

No comments were made.

A motion to deny this item was made by Commissioner Cindi Bulla and seconded by Chairman Royce Gooch.

Motion passed unanimously with Fred Griffin abstaining.

5. **PRELIMINARY PLAN/S:** The Planning and Zoning Commission will consider the following preliminary plan/s:

- A. PP-22-04 Consideration of a variance from the requirement to provide alleys and maximum block length associated with Storybook Estates Preliminary Plan, a 443.6 acre tract of unplatted land in Section 118, Block 2, A.B.&M. Survey, Randall County, Texas.

VICINITY: Loop 335 and S. Grand St.

APPLICANT/S: Dustin Davis for Shepherd Property Investments, LLC

Brady Kendrick, Planner II, presented the item. The applicant is requesting two variances from the Planning Commission. The first is to vary from the requirement of needing to dedicate alleys within the subdivision. The second is to allow block lengths that exceed the maximum block length of 1,000 feet. Considering the historical design of subdivisions in the ETJ and the fact that all utilities can be located within adjacent streets, staff is of the opinion approving this variance will not be out of character for the area and/or would not create any detrimental impacts.

Considering the streets are internal to the subdivision or a cul-de-sac that only serve residents of the subdivision, staff is of the opinion that if approved, the variance for block lengths over 1,000 feet would not result in any detrimental impacts or unsafe conditions in the opinion of the Traffic Engineer and City Staff.

Considering the above, staff recommends approval of an alley and block length variances as presented.

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

Vice Chairwoman Renee Whitaker stated the 1,000 ft restriction shows up a lot and these lots will be an acre each so only 9 houses on a block. Is the 1,000 ft or more for residential houses that have 15-20 houses on a block in an urban area?

Brady Kendrick replied it applies more to an urban setting with higher density and more traffic. This subdivision will not have a lot of traffic where people will be cutting through.

Commissioner Cindi Bulla asked based off of what was just said will it create a potential future problem if they wanted to be annexed in the future.

Brady Kendrick replied we do have subdivisions in the city that has similar variances, it will not be strictly in line with city design and guidelines. The reason the city gets involved in subdivisions in the ETJ is so they will be similar in design with other city

subdivisions if anything were to be annexed. They feel these variances are minor enough they would not be detrimental if they were to be annexed in the future.

Vice Chairwoman Renee Whitaker verified the trash will be upfront not in the alley.

Brady Kendrick replied yes, out front and since it is in the ETJ it will be private trash service. If this was proposed to be annexed in the future that is something the city would address.

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

No comments were made.

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

Dustin Davis from GDI, 3501 S Georgia St engineer for the project. Stated the 1,000 ft length is based on fire safety. The rules they go by are written around based off of an urban setting. They do their best to make it work in a rural setting.

Chairman Royce Gooch asked if the water and sewer will be wells and septic.

Dustin Davis replied yes, 1-acre settings some lots will be a little bit bigger. Developer plans on doing more of a multi-family type scenario on some lots. TCQ will regulate the wells and septic.

Commissioner Fred Griffin asked how close is this development to city limits.

Dustin Davis replied 3 miles.

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

No comments were made.

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

No comments were made.

A motion to approve the variances was made by Vice Chairwoman Renee Whitaker and seconded by Commissioner Fred Griffin.

Motion passed unanimously.

6. Discuss Items for Future Agendas.

No items to discuss.

The meeting was adjourned at 4:15 PM.

*Cris Valverde M.*

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Cris Valverde  
Director of Planning and Development Services