

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

On the 28th day of June, 2010, the Amarillo Planning and Zoning Commission met in a work session in Room 206, second floor of City Hall, at 2:30 P.M. to review agenda items, then convened in regular session at 3:00 P.M. in the Commission 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
Michael Alexander	Yes	72	49
Dean Bedwell	Yes	44	39
Judy Day	Yes	47	37
Brandon Neely, Vice Chairman	No	48	36
John Notestine, Chairman	Yes	93	85
Louise Ross	Yes	93	85
Howard Smith	Yes	83	73

PLANNING DEPARTMENT STAFF:

Kelley Shaw, Planning Director
Cris Valverde, Senior Planner

Karon Watkins, Recording Secretary

Chairman Notestine 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 June 14, 2010 meeting.

Motion to approve the minutes of the June 14, 2010 meeting was made by Commissioner Smith, seconded by Commissioner Day and carried 4:0:2 with Commissioners Alexander and Ross abstaining due to absences.

ITEM 2: Miscellaneous Discussion Item: City of Amarillo, Municipal Code, Chapter 4-8 Flood Damage Mitigation, Section 4-8-15 Variance

Martin Rodin, City Engineer presented a brief description of Chapter 4-8, Flood Damage Mitigation, Section 4-8-15 Variance of the City of Amarillo, Municipal Code and amendment which was adopted on June 1, 2010. Mr. Rodin stated the purpose of this chapter is to minimize public harm and private losses in Special Flood Hazard Areas and included a provision for the City Engineer to be the sole grantor of a variance to the floodplain requirements required by the ordinance. The original Flood Damage Mitigation included a stipulation for building the finished floor for all structures to at least 1.0 ft. or more above the City Base Flood elevation which was defined as a storm having twice the accumulation of runoff as the Federal Emergency Management Administration (FEMA) 100-Year Base Flood. Mr. Rodin explained the amendment removed the City Base Flood requirement and adopted the FEMA 100-Year Base Flood as the governing condition for future development. Mr. Rodin added FEMA no longer allowed for a single individual to approve a Variance request and shifted the Variance approval to a local governing body or commission, the Planning and Zoning Commission (Commission). Mr. Rodin defined the new process by which a variance will be granted, explaining that the City Engineer would make a recommendation to the Commission to approve or reject the variance request based on the City Engineer's recommendation. If the variance is rejected, the variance could be appealed to the City Commission for approval; however, Mr. Rodin maintained in no case shall a variance be granted that would allow finished floor construction below the elevation of the FEMA 100-Year Base Flood which would be in violation of the National Flood Insurance Protection Act.

Mr. Rodin also explained in more detail some of the reasoning behind amending Section 4-8-15. He stated the developer must submit in writing an application for a variance showing good faith and cause to the City Engineer who will study the application and make a recommendation to the Commission for review and a decision. There are several rules that must be adhered to for

example, no increase in flood elevation can occur if the variance is granted, no additional risk of flooding on the property and the variance will be the minimum required to afford relief, identifying the hardship generating if the variance request. In addition, granting the variance will not result in additional floods or cause safety concerns. Mr. Rodin asked if there were questions from the Commissioners.

Chairman Notestine asked if Mr. Rodin was familiar with when the Dunivan Lake (Lawrence Lake) area flooded several years ago and there was no access for approximately 10 days and if the elevation had been at the FEMA 100-Year Flood Base, a lot of those buildings would have been flooded and therefore feels lowering the flood base is not a good idea. Mr. Rodin responded that following that flood a lot of work was done to Dunivan Lake.

Mr. Shaw addressed a pre-session question concerning the Commissions' liability if a variance were granted and stated he had discussed the issue with Marcus Norris, City Attorney and if the decision to grant a variance was based on credible and reliable evidence, granting a variance would become a governmental action based on that evidence and the Commission would not be held liable. Mr. Shaw said this item was presented to the Commission with the intent to inform the Commission of their new responsibilities concerning an application for a variance at such time a variance is presented. No vote was required on this item.

ITEM 3: P-10-31 Western Crossing Addition Unit No. 5, an addition to the City of Amarillo, being a replat of all of Western Crossing Addition Unit No. 2, in Section 227, Block 2, AB&M Survey, Potter County, Texas. (2.08 acres) (Vicinity: Western St. & Western Plaza Dr.)

DEVELOPER: Dipak Patel
SURVEYOR: Ken McEntire

Mr. Shaw stated this plat was not ready but could be resubmitted at a later date at no charge. Motion to deny P-10-31 was made by Commissioner Ross, seconded by Commissioner Bedwell and carried unanimously.

CARRY OVERS:

ITEMS 4-6: P-10-28 Hillcrest Acres Unit No. 3, P-10-29 The Shores Unit No. 15, P-10-30 Riverroad Gardens Unit No. 22.

No action required on these plats.

PENDING ITEMS:

ITEMS 7-16: P-08-10 The Woodlands of Amarillo Unit No. 14, P-08-14 Webb Subdivision Unit No. 3, P-08-58 Centerport Addition Unit No. 2, P-08-65 Point West Business Campus Unit No. 5, P-08-69 Redstone Addition Unit No. 1, P-09-08 Canode-Com Park Unit No. 40, P-09-21 East Loop 335 Unit No. 7, P-09-23 Hillside Terrace Estates Unit No. 10, P-09-40 Hillside Terrace Estates Unit No. 7, P-09-43 South Haven Addition Unit No. 3.

No action required on these plats.

ITEM 17: P-10-10 Vista Grande Height Unit No. 1, an addition to the City of Amarillo, being an unplatted tract of land in Section 191, Block 2, AB&M Survey, Potter County, Texas. (8.24 acres) (Vicinity: Broadway Dr. & Hastings Ave.)

DEVELOPER: Tom Nielsen
SURVEYOR: Richard Johnson

Mr. Shaw stated the applicant's request was in order; however the City's Subdivision Ordinance requires all subdivisions to have alleyways which provide a defined space for utilities and trash receptacles and possible access for rear-entry access. The plans for this development do not contain any rear-entry alleyways therefore this plat does not include alleys and the developer is requesting an alley waiver, which the City will support for this subdivision. The developer has dedicated 70 ft. right of way to accommodate utilities and trash receptacles, which will be screened enclosures. This plat also contains lots which back up to section-line arterial and interior streets. The Subdivision Ordinance states this situation is to be avoided if at all possible; however there is not a specific regulation stating houses cannot have double frontages. Mr. Shaw stated this layout has the potential to create maintenance issues between the property line and

the back of the curb; however, the developer has submitted a petition for a Public Improvement District (PID) which would take care of the maintenance of that area. Mr. Shaw recommended the plat be approved as submitted with an alley waiver.

Chairman Notestine asked if anyone wished to speak in favor of this request.

Tom Nielsen
Nielsen Communities

Mr. Nielsen thanked Mr. Shaw and Mr. Rice for their involvement and help in getting this request in order. Mr. Nielsen explained his perspective on the concerns addressed in Mr. Shaw's staff analysis and expressed his viewpoint for not having rear-yard entries which, eradicates 30% of the backyard and in trying to create a development for affordable housing for first time home buyers with children, 30% is a substantial reduction in backyard area which could be used as a family area where children could play. Mr. Nielsen stated the gas meters would be up installed against the houses rather than in an alleyway easement. He presented pictures of a development in New Mexico which contained this same layout type and reminded the Commissioners although the present plat shows only 24 lots but the development will eventually contain 540 lots. Mr. Nielsen stated he is the developer/builder and the lots would not be sold. Nielsen feels this development will be aesthetically pleasing and a needed development improvement in the area and asked if the Commissioners had any questions.

Commissioner Bedwell stated he was concerned about how well a PID would do in an affordable housing, first-time buyer development. Mr. Bedwell felt that a PID might not succeed and wanted to know if the maintenance responsibility would then fall back on the City. Mr. Nielsen stated that the landscaping would be effective, efficient and cost-conscious and the proposed yearly PID fee of \$50.00, amortized over one year would be roughly \$4.25 per month, which he feels should not burden the homeowner.

Commissioner Notestine stated his concern with the aesthetics of visible trash receptacles but also conceded there were several main arterials with that set-up. Chairman Notestine asked if the utility companies would be granted an easement to each meter since the meters were located at the houses and Mr. Nielsen explained that a standard agreement had been made with the utility companies allowing them the ability to trench up to the house and access the meters as well. Commissioner Notestine asked whether there was anyone present to speak for or against this request and there were none. Motion to approve P-10-10 with an alley waiver was made by Commissioner Smith, seconded by Commissioner Ross and carried unanimously.

ITEM 18: P-10-11 Teresa D' Ann Unit No. 3, an addition to the City of Amarillo, being an unplatted tract of land in Section 184, Block 2, AB&M Survey, Randall County, Texas. (1.76 acres) (Vicinity: SW 45th Ave. & Ida Louise Ct.)

DEVELOPER: Mark Meister
SURVEYOR: Daryl Furman

Mr. Shaw stated the applicant's request was in order and recommended approval as presented. A motion was made to approve P-10-11 by Commissioner Bedwell, seconded by Commissioner Day and carried unanimously.

ITEMS 19-21: P-10-19 Dixon Acres Unit No. 5, P-10-21 Coulter Acres Unit No. 21, P-10-22 Westover Village Unit No. 9.

No action was required on these plats.

ITEM 22: P-10-23 Alamo Acres Unit No. 1, a suburban subdivision to the City of Amarillo, being an unplatted tract of land in Section 89, Block 2, AB&M Survey, Randall County, Texas. (2.00 acres) (Vicinity: SE 34th Ave. & Whitaker Rd.)

DEVELOPERS: Juan & Leonel Alamo
SURVEYOR: Jeff Reasoner

This plat was withdrawn.

ITEMS 23-26: P-10-24 Amarillo Medical Center Unit No. 17, P-10-25 Medical Institute Subdivision Unit No. 9, P-10-26 Mariposa ecoVillage Unit No. 2, P-10-27 Amarillo Medical Center Unit No. 18.

No action required on these plats.

ITEM 27: 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 one spoke.

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There being no further items before the Commission, the meeting adjourned at 3:40 p.m. All remarks are on file in the Planning Department.



Kelley Shaw, Secretary
Planning & Zoning Commission