

Ms. Lee made a motion to approve the Amarillo Historic District request. Mr. Calk seconded the motion. The motion carried 6 to 1, with a no vote from Mr. McClellan. Ms. Lee reminded all those in attendance that the Landmarks Commission is a recommending commission on zoning requests and that the final decision is made by the City Council.

Agenda Item 4: Adjourn

There being no further business, the meeting was adjourned by Mr. Weatherl at approximately 5:45 PM.

Approved: _____, Chairman
Date: _____

We love our neighborhood. The City should be enforcing the codes in the areas around us now. We need to know more about the benefits.

Mr. Folwell spoke. He and his wife support and believe in preservation and thinks like the previous speaker the City should enforce the codes already existing. Our insurance policies self govern the maintenance of our properties. He said he signed the petition, but is now opposed to the district and thinks it should be voluntary. It can place undo burdens on people. We don't want to call City Hall when we need to do something. New City staff could make it harder to make changes.

Mr. Weatherl asked for a show of hands of those opposed and in favor.

Mr. Butman asked if Mr. Santee, Acting City Attorney, wanted to comment on Mr. Yates objection of the Commission voting again. Ms. Lee felt we should close the public hearing.

Mr. Weatherl closed the public hearing and ask for discussion.

Ms. Lee ask if the Commission had a right to vote on this a second time?

Mr. Santee said he has had several conversations with Mr. Yates. It's the Commission's pleasure if they want to vote or not. His concern is that the Commission have complete findings as this request moves forward. P&Z sent it back so that further consideration could be taken. He also said that the committee had now looked at all the properties and considering the vote (December 19, 2006), that vote was to send the request for the district forward, it was really not a vote on individual properties, yet because of the 5 to 1 vote those properties in opposition would be left out. Mr. Santee and Ms. Lee discussed the issue of "takings" and they both agreed because of the many historic districts (in other places) that it probably is not a "taking". Mr. McClellan ask the legal definition of a "taking". Mr. Santee says he didn't think it was applicable. Mr. McClellan disagreed and said he thought it was defacto eminent domain. Mr. Santee stated that eminent domain is not before the Commission today. Mr. McClellan asked how long a delay would be if a property owner wanted to demolish a building in the district. Mr. Santee responded that the delay would be the same as other properties that have historic zoning and that there is a public interest. Mr. McClellan said he couldn't agree with making a property owner wait for demolition. Ms. Lee ask about the process to review requests in the district and made comments about property maintenance and the design review committee. Mr. Santee stated that other cities do have property maintenance standards in their districts and standards could be approved here. It depends how you want to define your role as a Landmarks Commission. Mr. Weatherl said the Design Review Committee would send Certificate of Appropriateness reviews to them and that there are property maintenance provisions in the Design Guidelines. Mr. Santee said the newly passed nuisance ordinance would address several of these issues.

Ms. Lee asked if there are any studies that conclude that historic districts cause property values to decrease? Mr. Abrigg stated the only one he ever read about involved a stand alone apartment building that lost value, but not a district. He stated he has access to 11 studies in his office that cite districts where property values improve. Ms. Lee stated she thought there was a study done by a local graduate student. Mr. Abrigg said that is correct.

Mr. Santee reminded the Commission of what the ordinance says about the criteria for designation by reading Sections 23-344 and 23-344.1.

Mr. Weatherl asked if someone wanted to make a motion. There was a discussion concerning a possible vote on the committee's recommendation on the contributing and non-contributing properties. Mr. Santee said that would be allowable.

Mr. Calk made a motion to accept the committee's findings. Mr. Minter seconded the motion. It carried unanimously (7 to 0).

zoning and the base residential zoning would remain the same. The proposed historic district map and a map of the property owner's responses were discussed. A map was also shown of contributing (historic) and non-contributing (not historic) properties in the proposed district. A committee of the Landmarks Commission met on December 11, 2007 and recommended 80 properties be considered as contributing and 15 as non-contributing. Again, staff is recommending approval as outlined in the staff report.

Mr. Weatherl asked if any member on the committee would like to comment on the contributing or non-contributing properties. Ms. Lee stated that their decisions included that if the form of the residence was still there and not too many changes were made, that they considered the property contributing. The final numbers resulted in 5 fewer non-contributing properties as compared to a previous staff survey.

Mr. Weatherl opened the public hearing and ask for comments from the applicant.

Mr. Tallant, a property owner, spoke for the committee of the Amarillo-Highland Neighborhood Association. (The committee is the applicant.) He stated first of all, they did ask that their request be considered again by the Landmarks Commission today and cited the reasons given by staff. He said the quality of the neighborhood is what is important and that the request is in line with the Comprehensive Plan and the 1999 Historic Preservation Plan. He stated their desire to improve the neighborhood starts now, not 15 years from now. Without the historic overlay they are not as protected. He is not in favor of restrictions that are too restrictive and knows the requirements as written in the Design Guidelines are reasonable and agreeable, including paint color, and additions to homes. He said a district doesn't freeze a neighborhood in time, but enhances growth and investment.

Mr. Weatherl asked for a show of hands as to those who would like to speak. He stated that they could get through in a reasonable time considering the number of hands.

Mr. Yates said he appreciates everyone's work on this proposal, but disagrees with it for his property. He also ask for a point of order because he believes this meeting was unnecessary because the Landmarks Commission made a decision last month (5 in favor and 1 opposed). He feels that was a final vote. A quorum was present and the decision in December is locked in concrete. He doesn't mind his neighbors improving their properties. He chose Amarillo Street. He, like others, have taken care of their houses. A historic district doesn't respect freedom and is un-Texan. He reviewed the "takings clause" of the Texas Constitution and the Texas Bill of Rights. The original developers of the area restricted the use of property to residential and compatible uses, like churches and schools or libraries only. He doesn't want to live in a museum. He doesn't want to go to the City for permission for this or that. He doesn't think this request is right or fair and ask if you would want your property in such a district?

Mr. Cox responded that he lived in the county outside of Abilene and that no restrictions allowed all the wind turbines to ruin his view and appreciation of the area and caused them to buy a home on Amarillo Street. What happens to Amarillo Street when you have neighbors who don't value the historic aspects of the street? We live with rights and restrictions and we abide by those restrictions. We don't want a Swiss cheese or saw tooth district. We attempted to consider all points of view, and the Landmarks Commission will never get 100% in favor of this request. The majority should rule. When the vote was 5 to 1 the minority dictated the situation, we ask that we get the votes we need to go forward as a whole district. In 1993 the City Council approved the ordinance to allow historic districts; why can't we have one?

Mr. Murray spoke. He stated that he and his wife are owner/residents on Amarillo Street. They appreciate everyone's work. They oppose the district and oppose the restrictions in the guidelines as they pertain to maintenance. They may interfere with future improvements. Why limit the district to Amarillo Street, and why not restrict the whole area along with Amarillo?

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**LANDMARKS COMMISSION**

**January 25, 2007**

**Minutes**

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Members Present: Steve Butman  
Michael McClellan  
Pebbles Lee  
Robert Calk  
Rick Weatherl  
Bill Minter  
Phil Miller

Members Absent:

Staff Present: Larry Abrigg, Planner III, Historic Preservation Officer  
Dan Santee, Acting City Attorney  
Jon James, Director of Planning and Development Services

Guests:

Willis Deichmann	Jim Tallant	Ruby Yates
Edithlyn Deichmann	Bill Keeble	Don Murray
John Downs	Diane Keeble	Roxy Cox
Bill Cox	Bill Chaney	Laura Wardroup
Jack Yates	Tina Cargile	Audrey Perry
Janice Murray	K.O. Killian	Larry Folwell

Mr. Weatherl called the meeting to order at 4:05 PM, declared a quorum present, and read the opening statement.

Minutes of the December 19, 2006, meeting were submitted for approval. The minutes were approved by unanimous vote. Ms. Lee made the motion and Mr. McClellan seconded the motion.

Agenda Item 3: Reconsideration of Z-2007-01, Public hearing and possible vote to recommend approval or denial to the Planning & Zoning Commission and the City Council on a request from the Amarillo Street Historic District Committee to apply Historic Overlay zoning to create a historic district, located along the east and west sides of Amarillo Street between S. 6<sup>th</sup> and S. 14<sup>th</sup> Streets, and along the west side of Meander Street between S. 6<sup>th</sup> and S. 7<sup>th</sup> Streets.

Mr. Weatherl read the above case description and asked Mr. Abrigg to give the staff report.

Mr. Abrigg highlighted the staff report that was sent with the Commission packet. On December 19 the Landmarks Commission voted 5 – 1 to approve the proposed historic district. After that meeting the applicant asked if the Planning and Zoning Commission could send the request back to the Landmarks Commission. Three reasons were given: Those include time to review the revised design guidelines, a desire for the Landmarks Commission to review the contributing and non-contributing properties, and an opportunity for a full Commission of 7 members to again consider the request. On January 2, 2007 the Planning & Zoning Commission voted unanimously to send this request back to the Landmarks Commission. Pictures were shown of the zoning in the area and Mr. Abrigg commented that 7 properties have historic overlay zoning and that the area is residential. He also stated that this request is for an overlay