



**Called Minutes of  
Lindale Planning and Zoning Board  
Monday, April 4th, 2016 7:00p.m.**

A called meeting of the Lindale Planning and Zoning Board convened at Lindale City Hall on Monday, April 4<sup>th</sup>, 2016 at 7:00 p.m.

- A. Called to Order by Terry Edwards.
- B. Board members present Bobby Ashcraft, Terry Edwards, Paul Ray, Bill Kirby, and Craig Shine.
- C. Bill Kirby gave the invocation.
- D. Paul Ray led the Pledge of Allegiance.
- E. Scheduled Business

- 1. First Public Hearing on proposed rezoning of property located at 301 Walnut Springs Rd, approximately 7,273 acres, ABST A1118 J Sanders, Tract 00031, also known as Thermo Manufacturing Systems LLC, 301 Walnut Springs Rd, consideration of a change of zoning classification from “I-1 Light Industrial, Transportation, and Distribution” to “MU-1 Neighborhood Mixed Use District”.** Steven Lloyd stated on November 17, 2015 the zoning was changed from “MU-1” to “I-1”. He is requesting for classification zoning change from “I-1” to “MU-1”. He is petitioning for request of change as instructed. Citizen Talk time: Scott Fair spoke, he has lived on Kennedy Street for many years he feels like Citizens were sold out by the City when Thermo Manufacturing was built. He now worries about what could be built on property at the current zoning. He has concerns such as noise and smells. Citizen-Bobby McClenny spoke said Thermo is a good neighbor. They have cleaned up the area immensely and the street was improved bringing in the development of duplexes. He said the coming of Thermo Mfg. to the City was most significant right after Target. Mr. McClenny asked to consider the question “Didn’t City Council have a hearing on the two properties and had 4-0 vote?” He asked who requested this rezone and hearing. He states this is political. How will these actions be considered by other Businesses? Citizen- George Garrett spoke he lives across the street from Thermo Mfg. He says they are pretty good neighbors, but has concerns about the zoning as “I-1” what could be built there if Thermo Mfg. sells the property. He feels this opens the door to who knows what? This property is in the middle of residential area and is concerned about children’s safety with big trucks on the street. He feels this is not politically motivated, as it was a certain council member who attacked the Mayor. Citizen-Dolores Tucker spoke she is a member of Walnut Springs Baptist Church she hopes Thermo Mfg. stays. She does not want any other business there. Citizen- Carroll Anderson spoke he was a Board Member of LEDC when Thermo Mfg. was brought to Lindale. When Thermo Mfg. was brought in, the property was in the county, undeveloped and held rodeos at the time. Thermo Mfg. came in as Manufacturing Facility outside the city limits. Infrastructure improvements were started and streets were done to City specs to allow trucks to and from Thermo Mfg. He feels putting “MU-1” non-conforming zoning back in place is a burden to Thermo Mfg. The City of Lindale encouraged them to build

here. Mr. & Mrs. Sanders have invested their life and their retirement here. He feels to do this to them is not right, as they have a right to their net worth just like any other business. Citizen- Greg Frazier spoke he is the attorney representing Mr. & Mrs. Sanders he wants to give his legal opinion concerning the spot zoning issue he calls spot zoning a "red herring". He states that spot zoning was a concern but not pertinent concern. The City had the authority to act/amend zoning for Thermo Mfg. and Yorkshire Federal and they went through the proper process to rezone. They want to continue to use the facility as it has been used for in the last 15 years as light Industrial. All Thermo Mfg. is asking is to go back to proper zoning. He refers to email sent by City Manager in April 2015, "Correcting a mistake the City made". He said all Thermo Mfg. is asking is to leave zoning as is. Use of property runs with the property as stated by City Ordinance. He said all properties do not have to be the same zoning in the same area. He said Thermo Mfg. is not surrounded by all residential. Citizen- Mayor Robert Nelson spoke he addresses statements about this being a politically motivated move. He says he does not care if he was running or not for the Mayor he stays firm in his beliefs. He said this is not political move but will admit to the lack of information given to the City Council when they veto Planning and Zoning recommendation. He heard an outcry from the Citizen's and that is why we are here today, he believes everybody is important and everyone has a voice. He wants it to be fair and to hear the Citizen's. There is no political gain it is stand up for what is right for all Citizen's. Citizen- Barnum Fuller spoke he was on LEDC when they encouraged Thermo Mfg. to move here. He feels when Mayor Mallory signed off on New Zoning Map in 2008 he didn't feel the Mayor knew Thermo Mfg. zoning was changing until after the new map came. He believes there were flaws in the Master Plan Zoning. He does not believe enough letters and enough notification was done. Citizen- Amy Rai spoke she says the zoning affects her children and the children of the community. She does not have problem with Thermo Mfg. as it currently operates it has been a good neighbor but concerned as a citizen of the community and the zoning of Light Industrial. She contacted Mayor Nelson personally with concerns as a citizen of the community and has gone door to door. She understands that Planning and Zoning didn't recommend the change in zoning. She is concerned with it being spot zoning and has talked to attorney for an opinion and was told it was "spot zoning", She said there was a councilman that was at the Planning & Zoning meeting that heard the Citizens speak. Why didn't he speak up at the Council Meeting? She asked why City Council did not speak up and ask questions. Only the Mayor and Councilman Daughtery were the only ones to respond to questions at the Council Meeting. She does not want a law suit to come up but on the advice of attorney it is spot zoning and illegal and it could open up a lawsuit. She has asked this to come back up and be looked at again. She wanted to be heard and be able to speak with her concerns for the kids. She is worried about what could happen with "I-1" zoning doesn't want big trailers in the neighborhood. She said they spoke but their voices were not heard at City Council that is why she wanted the chance to be heard again. She specifically asked that this be brought back again for reconsideration. Citizen- Kathy Cooley spoke she said her parent's property is directly across from Thermo Mfg. She is here on behalf of her parents. She said Thermo Mfg. is a great business and is clean and does not have issue with them. Only concerns are about smells from Thermo they have seen employees wearing face masks, and her brother has noticed some smells. She does not understand why they wanted to rezone to "I-1" they have been conducting the same business as they always have. Why do they want to be "I-1" zoning now. She does not want them to be "I-1" use she states what can be built. (Sexually oriented business is one). She is concerned about the back gate on Stewart St. The road becomes county and is not fit for truck traffic. She wants Thermo Mfg. to stay under the "MU-1" use. Citizen- Todd Richardson spoke about Commercial property he recently sold on East South St. He just found out that it is Zoned

“R1-C” Single Family Residential District; he almost lost the sell due to the zoning of the property. He feels the Master Zoning Map should not have been approved. Citizen-Raymond Brewer spoke he lives on Arlene St. He has a neutral opinion not bias, but has concerns Thermo Mfg. building sitting in the middle of neighborhood when he first moved in. He is concerned about Stewart St. the street is very narrow. He says rezoning has opened it up to many undesirable businesses. He says the neighborhood is nice and quiet and wants it to stay that way.

- 2. First Public Hearing on proposed rezoning of property located at 812 Hubbard Street E, approximate 2.861 acres, ABST A0948 J Sanders, Tract 11, also known as YFI Investments LLC, 812 Hubbard Street E, consideration of a change of zoning classification from “I-1” Light Industrial, Transportation, and Distribution” to “C-1” Convenience and Neighborhood Commercial”.** Steven Lloyd stated on November 17, 2015 the zoning was changed from “C-1” to “I-1”. He is requesting for classification zoning change from “I-1” to “C-1”. He is petitioning for request of change as instructed. Citizen talk time: Carroll Anderson spoke he was on the LEDC Board when YFI Investments came in. He said the use of property before YFI Investments was King Mfg., LEDC brought them to Lindale they were a machine shop who made parts, for Kelly Springfield, downhole equipment and metal cutting fabrication. They were industrial use even back then. King Mfg. went out of business when Kelly Springfield shut down. The Sanders then bought the property to store roofing materials. They have been a good neighbor and have cleaned up the inside and outside, painted and remodeled. What do they do now with their investment? You are telling the owners that their warehouse has no value? There is nothing there that bothers the neighbors in that area. Citizen- Bobby McClenny only thing he remembers of old property it didn't have a junk yard dog. He says the facility is a jewel. He says the last house that was built close by the neighbor has never complained about YFI, Investments. Citizen-Mayor Robert Nelson had not planned on speaking but knows that YFI, Investments is a good business. He is not disputing that, the issue is setting precedent for other businesses. Concerns are is it fair and legal? He said citizens felt that the Planning and Zoning Meeting was final, did not know that it went to City Council for Final action. He has done his research and wants to make sure that the change was legal back on November 17, 2015 Council meeting. He asked YFI, Investments, why now the change? He says the City has not tried to shut the business down. So why change to “I-1”? What do they want to bring in? He speaks and hears all citizens that this is not political he wants to do what is fair. Citizen- LeAnne Sanders spoke she addressed the Mayor she said the only one to complain was a realtor who was worried about a sexually oriented business. Her concern to the Mayor was that he demanded that it be taken back to Planning and Zoning. How is it he got it done in a month when it took them 6 months to get a meeting? She feels it is political. Citizen- Raymond Brewer spoke his reflection of the inappropriate language used in audience during the meeting questions type of business owner he wants to bring in. Citizen- Bob Rothlisberger Vice-President for YFI Investments spoke said he moved his family to Lindale for the business and he promotes Lindale. Stated the business is eco-friendly. He feels the business would be safe under “I-1” zoning if natural disaster was to happen.

- 3. First Public Hearing concerning amendment to zoning ordinances regarding non-conforming uses (Section 1-43), non-conforming buildings and structures (Section 1-44), procedures for changing a zoning classification for a lot (Section 1-101) and procedures for amending the text of the zoning ordinance (Section 1-102).** Steven Lloyd spoke on amending of non-conforming text and ordinance. He presented change as directed. City attorney Glen Patrick spoke he said it is not his job to set policy, is here to represent the City. He said property owners believe they have a right to do what they want with their properties as see fit but that is counter balanced by the City to regulate uses as development and growth within the City there becomes a need for order to have laws. The City has to have a Master Plan and follow the plan and comprehensive zoning ordinance. He said Yorkshire Federal and Thermo Mfg. were in business when the properties were rezoned. Glen spoke on amendment to zoning ordinance regarding non-conforming use (Section 1-43) one of the proposed changes to ordinance is to change text from "50% damage to property" to "give one year to rebuild (if damage due to fire, wind, etc.)". It would not affect the use of non-conforming business. Some discussion on changes in (Section 1-101) regarding procedures and changes in zoning classification and discussion on (Section 1-102) regarding procedures for amending the text of the zoning ordinance. He hopes this is a step in right direction to help businesses feel a little safe minus if deemed damaged is fault of owner. Citizen- Jim Mallory spoke he asked if the change will apply to future businesses? Will this apply to a business under the correct zoning or does this apply to non-conforming? He asked if change would apply to Industrial Zone and Industrial Park. He feels there should be more than a year to rebuild. Glen Patrick responds states a time frame will be needed for this case by case basis the reason so a property won't sit for 10 years. Bobby Ashcraft asked about Board making exception and not matching in other text of proposed draft. Glen said it will read the same on final draft. Citizen-Todd Richardson spoke on time frame of 1 year is not enough time to rebuild. Citizen- Mayor Robert Nelson spoke he ask who proposed the amendment changes to the zoning ordinance. Was Council advised of this change? City Attorney responds no.

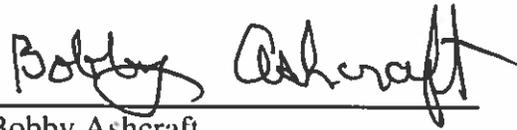
**F. Discussion only**

- 1. Proposed rezoning above.** Discussion among Board members, Bobby Ashcraft spoke he has read on spot zoning and will not do something illegal. He said changing 1 lot's zoning is spot zoning. He feels like the businesses are asking the board to violate the law. He said his house is 54 years old and was he was out in the country it was open pasture then. He supported Lindale when they extended there City Limits he was zoned residential. He said an establishment or car lot might be built in the lot next door to him. He studied spot zoning and felt like it was spot zoning then but when the City did Comprehensive Master Plan and zoning was changed to MU-1. Then homes could be used as residential or be converted to commercial. Paul Ray ask City attorney Glen Patrick is this spot zoning? Glen Patrick says his opinion doesn't matter and he will not give his opinion tonight by client & attorney privilege without his client's permission his opinion does not matter. He said it's the decision of Planning and Zoning to give their opinion if it is or is not. He would be available to talk to Board Members in Executive session at next meeting. Terry Edwards wants to discuss in Executive session at next Planning and Zoning meeting on April 11, 2016.
- 2. Amending text of the zoning.** Bobby Ashcraft asked questions regarding text section 1-43. He asked if they will have to make another public hearing if changes made to text. Glen Patrick responded yes. He said the changes to text will benefit business owners. Bill Kirby spoke regarding changing the text of rebuilding within 1 year maybe think about allowing 2 years. No further discussion.

**4. Adjournment. Paul Ray made the motion to adjourn. Craig Shine seconded the motion. All voted in favor. Meeting Adjourned 9:39 P.M.**



Michelle Phillips  
Michelle Phillips  
Administrative Assistant for  
Community Development



Bobby Ashcraft  
Bobby Ashcraft  
Chairman