



**Minutes of Meeting
Lindale Planning and Zoning Board
Monday, April 11th, 2016 7:00p.m.**

A meeting of the Lindale Planning and Zoning Board convened at Lindale City Hall on Monday, April 11th, 2016 at 7:00 p.m.

- A. Called to Order by Bobby Ashcraft.
- B. Board members present Bobby Ashcraft, Terry Edwards, Paul Ray, Bill Kirby, and Craig Shine.
- C. Bill Kirby gave the invocation.
- D. Terry Edwards led the Pledge of Allegiance.
- E. Approval of Minutes for the March 14, 2016 Planning and Zoning Board Meeting. Craig Shine made a motion to approve the minutes for the March 14, 2016, Planning and Zoning Board Meeting. Bill Kirby seconded the motion. All voted in favor.
- F. Approval of Minutes for the April 4, 2016 Called Planning and Zoning Board Meeting. Terry Edwards made a motion to approve the minutes for the April 4, 2016, Planning and Zoning Board Meeting. Paul Ray seconded the motion. All in favor with a request from Bobby Ashcraft that correction be made to minutes on agenda item **(F) Discussion only item 1. Proposed rezoning**. He request the Grannary be removed and corrected to an establishment or car lot might be built in lot next door. He studied spot zoning and felt like it was spot zoning.
- F. Scheduled Business

1. **Second Public Hearing on proposed rezoning of property located at 301 Walnut Springs Rd, approximate 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".** Bobby Ashcraft opens meeting and reads public hearing conduct. Public Hearing begins 7:14 p.m. Citizen Sarah Fair 711 Kennedy St, has lived there over 18 years. She ask that they consider the issues at hand, quality of life of neighborhood and for Thermo. Citizen- Scott Fair 711 Kennedy St, has lived there for over 18 years, He was at October P & Z meeting and the last one on April 4th. On Part of Thermo is fear, and neighborhood has distrust and fear of what can come in. He hopes City can come up with a plan that helps Thermo and Citizens of the neighborhood. Citizen- Raymond Brewer 305 Arlene St his property adjoins with Thermo Mfg. property. He questions the findings of spot zoning in the executive meeting. Bobby Ashcraft responds they will not share or have discussion of what was discussed in meeting by Law they are not allowed to share. City Attorney- Glen Patrick addresses questions from Raymond he suggest he can search on line or seek attorney advice to address spot zoning. He states lawyers will disagree on aspect of spot zoning as would individual citizens. Raymond ask how much more can a non-conforming property be enlarged? Bobby Ashcraft responds Property can be enlarged up to by (50) percent more of it size. Citizen- Scott Fair- 711 Kennedy St, ask will it ever be known what findings are by City attorney, will they have access to discussion in executive meeting. City Attorney-Glen Patrick addresses the

3. **Second Public Hearing on proposed rezoning of property located at 812 Hubbard St E, approximate 2.861 acres, ABAT A0948 J Sanders, Tract 11, also known as YFI Investment LLC, 812 Hubbard St E, consideration of a change of zoning classification from “I-1 Light Industrial, Transportation, and Distribution” to “C-1” Convenience and Neighborhood Commercial**. Citizen- Carroll Anderson -1332 Bridle Path Hideaway, Tx does not live in Lindale but a former member of LEDC Board and Banker in Lindale. Spoke on the former use of the property and previous owners it was used as light industrial, when Mrs. Sanders bought the property 2009 she believed she was under light industrial. What does she do with her investment? He is opposed of zoning change from “I-1” to “C-1”. Citizen- Scott Fair speaks on zoning map was it the same in 2012 as it is now. Board responds yes. Citizen- Todd Richardson local realtor ask about the October Planning and Zoning meeting the definition of spot zoning then is this not spot zoning by changing it back to “C-1”. Citizen- Raymond Brewer -305 Arlene St asked question of spot zoning and the definition of spot zoning he would like an answer. City attorney- Glen Patrick responds he can't give a legal opinion if spot zoning or not. Public hearing ends 8:38 p.m.

4. **Discussion and possible action for a zoning change request by Community Development Director, to change the zoning of an approximately 2.861 acres, ABST A0948 J Sanders, Tract 11, also known as YFI Investments LLC, 812 Hubbard Street E, change zoning from “I-1” Light Industrial Transportation and Distribution” to “C-1” Convenience and Neighborhood Commercial**. Discussion among Board members, Terry Edwards spoke he said Mrs. Sanders bought the property zoned “C-1” in 2009. Master Comprehensive Plan was done in 2008. She is not disadvantaged at all she bought property zoned “C-1”. It should not be zoned “I-1”. Terry Edwards reads spot zoning definition to audience and states that is why we are here today. After discussion,
(1) Bill Kirby made the motion to change the zoning to “C-1” with recommendation to create a committee to revisit Comprehensive Plan with members of Planning and Zoning, City Council, Community & Business leaders.
(2) Terry Edwards seconded the motion for.
(3) Paul Ray against.
(4) Craig Shine for.
(5) Bobby Ashcraft for.
The Planning and Zoning Board recommends to City Council to approve the zoning change to “C-1” (4-1) Vote.

5. **Second Public Hearing concerning amendment to zoning ordinance 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)**. Citizen- Bill Andreason spoke on discontinue use for six months in ordinance six months is short amount of time. He feels this serves well for a small business but feels six months is extremely a small amount of time even one year he recommends two years. Section 1-43 (a) 2 and Section 1-44 (a) 2, he suggest two years. Citizen- Raymond Brewer spoke he feels restored of non-conforming use resumed within two years. Citizen- Sarah Fair -711 Kennedy St, She feels two years should be allowed. Public hearing ends 9:00 p.m.

Discussion among Board members, Bobby Ashcraft feels we should allow two years if more time needed then go to Board of Adjustments for exception. Terry Edwards would like to compare and to see what other cities are doing. City attorney speaks when they were drafting the zoning ordinance other cities were used for comparison & compliance with local government code. These are the recommend changes to zoning ordinance. (Section 1-101), (Section 1-102), (Section 1-43) and (Section 1-44) it would help Thermo, Yorkshire Federal and other business in the future. Public Hearing ends 9:11 p.m.

question he acts as representative for council and commissions they are allowed to have executive sessions for advice it is client/attorney privilege he will not give his findings of spot zoning. Citizen-Ed Watts lives outside City but has property that adjoins Thermo. He feels Thermo has made an investment in the City and hates to see any business injured against the City. He is not opposed to taking the zoning back to what it was before the 2008. This would allow Thermo Mfg. Continue to work under what it was and protect the citizens from Distribution Center from coming in. He does not feel streets are sufficient for distribution he said the streets would have to accommodate such. Public hearing ends 7:37 p.m.

2. **Discussion and possible action for a zoning change request by Community Development Director, to change the zoning of an approximately 7.23 acres, ABST A1118J Sanders, Tract 00031, also known as Thermo Manufacturing Systems, LLC, 301 Walnut Springs Rd, change zoning from "I-1" Light Industrial Transportation and Distribution to "MU-1" Neighborhood Mixed Use District.** Steven Lloyd spoke the property at 301 Walnut Springs Rd, Zoning is "I-1" request for change in zoning to "MU-1". Board Members go into discussion, Terry Edwards said he agreed with Mr. Watts, said if we could go back to where they were in October but we can't. He does feel this is spot zoning he is the one that approached the Mayor regarding the matter this is not political. He does not see any disadvantage to Thermo since the 2008 zoning change. He would like to see this sent back to council to be put back to original zoning. Bobby Ashcraft spoke on non-conforming use Thermo was originally under. Steven said they can expand up to (50) percent more of the size of business if excess of (50) percent it would have to go to Board of Adjustments. Bill Kirby discussed uncertainties the property owner could have and how it could affect how they plan for the future and their ability to sell their property. Craig Shine spoke on the difficulty of business owner getting backing financial loan under the non-conforming use and the hardship it could cause to business owner. Board members discuss Highway 69 and Toll 49 coming through. Concerns with growth within the City there will be a need to possibly look at Master Plan for future growth zoning will need to be changed to fit the growth. Bobby Ashcraft ask City Manager Craig Lindholm if they tabled item could it go back to City Council and they could set up a committee with Council, business owners and neighborhood. City attorney Glen Patrick addresses the question. He said the Planning and Zoning will have to make a recommendation to approve or not to approve it can't be tabled. Building Official Steven Lloyd spoke we are looking at Comprehensive Plan in the future and endorsing it. After discussion, (1) Terry Edwards makes a motion to change the zoning to "MU-1" with recommendation to create a committee to revisit Comprehensive Plan with members of Planning and Zoning, City Council, Community & Business leaders.
 - (2) Paul Ray seconded the motion for.
 - (3) Bill Kirby for.
 - (4) Craig Shine for.
 - (5) Bobby Ashcraft for.**Planning and Zoning Board recommends to City Council to approve the zoning change to "MU-1". (5-0) Unanimous Vote.**

6. **Discussion and recommendation on the proposed amendment to zoning ordinance 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).** Discussion among board members. After discussion,

(1) Bill Kirby made the motion to approve and recommend the proposed amendments to zoning ordinance with changes listed by Planning and Zoning to City Council. **Non-conforming uses Section 1-43 (a) 2** change from 1 year to 2 years. **Non-conforming building and structures Section 1-44 (a) 2** change from 1 year to 2 years. **Procedures for changing a zoning classification for a lot (Section 2) 1-101 (d)** change to 90 days instead of 60 days.

(2) Paul Ray seconded the motion.

(3) Terry Edwards for.

(4) Craig Shine for.

(5) Bobby Ashcraft for.

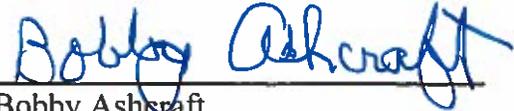
The Planning and Zoning Board recommends to City Council to approve the proposed amendments to zoning ordinance with changes listed.

(5-0) Unanimous vote.

7. **Adjournment.** Terry Edwards made a motion to adjourn. Craig Shine seconded the motion. All voted in favor. Meeting Adjourned 9:25 p.m.



Michelle Phillips
Administrative Assistant for
Community Development



Bobby Ashcraft
Chairman