

**MINUTES OF MAY 10, 2021  
CITY OF LUMBERTON**

A Public Hearing of the City Council of the City of Lumberton was held at 6:30 p.m. on May 10, 2021 pursuant to notice duly posted according to law. The following members were present:

Don Surratt	-	Mayor
Lynette Barks	-	Councilwoman
Kenneth Wahl	-	Mayor Pro Tem
David Maniscalco	-	Councilman
Dan Bell	-	Councilman

Also present were City Manager Steve Clark, City Attorney Curtis Soileau, Police Chief Danny Sullins, City Secretary Susan Collins, and Zoning Clerk Anita Price, and other guests (see attached Guest Register).

Mayor Surratt called the Meeting to order at 6:30 p.m. noting that a quorum was present, and meeting was duly called and posted in accordance with the Texas Open Meetings Act. Mayor Surratt then delivered the Invocation, Councilwoman Barks led the Pledge of Allegiance and Councilman Maniscalco led the Texas Pledge.

**PUBLIC FORUM:**

**DISCUSSION AND INFORMATION CONCERNING THE FOLLOWING:**

- 1) Zone Change request submitted by Whiteley Oliver, on behalf of Greentree Enterprises, LP, and M3 Ranger Builders, LLC, the joint developers of the proposed Heritage Highland Subdivision. They request that the 11.42 acres consisting of Lots 1-21, Block 1, and Lots 22-33, Block 2 of the proposed subdivision to be rezoned from C-2 Community Business District and R-2 Multiple Family-Dwelling District to R-1 Single-Family Dwelling District. The property is located at S LHS Drive, Abstract No. 2, F Arriola League, R.C. Rogers Survey, Abstract No. 46, Lumberton, Hardin County, Texas.**  
Mr. Steve Stafford, Zoning Commission Chairman came forward to present this item. Mr. Stafford advised that this development was recently presented with the request to re-zone a portion of the property from residential to C-2 as Commercial would be the best use for this property. It is now being requested to change back to R-1 as the developer would rather place residential dwellings. Councilman Bell then asked about the distance from LHS Drive. Mr. Stafford advised that it would be approximately 760 feet from the roadway and is currently zoned C-2. Mr. Bell then stated that this request would only change the approximate 35 lots at the back of the development, *not* the entire tract. Much discussion including drainage and additional ingress/egress continued. Mr. Zach Rowe, Mark Whiteley & Associates came forward to address the Council. Mr. Rowe advised that although the original intent was to develop this property as commercial, the market has changed and is more likely to be developed as residential. Mr. Rowe further stated that regardless of the outcome of this request, the developer will move forward in the residential development, as residential is allowed in C-2 areas. After much further discussion, Mr. Stafford advised that the Zoning Commission unanimously voted to DENY this request as presented.

- 2) **Request submitted by Whiteley Oliver, on behalf of Greentree Enterprises, LP, and M3 Ranger Builders, LLC, the joint developers of the proposed Heritage Highland Subdivision, to approve the Preliminary Plat for that subdivision. The property is located at S LHS Drive, Abstract No. 2, F Arriola League, R.C. Rogers Survey, Abstract No. 46, Lumberton, Hardin County, Texas.**

Mr. Steve Stafford advised that this item was unanimously approved contingent upon the developer changing the drop inlets at the rear of lots 15-19. Mr. Troy Whitehead, Schaumburg & Polk (Alt. City Engineer) came forward to address Council. Mr. Whitehead advised that he has reviewed the plans and have discussed the concerns with Mr. Rowe, Engineer, however the recommended changes to the drop inlets are on hold pending Council's decision. Mr. Rowe plans to propose elimination of the back inlets by allowing sheet-flow drainage and swale ditches. Mr. Rowe further stated that Mr. Duplissey owns the adjoining properties and will sign legal document(s) approving the drainage across his property. Councilman Bell also stated that currently there is only one entrance to the subdivision where two accesses are preferred.

- 3) **Variance request submitted by ALJ Lindsey, E.I.T., on behalf of Starbuck's, to encroach upon the west rear building setback line, the north side building setback line as well as the south side building setback to pour concrete for driveway entrances/exits. The property is located at 121 S LHS Drive., Abstract No. 2, F Arriola League, Lumberton, Hardin County, Texas.**

Mr. Stafford advised that this request was unanimously approved as presented. Councilman Bell asked if a traffic analysis would be conducted as indicated in the Alt. City Engineer's letter. City Manager, Steve Clark advised that he has spoken with TxDOT and was advised that an analysis would not be necessary for Starbuck's, but any future development would require an analysis.

***\*\* Mr. Stafford advised that the following three items are all the same family and involves adjoining properties \*\****

- 4) **Variance request submitted by Robert and Melissa Erpelding to pour concrete for a portion of their driveway and pour rock on the remainder of the driveway, to their new construction home, instead of the entire driveway being concrete as required in Section 40-118 c (1) of the City of Lumberton's Code of Ordinances. The property is located at 236 Trahan Road, Lot 3 of the Minor Plat SMERPS, Abstract No. 53 in the S.K. VanMeter Survey, P#SM-3, Lumberton, Hardin County, Texas.**
- 5) **Variance request submitted by Larry J and Debra D Smith to pour concrete for a portion of their driveway and pour rock on the remainder of the driveway, to their new construction home, instead of the entire driveway being concrete as required in Section 40-118 c (1) of the City of Lumberton's Code of Ordinances. The property is located at 238 Trahan Road, Lot 2 of the Minor Plat SMERPS, Abstract No. 53 in the S.K. VanMeter Survey, P#SM-2, Lumberton, Hardin County, Texas.**
- 6) **Variance request submitted by Larry and Kimberly Smith to pour concrete for a portion of their driveway and pour rock on the remainder of the driveway, to their new construction home, instead of the entire driveway being concrete as required in Section 40-118 c (1) of the City of Lumberton, Texas City Ordinances. The property is located at 240 Trahan Road, Lot 1 of the Minor Plat SMERPS, Abstract No. 53 in the S.K. VanMeter Survey, P#SM-1, Lumberton, Hardin County, Texas.**

Mr. Stafford stated that the Zoning Commission considered each item separately and unanimously approved the first 75 feet of each driveway to be constructed of concrete and the remainder be constructed of slag and crushed concrete. Mr. Stafford added that each of the driveways are in excess of 240 feet and sit on large lots.

- 7) **Variance request submitted by Mohammed Hamdan to encroach upon the north side building setback line to pour a concrete driveway for a second garage. The property is a corner lot located at 1220 Miss Kyndall, Lot 66 of Copper Point, Phase 2, Abstract No. 46, in the R.C. Rogers Survey, P#CPT2-66, Lumberton, Hardin County, Texas.**  
Mr. Stafford advised that this is a corner lot, and the request is for placement of a second driveway/garage access from the side street. Mr. Stafford advised that the Zoning Commission Unanimously approved the request as presented.

*\*\* Mr. Stafford advised that the following three items are all the same development \*\**

- 8) **Variance request submitted by Elevation Land Solutions on behalf of Patrick Hoffman for Longleaf Subdivision, Section 1A for approval of the following:**

**1) Lot Density minimum of 8,400 SF, 60' Width.**

The property is located in the proposed Long Leaf Subdivision, Section 1A out of the R.A. Sumrall Survey, Abstract 1, Lumberton, Hardin County, Texas.

- 9) **Variance request submitted by Elevation Land Solutions on behalf of Patrick Hoffman for Longleaf Subdivision, Section 1A for approval of the following:**

**2) Yard (Front/Back) 20' front building setback line, 25' rear building setback line.**

The property is located in the proposed Long Leaf Subdivision, Section 1A out of the R.A. Sumrall Survey, Abstract 1, Lumberton, Hardin County, Texas.

- 10) **Variance request submitted by Elevation Land Solutions on behalf of Patrick Hoffman for Longleaf Subdivision, Section 1A for approval of the following:**

**3) An 8' front porch encroachment on the front building setback line.**

The property is located in the proposed Long Leaf Subdivision, Section 1A out of the R.A. Sumrall Survey, Abstract 1, Lumberton, Hardin County, Texas.

Mr. Stafford advised that the majority of this large development will be outside the city limits with approximately 30 of the estimated 250 homes being inside the city limits. Mr. Stafford stated that each item was considered and discussed individually and although, the design concept is appealing, all three requests were unanimously DENIED.

- 11) **Consider amendments to the City's Zoning Ordinance under Chapter 50, Division 9 – MH Manufactured Housing Community Park District, Section 50-432 for the purpose of supplementing ground surface requirements for transient stands.**

Mr. Stafford advised that the Zoning Commission unanimously approved the amendments as presented. City Attorney, Curtis Soileau stated that this amendment is for the area underneath manufactured homes in a Manufactured Housing (mobile home) Park. Mr. Soileau further advised that the changes made are a result of the discussions during the recent Workshop Meeting.

- 12) **Consider amendments to various sections of the City's Zoning Ordinance under Chapter 50 for the purpose of amending regulations of driveways for clarity and conformity with Chapter 40 of the City of Lumberton's Code of Ordinances**

Mr. Stafford advised that the Zoning Commission unanimously approved the amendments as presented including changes discussed and recommended by the City Attorney. Mr. Soileau stated that these amendments, discussed during the recent Workshop Meeting, simply combined all driveway specification/requirements in one centrally located section of the Code of Ordinances.

- 13) **ADJOURNMENT:**

There being no further business, the Public Hearing adjourned at 7:22 p.m.

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DON SURRETT  
MAYOR

ATTEST:

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SUSAN COLLINS  
CITY SECRETARY