

**MINUTES OF JULY 12, 2021
CITY OF LUMBERTON**

A Public Hearing of the City Council of the City of Lumberton was held at 6:30 p.m. on July 12, 2021, pursuant to notice duly posted according to law. The following members were present:

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

Also present were 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, Councilman Burkhalter led the Pledge of Allegiance and Councilman Bell led the Texas Pledge.

PUBLIC FORUM:

DISCUSSION AND INFORMATION CONCERNING THE FOLLOWING:

- 1) Zone Change request submitted by Randall Jones, President and CEO of Goodwill Industries Southeast Texas and Southwest Louisiana, on behalf of BG Foods, Inc., to rezone property located beyond the 250' C-2 zone line, from R-1 Single-Family Dwelling District to C-2 Community Business District. The property is located north and west of McDonald's, at 115 N Main Street, Abstract 53, S K Van Meter League, P# 53-73-A, Lumberton, Hardin County, Texas**
Mr. Steve Stafford, Zoning Commission Chairman came forward to present this item. Mr. Stafford further stated that the donation "drop-off" area will be drive-through on the side entrance with a covered donation area. There will be *no access* to the rear of the building. Discussion followed including the location and number of entrances to the business as well as drainage/detention plans. After much further discussion, Mr. Stafford advised that, considering the surrounding properties, the Commission felt the zone change to C-2 would be the best use of this property, therefore the request was unanimously approved as presented.
- 2) Variance request submitted by Randall Jones, President and CEO of Goodwill Industries Southeast Texas and Southwest Louisiana, on behalf of BG Foods, Inc., to encroach upon the north and south side building setback lines to pour concrete for entrances as well as parking. The property is located north and west of McDonald's, at 115 N Main Street, Abstract 53, S K Van Meter League, P# 53-73-A, Lumberton, Hardin County, Texas**

Mr. Stafford advised that the Zoning Commission unanimously approve the request as presented.

- 3) **Variance request submitted by Randall Jones, President and CEO of Goodwill Industries Southeast Texas and Southwest Louisiana, on behalf of BG Foods, Inc., to encroach upon the rear building setback line to within 30' of the rear property line. The property is located north and west of McDonald's at 115 N Main Street, Abstract 53, S K Van Meter League, P# 53-73-A, Lumberton, Hardin County, Texas**

Mr. Stafford advised that there is already a well-established tree buffer of approximately 50 feet and the plans are to retain as much of that buffer as possible including an 8' opaque fence. Mr. Stafford further stated that the building is positioned at an angle therefore only the eave would extend approximately 20' into the setbacks. The Zoning Commission unanimously approved this request as presented.

- 4) **Variance request submitted by Randall Jones, President and CEO of Goodwill Industries Southeast Texas and Southwest Louisiana, on behalf of BG Foods, Inc., to encroach upon the front building setback line, adjacent to McDonald's rear property line, to within 10' of the property line. The property is located north and west of McDonald's at 115 N Main Street, Abstract 53, S K Van Meter League, P# 53-73-A, Lumberton, Hardin County, Texas**

Mr. Stafford stated that this request is the parking lot and front of the building (just behind McDonald's) and due to the building's position on the property it is actually a side setback even though it is the front of the building. The Commission feels that this request should be treated the same as the side setback variance request (listed below) and approve the variance for within 2' of the setback line. The Zoning Commission unanimously approved the request.

- 5) **Variance request submitted by Randall Jones, President and CEO of Goodwill Industries Southeast Texas and Southwest Louisiana, on behalf of BG Foods, Inc., to encroach upon the side building setback line, adjacent to McDonald's north property line, to within 2' of the property line. The property is located north and west of McDonald's at 115 N Main Street, Abstract 53, S K Van Meter League, P# 53-73-A, Lumberton, Hardin County, Texas**

Mr. Stafford advised that the Zoning Commission unanimously approved this request as presented.

- 6) **Zone change request submitted by Arfeen Properties to rezone property located beyond the 250' C-2 zone line from R-1 Single-Family Dwelling District to C-2 Community Business District. The property is located at 344 S Main Street, Abstract 53, S K Van Meter League, P# 53-63, Tract 128, I# 2016-62747 02/25/2016, Lumberton, Hardin County, Texas**

Mr. Stafford stated that there was no one present to support or oppose this request. Mayor Surratt expressed his concern for the surrounding property owners if a 24-hour business, which is allowed in C-2 areas, locates on this site. Mr. Stafford added that the Zoning Commission can *only* consider which zone would be the best use for a property, therefore the Commission unanimously approved the Zone change request as presented.

- 7) **Variance request submitted by Mike Hawkins of Hawkins Homes, to move a single-family dwelling onto a lot located within the City Limits of Lumberton, Texas. The house is 1300 sq. ft. and will be renovated and have a detached garage after placement. The property is located at the north corner of S. Village Creek Parkway and Dennis Road at 255 Dennis Road, Lot 2B of Minor Plat Mike Hawkins, Abstract 14, E Duncan Survey, P# 14-94-B, I# 1609/797, Lumberton, Hardin County, Texas**

Mr. Stafford advised that several neighbors were present to oppose this item. Mr. Stafford further stated that current ordinance(s) prohibit mobile homes older than 10 years old being moved into the City, however, there are no such restrictions for homes. Mr. Stafford stated that

although there was much discussion on this item, the Zoning Commission DENIED this request as presented.

- 8) Variance request submitted by DJM Contractors to encroach upon the rear building setback line to within 11' of the rear property line. The property is located at 128 Beechwood, Lots 25 and 26 Beechwood Subdivision, Abstract 36, A Lancaster Survey, P#BW-26, I# 2020-102858 3/20/2020, Lumberton, Hardin County, Texas.**

Mr. Stafford advised that this structure will not have sides nor be enclosed therefore it is not considered an “accessory building”, also the structure will be attached to the outdoor kitchen by a common roof. Mr. Stafford further stated that this is a large lot and after much discussion on drainage, etc., the Zoning Commission unanimously approved this variance request as presented.

- 9) Request submitted by Dennis Williams to approve a Replat of a replat of Lot 4A and 4B Westwood Plaza, Vol. 4, Pg. 120, Plat Records HC into Lot 4A-1 and Lot 4B-1, Westwood Plaza, Abstract 2, Francisco Arriola Survey, Lumberton, Hardin County, Texas**

Mr. Stafford advised that the original plat had Lot 1 broken into two lots, 4A and 4B with both properties having access to the driveway. Although this change will make Lot 4A-1 smaller and 4B-1 larger it will include a 25' perpetual easement across Lot 4A-1 for ingress/egress to Lot 4B-1 also, the front of the lot will be used for parking only. Mr. Stafford then advised that the Zoning Commission unanimously approved the replat request as presented.

- 10) Consider an amendment to the City's Zoning Ordinance under Chapter 50, Division 6, Section 50-332 for the purpose of permitting secondhand goods stores within the C-2 business district.**

City Attorney, Curtis Soileau advised that the current ordinances do not address secondhand goods stores, therefore Section 50-332 should be amended to permit secondhand good stores within C-2 districts. Mr. Stafford advised that the Zoning Commission unanimously approved the amendments as presented.

- 11) Consider amendments to various sections of the City's Zoning Ordinance under Chapter 50 for the purpose of amending regulations of off-street parking.**

City Attorney, Curtis Soileau advised that this change was requested by the City Engineer(s) to address off-street parking to refer to the city paving/driveway design manual. Mr. Stafford advised that the Zoning Commission unanimously approved the amendment as presented.

- 12) ADJOURNMENT**

There being no further business, the Public Hearing adjourned at 7:42 p.m.

DON SURRETT
MAYOR

ATTEST:

SUSAN COLLINS
CITY SECRETARY