

**MINUTES OF MAY 9, 2022
CITY OF LUMBERTON**

A Public Hearing for the City Council of the City of Lumberton was held at 6:30 p.m. on Monday May 9, 2022, pursuant to notice duly posted according to law. The following members were present:

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

Also present were City Manager Steve Clark, City Attorney Curtis Soileau, Zoning Secretary Anita Price, City Engineer Troy Whitehead and other guests.

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 Wahl led the Pledge of Allegiance and Councilman Maniscalco led the Texas Pledge.

DISCUSSION AND INFORMATION CONCERNING THE FOLLOWING:

1) For the purpose of discussion and possible action on a zone change request submitted by Dale Cudd to rezone this property past the 250' C-2 zone line from R-1 (Single-Family Site Built Dwelling District) to C-2 (Community Business District). The property is located at 950 S Village Creek Parkway, AB 14, in the E Duncan Survey, P# 14-75, Tract 112, I#2017-73399 4/4/2017, Lumberton, Hardin County, Texas.

At this time, it was discussed that the agent for Dale Cudd did not make it back into town in time for the meetings and would like to have this item tabled. The City Council decided they wanted to discuss this item and take action on it.

Planning & Zoning Chairman Stafford stated that there was much discussion on this item. These two lots are adjacent to each other. The first 250' are zoned C-2 Community Business District. The remainder of the property, approximately 550', is zoned R-1, on both properties. The property on the north boundary is zoned MH Manufactured Housing Park District. The property on the south boundary is zoned R-1 Single-Family Dwelling District. The property on the northwest boundary is zoned R-1 and the property on the southwest boundary is zoned C-2.

Chairman Stafford stated there were residents that attended Planning & Zoning that were against rezoning these properties. Some concerns were the noise, lights, safety issues and just having a property there with 24 of operation. The developer stated that what he planned to build at that location, had the mildest impact for commercial property. He was aware of the buffer areas required to be adjacent to residential areas.

The issue for rezoning is, that if this property was rezoned to C-2, anything could be placed there that is allowed within the C-2 zoned area. It may not be now, however, it could happen in the future. Planning & Zoning voted unanimously to deny this request.

Calvin Gauthier approached the Council to discuss this request. He stated the same reasons presented by Chairman Stafford. He presented signatures of residents that could not be present but wanted to express their concerns regarding the zone change request.

2)For the purpose of discussion and possible action on a zone change request submitted by Dale Cudd to rezone this property past the 250' C-2 zone line from R-1 (Single-Family Site Built Dwelling District) to C-2 (Community Business District). The property is located at 958 S Village Creek Parkway, AB 14, in the E Duncan Survey, P# 14-74, Tract 111, I# 2016-65826, Lumberton, Hardin County, Texas.

This property is adjacent to the property in item 1 and was discussed as well.

3)For the purpose of discussion and possible on a variance request submitted by Kevin Boykin of Boykin Homes & Land Sales, to drain lots 243-257 and lots 231-242 to the rear of the property from the back of the house to the drainage ditch adjacent to these properties. These properties are located on Brenner Boulevard, in Copper Point, Phase 7 in the R C Rogers Survey, Abstract Number 46 and the Francisco Arriola League, Abstract Number 2, Lumberton, Hardin County, Texas.

Chairman Stafford stated these lots have a drainage ditch at the rear of the property, with the exception of Lot # 242. Planning & Zoning voted unanimously to approve draining the lots from the back of the house to the drainage ditch adjacent to the properties, except for Lot #242. They denied draining Lot #242 to the rear due to the lot not being adjacent to the drainage ditch.

4)For the purpose of discussion and possible action on a variance request submitted by Lisa and Nicholas Sawchak to encroach upon their west side building setback line to within 2' of the property line to build a 10' wide concrete driveway to the back yard. The property is located at 230 Parkway Drive, Lot 12, Candlewick Subdivision, in the S K Van Meter League, Abstract No. 53, P# CWK-12, I#2020-107482 9/15/2020, Lumberton, Hardin County, Texas.

Chairman Stafford stated the City has looked at driveways like this in the past and found no issue with approving this request. There will be a swale ditch and the driveway concrete will be poured to drain water to the front of the property.

5)For the purpose of discussion and possible action on a variance request submitted by Lisa and Nicholas Sawchak to encroach upon the west side building setback line to within 2' of the property line as well as encroach upon the south, rear building setback line to within 15' of the property line to build a 26x30 accessory building. The property is located at 230 Parkway Drive, Lot 12, Candlewick Subdivision, in the S K Van Meter League, Abstract No. 53, P# CWK-12, I#2020-107482 9/15/2020, Lumberton, Hardin County, Texas.

Planning & Zoning unanimously approved this request as well. It was stated that the owners would install gutters and drain that water flow from the gutters to the front of the property. The accessory building meets other City requirements for size and height as well as spacing from the house. There were no objections to the request for the 15' in the rear of the property. The neighbor had no opposition to this request.

6)For the purpose of discussion and possible action on a variance request submitted by by Dylan Richards to encroach upon his south side building setback line to within 1.96' to pour concrete to widen and extend his existing driveway. The property is located at 6699 Georgetown Lane, Lot 13, Blk 10, in the Francisco Arriola Survey, Abstract No. 2, Westwood Heights, Phase V, Section 1, P# WWHV-10-13, I#2021-116452 06/30/2021, Lumberton, Hardin County, Texas.

Chairman Stafford stated the Commissioners approved this request for 2' from the property line instead of 1.96'. It was approved unanimously.

7)For the purpose of discussion and possible action on a variance request submitted by Cody Perron to encroach upon his rear building setback line to within 10' of the property line to build a 900 square foot accessory building in his back yard. The property is located at 275 Dogwood Lane, Lot 2, in the Francisco Arriola League, Abstract No. 2, Dogwood III, P# DOG-III-2, l# 2017-75614 7/6/2017, Lumberton, Hardin County, Texas.

Planning & Zoning voted unanimously to approve this request.

8)For the purpose of discussion and possible action on a variance request submitted by Jarrot Harwell to encroach upon his rear building setback line to within 5' of the property line to build a 24x20 shop with a 24x20 carport. The property is located at 7773 Rosewood Drive, Lot 13, Block 2, in the R C Rogers Survey, Abstract No 46, Boykin West, P# BW-2-13, l# 1766/600, Lumberton, Hardin County, Texas.

Planning & Zoning approved this request unanimously. The actual building will only be 24x20. The carport is not considered an accessory building. This is a corner lot and there will be a fence built around the back yard after the building is installed.

ADJOURNMENT:

The hearing adjourned at 6:58 p.m.

DON SURRETT
MAYOR

ATTEST:

ANITA M. PRICE
ZONING SECRETARY