

**MINUTES OF JANUARY 9, 2023  
CITY OF LUMBERTON**

A Public Hearing of the City Council of the City of Lumberton was held at 6:30 p.m. on January 9, 2023, 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
David Maniscalco	-	Councilman
Dan Bell	-	Mayor Pro Tem
Kimberly Cline	-	Councilwoman

And absent:

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

**PUBLIC FORUM:**

**DISCUSSION AND INFORMATION CONCERNING THE FOLLOWING:**

**\*\*\* NOTE: Multiple requests for the same property/address are often discussed together \*\*\***

- 1) Request submitted by Mark Alston to rezone his property from C-1 (Neighborhood Business District) with 14 hours of operation to C-2 (Community Business District) with 24 hours of operation. The property is approximately .77 acres located at 526 North LHS Drive, Abstract 499, located in the James Walea Survey, Block A, Tract 1, P# 490-1-R, Lumberton, Hardin County, Texas.**
- 2) Request submitted by Mark Alston to change the rear building setback line from the required 50' to 20' with the 20' green space included within the setback line. The property is approximately .77 acres located at 526 North LHS Drive, Abstract 499, located in the James Walea Survey, Block A, Tract 1, P# 490-1-R, Lumberton, Hardin County, Texas**  
Mr. Steve Stafford, Zoning Chairman came forward to present these items. Mr. Stafford advised that most of the property in this area of North LHS Drive is zoned C-1 with the exception of the entrance to Stephens Lane which is zoned R-2. Mr. Alston would like to change the zoning of one of the lots to C-2 allowing 24-hour operation. Mr. Stafford then stated that type of change would be "spot zoning" which is not allowed. Mr. Stafford further stated that the Commission feels that the property is too small to allow a change to the setback lines, therefore, the Zoning Commission unanimously Denied both requests as presented.

- 3) **Variance request submitted by John Rollins, on behalf of Chris Arnaud, to divide this, property into two lots with a replat. The property is located at 380 Fletcher Lane, Lot 1, Block 1, Abstract 454, of the Fletcher Place Minor Plat, P # FP-1, Lumberton, Hardin County, Texas.**

Mr. Stafford advised that this piece of property fronts one road while the back side portion of the lot fronts another road, thus creating frontage on two locations. The Developer would like to split the property in two resulting in each lot meeting the requirement for size and road frontage and that upon completion the replat will be presented for Zoning/Council approval. Mr. Stafford then stated that the Zoning Commission unanimously approved the replat request as presented.

- 4) **Variance request submitted by Roger Baird to divide this property into two lots. Neither of these lots will have a 75' road frontage. The property is located at 107 Harrell Drive, Abstract 2, in the Francisco Arriola Survey, Lumberton, Hardin County, Texas.**

Mr. Stafford stated that Harrell Drive dead-ends into this property and Mr. Baird would like to divide the property into two lots and build houses. Mr. Stafford added that the Zoning Commission considered that a sub-division request for this same property had been denied in the past, therefore it was discussed that this action **cannot** be used to circumvent the sub-division ordinance requirements. After much discussion, the Zoning Commission unanimously approved this request contingent upon a *Permanent Access and Maintenance Agreement* being approved by the City Attorney and submitted with the plat.

- 5) **Request submitted by Marty Guidry to encroach upon the east side building setback line to within 1' to 2' of the property line, to pour concrete for a new construction driveway the property is location at 112 Temporary Lane, Abstract 53, in the S K VanMeter Survey, Tract #'s 157 and 158, Lumberton, Hardin County, Texas**

Mr. Stafford advised that the Zoning Commission unanimously approved the request to encroach to within 2' of the property line. Mr. Stafford also advised that this will allow the resurfacing of an existing driveway.

- 6) **Request submitted by Wal-Mart to construct a new wall sign that exceeds the 4' requirement of City of Lumberton Ordinances, Section 50-567(1). This sign will also extend above the roofline of the building. The property is located at 100 North LHS Drive, Abstract 2, in the Francisco Arriola Survey, Tract 1A, Lumberton, Hardin County, Texas**

Ms. Leah Smith, Wal-Mart came forward to address Council. Ms. Smith advised that Wal-Mart would paint the wall behind the lettering and "spark" and that there will be no change in the size of the sign but merely resurfacing the existing sign. Mr. Stafford advised that the Zoning Commission unanimously approved this request.

7) **ADJOURNMENT**

Prior to Adjournment, Mr. Ronnie Walton came forward to address Council. Mr. Walton stated that he lives on Harrell Drive and has no objections to Mr. Baird's (Item # 4) request.

There being no further business, the Public Hearing adjourned at 7:07 p.m.

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DON SURRETT  
MAYOR

ATTEST:

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SUSAN COLLINS  
CITY SECRETARY