

MEMORANDUM

DATE: September 16, 2019

TO: Mayor & City Council
CC: Mercy Rushing, City Administrator

FROM: David Madsen

SUBJECT: Council Meeting Agenda Item: Public hearing

Background Information: There will need to be a public hearing on a request for a Specific Use Permit to operate a Home Daycare on Lot 4 Block 41 Mineola Townsites, 516 N Pacific. The owner of the property is Denise Fortner. The Board of Adjustments granted a variance on the maximum number of children allowed for Home Daycares before the Planning & Zoning met on the Specific Use Permit request. Our ordinance allows for 4 or less. The State allows for 12 depending on the square footage. The board granted the variance to allow the up to twelve.

Nineteen notices were sent to surrounding property owners to advise them of both meetings. One of the owners came to the Board of Adjustments meeting. He had concerns with the kids playing outside and disturbing him and was asked to attend the P&Z meeting and voice his concerns. He did not attend that meeting.

Recommendation: The Planning and Zoning Commission recommends approval of the request.

Final Disposition:

AN ORDINANCE OF THE CITY OF MINEOLA, TEXAS AMENDING THE CITY ZONING ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Mineola, as an incorporated municipality in the State of Texas, has been given the authority by Chapter 211 of the Local Government Code to establish zoning and amend zoning in accordance with Chapter 211; and

WHEREAS, the City Council of the City of Mineola has heretofore adopted zoning ordinances for the City of Mineola, Texas, which regulates and restricts the location and use of buildings, structures, and land for trade, industry, residence, and other purposes, and provides for the establishment of zoning districts of such number, shape, and area as may be best suited to carry out these regulations; and

WHEREAS, all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication, and procedural requirements for zoning of property have been complied with; and

WHEREAS, a public hearing was held by the City Council of the City of Mineola on September 23, 2019 and a recommendation has been received from the Planning and Zoning Commission with respect to the amendments described herein; and

WHEREAS, the City Council of the City of Mineola does hereby deem it advisable and in the public interest to amend the Zoning Ordinances of the City of Mineola, Texas, so that henceforth and hereafter the Zoning Ordinance is amended;

THEREFORE, BE IT ORDAINED by the City Council of the City of Mineola, Texas, as follows:

Section 1

The following property is hereby granted a Specific Use Permit allowing the operation of a Home Daycare on Lot 4 Block 41 Mineola Townsites.

Section 2

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Mineola, and this ordinance shall not operate to repeal or affect the Code of Ordinances of the City of Mineola or any other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such Code of Ordinances or any other ordinances are hereby repealed.

Section 3

It is hereby declared to be the intention of the Mineola City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 4

Any person, firm, association of persons, corporation, or other organization violating the provisions of this ordinance shall be deemed to be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2000.00 per offense. Each day that a violation occurs shall be deemed a separate offense.

Section 5

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

Passed and approved by the Mineola City Council on the 23rd day of September, 2019 and effective upon passage.


Mayor, Kevin White

City Secretary/Finance Director, Cindy Karch

Untitled Map

516 N Pacific

Legend

 First United Methodist Church



Google Earth


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5.89 ft

Untitled Map

516 N Pacific

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8.94 ft



Untitled Map

516 N Pacific

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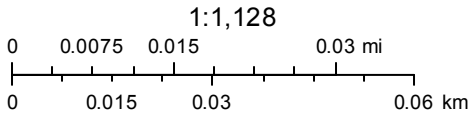
Map Title



August 12, 2019

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- Areas**
- Abstracts
 - Override 1
 - Parcels



Map Title



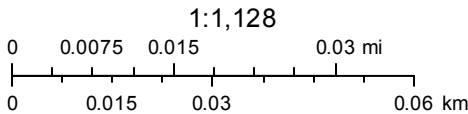
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Areas

- Override 1
- Parcels

Abstracts



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),