

## MEMORANDUM

**DATE:** November 16, 2021

**TO:** Mayor & City Council  
**CC:** Mercy Rushing, City Manager

**FROM:** David Madsen

**SUBJECT:** **Council Meeting Agenda Item:** Public Hearing for Specific Use Permit to build Two Family Dwellings.

**Background Information:** The property is located at the NW corner of Evans and Boundry. It is described as Lots 17, 18, 19 Block 228 Mineola Townsites with one of the lots being addressed as 620 Evans. The owner, Ryan Pool of RD Real Estate LLC., has proposed to build duplexes on the properties. They will be replatted into two lots with one duplex each. Fifteen meeting notices were sent out to surrounding property owners. One was returned as undeliverable.

**Recommendation:** Planning & Zoning recommends approval.

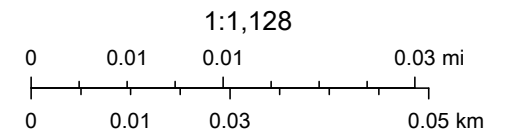
**Final Disposition:**

# Wood CAD Web Map



10/6/2021, 9:27:46 AM

 Parcels

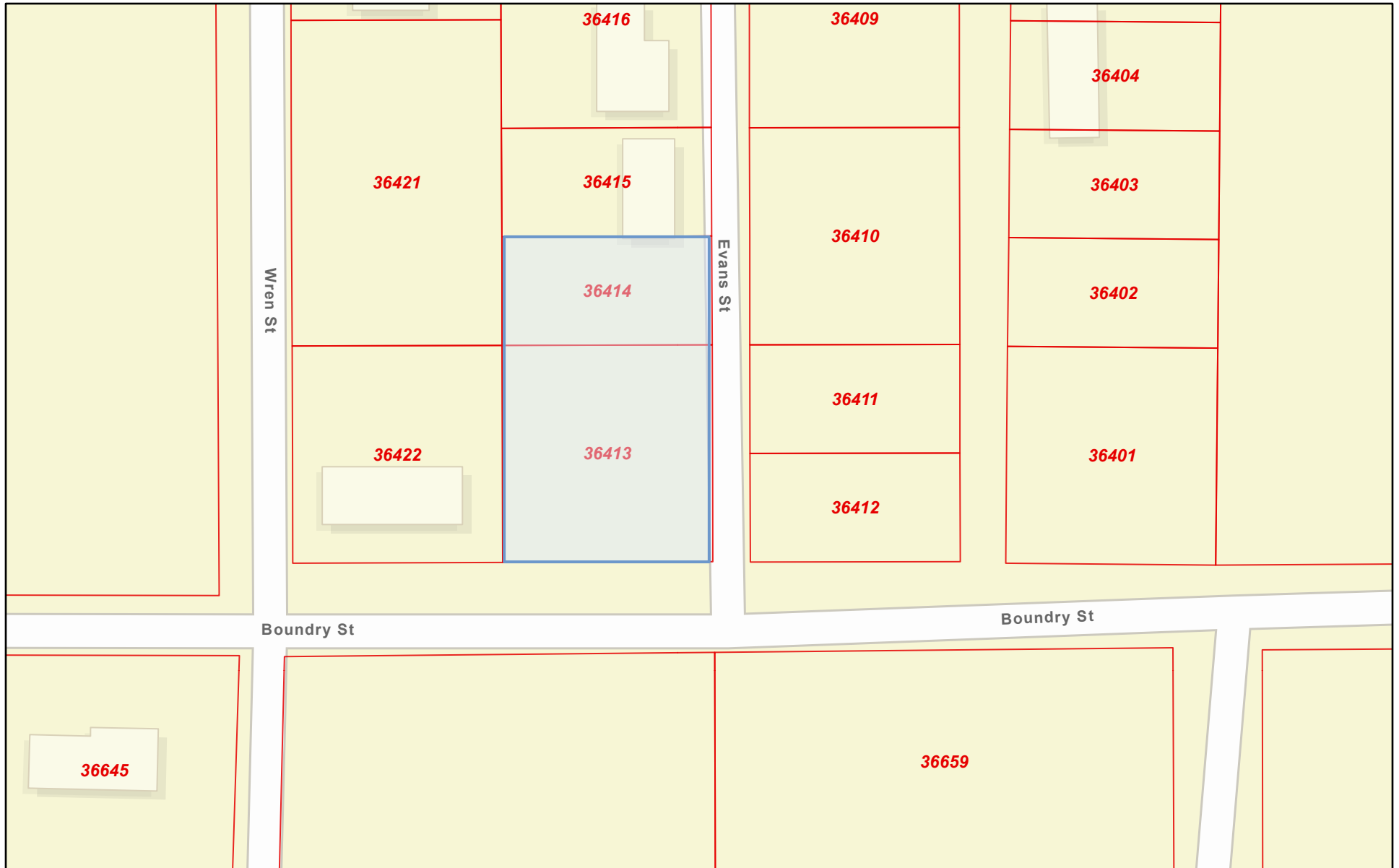


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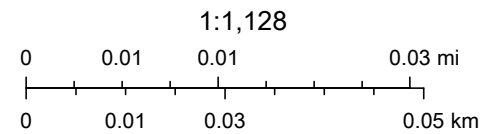
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# Wood CAD Web Map



10/6/2021, 9:25:55 AM

 Parcels



Esri Community Maps Contributors, Baylor University, Smith County, Texas

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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 November 22, 2021, 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 placement of Two Family Dwellings on Lots 17, 18, 19 Block 228 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 22<sup>nd</sup> day of November, 2021 and effective upon passage.

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Mayor, Jayne Lankford

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City Secretary/Finance Director, Cindy Karch