

## MEMORANDUM

**DATE:** March 20, 2023

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

**FROM:** David Madsen

**SUBJECT:** **Council Meeting Agenda Item:** Public Hearing Lot 2 Park  
Central North Addition

**Background Information:** The purpose of the hearing is to hear a request from CMPW Properties to rezone Lot 2 Park Central North Addition. Lot 2 is proposed to be rezoned to MF-24 (Multi-Family) with the intent to build a multi-story apartment complex. . The property is located next to Tractor Supply and was approved for a replat in February. The rezoning of this property, if approved, will meet the city of Mineola Comprehensive Plan for future land use.

**Recommendation:** Planning & Zoning recommends approval of the rezoning request.

**Final Disposition:**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MINEOLA, TEXAS AMENDING THE CITY ZONING ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS 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 March 27, 2023 and a recommendation has been received from the Planning and Zoning Board 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 described area is hereby declared to be MF-24 Multi-Family: Lot 2 Park Central North Addition.

**Section 2**

The City Zoning Map shall be updated to properly demonstrate the property rezoned in Section 1.

### **Section 3**

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 4**

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 affect 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 5**

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 6**

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 27<sup>th</sup> day of March 2023 and effective upon passage.

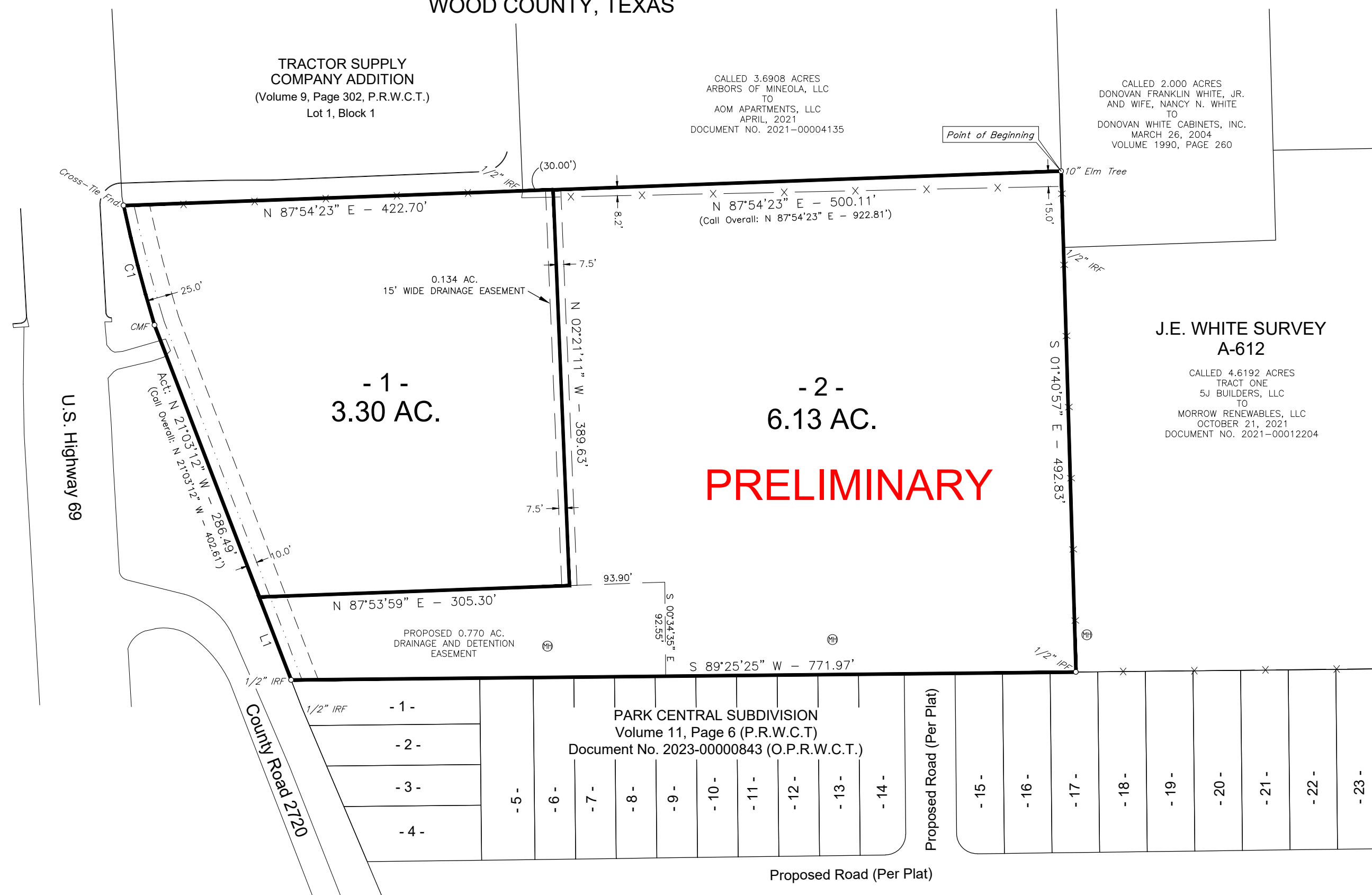
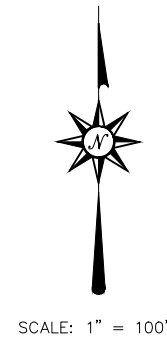
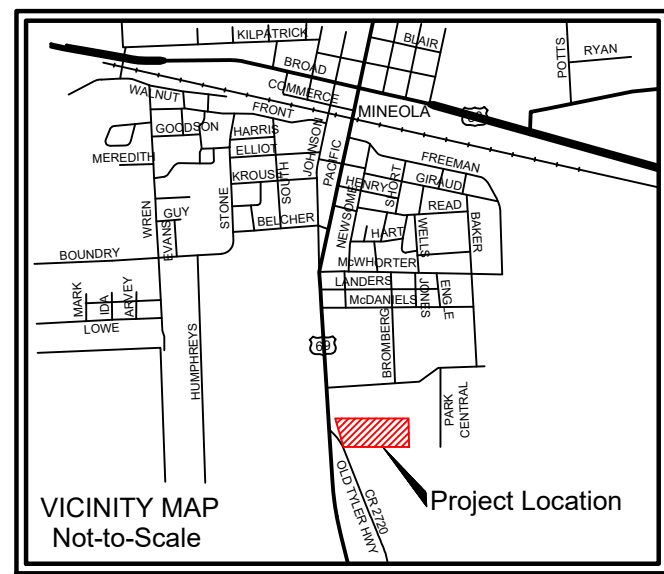
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Mayor, Jayne Lankford

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Cindy Karch, City Secretary, Finance Director

**- PRELIMINARY PLAT -  
PARK CENTRAL APARTMENTS  
WOOD COUNTY, TEXAS**



CALLED 3.6908 ACRES  
ARBORS OF MINEOLA, LLC  
TO  
AOM APARTMENTS, LLC  
APRIL, 2021  
DOCUMENT NO. 2021-00004135

CALLED 2,000 ACRES  
DONOVAN FRANKLIN WHITE, JR.  
AND WIFE, NANCY N. WHITE  
TO  
DONOVAN WHITE CABINETS, INC.  
MARCH 26, 2004  
VOLUME 1990, PAGE 260

**J.E. WHITE SURVEY  
A-612**

CALLED 4.6192 ACRES  
TRACT ONE  
SJ BUILDERS, LLC  
TO  
MORROW RENEWABLES, LLC  
OCTOBER 21, 2021  
DOCUMENT NO. 2021-00012204

**PRELIMINARY**

LINE	BEARING	DISTANCE
L1	N 21°03'12" W	87.46'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1341.71'	121.59'	121.55'	N 14°28'52" W	5°11'32"

NOTE: 1/2" IRON ROD SET WITH BLUE CAP STAMPED "JDS 10194118" SET AT ALL LOT CORNERS, UNLESS OTHERWISE NOTED.

NOTE: SEE APPLICABLE CITY OF MINEOLA CODES FOR CONDITIONS THAT MAY AFFECT THE DEVELOPMENT OF THIS TRACT.

NOTE: NO ATTEMPT WAS MADE TO LOCATE UNDERGROUND PIPELINES OR UTILITIES.

NOTE: THE BEARINGS HEREON WERE ORIENTED TO AGREE WITH GRID NORTH AND WERE DERIVED BY THE USE OF G.P.S. EQUIPMENT. (NAD 83 - TX NORTH CENTRAL ZONE)

NOTE: THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THERE MAY BE EASEMENTS OR OTHER MATTERS OF RECORD NOT SHOWN.

NOTE: SELLING A PORTION OF THIS ADDITIONAL BY METES AND BOUNDS IS A VIOLATION OF THE CITY ORDINANCES AND/OR STATE LAW AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.

NOTE: THIS PROPERTY IS LOCATED WITHIN THE CITY LIMITS OF MINEOLA, TEXAS.

NOTE: THIS PROPERTY IS LOCATED WITHIN A ZONE LABELED "OTHER AREAS" AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FIRM MAP NO. 48499C0340C, EFFECTIVE SEPTEMBER 3, 2010 FOR WOOD COUNTY, TEXAS AND INCORPORATED AREAS.

**SURVEYOR'S STATEMENT:**

I, Jace D. Scarbrough, do hereby state that this plat represents a survey made on the ground under my supervision during the months of October, 2021 and January, 2023.

GIVEN UNDER MY HAND & SEAL, this the 2nd day of February, 2023.

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.



The public utility easement and building setback lines are defined as:

Twenty-five foot (25') wide area along the front side of each Lot that share a common boundary line with a Main Road.

Ten foot (10') wide area on the side of each Lot that share a common boundary line with a Main Road for the benefit of utilities.

STATE OF TEXAS;  
COUNTY OF WOOD;

KNOW ALL MEN BY THESE PRESENTS:

OWNER \_\_\_\_\_

STATE OF TEXAS;  
CITY OF MINEOLA;

APPROVED BY THE CITY OF MINEOLA, TEXAS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

RECORDED IN VOLUME \_\_\_\_\_, PAGE \_\_\_\_\_, OF THE PLAT RECORDS OF

WOOD COUNTY, TEXAS, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_\_\_.

STATE OF TEXAS;  
COUNTY OF WOOD;

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME PERSONALLY TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC IN AND FOR \_\_\_\_\_ COUNTY, TEXAS.

MY COMMISSION EXPIRES: \_\_\_\_\_.

**LEGAL DESCRIPTION**

9.43 ACRES:

All that certain lot, tract, or parcel of land located in the J.E. White Survey, Abstract No. 612 of Wood County, Texas, being all of the residue of a called 25.71 acre tract as described in a deed from Martin V.B. Moses, Jr. to CMFW Properties, LLC, dated February 1, 2022 and recorded in Document No. 2022-00001182 of the Official Public Records of Wood County, Texas and this 9.43 acre tract being more fully described as follows.

BEGINNING at a 10" Elm Tree Found at the Northeast corner of the residue of said 25.71 acre tract, being the Southeast corner of a called 3.6908 acre tract as described in a deed from Arbors of Mineola, LLC to AOM Apartments, LLC, dated April, 2021 and recorded in Document No. 2021-00004135, and being in the West line of a called 2,000 acre tract as described in a deed from Donovan Franklin White, Jr. and wife, Nancy N. White to Donovan White Cabinets, Inc., dated March 26, 2004 and recorded in Volume 1990, Page 260;

THENCE South 01 deg. 40 min. 57 sec. East, with the West line of said 2,000 acre tract, passing a 1/2" Iron Rod Found at the Southwest corner of same and being the Northwest corner of a called 4.6192 acre tract, described as Tract One in a deed from SJ Builders, LLC to Morrow Renewables, LLC, dated October 21, 2021 and recorded in Document No. 2021-00012204, and continuing with the West line of said 4.6192 acre tract for a total distance of 492.83 feet to a 1/2" Iron Pipe Found at the Southwest corner of same and being in the North line of Park Central Subdivision according to the plat of said subdivision as appears of record in Volume 11, Page 6 of the Plat Records of Wood County, Texas;

THENCE South 89 deg. 25 min. 25 sec. West, with the North line of said Park Central Subdivision, a distance of 771.97 feet to a 1/2" Iron Rod Found at the Northwest corner of same and being in the existing right-of-way of County Road 2720;

THENCE North 21 deg. 03 min. 12 sec. West, with said right-of-way, a distance of 373.95 feet to a to a Concrete Monument Found at the beginning of a curve to the right, having a delta angle of 05 deg. 11 min. 32 sec., a radius of 1,341.71 feet, and a chord bearing and length of North 14 deg. 28 min. 52 sec. West, 121.55 feet;

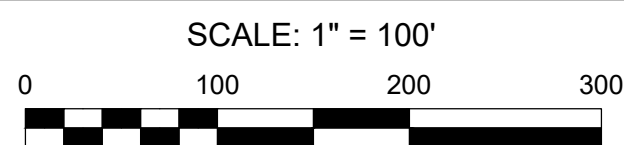
THENCE with said right-of-way and said curve to right, an arc length of 121.59 feet to a Cross-Tie Fence Corner Found at the Southwest corner of Lot 1, Block 1 of the Tractor Supply Company Addition according to the plat of said addition as it appears of record in Volume 9, Page 302 of the Plat Records of Wood County, Texas;

THENCE North 87 deg. 54 min. 23 sec. East, with the South line of said Lot 1, Block 1, passing a 1/2" Iron Rod Found at the Southeast corner of same and being the Southwest corner of said 3.6908 acre tract at 392.70 feet, and continuing with the South line of said 3.6908 acre tract for a total distance of 922.81 feet to the POINT OF BEGINNING AND CONTAINING 9.43 ACRES OF LAND.

JACE D. SCARBROUGH - R.P.L.S. No. 6289

**LEGEND**

IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
---	BUILDING SETBACK LINE
---	UTILITY EASEMENT LINE
⊕	SANITARY SEWER MANHOLE



**PRELIMINARY PLAT  
PARK CENTRAL APARTMENTS  
J.E. WHITE SURVEY, A-612  
WOOD COUNTY, TEXAS**

**JDS SURVEYING, INC.**  
WWW.JDSURVEY.COM

PROFESSIONAL SURVEYING & MAPPING  
T.B.P.E.L.S. Firm Registration No. 10194118  
159 W. Main, Van, TX 75790 - Phone: (903) 963-2333

DRAWN BY: SJ	SCALE: 1" = 100'
SURVEYED BY: RS	REF: PARK CENTRAL
DATE: 02-03-2023	JOB NO: 2607
	APARTMENTS.DWG

