

MEMORANDUM

DATE: January 21, 2025

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

FROM: David Madsen

SUBJECT: Council Meeting Agenda Item: Rezoning of Property

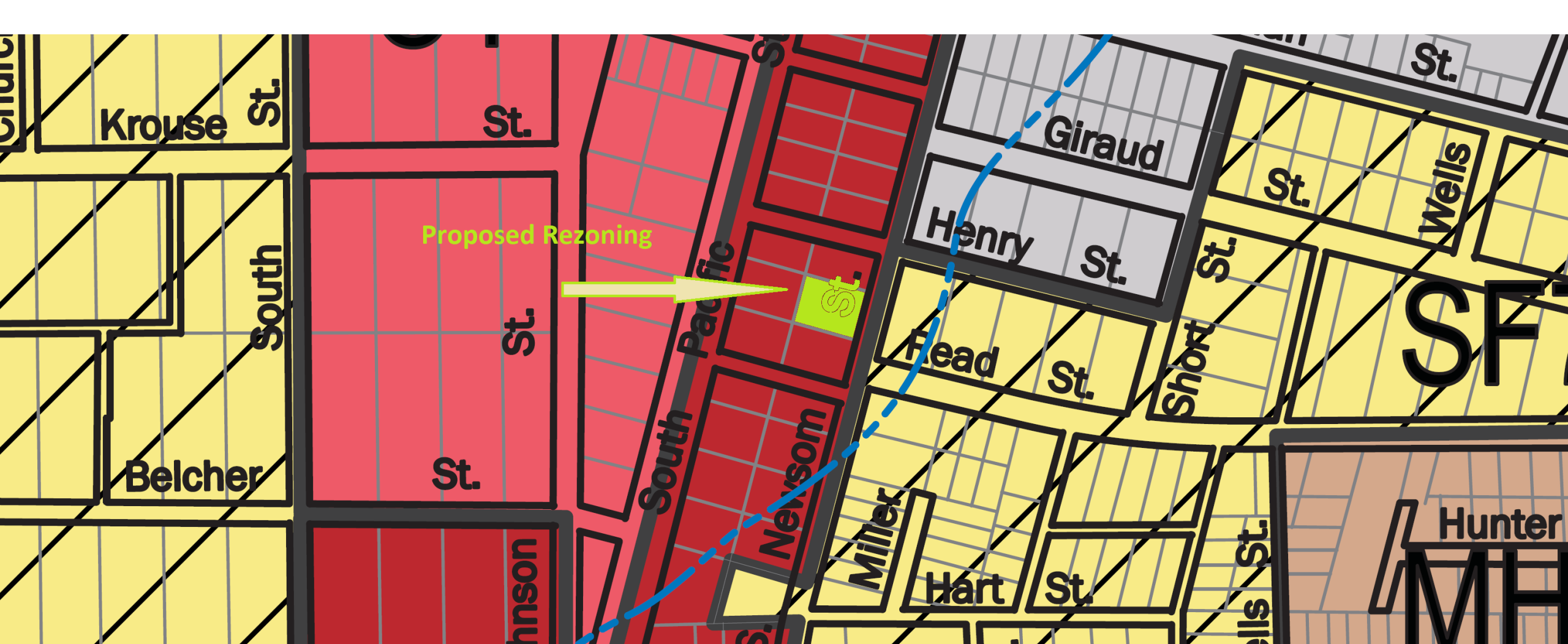
Background Information: The purpose of the hearing is to hear a request from Jose Timoteo to rezone Lots 2B, 3B Mineola Townsites, 610 S. Newsom from C-2 (General Business) to SF-7 (Single Family). The owner is not sure what type of home he wants at this time but is leaning toward a manufactured home. He will need to request a Specific Use Permit later for that. 13 notices were sent to surrounding property owners within 20 feet. There were no property owners opposed to the request. The issue of spot Zoning was discussed for this request. Two commissioners voted against the request because they felt that the criteria for Spot Zoning had not been met. The rest of the commissioners believed that since most of the surrounding properties were either vacant or used as residential that even though the comprehensive plan showed the area to be commercial, none of that use has happened since 2006. I have attached the criteria to allow for spot zoning.

Recommendation: Planning & Zoning recommended approval of the request with three in favor and two against.

Final Disposition:

To avoid an illegal spot zoning, we have to satisfy a few factors:

1. There must be a change in conditions to the property that warrant a zoning change;
2. The rezone should not cause a substantial detriment to the surrounding area;
3. The rezone can't be substantially different than the zoning of the surrounding area;
4. The current zoning is not suitable for the property.



Krouse St.

St.

South St.

Proposed Rezoning



St.

South Pacific St.

St.

Giraud

Henry St.

St.

Wells

Belcher

St.

Head St.

Short St.

SF

Johnson St.

Newsom

Miller

Hart St.

Wells St.

Hunter

MH

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 January 27, 2025 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 SF-7 Single Family: Lots 2B, 3B Mineola Townsites.

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 27th day of January, 2025 and effective upon passage.

Mayor, Jayne Lankford

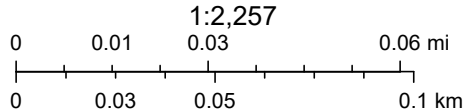
Cindy Karch, City Secretary, Finance Director

Property Aerial



12/9/2024, 2:34:22 PM

-  Parcels
-  City Limits

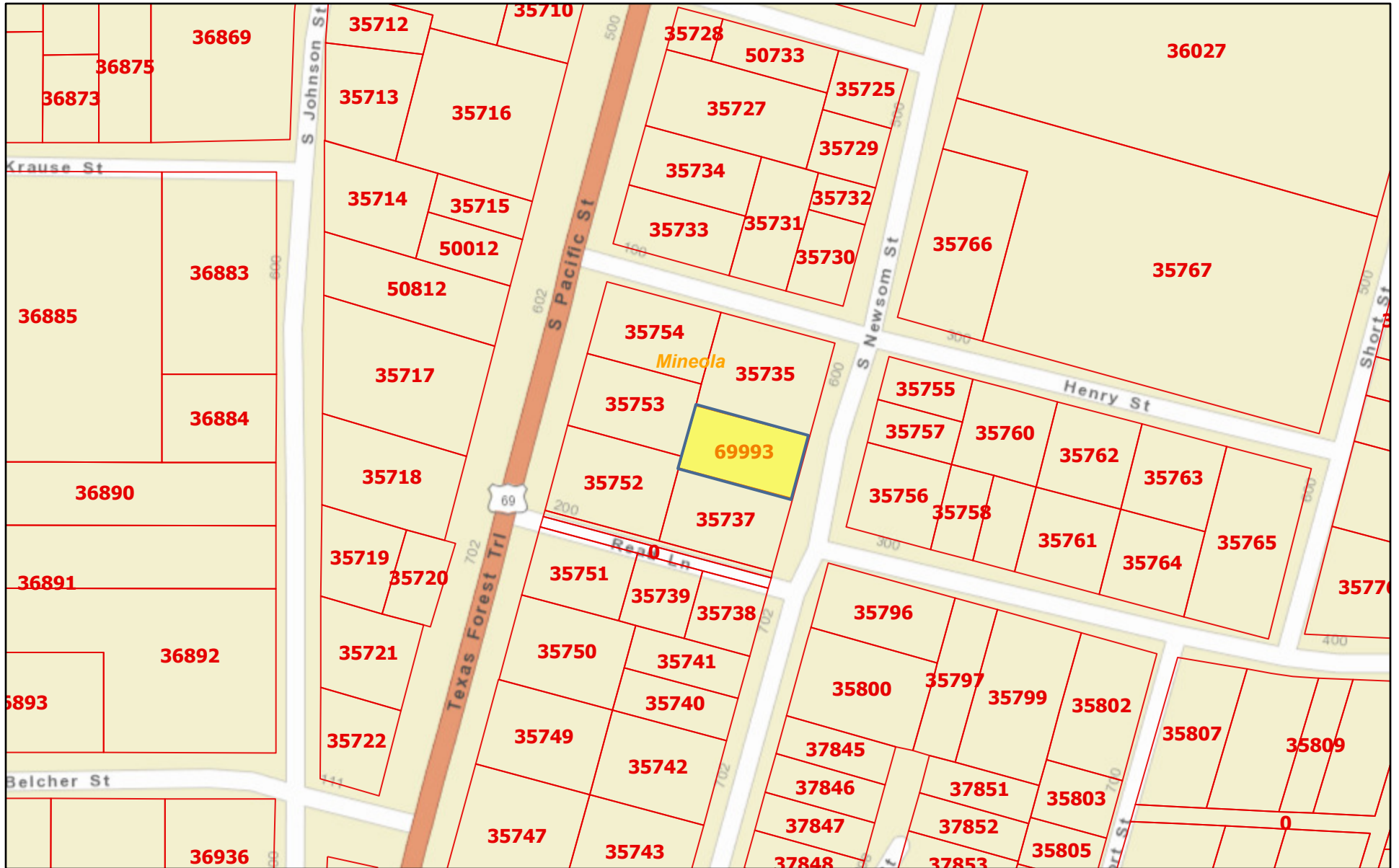


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Wood County Appraisal District, BIS Consulting - www.bisconsulting.com

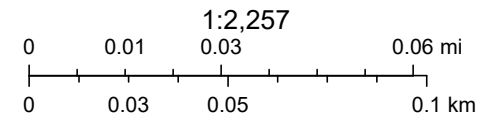
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Property Map



12/9/2024, 2:31:37 PM

-  Parcels
-  City Limits



Esri, HERE, Garmin, INCREMENT P, NGA, USGS

Wood County Appraisal District, BIS Consulting - www.bisconsulting.com

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