ORDINANCE NO. 2024-O-146

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP DESCRIBED IN CHAPTER 22, ARTICLE I, SECTION 22-3 OF THE CODE OF ORDINANCES OF THE CITY OF ATHENS, TEXAS, BY APPROVING A ZONING CHANGE FROM SINGLE-FAMILY RESIDENTIAL – 10 TO SINGLE-FAMILY RESIDENTIAL – 5, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, on the 3rd day of September 2024, the Planning and Zoning Commission of the City of Athens, Texas after due notice and hearing did hereby vote to recommend approval of a zoning change from Single-Family Residential – 10 to Single-Family Residential – 5 for the below-described property owned by Christian Rodriguez.

Tract 150 A
T. Parmer Survey, A-782
also known as 906 W Cayuga Dr

WHEREAS, on the 9th day of September 2024, the City Council of the City of Athens, Texas after due notice as required by law, held a public hearing for said zoning change and heard from those opposed to said modification and those in favor of same. After the close of the public hearing, the ordinance amendment was read aloud for the first time as required by Article III, Section 3.11 of the City of Athens Charter.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, TEXAS

Section 1. The Zoning District Map described in Chapter 22, Article I, Section 22-3 of the Code of Ordinances of the City of Athens is hereby amended to approve the zoning change from Single-Family Residential – 10 to Single-Family Residential – 5 for the above-described property.

Section 2. Should any clause, phrase, sentence section of this Ordinance be deemed invalid or unconstitutional by a court of competent jurisdiction, said finding shall not affect the remaining clauses, phrases, sentences or sections of this Ordinance.

Section 3. Any ordinance, resolution or order previously passed and/or adopted by the City Council, or any part thereof, if found to be in conflict with the provisions of this Ordinance, shall be resolved in favor of the terms and conditions of this Ordinance, and any prior conflicting ordinance, resolution or order or any part thereof, is hereby repealed to the extent of said conflict.

Section 4. This ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Athens, Texas.

PASSED, APPROVED and **ADOPTED** this the **23rd** day of **September 2024** at a regular meeting of the City Council of the City of Athens, Texas, with the following record vote:

Aaron Smith, Mayor	Aye
SyTanna Freeman, Mayor Pro Tem	Aye
Mark Carroll, Councilmember	Aye
Cody Craig, Councilmember	Aye
Bryan Barker, Councilmember	Aye

Voted in favor of the motion	5
Voted against the motion	0
Motion carried	5-0

Aaron Smith, Mayor

ATTEST:

Bonnie Hambrick, City Secretary

Zoning Change

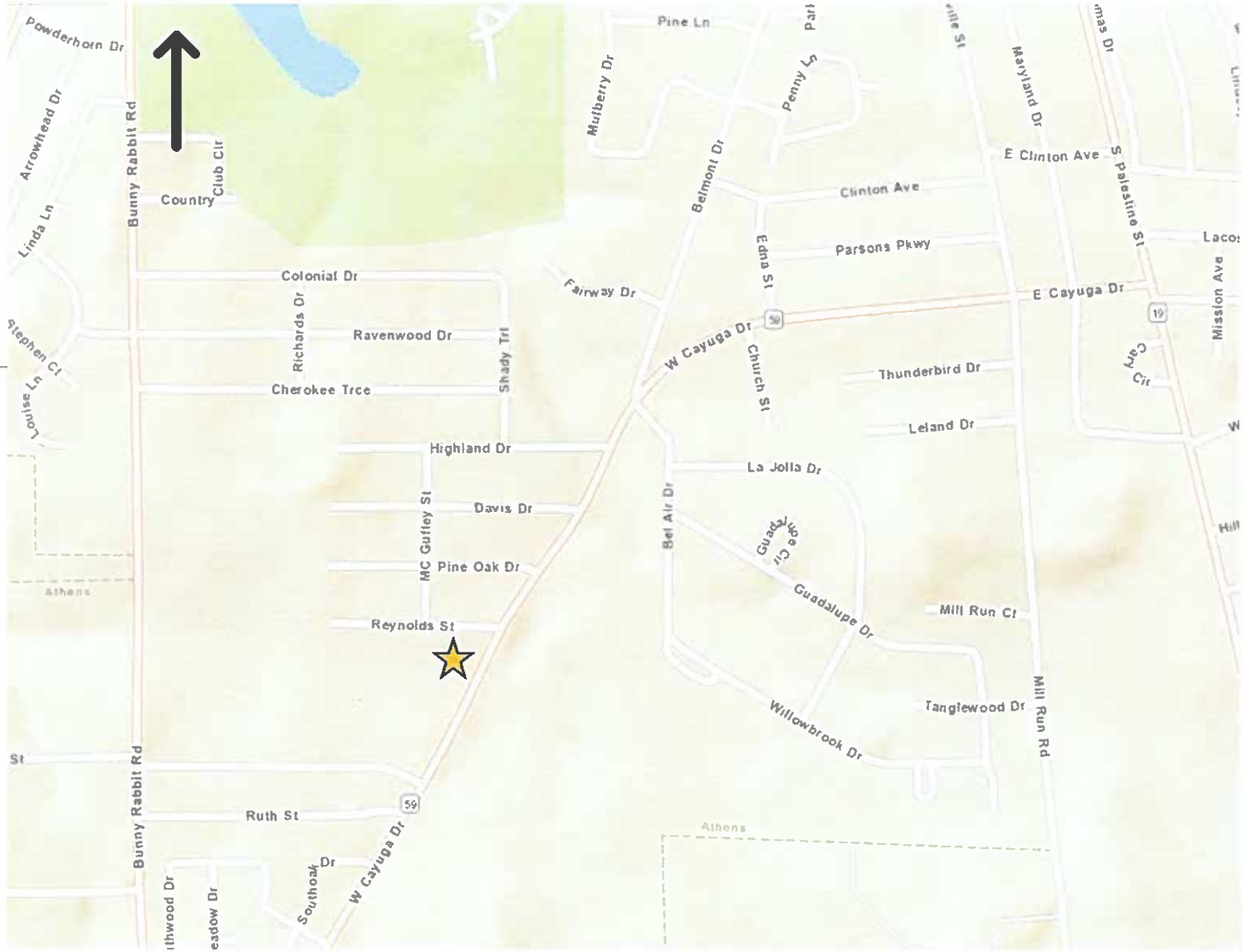
Applicant:
Angelica Leon

Tract 150A

T. Parmer Survey, A-782

906 W Cayuga Dr

Street map



Zoning Change

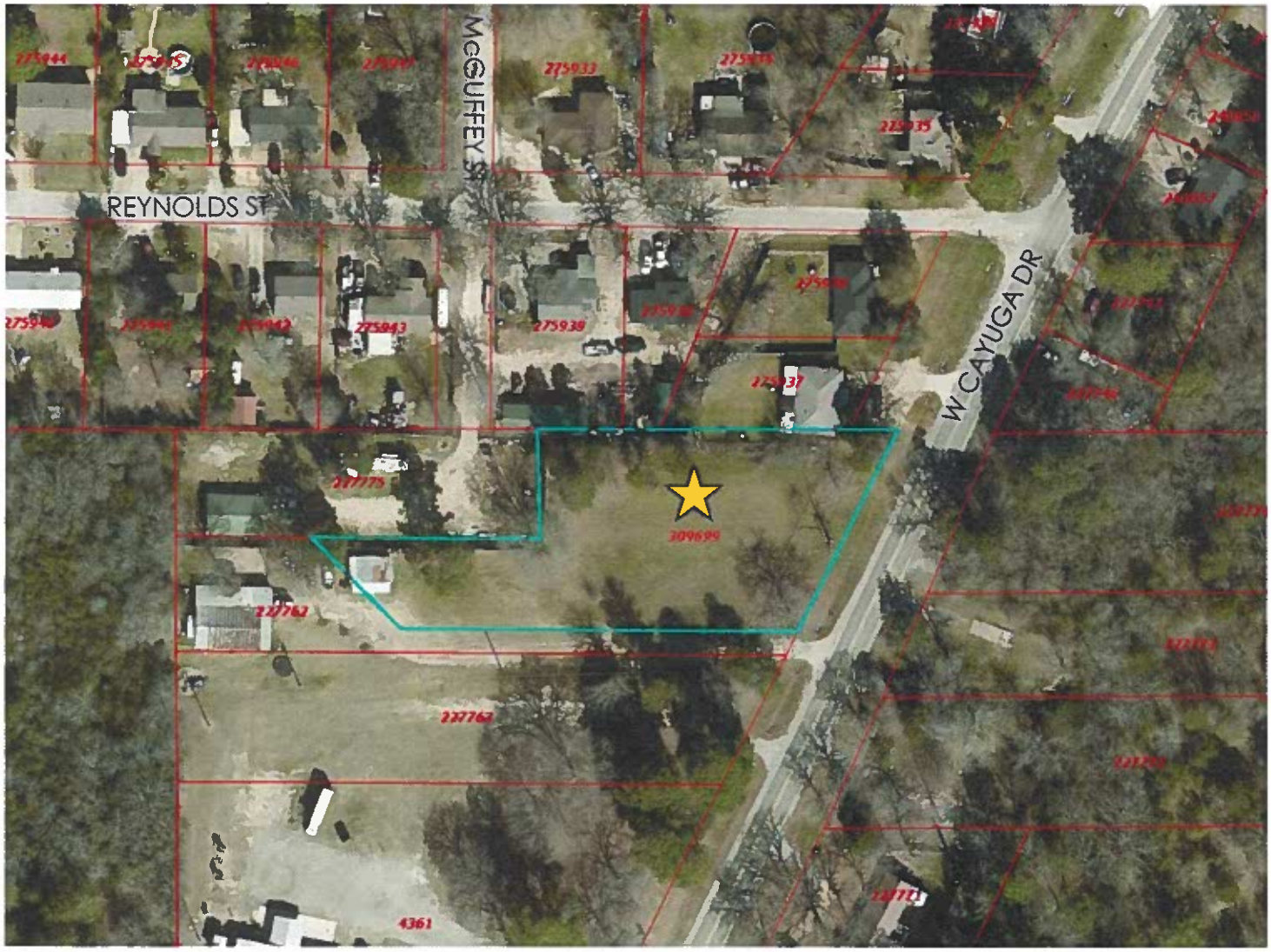
Applicant:
Angelica Leon

Tract 150A

T. Parmer Survey, A-782

906 W Cayuga Dr

Aerial view



Zoning Change

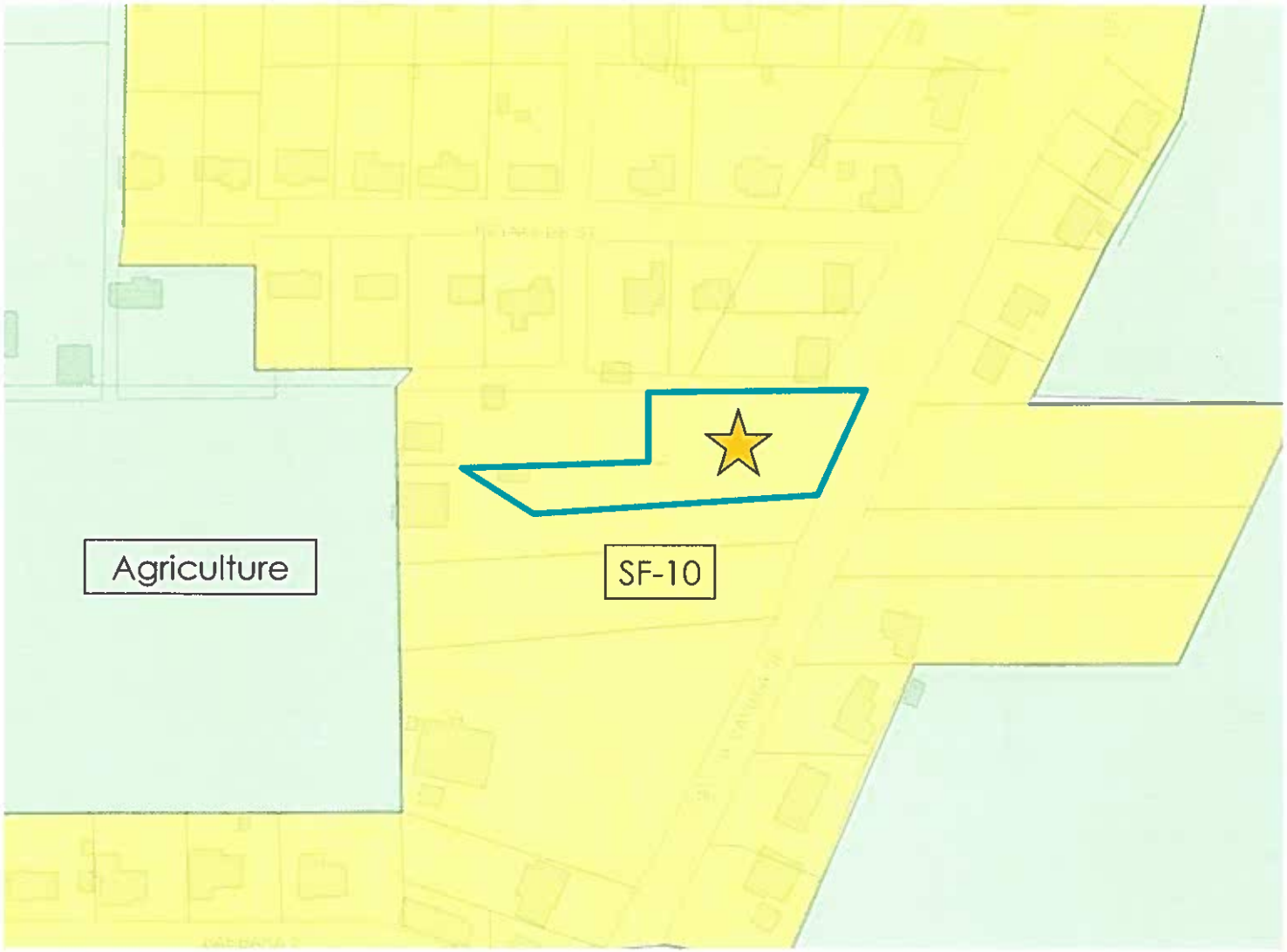
Applicant:
Angelica Leon

Tract 150A

T. Parmer Survey, A-782

906 W Cayuga Dr

Zoning Map



Zoning Change

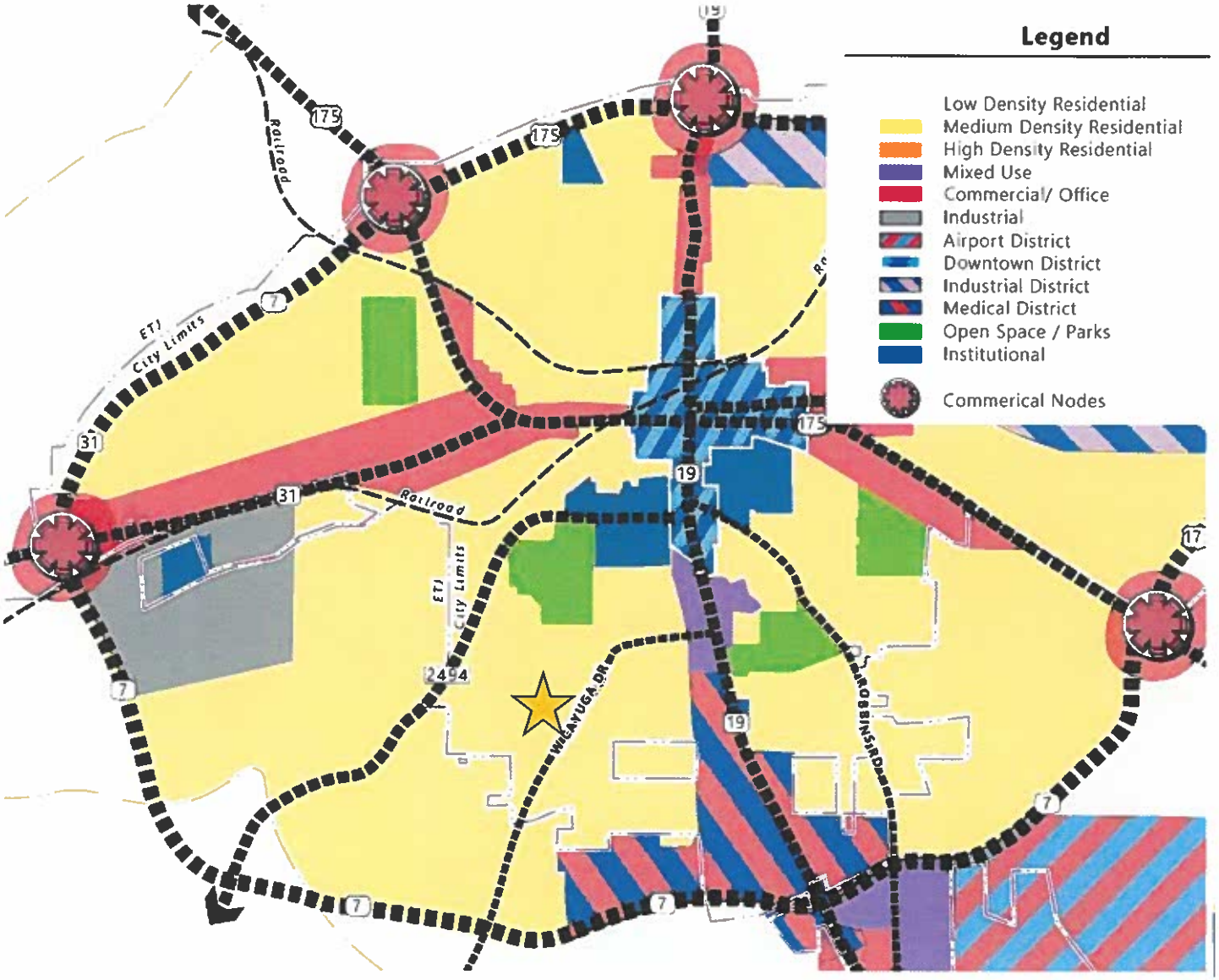
Applicant:
Angelica Leon

Tract 150A

T. Parmer Survey, A-782

906 W Cayuga Dr

Future Land Use Map



FUTURE LAND USE PLAN DESIGNATION

Medium Density Residential

This land use category consists of detached single-family residential lots that range between 5,000 and 15,000 square feet. Development characteristics would include curb and gutter streets, connection to public utility systems, recreation amenities, or other facilities to serve the neighborhood. Other supporting land uses such as daycares, churches, schools, and neighborhood commercial may be appropriate if located along arterial roads. Existing high-density residential housing products such as duplexes and attached-single family are captured in this land use category. Future high-density residential may also be appropriate if it consists of housing products that are similar in character to the surrounding area. Future nonresidential and high-density residential uses located adjacent to residential should not negatively impact the surrounding area.

Zoning Change

Applicant:
Angelica Leon

Tract 150A

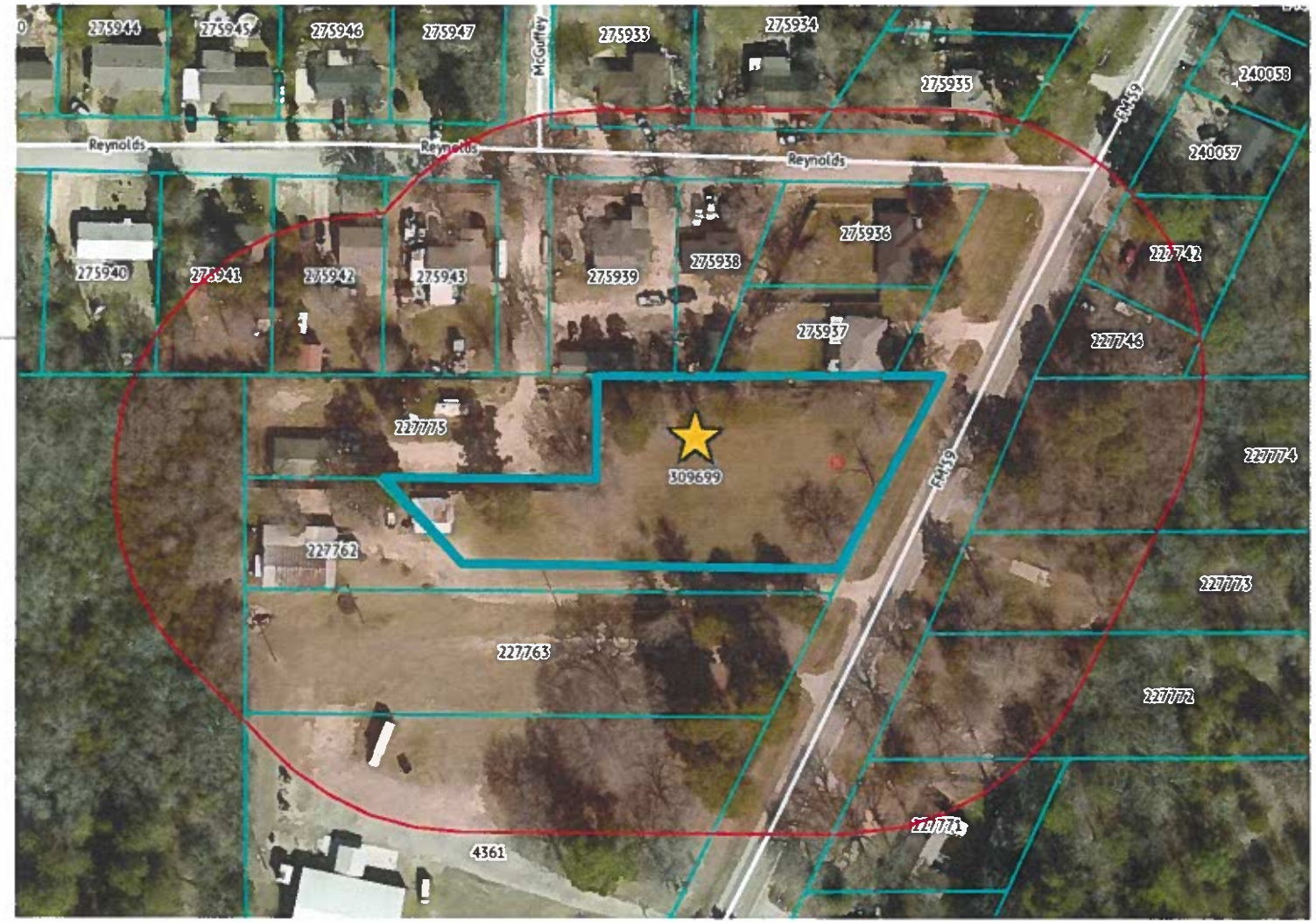
T. Parmer Survey, A-782

906 W Cayuga Dr

200 ft buffer zone

★ - Approval

★ - Protest



CITY OF ATHENS
REPLAT LOT 150-A
CAB. F, SLIDE 166 PLAT
CREATING LOTS 150-A1 & 150-A2
THOMAS PARMER SURVEY A-782
HENDERSON COUNTY, TEXAS

TO THE BEST OF MY KNOWLEDGE THERE ARE NO LIENS AGAINST THIS PROPERTY

SIGNATURE OF OWNER

STATE OF TEXAS
COUNTY OF
SUBSCRIBED AND SWORN TO BY CHRISTIAN IVAN RODRIGUEZ, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS THIS THE _____ DAY OF _____ 20__

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
MY COMMISSION EXPIRES _____

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, THAT VIRGIL AND JOHN THURMOND ACTING HEREIN BY AND THROUGH ITS DULY AUTHORIZED OFFICERS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOTS 150-A1 AND 150-A2, CITY OF ATHENS, HENDERSON COUNTY, TEXAS, AND DOES HEREBY DEDICATE, AS FEE SIMPLE TO THE PUBLIC USE FOREVER, THE STREETS, ALLEYS, AND PUBLIC USE AREAS SHOWN HEREON, AND DOES HEREBY DEDICATE THE EASEMENTS SHOWN ON THE PLAT FOR THE PURPOSES INDICATED TO THE PUBLIC USE FOREVER, SAID DEDICATIONS BEING FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES EXCEPT AS SHOWN HEREIN. NO BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS SHALL BE CONSTRUCTED OR PLACED UPON, OVER, OR CROSS THE EASEMENTS ON SAID PLAT. UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR OCCUPY THE SAME UNLESS THE EASEMENT LIMITS THE USE TO A PARTICULAR UTILITY OR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE USE THEREOF BY THE PUBLIC AND THE AUTHORITY HAVING JURISDICTION. THE AUTHORITY HAVING JURISDICTION AND ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF ITS RESPECTIVE SYSTEM ON ANY OF THESE EASEMENTS AND THE AUTHORITY HAVING JURISDICTION OR ANY PUBLIC UTILITY SHALL AT ALL TIMES HAVE THE RIGHT OF INGRESS AND EGRESS TO AND FROM AND UPON ANY OF SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING INSPECTING, PATROLLING, MAINTAINING, AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEM WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. STEVEN SPARKS DOES HEREBY BIND ITSELF, ITS SUCCESSORS AND ASSIGNS TO FOREVER WARRANT AND DEFEND ALL AND SINGULAR THE ABOVE DESCRIBED STREETS, ALLEYS, EASEMENTS, AND RIGHTS UNTO THE PUBLIC AGAINST EVERY PERSON WHOSOEVER LAWFULLY CLAIMING OR TO CLAIM THE SAME OR ANY PART THEREOF. THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF ATHENS. WITNESS MY HAND THIS _____ DAY OF _____ 20__

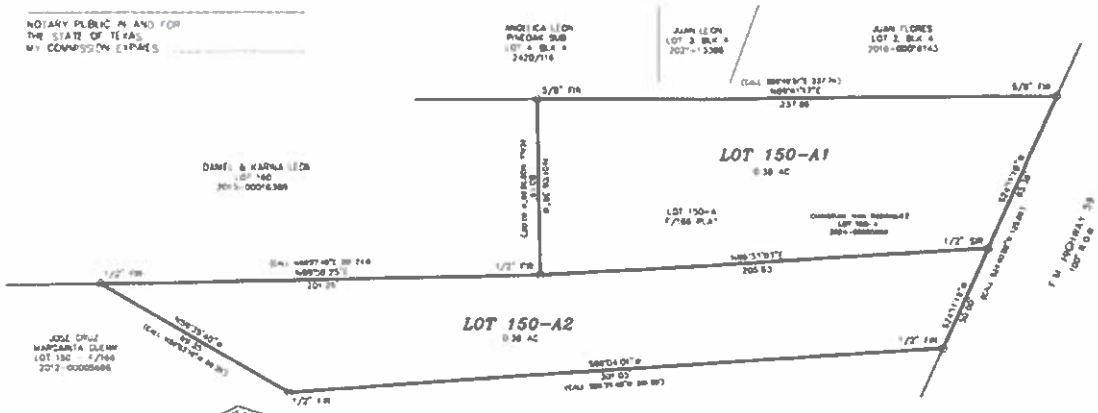
SIGNATURE OF OWNER

NAME _____

TITLE _____

COMPANY _____

Note: Development and or division of real estate has regulations from the state, county and city. Anyone using this survey to develop and or divide land should consult with the appropriate entity to see what regulations apply. Failure to do so could result in legal action being taken.



NOTE: BEARINGS BASED ON OPS OBSERVATION NAD 1983

NOTE: THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE REPORT. THERE MAY BE ADDITIONAL EASEMENTS OR ENCUMBRANCES AFFECTING THIS TRACT THAT ARE NOT SHOWN HEREON

NOTE: THIS PLAT DOES NOT ALTER OR REMOVE EXISTING DEED RESTRICTIONS OR COVENANTS, IF ANY, ON THIS PROPERTY

NOTE: IMPROVEMENTS NOT SHOWN

SCALE: 1" = 30'
COUNTY: HENDERSON
ACREAGE: SEE PLAT

SURVEY: THOMAS PARMER A-782
DESCRIPTION: 2024-00005698
SURVEYED FOR: ANGELICA LEON

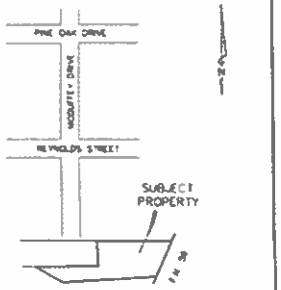
ACCEPTED BY THE OFFICE OF THE CITY MANAGER & THE DEPARTMENT OF DEVELOPMENT SERVICES FOR THE CITY OF ATHENS
THIS THE _____ DAY OF _____ 20__

CITY MANAGER

DIRECTOR OF DEVELOPMENT SERVICES

NOTE: THE SHOWN PROPERTY LIES IN ZONE "X" ACCORDING TO FIRM NUMBER 48213C0340E EFFECTIVE 04/05/2010

NOTE: THERE MAY BE ADDITIONAL EASEMENTS OR ENCUMBRANCES AFFECTING THIS TRACT THAT ARE NOT SHOWN HEREON



I, Mark Farrar, Registered Professional Land Surveyor 4373, do hereby certify that the above described tract of land represents the results of an on the ground survey made under my direction and supervision.
This the 28 Day of JUNE, 2024

Mark Farrar
Registered Professional Land Surveyor
Number 4373

HEARN SURVEYING ASSOCIATES
FIRM NO. 10019300
108 W. TYLER STREET
ATHENS, TX 75751
(903) 675-2858
1-800-432-7670

USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND THE UNDERSIGNED SURVEYOR IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM

DRAWN BY: R.P. 001
FIELD TECH: S.G.

LEGEND
BES = BURIED CABLE SIGN
POB = POINT OF BEGINNING
W/M = WATER METER
W/V = WATER VALVE
FIR = FOUND IRON ROD
SIR = SET IRON ROD
TEL = TELEPHONE
A/C = AIR CONDITIONER
-x-x-x- = FENCE
—E— = POWERLINE

Athens
HAMBURGERS ★ HERITAGE ★ TEXAS

Phone: (903) 677-6615
~~Fax: (903) 220-0935~~
Email: planning@athenstx.gov

Development Services
501 U.S. Highway 175 West
Athens, TX 75751

DEVELOPMENT APPLICATION

GENERAL INFORMATION

Request is for a:

- ☐ Preliminary Plat
- ☐ Final Plat
- ☐ Minor Plat
- ☐ Amending Plat
- ☐ Replat
- ☐ Other: _____
- ☐ New Site Plan
- ☐ Site Plan Revision
- ☑ Zoning Change
- ☐ Zoning Variance
- ☐ Zoning Appeal
- ☐ ROW Abandonment
- ☐ Easement Abandonment

Property Address: Lot 150 - A1 F 1166 Plat 906 W Cayuga Dr
Legal Description: Tract 150A, T Parmer Sur A-782
Present Zoning: SF-10 **Requested Zoning:** SF-5
Proposed Use:
# of Lots Involved: **Total Acreage:** .38 ac

Please provide any additional detail relating to your request:

APPLICANT CONTACT INFORMATION

Property Owner(s): Angelica Leon **Phone:** 9032863418
Mailing Address: 405 Reynolds Rd A **Alt. Phone:**
City, State, Zip: Athens TX. 75751
Email: magic fence 3@yahoo.com

OWNER'S REPRESENTATIVE CONTACT INFORMATION (IF APPLICABLE)

Representative: Christian Rodriguez **Phone:** 903-275-7704
Mailing Address: 906 w Cayuga Dr **Alt. Phone:**
City, State, Zip: Athens, Tx 75751
Email:

I understand that it is necessary for me, or my representative, to be present at the Planning and Zoning Commission or Zoning Board of Adjustment meeting when this request(s) is heard. I also understand that failure to appear at the meeting will result in the case being tabled until a later date. I also understand that fees paid are not refundable. I acknowledge that all of the information provided in the application is true and correct to the best of my knowledge. Furthermore, I am the legal owner or lawful tenant of the property described in the application or, alternatively, that I am authorized to represent the owner(s)/tenant(s) of the property for which the certificate of occupancy is requested.

I have read and understand the supplemental information on the reverse side of this application.

Signature: christian Rodriguez / Angelica Leon **Date:** 07/29/2024

FOR OFFICE USE ONLY

App. Complete?	☐ Yes ☐ No	Received By:		Date Received:		Permit #:	24-1008
Application Fee:	$250	Payment Date:	7/30/24	Received By:	JS	Receipt #:	24-735

Updated: November 2018